

# House Calendar

Friday, April 29, 2022

116th DAY OF THE ADJOURNED SESSION

House Convenes at 9:30 A.M.

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**ACTION CALENDAR**

**Action Postponed Until April 29, 2022**

**Favorable with Amendment**

**S. 285**

An act relating to health care reform initiatives, data collection, and access to home- and community-based services

**Rep. Houghton of Essex**, for the Committee on Health Care, recommends that the House propose to the Senate that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Payment and Delivery System Reform; Appropriations \* \* \*

Sec. 1. DEVELOPMENT OF PROPOSAL FOR SUBSEQUENT

ALL-PAYER MODEL AGREEMENT

(a)(1) The Director of Health Care Reform in the Agency of Human Services, in collaboration with the Green Mountain Care Board, shall develop a proposal for a subsequent agreement with the Center for Medicare and Medicaid Innovation to secure Medicare's sustained participation in multi-payer alternative payment models in Vermont. In developing the proposal, the Director shall consider:

(A) total cost of care targets;

(B) global payment models;

(C) strategies and investments to strengthen access to:

(i) primary care;

(ii) home- and community-based services;

(iii) subacute services;

(iv) long-term care services; and

(v) mental health and substance use disorder treatment services;

and

(D) strategies and investments to address health inequities and social determinants of health.

(2)(A) The development of the proposal shall include consideration of alternative payment and delivery system approaches for hospital services and

community-based providers such as primary care providers, mental health providers, substance use disorder treatment providers, skilled nursing facilities, home health agencies, and providers of long-term services and supports.

(B) The alternative payment models to be explored shall include, at a minimum:

(i) value-based payments for hospitals, including global payments, that take into consideration the sustainability of Vermont's hospitals and the State's rural nature, as set forth in subdivision (b)(1) of this section;

(ii) geographically or regionally based global budgets for health care services;

(iii) existing federal value-based payment models; and

(iv) broader total cost of care and risk-sharing models to address patient migration patterns across systems of care.

(C) The proposal shall:

(i) include appropriate mechanisms to convert fee-for-service reimbursements to predictable payments for multiple provider types, including those described in subdivision (A) of this subdivision (2);

(ii) include a process to ensure reasonable and adequate rates of payment and a reasonable and predictable schedule for rate updates;

(iii) meaningfully impact health equity and address inequities in terms of access, quality, and health outcomes; and

(iv) support equal access to appropriate mental health care that meets standards of quality, access, and affordability equivalent to other components of health care as part of an integrated, holistic system of care.

(3)(A) The Director of Health Care Reform, in collaboration with the Green Mountain Care Board, shall ensure that the process for developing the proposal includes opportunities for meaningful participation by the full continuum of health care and social service providers, payers, and other interested stakeholders in all stages of the proposal's development.

(B) The Director shall seek to minimize the administrative burden of and duplicative processes for stakeholder input.

(C) To promote engagement with diverse stakeholders and ensure the prioritization of health equity, the process may utilize existing local and regional forums, including those supported by the Agency of Human Services.

(b) As set forth in subdivision (a)(2)(B)(i) of this section and notwithstanding any provision of 18 V.S.A. § 9375(b)(1) to the contrary, the Green Mountain Care Board shall:

(1) in collaboration with the Agency of Human Services and using the stakeholder process described in subsection (a) of this section, build on successful health care delivery system reform efforts by developing value-based payments, including global payments, from all payers to Vermont hospitals or accountable care organizations, or both, that will:

(A) help move the hospitals away from a fee-for-service model;

(B) provide hospitals with predictable, sustainable funding that is aligned across multiple payers, consistent with the principles set forth in 18 V.S.A. § 9371, and sufficient to enable the hospitals to deliver high-quality, affordable health care services to patients;

(C) take into consideration the necessary costs and operating expenses of providing services and not be based solely on historical charges; and

(D) take into consideration Vermont's rural nature, including that many areas of the State are remote and sparsely populated;

(2) determine how best to incorporate value-based payments, including global payments to hospitals or accountable care organizations, or both, into the Board's hospital budget review, accountable care organization certification and budget review, and other regulatory processes, including assessing the impacts of regulatory processes on the financial sustainability of Vermont hospitals and identifying potential opportunities to use regulatory processes to improve hospitals' financial health; and

(3) recommend a methodology for determining the allowable rate of growth in Vermont hospital budgets, which may include the use of national and regional indicators of growth in the health care economy and other appropriate benchmarks, such as the Hospital Producer Price Index, Medical Consumer Price Index, bond-rating metrics, and labor cost indicators, as well as other metrics that incorporate differentials as appropriate to reflect the unique needs of hospitals in highly rural and sparsely populated areas of the State.

(c) On or before January 15, 2023, the Director of Health Care Reform and the Green Mountain Care Board shall each report on their activities pursuant to this section to the House Committees on Health Care and on Human Services and the Senate Committees on Health and Welfare and on Finance.

Sec. 2. HOSPITAL SYSTEM TRANSFORMATION; PLAN FOR  
ENGAGEMENT PROCESS; REPORT

(a) The Green Mountain Care Board shall develop a plan for a data-informed, patient-focused, community-inclusive engagement process for Vermont's hospitals to reduce inefficiencies, lower costs, improve population health outcomes, reduce health inequities, and increase access to essential services while maintaining sufficient capacity for emergency management.

(b) The plan for the engagement process shall include:

(1) which organization or agency will lead the engagement process;

(2) a timeline that shows the engagement process occurring after the development of the all-payer model proposal as set forth in Sec. 1 of this act;

(3) how to hear from and share data, information, trends, and insights with communities about the current and future states of the hospital delivery system, unmet health care as identified through the community health needs assessment, and opportunities and resources necessary to address those needs; and

(4) a description of the opportunities to be provided for meaningful participation in all stages of the process by employers; consumers; health care professionals and health care providers, including those providing primary care services; Vermonters who have direct experience with all aspects of Vermont's health care system; and Vermonters who are diverse with respect to race, income, age, and disability status;

(5) a description of the data, information, and analysis necessary to support the process, including information and trends relating to the current and future states of the health care delivery system in each hospital service area, the effects of the hospitals in neighboring states on the health care services delivered in Vermont, the potential impacts of hospital system transformation on Vermont's nonhospital health care and social service providers, the workforce challenges in the health care and human services systems, and the impacts of the pandemic;

(6) how to assess the impact of any changes to hospital services on nonhospital providers, including on workforce recruitment and retention;

(7) the amount of the additional appropriations needed to support the engagement process; and

(8) a process for determining the amount of resources that will be needed to support hospitals in implementing the transformation initiatives to be developed as a result of the engagement process.



(c) On or before January 15, 2023, the Green Mountain Care Board shall report on its activities pursuant to this section to the House Committees on Health Care and on Human Services and the Senate Committees on Health and Welfare and on Finance.

Sec. 3. PAYMENT AND DELIVERY SYSTEM REFORM;  
APPROPRIATIONS

(a) The sum of \$1,400,000.00 is appropriated from the General Fund to the Agency of Human Services in fiscal year 2023 to support the work of the Director of Health Care Reform as set forth in Sec. 1 of this act.

(b) The sum of \$3,600,000.00 is appropriated from the General Fund to the Green Mountain Care Board in fiscal year 2023 to support the work of the Board as set forth in Sec. 1 of this act.

\* \* \* Health Care Data \* \* \*

Sec. 4. HEALTH INFORMATION EXCHANGE STEERING  
COMMITTEE; DATA STRATEGY

The Health Information Exchange (HIE) Steering Committee shall continue its work to create one health record for each person that integrates data types to include health care claims data; clinical, mental health, and substance use disorder services data; and social determinants of health data. In furtherance of these goals, the HIE Steering Committee shall include a data integration strategy in its 2023 HIE Strategic Plan to merge and consolidate claims data in the Vermont Health Care Uniform Reporting and Evaluation System (VHCURES) with the clinical data in the HIE.

Sec. 5. 18 V.S.A. § 9410 is amended to read:

§ 9410. HEALTH CARE DATABASE

(a)(1) The Board shall establish and maintain a unified health care database to enable the Board to carry out its duties under this chapter, chapter 220 of this title, and Title 8, including:

- (A) determining the capacity and distribution of existing resources;
- (B) identifying health care needs and informing health care policy;
- (C) evaluating the effectiveness of intervention programs on improving patient outcomes;
- (D) comparing costs between various treatment settings and approaches;

(E) providing information to consumers and purchasers of health care; and

(F) improving the quality and affordability of patient health care and health care coverage.

(2) [Repealed.]

(b) The database shall contain unique patient and provider identifiers and a uniform coding system, and shall reflect all health care utilization, costs, and resources in this State, and health care utilization and costs for services provided to Vermont residents in another state.

\* \* \*

~~(e) Records or information protected by the provisions of the physician-patient privilege under 12 V.S.A. § 1612(a), or otherwise required by law to be held confidential, shall be filed in a manner that does not disclose the identity of the protected person. [Repealed.]~~

(f) The Board shall adopt a confidentiality code to ensure that information obtained under this section is handled in an ethical manner.

\* \* \*

(h)(1) All health insurers shall electronically provide to the Board in accordance with standards and procedures adopted by the Board by rule:

(A) their health insurance claims data, provided that the Board may exempt from all or a portion of the filing requirements of this subsection data reflecting utilization and costs for services provided in this State to residents of other states;

(B) cross-matched claims data on requested members, subscribers, or policyholders; and

(C) member, subscriber, or policyholder information necessary to determine ~~third party~~ third-party liability for benefits provided.

(2) The collection, storage, and release of health care data and statistical information that are subject to the federal requirements of the Health Insurance Portability and Accountability Act (HIPAA) shall be governed exclusively by the regulations adopted thereunder in 45 C.F.R. Parts 160 and 164.

\* \* \*

(3)(A) The Board shall collaborate with the Agency of Human Services and participants in the Agency's initiatives in the development of a comprehensive health care information system. The collaboration is intended

to address the formulation of a description of the data sets that will be included in the comprehensive health care information system, the criteria and procedures for the development of limited-use data sets, the criteria and procedures to ensure that HIPAA compliant limited-use data sets are accessible, and a proposed time frame for the creation of a comprehensive health care information system.

(B) To the extent allowed by HIPAA, the data shall be available as a resource for insurers, employers, providers, purchasers of health care, and State agencies to continuously review health care utilization, expenditures, and performance in Vermont. In presenting data for public access, comparative considerations shall be made regarding geography, demographics, general economic factors, and institutional size.

(C) Consistent with the dictates of HIPAA, and subject to such terms and conditions as the Board may prescribe by rule, the Vermont Program for Quality in Health Care shall have access to the unified health care database for use in improving the quality of health care services in Vermont. In using the database, the Vermont Program for Quality in Health Care shall agree to abide by the rules and procedures established by the Board for access to the data. The Board's rules may limit access to the database to limited-use sets of data as necessary to carry out the purposes of this section.

(D) Notwithstanding HIPAA or any other provision of law, the comprehensive health care information system shall not publicly disclose any data that contain direct personal identifiers. For the purposes of this section, "direct personal identifiers" include information relating to an individual that contains primary or obvious identifiers, such as the individual's name, street address, e-mail address, telephone number, and Social Security number.

\* \* \*

\* \* \* Blueprint for Health \* \* \*

Sec. 6. 18 V.S.A. § 702(d) is amended to read:

(d) The Blueprint for Health shall include the following initiatives:

\* \* \*

(8) The use of quality improvement facilitation and other means to support quality improvement activities, including using integrated clinical and claims data, where available, to evaluate patient outcomes and promoting best practices regarding patient referrals and care distribution between primary and specialty care.

Sec. 7. BLUEPRINT FOR HEALTH; COMMUNITY HEALTH TEAMS;  
QUALITY IMPROVEMENT FACILITATION; REPORT

On or before January 15, 2023, the Director of Health Care Reform in the Agency of Human Services shall recommend to the House Committees on Health Care and on Appropriations and the Senate Committees on Health and Welfare, on Appropriations, and on Finance the amounts by which health insurers and Vermont Medicaid should increase the amount of the per-person, per month payments they make toward the shared costs of operating the Blueprint for Health community health teams and providing quality improvement facilitation, in furtherance of the goal of providing additional resources necessary for delivery of comprehensive primary care services to Vermonters and to sustain access to primary care services in Vermont. The Agency shall also provide an estimate of the State funding that would be needed to support the increase for Medicaid, both with and without federal financial participation.

\* \* \* Options for Extending Moderate Needs Supports \* \* \*

Sec. 8. OPTIONS FOR EXTENDING MODERATE NEEDS SUPPORTS;  
WORKING GROUP; GLOBAL COMMITMENT WAIVER; REPORT

(a) As part of developing the Vermont Action Plan for Aging Well as required by 2020 Acts and Resolves No. 156, Sec. 3, the Department of Disabilities, Aging, and Independent Living shall convene a working group comprising representatives of older Vermonters, home- and community-based service providers, the Office of the Long-Term Care Ombudsman, the Agency of Human Services, and other interested stakeholders to consider extending access to long-term home- and community-based services and supports to a broader cohort of Vermonters who would benefit from them, and their family caregivers, including:

(1) the types of services, such as those addressing activities of daily living, falls prevention, social isolation, medication management, and case management that many older Vermonters need but for which many older Vermonters may not be financially eligible or that are not covered under many standard health insurance plans;

(2) the most promising opportunities to extend supports to additional Vermonters, such as expanding the use of flexible funding options that enable beneficiaries and their families to manage their own services and caregivers within a defined budget and allowing case management to be provided to beneficiaries who do not require other services;

(3) how to set clinical and financial eligibility criteria for the extended supports, including ways to avoid requiring applicants to spend down their assets in order to qualify;

(4) how to fund the extended supports, including identifying the options with the greatest potential for federal financial participation;

(5) how to proactively identify Vermonters across all payers who have the greatest need for extended supports;

(6) how best to support family caregivers, such as through training, respite, home modifications, payments for services, and other methods; and

(7) the feasibility of extending access to long-term home- and community-based services and supports and the impact on existing services.

(b) The working group shall also make recommendations regarding changes to service delivery for persons who are dually eligible for Medicaid and Medicare in order to improve care, expand options, and reduce unnecessary cost shifting and duplication.

(c) On or before January 15, 2024, the Department shall report to the House Committees on Human Services, on Health Care, and on Appropriations and the Senate Committees on Health and Welfare and on Appropriations regarding the working group's findings and recommendations, including its recommendations regarding service delivery for dually eligible individuals, and an estimate of any funding that would be needed to implement the working group's recommendations.

(d) If so directed by the General Assembly, the Department shall collaborate with others in the Agency of Human Services as needed in order to incorporate the working group's recommendations on extending access to long-term home- and community-based services and supports as an amendment to the Global Commitment to Health Section 1115 demonstration in effect in 2024 or into the Agency's proposals to and negotiations with the Centers for Medicare and Medicaid Services for the iteration of Vermont's Global Commitment to Health Section 1115 demonstration that will take effect following the expiration of the demonstration currently under negotiation.

\* \* \* Summaries of Green Mountain Care Board Reports \* \* \*

Sec. 9. 18 V.S.A. § 9375 is amended to read:

§ 9375. DUTIES

\* \* \*

(e)(1) The Board shall summarize and synthesize the key findings and recommendations from reports prepared by and for the Board, including its expenditure analyses and focused studies. The Board shall develop, in consultation with the Office of the Health Care Advocate, a standard for creating plain language summaries that the public can easily use and understand.

(2) All reports and summaries prepared by the Board shall be available to the public and shall be posted on the Board's website.

\* \* \* Primary Care Providers; Medicaid Reimbursement Rates \* \* \*

Sec. 10. MEDICAID REIMBURSEMENT RATES; PRIMARY CARE AT  
100 PERCENT OF MEDICARE FISCAL YEAR 2024

It is the intent of the General Assembly that Vermont's health care system should reimburse all Medicaid participating providers at rates that are equal to 100 percent of the Medicare rates for the services provided, with first priority for primary care providers. In support of this goal, in its fiscal year 2024 budget proposal, the Department of Vermont Health Access shall either provide reimbursement rates for Medicaid participating providers for primary care services at rates that are equal to 100 percent of the Medicare rates for the services or, in accordance with 32 V.S.A. § 307(d)(6), provide information on the additional amounts that would be necessary to achieve full reimbursement parity for primary care services with the Medicare rates.

\* \* \* Prior Authorizations \* \* \*

Sec. 11. DEPARTMENT OF FINANCIAL REGULATION; GREEN  
MOUNTAIN CARE BOARD; PRIOR AUTHORIZATIONS;  
ADMINISTRATIVE COST REDUCTION; REPORT

(a) The Department of Financial Regulation shall explore the feasibility of requiring health insurers and their prior authorization vendors to access clinical data from the Vermont Health Information Exchange whenever possible to support prior authorization requests in situations in which a request cannot be automatically approved.

(b) The Department of Financial Regulation shall direct health insurers to provide prior authorization information to the Department in a format required by the Department in order to enable the Department to analyze opportunities to align and streamline prior authorization request processes. The Department shall share its findings and recommendations with the Green Mountain Care Board, and the Department and the Board shall collaborate to provide recommendations to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance on or before January 15, 2023 regarding the statutory changes necessary to align and streamline prior authorization processes and requirements across health insurers.

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

Sec. 12. EFFECTIVE DATES

(a) Sec. 3 (payment and delivery system reform; appropriations) shall take effect on July 1, 2022.

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

**(Committee vote:7-2-2)**

**(For text see Senate Journal March 29, 2022 )**

**Rep. Yacovone of Morristown**, for the Committee on Appropriations, recommends the bill ought to pass when amended as recommended by the Committee on Health Care and when further amended as follows:

In Sec. 3, payment and delivery system reform; appropriations, in subsection (a), by striking out “\$1,400,000.00” and inserting in lieu thereof “\$900,000.00”

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

## Senate Proposal of Amendment

### H. 736

An act relating to the Transportation Program and miscellaneous changes to laws related to transportation

The Senate proposes to the House to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Transportation Program Adopted as Amended; Definitions \* \* \*

#### Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

(a) The Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program appended to the Agency of Transportation's proposed fiscal year 2023 budget, as amended by this act, is adopted to the extent federal, State, and local funds are available.

(b) As used in this act, unless otherwise indicated:

(1) "Agency" means the Agency of Transportation.

(2) "Candidate project" means a project approved by the General Assembly that is not anticipated to have significant expenditures for preliminary engineering or right-of-way expenditures, or both, during the budget year and funding for construction is not anticipated within a predictable time frame.

(3) "Development and evaluation (D&E) project" means a project approved by the General Assembly that is anticipated to have preliminary engineering expenditures or right-of-way expenditures, or both, during the budget year and that the Agency is committed to delivering to construction on a timeline driven by priority and available funding.

(4) "Electric vehicle supply equipment (EVSE)" has the same meaning as in 30 V.S.A. § 201.

(5) "Front-of-book project" means a project approved by the General Assembly that is anticipated to have construction expenditures during the budget year or the following three years, or both, with expected expenditures shown over four years.

(6) "Level 3 charger," "level 3 EVSE," or "direct-current fast charger (DCFC)," means EVSE that uses dedicated direct current (DC) to provide energy to a plug-in electric vehicle.

(7) "Secretary" means the Secretary of Transportation.

(8) "TIB funds" means monies deposited in the Transportation



Infrastructure Bond Fund in accordance with 19 V.S.A. § 11f.

(9) The table heading “As Proposed” means the Proposed Transportation Program referenced in subsection (a) of this section; the table heading “As Amended” means the amendments as made by this act; the table heading “Change” means the difference obtained by subtracting the “As Proposed” figure from the “As Amended” figure; and the terms “change” or “changes” in the text refer to the project- and program-specific amendments, the aggregate sum of which equals the net “Change” in the applicable table heading.

\* \* \* Summary of Transportation Investments \* \* \*

Sec. 2. FISCAL YEAR 2023 TRANSPORTATION INVESTMENTS  
INTENDED TO REDUCE TRANSPORTATION-RELATED  
GREENHOUSE GAS EMISSIONS, REDUCE FOSSIL FUEL  
USE, AND SAVE VERMONT HOUSEHOLDS MONEY

This act includes the State’s fiscal year 2023 transportation investments intended to reduce transportation-related greenhouse gas emissions, reduce fossil fuel use, and save Vermont households money in furtherance of the policies articulated in 19 V.S.A. § 10b and the goals of the Comprehensive Energy Plan and to satisfy the Executive and Legislative Branches’ commitments to the Paris Agreement climate goals. In fiscal year 2023, these efforts will include the following:

(1) Park and Ride Program. This act provides for a fiscal year expenditure of \$4,043,060.00, which will fund one construction project to create a new park and ride facility; the design of one additional park and ride facility scheduled for construction in future fiscal years; the design of improvements to one additional park and ride facility; and paving projects for existing park and ride facilities. This year’s Park and Ride Program will create 254 new State-owned spaces. Specific additions and improvements include:

- (A) Berlin (Exit 6)—design for 62 spaces;
- (B) Manchester—design for 50 new spaces; and
- (C) Williston—construction of 142 new spaces.

(2) Bike and Pedestrian Facilities Program. This act, in concert with 2020 Acts and Resolves No. 139, Sec. 12(b)(1), provides for a fiscal year expenditure, including local match, of \$19,793,776.00, which will fund 29 bike and pedestrian construction projects and 18 bike and pedestrian design, right-of-way, or design and right-of way projects for construction in future fiscal years. The construction projects include the creation, improvement, or rehabilitation of walkways, sidewalks, shared-use paths, bike paths, and

cycling lanes. In addition to completing the Lamoille Valley Rail Trail, which will run from Swanton to St. Johnsbury, projects are funded in Arlington, Bennington, Brattleboro, Bristol, Burlington, Chester, Colchester, Coventry, Dover, Enosburg Falls, Fairfax, Hardwick, Hartford, Hartland, Hinesburg, Lyndon, Manchester, Middlebury, Middlesex, Montpelier, Montpelier-Berlin, Moretown, New Haven, Pawlet, Plainfield, Poultney, Proctor, Richford, Roxbury, Royalton, Rutland City, Shelburne, South Burlington, Springfield, St. Albans City, Swanton, Vergennes, Waterbury, and Winooski. This act also provides State funding for some of Local Motion's operation costs to run the Bike Ferry on the Colchester Causeway, which is part of the Island Line Trail; funding for the small-scale municipal bicycle and pedestrian grant program for projects to be selected during the fiscal year; funding for projects funded through the Safe Routes to School program; and funding for education and outreach to K-8 schools to encourage higher levels of walking and bicycling to school.

(3) Transportation Alternatives Program. This act provides for a fiscal year expenditure of \$5,665,880.00, including local funds, which will fund 18 transportation alternatives construction projects and 24 transportation alternatives design, right-of-way, or design and right-of-way projects. Of these 42 projects, 12 involve environmental mitigation related to clean water or stormwater concerns, or both clean water and stormwater concerns, and 23 involve bicycle and pedestrian facilities. Projects are funded in Bennington, Berlin, Brandon, Bridgewater, Bridport, Brighton, Burlington, Castleton, Chester, Colchester, Derby, Duxbury, Enosburg, Essex, Fair Haven, Fairfax, Franklin, Hartford, Hyde Park, Jericho, Montgomery, Newfane, Norwich, Pittsford, Proctor, Rutland Town, South Burlington, St. Johnsbury, Vergennes, Warren, West Rutland, Williston, Wilmington, and Winooski.

(4) Public Transit Program. This act authorizes \$50,239,278.00 in funding for public transit uses throughout the State, which is a 9.6 percent increase over fiscal year 2022 levels, a 21.8 percent increase over fiscal year 2021 levels, and a 30 percent increase over fiscal year 2020 levels. Included in the authorization are:

(A) Go! Vermont, with an authorization of \$873,000.00. This authorization supports transportation demand management (TDM) strategies, including the State's Trip Planner and commuter services, to promote the use of carpools and vanpools.

(B) Vermont Kidney Association Grant, with an authorization of \$50,000.00. This authorization supports the transit needs of Vermonters in need of dialysis services.

(C) Mobility and Transportation Innovation (MTI) Grant Program, with an authorization of \$1,500,000.00, through Sec. 15 of this act. This authorization continues to support projects that improve both mobility and access to services for transit-dependent Vermonters, reduce the use of single-occupancy vehicles, and reduce greenhouse gas emissions. Not less than \$1,250,000.00 of this authorization shall go towards microtransit projects.

(D) One-time public transit monies, with an authorization of \$1,200,000.00, through Sec. 16 of this act. This authorization will allow public transit providers to, as practicable, provide zero-fare public transit on routes other than commuter and LINK Express and restore service to pre-COVID-19 levels.

(5) Rail Program. This act authorizes \$35,363,182.00, including local funds, for intercity passenger rail service and rail infrastructure throughout the State, including the return of New York City–Burlington passenger rail service.

(6) Transformation of the State Vehicle Fleet. The Department of Buildings and General Services, which manages the State Vehicle Fleet, currently has 18 plug-in hybrid electric vehicles and 11 battery electric vehicles in the State Vehicle Fleet. In fiscal year 2023, the Commissioner of Buildings and General Services will continue to purchase and lease vehicles for State use in accordance with 29 V.S.A. § 903(g), which requires, to the maximum extent practicable, that the Commissioner purchase or lease hybrid or plug-in electric vehicles, as defined in 23 V.S.A. § 4(85), with not less than 75 percent of the vehicles purchased or leased be hybrid or plug-in electric vehicles.

(7) Electric vehicle supply equipment. In furtherance of the State’s goal to increase the presence of EVSE in Vermont:

(A) Sec. 3 of this act authorizes up to \$6,250,000.00 to install level 3 EVSE along the State highway network and to cover capped administrative costs.

(B) Sec. 4 of this act amends a State goal to have a level 3 EVSE charging port available to the public within one driving mile, down from five miles, of every exit of the Dwight D. Eisenhower National System of Interstate and Defense Highways within the State and 25 driving miles, down from 50 miles, of another level 3 EVSE charging port available to the public along a State highway.

(C) The fiscal year 2023 budget authorizes up to \$10,000,000.00 to install EVSE at multiunit dwellings, workplaces, and public venues and

attractions, such as parks, State parks and access areas, downtowns, museums, and ski mountains, and to cover capped administrative costs.

(8) Vehicle incentive programs and expansion of the PEV market.

(A) Incentive Program for New PEVs. Sec. 5(a) of this act authorizes \$12,000,000.00 for PEV purchase and lease incentives under the Incentive Program for New PEVs, which is the State's program to incentivize the purchase and lease of new PEVs, and capped administrative costs.

(B) MileageSmart. Sec. 5(b) of this act authorizes up to \$3,000,000.00 for purchase incentives under MileageSmart, which is the State's used high-fuel-efficiency vehicle incentive program, and capped administrative costs.

(C) Replace Your Ride Program. Sec. 5(c) of this act authorizes \$3,000,000.00 for incentives under Replace Your Ride, which will be the State's program to incentivize Vermonters to remove older low-efficiency vehicles from operation and switch to modes of transportation that produce fewer greenhouse gas emissions, and capped administrative costs.

(D) Drive Electric Vermont. Sec. 5(d) of this act authorizes up to \$2,000,000.00 for the Agency to continue and expand the Agency's public-private partnership with Drive Electric Vermont to support the expansion of the PEV market in the State.

(9) Carbon Reduction Program. Sec. 18 of this act requires the Agency of Transportation to consult with the Vermont Climate Council and ensure that within the Agency of Transportation's Proposed Transportation Program for fiscal years 2024, 2025, and 2026 all federal monies that are proposed by the State for expenditure under the Carbon Reduction Program are allocated toward projects that align with the recommendations of the Climate Action Plan (CAP) issued under 10 V.S.A. § 592.

(10) Vermont State Standards. Sec. 19 of this act requires the Agency to develop a plan for updating the Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads, and Streets to create context sensitive, multimodal projects that support smart growth.

(11) Bicycle and Pedestrian Planning Integration Program. Sec. 25 of this act requires the Agency to establish a program to support the continued development and buildout of bicycle and pedestrian infrastructure.

(12) Sustainable building components. Secs. 55–57 of this act establish the Agency's statement of policy on the use of sustainable building components.

\* \* \* Electric Vehicle Supply Equipment (EVSE) Infrastructure \* \* \*  
\* \* \* Investments in EVSE \* \* \*

Sec. 3. INVESTMENTS IN ELECTRIC VEHICLE SUPPLY EQUIPMENT  
INFRASTRUCTURE

(a) State highway network. The Agency of Transportation is authorized to spend up to \$6,250,000.00 as appropriated in the fiscal year 2023 budget to install level 3 EVSE along the State highway network consistent with the goals established in 2021 Acts and Resolves No. 55, Sec. 30, as amended by Sec. 4 of this act. This authorization shall be used by the Agency for one or more of the following:

(1) to purchase and install level 3 EVSE;

(2) to provide grants for persons to purchase and install level 3 EVSE;

or

(3) to enter into a public-private partnership for the purchase and installation of level 3 EVSE.

(b) Purpose. The purpose of the expenditures authorized in subsection (a) of this section is to respond to negative economic impacts to the tourism, travel, and hospitality industries caused by the COVID-19 public health emergency.

(c) Administrative costs. Unless prohibited by federal or State law, the Agency may use up to 15 percent of the authorization in subsection (a) of this section for any administrative costs associated with installing level 3 EVSE along the State highway network.

(d) Carryforward; deployment in fiscal year 2023.

(1) Notwithstanding any other provision of law and subject to the approval of the Secretary of Administration, appropriations to support the authorizations under this section remaining unexpended on June 30, 2023 shall be carried forward and designated for the same expenditures in the subsequent fiscal year.

(2) Every reasonable effort shall be made to obligate and deploy the monies authorized for expenditure under this section in fiscal year 2023 in order to achieve a pace of EVSE deployment necessary to meet the emissions reduction requirements of 10 V.S.A. § 578(a) and the recommendations of the Climate Action Plan (CAP) issued under 10 V.S.A. § 592.

(e) Outreach and marketing. The Agency of Transportation shall ensure that there is sufficient outreach and marketing, including the use of translation and interpretation services, of any EVSE grant program or public-private

partnership implemented or entered into pursuant to subsection (a) of this section and such costs shall be considered administrative costs for purposes of subsection (c) of this section.

\* \* \* EVSE Goals \* \* \*

Sec. 4. 2021 Acts and Resolves No. 55, Sec. 30 is amended to read:

Sec. 30. EVSE NETWORK IN VERMONT; REPORT OF ANNUAL  
MAP

(a) It shall be the goal of the State to have, as practicable, a level 3 EVSE charging port available to the public within:

(1) ~~five miles~~ one driving mile of every exit of the Dwight D. Eisenhower National System of Interstate and Defense Highways within the State; and

(2) ~~50~~ 25 driving miles of another level 3 EVSE charging port available to the public along a State highway, as defined in 19 V.S.A. § 1(20).

(b) Notwithstanding 2 V.S.A. § 20(d), the Agency of Transportation shall file an up-to-date map showing the locations of all level 3 EVSE available to the public within the State with the House and Senate Committees on Transportation not later than January 15 each year until the goal identified in subsection (a) of this section is met.

\* \* \* Vehicle Incentive Programs \* \* \*

Sec. 5. VEHICLE INCENTIVE PROGRAMS

(a) Incentive Program for New PEVs. The Agency is authorized to spend up to \$12,000,000.00 as appropriated in the fiscal year 2023 budget on the Incentive Program for New PEVs established in 2019 Acts and Resolves No. 59, Sec. 34, as amended.

(b) MileageSmart. The Agency is authorized to spend up to \$3,000,000.00 as appropriated in the fiscal year 2023 budget on MileageSmart as established in 2019 Acts and Resolves No. 59, Sec. 34, as amended.

(c) Replace Your Ride Program. The Agency is authorized to spend up to \$3,000,000.00 as appropriated in the fiscal year 2023 budget on the Replace Your Ride Program established in 2021 Acts and Resolves No. 55, Sec. 27, as amended.

(d) Public-private partnership. The Agency is authorized to spend up to \$2,000,000.00 as appropriated in the fiscal year 2023 budget on the Agency's existing partnership with Drive Electric Vermont, which shall support the expansion of the PEV market in the State through the provision of stakeholder

coordination, policy engagement, consumer education and outreach, infrastructure development, and technical assistance.

(e) Administrative costs. The Agency may use up to 15 percent of any single authorization in subsections (a)–(c) of this section for any costs associated with administering and promoting the vehicle incentive programs.

