

Senate Calendar

THURSDAY, MAY 13, 2021

SENATE CONVENES AT: 10:00 A.M.

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ACTION CALENDAR

UNFINISHED BUSINESS OF WEDNESDAY, MAY 12, 2021

House Proposal of Amendment

S. 115

An act relating to making miscellaneous changes in education laws.

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

* * * Libraries in Vermont * * *

Sec. 1. WORKING GROUP ON THE STATUS OF LIBRARIES IN VERMONT; REPORT

(a) Creation. There is created the Working Group on the Status of Libraries in Vermont to study and report on the statewide status of Vermont's libraries. The Working Group is formed with the intent of strengthening and supporting libraries of all sizes and improving library services for the public.

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

(1) the State Librarian;

(2) the President of the Vermont Library Association or designee;

(3) the Executive Director of the Vermont Humanities Council or designee;

(4) three representatives of public libraries, who shall be from libraries of different sizes and from different regions of the State, appointed by the State Librarian;

(5) two representatives of public school libraries, who shall be from schools of different sizes and from different regions of the State, appointed by the Vermont School Library Association;

(6) two representatives of college and university libraries, appointed by the President of the College and Special Libraries Section of the Vermont Library Association; and

(7) one public library trustee, appointed by the President of the Friends and Trustees Section of the Vermont Library Association.

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

(1) library services for specific segments of the Vermont population, including senior citizens, individuals with disabilities, youths and children, immigrant and migrant communities, and people living in poverty;

(2) the role that libraries play in emergency preparedness, cultural diversity and inclusion, public health and safety, community identity and resiliency, economic development, and access to public programs and services;

(3) the impact of the COVID-19 pandemic on library operations and services; and

(4) the current overall status of Vermont libraries, which may include information related to programming, collections, facilities, technology, and staffing.

(A) Programming. The Working Group may study the types and frequency of library programs, attendance at library programs, and whether library programs are meeting community needs. The study of programming may include an assessment of public engagement and outreach surrounding library programming as well as the opportunities for nonlibrary programs and groups to access Vermont libraries.

(B) Collections. The Working Group may study the size and diversity of library holdings and assess the strengths and gaps in materials available to Vermonters. The study of collections may include an assessment of how libraries may best share resources across differing libraries and communities, whether libraries offer community-specific resources, and whether libraries maintain special collections or historical artifacts.

(C) Facilities. The Working Group may study whether library facilities and buildings could be improved with regard to energy efficiency, accessibility, flexibility, human health and safety, historic preservation, and intergenerational needs.

(D) Technology. The Working Group may study whether Vermont libraries have sufficient access to basic technological resources, cyber-security resources, high-speed Internet, electronic catalogs, interlibrary loan and other interoperable systems, and appropriate hardware and software.

(E) Staff. The Working Group may study staffing levels at Vermont libraries, whether staffing levels are sufficient to meet community needs, whether library staff compensation and benefits are sufficient, how libraries rely on volunteers, and what resources are available for workforce development and training of library staff.

(d) Public input. As part of the study and report, the Working Group shall solicit feedback from the general public and library users around the State. The Working Group may examine models for library management and organization in other states, including the formation of statewide service networks.

(e) Data to be used. The data used in the analysis of library services and operations may be from 2019, prior to the COVID-19 pandemic. Postpandemic data may also be used to assess the status of library services and operations.

(f) Consultation with the Board of Libraries. The Working Group may solicit feedback from the Board of Libraries.

(g) Assistance. The Working Group shall have the administrative, technical, and legal assistance of the Department of Libraries.

(h) Report. On or before November 1, 2023, the Working Group shall submit a report to the House and Senate Committees on Education. The report shall contain:

(1) specific and detailed findings and proposals concerning the issues set forth in subsection (c) of this section;

(2) recommendations for updating the statutes, rules, standards, and the governance structures of Vermont libraries to ensure equitable access for Vermont residents, efficient use of resources, and quality in the provision of services;

(3) recommendations related to the funding needs of Vermont libraries, including capital, ongoing, and special funding; and

(4) any other information or recommendations that the Working Group may deem necessary.

(i) Meetings.

(1) The State Librarian shall be the Chair of the Working Group.

(2) The Chair shall call the first meeting of the Working Group to occur within 45 days after the effective date of this act.

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

(4) The Working Group shall cease to exist on December 1, 2023.

(j) Compensation and reimbursement. Members of the Working Group shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than 12 meetings. These payments shall be made from monies appropriated to the Department of Libraries.

(k) Appropriation. The sum of \$12,000.00 is appropriated to the Department of Libraries from the General Fund in fiscal year 2022 for per diem compensation and reimbursement of expenses for members of the Working Group.

Sec. 2. 3 V.S.A. § 260 is amended to read:

§ 260. LOCATION OF OFFICES

* * *

~~(c) The principal office of each of the following boards and divisions shall be located in Montpelier: Division for Historic Preservation and Board of Libraries. [Repealed.]~~

* * *

Sec. 3. [Deleted.]