(f) Carryforward; deployment in fiscal year 2023.

(1) Notwithstanding any other provision of law and subject to the approval of the Secretary of Administration, appropriations to support the authorizations under this section remaining unexpended on June 30, 2023 shall be carried forward and designated for the same expenditures in the subsequent fiscal year.

(2) Every reasonable effort shall be made to obligate and deploy the monies authorized for expenditure under this section in fiscal year 2023 in order to achieve a pace of plug-in electric vehicle deployment necessary to meet the emissions reduction requirements of 10 V.S.A. § 578(a) and the recommendations of the Climate Action Plan (CAP) issued under 10 V.S.A. § 592.

(g) Outreach and marketing. The Agency, in consultation with Drive Electric Vermont and the Vermont Vehicle and Automotive Distributors Association, shall ensure that there is sufficient outreach and marketing, including the use of translation and interpretation services, of the Incentive Program for New PEVs, MileageSmart, and Replace Your Ride so that Vermonters who are eligible under one or more of the incentive programs can easily learn how to secure as many incentives as are available and such costs shall be considered administrative costs for purposes of subsection (e) of this section.

Sec. 6. 2019 Acts and Resolves No. 59, Sec. 34(b), as amended by 2020 Acts and Resolves No. 121, Sec. 14, 2020 Acts and Resolves No. 154, Sec. G.112, 2021 Acts and Resolves No. 3, Sec. 56, and 2021 Acts and Resolves No. 55, Sec. 19 is further amended to read:

(b) Electric vehicle incentive program. An incentive program for Vermont residents to purchase and lease new PEVs shall structure PEV purchase and lease incentive payments by income to help Vermonters benefit from electric driving, including Vermont’s most vulnerable. The program shall be known as the Incentive Program for New PEVs. Specifically, the Incentive Program for New PEVs shall:

\* \* \*

(5) apply to:

(A) manufactured PEVs PHEVs with a Base Manufacturer's Suggested Retail Price (MSRP) of \$40,000.00 or less;

(B) manufactured BEVs with a Base MSRP of \$45,000.00 or less;  
and

(C) manufactured PEVs with any Base MSRP that will be issued a special registration plate by the Commissioner of Motor Vehicles pursuant to 23 V.S.A. § 304a or will predominately be used to provide accessible transportation for the incentive recipient or a member of the incentive recipient's household, provided that the incentive recipient or the member of the incentive recipient's household has a removable windshield placard issued by the Commissioner of Motor Vehicles pursuant to 23 V.S.A. § 304a; and

\* \* \*

\* \* \* Vermont Association of Snow Travelers Authorizations \* \* \*

Sec. 7. VERMONT ASSOCIATION OF SNOW TRAVELERS (VAST)  
AUTHORIZATIONS

(a) The Agency of Transportation, through the Department of Motor Vehicles, is authorized to spend:

(1) \$50,000.00 in one-time General Fund monies, as appropriated in the fiscal year 2023 budget, in grants to the Vermont Association of Snow Travelers (VAST) to support the Law Enforcement and Safety Program; and

(2) \$750,000.00 in one-time General Fund monies, as appropriated in the fiscal year 2023 budget, in grants to VAST to support the Equipment Grant-in-Aid Program.

(b) VAST shall ensure that the Equipment Grant-in-Aid Program maximizes the geographic distribution and utilization of equipment purchased in whole or in part with the monies authorized in subdivision (a)(2) of this section by implementing grant scoring criteria that awards equipment grants to applicants that have worked with neighboring clubs to groom at least 60 miles of trails and the equipment to be replaced is at least 15 years old.

\* \* \* Bridge Formula Program; Off-System Bridges \* \* \*

Sec. 8. BRIDGE FORMULA PROGRAM; OFF-SYSTEM BRIDGES;  
REPEAL

(a) Findings. The General Assembly finds that:

(1) the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58 (IIJA) provides Vermont with \$225,000,000.00 in Bridge Formula Program funding for federal fiscal years 2022 through 2026;



(2) the Bridge Formula Program funds are to be used for the preservation and replacement of bridges;

(3) as part of the Bridge Formula Program, states are required to allocate a minimum of 15 percent of the funding to address off-system bridge needs, where off-system bridges are those that are located along roadways off the federal aid system;

(4) in Vermont, roadways off the federal aid system are primarily owned and maintained by municipalities; and

(5) under the IIJA, the federal share of funding for municipally owned off-system bridges is 100 percent.

(b) Priority implementation. In order to implement and allocate the Bridge Formula Program funding, the Agency of Transportation is directed to simultaneously:

(1)(A) Fund at 100 percent federal share the construction phase of all off-system bridges in the Fiscal Year 2023 Transportation Program for Town Highway Bridges that:

(i) were not authorized for federal funds for the construction phase of the pending project prior to the Fiscal Year 2023 Transportation Program; and

(ii) are either listed as a front-of-book project or development and evaluation (D&E) project in the Fiscal Year 2023 Transportation Program.

(B) The engineering (PE) and right-of-way (ROW) phases of projects to be funded at 100 percent federal share under subdivision (A) of this subdivision (1) shall continue to be funded at 80 percent federal, 10 percent State, and 10 percent municipal.

(2)(A) In the Fiscal Year 2023 through 2029 Transportation Programs, fund the construction phase of off-system covered bridges and off-system historic truss bridges within the Transportation Programs for Town Highway Bridges based on the prioritization of covered bridges and historic truss bridges under the prioritization process outlined in 19 V.S.A. § 10g(1) at 100 percent federal share.

(B) The engineering (PE) and right-of-way (ROW) phases of projects to be funded at 100 percent federal share under subdivision (A) of this subdivision (2) shall continue to be funded at 80 percent federal, 10 percent State, and 10 percent municipal.

(c) Secondary implementation. Should funding through the federal Bridge Formula Program remain available following the implementation delineated

under subsection (b) of this section, town highway bridges shall be advanced based on the prioritization process outlined in 19 V.S.A. § 10g(1).

(d) Repeal. This section is repealed on October 1, 2029, at the conclusion of the authorized implementation period for the IIJA.

**Sec. 9. TOWN HIGHWAY BRIDGE PROGRAM**

(a) Within the Agency of Transportation’s Proposed Fiscal Year 2023 Transportation Program for Town Highway Bridges, authorized spending for the construction phase of the following projects is amended to be 100 percent federal pursuant to Sec. 8(b)(1)(A) and (2)(A) of this act:

- (1) Clarendon BO 1443(55);
- (2) Hartford BO 1444(60);
- (3) Ludlow Village BO 1443(52);
- (4) Poultney BO 1443(53);
- (5) Stowe BO 1446(37);
- (6) Stowe BO 1446(39);
- (7) Statewide Preservation Easement Paint Program; and
- (8) Statewide Rehabilitation of Covered Bridges.

(b) Within the Agency of Transportation’s Proposed Fiscal Year 2023 Transportation Program for Town Highway Bridges, authorized spending is amended as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	350,000	350,000	0
PE	4,294,487	4,294,487	0
ROW	355,000	355,000	0
Construction	25,314,700	25,314,700	0
Total	30,314,187	30,314,187	0
<u>Sources of funds</u>			
TIB	2,402,455	2,402,455	0
State	1,919,899	1,230,817	-689,082
Federal	24,251,350	25,529,514	1,278,164
Local	1,740,483	1,151,401	-589,082
Total	30,314,187	30,314,187	0

(c) Within the Agency of Transportation’s Proposed Fiscal Year 2023 Transportation Program, the following covered bridges projects are added to the candidate list for Town Highway Bridges:

- (1) Belvidere (Bridge No. 12 on Town Highway 3);
- (2) Charlotte (Bridge No. 27 on Town Highway 9);
- (3) Chelsea (Bridge No. 46 on Town Highway 68);
- (4) Hartland (Bridge No. 22 on Town Highway 15);
- (5) Lyndon (Bridge No. 33 on Town Highway 58);
- (6) Northfield (Bridge No. 10 on Town Highway 3);
- (7) Northfield (Bridge No. 11 on Town Highway 3);
- (8) Northfield (Bridge No. 15 on Town Highway 3);
- (9) Troy (Bridge No. 8 on Town Highway 12); and
- (10) Weathersfield (Bridge No. 83 on Town Highway 65).

(d) Within the Agency of Transportation’s Proposed Fiscal Year 2023 Transportation Program, the following metal truss bridges projects are added to the candidate list for Town Highway Bridges:

- (1) Berlin (Bridge No. 27 on Town Highway 61);
- (2) Bridgewater (Bridge No. 26 on Town Highway 34);
- (3) Enosburg (Bridge No. 45 on Town Highway 42);
- (4) Lincoln (Bridge No. 46 on Town Highway 6);
- (5) Moretown (Bridge No. 42 on Town Highway 39);
- (6) Newfane (Bridge No. 49 on Town Highway 26);
- (7) Northfield (Bridge No. 65 on Town Highway 57);
- (8) Royalton (Bridge No. 30 on Town Highway 6); and
- (9) Sheldon (Bridge No. 20 on Town Highway 22).

\* \* \* Amendments to Fiscal Year 2023 Authorizations \* \* \*

Sec. 10. PROGRAM DEVELOPMENT

Within the Agency of Transportation’s Proposed Fiscal Year 2023 Transportation Program for Program Development Administration, authorized spending is amended as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Person. Svcs.	23,753,701	23,753,701	0
Operat. Exp.	9,039,403	8,985,192	-54,211
Grants	286,000	286,000	0
Total	33,079,104	33,024,893	-54,211

Sources of funds

State	25,074,132	25,019,921	-54,211
Federal	7,929,972	7,929,972	0
Inter Unit	75,000	75,000	0
Total	33,079,104	33,024,893	-54,211

Sec. 11. TOWN HIGHWAY AID

Within the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Town Highway Aid, authorized spending is amended as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Grants	27,783,413	27,837,624	54,211
Total	27,783,413	27,837,624	54,211
<u>Sources of funds</u>			
State	27,783,413	27,837,624	54,211
Total	27,783,413	27,837,624	54,211

Sec. 12. POLICY AND PLANNING

Within the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Policy and Planning, authorized spending is amended as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Person. Svcs.	4,767,663	4,767,663	0
Operat. Exp.	1,035,700	1,035,700	0
Grants	7,389,725	10,784,247	3,394,522
Total	13,193,088	16,587,610	3,394,522
<u>Sources of funds</u>			
State	3,217,573	3,217,573	0
Federal	9,920,240	13,314,762	3,394,522
Inter Unit	55,275	55,275	0
Total	13,193,088	16,587,610	3,394,522

Sec. 13. TOWN HIGHWAY STRUCTURES AND TOWN HIGHWAY CLASS 2 ROADWAY

(a) Town highway structures. The Agency shall carry forward not less than \$866,500.00 of unexpended fiscal year 2022 appropriations and designate those monies for grant awards under the town highway structures program so as to meet the statutory minimum grant award totals required under 19 V.S.A. § 306(e) in fiscal year 2023.

(b) Town highway class 2 roadway. The Agency shall carry forward not less than \$951,250.00 of unexpended fiscal year 2022 appropriations and

designate those monies for grant awards under the town highway class 2 roadway program so as to meet the statutory minimum grant award totals required under 19 V.S.A. § 306(h) in fiscal year 2023.

Sec. 14. ONE-TIME APPROPRIATION; DMV IT PROJECT

Within the Agency of Transportation’s Proposed Fiscal Year 2023 Transportation Program, in one-time appropriations, the number “20,250,000” is struck out for “All Exp.,” “Total,” “Transportation Fund,” and “Total” and replaced with the number “0” so as to indicate that there is no appropriation to the Department of Motor Vehicles for the DMV Core System Modernization Phase II project, and a note is added to read as follows: “The fiscal year 2023 budget bill appropriates \$20,250,000 from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the Agency of Digital Services for the DMV Core System Modernization Phase II project.”

\* \* \* Mobility and Transportation Innovation Grant Program \* \* \*

Sec. 15. MOBILITY AND TRANSPORTATION INNOVATION GRANT PROGRAM

(a) Project addition. The following project is added to the Agency of Transportation’s Proposed Fiscal Year 2023 Transportation Program for Public Transit: Mobility and Transportation Innovation (MTI) Grant Program.

(b) Authorization. Spending authority for Mobility and Transportation Innovation (MTI) Grant Program is authorized as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Grants	0	1,500,000	1,500,000
Total	0	1,500,000	1,500,000
<u>Sources of funds</u>			
State	0	500,000	500,000
General Fund	0	1,000,000	1,000,000
Total	0	1,500,000	1,500,000

(c) Implementation. The Agency of Transportation shall continue to administer the Mobility and Transportation Innovation (MTI) Grant Program, which was created pursuant to 2020 Acts and Resolves No. 121, Sec. 16. The Program shall continue to support projects that improve both mobility and access to services for transit-dependent Vermonters, reduce the use of single-occupancy vehicles, and reduce greenhouse gas emissions. Not less than \$1,250,000.00 of this authorization shall go towards microtransit projects.

\* \* \* Public Transit; Zero Fare; Level of Service \* \* \*

Sec. 16. ONE-TIME PUBLIC TRANSIT MONIES

(a) Project addition. The following project is added to the Agency of Transportation’s Proposed Fiscal Year 2023 Transportation Program for Public Transit: Increased One-Time Monies for Public Transit for Fiscal Year 2023.

(b) Authorization. Spending authority for Increased One-Time Monies for Public Transit for Fiscal Year 2023 is authorized as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	0	1,200,000	1,200,000
Total	0	1,200,000	1,200,000
<u>Sources of funds</u>			
General Fund	0	1,200,000	1,200,000
Total	0	1,200,000	1,200,000

(c) Implementation. Transit agencies that are eligible to receive grant funds pursuant to 49 U.S.C. § 5307 or 5311, or both, in the State shall, as practicable and in the sole discretion of the transit agencies, do the following during fiscal year 2023:

(1) operate routes other than commuter and LINK Express on a zero-fare basis; and

(2) provide service at pre-COVID-19 levels.

(d) Report. On or before January 31, 2023, the Agency of Transportation shall file a written report with the House and Senate Committees on Transportation that:

(1) shows changes in public transit ridership, by county and type of service, in fiscal years 2020, 2021, and 2022 and in fiscal year 2023 through the end of the second quarter; and

(2) estimates the amount of funding needed to provide zero-fare service on transit operated by public transit agencies that are eligible to receive grant funds pursuant to 49 U.S.C. § 5307 or 5311, or both, broken out by county and type of service in fiscal year 2024.

\* \* \* Burlington International Airport Study Committee; Report \* \* \*

Sec. 17. BURLINGTON INTERNATIONAL AIRPORT STUDY  
COMMITTEE; REPORT

(a) Project addition. The following project is added to the Agency of Transportation’s Proposed Fiscal Year 2023 Transportation Program for Aviation: Burlington International Airport Study.

(b) Authorization.

(1) Spending authority for the Burlington International Airport Study is authorized as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	0	150,000	150,000
Total	0	150,000	150,000
<u>Sources of funds</u>			
State	0	15,000	15,000
Federal	0	135,000	135,000
Total	0	150,000	150,000

(2) Spending authority for South Burlington AV-FY18-001 is amended as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Const	12,650,000	12,500,000	-150,000
Total	12,650,000	12,500,000	-150,000
<u>Sources of funds</u>			
State	500,000	485,000	-15,000
Federal	11,385,000	11,250,000	-135,000
Local	765,000	765,000	0
Total	12,650,000	12,500,000	-150,000

(3) The City of Burlington, which is the sponsor of the Burlington International Airport, and the Agency of Transportation shall work together to secure a grant from the Federal Aviation Administration to cover the \$135,000.00 in federal monies authorized for expenditure under subdivision (1) of this subsection for the Burlington International Airport Study.

(c) Creation. There is created the Burlington International Airport Study Committee to examine the existing governance structure and alternatives to the existing governance structure of the Burlington International Airport (Airport) and to report the Committee's findings and recommendations.

(d) Membership. The Committee shall be composed of the following nine voting members and two nonvoting members:

(1) one voting member appointed by the Governor;

(2) one voting member designated by the mayor of the City of Burlington;

(3) one voting member designated by the city council of the City of Burlington;

(4) one voting member designated by the city council of the City of South Burlington;

(5) one voting member designated by the mayor of the City of Winooski;

(6) one voting member designated by the Chittenden County Regional Planning Commission to represent individuals, such as Black, Indigenous, and Persons of Color (BIPOC), immigrants, individuals with low income, and individuals residing in “disadvantaged communities” as defined in federal Executive Order 14008, “Tackling the Climate Crisis at Home and Abroad,” adversely affected by the Airport;

(7) one voting member designated by the Chittenden County Regional Planning Commission to represent the general aviation organizations at the Airport;

(8) the Secretary of Transportation or designee, who shall be a voting member;

(9) one voting member designated by the President and CEO of the Lake Champlain Regional Chamber of Commerce;

(10) the current, including acting or interim, Director of Aviation for the Airport or designee, who shall be a nonvoting member of the Committee; and

(11) the Director of the Chittenden County Regional Planning Commission or designee, who shall be a nonvoting member of the Committee.

(e) Assistance; consultant.

(1) The Committee shall have the administrative, technical, and legal assistance of the Agency of Transportation, which shall contract with an independent third-party consultant with expertise in airport governance and may contract with an additional person to serve as a neutral facilitator for the Committee if such assistance cannot be provided by an employee or employees of the Agency of Transportation.

(2) The Agency of Transportation shall work with the Committee to prepare a request for information and a request for proposal for the retention of the independent third-party consultant that is contracted with pursuant to subdivision (1) of this subsection.

(f) Powers and duties. The Committee, with the assistance of the consultant retained as required under subsection (e) of this section, shall:

(1) review prior reports and recommendations prepared on the governance structure of the Airport, including the January 1, 2020 memorandum from Eileen Blackwood, Burlington City Attorney to Mayor Miro Weinberger and the City Council regarding Burlington International Airport and Regional Governance Questions; the June 10, 2013 Burlington



International Airport, Airport Strategic Planning Committee Recommendations (Airport Strategic Planning Committee Recommendations); and the December 1985 Final Report of the Burlington Airport Study Group;

(2) examine the advantages and disadvantages of each of the options identified in the Airport Strategic Planning Committee Recommendations;

(3) examine the advantages and disadvantages of any additional governance structure options for the Airport recommended by the consultant or identified by a majority of the voting members of the Committee as warranting study;

(4) identify any other issue relating to the governance of the Airport that a majority of the voting members of the Committee determine warrants study; and

(5) make recommendations on the governance structure of the Airport as supported by a majority of the voting members of the Committee.

(g) Report; recommendations. On or before January 15, 2024, the Committee shall submit a written report to the General Assembly with its findings and recommendations. Any recommendations from the Committee shall address how to ensure that there are not negative financial impacts on the City of Burlington.

(h) Meetings.

(1) The Secretary of Transportation or designee shall call the first meeting of the Committee to occur on or before September 30, 2022.

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

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

(4) The Committee shall cease to exist on January 16, 2024.

(i) Compensation and reimbursement. Members of the Committee who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than six meetings.

\* \* \* Future Transportation Programs \* \* \*

\* \* \* Carbon Reduction Program \* \* \*

Sec. 18. FUTURE FISCAL YEAR TRANSPORTATION PROGRAMS;

## CARBON REDUCTION PROGRAM

The Agency of Transportation shall consult with the Vermont Climate Council and ensure that within the Agency of Transportation's Proposed Transportation Program for fiscal years 2024, 2025, and 2026 all federal monies that are proposed by the State for expenditure under the Carbon Reduction Program, codified at 23 U.S.C. § 175, are allocated toward projects that align with the recommendations of the Climate Action Plan (CAP) issued under 10 V.S.A. § 592.

\* \* \* Plan to Update Vermont State Standards \* \* \*

### Sec. 19. PLAN TO UPDATE VERMONT STATE STANDARDS

(a) The Agency shall develop a plan for updating the Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads, and Streets (C.V.R. 14-010-019) (Vermont State Standards) to create context sensitive, multimodal projects that support smart growth as recommended in the Revising the Vermont State Standards (VSS) M2D2: Multimodal Development and Delivery Work Plan, March 2015 (State Standards Work Plan), prepared in accordance with 2014 Acts and Resolves No. 167, Sec. 26.

(b) As recommended in the State Standards Work Plan, the Agency of Transportation shall also prepare a plan to update documents, standards, guidance, and procedures related to the Vermont State Standards.

(c) The Agency shall budget for the plan to update the Vermont State Standards and related documents in the Proposed Fiscal Year 2024 Transportation Program.

(d) The Agency shall make staff available to the House and Senate Committees on Transportation for an oral presentation on the plan to update the Vermont State Standards and corresponding budget beginning on January 15, 2023.

\* \* \* Transportation Alternatives Grant Program \* \* \*

Sec. 20. 19 V.S.A. § 38 is amended to read:

### § 38. TRANSPORTATION ALTERNATIVES GRANT PROGRAM

(a), (b) [Repealed.]

(c) The Transportation Alternatives Grant Program is created. The Grant Program shall be administered by the Agency; and shall be funded in the amount provided for in 23 U.S.C. § 133(h), less the funds set aside for the Recreational Trails Program. Awards shall be made to eligible entities as

defined under 23 U.S.C. § 133(h), and awards under the Grant Program shall be limited to the activities authorized under federal law and shall not exceed \$300,000.00 per grant allocation.

(d) Eligible entities awarded a grant must provide all funds required to match federal funds awarded for a Transportation Alternatives project. All grant awards shall be decided and awarded by the Agency.

\* \* \*

~~(f)(1) In fiscal years 2018 and 2019, all Grant Program funds shall be reserved for municipalities for environmental mitigation projects relating to stormwater and highways, including eligible salt and sand shed projects.~~

~~(2) In fiscal years 2020 and 2021, Grant Program funds shall be awarded for any eligible activity and in accordance with the priorities established in subdivision (4) of this subsection.~~

~~(3) In fiscal year 2022 2024 and thereafter, \$1,100,000.00 50 percent of Grant Program funds, or such lesser sum if all eligible applications amount to less than \$1,100,000.00 50 percent of Grant Program funds, shall be reserved for municipalities for environmental mitigation projects relating to stormwater and highways, including eligible salt and sand shed projects, and the balance of Grant Program funds shall be awarded for any eligible activity and in accordance with the priorities established in subdivision (2) of this subsection.~~

~~(4)(2) Regarding Grant Program funds awarded in fiscal years 2020 and 2021, and the balance of Grant Program funds not reserved for environmental mitigation projects in fiscal year 2022 and thereafter, in In evaluating applications for Transportation Alternatives grants, the Agency shall give preferential weighting to projects involving as a primary feature a bicycle or pedestrian facility. The degree of preferential weighting and the circumstantial factors sufficient to overcome the weighting shall be in the complete discretion of the Agency.~~

\* \* \*

\* \* \* Amendments to the 2021 Transportation Bill \* \* \*

\* \* \* Electric Bicycle Incentives Administrative Costs \* \* \*

Sec. 21. 2021 Acts and Resolves No. 55, Sec. 2(8)(D) and (E) are amended to read:

(D) Replace Your Ride Program. Sec. 27 of this act creates a new program to be known as the Replace Your Ride Program, which will be the State's program to incentivize Vermonters to remove older low-efficiency vehicles from operation and switch to modes of transportation that produce

fewer greenhouse gas emissions, and authorizes up to ~~\$1,500,000.00~~ \$1,495,000.00 for incentives under the Program and capped startup and administrative costs.

(E) Electric bicycle incentives. Sec. 28 of this act authorizes up to ~~\$50,000.00~~ \$55,000.00 for \$200.00 incentives for the purchase of an electric bicycle and capped administrative costs.

Sec. 22. 2021 Acts and Resolves No. 55, Sec. 27(d) is amended to read:

(d) Authorization. In fiscal year 2022, the Agency is authorized to spend up to ~~\$1,500,000.00~~ \$1,495,000.00 in one-time Transportation Fund monies on the Replace Your Ride Program established under this section, with up to ~~\$300,000.00~~ \$295,000.00 of that ~~\$1,500,000.00~~ \$1,495,000.00 available for startup costs, outreach education, and costs associated with developing and administering the Replace Your Ride Program.

Sec. 23. 2021 Acts and Resolves No. 55, Sec. 28(b) is amended to read:

(b) Authorization.

(1) In fiscal year 2022, the Agency is authorized to spend up to \$50,000.00 in one-time Transportation Fund monies on the electric bicycle incentives and up to \$5,000.00 on the costs associated with developing and administering the electric bicycle incentives.

(2) If less than \$5,000.00 is expended on administrative costs associated with developing and administering the electric bicycle incentives under subdivision (1) of this subsection, then the balance of that \$5,000.00 shall only be authorized for startup costs, outreach education, and costs associated with developing and administering the Replace Your Ride Program in addition to the authorization in Sec. 27(d) of this act.

\* \* \* EVSE Grant Program \* \* \*

Sec. 24. 2021 Acts and Resolves No. 55, Sec. 29 is amended to read:

Sec. 29. GRANT PROGRAMS FOR ~~LEVEL 2 CHARGERS~~ EVSE IN ~~MULTI-UNIT~~ MULTIUNIT DWELLINGS; REPORT

(a) As used in this section:

\* \* \*

(2) “~~Multi-unit~~ Multiunit affordable housing” means a ~~multi-unit~~ multiunit dwelling where:

\* \* \*

(3) “~~Multi-unit~~ Multiunit dwelling” means a housing project, such as

cooperatives, condominiums, dwellings, or mobile home parks, with 10 or more units constructed or maintained on a tract or tracts of land.

(4) “~~Multi-unit~~ Multiunit dwelling owned by a nonprofit” means a ~~multi-unit~~ multiunit dwelling owned by a person that has nonprofit status under Section 501(c)(3) of the U.S. Internal Revenue Code, as amended, and is registered as a nonprofit corporation with the Office of the Secretary of State.

(5) “Electric vehicle supply equipment (EVSE)” includes both level 1 chargers, which connect directly into a standard 120-volt AC outlet and supply an average output of 1.3 to 2.4 kilowatts and are also known as level 1 EVSE, and level 2 chargers, which have a single-phase input voltage range from 208 to 240 volts AC and a maximum output current less than or equal to 80 amperes AC and are also known as level 2 EVSE.

(b) The Agency of Transportation shall establish and administer, through a memorandum of understanding with the Department of Housing and Community Development, a pilot program to support the continued buildout of electric vehicle supply equipment at ~~multi-unit~~ multiunit affordable housing and ~~multi-unit~~ multiunit dwellings owned by a nonprofit and build upon the existing VW EVSE Grant Program that the Department of Housing and Community Development has been administering on behalf of the Department of Environmental Conservation.

\* \* \*

(d) Pilot program funding shall be awarded with consideration of broad geographic distribution as well as service models ranging from restricted private parking to publicly accessible parking so as to examine multiple strategies to increase access to EVSE.

\* \* \*

(f) If the Agency of Transportation, in consultation with the interagency team, determines that programmatic funding remains available following the first round of grant awards, then the pilot program shall be opened up and made available to any ~~multi-unit~~ multiunit dwelling.

\* \* \*

\* \* \* Bicycle and Pedestrian Planning Integration Program \* \* \*

## Sec. 25. BICYCLE AND PEDESTRIAN PLANNING INTEGRATION PROGRAM

(a) Establishment. The Agency of Transportation shall establish a program to support the continued development and buildout of bicycle and pedestrian infrastructure. The purpose of the program is to do at least one of the

following:

(1) ensure alignment and integration of municipal and State bicycle and pedestrian infrastructure deployment and to provide a framework for municipal prioritization of bicycle and pedestrian projects that can be integrated into the VTrans Project Selection and Project Prioritization (VPSP2) process as projects are evaluated for funding through State-sponsored programs, including the Bike and Pedestrian Program, the Transportation Alternatives Program, and the Downtown Transportation Fund; or

(2) integrate bicycle and pedestrian elements into Agency-developed projects.

(b) Consultation and implementation. The Agency shall work with the State's Regional Planning Commissions (RPCs) in implementing the program by providing funding through the Transportation Planning Initiative (TPI) Program for RPCs to develop prioritized municipal bicycle and pedestrian plans or to assist member municipalities in developing prioritized municipal bicycle and pedestrian plans.

\* \* \* Transportation Board \* \* \*

Sec. 26. 5 V.S.A. chapter 3 is redesignated to read:

CHAPTER 3. PROCEEDINGS BY THE BOARD; APPEAL TO SUPERIOR COURT JUDICIAL REVIEW

Sec. 27. 5 V.S.A. § 37 is amended to read:

§ 37. MEMBERS; TERMS; RETIREMENT; APPEAL

(a) When a Board member who hears all or a substantial part of a case retires from office before the case is completed, ~~he or she~~ that individual shall remain a member of the Board for the purpose of concluding and deciding the case, and signing the findings, orders, decrees, and judgments of the case. A retiring chair shall also remain a member for the purpose of certifying questions of law if appeal is taken.

(b) A case shall be deemed completed when the Board enters a final order even though ~~the order is appealed to a Superior Court and judicial review is sought pursuant to 19 V.S.A. § 5(c) or the case remanded to the Board.~~ Upon remand, the Board then in office may consider relevant evidence, including any part of the transcript of testimony in the proceedings prior to appeal.

Sec. 28. 5 V.S.A. § 40 is amended to read:

§ 40. PLEADINGS; RULES OF PRACTICE; FINDINGS OF FACT

(a) The forms, pleadings, and rules of practice and procedure before the

Board shall be prescribed by the Board.

(b) The Board shall hear all matters within its jurisdiction and make findings of fact. It shall state its rulings of law when required. Upon ~~appeal to a Superior Court~~ judicial review pursuant to 19 V.S.A. § 5(c), the Board's findings of fact shall be accepted unless clearly erroneous.

Sec. 29. 5 V.S.A. §§ 43 and 44 are amended to read:

§ 43. ~~REVIEW BY SUPERIOR COURT~~ JUDICIAL REVIEW

A party to a cause who feels aggrieved by the final order, judgment, or decree of the Board may ~~appeal to a Superior Court under Rule 74 of the Vermont Rules of Civil Procedure~~ seek judicial review pursuant to 19 V.S.A. § 5(c). However, the Board, before final judgment, may permit an interlocutory appeal to be taken by any party pursuant to a Superior Court 19 V.S.A. § 5(c) for determination of questions of law in the same manner as the Supreme Court may by rule provide for appeals before final judgment from a Superior Court. Notwithstanding the provisions of the Vermont Rules of Civil Procedure or the Vermont Rules of Appellate Procedure, neither the time for filing a notice of appeal nor the filing of a notice of appeal, as provided in this section, shall operate as a stay of enforcement of an order of the Board unless the Board or ~~a Superior~~ the Supreme Court grants a stay under the provisions of section 44 of this ~~title~~ chapter.

§ 44. ~~POWERS OF SUPERIOR~~ THE SUPREME COURT

~~A Superior~~ Upon appeal to the Supreme Court, the Court may reverse or affirm the judgments, orders, or decrees of the Transportation Board and may remand a cause to it with mandates, as law or equity shall require; and the Board shall enter its judgment, order, or decree in accordance with these mandates. Appeals to the ~~Superior~~ Supreme Court shall not have the effect of vacating any judgment, order, or decree of the Board, but the ~~Superior~~ Supreme Court, upon notice to interested parties, may suspend execution of a Board judgment under a decree as justice and equity require unless otherwise specifically provided by law.

Sec. 30. 5 V.S.A. § 207(d) is amended to read:

(d) The application for a certificate of approval of the site selected shall be in writing and substantially describe the property involved and the general purposes for which it is to be acquired and the manner in which the acquisition is asserted to serve the public interest. The application shall designate the names of all owners or persons known to be interested in lands adjoining the property and their residences, if known, and shall contain such further matter as the Board by rule shall determine. The application shall be supported by

documentation showing that the proposed facility has received municipal approval. After evaluating the application, the Board shall issue its order giving notice of the time and place of hearing on the application. The applicant shall give notice of the proceedings to all persons owning or interested in adjoining lands by delivery of a true copy of the application and order for hearing by registered or certified mail to the last known address of each of the persons; the notice to be mailed at least 12 days prior to the date of the hearing. Notice of the hearing and a general statement of the purpose shall be published at least once in a newspaper of common circulation in the town where the property described in the application is situated at least two days before the date of the hearing, and a similar notice shall be posted in a public place at least 12 days before the hearing. Upon compliance by the applicant with the foregoing provisions for notice, the Board shall hear the applicant and all parties interested on the question of approval of the site or sites and shall consider and determine whether in the public interest the application ought to be granted. Whenever the Board makes an order granting or denying a certificate of approval of an airport, or a restricted landing area, approval to use or operate an airport or a restricted landing area or other air navigation facility, an aggrieved person may ~~have the decision reviewed on the record by the Superior Court pursuant to Rule 74 of the Vermont Rules of Civil Procedure~~ seek judicial review pursuant to 19 V.S.A. § 5(c).

Sec. 31. 5 V.S.A. § 652 is amended to read:

§ 652. SUPERIOR COURT JUDICIAL REVIEW

The Secretary of Transportation or the legislative body of a municipality, as defined in 24 V.S.A. § 2001, or the committee representing two or more municipalities, when authorized by vote of their legislative bodies, may proceed in Superior Court as provided in 19 V.S.A. chapter 5, except as otherwise provided in this subchapter.

Sec. 32. 5 V.S.A. § 3639 is amended to read:

§ 3639. FARM CROSSINGS AND CATTLE GUARDS; CONSTRUCTION AND MAINTENANCE; JUDICIAL REVIEW

(a) A person ~~or corporation~~ owning or operating a railroad shall construct and maintain farm crossings of the road for the use of the proprietors of lands adjoining the railroad, and cattle guards at all farm and road crossings sufficient to prevent cattle and animals from getting on the railroad. A farm crossing may be temporarily or permanently closed or discontinued by mutual agreement between all parties having an interest therein. If no such mutual agreement can be reached by such interested parties, then a person ~~or corporation~~ owning or operating a railroad and desiring to close any farm



crossing shall make application to the Transportation Board. The Board shall thereupon give notice to all parties interested, in such manner as the Board may direct, of hearing on the application, the hearing to be in the county where such crossing is located. After the hearing, a person ~~or corporation~~ owning or operating a railroad shall not close such farm crossing without the approval of the Transportation Board. A person aggrieved by the closing of a farm crossing after January 1, 1955 by a person ~~or corporation~~ owning or operating a railroad may notify the Transportation Board by registered or certified mail of the closing, and thereupon the Board shall conduct a hearing. Notice and place of hearing shall be as set forth in this subsection. The Transportation Board may require the reopening of any such crossing and make such other order as is permitted in section 3649 of this title. At any such hearing, the burden of proof shall rest with the person or persons effecting or seeking to effect the closing of such farm crossing. Any person aggrieved by ~~an~~ the final order of the Transportation Board, who was a party to the proceedings, may, in accordance with Rule 74 of the Vermont Rules of Civil Procedure, appeal to the Superior Court, whereupon such cause shall be tried as an original action brought under the provisions of 12 V.S.A. § 402 seek judicial review pursuant to 19 V.S.A. § 5(c).

(b) A person ~~or railroad corporation~~ closing any farm crossing in violation of a provision of this section or failing to comply with any such order shall be fined not less than \$50.00 nor more than \$500.00, and any person aggrieved by such violation may recover ~~his or her~~ the person's damages in an action on this statute.

Sec. 33. 5 V.S.A. § 3788 is amended to read:

§ 3788. ORDERS OF BOARD; APPEALS JUDICIAL REVIEW

The order of the Board relating to any matter upon which it may act under the authority of this chapter shall be communicated in writing to the petitioners and to all persons to whom notice of the hearing on such petition was given. Any person aggrieved by such order, who was a party to such proceedings, ~~may appeal from such order to the Superior Court in accordance with Rule 74 of the Vermont Rules of Civil Procedure~~ seek judicial review pursuant to 19 V.S.A. § 5(c).

Sec. 34. 9 V.S.A. § 4100b is amended to read:

§ 4100b. ENFORCEMENT; TRANSPORTATION BOARD

(a) The Transportation Board established in 19 V.S.A. § 3 shall enforce the provisions of this chapter.

\* \* \*

(h) Within 20 days after any order or decision of the Board authorized under this chapter, any party to the proceeding may apply for a rehearing with respect to any matter determined in the proceeding or covered or included in the order or decision. The application for rehearing shall set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable. No appeal from any order or decision of the Board shall be taken unless the appellant makes an application for rehearing as provided in this subsection, and when the application for rehearing has been made, no ground not set forth in the application shall be urged, relied on, or given any consideration by the Board unless the Board for good cause shown allows the appellant to specify additional grounds. Any party to the proceeding may appeal the final order, including all interlocutory orders or decisions, ~~pursuant to the Superior Court~~ 19 V.S.A. § 5(c) within 30 days after the date the Board rules on the application for reconsideration of the final order or decision. All findings of the Board upon all questions of fact properly before the court shall be prima facie lawful and reasonable. The order or decision appealed from shall not be set aside or vacated except for errors of law. No additional evidence shall be heard or taken by the ~~Superior~~ Supreme Court on appeals from orders or decisions by the Board authorized under this title.

(i) In cases where the Board finds that a violation of this chapter has occurred or there has been a failure to show good cause under section 4089 or 4098 of this title, the ~~Superior Court~~ Board, upon petition, shall determine reasonable attorney's fees and costs and award them to the prevailing party.

Sec. 35. 19 V.S.A. § 5 is amended to read:

#### § 5. TRANSPORTATION BOARD; POWERS AND DUTIES

(a) General duties and responsibilities; exceptions. The regulatory and quasi-judicial functions relating to transportation shall be vested in the Board, except that the duties and responsibilities of the Commissioner of Motor Vehicles in Titles 23 and 32, including all quasi-judicial powers, shall continue to be vested in the Commissioner.

(b) Naming transportation facilities.

(1) Except as otherwise authorized by law, the Board is the sole authority responsible for naming transportation facilities owned, controlled, or maintained by the State, including highways and the bridges thereon, airports, rail facilities, rest areas, and welcome centers. The Board shall exercise its naming authority only upon petition of the legislative body of a municipality of the State, of the head of an Executive Branch agency or department of the State, or of 50 Vermont residents.

(2) The Board shall hold a public hearing for each facility requested to be named. The Board shall adopt rules governing notice and conduct of hearings, the standards to be applied in rendering decisions under this subsection, and any other matter necessary for the just disposition of naming requests. The Board shall issue a decision, which shall be subject to review on the record by a Superior Court pursuant to Rule 74 of the Vermont Rules of Civil Procedure subsection (c) of this section. The Board may delegate the responsibility to hold a hearing to a hearing officer or a single Board member, subject to the procedure of subsection (c) of this section, but shall not be bound by 3 V.S.A. chapter 25 in carrying out its duties under this subsection.

(c) Hearing examiners; report of findings; final orders; judicial review. The Board may delegate the responsibility to hear quasi-judicial matters, and other matters as it may deem appropriate, to a hearing examiner or a single Board member, to hear a case and make findings in accordance with 3 V.S.A. chapter 25, except that highway condemnation proceedings shall be conducted pursuant to the provisions of chapter 5 of this title. A hearing examiner or single Board member so appointed shall report the findings of fact in writing to the Board. Any order resulting from those findings shall be rendered only by a majority of the Board. Final orders of the Board issued pursuant to section 20 of this title (small claims against the Agency) may be reviewed on the record by a Superior Court pursuant to Rule 74 of the Vermont Rules of Civil Procedure. All other final orders of the Board may be reviewed on the record by the Supreme Court.

(d) Specific duties and responsibilities. The Board shall:

\* \* \*

(e) Offices and assistance. Suitable offices and office equipment shall be provided by the State for the Board at Montpelier. The Board may employ clerical or other employees and assistants whom it deems necessary in the performance of its duties and in the investigation of matters within its jurisdiction.

(f) Jurisdiction; subpoenas; witness fees. The Board shall have the power to determine and adjudicate all matters over which it is given jurisdiction. It may render judgments and make orders and decrees. Whenever the Board is sitting in a quasi-judicial capacity, it may issue subpoenas for the testimony of witnesses or the production of evidence. The fees for travel and attendance of witnesses shall be the same as for witnesses and officers appearing before a Civil Division of the Superior Court.

(g) Reports to the General Assembly. From time to time, the Board may report to the General Assembly with suggestions of amendment to existing law

or of new legislation as it deems necessary and any information concerning the companies, matters, and things under the jurisdiction of the Board and Agency that, in its opinion, will be of interest to the General Assembly.

(h) Appeals from the Agency to the Board. Unless otherwise provided by law, when an appeal is allowed from the Agency to the Board, the appeal shall be taken by filing a notice of appeal with the Secretary within 30 days of the date of the Agency decision from which the appeal is taken. The Secretary shall promptly forward the notice of appeal to the Board, together with the Agency's record of decision.

\* \* \* Repeal of 5 V.S.A. Chapter 5 \* \* \*

Sec. 36. REPEAL

5 V.S.A. chapter 5 (assessments to support Agency of Transportation and Transportation Board) is repealed.

\* \* \* On-Premises Signs \* \* \*

Sec. 37. 10 V.S.A. § 493 is amended to read:

§ 493. ON-PREMISES SIGNS

Owners or occupants of real property may erect and maintain on the property, on-premises signs advertising the sale or lease of the property or activities being conducted on the property. Those signs shall be subject to the regulations set forth below.

(1) On-premises signs may be erected or maintained, with a total area of not more than 150 square feet, advertising activities being conducted on the same premises. However, this limitation does not apply to signs existing on May 1, 1971, or attached to or part of the building in which the activities are being carried on. An on-premises sign shall not be located more than 1,500 feet from a main entrance from the highway to the activity or premises advertised. The 1,500-foot distance shall be measured along the centerline of the highway or highways between the sign and a main entrance or a straight line, but only if the difference in elevation between the on-premises sign and a main entrance is more than 100 feet. A main entrance shall be a principal, private roadway or driveway that leads from a public highway to the advertised activity. For the purposes of this subdivision, premises shall not include land that is separated from the activity by a public highway, or other intervening land use not related to the advertised activity. Undeveloped land or farmland shall not be considered as an intervening land use.

\* \* \*

\* \* \* Right-of-Way Permits; 1111 Permits; Municipal

Site Plan Review \* \* \*

Sec. 38. 19 V.S.A. § 1112 is amended to read:

§ 1112. DEFINITIONS; FEES

(a) As used in this section:

\* \* \*

(4) “Subsurface stormwater system” means a stormwater system, as defined in 10 V.S.A. § 1264(b)(15), that is beneath the surface.

(b) The Secretary shall collect the following fees for each application for the following types of permits issued pursuant to section 1111 of this title:

\* \* \*

(2) utility installations, including each direct connection to the State highway subsurface stormwater system: \$100.00

\* \* \*

Sec. 39. 24 V.S.A. § 4416(b) is amended to read:

(b) Whenever a proposed site plan involves access to a State highway or other work in the State highway right-of-way such as excavation, grading, paving, or utility installation, the application for site plan approval shall include a letter from the Agency of Transportation confirming that the Agency has reviewed the proposed site plan and determined whether a permit is required under 19 V.S.A. § 1111. If the Agency determines that a permit for the proposed site plan is required under 19 V.S.A. § 1111, then the letter from the Agency ~~shall~~ may set out ~~any~~ conditions that the Agency proposes to attach to the permit required under 19 V.S.A. § 1111.

\* \* \* Smugglers’ Notch Motor Vehicle Limitations \* \* \*

Sec. 40. 23 V.S.A. § 1006b is amended to read:

§ 1006b. SMUGGLERS’ NOTCH; WINTER CLOSURE OF VERMONT ROUTE 108; ~~COMMERCIAL~~ VEHICLE OPERATION PROHIBITED

(a) Winter closure. The Agency of Transportation may close the Smugglers’ Notch segment of Vermont Route 108 during periods of winter weather.

(b) Vehicle operation prohibition.

(1) ~~As used in this subsection, “commercial vehicle” means truck-tractor-semitrailer combinations and truck-tractor-trailer combinations.~~

~~(2) Commercial Single-frame motor vehicles over 40 feet in length and tractor units with one or more attached trailers over 45 feet in total length are prohibited from operating on the Smugglers' Notch segment of Vermont Route 108.~~

~~(3)(2) Either the The employer of an operator of a commercial vehicle who is operating a vehicle in the scope of employment and violates this subsection; or the operator's employer; or the operator of a vehicle who is operating a vehicle for personal purposes and violates this subsection shall be subject to a civil penalty of \$1,000.00.—If or, if the violation results in substantially impeding the flow of traffic on Vermont Route 108, the penalty shall be a civil penalty of \$2,000.00. For a second or subsequent conviction within a three-year period, the applicable penalty or penalties shall be doubled.~~

~~(3) The prohibition in subdivision (1) of this subsection shall not apply to law enforcement, fire, emergency medical services, and search and rescue vehicles involved in training or responding to real-world incidents.~~

~~(c) Required signage. The Agency shall erect signs conforming to the standards established by section 1025 of this title to indicate the closures and restrictions authorized under this section.~~

~~\* \* \* Municipal Restrictions; Covered Bridges;  
Damages and Expenses \* \* \*~~

~~Sec. 41. 19 V.S.A. § 313 is amended to read:~~

~~§ 313. RESTRICTING USE OF COVERED BRIDGES~~

~~The Agency and the selectmen of the town where a covered bridge is located or, if parts of such a bridge are located in more than one town, the selectmen of the towns acting jointly, may restrict the use of the bridge to vehicles that are within limits as to weight, height, and width as they shall establish. The limitation shall be plainly posted at the approaches to the bridge at approximately 100 feet from each end of the bridge, and at intersections as may be required to enable operators of restricted vehicles to proceed by the most direct alternate unrestricted route. Posting shall be by means of permanent signs of a standard size of at least 24 inches by 24 inches, and with lettering not less than three inches high. [Repealed.]~~

~~Sec. 42. 19 V.S.A. § 315 is amended to read:~~

~~§ 315. PENALTIES~~

~~A person who operates a vehicle exceeding the limit prescribed on a bridge thus restricted shall be fined not more than \$200.00 for the first offense and not more than \$300.00 for each subsequent offense. [Repealed.]~~

Sec. 43. 23 V.S.A. § 1396 is redesignated to read:

§ 1396. SPECIAL WEIGHT LIMITS FOR BRIDGES AND HIGHWAYS

Sec. 44. 23 V.S.A. § 1397 is redesignated to read:

§ 1397. WEIGHT LIMIT SIGNS

Sec. 45. 23 V.S.A. § 1397a is added to read:

§ 1397a. SPECIAL LIMITS FOR COVERED BRIDGES

The legislative body of a municipality where a covered bridge is located or, if parts of such a bridge are located in more than one municipality, the legislative bodies of the municipalities where a covered bridge is located acting jointly may, after consultation with the Agency of Transportation, restrict the use of the bridge to vehicles that are within limits as to one or more of the following, as they shall establish: weight, height, or width. Any limitation shall be permanently posted by the municipality, with signs that conform to the standards established by section 1025 of this title, approximately 100 feet from the approaches to the bridge and at intersections as may be required to enable operators of restricted vehicles to proceed by the most direct alternate unrestricted route.

Sec. 46. 23 V.S.A. § 1398 is amended to read:

§ 1398. CERTIFIED STATEMENT TO BE FILED

A certified statement shall be filed with the clerk in each ~~town, village, or city~~ municipality in which ~~the a~~ posting occurs, as provided in ~~section~~ sections 1397 and 1397a of this title subchapter, stating ~~occurs that~~ states the location of the highway or bridge posted, the legal load limit ~~or limits~~ to which ~~such the~~ highway or bridge is restricted, and the date of posting. If ~~such a~~ restriction is removed at any time by the Secretary of Transportation, ~~selectboard, trustees, or city council, or legislative body of the municipality, or both,~~ a similar certified statement of the removal shall be filed with the clerk of the ~~town, village, or city as the case may be~~ municipality.

Sec. 47. 23 V.S.A. § 1399(b) is amended to read:

(b) Nothing contained in sections 1391–1398 of this title subchapter shall restrict the weight of:

(1) Snow plows, road machines, oilers, traction engines, tractors, rollers, power shovels, dump wagons, trucks, or other construction or maintenance equipment when used by any town, incorporated village, city, or the State in the construction or the maintenance of any highway, provided that such construction or maintenance is performed by persons employed by or

under contract with such town, incorporated village, city, or the State for this purpose. However, any operation of motorized highway building equipment or road making appliances used in construction work contracted by a town, incorporated village, city, or the State shall be unrestricted as to weight only within a construction area.

(2) Municipal and volunteer fire apparatus and law enforcement motor vehicles.

(3) Heavy-duty tow and recovery vehicles on the Dwight D. Eisenhower System of Interstate and Defense Highways.

Sec. 48. 23 V.S.A. § 1400d is amended to read:

§ 1400d. AGRICULTURAL SERVICE VEHICLES

(a) An agricultural service vehicle, as defined in subdivision 4(71) of this title, shall be exempt from the provisions of sections 1400 and 1400a and subsection 1434(c) of this ~~title~~ subchapter if the gross weight does not exceed 60,000 pounds.

(b) Municipalities shall not be liable for injuries or damages to agricultural service vehicles or their operators that result from crossing a posted bridge with an agricultural service vehicle that weighs more than the posted weight limit.

Sec. 49. 23 V.S.A. § 1434 is amended to read:

§ 1434. OPERATION IN EXCESS OF WEIGHT, HEIGHT, OR WIDTH LIMITS; PENALTIES

(a) General limits. The operation of a vehicle on a public highway in excess of the legal height, width, or length limits as prescribed in section 1431 or 1432 of this ~~title~~ subchapter without first obtaining a permit to operate the vehicle, whether or not a permit is available, shall be a traffic violation, as defined in section 2302 of this title. ~~A violation shall be, and~~ punishable by a civil penalty of \$300.00 for a first offense, \$600.00 for a second offense within a two-year period, and \$800.00 for a third or subsequent offense within a two-year period.

(b) Permit limits. The operation of a vehicle on a public highway in excess of the legal height, width, or length limits as prescribed in section 1431 or 1432 of this ~~title~~ subchapter in violation of the terms of a permit issued in conformance with section 1400 of this ~~title~~ subchapter shall be a traffic violation, as defined in section 2302 of this title, and ~~shall be~~ punishable by a civil penalty of \$300.00 for a first offense, \$600.00 for a second offense within a two-year period, and \$800.00 for a third or subsequent offense within a two-



year period.

(c) Covered bridges. The operation of a vehicle in excess of the legal limits designated for a covered bridge under section 1397a of this subchapter or applicable under subdivisions 1392(1) and (2) of this subchapter shall be a traffic violation, as defined in section 2302 of this title, and punishable by a civil penalty of \$1,000.00 or, if the violation results in substantially impeding the flow of traffic, \$2,000.00. For a second or subsequent conviction within a three-year period, the applicable penalty shall be doubled.

(d) Refusal to issue a permit. In the case of a violation under subsection (a) of this section, the Commissioner may refuse to issue a permit to the violator under section 1400 of this title subchapter for a period not to exceed three months, if the owner or lessee commits four or more violations within a two-year period. If the holder of a permit commits four or more violations under subsection (b) of this section within a two-year period, the Commissioner may suspend, for a period not to exceed three months, any permit issued to the violator under section 1400 of this title subchapter. For the purposes of this section, the owner or lessee of the vehicle shall be considered the holder of, or applicant for, the permit.

Sec. 50. 23 V.S.A. § 1492 is amended to read:

#### § 1492. LIABILITY FOR DAMAGE DEFINED; LIMITATIONS

The owner, driver, operator, or mover of any motor truck, tractor, trailer, wagon, cart, carriage, or other object or contrivance ~~which~~ that is moved or operated on any highway in violation of any of the provisions of sections ~~1098, 1145~~ 1083, 1092, 1302, 1305, and 1431 and subsection 1434(c) of this title, subchapter; such portion of section ~~1144~~ sections 1003 and 1081 of this title subchapter as pertains to trucks and buses; and such portion of section 1391 of this title subchapter as relates to weight in relation to tire surface; shall be liable to the State or municipal corporation in which the act is committed for damages to a public highway or bridge occasioned by such moving or operating, to be recovered in a civil action, in the name of the State or municipal corporation, or in an action on the bond provided in this chapter in connection with the issuance of permits, provided the action is brought within two years after such act is committed.

Sec. 51. 23 V.S.A. § 1112 is amended to read:

#### § 1112. CLOSED HIGHWAYS

(a) Except by the written permit of the authority responsible for the closing, a person shall not drive any vehicle over any highway across which there is a barrier or a sign indicating that the highway is closed to public travel.

\* \* \*

~~(c) A municipal, county, or State entity that deploys police, fire, ambulance, rescue, or other emergency services in order to aid a stranded operator of a vehicle, or to move a disabled vehicle, operated on a closed highway in violation of this section, may recover from the operator in a civil action the cost of providing the services, if at the time of the violation a sign satisfying the requirements of subsection (b) of this section was installed. [Repealed.]~~

Sec. 52. 24 V.S.A. § 2296a is added to read:

§ 2296a. RIGHT TO RECOVER EXPENSES FOR EMERGENCY SERVICES

A municipal, county, or State entity that deploys police, fire, ambulance, rescue, or other services to aid an operator of a vehicle who is stranded due to a violation of 23 V.S.A. § 1006b, 1112, or 1434(c) or to move a vehicle that is disabled due to a violation of 23 V.S.A. § 1006b, 1112, or 1434(c) may recover in civil action the costs of providing services from the operator or the operator's employer, provided that the operator was acting during or incidental to the operator's scope of employment.

\* \* \* Municipal Weight Limits; Filing of Restrictions \* \* \*

Sec. 53. 23 V.S.A. § 1400b is amended to read:

§ 1400b. FILING OF RESTRICTIONS, PUBLICATION

(a) Any municipality that has enacted special weight limits that are other than State legal limits for highways or bridges within its jurisdiction shall file a complete copy of the limitations with the Department of Motor Vehicles ~~not later than February 10 of each year.~~ The information filed shall contain a concise listing of each highway or bridge posted, the time of the year the restrictions apply, weight limitations in effect on that highway or bridge, and the name, address, and telephone number of the principal person or persons responsible for issuing the local permit. Additions or deletions to the listing may be made from time to time, as required, by filing with the Department.

(b) Any special municipal weight limits on highways or bridges shall be unenforceable unless they are on file with the Department of Motor Vehicles within three working days of the date of posting. It shall be the responsibility of the municipality to keep records documenting the time and date a highway or bridge is posted, and to keep current restrictions on file with the Department. The Department may prescribe the format that is to be used when filing restrictions under this section.

\* \* \*

\* \* \* Use of Sustainable Building Components \* \* \*

Sec. 54. FINDINGS

The General Assembly finds:

(1) With the passage of the Universal Recycling Law, the State of Vermont committed to providing convenient and efficient recycling services to all Vermonters.

(2) Efficient recycling systems save energy, conserve natural resources, and reduce greenhouse gas emissions.

(3) Recycled glass can currently be used in the following ways:

(A) as an aggregate to substitute for virgin or manufactured sand;

(B) ground and used as a pozzolan, which can be a partial substitute for Portland Cement in a concrete-mix design; or

(C) converted into a building component.

(4) Mining sand is a practice that is known to have an adverse effect on the environment.

(5) Fly ash, which is a pozzolan, is the byproduct of the burning of coal, and ground granulated blast-furnace slag, which is also a pozzolan, is the byproduct of steel manufacturing.

(6) The Agency of Transportation is already, pursuant to 2020 Acts and Resolves No. 121, Sec. 21, encouraged to, wherever practicable, use pozzolans and alternatives to Portland Cement as part of the concrete-mix design for all transportation infrastructure projects.

(7) Reusing recycled glass as a substitute for virgin or manufactured sand conserves natural resources by reducing the need to mine or manufacture sand.

(8) Using materials recycled in Vermont as a partial substitute for aggregate and non-aggregate components in maintenance, construction, and improvement projects could reduce greenhouse gas emissions and the State's carbon footprint by eliminating the need to transport recycled glass out of State for further processing.

(9) Using materials recycled in Vermont as a partial substitute for aggregate and non-aggregate components in maintenance, construction, and improvements projects could provide an economic benefit to the local recycling industry.

(10) There will continue to be advances in the availability and use of sustainable building components, such as recycled materials and manufacturing byproducts, in maintenance, construction, and improvement projects.

Sec. 55. 19 V.S.A. § 10c(m) is amended to read:

~~(m) Recycled asphalt pavement (RAP) shall be used on all Agency paving projects to the extent sources of quality RAP are available consistent with producing quality hot mix asphalt. To that extent, the Agency shall define paving project specifications and contract bid documents to allow the use of up to 50 percent RAP. The Agency shall compare the cost-benefit of the State's retaining the RAP versus the contractor's retaining the RAP, and the Agency shall report to the House and Senate Committees on Transportation on the results of the comparison in the 2009 and 2010 legislative sessions. [Repealed.]~~

Sec. 56. 19 V.S.A. § 10m is added to read:

§ 10m. STATEMENT OF POLICY; SUSTAINABLE BUILDING COMPONENTS; ANNUAL REPORT

(a) Policy. It shall be the State's policy to use sustainable building components, including recycled materials and manufacturing byproducts, in all maintenance, construction, and improvement projects within the State's Transportation Program to the extent that sources of quality sustainable building components are available and the use is consistent with producing transportation assets with a demonstrated evidence of long-term durability.

(b) Specifications. The Agency shall define its performance and related specifications and contract bid documents to allow and, as practicable, encourage the use of sustainable building components.

(c) Recycled asphalt pavement. Recycled asphalt pavement (RAP) shall be used on all Agency paving projects to the extent sources of RAP of a quality comparable to hot mix asphalt is available. The Agency shall define paving project specifications and contract bid documents to allow for the use of up to 50 percent RAP.

(d) Research and testing. The Agency is encouraged to continue researching, testing, and, wherever practicable, using sustainable building components, pozzolans, and alternatives to Portland Cement as part of the construction specifications for all transportation infrastructure projects.

(e) Annual report. The Agency, in consultation with the Recycled Materials Working Group, shall, during each session of the General Assembly, provide an oral report to the House and Senate Committees on Transportation

on the use of sustainable building components in maintenance, construction, and improvement projects within the State's Transportation Program.

\* \* \* Fees for State Electric Vehicle Supply Equipment; Sunset \* \* \*

Sec. 57. 2019 Acts and Resolves No. 59, Sec. 38 is amended to read:

Sec. 38. ELECTRIC VEHICLE SUPPLY EQUIPMENT FEES REPEAL

32 V.S.A. § 604 (electric vehicle supply equipment fees) is repealed on July 1, ~~2022~~ 2025.

Sec. 58. 32 V.S.A. § 604 is amended to read:

§ 604. ELECTRIC VEHICLE SUPPLY EQUIPMENT FEES

(a) Notwithstanding any other provision of this subchapter, any agency or department that owns or controls electric vehicle supply equipment (EVSE), as defined in 30 V.S.A. § 201, may establish, set, and adjust fees for the use of that ~~electric vehicle supply equipment~~ EVSE. The agency or department may establish fees for electric vehicle charging at less than its costs, to cover its costs, or equal to the retail rate charged for the use of ~~electric vehicle supply equipment~~ EVSE available to the public. Fees collected under this section shall be deposited in the same fund or account within a fund from which the electric operating expense for the ~~electric vehicle supply equipment~~ EVSE originated.

(b) The Agency of Transportation and the Department of Buildings and General Services shall make staff available to standing committees of the General Assembly beginning on January 15 each year to give an oral presentation that provides an update on the State's efforts to collect fees for the use of EVSE that is owned or controlled by the State pursuant to subsection (a) of this section and shall make available as part of that presentation a copy of any applicable fee schedules, along with an explanation as to whether or not the fee schedule accounts for expenses associated with the EVSE, including electricity costs.

\* \* \* Relinquishment of Vermont Route 207 Extension  
in the Town of St. Albans \* \* \*

Sec. 59. 2012 Acts and Resolves No. 153, Sec. 23(a) is amended to read:

(a) Pursuant to 19 V.S.A. § 15(a)(2), the ~~general assembly~~ General Assembly approves the ~~secretary of transportation~~ Secretary of Transportation to enter into an agreement with the ~~town~~ Town of St. Albans to relinquish to the ~~town's~~ Town's jurisdiction a segment of ~~state~~ State highway right-of-way in the ~~town~~ Town of St. Albans, which has not been constructed to be a traveled road; and which was to be known as the Vermont Route 207

Extension. This authority shall expire on June 30, ~~2022~~ 2032. The segment authorized to be relinquished measures approximately 1.7 acres, is approximately 160 feet in width, and starts at a point 200 feet west of the intersection of the U.S. Route 7/Vermont Route 207 centerline of highway project S0297(2), and continues westerly for 463 feet.

\* \* \* Codified Law Technical Corrections \* \* \*

Sec. 60. REPEAL

19 V.S.A. § 22 (fine applicable for a violation of the since repealed 19 V.S.A. § 21(c)) is repealed.

Sec. 61. 19 V.S.A. § 11a(b) is amended to read:

~~(b) In fiscal year 2017, of the funds appropriated to the Department of Public Safety pursuant to subsection (a) of this section, the amount of \$1,680,000.00 is allocated exclusively for the purchase, outfitting, assignment, and disposal of State Police vehicles. In fiscal year 2018 and in succeeding fiscal years, of the funds appropriated to the Department of Public Safety pursuant to subsection (a) of this section, the amount of \$2,100,000.00 is allocated exclusively for the purchase, outfitting, assignment, and disposal of State Police vehicles. Any unexpended and unencumbered funds remaining in this allocation at the close of a fiscal year shall revert to the Transportation Fund. The Department of Public Safety may periodically recommend to the General Assembly that this allocation be adjusted to reflect market conditions for the vehicles and equipment.~~

Sec. 62. 19 V.S.A. § 996(a) is amended to read:

~~(a) The Agency of Transportation shall work with municipal representatives to revise the Agency of Transportation's Town Road and Bridge Standards in order to incorporate a suite of practical and cost-effective best management practices, as approved by the Agency of Natural Resources, for the construction, maintenance, and repair of all existing and future State and town highways. These best management practices shall address activities that have a potential for causing pollutants to enter the groundwater and waters of the State, including stormwater runoff and direct discharges to State waters. The best management practices shall not supersede any requirements for stormwater management already set forth in 10 V.S.A. §§ 1264 and 1264a that apply to State and town highways. The Agency of Transportation shall report to the House and Senate committees on Transportation, the house committee on fish, wildlife and water resources, and the Senate Committee on Natural Resources and Energy by January 15, 2011, on the best management practices to be incorporated into the Agency of Transportation's Town Road and Bridge~~

Standards.

\* \* \* Zoning; Municipal Airports; Parking \* \* \*

Sec. 63. 24 V.S.A. § 4413(i) is added to read:

(i) Notwithstanding 1 V.S.A. § 213, no bylaw adopted under this chapter shall regulate the location of parking facilities at or adjacent to a municipally owned and operated airport.

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

Sec. 64. EFFECTIVE DATES

(a) This section and Secs. 57 (amendment to sunset of 32 V.S.A. § 604), 59 (extension of authority to relinquish State highway right-of-way for Vermont Route 207 Extension), and 63 (24 V.S.A. § 4413(i)) shall take effect on passage.

(b) Notwithstanding 1 V.S.A. § 214, Secs. 21–24 (amendments to the 2021 Transportation Bill) shall take effect retroactively on July 1, 2021.

(c) All other sections shall take effect on July 1, 2022.

(For text see House Journal March 24, 2022 )

**Amendment to be offered by Rep. Lanpher of Vergennes to H. 736**

Representative Lanpher of Vergennes moves that the House concur in the Senate proposal of amendment with further proposals of amendment as follows:

First: In Sec. 2, fiscal year 2023 transportation investments, by inserting the words “and the Climate Action Plan” following “the Comprehensive Energy Plan”

Second: In Sec. 2, fiscal year 2023 transportation investments, by inserting a new subdivision (8)(D) to read as follows:

(D) eBike Incentives. Sec. 5(d) of this act authorizes \$50,000.00 for incentives under a continuation of the eBike incentives, which will be the State’s programs to provide incentives towards the purchase of electric bicycles, and capped administrative costs.

and by relettering subdivision (8)(D) to be (8)(E)

Third: In Sec. 2, fiscal year 2023 transportation investments, in newly relettered subdivision (8)(E), by striking out “Sec. 5(d)” and inserting in lieu thereof “Sec. 5(e)”

Fourth: In Sec. 2, fiscal year 2023 transportation investments, in subdivision (12), by striking out “Secs. 55–57” and inserting in lieu thereof “Secs. 54–56”

Fifth: In Sec. 5, vehicle incentive programs, by inserting a new subsection (d) to read as follows:

(d) eBike Incentives. The Agency is authorized to spend up to \$50,000.00 as appropriated in the fiscal year 2023 budget on a continuation of the eBike incentives as established in 2021 Acts and Resolves No. 55, Sec. 28.

and by relettering the remaining subsections to be alphabetically correct

Sixth: In Sec. 5, vehicle incentive programs, in newly relettered subsection (f), by striking out “(a)–(c)” and inserting in lieu thereof “(a)–(d)”

Seventh: In Sec. 5, vehicle incentive programs, in newly relettered subsection (h), by striking out the word “and” preceding the words “Replace Your Ride”, by inserting “, and eBike incentives” following the words “Replace Your Ride”, and by striking out “subsection (e)” and inserting in lieu thereof “subsection (f)”

Eighth: In Sec. 7, Vermont Association of Snow Travelers (VAST) authorizations, in subsection (a), by striking out “, through the Department of Motor Vehicles,” following “The Agency of Transportation”

Ninth: By striking out Sec. 13, town highway structures and town highway class 2 roadway, in its entirety and inserting in lieu thereof the following:

Sec. 13. TOWN HIGHWAY STRUCTURES

Within the Agency of Transportation’s Proposed Fiscal Year 2023 Transportation Program for Town Highway Structures, authorized spending is amended as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Grants	6,333,500	7,200,000	866,500
Total	6,333,500	7,200,000	866,500
<u>Sources of funds</u>			
State	6,333,500	7,200,000	866,500
Total	6,333,500	7,200,000	866,500

Sec. 13a. TOWN HIGHWAY CLASS 2 ROADWAY



Within the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Town Highway Class 2 Roadway, authorized spending is amended as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Grants	7,648,750	8,600,000	951,250
Total	7,648,750	8,600,000	951,250
<u>Sources of funds</u>			
State	7,648,750	8,600,000	951,250
Total	7,648,750	8,600,000	951,250

Sec. 13b. HIGHWAY MAINTENANCE

(a) Within the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Maintenance, authorized spending is amended as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Person. Svcs.	44,709,478	44,709,478	0
Operat. Exp.	61,554,303	59,736,553	-1,817,750
Total	106,263,781	104,446,031	-1,817,750
<u>Sources of funds</u>			
State	105,517,966	103,700,216	-1,817,750
Federal	645,815	645,815	0
Inter Unit	100,000	100,000	0
Total	106,263,781	104,446,031	-1,817,750

(b) Restoring the fiscal year 2023 Maintenance Program appropriation and authorization to the level included in the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program shall be the Agency's top priority if there is unexpended State fiscal year 2022 appropriations of Transportation Fund Monies. Accordingly:

(1) At the close of State fiscal year 2022, an amount up to \$1,817,750.00 of any unencumbered Transportation Fund monies appropriated in 2021 Acts and Resolves No. 74, Secs. B.900–B.922, as amended by 2022 Acts and Resolves No. 83, Secs. 41–45, that would otherwise be authorized to carry forward is reappropriated for the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Maintenance 30 days after the

Agency sends written notification of the request for the unencumbered Transportation Fund monies to be reappropriated to the Joint Transportation Oversight Committee, provided that the Joint Transportation Oversight Committee does not send written objection to the Agency.

(2) If any unencumbered Transportation Fund monies are reappropriated pursuant to subdivision (1) of this subsection, then, within the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Maintenance, authorized spending is further amended to increase operating expenses by not more than \$1,817,750.00 in Transportation Fund monies.

(3) Notwithstanding subdivisions (1) and (2) of this subsection, the Agency may request further amendments to the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Maintenance through the State fiscal year budget adjustment act.

Tenth: In Sec. 16, one-time public transit monies, by striking out subsection (c) in its entirety and inserting in lieu thereof the following:

(c) Implementation. The Agency of Transportation shall, in its sole discretion, distribute the authorization in subsection (b) of this section to transit agencies in the State that are eligible to receive grant funds pursuant to 49 U.S.C. § 5307 or 5311, or both. The authorization shall, as practicable and in the sole discretion of the transit agencies in the State, only be used for the following during fiscal year 2023:

(1) operate routes other than commuter and LINK Express on a zero-fare basis; and

(2) provide service at pre-COVID-19 levels.

Eleventh: By striking out Sec 17, Burlington International Airport Study Committee; report, and its corresponding reader assistance heading in their entirety and inserting in lieu thereof the following:

\* \* \* Burlington International Airport Working Group; Report \* \* \*

Sec. 17. BURLINGTON INTERNATIONAL AIRPORT WORKING  
GROUP; REPORT

(a) Creation. There is created the Burlington International Airport Working Group (Working Group) to discuss current issues of regional concern at the Burlington International Airport (Airport).

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

(1) the Secretary of Transportation or designee, who shall be the facilitator of the Working Group, but shall not be considered a member of the Working Group;

(2) one member designated by the city council of the City of Burlington;

(3) one member to represent Airport leadership designated by the mayor of the City of Burlington;

(4) one member to represent the general aviation organizations at the Airport designated by the mayor of the City of Burlington;

(5) one member designated by the city council of the City of South Burlington;

(6) one member designated by the city council, inclusive of the mayor and deputy mayor, of the City of Winooski; and

(7) the Director of the Chittenden County Regional Planning Commission or designee, who shall be a member of the Working Group.

(c) Duties. The Working Group shall:

(1) review prior reports and recommendations prepared on the governance structure of the Airport, including the January 1, 2020 memorandum from Eileen Blackwood, Burlington City Attorney to Mayor Miro Weinberger and the City Council regarding Burlington International Airport and Regional Governance Questions; the June 10, 2013 Burlington International Airport, Airport Strategic Planning Committee Recommendations; and the December 1985 Final Report of the Burlington Airport Study Group;

(2) discuss current issues of regional concern regarding the Airport;

(3) explore opportunities for regional collaboration regarding the Airport;

(4) analyze what actions could address any issues of regional concern regarding the Airport; and

(5) prepare a report, based on the determination of the members of the Working Group, that:

(A) summarizes any current issues of regional concern regarding the Airport;

(B) identifies and discusses any opportunities for regional collaboration regarding the Airport; and

(C) identifies and discusses any actions that could address any issues of regional concern regarding the Airport.

(d) Report. On or before January 15, 2023, the Secretary of Transportation or designee shall submit the written report of the Working Group to the House and Senate Committees on Transportation.

(e) Meetings.

(1) The Secretary of Transportation or designee shall call the first meeting of the Working Group to occur on or before September 30, 2022.

(2) The Working Group shall only meet if a majority of the membership is present.

(3) The Working Group shall cease to exist on July 1, 2023.

Twelfth: By inserting a new section to be Sec. 59a and its reader assistance heading to read as follows:

\* \* \* Relinquishment of Vermont Route 36 in the Town of St. Albans \* \* \*

Sec. 59a. RELINQUISHMENT OF VERMONT ROUTE 36 IN THE TOWN  
OF ST. ALBANS

(a) Pursuant to 19 V.S.A. § 15(a)(2), the General Assembly approves the Secretary of Transportation to enter into an agreement with the Town of St. Albans to relinquish to the Town's jurisdiction a segment of the State highway in the Town of St. Albans known as Vermont Route 36. The authority shall expire on June 30, 2032. The segment authorized to be relinquished begins at the 0.000 mile marker, just east of the "Black Bridge" (B2), and continues 14,963 feet (approximately 2.834 miles) easterly to mile marker 2.834, where Vermont Route 36 meets the boundary of the City of St. Albans, and includes the 0.106 mile westbound section of Vermont Route 36 and approaches at the entrance to the St. Albans Bay Town Park.

(b) Following relinquishment, control of the segment of highway shall be under the jurisdiction of the Town of St. Albans, but the Town shall not own any of the land or easements within the highway right-of-way.

(c) The Town of St. Albans shall not sell or abandon any portion of the relinquished segment or allow any encroachments within the relinquished segment without written permission of the Secretary of Transportation.

Thirteenth: By striking out Secs. 63, 24 V.S.A. § 4413(i), and 64, effective dates, and their corresponding reader assistance headings in their entireties and inserting in lieu thereof the following:

\* \* \* Zoning; Municipal Airports; Parking \* \* \*

Sec. 63. 24 V.S.A. § 4413(i) is added to read:

(i) Notwithstanding 1 V.S.A. § 213, no bylaw adopted under this chapter shall regulate the location of parking facilities at a municipally owned and operated airport.

\* \* \* Transportation Network Companies (TNC);

Preemption; Sunset Extension; Report \* \* \*

Sec. 64. 23 V.S.A. § 754 is amended to read:

§ 754. PREEMPTION; SAVINGS CLAUSE

(a) Municipal ordinances, resolutions, or bylaws regulating transportation network companies are preempted to the extent they are inconsistent with the provisions of this chapter.

(b) Subsection (a) of this section shall not apply to a municipal ordinance, resolution, or bylaw regulating transportation network companies adopted by a municipality with a population of more than 35,000 residents based on the 2010 census and in effect on July 1, 2017. This subsection shall be repealed on July 1, ~~2022~~ 2025.

Sec. 65. TRANSPORTATION NETWORK COMPANIES (TNC) REPORT

(a) The Commissioner of Motor Vehicles, in consultation with the City of Burlington; the Vermont League of Cities and Towns; and transportation network companies (TNCs), as defined in 23 V.S.A. § 750(a)(4), doing business in Vermont, shall file a written report with recommendations on how, if at all, to amend 23 V.S.A. § 754 and, as applicable, 23 V.S.A. chapter 10 with the House Committees on Commerce and Economic Development, on Judiciary, and on Transportation and the Senate Committees on Finance, on Judiciary, and on Transportation on or before March 15, 2024.

(b) In preparing the report, the Commissioner of Motor Vehicles shall review the following related to TNCs:

(1) changes in ridership and consumer practices for calendar years 2018 to 2023, including market penetration across the State;

(2) the results of and process for audits conducted on a State or municipal level;

(3) an analysis prepared by the City of Burlington and TNCs of the differences between the State's regulatory scheme and the City of Burlington's regulatory scheme, including whether allowing those inconsistencies is or will

be detrimental or beneficial to any of the following: the State, the traveling public, TNCs, the City of Burlington, or other municipalities; and

(4) significant regulatory changes on a national level.

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

#### Sec. 66. EFFECTIVE DATES

(a) This section and Secs. 57 (amendment to sunset of 32 V.S.A. § 604), 59 (extension of authority to relinquish State highway right-of-way for Vermont Route 207 Extension), 63 (24 V.S.A. § 4413(i)), and 64 (transportation network companies regulation preemption; 23 V.S.A. § 754(b)) shall take effect on passage.

(b) Notwithstanding 1 V.S.A. § 214, Secs. 21–24 (amendments to the 2021 Transportation Bill) shall take effect retroactively on July 1, 2021.

(c) All other sections shall take effect on July 1, 2022.

#### **Senate Proposal of Amendment to House Proposal of Amendment**

#### **S. 254**

#### **An act relating to recovering damages for Article 11 violations by law enforcement and a report on qualified immunity**

The Senate concurs in the House proposal of amendment thereto as follows::

By adding a new Sec. 1 to read as follows:

Sec. 1. 20 V.S.A. § 2370 is added to read:

#### § 2370. RECORD OF CASE DISPOSITION

Each law enforcement agency shall maintain a record of all final judgments and settlements paid by the law enforcement agency for court claims related to alleged violations of constitutional rights established under the Constitution of the State of Vermont. All judgments, settlements, and their underlying complaints are subject to public disclosure unless an exemption applies pursuant to the Vermont Public Records Act. Any record disclosed shall include the name of the law enforcement agency and the monetary amount paid pursuant to the judgment or settlement.

And by renumbering the remaining sections to be numerically correct.

And that after passage the title of the bill be amended to read:

An act relating to maintaining records of judgments and settlements paid by law enforcement agencies and a legal analysis of qualified immunity.

(For House Proposal of Amendment see House Journal April 14, 2022)

NEW BUSINESS

Favorable with Amendment

S. 220

An act relating to State-paid deputy sheriffs

**Rep. Mrowicki of Putney**, for the Committee on Government Operations, recommends that the House propose to the Senate that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 3 V.S.A. § 902 is amended to read:

§ 902. DEFINITIONS

As used in this chapter:

\* \* \*

(5) “State employee” means any individual employed on a permanent or limited status basis by the State of Vermont, the Vermont State Colleges, the University of Vermont, ~~or~~ the State’s Attorneys’ offices, or as a full-time deputy sheriff paid by the State pursuant to 24 V.S.A. § 290(b), including permanent part-time employees, and an individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, but excluding an individual:

(A) exempt or excluded from the State classified service under the provisions of section 311 of this title, except that the State Police in the Department of Public Safety; employees of the Defender General, excluding attorneys employed directly by the Defender General and attorneys contracted to provide legal services; deputy State’s Attorneys; ~~and~~ employees of State’s Attorneys’ offices; and full-time deputy sheriffs paid by the State pursuant to 24 V.S.A. § 290(b) are included within the meaning of “State employee”;

\* \* \*

(7)(A) “Employer” means the State of Vermont, excluding the Legislative and Judiciary Departments, represented by the Governor or designee, the Office of the Defender General represented by the Defender General or designee, Vermont State Colleges represented by the Chancellor or designee, and the University of Vermont represented by the President or designee.

(B) With respect to employees of State’s Attorneys’ offices and full-time deputy sheriffs paid by the State pursuant to 24 V.S.A. § 290(b),

“employer” means the Department of State’s Attorneys and Sheriffs represented by the Executive Director or designee. Nothing in this subdivision (7)(B) shall be construed to affect a sheriff’s deputation authority pursuant to 24 V.S.A. § 307(a).

\* \* \*

Sec. 2. 3 V.S.A. § 906 is amended to read:

§ 906. DESIGNATION OF MANAGERIAL, SUPERVISORY, AND  
CONFIDENTIAL EMPLOYEES

\* \* \*

(b)(1) The Executive Director of the Department of State’s Attorneys and Sheriffs may determine positions in the State’s Attorneys’ offices whose incumbents the Executive Director believes should be designated as managerial, supervisory, or confidential employees. Any disputes arising from the determination shall be finally resolved by the Board.

(2) The Executive Director of the Department of State’s Attorneys and Sheriffs may designate as a confidential employee not more than one deputy sheriff paid by the State pursuant to 24 V.S.A. § 290(b) who is assigned to the Department of State’s Attorneys and Sheriffs’ central office to serve as the coordinator for the other State-paid deputies.

Sec. 3. 3 V.S.A. § 911 is added to read:

§ 911. DESIGNATION OF DEPUTY SHERIFFS PAID BY STATE;  
STATEWIDE BARGAINING RIGHTS

(a) Deputy sheriffs paid by the State pursuant to 24 V.S.A. § 290(b) shall be part of a single, separate statewide bargaining unit, as determined to be appropriate by the Board pursuant to section 941 of this title, for the purpose of bargaining collectively pursuant to this chapter.

(b) The bargaining unit created pursuant to this section shall be referred to as the State-Paid Deputy Sheriffs Unit.

Sec. 4. EXISTING BARGAINING UNIT; DECERTIFICATION

On the effective date of this act, the existing bargaining unit and certification of an exclusive bargaining representative for the State-paid deputy sheriffs in the Chittenden County Sheriff’s Department shall be dissolved.



Sec. 5. 3 V.S.A. § 904 is amended to read:

§ 904. SUBJECTS FOR BARGAINING

(a) All matters relating to the relationship between the employer and employees shall be the subject of collective bargaining except those matters that are prescribed or controlled by statute. The matters appropriate for collective bargaining to the extent they are not prescribed or controlled by statute include:

\* \* \*

(8) terms of coverage and amount of employee financial participation in insurance programs, except that the Department of State's Attorneys and Sheriffs and the deputy State's Attorneys ~~and~~ other employees of the State's Attorneys' offices, and deputy sheriffs paid by the State pursuant to 24 V.S.A. § 290(b) shall not bargain in relation to terms of coverage and the amount of employee financial participation in insurance programs;

\* \* \*

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

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

**(For text see Senate Journal March 24, 2022 )**

**Rep. Squirrell of Underhill**, for the Committee on Appropriations, recommends the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Government Operations.

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

**S. 258**

An act relating to agricultural water quality, enforcement, and dairy farming

**Rep. Pearl of Danville**, for the Committee on Agriculture and Forestry, recommends that the House propose to the Senate that the bill be amended as follows:

First: In Sec. 6, 6 V.S.A. § 4828, in subsection (c), after "separation, or treatment; and before "and projects managed by nonprofit organizations" by inserting "equipment to be used to achieve the most significant or cost-effective benefits that advance the purposes of this section, including by reducing nitrogen runoff;"

Second: By striking out Sec. 10, effective date, in its entirety and inserting in lieu thereof new Secs. 10–13 to read as follows:

Sec. 10. 6 V.S.A. § 4802 is amended to read:

§ 4802. DEFINITIONS

As used in this chapter:

\* \* \*

(2) “Farming” has the same meaning as used in 10 V.S.A. § 6001(22).

(3) “Good standing” means a participant in a program administered under this chapter:

(A) does not have an active enforcement violation that has reached a final order with the Secretary; and

(B) is in compliance with all terms of a current grant agreement or contract with the Agency.

\* \* \*

(10) “Agricultural activities” means the operation and management of an entity engaged in farming, including all those activities defined as “farming” in this chapter, “agricultural activity” in 12 V.S.A. § 5752, and all of the following:

(A) selling agricultural products at roadside stands or farm markets;

(B) the generation of noise, odors, dust, fumes, and other associated conditions;

(C) the composting of material principally produced by the farm or to be used at least in part on the farm;

(D) the ditching and subsurface drainage of farm fields and the construction of farm ponds;

(E) the handling of livestock wastes and by-products;

(F) the operation of farm machinery and equipment, including irrigation and drainage systems, pumps, and on-farm grain dryers;

(G) the movement of farm vehicles, machinery, equipment, and products and associated inputs on the roadway;

(H) field preparation, crop protection, and ground and aerial seeding and spraying;

(I) the on-site storage and application of agricultural inputs, including lime, fertilizer, organic materials, conditioners, and pesticides;

(J) the use of alternative pest management techniques;

(K) the management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes;

(L) the expansion of farming practices or agricultural activities on a farm, or the change or conversion of farming practices of agricultural activities to other farming practices of agricultural activities on a farm; and

(M) the employment, use, and housing of farm labor.

Sec. 11. 6 V.S.A. § 4818 is added to read:

§ 4818. FARMING; SCOPE OF ACTIVITIES

(a) As used to determine the scope of nuisance protection in 12 V.S.A. chapter 195, “agricultural activities” shall include “farming” as defined in this title.

(b) For purposes of the application of 12 V.S.A. § 5753, all “agricultural activities” defined in this chapter, subject to the limitations and requirements set forth in 12 V.S.A. § 5753, are entitled to the rebuttable presumption that they do not constitute a nuisance.

Sec. 12. 12 V.S.A. § 5752 is amended to read:

§ 5752. DEFINITIONS

For the purpose of this chapter, “agricultural activity” means, but is not limited to:

(1) the cultivation or other use of land for producing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; the raising, feeding, or management of domestic animals as defined in 6 V.S.A. § 1151 or bees; the operation of greenhouses; the production of maple syrup; the on-site storage, preparation, and sale of agricultural products principally produced on the farm; and the on-site production of fuel or power from agricultural products or wastes principally produced on the farm;

(2) the preparation, tilling, fertilization, planting, protection, irrigation, and harvesting of crops; the composting of material principally produced by the farm or to be used at least in part on the farm; the ditching and subsurface drainage of farm fields and the construction of farm ponds; the handling of livestock wastes and by-products; and the on-site storage and application of agricultural inputs, including lime, fertilizer, and pesticides;

(3) “farming” as defined in 10 V.S.A. § 6001; and

(4) “agricultural” activities as defined in 6 V.S.A. § 4802.

Sec. 13. EFFECTIVE DATE

This act shall take effect on passage.

**(Committee vote:8-0-0)**

**(For text see Senate Journal March 22, 2022 )**

**Rep. Toleno of Brattleboro**, for the Committee on Appropriations, recommends the bill ought to pass in concurrence with proposal of amendment recommended by the Committee on Agriculture and Forestry and with further proposal of amended as follows:

By striking out Sec. 9, extension of Task Force to Revitalize the Vermont Dairy Industry, in its entirety and inserting in lieu thereof a new Sec. 9 to read as follows:

Sec. 9. EXTENSION OF TASK FORCE TO REVITALIZE THE VERMONT  
DAIRY INDUSTRY

(a)(1) Notwithstanding 2020 Acts and Resolves No. 129, Sec. 31(c)(6), the Task Force to Revitalize the Vermont Dairy Industry shall continue to exist and retain the authority granted to it in 2020 Acts and Resolves No. 129, Sec. 31 until February 1, 2023.

(2) The Task Force shall consist of:

(A) two members of the House of Representatives, appointed by the Speaker of the House;

(B) two members of the Senate, appointed by the Committee on Committees; and

(C) four nonlegislators with experience or knowledge of the Vermont dairy industry, two of whom shall be appointed by the Speaker of the House and two of whom shall be appointed by the Committee on Committees.

(b)(1) For attendance of a meeting of the Task Force to Revitalize the Vermont Dairy Industry during adjournment of the General Assembly between the effective date of this act and February 1, 2023, a legislative member of the Task Force shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for not more than 10 meetings. These payments shall be made from monies appropriated to the General Assembly.

(2) Other members of the Task Force that are not legislative members shall be entitled to both per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than 10 meetings. These payments shall be made from monies appropriated to the Agency of Agriculture, Food and Markets.

( Committee Vote:11-0-0)

S. 281

An act relating to hunting coyotes with dogs

**Rep. McCullough of Williston**, for the Committee on Natural Resources, Fish, and Wildlife, recommends that the House propose to the Senate that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. §§ 5008 and 5009 are added to read:

§ 5008. HUNTING COYOTE WITH AID OF DOGS; PERMIT

(a) No person shall pursue coyote with the aid of dogs, either for training or taking purposes, without a permit issued by the Commissioner.

(1) The Commissioner may deny any permit at the Commissioner's discretion. The Commissioner shall not issue more than 100 permits annually.

(2) The number of permits that the Commissioner issues to nonresidents in any given year shall not exceed 10 percent of the number of permits issued to residents in the preceding year. The Commissioner shall establish a process and standards for determining which nonresidents are to receive a permit, including who will receive a permit if there are more nonresident applicants than nonresident permits.

(3) A nonresident may train dogs to pursue coyote only while the training season is in effect in the nonresident's home state and subject to the requirements of this part and rules adopted under this part.

(b)(1) The Commissioner shall issue permits under this section to a resident for a fee of \$50.00.

(2) The application fee for a nonresident permit issued under this section shall be \$10.00, and the fee for a nonresident permit issued under this section shall be \$200.00 for a successful applicant.

§ 5009. PURSUING COYOTE WITH AID OF DOGS; LANDOWNER

PERMISSION

(a) A person shall not release a dog onto land posted in accordance with section 5201 of this title for the purpose of pursuing coyote with the aid of dogs unless the dog owner or handler of the hunting dog has obtained a courtesy permission card from the landowner or landowner's agent allowing the pursuit of coyote with the aid of dogs on the land.

(b) A person shall not release onto land a dog for the purpose of pursuing coyote with the aid of dogs if in the previous 365 days a dog had been previously found on the land, and the dog owner, a handler of the dog, or a person participating in the hunt has been personally informed by law enforcement that hunting dogs are not permitted on the property.

(c)(1) For a first offense, a person who violates this section shall have committed a minor fish and wildlife violation and shall be assessed a five-point violation under subdivision 4502(b)(1) of this title.

(2) For a second or subsequent violation of this section, a person shall be assessed a 10-point violation under subdivision 4502(b)(2) of this title and shall be fined under section 4515 of this title.

## Sec. 2. MORATORIUM ON HUNTING COYOTE WITH AID OF DOGS

(a) A person shall not pursue coyote with the aid of dogs, either for the training of dogs or for the taking of coyote, except that a person may pursue coyote with the aid of dogs in defense of a person or property if the person pursuing coyote with the aid of dogs:

(1) is the landowner; or

(2) has obtained a courtesy permission card from the landowner or landowner's agent allowing the release of a dog onto the land for the purpose of pursuing coyote with the aid of dogs.

(b) This section shall be repealed on the effective date of the Fish and Wildlife Board rules required by Sec. 3 of this act.

## Sec. 3. FISH AND WILDLIFE BOARD RULES; PURSUING COYOTE WITH THE AID OF DOGS

(a) The General Assembly through the rules required under this section intends to reduce conflicts between landowners and persons pursuing coyote with the aid of dogs by reducing the frequency that dogs or persons pursuing coyote enter onto land that is posted against hunting or land where pursuit of coyote with dogs is not authorized. In addition, the General Assembly intends that the rules required under this section support the humane taking of coyote, the management of the population in concert with sound ecological principles, and the development of reasonable and effective means of control.

(b) The Fish and Wildlife Board shall adopt a rule regarding the pursuit of coyote with the aid of dogs, either for the training of dogs or for the taking of coyote. The rule shall include at least the following provisions:

(1) a limit on the number of dogs that may be used to pursue coyote;

(2) a prohibition on the substitution of any new dog for another dog during pursuit of a coyote;

(3) the legal method of taking coyote pursued with the aid of dogs, such as rifle, muzzle loader, crossbow, or bow and arrow;

(4) a definition of control to minimize the risk that dogs pursuing coyote;

**(Committee vote:10-0-1)**

**(For text see Senate Journal March 29, 2022 )**

**Rep. Brennan of Colchester**, for the Committee on Ways and Means, recommends the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Natural Resources, Fish, and Wildlife.

**(Committee Vote:10-1-0)**

### **Senate Proposal of Amendment**

#### **H. 266**

An act relating to health insurance coverage for hearing aids

The Senate proposes to the House to amend the bill as follows:

First: By striking out Sec. 2, essential health benefits; benchmark plan; hearing aids; report, in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. ESSENTIAL HEALTH BENEFITS; BENCHMARK PLAN;  
HEARING AIDS; REPORT

On or before November 1, 2022, the Departments of Vermont Health Access and of Financial Regulation shall provide an update to the Health Reform Oversight Committee regarding the status of the State's application to the Center for Medicare and Medicaid Innovation within the Centers for Medicare and Medicaid Services to modify the essential health benefits in Vermont's benchmark plan to include coverage of hearing aids and related services beginning in plan year 2024.

Second: In Sec. 3, 33 V.S.A. § 1901k, following “as defined by the”, by striking out “Department of Vermont Health Access” and inserting in lieu thereof Agency of Human Services

Third: In Sec. 4, 8 V.S.A. § 4088l, in subdivision (a)(2), in the second sentence, following “does not include”, by striking out “cords,”

Fourth: In Sec. 4, 8 V.S.A. § 4088I, by striking out subsections (b) and (c) in their entireties and inserting in lieu thereof new subsections (b) and (c) to read as follows:

(b)(1) A health insurance plan shall cover the cost of a hearing aid for each ear and the associated hearing aid professional services when the hearing aid or aids are prescribed, fitted, and dispensed by a hearing care professional. The coverage shall include hearing aid batteries when prescribed by a hearing care professional.

(2) A health insurance plan may limit coverage to not more than one hearing aid per ear every three years, except that a plan shall cover the cost of one or more new hearing aids for a covered individual prior to the expiration of the three-year period based on a hearing care professional's determination that a new hearing aid for one or both ears is medically necessary.

(c)(1) Subject to the limitations set forth in subdivision (b)(2) of this section, the coverage provided by a health plan for hearing aids and associated services shall be limited only by medical necessity.

(2) A covered individual may select a hearing aid that exceeds the limits set forth in subdivision (1) of this subsection and pay the additional cost.

(For text see House Journal March 16,2022 )

#### **H. 411**

An act relating to the retrieval and use of covered wild animals

The Senate proposes to the House to amend the bill as follows:

In Sec. 1, 10 V.S.A. chapter 113, subchapter 7, section 4922, retrieval of covered wild animals, after "A person shall not" and before "kill a covered wild animal" by striking out "intentionally, knowingly, or recklessly" and inserting in lieu thereof the words intentionally or knowingly

(For text see House Journal February 17, 2022 )

#### **H. 462**

An act relating to miscellaneous Department of Health programs

The Senate proposes to the House to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Division of Substance Use Programs \* \* \*

Sec. 1. 3 V.S.A. § 3004 is amended to read:

§ 3004. PERSONNEL DESIGNATION



The Secretary, Deputy Secretary, commissioners, deputy commissioners, attorneys, Directors of the Offices of State Economic Opportunity, ~~of Alcohol and Drug Abuse Programs~~, and of Child Support, and all members of boards, committees, commissions, or councils attached to the Agency for support are exempt from the classified State service. Except as authorized by section 311 of this title or otherwise by law, all other positions shall be within the classified service.

Sec. 2. 18 V.S.A. § 4255 is amended to read:

§ 4255. VERMONT PRESCRIPTION DRUG ADVISORY COUNCIL

\* \* \*

(b)(1) The Advisory Council shall consist of the following members:

(A) the Commissioner of Health or designee, who shall serve as chair;

(B) ~~the Deputy Commissioner of Health for Alcohol and Drug Abuse~~ a designee of the Division of Substance Use Programs ~~or designee~~;

\* \* \*

(CC) a drug and alcohol abuse counselor licensed pursuant to 26 V.S.A. chapter 62, to be selected by the ~~Deputy Commissioner of Health for Alcohol and Drug Abuse Programs~~;

\* \* \*

Sec. 3. 18 V.S.A. 4806 is amended to read:

§ 4806. ~~DIVISION OF ALCOHOL AND DRUG ABUSE~~ SUBSTANCE USE PROGRAMS

(a) ~~The Division of Alcohol and Drug Abuse~~ Substance Use Programs shall plan, operate, and evaluate a consistent, effective program of substance ~~abuse use~~ programs. All duties, responsibilities, and authority of the Division shall be carried out and exercised by and within the Department of Health.

\* \* \*

(c) Under the direction of the Commissioner of Health, ~~the Deputy Commissioner of Alcohol and Drug Abuse Programs~~ the Division shall review and approve all alcohol and drug programs developed or administered by any State agency or department, ~~except for alcohol and drug education programs developed by the Agency of Education in conjunction with the Alcohol and Drug Abuse Council pursuant to 16 V.S.A. § 909.~~

\* \* \*

Sec. 4. 18 V.S.A. § 7253 is amended to read:

§ 7253. CLINICAL RESOURCE MANAGEMENT AND OVERSIGHT

The Commissioner of Mental Health, in consultation with health care providers as defined in section 9432 of this title, including designated hospitals, designated agencies, individuals with mental conditions or psychiatric disabilities, and other stakeholders, shall design and implement a clinical resource management system that ensures the highest quality of care and facilitates long-term, sustained recovery for individuals in the custody of the Commissioner.

\* \* \*

(2) For the purpose of maintaining the integrity and effectiveness of the clinical resource management system, the Department of Mental Health shall:

\* \* \*

(B) coordinate care across the mental and physical health care systems as well as ensure coordination within the Agency of Human Services, particularly the Department of Corrections, the Department of Health's ~~Alcohol and Drug Abuse~~ Division of Substance Use Programs, and the Department of Disabilities, Aging, and Independent Living;

\* \* \*

Sec. 5. 23 V.S.A. § 1216 is amended to read:

§ 1216. PERSONS UNDER 21 YEARS OF AGE; ALCOHOL  
CONCENTRATION OF 0.02 OR MORE

\* \* \*

(g) The Alcohol and Driving Program required under this section shall be administered by the ~~Office of Alcohol and Drug Abuse~~ Department of Health's Division of Substance Use Programs and shall take into consideration any particular treatment needs of operators under ~~the age of 21 years of age~~.

\* \* \*

Sec. 6. 23 V.S.A. § 3207f is amended to read:

§ 3207f. PERSONS UNDER 21 YEARS OF AGE; ALCOHOL  
CONCENTRATION OF 0.02 OR MORE

\* \* \*

(f) The alcohol program required under this section shall be administered by the ~~Office of Alcohol and Drug Abuse~~ Department of Health's Division of Substance Use Programs and shall take into consideration any particular

treatment needs of operators under ~~the age of 21~~ years of age.

\* \* \*

Sec. 7. 23 V.S.A. § 3323a is amended to read:

§ 3323a. PERSONS UNDER 21 YEARS OF AGE; ALCOHOL  
CONCENTRATION OF 0.02 OR MORE

\* \* \*

(f) The alcohol program required under this section shall be administered by the ~~Office of Alcohol and Drug Abuse~~ Department of Health's Division of Substance Use Programs and shall take into consideration any particular treatment needs of operators under ~~the age of 21~~ years of age.

\* \* \*

Sec. 8. 33 V.S.A. § 5272 is amended to read:

§ 5272. JUVENILE JUSTICE UNIT; JUVENILE JUSTICE DIRECTOR

\* \* \*

(c) The Juvenile Justice Director shall ensure that the following occur:

\* \* \*

(3) cooperation among appropriate departments, including the Department; the Agency of Education; the Departments of Corrections, of Labor, of Mental Health, of Public Safety, and of Disabilities, Aging, and Independent Living; and the Department of Health's Division of Alcohol and Drug Abuse Substance Use Programs;

\* \* \*

\* \* \* Expansion of Drug Disposal Kiosks \* \* \*

Sec. 9. 18 V.S.A. § 4224 is amended to read:

§ 4224. UNUSED PRESCRIPTION DRUG DISPOSAL PROGRAM

(a) The Department of Health shall establish and maintain the Statewide Unused Prescription Drug Disposal Program to provide for the safe disposal of Vermont residents' unused and unwanted prescription drugs. The Program may include establishing secure collection and disposal sites and providing medication envelopes for sending unused prescription drugs to an authorized collection facility for destruction.

(b) Pharmacies that operate 10 or more establishments in the United States, while concurrently conducting business in Vermont, shall enroll in a drug disposal kiosk program on or before July 1, 2023. If the physical dimensions

of a pharmacy make an onsite collection receptacle impossible under State and federal law, a pharmacy shall provide a mail-back option for consumers.

\* \* \* Child Fatality Review Team \* \* \*

Sec. 10. 18 V.S.A. § 1561 is amended to read:

§ 1561. CHILD FATALITY REVIEW TEAM

\* \* \*

(g)(4) Confidentiality.

(1)(A) The records produced or acquired by the Team are exempt from public inspection and copying under the Public Records Act and shall be kept confidential. The records of the Team are not subject to subpoena, discovery, or introduction into evidence in a civil or criminal action. Nothing in this section shall be construed to limit or restrict the right to discover or use in any civil or criminal proceedings information or records that are available from another source and entirely outside the Team's review. The Team shall not use the information or records generated during the course of its review for purposes other than those described in this section.

(B) The Department may share deidentified data produced or acquired by the Team with other states that have child fatality review panels, provided access under such agreements is consistent with the privacy, security, and disclosure protections in this chapter.

\* \* \*

\* \* \* Autopsy Reports \* \* \*

Sec. 11. 18 V.S.A. § 5205 is amended to read:

§ 5205. DEATH CERTIFICATE WHEN NO ATTENDING PHYSICIAN  
AND IN OTHER CIRCUMSTANCES; AUTOPSY

\* \* \*

(f) The State's Attorney or Chief Medical Examiner, if either deem it necessary and in the interest of public health, welfare, and safety, or in furtherance of the administration of the law, may order an autopsy to be performed by the Chief Medical Examiner or ~~under his or her~~ the Chief Medical Examiner's direction. Upon completion of the autopsy, the Chief Medical Examiner shall submit a report to such State's Attorney and the Attorney General and shall submit a report of death to the State Registrar. Upon the written request of a federal prosecutor or a prosecutor in another state, the Chief Medical Examiner shall submit a report of a death to the requesting office.

\* \* \*

\* \* \* Regulation of Health Care Professions \* \* \*

Sec. 12. 26 V.S.A. § 3108 is amended to read:

§ 3108. PRELIMINARY ASSESSMENT OF SCOPE OF PRACTICE

\* \* \*

(d) Impacted persons; statements and replies.

\* \* \*

(e) Consultation with Commissioner and boards.

(1) If an assessment under this section addresses activities that would constitute the “practice of medicine” as defined in subdivision 1311(1) of this title, the Office shall give written notice to the Commissioner of Health and any professional regulatory board or boards having jurisdiction over some or all of the regulated acts. The Office shall include with such notice a copy of the supporting information received from the requestor pursuant to subsection (b) of this section. Notice shall be given within 14 days after receipt of the requestor’s supporting information.

(2) The Office shall consult the Commissioner and relevant board or boards with respect to the requestor’s assertions under subsection (b) of this section. After consulting with the Office, and on or before November 15 of the year preceding the next regular session of the General Assembly, the Commissioner or relevant board or boards may file with the Office any written commentary they wish the Office to consider. Submitted commentary shall be appended to the Office’s final report or assessment filed with the General Assembly.

\* \* \* Working Group on Services for Individuals with Eating Disorders \* \* \*

Sec. 13. WORKING GROUP ON SERVICES FOR INDIVIDUALS WITH EATING DISORDERS; REPORT

(a) Creation. There is created the Working Group on Services for Individuals with Eating Disorders to assess those services available to individuals with an eating disorder in Vermont and make recommendations to the General Assembly as to how access for services might be improved.

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

(1) the Commissioner of Mental Health or designee, who shall serve as Chair;

(2) the Commissioner of Health or designee;

(3) a representative, appointed by Vermont Care Partners;

(4) a representative, appointed by the Vermont State School Nurses Association;

(5) a representative of Vermont colleges and universities, appointed by the Vermont Higher Education Council;

(6) a physician with relevant expertise, appointed by the Vermont Medical Society; and

(7) a representative, appointed by the Vermont chapter of the American Nutrition Association.

(c) Powers and duties.

(1) The Working Group shall:

(A) conduct an inventory of existing services in Vermont for individuals with eating disorders; and

(B) provide recommendations for expanding and improving existing services for individuals with eating disorders.

(2) In completing its duties pursuant to this section, the Working Group shall consult with individuals with lived experience with eating disorders, parents of individuals with eating disorders, medical or public health professionals with expertise in treatment and research related to eating disorders, and other relevant stakeholders.

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

(e) Report. On or before February 1, 2023, the Working Group shall submit a written report to the House Committees on Health Care and on Human Services and to the Senate Committee on Health and Welfare with its findings and any recommendations for legislative action.

(f) Meetings.

(1) The Chair shall call the first meeting of the Working Group to occur on or before September 1, 2022.

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

(3) The Working Group shall cease to exist on February 1, 2023.

\* \* \* Effective Date \* \* \*

Sec. 14. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

(For text see House Journal January 27, 2022 )

**H. 505**

An act relating to reclassification of penalties for unlawfully possessing, dispensing, and selling a regulated drug

The Senate proposes to the House to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 4230 is amended to read:

§ 4230. CANNABIS

\* \* \*

(d) ~~Cannabis-infused~~ Cannabis-infused products. Only the portion of a cannabis-infused product that is attributable to cannabis shall count toward the possession limits of this section. ~~The weight of cannabis that is attributable to cannabis-infused products shall be determined according to methods set forth in rule by the Department of Public Safety in accordance with chapter 86 of this title (therapeutic use of cannabis).~~

Sec. 2. 18 V.S.A. § 4231 is amended to read:

§ 4231. COCAINE

\* \* \*

(c) Trafficking.

(1) ~~Trafficking.~~ A person knowingly and unlawfully possessing cocaine in an amount consisting of 150 grams or more of one or more preparations, compounds, mixtures, or substances containing cocaine with the intent to sell or dispense the cocaine shall be imprisoned not more than 30 years or fined not more than \$1,000,000.00, or both. There shall be a permissive inference that a person who possesses cocaine in an amount consisting of 150 grams or more of one or more preparations, compounds, mixtures, or substances containing cocaine intends to sell or dispense the cocaine. The amount of possessed cocaine under this subdivision to sustain a charge of conspiracy under 13 V.S.A. § 1404 shall be ~~no~~ not less than 400 grams in the aggregate.

(2) ~~A person knowingly and unlawfully possessing crack cocaine in an amount consisting of 60 grams or more of one or more preparations, compounds, mixtures, or substances containing crack cocaine with the intent to sell or dispense the crack cocaine shall be imprisoned not more than 30 years or fined not more than \$1,000,000.00, or both. There shall be a permissive~~

~~inference that a person who possesses crack cocaine in an amount consisting of 60 grams or more of one or more preparations, compounds, mixtures, or substances containing crack cocaine intends to sell or dispense the crack cocaine. [Repealed.]~~

Sec. 3. 13 V.S.A. § 5453 is added to read:

§ 5453. DRUG USE STANDARDS ADVISORY BOARD

(a) There is hereby created the Drug Use Standards Advisory Board established within the Vermont Sentencing Commission composed of experts in the fields of general and mental health care, substance use disorder treatment, and drug user communities.

(b) The primary objective of the Board shall be to determine, for each regulated and unregulated drug, the benchmark personal use dosage and the benchmark personal use supply. The benchmarks determined pursuant to this subsection shall be determined with a goal of preventing and reducing the criminalization of personal drug use. The Board may provide additional recommendations to the Commission and the General Assembly regarding how to transition from a criminal justice approach to a public health approach to addressing drug possession.

(c)(1) The Board shall be convened and chaired by the Deputy Commissioner of Alcohol and Drug Abuse Programs. After receiving nominations from harm reduction service providers, the Deputy Commissioner shall appoint three consumer representatives to the Board who have lived experience in drug use and consumption practices. The Deputy Commissioner, after consulting with the three consumer representatives, shall strive for geographic diversity in appointing the remaining Board members as follows:

(A) two representatives from harm reduction service providers;

(B) an expert on medication-assisted treatment programs;

(C) an expert on human behavior and addiction;

(D) an expert on substance use disorder treatment;

(E) an expert on legal reform from the Vermont Law School Center for Justice Reform;

(F) an academic researcher specializing in drug use or drug policy;

and

(G) a representative of law enforcement.

(2) The Chief Prevention Officer shall be a nonvoting member of the Board.



(d) The Board shall have the administrative assistance of the Division of Alcohol and Drug Abuse Programs.

(e) Members of the Board shall be entitled to per diems pursuant to 32 V.S.A. § 1010 for not more than three meetings to develop initial recommendations required by subsection (f) of this section and once annually thereafter.

(f) On or before September 1, 2022, the Board shall provide to the Commission and the General Assembly:

(1) the recommended quantities for both the benchmark personal use dosage and benchmark personal use supply for each category of regulated drug listed in 18 V.S.A. § 4201(29); and

(2) a recommendation as to whether 18 V.S.A. § 4233 (heroin) and 18 V.S.A. § 4233a (fentanyl) should be combined into one statute.

(g) On or before December 1, 2022, based on the benchmark personal use dosage and benchmark personal use supply recommendations of the Board, the Commission shall make recommendations to the General Assembly regarding adjustments in the amounts for possession, dispensing, and sale of regulated drugs under this chapter and a proposal for combining the heroin and fentanyl statutes if recommended by the Board.

(h) Starting in 2023, the Board shall convene at least one time per year to review benchmarks established pursuant to this section and recommend any necessary amendments to the Commission and the General Assembly.

(i) As used in this section:

(1) “Benchmark personal use dosage” means the quantity of a drug commonly consumed over a 24-hour period for any therapeutic, medicinal, or recreational purpose.

(2) “Benchmark personal use supply” means the quantity of a drug commonly possessed for consumption by an individual for any therapeutic, medicinal, or recreational purpose.

#### Sec. 4. SUNSET OF DRUG USE STANDARDS ADVISORY BOARD

13 V.S.A. § 5453 (Drug Use Standards Advisory Board) is repealed on July 1, 2027.

#### Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

And that after passage the title of the bill be amended to read:

An act relating to the creation of the Drug Use Standards Advisory Board within the Vermont Sentencing Commission.

(For text see House Journal March 18, 22, 2022 )

#### H. 515

An act relating to banking, insurance, and securities

The Senate proposes to the House to amend the bill as follows:

First: In Sec. 10, 8 V.S.A. chapter 148, section 7122, subsection (b), by striking out “herein”

Second: In Sec. 20, 8 V.S.A. § 4728, subdivision (c)(2), by striking out “but not limited to”

Third: In Sec. 20, 8 V.S.A. § 4728, subdivision (c)(3)(A), immediately preceding “process” by inserting the word protective

Fourth: By adding a new section 23a to read as follows:

Sec. 23a. DEPARTMENT OF FINANCIAL REGULATION; BROADBAND CONSTRUCTION; INSURANCE; GUIDANCE

(a) The availability of significant federal funds coupled with the State’s commitment to achieving universal broadband connectivity has resulted in an unprecedented period of broadband construction in our State. It is the purpose of this section to provide educational risk management guidance to broadband service providers engaged in broadband construction projects to reduce the risk of harm or injury to Vermonters, generally. It is not the intent of this section to establish new or expand existing rights, obligations, or remedies. Broadband service providers should consult with insurance professionals and legal counsel when developing specific contractual terms and conditions.

(b) The Department of Financial Regulation, in consultation with the Public Utility Commission, shall develop a guidance document that includes recommendations related to standard insurance requirements and measures that ensure adequate coverage is in force for the duration of broadband construction projects. The guidance shall be posted on a website maintained by the Public Utility Commission and shall be distributed by the Commission to every broadband service provider that registers with the State as well as to the Vermont Community Broadband Board for distribution to recipients of State broadband construction grants.

(c) The Department of Financial Regulation may include in the guidance any recommendations for mitigating liability risk through safe cleanup practices on a broadband construction worksite and may include notification of

the requirements pertaining to the proper disposal of solid waste as established in 24 V.S.A. § 2201.

(d) The guidance required by this section shall be published on or before September 15, 2022.

(For text see House Journal February 18, 2022 )

#### **H. 548**

An act relating to miscellaneous cannabis establishment procedures

The Senate proposes to the House to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 7 V.S.A. § 861 is amended to read:

#### § 861. DEFINITIONS

As used in this chapter:

\* \* \*

(16) “Child-deterrent packaging” means tear-resistant packaging that can be sealed in a manner that would deter children under five years of age from easily accessing the contents of the package within a reasonable time and not difficult for normal adults to use properly.

(17) “Child-resistant packaging” means packaging that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance in the container within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging that all children under five years of age cannot open or obtain a toxic or harmful amount of the substance in the container within a reasonable time.

~~(17)~~(18) “Controls,” “is controlled by,” and “under common control” mean the power to direct, or cause the direction or management and policies of a person, whether through the direct or beneficial ownership of voting securities, by contract, or otherwise. A person who directly or beneficially owns 10 percent or more equity interest, or the equivalent thereof, of another person shall be deemed to control the person.

~~(18)~~(19) “Dispensary” means a business organization licensed pursuant to chapter 37 of this title or 18 V.S.A. chapter 86.

~~(19)~~(20) “Enclosed, locked facility” means a building, room, greenhouse, outdoor fenced-in area, or other location that is enclosed on all sides and prevents cannabis from easily being viewed by the public. The

facility shall be equipped with locks or other security devices that permit access only by:

(A) Employees, agents, or owners of the cultivator, all of whom shall be 21 years of age or older.

(B) Government employees performing their official duties.

(C) Contractors performing labor that does not include cannabis cultivation, packaging, or processing. Contractors shall be accompanied by an employee, agent, or owner of the cultivator when they are in areas where cannabis is being grown, processed, packaged, or stored.

(D) Registered employees of other cultivators, members of the media, elected officials, and other individuals 21 years of age or older visiting the facility, provided they are accompanied by an employee, agent, or owner of the cultivator.

~~(20)~~(21) “Flavored oil cannabis product” means any oil cannabis product that contains an additive to give it a characterizing flavor.

~~(21)~~(22) “Integrated licensee” means a person licensed by the Board to engage in the activities of a cultivator, wholesaler, product manufacturer, retailer, and testing laboratory in accordance with this chapter.

~~(22)~~(23) “Municipality” means a town, city, or incorporated village.

~~(24)~~ “Owner” means a natural person who controls, or shares control of, a Cannabis Establishment.

~~(23)~~(25) “Person” shall include any natural person; corporation; municipality; the State of Vermont or any department, agency, or subdivision of the State; and any partnership, unincorporated association, or other legal entity.

~~(24)~~(26) “Plant canopy” means the square footage dedicated to live plant production and does not include areas such as office space or areas used for the storage of fertilizers, pesticides, or other products.

~~(25)~~(27) “Principal” means ~~an individual vested with the authority to conduct, manage, or supervise the business affairs of a person, and may include the president, vice president, secretary, treasurer, manager, or similar executive officer of a business; a director of a corporation, nonprofit corporation, or mutual benefit enterprise; a member of a nonprofit corporation, cooperative, or member-managed limited liability company; and a partner of a partnership~~ one of the following:

(A) the president, vice president, secretary, treasurer, manager, or

similar officer of a corporation as provided for by 11A V.S.A. § 8.40, nonprofit corporation as provided for by 11B V.S.A. § 8.40, mutual benefit enterprise as provided for by 11C V.S.A. § 822, cooperative as provided for by 11 V.S.A. § 1013, or worker cooperative corporation as provided for by 11 V.S.A. § 1089;

(B) a director of a corporation as provided for by 11A V.S.A. § 8.01, nonprofit corporation as provided for by 11B V.S.A. § 8.01, mutual benefit enterprise as provided for by 11C V.S.A. § 801, cooperative as provided for by 11 V.S.A. § 1006, or worker cooperative corporation as provided for by 11 V.S.A. § 1089;

(C) a member of a member-managed limited liability company as provided for by 11 V.S.A. § 4054;

(D) manager of a manager-managed limited liability company as provided for by 11 V.S.A. § 4054; or

(E) a partner of a partnership as provided for by 11 V.S.A. § 3212 or a general partner of a limited partnership as provided for by 11 V.S.A. chapter 23.

~~(26)~~(28) “Small cultivator” means a cultivator with a plant canopy or space for cultivating plants for breeding stock of not more than 1,000 square feet.

Sec. 2. 7 V.S.A. § 862a is added to read:

§ 862a. SYNTHETIC AND HEMP-DERIVED CANNABINOIDS

The Board shall have the authority to regulate synthetic cannabinoids and hemp-derived cannabinoids, including delta-8 and delta-10 tetrahydrocannabinol.

Sec. 3. 7 V.S.A. § 868 is amended to read:

§ 868. PROHIBITED PRODUCTS

~~(a)~~ The following are prohibited products and may not be cultivated, produced, or sold pursuant to a license issued under this chapter:

(1) cannabis flower with greater than 30 percent tetrahydrocannabinol;

~~(2) solid concentrate cannabis products with greater than 60 percent tetrahydrocannabinol;~~

~~(3) oil cannabis products except for those that are sold prepackaged for use with battery-powered devices;~~

(4) flavored oil cannabis products sold prepackaged for use with

battery-powered devices and any cannabis flower that contains characterizing flavor that is not naturally occurring in the cannabis;

~~(5)~~(3) cannabis products that contain delta-9 tetrahydrocannabinol and nicotine or alcoholic beverages; and

~~(6)~~(4) any cannabis, cannabis products, or packaging of such items that are designed to make the product more appealing to persons under 21 years of age.

Sec. 4. 7 V.S.A. § 881 is amended to read:

§ 881. RULEMAKING; CANNABIS ESTABLISHMENTS

(a) The Board shall adopt rules to implement and administer this chapter in accordance with subdivisions (1)–(7) of this subsection.

(1) Rules concerning any cannabis establishment shall include:

\* \* \*

(I) regulation of additives to cannabis and cannabis products, including ~~those~~ cannabidiol derived from hemp and substances that are toxic or designed to make the product more addictive, more appealing to persons under 21 years of age, or to mislead consumers;

\* \* \*

(3) Rules concerning product manufacturers shall include:

(A) requirements that a single package of a cannabis product shall not contain more than 50 milligrams of THC, except in the case of:

(i) cannabis products that are not consumable, including topical preparations; ~~and~~

(ii) solid concentrates, oils, and tinctures; and

(iii) cannabis products sold to a dispensary pursuant to 18 V.S.A. chapter 86 and regulations issued pursuant to that chapter;

\* \* \*

(5) Rules concerning retailers shall include:

\* \* \*

(C) requirements that if the retailer sells hemp or hemp products, the hemp and hemp products are clearly labeled as such ~~and displayed separately from cannabis and cannabis products;~~

(D) requirements for opaque, child-resistant packaging of ~~cannabis~~

~~and~~ cannabis products and child-deterrent packaging for cannabis at point of sale to customer; and

\* \* \*

Sec. 5. 7 V.S.A. § 883 is amended to read:

§ 883. CRIMINAL BACKGROUND RECORD CHECKS; APPLICANTS

(a) The Board shall obtain from the Vermont Crime Information Center a copy of a ~~license applicant's~~ fingerprint-based Vermont criminal history records, out-of-state criminal history records, and criminal history records from the Federal Bureau of Investigation for each license applicant, principal of an applicant, and person who controls an applicant who is a natural person.

(b) The Board shall adopt rules that set forth standards for determining whether an applicant should be denied a cannabis establishment license because of his or her criminal history record based on factors that demonstrate whether the applicant presently poses a threat to public safety or the proper functioning of the regulated market. Nonviolent drug offenses shall not automatically disqualify an applicant.

(c) Notwithstanding subsection (a) of this section, the Board may accept third-party criminal background checks submitted by an applicant for a cannabis establishment license or renewal in lieu of obtaining the records from the Vermont Crime Information Center a copy of the person's Vermont fingerprint-based criminal history records, out-of-state criminal history records, and criminal history records from the Federal Bureau of Investigation. Any such third-party background check shall:

(1) be conducted by a third-party consumer reporting agency or background screening company that is in compliance with the federal Fair Credit Reporting Act; and

(2) include a multistate and multi-jurisdiction criminal record locator.

Sec. 6. 7 V.S.A. § 884 is amended to read:

§ 884. CANNABIS ESTABLISHMENT IDENTIFICATION CARD

(a) Every owner, principal, and employee of a cannabis establishment shall obtain an identification card issued by the Board. A person may apply for an identification card prior to obtaining employment with a licensee. An employee identification card shall authorize the person to work for any licensee.

(b)(1)(A) Prior to issuing the identification card to an owner or principal of a cannabis establishment, the Board shall obtain from the Vermont Crime

Information Center a copy of the person's Vermont fingerprint-based criminal history records, out-of-state criminal history records, and criminal history records from the Federal Bureau of Investigation.

(B) Prior to issuing the identification card to an employee of a cannabis establishment, the Board shall obtain a copy of a fingerprint-based identity history summary record from the Federal Bureau of Investigation.

(2) The Board shall adopt rules that set forth standards for determining whether a person should be denied a cannabis establishment identification card because of his or her criminal history record based on factors that demonstrate whether the applicant presently poses a threat to public safety or the proper functioning of the regulated market. Nonviolent drug offenses shall not automatically disqualify an applicant.

(c) Once an identification card application has been submitted, a person may serve as an employee of a cannabis establishment pending the background check, provided the person is supervised in his or her duties by someone who is a cardholder. The Board shall issue a temporary permit to the person for this purpose, which shall expire upon the issuance of the identification card or disqualification of the person in accordance with this section.

(d) An identification card shall expire one year after its issuance or, in the case of owners and principals, upon the expiration of the cannabis establishment's license, whichever occurs first.

Sec. 7. 7 V.S.A. § 901(d)(3) is amended to read:

(3)(A) Except as provided in ~~subdivision~~ subdivisions (B) and (C) of this subdivision (3), an applicant and its affiliates may obtain a maximum of one type of each type of license as provided in subdivisions (1)(A)–(E) of this subsection (d). Each license shall permit only one location of the establishment.

(B) An applicant and its affiliates that are control a dispensary registered ~~pursuant to 18 V.S.A. chapter 86 on April 1, 2022~~ may obtain one integrated license provided in subdivision (1)(F) of this subsection (d) or a maximum of one of each type of license provided in subdivisions (1)(A)–(E) of this subsection (d). An integrated licensee may not hold a separate cultivator, wholesaler, product manufacturer, retailer, or testing laboratory license, and no applicant or its affiliates that control a dispensary shall hold more than one integrated license. An integrated license shall permit only one location for each of the types of activities permitted by the license: cultivation, wholesale operations, product manufacturing, retail sales, and testing.



(C) An applicant and its affiliates may obtain multiple testing laboratory licenses.

Sec. 8. PURPOSE; LEGISLATIVE INTENT

The purpose of the amendment to 7 V.S.A. § 901(d)(3)(B) in Sec. 7 of this act is solely to make the language consistent with the defined terms used throughout 7 V.S.A. chapter 33. The amendment should not be construed to alter the meaning of the provision as it was originally enacted in 2019 Acts and Resolves No. 164, Sec. 7.

Sec. 9. 7 V.S.A. § 907 is amended to read:

§ 907. RETAILER LICENSE

(a) A retailer licensed under this chapter may:

(1) purchase cannabis from a licensed cultivator, wholesaler, or integrated licensee, and cannabis products from a licensed wholesaler, product manufacturer, integrated licensee, and dispensary; and

(2) transport, possess, package, and sell cannabis and cannabis products to the public for consumption off the registered premises.

\* \* \*

(e) ~~Internet ordering and delivery~~ Delivery of cannabis to customers are is prohibited.

Sec. 10. 7 V.S.A. § 909(c) is added to read:

(c) An integrated licensee shall comply with the provisions of subsection 908(f) of this title and have its cannabis or cannabis products tested by an independent licensed testing laboratory.

Sec. 11. 18 V.S.A. § 4230h is amended to read:

§ 4230h. CHEMICAL EXTRACTION VIA BUTANE OR HEXANE  
PROHIBITED

(a) No person shall manufacture concentrated cannabis by chemical extraction or chemical synthesis using butane or hexane ~~unless authorized as a dispensary pursuant to a registration issued by the Department of Public Safety pursuant to chapter 86 of this title.~~

\* \* \*

Sec. 12. 2019 Acts and Resolves No. 164, Sec. 8(a)(1) is amended to read:

(a)(1) The cannabis plant, cannabis product, and useable cannabis possession limits for a registered dispensary set forth in 18 V.S.A. chapter 86

shall no longer apply on and after February 1, 2022. A dispensary shall be permitted to cultivate cannabis and manufacture cannabis products for the purpose of transferring or selling such products to an integrated licensee on or after April 1, 2022 until October 1, 2022 and engaging in the activities permitted by 7 V.S.A. chapter 33.

Sec. 13. EFFECTIVE DATE

This act shall take effect on passage.

(For text see House Journal March 16, 2022 )

**H. 711**

An act relating to the creation of the Opioid Settlement Advisory Committee and the Opioid Abatement Special Fund

The Senate proposes to the House to amend the bill as follows:

First: In Sec. 1, 18 V.S.A. chapter 93, section 4772, subsection (c), in the second sentence by striking out “Substance Misuse Advisory Council” and inserting in lieu thereof Substance Misuse Oversight Prevention and Advisory Council

Second: In Sec. 1, 18 V.S.A. chapter 93, section 4774, subsection (a), by striking out subdivisions (1) and (2) in their entireties and inserting in lieu thereof the following:

(a)(1) There is created the Opioid Abatement Special Fund, a special fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5 and administered by the Department of Health. The Opioid Abatement Special Fund shall consist of all abatement account fund monies disbursed to the Department from the national settlement fund administrator, the national opioid abatement trust, the supplemental opioid abatement fund, or any other settlement funds that must be utilized exclusively for opioid prevention, intervention, treatment, recovery, and harm reduction services.

(2) The Department shall include a spending plan, informed by the recommendations of the Opioid Settlement Advisory Committee established pursuant to section 4772 of this subchapter, as part of its annual budget submission, and once approved, the Department shall request to have the funds formally released from the national settlement fund administrator, the national opioid abatement trust, the supplemental opioid abatement fund, or any other settlement funds that must be utilized exclusively for opioid prevention, intervention, treatment, recovery, and harm reduction services. The Department shall disburse monies from the Opioid Abatement Special Fund pursuant to 32 V.S.A. chapter 7, subchapter 3.

Third: By striking out Sec. 2, sunset; Opioid Settlement Advisory Committee, in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. SUNSET; OPIOID SETTLEMENT ADVISORY COMMITTEE

The Opioid Settlement Advisory Committee shall cease to exist upon written certification by the Chair of the Opioid Settlement Advisory Committee to the Governor, the Speaker of the House, and the President Pro Tempore that Vermont's share of monies from the national settlement fund administrator, the national opioid abatement trust, the supplemental opioid abatement fund, or any other settlement funds that must be utilized exclusively for opioid prevention, intervention, treatment, recovery, and harm reduction services has been fully expended.

Fourth: In Sec. 1, 18 V.S.A. chapter 93, section 4774, subsection (a), in both subdivisions (1) and (2), and in Sec. 2, sunset; Opioid Settlement Advisory Committee, by striking out the phrase "national settlement fund administrator" and inserting in lieu thereof national abatement account fund

(For text see House Journal March 17, 2022 )

## NOTICE CALENDAR

### Favorable with Amendment

#### H. 742

An act relating to approval of amendments to the charter of the Town of Milton

**Rep. Higley of Lowell**, for the Committee on Government Operations, recommends the bill be amended as follows:

First: In Sec. 2, 24 App. V.S.A. chapter 129, by striking out section 508 in its entirety and inserting in lieu thereof a new section 508 to read as follows:

#### § 508. SELECTBOARD POLICY

The Town Manager shall prepare and submit to the Selectboard proposals for Selectboard policies. The Town Manager may have the assistance of the Town Attorney and shall have the authority to request a committee of citizens to assist in the preparation of any proposals. Policies shall be generally applicable to Town government and shall be in writing, codified, and made available to the public. Policies shall be adopted by the Selectboard at regular or special Selectboard meetings. The Selectboard shall give notice of its intent to adopt a policy stating the substance of the proposed policy at least 10 days prior to its adoption.

Second: In Sec. 2, 24 App. V.S.A. chapter 129, in section 607, following the fifth sentence, by striking out “Policies shall be reviewed and readopted biennially.”

Third: In Sec. 2, 24 App. V.S.A. chapter 129, by striking out section 807 in its entirety.

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

## **H. 745**

An act relating to the approval of the adoption of the charter of the Town of Montgomery

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

### Sec. 1. CHARTER ADOPTION APPROVAL

The General Assembly approves the adoption of the charter of the Town of Montgomery as set forth in this act. The voters approved the adoption of the charter on March 1, 2022.

Sec. 2. 24 App. V.S.A. chapter 129B is added to read:

### CHAPTER 129B. TOWN OF MONTGOMERY

#### § 1. STATEMENT OF PURPOSE

Under the authority granted by the General Assembly of the State of Vermont, this charter establishes certain guidelines with respect to organization and functioning of local Town government in the Town of Montgomery.

#### § 2. GENERAL LAW; APPLICATION

Except when changed by the provisions of this charter, all provisions of the statutes of the State of Vermont relating to municipalities shall apply to the Town of Montgomery.

#### § 3. LOCAL OPTIONS TAX

(a) The Selectboard is authorized to impose a one percent sales tax, a one percent meals and alcoholic beverages tax, and a one percent rooms tax upon the sales within the Town that are subject to the State of Vermont tax on sales, meals, alcoholic beverages, and rooms.

(b) A tax imposed under the authority of this section may be rescinded and shall be collected and administered pursuant to 24 V.S.A. § 138, provided that the Town shall:

(1) receive on a quarterly basis not less than 70 percent of the tax collected, less the per-return fee; and

(2) pay not more than 70 percent of the per-return fee.

(c) The tax to be paid to the Town shall be set aside in the Sewer Reserve Fund to assist in the repayment of debt obligations related to the construction of a Municipal Wastewater System in Montgomery Center and Village.

#### § 4. SEPARABILITY

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected by that holding. If the application of the charter or any of its provisions to any person or circumstances is held invalid, the application of this charter and its provisions to other persons or circumstances shall not be affected by that holding.

#### § 5. AMENDMENT

The amendment of this charter shall be as provided by law.

#### Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

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

**Rep. Ancel of Calais**, for the Committee on Ways and Means, recommends the bill ought to pass when amended as recommended by the Committee on Government Operations and when further amended as follows:

In Sec. 2, 24 App. V.S.A. chapter 163, in section 3, by adding a subsection (d) to read as follows:

(d) The taxes authorized by this section shall expire 90 days after the date that the Town has fully repaid the debt obligations related to the construction of the Municipal Wastewater System in Montgomery Center and Village.

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

### **S. 148**

An act relating to environmental justice in Vermont

**Rep. Dolan of Waitsfield**, for the Committee on Natural Resources, Fish, and Wildlife, recommends that the House propose to the Senate that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

#### Sec. 1. FINDINGS

The General Assembly finds that:

(1) According to American Journal of Public Health studies published in 2014 and 2018 and affirmed by decades of research, Black, Indigenous, and Persons of Color (BIPOC) and individuals with low income are disproportionately exposed to environmental hazards and unsafe housing, facing higher levels of air and water pollution, mold, lead, and pests.

(2) The cumulative impacts of environmental harms disproportionately and adversely impact the health of BIPOC and communities with low income, with climate change functioning as a threat multiplier. These disproportionate adverse impacts are exacerbated by lack of access to affordable energy, healthy food, green spaces, and other environmental benefits.

(3) Since 1994, Executive Order 12898 has required federal agencies to make achieving environmental justice part of their mission by identifying and addressing disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and populations with low incomes in the United States.

(4) According to the Centers for Disease Control and Prevention, 30 percent of Vermont towns with high town household poverty have limited access to grocery stores. In addition, a study conducted at the University of Vermont showed that in Vermont, BIPOC individuals were twice as likely to have trouble affording fresh food and to go hungry in a month than white individuals.

(5) Inadequate transportation impedes job access, narrowing the scope of jobs available to individuals with low income and potentially impacting job performance.

(6) In 2020, the Center for American Progress found that 76 percent of BIPOC individuals in Vermont live in “nature deprived” census tracts with a higher proportion of natural areas lost to human activities than the Vermont median. In contrast, 27 percent of white individuals live in these areas.

(7) The U.S. Centers for Disease Control and Prevention states that systemic health and social inequities disproportionately increases the risk of racial and ethnic minority groups becoming infected by and dying from COVID-19.

(8) According to the Vermont Department of Health, inequities in access to and quality of health care, employment, and housing have contributed to disproportionately high rates of COVID-19 among BIPOC Vermonters.

(9) An analysis by University of Vermont researchers found that mobile homes are more likely than permanent structures to be located in a flood hazard area. During Tropical Storm Irene, mobile parks and over 561 mobile

homes in Vermont were damaged or destroyed. Mobile homes make up 7.2 percent of all housing units in Vermont and were approximately 40 percent of sites affected by Tropical Storm Irene.

(10) A University of Vermont study reports that BIPOC individuals were seven times more likely to have gone without heat in the past year, over two times more likely to have trouble affording electricity, and seven times less likely to own a solar panel than white Vermonters.

(11) The U.S. Environmental Protection Agency recognized Vermont's deficiencies in addressing environmental justice concerns related to legacy mining and mobile home park habitability, providing grants for these projects in 1998 and 2005.

(12) Vermont State agencies receiving federal funds are subject to the antidiscrimination requirements of Title VI of the Civil Rights Act of 1964.

(13) In response to the documented inadequacy of state and federal environmental and land use laws to protect vulnerable communities, increasing numbers of states have adopted formal environmental justice laws and policies.

(14) At least 17 states have developed mapping tools to identify environmentally overburdened communities and environmental health disparities.

(15) The State of Vermont does not currently have a State-managed mapping tool that clearly identifies environmentally overburdened communities.

(16) The 1991 Principles of Environmental Justice adopted by The First National People of Color Environmental Leadership Summit demand the right of all individuals to participate as equal partners at every level of decision making, including needs assessment, planning, implementation, enforcement, and evaluation.

(17) Article VII of the Vermont Constitution establishes the government as a vehicle for the common benefit, protection, and security of Vermonters and not for the particular emolument or advantage of any single set of persons who are only a part of that community. This, coupled with Article I's guarantee of equal rights to enjoying life, liberty, and safety, and Article IV's assurance of timely justice for all, encourages political officials to identify how particular communities may be unequally burdened or receive unequal protection under the law due to race, income, or geographic location.

(18) Lack of a clear environmental justice policy has resulted in a piecemeal approach to understanding and addressing environmental justice in Vermont and creates a barrier to establishing clear definitions, metrics, and

strategies to ensure meaningful engagement and more equitable distribution of environmental benefits and burdens.

(19) It is the State of Vermont’s responsibility to pursue environmental justice for its residents and to ensure that its agencies do not contribute to unfair distribution of environmental benefits to or environmental burdens on low-income, limited-English proficient, and BIPOC communities.

Sec. 2. 3 V.S.A. chapter 72 is added to read:

## CHAPTER 72. ENVIRONMENTAL JUSTICE

### § 6001. PURPOSE

The purpose of this chapter is to identify, reduce, and eliminate environmental health disparities to improve the health and well-being of all Vermont residents.

### § 6002. DEFINITIONS

As used in this chapter:

(1) “Environmental benefits” means the assets and services that enhance the capability of communities and individuals to function and flourish in society. Examples of environmental benefits include access to a healthy environment and clean natural resources, including air, water, land, green spaces, constructed playgrounds, and other outdoor recreational facilities and venues; affordable clean renewable energy sources; public transportation; fulfilling and dignified green jobs; healthy homes and buildings; health care; nutritious food; Indigenous food and cultural resources; environmental enforcement; and training and funding disbursed or administered by governmental agencies.

(2) “Environmental burdens” means any significant impact to clean air, water, and land, including any destruction, damage, or impairment of natural resources resulting from intentional or reasonably foreseeable causes. Examples of environmental burdens include climate change impacts; air and water pollution; improper sewage disposal; improper handling of solid wastes and other noxious substances; excessive noise; activities that limit access to green spaces, nutritious food, Indigenous food or cultural resources, or constructed outdoor playgrounds and other recreational facilities and venues; inadequate remediation of pollution; reduction of groundwater levels; increased flooding or stormwater flows; home and building health hazards, including lead paint, lead plumbing, asbestos, and mold; and damage to inland waterways and waterbodies, wetlands, forests, green spaces, or constructed playgrounds or other outdoor recreational facilities and venues from private, industrial, commercial, and government operations or other activities that



contaminate or alter the quality of the environment and pose a risk to public health.

(3) “Environmental justice” means all individuals are afforded equitable access to and distribution of environmental benefits; equitable distribution of environmental burdens; and fair and equitable treatment and meaningful participation in decision-making processes, including the development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice recognizes the particular needs of individuals of every race, color, income, class, ability status, gender identity, sexual orientation, national origin, ethnicity or ancestry, religious belief, or English language proficiency level. Environmental justice redresses structural and institutional racism, colonialism, and other systems of oppression that result in the marginalization, degradation, disinvestment, and neglect of Black, Indigenous, and Persons of Color. Environmental justice requires providing a proportional amount of resources for community revitalization, ecological restoration, resilience planning, and a just recovery to communities most affected by environmental burdens and natural disasters.

(4) “Environmental justice focus population” means any census block group in which:

(A) the annual median household income is not more than 80 percent of the State median household income;

(B) Persons of Color and Indigenous Peoples comprise at least six percent or more of the population; or

(C) at least one percent or more of households have limited English proficiency.

(5) “Limited English proficiency” means that a household does not have a member 14 years or older who speaks English “very well” as defined by the U.S. Census Bureau.

(6) “Meaningful participation” means that all individuals have the opportunity to participate in energy, climate change, and environmental decision making. Examples include needs assessments, planning, implementation, permitting, compliance and enforcement, and evaluation. Meaningful participation also integrates diverse knowledge systems, histories, traditions, languages, and cultures of Indigenous communities in decision-making processes. It requires that communities are enabled and administratively assisted to participate fully through education and training. Meaningful participation requires the State to operate in a transparent manner

with regard to opportunities for community input and also encourages the development of environmental, energy, and climate change stewardship.

#### § 6003. ENVIRONMENTAL JUSTICE STATE POLICY

It is the policy of the State of Vermont that no segment of the population of the State should, because of its racial, cultural, or economic makeup, bear a disproportionate share of environmental burdens or be denied an equitable share of environmental benefits. It is further the policy of the State of Vermont to provide the opportunity for the meaningful participation of all individuals, with particular attention to environmental justice focus populations, in the development, implementation, or enforcement of any law, regulation, or policy.

#### § 6004. IMPLEMENTATION OF STATE POLICY

(a) As used in this chapter, “covered agencies” means the following State agencies, departments, and bodies: the Agencies of Natural Resources, of Transportation, of Commerce and Community Development, of Agriculture, Food and Markets, and of Education; the Public Utility Commission; the Natural Resources Board; and the Departments of Health, of Public Safety, and of Public Service.

(b) The covered agencies shall consider cumulative environmental burdens, as defined by rule pursuant to subsection 6005(a) of this title, and access to environmental benefits when making decisions about the environment, energy, climate, and public health projects; facilities and infrastructure; and associated funding.

(c) Each of the covered agencies shall create and adopt on or before July 1, 2025 a community engagement plan that describes how the agency will engage with environmental justice focus populations as it evaluates new and existing activities and programs. Community engagement plans shall align with the core principles developed by the Interagency Environmental Justice Committee pursuant to subdivision 6006(c)(2)(B) of this title and take into consideration the recommendations of the Environmental Justice Advisory Council pursuant to subdivision 6006(c)(1)(B) of this title. Each plan shall describe how the agency plans to provide meaningful participation in compliance with Title VI of the Civil Rights Act of 1964.

(d) The covered agencies shall submit an annual summary beginning on January 15, 2024 and annually thereafter to the Environmental Justice Advisory Council, detailing all complaints alleging environmental justice issues or Title VI violations and any agency action taken to resolve the complaints. The Advisory Council shall provide any recommendations

concerning those reports within 60 days after receipt of the complaint summaries. Agencies shall consider the recommendations of the Advisory Council pursuant to subdivision 6006(c)(1)(E) of this title and substantively respond in writing if an agency chooses not to implement any of the recommendations, within 90 days after receipt of the recommendations.

(e) The Agency of Natural Resources, in consultation with the Environmental Justice Advisory Council and the Interagency Environmental Justice Committee, shall review the definitions contained in section 6002 of this title at least every five years and recommend revisions to the General Assembly to ensure the definition achieves the Environmental Justice State Policy.

(f) The Agency of Natural Resources, in consultation with the Interagency Environmental Justice Committee and the Environmental Justice Advisory Council, shall issue guidance on how the covered agencies shall determine which investments provide environmental benefits to environmental justice focus populations on or before September 15, 2023. A draft version of the guidance shall be released for a 40-day public comment period before being finalized.

(g)(1) On or before February 15, 2024, the covered agencies shall, in accordance with the guidance document developed by the Agency of Natural Resources pursuant to subsection (f) of this section, review the past three years and generate baseline spending reports that include:

(A) where investments were made, if any, and which geographic areas, at the municipal level and census block group, where practicable, received environmental benefits from those investments; and

(B) a description and quantification of the environmental benefits as an outcome of the investment.

(2) The covered agencies shall publicly post the baseline spending reports on their respective websites.

(h) On or before July 1, 2024, it shall be the goal of the covered agencies to direct investments proportionately in environmental justice focus populations.

(i)(1) Beginning on January 15, 2026, and annually thereafter, the covered agencies shall either integrate the following information into existing annual spending reports or issue annual spending reports that include:

(A) where investments were made and which geographic areas, at the municipal level and census block group, where practicable, received environmental benefits from those investments; and

(B) the percentage of overall environmental benefits from those investments provided to environmental justice focus populations.

(2) The covered agencies shall publicly post the annual spending reports on their respective websites.

(j) Beginning on January 15, 2025, the covered agencies shall each issue and publicly post an annual report summarizing all actions taken to incorporate environmental justice into its policies or determinations, rulemaking, permit proceedings, or project review.

#### § 6005. RULEMAKING

(a) On or before July 1, 2025, the Agency of Natural Resources, in consultation with the Environmental Justice Advisory Council and the Interagency Environmental Justice Committee, shall adopt rules to:

(1) define cumulative environmental burdens;

(2) implement consideration of cumulative environmental burdens within the Agency of Natural Resources; and

(3) inform how the public and the covered agencies implement the consideration of cumulative environmental burdens and use the environmental justice mapping tool.

(b) On or before July 1, 2026 and as appropriate thereafter, the covered agencies, in consultation with the Environmental Justice Advisory Council, shall adopt or amend policies and procedures, plans, guidance, and rules, where applicable, to implement this chapter.

(c)(1) Prior to drafting new rules required by this chapter, agencies shall consult with the Environmental Justice Advisory Council to discuss the scope and proposed content of rules to be developed. Agencies shall also submit draft rulemaking concepts to the Advisory Council for review and comment. Any proposed rule and draft Administrative Procedure Act filing forms shall be provided to the Advisory Council not less than 45 days prior to submitting the proposed rule or rules to the Interagency Committee on Administrative Rules (ICAR).

(2) The Advisory Council shall vote and record individual members' support or objection to any proposed rule before it is submitted to ICAR. The Advisory Council shall submit the results of their vote to both ICAR and the Legislative Committee on Administrative Rules (LCAR).

#### § 6006. ENVIRONMENTAL JUSTICE ADVISORY COUNCIL AND

#### INTERAGENCY ENVIRONMENTAL JUSTICE COMMITTEE

(a) Advisory Council and Interagency Committee.

(1) There is created:

(A) the Environmental Justice Advisory Council (Advisory Council) to provide independent advice and recommendations to State agencies and the General Assembly on matters relating to environmental justice, including the integration of environmental justice principles into State programs, policies, regulations, legislation, and activities; and

(B) the Interagency Environmental Justice Committee (Interagency Committee) to guide and coordinate State agency implementation of the Environmental Justice State Policy and provide recommendations to the General Assembly for amending the definitions and protections set forth in this chapter.

(2) Appointments to the groups created in this subsection shall be made on or before December 15, 2022.

(3) Both the Advisory Council and the Interagency Committee shall consider and incorporate the Guiding Principles for a Just Transition developed by the Just Transitions Subcommittee of the Vermont Climate Council in their work.

(b) Meetings. The Advisory Council and Interagency Committee shall each meet not more than nine times per year, with at least four meetings occurring jointly. Meetings may be held in person, remotely, or in a hybrid format to facilitate maximum participation and shall be recorded and publicly posted on the Secretary's website

(c) Duties.

(1) The Advisory Council shall:

(A) advise State agencies on environmental justice issues and on how to incorporate environmental justice into agency procedures and decision making as required under subsection 6004(b) of this title and evaluate the potential for environmental burdens or disproportionate impacts on environmental justice focus populations as a result of State actions and the potential for environmental benefits to environmental justice focus populations;

(B) advise State agencies in the development of community engagement plans;

(C) advise State agencies on the use of the environmental justice mapping tool established pursuant to section 6008 of this title and on the

enhancement of meaningful participation, reduction of environmental burdens, and equitable distribution of environmental benefits;

(D) review and provide feedback to the relevant State agency, pursuant to subsection 6005(c) of this title, on any proposed rules for implementing this chapter; and

(E) receive and review annual State agency summaries of complaints alleging environmental justice issues, including Title VI complaints, and suggest options or alternatives to State agencies for the resolution of systemic issues raised in or by the complaints.

(2) The Interagency Committee shall:

(A) consult with the Agency of Natural Resources in the development of the guidance document required by subsection 6004(g) of this title on how to determine which investments provide environmental benefits to environmental justice focus populations; and

(B) on or before July 1, 2023, develop, in consultation with the Agency of Natural Resources and the Environmental Justice Advisory Council, a set of core principles to guide and coordinate the development of the State agency community engagement plans required under subsection 6004(d) of this title.

(3) The Advisory Council and the Interagency Committee shall jointly:

(A) consider and recommend to the General Assembly, on or before December 1, 2023, amendments to the terminology, thresholds, and criteria of the definition of environmental justice focus populations, including whether to include populations more likely to be at higher risk for poor health outcomes in response to environmental burdens; and

(B) examine existing data and studies on environmental justice and consult with State, federal, and local agencies and affected communities regarding the impact of current statutes, regulations, and policies on the achievement of environmental justice.

(d) Membership.

(1) Advisory Council. Each member of the Advisory Council shall be well informed regarding environmental justice principles and committed to achieving environmental justice in Vermont and working collaboratively with other members of the Council. To the greatest extent practicable, Advisory Council members shall represent diversity in race, ethnicity, age, gender, urban and rural areas, and different regions of the State. The Advisory Council shall

consist of the following 11 members, with a goal to have more than 50 percent residing in environmental justice focus populations:

(A) the Director of Racial Equity or designee;

(B) the following members appointed by the Committee on Committees:

(i) one representative of municipal government;

(ii) one representative of a social justice organization;

(iii) one representative of mobile home park residents;

(C) the following members appointed by the Speaker of the House:

(i) one representative who resides in a census block group that is designated as an environmental justice focus population;

(ii) one representative of an organization working on food security issues;

(iii) one representative of immigrant communities in Vermont;

(iv) one representative of a statewide environmental organization;

(D) one representative of a State-recognized Native American Indian tribe, recommended and appointed by the Vermont Commission on Native American Affairs;

(E) the Executive Director of the Vermont Housing and Conservation Board or designee; and

(F) the Chair of the Natural Resources Conservation Council or designee.

(2) Interagency Committee. The Interagency Committee shall consist of the following 11 members:

(A) the Secretary of Education or designee;

(B) the Secretary of Natural Resources or designee;

(C) the Secretary of Transportation or designee;

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

(E) the Secretary of Agriculture, Food and Markets or designee;

(F) the Commissioner of Health or designee;

(G) the Director of Emergency Management or designee;

(H) the Commissioner of Public Service or designee;

(I) the Director of Racial Equity or designee;

(J) the Chair of the Natural Resources Board or designee; and

(K) the Chair of the Public Utility Commission or designee.

(3) The Advisory Council and the Interagency Committee may each elect two co-chairs.

(4) After initial appointments, all appointed members of the Advisory Council shall serve six-year terms and serve until a successor is appointed. The initial terms shall be staggered so that one third of the appointed members shall serve a two-year term, another third of the appointed members shall serve a four-year term, and the remaining members shall be appointed to a six-year term.

(5) Vacancies of the Advisory Council shall be appointed in the same manner as original appointments.

(6) The Advisory Council shall have the administrative, technical, and legal assistance of the Agency of Natural Resources.

(7) Members of the Advisory Council who are neither State nor municipal employees and who are not otherwise compensated by their employer shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010. Members of the Advisory Council may also receive additional compensation up to \$150.00 per meeting as available in the Environmental Justice Advisory Council Special Fund established in section 6007 of this title.

#### § 6007. ENVIRONMENTAL JUSTICE ADVISORY COUNCIL SPECIAL FUND

(a) There is established the Environmental Justice Advisory Council Special Fund that shall be managed in accordance with 32 V.S.A. chapter 7, subchapter 5.

(b) The Fund shall be administered by the Agency of Natural Resources and shall consist of:

(1) any monies appropriated to it; and

(2) any gifts, donations, and grants to it by the federal government, a political subdivision of the State, or a 501(c)(3) charitable organization.

(c) The funds shall be used to increase per diem amounts to eligible members the Environmental Justice Advisory Council, so that members may



receive up to \$150.00 of additional compensation per meeting. Disbursements shall be made by the Secretary of Natural Resources.

#### § 6008. ENVIRONMENTAL JUSTICE MAPPING TOOL

(a) The Agency of Natural Resources shall create and maintain the State environmental justice mapping tool. The Agency, in consultation with the Environmental Justice Advisory Council and the Interagency Environmental Justice Committee, shall determine indices and criteria to be included in the State mapping tool to depict environmental justice focus populations and measure environmental burdens at the smallest geographic level practicable.

(b) The Agency of Natural Resources may cooperate and contract with other states or private organizations when developing the mapping tool. The mapping tool may incorporate federal environmental justice mapping tools, such as EJSCREEN, as well as existing State mapping tools such as the Vermont Social Vulnerability Index.

(c) On or before January 1, 2025, the mapping tool shall be available for use by the public as well as by the State government.

#### Sec. 3. SPENDING REPORT

On or before December 15, 2025, the Agency of Natural Resources shall submit a report to the General Assembly describing whether the baseline spending reports completed pursuant to 3 V.S.A. § 6004(g) of this section indicate if any municipalities or portions of municipalities are routinely underserved with respect to environmental benefits, taking into consideration whether those areas receive, averaged across three years, a significantly lower percentage of environmental benefits from State investments as compared to other municipalities or portions of municipalities in the State. This report shall include a recommendation as to whether a statutory definition of “underserved community” and any other revisions to this chapter are necessary to best carry out the Environmental Justice State Policy.

#### Sec. 4. APPROPRIATIONS

(a) There is appropriated the sum of \$500,000.00 in fiscal year 2023 from the General Fund to the Agency of Natural Resources for the cost of developing the mapping tool required in 3 V.S.A. § 6008 including any necessary community outreach associated with calibrating and improving the mapping tool.

(b) There is appropriated the sum of \$200,000.00 in fiscal year 2023 from the General Fund to the Agency of Natural Resources to:

(1) convert one 0.5 position to one full-time Civil Rights and Nondiscrimination Compliance Officer; and

(2) fund two positions to assist in the implementation of the environmental justice policy and support the Environmental Justice Advisory Council. This shall fund an existing position in the Agency and a second position which the Agency is authorized to repurpose from an existing vacant position.

#### Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

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

**(For text see Senate Journal March 25, 2022 )**

**Rep. Feltus of Lyndon**, for the Committee on Appropriations, recommends the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Natural Resources, Fish, and Wildlife when the proposal of amendment is further amended as follows:

First: In Sec. 2, 3 V.S.A. chapter 72, in section 6006, in subsection (b), by striking out the word “nine” and inserting in lieu thereof “eight”

Second: In Sec. 2, 3 V.S.A. chapter 72, in section 6006, in subdivision (d)(7), by striking out the second sentence in its entirety.

Third: In Sec. 2, 3 V.S.A. chapter 72, by striking out section 6007 in its entirety and by renumbering the remaining section to be numerically correct.

Fourth: By striking out Sec. 4, appropriations, in its entirety and inserting in lieu thereof the following:

#### Sec. 4. APPROPRIATIONS

(a) There is appropriated the sum of \$500,000.00 in fiscal year 2023 from the General Fund to the Agency of Natural Resources for the cost of developing the mapping tool required in 3 V.S.A. § 6007 and for conducting community outreach associated with the work of the Environmental Justice Advisory Council.

(b) There is appropriated the sum of \$250,000.00 in fiscal year 2023 from the General Fund to the Agency of Natural Resources for the following positions:

(1) one full-time Civil Rights Compliance Director; and

(2) two new full-time positions to assist in the implementation of the Environmental Justice State Policy and support the Environmental Justice

Advisory Council, one to be hired after July 1, 2022 and one to be hired after December 31, 2022.

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

**S. 188**

An act relating to regulating licensed small cannabis cultivation as farming

**Rep. O'Brien of Tunbridge**, for the Committee on Agriculture and Forestry, recommends that the House propose to the Senate that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 7 V.S.A. § 861 is amended to read:

§ 861. DEFINITIONS

As used in this chapter:

\* \* \*

~~(19) “Enclosed, locked facility” means a building, room, greenhouse, outdoor fenced in area, or other location that is enclosed on all sides and prevents cannabis from easily being viewed by the public. The facility shall be equipped with locks or other security devices that permit access only by:~~

~~(A) Employees, agents, or owners of the cultivator, all of whom shall be 21 years of age or older.~~

~~(B) Government employees performing their official duties.~~

~~(C) Contractors performing labor that does not include cannabis cultivation, packaging, or processing. Contractors shall be accompanied by an employee, agent, or owner of the cultivator when they are in areas where cannabis is being grown, processed, packaged, or stored.~~

~~(D) Registered employees of other cultivators, members of the media, elected officials, and other individuals 21 years of age or older visiting the facility, provided they are accompanied by an employee, agent, or owner of the cultivator. [Repealed.]~~

\* \* \*

(27) “Hemp” means the plant Cannabis sativa L. and any part of the plant, including the seeds and all derivatives, extracts, cannabinoids, acids, salts, isomers, and salts of isomers, whether growing or not, with the federally defined tetrahydrocannabinol concentration level of hemp.

(28) “Hemp products” or “hemp-infused products” means all products with the federally defined tetrahydrocannabinol concentration level for hemp

derived from, or made by, processing hemp plants or plant parts that are prepared in a form available for commercial sale, including cosmetics, personal care products, food intended for animal or human consumption, cloth, cordage, fiber, fuel, paint, paper, construction materials, plastics, and any product containing one or more hemp-derived cannabinoids, such as cannabidiol.

Sec. 2. 7 V.S.A. § 869 is amended to read:

§ 869. CULTIVATION OF CANNABIS; ENVIRONMENTAL AND LAND  
USE STANDARDS; REGULATION OF SMALL CULTIVATORS

(a)(1) A cannabis establishment shall not be regulated as “farming” under the Required Agricultural Practices, 6 V.S.A. chapter 215, or other State law, and cannabis produced from cultivation shall not be considered an agricultural product, farm crop, or agricultural crop for the purposes of 32 V.S.A. chapter 124, 32 V.S.A. § 9741, or other relevant State law.

~~(2) Notwithstanding subdivision (1) of this subsection, the cultivation of cannabis on agricultural land and the use of farm buildings to dry or process that cannabis shall not disqualify the land or buildings from the use value appraisal program or constitute “development” under 32 V.S.A. § 3752(5); provided that:~~

~~(A) the agricultural land or farm building is enrolled in the use value appraisal program at the time cannabis cultivation commences;~~

~~(B) the agricultural land or farm building is not transferred to another owner;~~

~~(C) the cultivation, drying, or processing of cannabis is done by a licensed small cultivator on 1,000 square feet or less of agricultural land; and~~

~~(D) all other requirements under 32 V.S.A. chapter 124 continue to be met.~~

(b) The cultivation, processing, and manufacturing of cannabis regulated under this chapter shall comply with all applicable State, federal, and local environmental, energy, or public health law, unless otherwise provided under this chapter.

(c) A cannabis establishment regulated under this chapter shall be subject to regulation under 24 V.S.A. chapter 117 as authorized by this chapter.

(d)(1) The cultivation, processing, and manufacturing of cannabis by all cultivators regulated under this chapter shall comply with the following

sections of the Required Agricultural Practices as administered and enforced by the Board:

(A) section 6, regarding conditions, restriction, and operating standards;

(B) section 8, regarding groundwater quality and groundwater quality investigations; and

(C) section 12, regarding subsurface tile drainage.

(2) Application of or compliance with the Required Agricultural Practices under subdivision (1) of this subsection shall not be construed to provide a presumption of compliance with or exemption to any applicable State, federal, and local environmental, energy, public health, or land use law required under subsections (b) and (c) of this section.

(e) Persons cultivating cannabis or handling pesticides for the purposes of the manufacture of cannabis products shall comply with the worker protection standard of 40 C.F.R. ~~part~~ Part 170.

(f) Notwithstanding subsection (a) of this section, a small cultivator licensed under this chapter who initiates cultivation of cannabis outdoors on a parcel of land that was subject to the Required Agricultural Practices prior to licensed cultivation of cannabis shall:

(1) be regulated in the same manner as “farming” and not as “development” on the tract of land where cultivation occurs for the purposes of permitting under 10 V.S.A. chapter 151;

(2) not be regulated by a municipal bylaw adopted under 24 V.S.A. chapter 117 in the same manner that Required Agricultural Practices are not regulated by a municipal bylaw under 24 V.S.A. § 4413(d)(1)(A);

(3) be eligible to enroll in the Use Value Appraisal Program under 32 V.S.A. chapter 124 for the cultivation of cannabis, provided that the agricultural land or farm building on the parcel where cannabis cultivation occurs was enrolled in the Use Value Appraisal Program prior to commencement of licensed cannabis cultivation and the parcel continues to qualify for enrollment; and

(4) be exempt under 32 V.S.A. § 9741(3), (25), and (50) from the tax on retail sales imposed under 32 V.S.A. § 9771.

Sec. 3. 7 V.S.A. § 881(a) is amended to read:

(a) The Board shall adopt rules to implement and administer this chapter in accordance with subdivisions (1)-(7) of this subsection.

(1) Rules concerning any cannabis establishment shall include:

\* \* \*

(Q) policies and procedures for conducting outreach and promoting participation in the regulated cannabis market by diverse groups of individuals, including those who have been disproportionately harmed by cannabis prohibition; ~~and~~

(R) advertising and marketing; and

(S) requirements for cannabis control testing of hemp, hemp-infused products, cannabis, and cannabis products.

\* \* \*

Sec. 4. 7 V.S.A. § 885 is added to read:

§ 885. CANNABIS QUALITY CONTROL PROGRAM; TESTING

The Cannabis Control Board shall establish a cannabis quality control program for the following purposes:

(1) to develop potency and contaminant testing protocols for hemp, hemp-infused products, cannabis, and cannabis products;

(2) to verify cannabinoid label guarantees of hemp, hemp-infused products, cannabis, and cannabis products;

(3) to test for pesticides, solvents, heavy metals, mycotoxins, and bacterial and fungal contaminants in hemp, hemp-infused products, cannabis, and cannabis products; and

(4) to certify testing laboratories that can offer the services in subdivisions (2) and (3) of this subsection.

Sec. 5. REPEAL

6 V.S.A. § 567 (Agency of Agriculture, Food and Markets cannabis control program) is repealed.

Sec. 6. 7 V.S.A. § 904 is amended to read:

§ 904. CULTIVATOR LICENSE

(a) A cultivator licensed under this chapter may cultivate, process, package, label, transport, test, and sell cannabis to a licensed wholesaler, product manufacturer, retailer, integrated licensee, and dispensary and may purchase and sell cannabis seeds and immature cannabis plants to another licensed cultivator.

(b) Cultivation of cannabis shall occur only ~~in an enclosed, locked facility;~~

(1) on property lawfully in possession of the cultivator or with the written consent of the person in lawful possession of the property; and

(2) in an area that is screened from public view and access is limited to the cultivator and persons 21 years of age or older who have permission from the cultivator.

\* \* \*

Sec. 7. 7 V.S.A. § 905 is amended to read:

§ 905. WHOLESALER LICENSE

A wholesaler licensed under this chapter may:

(1) purchase cannabis from a licensed cultivator and integrated licensee, and cannabis products from a licensed product manufacturer, integrated licensee, and dispensary; ~~and~~

(2) transport, process, package, and sell cannabis and cannabis products to a licensed product manufacturer, retailer, integrated licensee, and dispensary; and

(3) sell cannabis seeds or immature cannabis plants to a licensed cultivator.

Sec. 8. 18 V.S.A. § 4230e is amended to read:

§ 4230e. CULTIVATION OF CANNABIS BY A PERSON 21 YEARS OF AGE OR OLDER

(a)(1) Except as otherwise provided in this section, a person 21 years of age or older who cultivates ~~no~~ not more than two mature cannabis plants and four immature cannabis plants shall not be penalized or sanctioned in any manner by the State or any of its political subdivisions or denied any right or privilege under State law.

(2) Each dwelling unit shall be limited to two mature cannabis plants and four immature cannabis plants regardless of how many persons 21 years of age or older reside in the dwelling unit. As used in this section, “dwelling unit” means a building or the part of a building that is used as a primary home, residence, or sleeping place by one or more persons who maintain a household.

(3) Any cannabis harvested from the plants allowed pursuant to this subsection shall not count toward the one-ounce possession limit in section 4230a of this title, provided it is stored in an indoor facility on the property where the cannabis was cultivated and reasonable precautions are taken to prevent unauthorized access to the cannabis.

(4) Cultivation in excess of the limits provided in this subsection shall be punished in accordance with section 4230 of this title.

(b)(1) Personal cultivation of cannabis only shall occur:

(A) on property lawfully in possession of the cultivator or with the written consent of the person in lawful possession of the property; and

(B) in an ~~enclosure~~ area that is screened from public view and is ~~secure so that~~ access is limited to the cultivator and persons 21 years of age or older who have permission from the cultivator.

(2) A person who violates this subsection shall be assessed a civil penalty as follows:

(A) not more than \$100.00 for a first offense;

(B) not more than \$200.00 for a second offense; and

(C) not more than \$500.00 for a third or subsequent offense.

#### Sec. 9. CANNABIS CONTROL BOARD; REPORTS; REGULATION OF HEMP PROCESSORS, MANUFACTURERS, AND PRODUCTS; CANNABIS CULTIVATION AS FARMING

(a) On or before January 15, 2023, the Cannabis Control Board shall submit to the House Committees on Agriculture and Forestry and on Ways and Means and the Senate Committees on Agriculture and on Finance written recommendations on how the Cannabis Control Board would regulate hemp products, as that term is defined in 7 V.S.A. § 861; hemp processors; and hemp product manufacturers. The recommendations shall include:

(1) what hemp products the Cannabis Control Board would regulate;

(2) how the products would be regulated, including whether registration would be required and whether hemp processors and manufacturers should be licensed and regulated by the Board;

(3) any registration fees or other charges that would be assessed on hemp products and license fees assessed on hemp processors and manufacturers; and

(4) the resources required to regulate hemp processors, product manufacturers, and hemp products.

(b) If the federal government removes “marihuana” from the Schedule 1 list of controlled substances set forth in 21 U.S.C. § 812, the Executive Director of the Cannabis Control Board shall, after consultation with the Secretary of Agriculture, Food and Markets, submit to the Senate Committees



on Judiciary and on Agriculture and the House Committees on Judiciary and on Agriculture and Forestry a recommendation as to whether the regulation of the cultivation of cannabis should be transferred from the jurisdiction of the Cannabis Control Board to the jurisdiction of the Agency of Agriculture, Food and Markets. The recommendation shall include whether cannabis cultivation should be regulated as “farming” and the estimated staff and budget necessary for the Secretary of Agriculture, Food and Markets to administer regulations.

Sec. 10. EFFECTIVE DATE

This act shall take effect on passage.

**(Committee vote:7-1-0)**

**(For text see Senate Journal March 11, 2022 )**

**Rep. Elder of Starksboro**, for the Committee on Ways and Means, recommends the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Agriculture and Forestry when the proposal of amendment is further amended as follows:

In Sec. 2, 7 V.S.A. § 869, in subsection (f), in subdivision (2), after the semicolon, by inserting the word “and”, in subdivision (3), after “qualify for enrollment” and before the end of the subdivision, by striking out “; and” and inserting in lieu thereof a period, and by striking out subdivision (4), sales tax exemption for small cannabis cultivators, in its entirety.

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

**S. 226**

An act relating to expanding access to safe and affordable housing

**Rep. Stevens of Waterbury**, for the Committee on General, Housing, and Military Affairs, recommends that the House propose to the Senate that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

\* \* \* First-Generation Homebuyers \* \* \*

Sec. 1. 32 V.S.A. 5930u is amended to read:

§ 5930u. TAX CREDIT FOR AFFORDABLE HOUSING

\* \* \*

(b) Eligible tax credit allocations.

\* \* \*

(3) Down Payment Assistance Program.

(A) The Vermont Housing Finance Agency shall have the authority to allocate affordable housing tax credits to finance down payment assistance loans that meet the following requirements:

(i) the loan is made in connection with a mortgage through an Agency program;

(ii) the borrower is a first-time home buyer of an owner-occupied primary residence; and

(iii) the borrower uses the loan for the borrower's down payment or closing costs, or both.

(B) The Agency shall require the borrower to repay the loan upon the transfer or refinance of the residence.

(C) The Agency shall use the proceeds of loans made under the Program for future down payment assistance.

(D) The Agency may reserve funding and adopt guidelines to provide grants to first-time homebuyers who are also first-generation homebuyers.

\* \* \*

## Sec. 2. FIRST-GENERATION HOMEBUYER; IMPLEMENTATION;

### APPROPRIATION

(a) Guidelines. The Vermont Housing Finance Agency shall adopt guidelines and procedures for the provision of grants to first-generation homebuyers pursuant to 32 V.S.A. § 5930u(b)(3)(D) consistent with the criteria of the Down Payment Assistance Program implemented pursuant to 32 V.S.A. § 5930u(b)(3) and with this section.

(b) As used in this section and 32 V.S.A. § 5930u(b)(3)(D), a "first-generation homebuyer" means an applicant who self-attests that the applicant is an individual:

(1)(A) whose parents or legal guardians do not have any present residential ownership interest in any State; and

(B) whose spouse, or domestic partner, and each member of whose household has not, during the three-year period ending upon acquisition of the eligible home to be acquired, had any present ownership interest in a principal residence in any State; or

(2) is an individual who has at any time been placed in foster care.

(c) Outreach. Recognizing that Black, Indigenous, and Persons of Color have historically not had access to capital for homeownership purchases and have been systemically discriminated against in the housing market, the Agency shall work with Vermont chapters of the NAACP, AALV, and USCRI; the Executive Director of Racial Equity; the Vermont Commission on Native American Affairs; and local racial justice organizations to develop a plan of active outreach and implementation to ensure that down payment assistance opportunities are effectively communicated, and that funds are equitably available, to communities of Vermonters who have historically suffered housing discrimination.

(d) Of the amounts appropriated to the Department of Housing and Community Development in 2021 Acts and Resolves No. 74, the Department shall transfer \$1,000,000.00 to the Vermont Housing Finance Agency to provide grants pursuant to 32 V.S.A. § 5930u(b)(3)(D) and for the costs of administration and outreach pursuant to this section.

\* \* \* Manufactured Home Relocation Incentives \* \* \*

### Sec. 3. MANUFACTURED HOME IMPROVEMENT AND REPLACEMENT PROGRAM

Of the amounts available from federal COVID-19 relief funds, the following amounts are appropriated to the Department of Housing and Community Development for the purposes specified:

(1) \$3,000,000.00 for manufactured home community small-scale capital grants, through which the Department may award not more than \$20,000.00 for owners of manufactured housing communities to complete small-scale capital needs to help infill vacant lots with homes, which may include projects such as disposal of abandoned homes, lot grading/preparation, site electrical box issues/upgrades, E911 safety issues, legal fees, transporting homes out of flood zones, individual septic system, and marketing to help make it easier for home-seekers to find vacant lots around the State.

(2) \$1,000,000.00 for manufactured home repair grants, through which the Department may award funding for minor rehab or accessibility projects, coordinated as possible with existing programs, for between 250 and 400 existing homes where the home is otherwise in good condition or in situations where the owner is unable to replace the home and the repair will keep them housed.

(3) \$1,000,000.00 for new manufactured home foundation grants, through which the Department may award not more than \$15,000.00 per grant for a homeowner to pay for a foundation or HUD-approved slab, site

preparation, skirting, tie-downs, and utility connections on vacant lots within manufactured home communities.

\* \* \* New Approaches to Creating Housing \* \* \*

Sec. 4. VERMONT HOUSING CONSERVATION BOARD; NEW

APPROACHES TO CREATING HOUSING

(a) Authorization. Of the amounts appropriated to the Vermont Housing and Conservation Board in fiscal year 2023, the Board is authorized to use up to \$5,000,000.00 to explore new approaches for the State to support the creation of housing through the following activities:

(1) the Community Partnership for Neighborhood Development created in subsection (b) of this section;

(2) matching funds, which for each unit shall not exceed the lesser of \$50,000.00 or 20 percent of the employer cost, for not fewer than two large employers with 50 or more full time equivalent employees that create new housing for their employees; and

(3) conversion of commercial properties to residential use by providing supplemental grants up to \$50,000.00 or 20 percent of the development cost per unit for costs not covered by other funding or financing sources.

(b) Community Partnership for Neighborhood Development.

(1) The Department of Housing and Community Development shall lead a cross-agency program to encourage and support local partnerships between municipalities, nonprofit and for-profit developers, employers, the Vermont Housing and Conservation Board, and local planning officials by reducing or eliminating the cost of land and infrastructure from housing development while enhancing density, walkability, inclusiveness, and smart growth development that reduces greenhouse gas emissions.

(2) The Department shall lead an effort involving the Vermont Housing Finance Agency, the Agency of Natural Resources, the Agency of Transportation, the Department of Public Service, and the Vermont Housing Conservation Board to integrate resources for housing, land, and down payment assistance that also makes available funding for critical infrastructure, including funding from the American Rescue Plan Act and the Infrastructure Investment and Jobs Act.

(3) Participating municipalities may bring resources to the table by planning for and permitting dense housing development in smart growth locations, thereby reducing permitting risk for developers.

(c) Program goals. The Program shall seek to achieve the following goals:

(1) development of new denser neighborhoods in five to ten communities of mixed income and mixed tenure of homeownership and rental opportunities, which, over time, will land bank and make available smart growth sites for 500–1,000 energy efficient homes and apartments;

(2) financial and planning commitment and participation of municipalities and cooperation in siting and permitting development;

(3) enhanced construction of modestly sized homes, at least half of which should be single-family homes under 1,600 sq ft. on small lots;

(4) opportunities for site development and skill-building participation by technical education centers, Youth Build, Vermont Works for Women, and community volunteers such as Habitat for Humanity;

(5) reservation of 25 percent of single family lots for permanently affordable homes, including Habitat for Humanity, Youth Build, or Tech Center programs, at no cost for acquisition or infrastructure and only modest fees for all small homes; and

(6) reservation of 35 percent of multifamily rentals for Vermonters with income below 80 percent of the median income with no cost for publicly funded infrastructure.

\* \* \* Downtown and Village Center Tax Credit Program \* \* \*

Sec. 5. 32 V.S.A. § 5930aa is amended to read:

§ 5930aa. DEFINITIONS

As used in this subchapter:

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

(2) “Qualified building” means a building built at least 30 years before the date of application, located within a designated downtown or village center, or neighborhood development area, which, upon completion of the project supported by the tax credit, will be an income-producing building not used solely as a single-family residence. Churches and other buildings owned by religious organization may be qualified buildings, but in no event shall tax credits be used for religious worship.

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

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

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

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

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

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

(6) “Qualified Flood Mitigation Project” means any combination of structural and nonstructural changes to a building located within the flood hazard area as mapped by the Federal Emergency Management Agency that reduces or eliminates flood damage to the building or its contents. The project shall comply with the municipality’s adopted flood hazard bylaw, if applicable, and a certificate of completion shall be submitted by a registered engineer, architect, qualified contractor, or qualified local official to the State Board. Improvements to qualified buildings listed, or eligible for listing, in the State or National Register of Historic Places shall be consistent with Secretary of the Interior’s Standards for Rehabilitation, as determined by the Vermont Division for Historic Preservation.

(7) “Qualified historic rehabilitation project” means an historic rehabilitation project that has received federal certification for the rehabilitation project.

~~(7)~~(8) “Qualified project” means a qualified code improvement, qualified façade improvement, or qualified historic rehabilitation project as defined by this subchapter.

~~(8)~~(9) “State Board” means the Vermont Downtown Development Board established pursuant to 24 V.S.A. chapter 76A.

Sec. 6. 32 V.S.A. § 5930bb is amended to read:

§ 5930bb. ELIGIBILITY AND ADMINISTRATION

\* \* \*

(e) Sunset of Neighborhood Development Area tax credits. Effective on July 1, 2027, under this subchapter no new tax credit may be allocated by the State Board to a qualified building in a neighborhood development area.

Sec. 7. 24 V.S.A. § 2793a is amended to read:

§ 2793a. DESIGNATION OF VILLAGE CENTERS BY STATE BOARD

\* \* \*

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

\* \* \*

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

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

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

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

\* \* \*

Sec. 8. 24 V.S.A. § 2793e is amended to read:

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

\* \* \*

(f) Neighborhood development area incentives for developers. Once a municipality has a designated neighborhood development area or has a Vermont neighborhood designation pursuant to section 2793d of this title, any

proposed development within that area shall be eligible for each of the benefits listed in this subsection. These benefits shall accrue upon approval by the district coordinator, who shall review the density requirements set forth in subdivision (c)(7) of this section to determine benefit eligibility and issue a jurisdictional opinion under 10 V.S.A. chapter 151 on whether the density requirements are met. These benefits are:

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

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

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

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

\* \* \*

Sec. 9. 24 V.S.A. § 2794 is amended to read:

#### § 2794. INCENTIVES FOR PROGRAM DESIGNEES

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

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

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

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

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

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

\* \* \*



Sec. 10. 32 V.S.A. § 5930cc is amended to read:

§ 5930cc. DOWNTOWN AND VILLAGE CENTER PROGRAM TAX  
CREDITS

\* \* \*

(d) Flood Mitigation Tax Credit. The qualified applicant of a qualified flood mitigation project shall be entitled, upon the approval of the State Board, to claim against the taxpayer's State individual income tax, State corporate income tax, or bank franchise or insurance premiums tax liability a credit of 50 percent of qualified expenditures up to a maximum tax credit of \$75,000.00.

\* \* \* Missing Middle Housing \* \* \*

Sec. 11. MISSING MIDDLE-INCOME HOMEOWNERSHIP  
DEVELOPMENT PILOT PROGRAM

(a) The following amounts are appropriated from the America Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the Department of Housing and Community Development to grant to the Vermont Housing Finance Agency to establish the Missing Middle-Income Homeownership Development Pilot Program:

- (1) \$5,000,000.00 in fiscal year 2022; and
- (2) \$10,000,000.00 in fiscal year 2023.

(b) As used in this section:

(1) "Affordable owner-occupied housing" means owner-occupied housing identified in 26 U.S.C. § 143(c)(1) or that qualifies under Vermont Housing Finance Agency criteria governing owner-occupied housing.

(2) "Income-eligible homebuyer" means a Vermont household with annual income that does not exceed 120 percent of area median income.

(c) The Agency shall use the funds appropriated in this section to provide subsidies for new construction or acquisition and substantial rehabilitation of affordable owner-occupied housing for purchase by income-eligible homebuyers.

(d) The total amount of subsidies for a project shall not exceed 35 percent of eligible development costs, as determined by the Agency, which the Agency may allocate consistent with the following:

(1) Developer subsidy. The Agency may provide a direct subsidy to the developer, which shall not exceed the difference between the cost of development and the market value of the home as completed.

(2) Affordability subsidy. Of any remaining amounts available for the project after the developer subsidy, the Agency may provide a subsidy for the benefit of the homebuyer to reduce the cost of purchasing the home, provided that:

(A) the Agency includes conditions in the subsidy, or uses another legal mechanism, to ensure that, to the extent the home value has risen, the amount of the subsidy remains with the home to offset the cost to future homebuyers; or

(B) the subsidy is subject to a housing subsidy covenant, as defined in 27 V.S.A. § 610, that preserves the affordability of the home for a period of 99 years or longer.

(3) The Agency shall allocate not less than 33 percent of the funds available through the Program to projects that include a housing subsidy covenant consistent with subdivision (2)(B) of this subsection.

(e) The Agency shall adopt a Program plan that establishes application and selection criteria, including:

(1) project location;

(2) geographic distribution;

(3) leveraging of other programs;

(4) housing market needs;

(5) project characteristics, including whether the project includes the use of existing housing as part of a community revitalization plan;

(6) construction standards, including considerations for size;

(7) priority for plans with deeper affordability and longer duration of affordability requirements;

(8) sponsor characteristics;

(9) energy efficiency of the development; and

(10) historic nature of the project.

(f) The Agency may assign its rights under any investment or subsidy made under this section to the Vermont Housing and Conservation Board or any State agency or nonprofit organization qualifying under 26 U.S.C. §

501(c)(3), provided such assignee acknowledges and agrees to comply with the provisions of this section.

(g) The Agency shall ensure that initial investments made under this Program are obligated by December 31, 2024 and expended by December 31, 2026.

(h) The Department shall report to the House Committee on Housing, General, and Military Affairs and Senate Committee on Economic Development, Housing and General Affairs on the status of the Program annually, on or before January 15, through 2027.

\* \* \* Residential Construction Contractors \* \* \*

## Sec. 12. FINDINGS

The General Assembly finds that:

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

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

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

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

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

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

Sec. 13. 3 V.S.A. § 122 is amended to read:

§ 122. OFFICE OF PROFESSIONAL REGULATION

The Office of Professional Regulation is created within the Office of the Secretary of State. The Office shall have a director who shall be qualified by education and professional experience to perform the duties of the position. The Director of the Office of Professional Regulation shall be a classified position with the Office of the Secretary of State. The following boards or professions are attached to the Office of Professional Regulation:

\* \* \*

(51) Residential Contractors.

Sec. 14. 26 V.S.A. chapter 106 is added to read:

CHAPTER 106. RESIDENTIAL CONTRACTORS

Subchapter 1. General Provisions

§ 5501. REGISTRATION REQUIRED

(a) A person shall register with the Office of Professional Regulation prior to contracting with a homeowner to perform residential construction in exchange for consideration of more than \$10,000.00, including labor and materials.

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

§ 5502. EXEMPTIONS

This chapter does not apply to:

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

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

(B) a business that performs residential construction if the work is performed primarily by or under the direct supervision of one or more employees who are individually exempt from registration under subdivision (2)(A) of this section;

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

(4) landscaping;

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

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

#### § 5503. MANDATORY REGISTRATION AND VOLUNTARY

##### CERTIFICATION DISTINGUISHED

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

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

(b) The system of voluntary certification established in this chapter is intended to provide consumers and contractors with a publicly available, noncommercial venue for contractors to list optional approved certifications. The Director of Professional Regulation, in consultation with public safety officials and recognized associations or boards of builders, remodelers, architects, and engineers, may:

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

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

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

#### Subchapter 2. Administration

#### § 5505. DUTIES OF THE DIRECTOR

(a) The Director of Professional Regulation shall:

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

(2) administer fees established under this chapter;

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

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

(5) use the registry to timely communicate with registrants and certificants concerning issues of health and safety, building codes, environmental and energy issues, and State and federal incentive programs.

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

#### § 5506. ADVISORS

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

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

(1) register under this chapter;

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

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

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

#### § 5507. FEES

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

(1) Registration, individual: \$75.00.

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

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

### Subchapter 3. Registrations

#### § 5508. ELIGIBILITY

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

#### § 5509. REQUIREMENTS OF REGISTRANTS

(a) Insurance. A person registered under this chapter shall maintain minimum liability insurance coverage in the amount of \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate, evidence of which may be required as a precondition to issuance or renewal of a registration.

(b) Writing.

(1) A person registered under this chapter shall execute a written contract prior to receiving a deposit or commencing residential construction work if the estimated value of the labor and materials exceeds \$10,000.00.

(2) A contract shall specify:

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

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

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

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

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

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

(D) Change order provision. A description of how and when amendments to the contract may be approved and documented, as agreed by the parties.

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

(c) Down payment.

(1) If a contract specifies a maximum price for all work and materials or a statement that billing and payment will be made on a time and materials basis, not to exceed a maximum price, the contract may require a down payment of up to one-half of the cost of labor to the consumer, or one-half of the price of materials, whichever is greater.

(2) If a contract specifies that billing and payment will be made on a time and materials basis and that there is no maximum price, the contract may require a down payment as negotiated by the parties.

#### § 5510. PROHIBITIONS AND REMEDIES

(a) A person who does not register as required pursuant to this chapter may be subject to an injunction or a civil penalty, or both, for unauthorized practice as provided in 3 V.S.A. § 127(b).

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

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

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

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

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

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

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

#### Sec. 15. IMPLEMENTATION

(a) Notwithstanding any contrary provision of 26 V.S.A. chapter 106:

(1) The initial biennial registration term for residential contractors pursuant to 26 V.S.A. chapter 106 shall begin on April 1, 2023.

(2) The Secretary of State may begin receiving applications for the initial registration term on December 1, 2022.

(3)(A) The registration fee for individuals who submit complete registration requests between December 1, 2022 and March 31, 2023 is \$25.00 and between April 1, 2023 and March 31, 2024, the fee is \$50.00.



(B) The registration fee for business organizations that submit complete registration requests between December 1, 2022 and March 31, 2023 is \$175.00 and between April 1, 2023 and March 31, 2024, the fee is \$200.00.

(4) Prior to April 1, 2024, the Office of Professional Regulation shall not take any enforcement action for unauthorized practice under 26 V.S.A. § 5510(a) against a residential contractor who fails to register as required by this act.

(b) On or before July 1, 2023, the Director of Professional Regulation shall establish an initial set of voluntary certifications, to include at minimum OSHA standards on construction projects and components of energy-efficient “green” building for insulators, carpenters, and heating and ventilation installers.

Sec. 16. CREATION OF POSITIONS WITHIN THE OFFICE OF  
PROFESSIONAL REGULATION; LICENSING

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

(b) In fiscal year 2023, the amount of \$200,000.00 in Office of Professional Regulation special funds is appropriated to the Secretary of State to fund the positions created in subsection (a) of this section.

Sec. 17. ATTORNEY GENERAL; CONSUMER ASSISTANCE  
PROGRAM; POSITION; APPROPRIATION

(a) The Office of the Attorney General is authorized to create one classified, two-year full-time limited-service position within the Consumer Assistance Program, whose duties shall include:

(1) assisting with consumer complaints concerning residential construction projects with a value of less than \$10,000.00;

(2) providing education, outreach, and mediation to contractors and consumers; and

(3) coordinating and facilitating information sharing concerning complaints with the Office of Professional Regulation.

(b) In fiscal year 2023, the amount of \$200,000.00 is appropriated from the General Fund to the Office of the Attorney General to create the position and perform the duties provided in this section.

Sec. 18. SECRETARY OF STATE; STATUS REPORT

On or before January 15, 2024, the Office of Professional Regulation shall report to the House Committees on General, Housing, and Military Affairs and on Government Operations and to the Senate Committees on Economic Development, Housing and General Affairs and on Government Operations concerning the implementation of 26 V.S.A. chapter 106, including:

- (1) the number of registrations and certifications;
- (2) the resources necessary to implement the chapter;
- (3) the number and nature of any complaints or enforcement actions;
- (4) the potential design and implementation of a one-stop portal for contractors and consumers; and
- (5) any other issues the Office deems appropriate.

Sec. 19. 9 V.S.A. § 4500 is amended to read:

§ 4500. LEGISLATIVE INTENT

(a) The provisions of this chapter establishing legal standards, duties, and requirements with respect to persons with disabilities in places of public accommodation as defined in this chapter, except those provisions relating to remedies, are intended to implement and to be construed so as to be consistent with the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq. and regulations promulgated under that act Act, and are not intended to impose additional or higher standards, duties, or requirements than that act Act.

(b) Subsections 4502(b) and (c) of this title shall not be construed to create or impose on governmental entities additional or higher standards, duties, or requirements than that imposed by Title II of the Americans with Disabilities Act.

(c) The provisions of this chapter shall be construed liberally to accomplish its remedial purposes and any exceptions and exemptions to the provisions of this chapter shall be construed narrowly in order to maximize the deterrence of discriminatory behavior.

Sec. 20. 9 V.S.A. § 4503 is amended to read:

§ 4503. UNFAIR HOUSING PRACTICES

(a) It shall be unlawful for any person:

\* \* \*

(2) To discriminate against, or to harass, any person in the terms, conditions, privileges, and protections of the sale or rental of a dwelling or other real estate, or in the provision of services or facilities in connection

~~therewith~~ with a dwelling or other real estate, because of the race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.

\* \* \*

(d)(1) As used in this section, “harass” means to engage in unwelcome conduct that detracts from, undermines, or interferes with the person’s terms, conditions, privileges, or protections in the sale or rental of a dwelling or other real estate, or in the provision of services or facilities in connection with a dwelling or other real estate, because of the person’s race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or disability, or because the person intends to occupy a dwelling with one or more minor children, or because the person is a recipient of public assistance, or because the person is a victim of abuse, sexual assault, or stalking.

(2) Notwithstanding any judicial precedent to the contrary, harassing conduct need not be severe or pervasive to be unlawful pursuant to the provisions of this section. In determining whether conduct constitutes unlawful harassment:

(A) The determination shall be made on the basis of the record as a whole, according to the totality of the circumstances, and a single incident may constitute unlawful harassment.

(B) Incidents that may be harassment shall be considered in the aggregate with varying types of conduct and conduct based on multiple characteristics viewed in totality, rather than in isolation.

(C) Conduct may constitute unlawful harassment, regardless of whether:

(i) the complaining person is the person being harassed;

(ii) the complaining person acquiesced or otherwise submitted to or participated in the conduct;

(iii) the conduct is also experienced by others outside the protected class involved in the conduct;

(iv) the complaining person was able to enjoy the benefit of applicable terms, conditions, privileges, or protections in the sale or rental of

the dwelling or other real estate, or to obtain services or facilities in connection with the dwelling or other real estate, despite the conduct;

(v) the conduct resulted in a physical or psychological injury; or

(vi) the conduct occurred outside the dwelling or other real estate.

(3) behavior that a reasonable person with the same protected characteristic would consider to be a petty slight or trivial inconvenience shall not constitute unlawful harassment or discrimination pursuant to this section.

## Sec. 21. PROHIBITION OF TAX SALE WHILE VHAP APPLICATION

### PENDING

(a) Not less than 60 days prior to serving a notice of sale on a delinquent taxpayer pursuant to 32 V.S.A. § 5252(a)(3), a town or municipality shall mail to the delinquent taxpayer's last known address a notice in the following, or substantially similar, form:

“If this property is your primary residence, you may be able to get help with delinquent property tax and utility payments through the Vermont Homeowner Assistance Program (VHAP). VHAP can help you avoid tax sale and transfer of your property by paying delinquent property taxes, water and sewer charges, interest, and penalties.

You can apply for VHAP online at [vermonthap.vhfa.org](http://vermonthap.vhfa.org). For advice about the program and help completing the application, call Vermont Legal Aid at 1-800-889-2047.

If you apply for VHAP, you must notify your town in writing, and your property will not be sold or transferred while your application is pending.”

(b) A notice of sale to a delinquent taxpayer pursuant to 32 V.S.A. § 5252(a)(3) shall include the notice in subsection (a) of this section.

(c) If a town or municipality has sold a delinquent taxpayer's property pursuant to 32 V.S.A. § 5254 prior to the effective date of this section, but the deed conveying title to the purchaser has not yet been executed pursuant to 32 V.S.A. § 5261, not later than 30 days from the effective date of this section, the town or municipality shall mail to the delinquent taxpayer's last known address the notice in subsection (a) of this section.

(d)(1) A homeowner who has applied for VHAP may request a stay of the tax sale process or extension of the redemption period while the VHAP application is pending by attesting to the municipality that the homeowner has made a good faith application for VHAP funds in connection with the homeowner's primary residence.

(2) Upon notification that a VHAP application is pending, a municipality shall not conduct a tax sale of the property until one of the following occurs:

(A) the applicant is deemed ineligible for VHAP;

(B) the VHAP application is closed due to inaction by the applicant;

or

(C) payment is issued to the municipality on a qualifying application.

(3) If a payment is issued that satisfies the delinquency, the sale shall not proceed.

(e)(1) If a tax sale occurred prior to the delinquent taxpayer's application for VHAP, the redemption period established in 32 V.S.A. § 5260 shall be extended by operation of law until one of the following occurs:

(A) the applicant is deemed ineligible for VHAP;

(B) the VHAP application is closed due to inaction by the applicant;

or

(C) payment is issued to the municipality on a qualifying application.

(2) If payment is issued for the redemption amount, the deed shall not be made to the purchaser, but the sums shall be paid to the purchaser pursuant to 32 V.S.A. § 5260.

(f)(1) This section is repealed on September 30, 2025.

(2) The notice obligations in subsections (a)–(c) of this section shall cease when the Vermont Housing Finance Agency stops accepting VHAP applications because funding is exhausted.

Sec. 22. 10 V.S.A. § 12 is added to read:

#### § 12. VERMONT LAND ACCESS AND OPPORTUNITY BOARD

(a) Creation. There is created the Vermont Land Access and Opportunity Board, which for administrative purposes shall be attached to the Vermont Housing and Conservation Board.

(b) Powers and duties. The Board shall promote racial and social equity in property ownership for Vermonters who have historically suffered from discrimination and who have not had equal access to public or private economic benefits.

Sec. 23. EFFECTIVE DATES

This act shall take effect on July 1, 2022, except that Sec. 11 (Missing Middle Pilot Program) and Sec. 21 (tax sales) shall take effect on passage.

**(Committee vote:7-2-2)**

**(For text see Senate Journal March 30, 31, 2022 )**

**Rep. Jessup of Middlesex**, for the Committee on Appropriations, recommends the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on General, Housing, and Military Affairs.

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

**Amendment to be offered by Rep. Stevens of Waterbury to S. 226**

Representative Stevens of Waterbury moves to amend the recommendation of proposal of amendment of the committee on General, Housing, and Military Affairs, by striking out Sec. 4 in its entirety and inserting in lieu thereof a new Sec. 4 to read as follows:

**Sec. 4. COMMUNITY PARTNERSHIP FOR NEIGHBORHOOD**

**DEVELOPMENT**

(a) The Department of Housing and Community Development shall lead a Community Partnership for Neighborhood Development Program, which shall be a collaborative among municipalities, nonprofit and for-profit developers, State agencies, employers, and other relevant stakeholders to develop a pilot neighborhood and demonstrate how new partnership models for targeted and coordinated investments can support the development of at least 300 homes in inclusive, smart growth neighborhoods.

(b) The Program shall be steered by a Housing Equity Council with representatives from the Vermont Department of Housing Community Development, the Vermont Housing Finance Agency, the Agency of Natural Resources, the Agency of Transportation, the Department of Public Service, the Vermont Bond Bank, the Vermont Economic Development Authority, the Vermont Housing and Conservation Board, the Vermont Association of Planning and Development Agencies, the Vermont League of Cities and Towns, and the Vermont Regional Development Corporations.

(c) The Council shall consider and recommend to the Department of Housing and Community Development at least three a pilot neighborhood development project in three separate regional planning commission regions using a competitive process to select municipalities a municipality able to demonstrate need, collaboration, preliminary planning, bylaw modernization, and budgetary commitments to support smart growth and housing development in a location within or up to one quarter of a mile from a

neighborhood planning area, as defined in 24 V.S.A. § 2791, or a location that otherwise represent a logical extension of an existing compact settlement pattern that is consistent with smart-growth principles.

(d) Through the Program, the Department and the Council shall coordinate with the pilot municipality through 2026 on the strategic use of public resources to create a development-ready framework for new and infill neighborhood development and construction-ready building lots through the integrated coordination of the following:

(1) State, regional, and municipal planning;

(2) State and municipal regulation;

(3) land acquisition and land banking;

(4) physical improvement planning, design, and scoping;

(5) capital investment in infrastructure;

(6) financing and funding, including funding from the American Rescue Plan Act and Infrastructure Investment and Jobs Act;

(7) lot and building development by private and nonprofit developers; and

(8) the sale or leasing of homes.

(e) The Department and the Council shall seek to achieve the following goals through the Program:

(1) The development of a neighborhood that:

(A) is compact and human-scaled, with a density of at least eight dwelling units per acre, including modestly sized dwellings on small lots;

(B) is characteristic of Vermont's smart growth principles, as provided in 24 V.S.A. § 2791;

(C) is located in proximity to existing residential, employment, and civic uses;

(D) provides for a mix of housing types, styles, tenure, and sizes to accommodate diverse households of varying composition, age, and income, including not less than 25 percent of the units with perpetual affordability and 35 percent of the homes affordable at 80 percent of the area median income;

(E) provides for a mix of transportation modes with interconnected streets and sidewalks; and

(F) is designed in a manner that enhances historic resources, climate readiness, energy efficiency, environmental quality, resident health, and overall livability.

(2) A successful model for the acquisition or banking of developable- or development-ready land for new neighborhood development or infill development within an existing, developed neighborhood.

(3) A successful model for the integration of planning and implementation for water, sewer, and other public utilities and services with land use planning and transportation investments in new or upgraded streets.

(f) \$1,000,000.00 is appropriated from the American Recue Plan Act (ARPA) recovery funds to the Department of Housing and Community Development for predevelopment grants that implement this section, which may fund municipal planning, site control, land acquisition, design, scoping, and surveying for the development of a pilot neighborhood.

(g) Of the amounts appropriated in this section, the Department may reserve not more than \$100,000.00 for related administrative expenses through fiscal year 2026.

(h) The Agency of Natural Resources and the Agency of Transportation shall report back to the General Assembly on or before December 15, 2024 on financial contributions the agencies can make to the Program's pilot neighborhood.

(i) The Department of Housing and Community Development shall report back to the General Assembly on the results of the Program on or before December 15, 2026.

## S. 261

An act relating to municipal retention of property tax collections

**Rep. Elder of Starksboro**, for the Committee on Ways and Means, recommends that the House propose to the Senate that the bill be amended as follows:

By striking out Sec. 2, effective date, in its entirety, and inserting in lieu thereof:

Sec. 2. 32 V.S.A. § 5412(e) is amended to read:

(e) A reduction made under this section shall be an amount equal to the loss in education grand list value multiplied by the tax rate applicable to the subject property in the year the request is submitted. However, the total amount for all reductions made under this section in one year shall not exceed



~~\$100,000.00~~ \$1,000,000.00. If total reductions for a calendar year would exceed this amount, the Director shall instead prorate the reductions proportionally among all municipalities eligible for a reduction so that total reductions equal ~~\$100,000.00~~ \$1,000,000.00.

Sec. 3. 32 V.S.A. § 5413 is added to read:

§ 5413. STATE APPRAISAL AND LITIGATION ASSISTANCE

PROGRAM

(a) A State appraisal and litigation assistance program shall be created within the Division of Property Valuation and Review of the Department of Taxes to assist municipalities with the valuation of complex commercial or other unique properties within a municipality's jurisdiction and to assist with any appeals arising from those valuations. The Commissioner of Taxes may contract with one or more commercial appraisers to provide State appraisal and litigation assistance to municipalities under this section. The Commissioner may adopt rules to administer the provisions of this section.

(b) The Commissioner shall:

(1) determine the conditions for a property to be eligible for State assistance, including the grand list value or category of the property or other relevant factors as determined by the Commissioner; and

(2) provide a process by which a municipality may apply for assistance under this section for one or more properties.

(c) Any municipality assisted under this section shall be considered to have followed best practices pursuant to subdivision 5412(a)(1)(D) of this title.

Sec. 4. COST ESTIMATE; NEW STATE PROGRAM

On or before January 15, 2023, the Commissioner of Taxes shall submit a cost estimate for the creation of a new State appraisal and litigation assistance program within the Division of Property Valuation and Review of the Department of Taxes to the House Committees on Appropriations and on Ways and Means and the Senate Committees on Appropriations and on Finance. The cost estimate under this section shall include the upfront and ongoing operating costs required to create, implement, and maintain a new program, including contracting with one or more commercial appraisers to provide State assistance to municipalities.

Sec. 5. 32 V.S.A. § 4461(a) is amended to read:

(a) A taxpayer or the selectboard members of a town aggrieved by a decision of the board of civil authority under subchapter 1 of this chapter may

appeal the decision of the board to either the Director or the Superior Court of the county in which the property is located. The appeal to the Superior Court shall be heard without a jury. The appeal to either the Director or the Superior Court shall be commenced by filing a notice of appeal pursuant to Rule 74 of the Vermont Rules of Civil Procedure within 30 days after entry of the decision of the board of civil authority. The date of mailing of notice of the board's decision by the town clerk to the taxpayer shall be deemed the date of entry of the board's decision. The town clerk shall transmit a copy of the notice to the Director or to the Superior Court as indicated in the notice and shall record or attach a copy of the notice in the grand list book. The entry fee for an appeal to the Director is \$70.00; provided, however, that the Director may waive, reduce, or refund the entry fee in cases of hardship or to join appeals regarding the same parcel. If, in the opinion of the Director, an appeal under this subsection involves a complex or unique property or valuation that would be best adjudicated by the Superior Court, the Director may decline to assign a property valuation hearing officer pursuant to section 4465 of this title and shall forward the appeal to the Superior Court where it shall be heard. An appeal forwarded by the Director under this subsection shall be considered timely filed in the Superior Court if it was timely appealed to the Director.

Sec. 6. 32 V.S.A. § 4465 is amended to read:

§ 4465. APPOINTMENT OF PROPERTY VALUATION HEARING  
OFFICER; OATH; PAY

When an appeal to the Director is not withdrawn or forwarded by the Director to Superior Court pursuant to subsection 4461(a) of this title, the Director shall refer the appeal in writing to a person not employed by the Director, appointed by the Director as hearing officer. The Director shall have the right to remove a hearing officer for inefficiency, malfeasance in office, or other cause. In like manner, the Director shall appoint a hearing officer to fill any vacancy created by resignation, removal, or other cause. Before entering into their duties, persons appointed as hearing officers shall take and subscribe the oath of the office prescribed in the Constitution, which oath shall be filed with the Director. The Director shall pay each hearing officer a sum not to exceed \$150.00 per diem for each day wherein hearings are held, together with reasonable expenses as the Director may determine. A hearing officer may subpoena witnesses, records, and documents in the manner provided by law for serving subpoenas in civil actions and may administer oaths to witnesses.

Sec. 7. REPORT; TIME-SHARE PROJECT VALUATION

On or before January 15, 2023, the Commissioner of Taxes shall submit a report to the House Committee on Ways and Means and the Senate Committee

on Finance proposing options for addressing the complexities of valuing time-share projects in this State. The report under this section shall include a review of other states' time-share project valuation laws and an evaluation of the feasibility of applying those formulas in Vermont. The report shall propose any recommendations for legislative changes to clarify the valuation of time-share projects.

#### Sec. 8. EFFECTIVE DATES

This act shall take effect on passage, except that:

(1) Sec. 2 (refund for reduction in grand list value) shall take effect on January 1, 2023 and shall apply to municipal requests for reduction submitted on or after January 1, 2023 for a final appeal or court action resolved within the previous calendar year, beginning with the 2022 calendar year.

(2) Sec. 3 (State appraisal and litigation assistance program) shall take effect on July 1, 2023, provided the General Assembly has, on or before July 1, 2023, appropriated funding to cover the Department of Taxes' operating costs required to create, implement, and maintain a new State appraisal and litigation assistance program.

and that after passage the title of the bill be amended to read: "An act relating to municipal retention of property tax collections and valuation for purposes of the education property tax"

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

**(For text see Senate Journal February 25, 2022 )**

#### **S. 283**

An act relating to miscellaneous changes to education laws

**Rep. Conlon of Cornwall**, for the Committee on Education, recommends that the House propose to the Senate that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Community College of Vermont In-State Tuition for Refugees \* \* \*

Sec. 1. 16 V.S.A. § 2185 is amended to read:

#### § 2185. DETERMINATION OF RESIDENCY FOR TUITION PURPOSES

(a) The Board of Trustees shall adopt policies related to residency for tuition purposes, consistent with State and federal requirements.

(b) Any member of the U.S. Armed Forces on active duty who is transferred to Vermont for duty other than for the purpose of education shall, upon transfer and for the period of active duty served in Vermont, be

considered a resident for in-state tuition purposes at the start of the next semester or academic period.

(c) For determination of residency for tuition to the Community College of Vermont, a person who resides in Vermont shall be considered a resident for in-state tuition purposes, beginning at the start of the next semester or academic period after arrival in Vermont, if that person:

(1) qualifies as a refugee pursuant to 8 U.S.C. 1101(a)(42);

(2) is granted parole to enter the United States pursuant to 8 U.S.C. 1182(d)(5); or

(3) is issued a special immigrant visa pursuant to the Afghan Allies Protection Act of 2009, as amended.

## Sec. 2. INCENTIVE GRANT ELIGIBILITY; RESIDENCY

(a) Notwithstanding any provision of law to the contrary, a person who qualifies for in-state tuition to the Community College of Vermont under 16 V.S.A. § 2185(c) shall not be ineligible for the Vermont incentive grant program under 16 V.S.A. §§ 2841–2846 solely on account of that person’s residency status.

(b) This section is repealed on July 1, 2023.

\* \* \* Suspension or Expulsion of Students \* \* \*

Sec. 3. 16 V.S.A. § 1162 is amended to read:

## § 1162. SUSPENSION OR EXPULSION OF STUDENTS

(a) A superintendent or principal may, pursuant to policies adopted by the school board that are consistent with State Board rules, suspend a student for up to 10 school days or, with the approval of the board of the school district, expel a student for up to the remainder of the school year or up to 90 school days, whichever is longer, for misconduct:

(1) on school property, on a school bus, or at a school-sponsored activity when the misconduct makes the continued presence of the student harmful to the welfare of the school;

(2) not on school property, on a school bus, or at a school-sponsored activity where direct harm to the welfare of the school can be demonstrated; or

(3) not on school property, on a school bus, or at a school-sponsored activity where the misconduct can be shown to pose a clear and substantial interference with another student’s equal access to educational programs.

(b) Nothing contained in this section shall prevent a superintendent or

principal, subject to subsequent due process procedures, from removing immediately from a school a student who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process of the school, or from expelling a student who brings a weapon to school pursuant to section 1166 of this title.

(c) Principals, superintendents, and school boards are authorized and encouraged to provide alternative education services or programs to students during any period of suspension or expulsion authorized under this section.

(d) Notwithstanding anything to the contrary in this chapter, a student enrolled in a public school, approved independent school, or prequalified private prekindergarten program who is under eight years of age shall not be suspended or expelled from the school; provided, however, that the school may suspend or expel the student if the student poses an imminent threat of harm or danger to others in the school.

Sec. 4. REPORT AND RECOMMENDATIONS ON SUSPENSION,  
EXPULSION, AND EXCLUSIONARY PRACTICES IN EARLY  
CHILDHOOD EDUCATION SETTINGS

The Building Bright Futures Council, established in 33 V.S.A. § 4602, shall collaborate with the Agencies of Human Services and Education to define suspension, expulsion, and exclusionary practices in early childhood education settings and to establish best practices for supporting children who face such measures. The work of the Council shall include reviewing available data on exclusionary practices. On or before January 15, 2023 the Building Bright Futures Council shall issue a written report to the Senate and House Committees on Education, the Senate Committee on Health and Welfare, and the House Committee on Human Services detailing its work and findings and making recommendations for legislative action.

\* \* \* Entrance Age Threshold for Public School Kindergarten \* \* \*

Sec. 5. REPORT AND RECOMMENDATIONS ON THE IMPACT OF  
STANDARDIZING THE ENTRANCE AGE THRESHOLD FOR  
PUBLIC SCHOOL KINDERGARTEN

On or before December 15, 2022, the Agency of Education shall issue a written report to the Senate and House Committees on Education on the impact of standardizing the entrance age threshold for public school kindergarten attendance. In preparing the report, the Agency of Education shall consult with the Vermont Department for Children and Families, the Vermont Department of Health, the Vermont School Boards Association, the

Vermont Principals' Association, the Vermont Superintendents Association, and the Vermont National Education Association. The report shall include any recommendations for legislative action.

\* \* \* Statewide Uniform School Calendar \* \* \*

Sec. 6. REPORT AND RECOMMENDATIONS FOR A STATEWIDE  
UNIFORM SCHOOL CALENDAR

On or before January 15, 2024, the Agency of Education shall issue a written report to the Senate and House Committees on Education with a proposed statewide uniform school calendar, created to improve high-quality learning opportunities for all Vermont students. In creating the calendar, the Agency shall consider the impact on attendance at regional career and technical education centers as well as the impact on families and educators. The uniform calendar shall include student attendance days, periods of vacation, holidays, and teacher in-service education days.

\* \* \* Remote Learning \* \* \*

Sec. 7. REPORT AND RECOMMENDATIONS FOR STATEWIDE  
REMOTE LEARNING POLICY

On or before January 15, 2023, the Agency of Education, in consultation with the State Board of Education, shall issue a written report to the Senate and House Committees on Education with recommendations for a statewide remote learning policy that incorporates remote learning into the requirements for student attendance, school days, and cumulative instructional hours. The report shall define remote learning and recommend statewide quality standards to ensure substantially equal access to quality basic education. The report shall also include any recommendations for legislative action.

\* \* \* PCBs \* \* \*

Sec. 8. 2021 Acts and Resolves No. 74, Sec. E.709.1 is amended to read:

Sec. E.709.1 ENVIRONMENTAL CONTINGENCY FUND;

POLYCHLORINATED BIPHENYLS (PCBs) TESTING IN  
SCHOOLS

(a) Notwithstanding 10 V.S.A. § 1283, of the funds transferred in Sec. D.101(a) of this act to the Environmental Contingency Fund, the Department of Environmental Conservation, in consultation with the Department of Health and the Agency of Education, shall use up to \$4,500,000 to complete air indoor quality testing for Polychlorinated Biphenyls (PCBs) in

public schools and approved and recognized independent schools that were constructed or renovated before 1980. All schools subject to this subsection shall test for PCBs on or before July 1, 2024 2026. ~~It is the intent of the General Assembly to develop additional guidance during the 2022 legislative session.~~

(b) On or before January 15, 2023, the Secretary of Natural Resources, after consultation with the Secretary of Education and the Commissioner of Health, shall submit to the House Committees on Education and on Natural Resources, Fish, and Wildlife and the Senate Committees on Education and on Natural Resources and Energy the following information addressing the testing of air quality for PCBs in public schools and approved and recognized independent schools that were constructed or renovated before 1980:

(1) the testing methodology used, including where and how samples were collected;

(2) the results from schools that were tested, any immediate responses that were taken by the school, and any planned responses that will take place by a school;

(3) a cost estimate for the work planned to take place for schools that were tested and any cost projections based on the sampling that has taken place;

(4) a schedule for testing all remaining schools, including whether testing will occur when students and staff are present in the school; and

(5) a proposal for how any required response to the presence of PCBs in a school shall be funded, including any proposed financial assistance from the State to schools to implement a required response.

Sec. 9. 2021 Acts and Resolves No. 72, Sec. 3(b) is amended to read:

(b) The Secretary of Education shall contract with an independent third party to conduct the inventory and assessment described in subsection (a) of this section. The inventory shall be completed on or before January 15, 2022, and the assessment shall be completed on or before October 1, ~~2022~~ 2023.

Sec. 10. 2021 Acts and Resolves No. 72, Sec. 12 is amended to read:

#### Sec. 12. RADON TESTING; SCHOOL FACILITIES

(a) On or before June 30, ~~2023~~ 2026, each public school and approved independent school, as defined in 16 V.S.A. § 11, shall perform a radon measurement in accordance with the ANSI/AARST protocol for conducting Radon and Radon Decay Products in Schools and Large Buildings (MALB-2014) on any facility that has not had a test completed in five or more years;

provided, however, that any public school or approved independent school that is engaged in implementing an indoor air quality improvement project prior to June 30, 2023 shall perform a radon measurement on or before June 30, 2024.

(b) Each public school and approved independent school shall make available the results of the radon measurement described in subsection (a) of this section to each employee and student at the school.

\* \* \* Crime Insurance for Incorporated School Districts \* \* \*

Sec. 11. 16 V.S.A. § 492 is amended to read:

#### § 492. POWERS, DUTIES, AND LIABILITIES; BONDS

(a) The powers, duties, and liabilities of the collector, treasurer, prudential committee, and clerk shall be like those of a town collector, treasurer, board of school directors, and the school board clerk, respectively.

(b) Before entering upon their duties, the collector and treasurer shall give a bond to the district conditioned for the faithful performance of their duties, in such sum as may be required. When In lieu of taking a personal bond from a collector or treasurer, or both, a school district may choose to provide suitable crime insurance covering the collector or treasurer, or both. If a school district has not provided suitable crime insurance in lieu of a bond and a collector or treasurer for ten days neglects to give a bond as required, his or her that office shall be vacant.

\* \* \* Interstate School Districts \* \* \*

Sec. 12. INTERSTATE SCHOOL DISTRICTS; INDIVIDUALIZED

#### EDUCATION PROGRAM

Notwithstanding any provision of law to the contrary, a Vermont resident who is enrolled in an interstate school district, is on an individualized education program (IEP), is 21 years of age or younger, and who is not entitled to receive special education services through the interstate school district due to an age limitation shall be entitled to enroll in a Vermont public high school and receive special education services through 21 years of age. The student may choose the Vermont public high school, provided that the school determines that it has capacity and is able to provide the services required under the student's IEP. The student's local education agency of residence shall be the student's local education agency for special education purposes. Tuition and special education expenses for the student shall be paid by the Agency of Education, and the Agency of Education shall include in its annual budget request to the General Assembly an amount to cover these expenses.

Sec. 13. CONTINGENT EFFECTIVE DATE OF INTERSTATE SCHOOL



DISTRICT INDIVIDUALIZED EDUCATION PLAN SERVICES  
CHANGE

Sec. 12 of this act shall not take effect if, on or before July 1, 2023, the General Court of New Hampshire enacts legislation that extends the age through which a child is eligible to receive special education services to 21 years of age.

\* \* \* Approved and Recognized Independent Schools \* \* \*

Sec. 14. 16 V.S.A. § 166(b)(8) is amended to read:

(8)(A) If an approved independent school experiences any of the following financial reporting events during the period of its approved status, the school shall notify the Secretary of Education within five days after its knowledge of the event unless the failure is de minimis:

(i) the school's failure to file its federal or State tax returns when due, after permissible extension periods have been taken into account;

(ii) the school's failure to meet its payroll obligations as they are due or to pay federal or State payroll tax obligations as they are due;

(iii) the school's failure to maintain required retirement contributions;

(iv) the school's use of designated funds for nondesignated purposes;

(v) the school's inability to fully comply with the financial terms of its secured installment debt obligations over a period of two consecutive months, including the school's failure to make interest or principal payments as they are due or to maintain any required financial ratios;

(vi) the withdrawal or conditioning of the school's accreditation on financial grounds by a private, State, or regional agency recognized by the State Board for accrediting purposes; or

(vii) the school's insolvency, as defined in 9 V.S.A. § 2286(a).

(B)(i) If the ~~State Board~~ Secretary reasonably believes that an approved independent school lacks financial capacity to meet its stated objectives during the period of its approved status, then the ~~State Board~~ Secretary shall notify the school in writing of the reasons for this belief and permit the school a reasonable opportunity to respond.

(ii) If the ~~State Board~~ Secretary, after having provided the school a reasonable opportunity to respond, does not find that the school has

satisfactorily responded or demonstrated its financial capacity, the ~~State Board Secretary~~ may establish a review team, that, with the consent of the school, includes a member of the Council of Independent Schools, to:

(I) conduct a school visit to assess the school's financial capacity;

(II) obtain from the school such financial documentation as the review team requires to perform its assessment; and

(III) submit a report of its findings and recommendations to the State Board.

(iii) If the State Board concludes that an approved independent school lacks financial capacity to meet its stated objectives during the period of its approved status, the State Board may take any action that is authorized by this section.

(iv) In considering whether an independent school lacks financial capacity to meet its stated objectives during the period of its approved status and what actions the State Board should take if it makes this finding, the State Board may consult with, and draw on the analytical resources of, the Vermont Department of Financial Regulation.

(C) Information provided by an independent school under this subsection that is not already in the public domain is exempt from public inspection and copying under the Public Records Act and shall be kept confidential.

\* \* \* Prekindergarten Prequalification Quality Standards \* \* \*

Sec. 15. 16 V.S.A. § 829 is amended to read:

§ 829. PREKINDERGARTEN EDUCATION

\* \* \*

(c) Prequalification. Pursuant to rules jointly developed and overseen by the Secretaries of Education and of Human Services and adopted by the State Board pursuant to 3 V.S.A. chapter 25, the Agencies jointly may determine that a private or public provider of prekindergarten education is qualified for purposes of this section and include the provider in a publicly accessible database of prequalified providers. At a minimum, the rules shall define the process by which a provider applies for and maintains prequalification status, shall identify the minimum quality standards for prequalification, and shall include the following requirements:

(1) A program of prekindergarten education, whether provided by a school district or a private provider, shall have received:

(A) National Association for the Education of Young Children (NAEYC) accreditation; ~~or~~

(B) at least four stars in the Department for Children and Families' STARS system ~~with a plan to get to at least two points in each of the five arenas~~; or

(C) three stars in the STARS system if the provider has developed a plan, approved by the Commissioner for Children and Families and the Secretary of Education, to achieve four or more stars ~~with at least two points in each of the five arenas in no more than three years, and the provider has met intermediate milestones.~~

(2) A licensed provider shall employ or contract for the services of at least one teacher who is licensed and endorsed in early childhood education or in early childhood special education under chapter 51 of this title.

(3) A registered home provider that is not licensed and endorsed in early childhood education or early childhood special education shall receive regular, active supervision and training from a teacher who is licensed and endorsed in early childhood education or in early childhood special education under chapter 51 of this title.

\* \* \*

\* \* \* Agency of Education; School Facilities Position \* \* \*

Sec. 16. 2021 Acts and Resolves No. 72, Sec. 7 is amended to read:

Sec. 7. AGENCY OF EDUCATION; CREATION OF POSITIONS OR CONTRACT

(a) One limited-service position funded through ~~January 15~~ September 30, 2023 is created in the Agency of Education to implement this act by using an existing position in the position pool. In the event the required expertise is not available through position recruitment, the Agency is authorized to contract for the service to implement this act.

(b) In fiscal years 2022 and 2023, the Agency of Education is authorized to use not more than \$127,500.00 from the amount allocated to the Agency of Education Elementary and Secondary School Emergency Relief Fund pursuant to Section 313(e) of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 for the position or contract described in subsection (a) of this section.

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

Sec. 17. EFFECTIVE DATES

This act shall take effect on passage, except that Secs. 12 (interstate school district individualized education plan services change) and 14 (prekindergarten qualification standards) shall take effect on July 1, 2023.

**(Committee vote:10-0-1)**

**(For text see Senate Journal March 10, 2022 )**

**Rep. Scheu of Middlebury**, for the Committee on Appropriations, recommends the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Education.

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

**Favorable**

**H. 746**

An act relating to an amendment to the charter of the City of Burlington

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

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

**S. 122**

An act relating to the required votes of presidential electors

**Rep. Vyhovsky of Essex**, for the Committee on Government Operations, recommends that the bill ought to pass in concurrence.

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

**(For text see Senate Journal February 11, 2022 )**

**S. 139**

An act relating to nondiscriminatory school branding

**Rep. Brown of Richmond**, for the Committee on Education, recommends that the bill ought to pass in concurrence.

**(Committee Vote:7-4-0)**

**(For text see Senate Journal March 10, 2022 )**

## Senate Proposal of Amendment

### H. 444

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

The Senate proposes to the House to amend the bill as follows:

By striking out Sec. 2, 24 App. V.S.A. chapter 1, in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. 24 App. V.S.A. chapter 1 is amended to read:

#### CHAPTER 1. CITY OF BARRE

\* \* \*

#### § 104. GENERAL CORPORATE POWERS

\* \* \*

(d) The City of Barre shall fly only the City, State, United States, and POW/MIA flags.

#### § 105. ORDINANCES - SUBJECT MATTER

(a) The general grant of ordinance promulgating authority in section 104 shall include the authority:

\* \* \*

(7) To adopt and enforce ordinances relating to the mediation of landlord tenant issues by the Housing Board of Review Notwithstanding any contrary provision of 23 V.S.A. § 1007, to adopt and enforce ordinances establishing a speed limit of less than 25 miles per hour on specified City streets, or sections thereof, within City boundaries as may be required for the safety and general welfare of the City.

\* \* \*

#### § 111. BONDING OF CITY OFFICIALS

The Mayor, councilors, members of the Police Department, City Manager, ~~First Constable~~ Finance Director, Superintendent of Public Works, Tax Collector, and Clerk and Treasurer shall annually be bonded by the City for the faithful discharge of their respective duties, as provided by State statute, and the expense of said bonds to be paid by the City.

\* \* \*

#### § 205. OFFICERS ELECTED

(a)(1) The legal voters shall elect biennially a Mayor, ~~a First Constable,~~

and one person to serve as Clerk and Treasurer.

\* \* \*

#### Subchapter 4. City Officials

\* \* \*

### ARTICLE 8. CONSTABLE [Repealed.]

\* \* \*

#### § 418. DUTIES

~~The City Constable shall have the same powers and be under the same duties and liabilities as are prescribed by State statutes for constables of towns. [Repealed.]~~

\* \* \*

(For text see House Journal May 18, 2021 )

#### **Amendment to be offered by Rep. Anthony of Barre City for the Committee on Government Operations for a recommended House Proposal of Amendment to Senate Proposal of Amendment to H. 444**

The Committee on Government Operations moves that the House concur in the Senate proposal of amendment with further proposal of amendment by striking out all after the enacting clause and inserting in lieu thereof the following:

#### Sec. 1. CHARTER AMENDMENT APPROVAL

The General Assembly approves the amendments to the charter of the City of Barre as set forth in this act. The voters approved the proposals of amendment on March 2, 2021 and March 1, 2022.

Sec. 2. 24 App. V.S.A. chapter 1 is amended to read:

#### CHAPTER 1. CITY OF BARRE

\* \* \*

#### § 104. GENERAL CORPORATE POWERS

\* \* \*

(b) The City may purchase real property, or interest in real property, within or without its corporate limits, for the public benefit. The City may acquire real property by gift, devise, lease, easement, or condemnation and may sell, lease, mortgage, hold, convey by easement, manage and control such property as its interest may require. Any acquisition or conveyance of property through

the means listed in this section shall require approval of the council and shall also be subject to notice as required by 24 V.S.A. § 1061 or any successor provision.

\* \* \*

(d) The City of Barre shall fly only the City, State, United States, and POW/MIA flags.

#### § 105. ORDINANCES - SUBJECT MATTER

The general grant of ordinance promulgating authority in section 104 of this charter shall include the authority:

\* \* \*

(g) ~~To adopt and enforce ordinances relating to the mediation of landlord tenant issues by the Housing Board of Review~~ Notwithstanding any contrary provision of general law, to adopt and enforce ordinances establishing a speed limit of less than 25 miles per hour on specified City streets, or sections thereof, within City boundaries as may be required for the safety and general welfare of the City.

\* \* \*

#### § 111. BONDING OF CITY OFFICIALS

The Mayor, councilors, members of the Police Department, City Manager, ~~First Constable~~ Finance Director, Superintendent of Public Works, Tax Collector, and Clerk and Treasurer shall annually be bonded by the City for the faithful discharge of their respective duties, as provided by State statute, and the expense of said bonds to be paid by the City.

\* \* \*

#### § 205. OFFICERS ELECTED

(a)(1) The legal voters shall elect biennially a Mayor, ~~a First Constable~~, and one person to serve as Clerk and Treasurer.

\* \* \*

#### § 307. POWERS OF CITY; POLICY MATTERS; APPOINTMENT OF CERTAIN OFFICERS

All powers of the City and the determination of all matters of policy shall be vested in the City Council except as otherwise provided by this charter or by general law. The City Council shall annually appoint a City Attorney, a ~~City Grand Juror~~, a Library Liaison, and may provide for any Planning Board, Zoning Board of Adjustment, Recreation Board, or Personnel Board, and may

create commissions or other bodies with advisory powers and may appoint personnel to serve on said boards or commissions.

\* \* \*

#### Subchapter 4. City Officials

\* \* \*

#### § 407. APPOINTMENTS

\* \* \*

(b) There shall be appointed by the City Manager after the annual City election in the manner as hereinafter provided a Superintendent of Streets, a Superintendent of Waterworks, a Recreation Director, a City Engineer, a Building Inspector, an Inspector of Electric Wiring, ~~an Inspector of Plumbing~~, a Tree Warden, and three members of the Board of Health (see section 512 of this charter, Board of Health). All officers shall hold their offices respectively for one year or until their successors shall be appointed and qualified. The City Manager may also appoint such other subordinate officers as may be elected or appointed in towns. Members of the various boards shall be appointed in the same manner, who shall hold office as otherwise herein provided or until their successor shall be appointed and qualified.

\* \* \*

#### § 409. CAPITAL IMPROVEMENT PLAN

(a) Preparation and submission. The Manager, after consultation with department heads, shall submit a proposed five-year capital improvement plan to the council at least three months prior to the annual meeting.

(b) Contents. The capital expenditure plan shall include:

(1) a clear narrative summary of needs;

(2) a list of all capital expenditures to be proposed for the next five years with appropriate supporting data;

(3) actual cost estimates, proposed methods of financing, and necessary time schedules for each improvement; and

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

(c) Revision and update. The capital expenditure plan shall be revised and extended each year to reflect progress or projects still pending.

\* \* \*



ARTICLE 8. ~~CONSTABLE~~ [Repealed.]

\* \* \*

§ 418. DUTIES

~~The City Constable shall have the same powers and be under the same duties and liabilities as are prescribed by State statutes for constables of towns. [Repealed.]~~

\* \* \*

§ 501. CREATION AND ORGANIZATION

For the purpose of coordinating and integrating the inspection services and allied services of the City, and to provide proper and effective administration of building, electrical, ~~plumbing~~, fire prevention, housing, and zoning laws of the City and State within the City, the City Council shall, by ordinance, create a department to be designated the Department of Buildings and Housing, and prescribe its powers, duties, and functions. Within the Department shall be:

\* \* \*

- (2) the Inspector of Electrical Wiring; and
- (3) ~~the Plumbing Inspector; [Repealed.]~~

\* \* \*

§ 605. LOCAL SALES, ROOMS, MEALS, AND ALCOHOLIC BEVERAGES OPTION TAXES

Local option taxes are authorized under this section for the purpose of affording the City an alternative method of raising municipal revenues. Accordingly:

- (1) The City Council may assess sales, rooms, meals, and alcohol taxes of one percent.

\* \* \*

- (3) Revenues received through a tax imposed under this section shall be designated solely for street and sidewalk reconstruction, capital equipment, and capital improvement needs under section 406a of this charter.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote 8-3-0)

**Action Postponed Until May 3, 2022**

**Favorable**

**S. 247**

An act relating to prohibiting discrimination based on genetic information

**Rep. Cordes of Lincoln**, for the Committee on Health Care, recommends that the bill ought to pass in concurrence.

**(Committee Vote:7-1-3)**

**(For text see Senate Journal March 11, 2022 )**

**Action Postponed Until May 6, 2022**

**Governor's Veto**

**H. 157**

An act relating to registration of construction contractors.

For text of Veto Message, please see the House Journal from February 10, 2022

**Action Postponed Until May 17, 2022**

**Governor's Veto**

**S. 30**

An act relating to prohibiting possession of firearms within hospital buildings.

For text of Veto Message, please see Senate Journal of March 11, 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 April 28, 2022.

**H.C.R. 150**

House concurrent resolution designating April 2022 as Vermont Public Safety Telecommunicators Month

**H.C.R. 151**

House concurrent resolution congratulating the Burlington High School Seahorses girls' Nordic skiing team on winning a second consecutive Division I championship

**H.C.R. 152**

House concurrent resolution honoring the Vermont Thunder Ride on its 30th anniversary

**H.C.R. 153**

House concurrent resolution celebrating the State Partnership Program recently established between the Vermont National Guard and Austria

**H.C.R. 154**

House concurrent resolution honoring Waterville Selectboard Chair Donald W. Lynch Sr. for his outstanding municipal leadership

**H.C.R. 155**

House concurrent resolution honoring Rita Markley for her superb leadership in the effort to eradicate homelessness in Vermont

**H.C.R. 156**

House concurrent resolution recognizing National Foster Care Month in Vermont

**H.C.R. 157**

House concurrent resolution honoring Vermont's correctional personnel and recognizing National Correctional Officers Week in Vermont

**H.C.R. 158**

House concurrent resolution welcoming the 2022 International Workshop on Agritourism to Vermont

**H.C.R. 159**

House concurrent resolution congratulating the 2022 West Rutland High School Golden Horde Division IV girls' basketball championship team

**H.C.R. 160**

House concurrent resolution honoring the General Assembly's venerable head doorkeeper, Cornelius F. Reed Jr. of Wolcott

**S.C.R. 19**

Senate concurrent resolution honoring Williamstown High School boys' basketball Head Coach Jack Carrier on his outstanding career

**For Informational Purposes**

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 #3096** – Ten (10) limited-service positions to the Agency of Human Services, Department of Health to support the Public Health Emergency Response Supplemental Award for response to the Covid-19 pandemic. Funded by previously approved JFO grant #2070. Positions funded through 6/30/2023. Please see page 3 of this document for a list of positions.  
*[Received April 11, 2022]*

**JFO #3097** – Two (2) limited-service positions to the Vermont Agency of Human Services, Department of Health funded through a Substance Abuse Block grant supplement which was part of the American Recovery Act funding. Positions to help relieve the increase of substance abuse due to isolation during the Covid-19 pandemic. One (1) Substance Use Information Specialist, and one (1) Public Health Analyst funded through 9/30/2025.  
*[Received April 11, 2022]*