Sec. 4. 16 V.S.A. § 212 is amended to read:

§ 212. SECRETARY'S DUTIES GENERALLY

The Secretary shall execute those policies adopted by the State Board in the legal exercise of its powers and shall:

* * *

(7) Arrange conferences and summer schools for superintendents and teachers and employ suitable speakers, lecturers, and instructors for the same; fix the amount of tuition for the instruction; provide for educational gatherings, institutes, summer schools, and other supplementary educational activities; and provide for cooperation with the Board of Libraries established by 22 V.S.A. § 602 or the State Librarian.

* * *

Sec. 5. [Deleted.]

Sec. 6. 29 V.S.A. § 1108 is amended to read:

§ 1108. ACCEPTANCE OR REJECTION OF BIDS; CONDITIONS OF CONTRACTS

~~The Commissioner of Buildings and General Services may require satisfactory bonds from bidders and contractors, and shall specify in each contract for printing that, in case the matter contracted for is not delivered to the State Librarian or in accordance with his or her written order to such other person as may be specified in the contract, on or before the date specified in the contract for such delivery, \$25.00 of the contract price shall be deducted for every day such delivery is delayed, and, in case the delay exceeds 10 days, there shall be deducted in addition to the above amount \$10.00 for each day's delay over 10 days; and he or she shall also specify in each contract that all public documents and printed matter shall be delivered to the State Librarian at the State Library unless otherwise directed in writing by him or her or the State Librarian. The provisions of this section and section 1107 of this title relating to advertising and bids shall not apply to a contract for printing where the amount of the contract does not exceed \$50.00.~~

Sec. 7. REPEALS

The following are repealed:

- (1) 4 V.S.A. § 16 (briefs and other papers kept in State Library);
- (2) 29 V.S.A. § 1156 (distribution of documents by State Librarian); and
- (3) 29 V.S.A. § 1161 (distribution of documents to schools).

* * * Cultural Liaisons * * *

Sec. 8. 16 V.S.A. § 4029 is amended to read:

§ 4029. USE OF FUNDS FOR EDUCATION

(a) Funds received by a school district may be used only for legitimate items of current education expense and shall not be used for municipal services.

(b) Funds received by a municipality other than a school district may not be used directly or indirectly for education expenses.

* * *

(g) Notwithstanding anything to the contrary in this section or otherwise in law, a school district and the town or city municipality or municipalities in which the school district operates may jointly fund the services of one or more cultural liaisons to support students and families who have limited English proficiency (LEP). A cultural liaison provides language translation and interpretation services to help facilitate educational and municipal services for LEP students and families; facilitates communication among school and municipal staff, LEP students and families, and community organizations; and assists in reconciling differing cultural perspectives and understandings.

* * * Wellness Program * * *

Sec. 9. 16 V.S.A. § 136 is amended to read:

§ 136. WELLNESS PROGRAM; ADVISORY COUNCIL ON WELLNESS
AND COMPREHENSIVE HEALTH

(a) As used in this section:

* * *

(5) “Wellness program” means a program that includes physical fitness and ~~nutrition~~ comprehensive health education as defined in section 131 of this title.

(b) ~~The Secretary with the approval of the State Board shall establish an Advisory Council on Wellness and Comprehensive Health that shall include at least three members associated with the health services field~~ with expertise in health services, health education, or health policy, at least one member who is a school counselor, and at least one member who is a school social worker. ~~The members shall serve without compensation but shall receive their actual expenses incurred in connection with their duties relating to wellness and comprehensive health programs.~~ The Council shall assist the Agency to plan, coordinate, and encourage wellness and comprehensive health programs in the public schools and shall meet not less than twice a year. The Council shall also examine and coordinate state health wellness polices and federal wellness policies to identify and, if possible, eliminate any redundancies.

(c) The Secretary shall collaborate with other agencies and councils working on childhood wellness to:

(1) ~~Supervise the preparation of appropriate nutrition and fitness wellness program curricula for use in the public schools, promote programs for the preparation of teachers to teach these curricula, and assist in the development of wellness programs.~~

* * *

~~(5) Create a process for schools to share with the Department of Health any data collected about the height and weight of students in kindergarten through grade six. The Commissioner of Health may report any data compiled under this subdivision on a countywide basis. Any reporting of data must protect the privacy of individual students and the identity of participating schools.~~

* * *

Sec. 10. SCHOOL WELLNESS POLICY

On or before January 15, 2022, the Agency of Education, in collaboration with the Advisory Council on Wellness and Comprehensive Health created under 16 V.S.A. § 136 and the Vermont School Boards Association, shall update and distribute to school districts a model wellness program policy, using the expanded definition of “wellness program” under 16 V.S.A. § 136, as amended by this act, that shall:

(1) be in compliance with all relevant State and federal laws; and

(2) reflect nationally accepted best practices for comprehensive health education and school wellness policies, such as guidance from the Centers for Disease Control and Prevention’s Whole School, Whole Community, Whole Child Model.

* * * Menstrual Products * * *

Sec. 11. 16 V.S.A. § 1432 is added to read:

§ 1432. MENSTRUAL PRODUCTS

(a) By enacting this statute, the General Assembly intends to ensure that all students attending a public school or an approved independent school have access to menstrual products at no cost and without having to request them.

(b)(1) A school district and an approved independent school shall make menstrual products available at no cost for each school within the district or under the jurisdiction of the board of the independent school in:

(A) a majority of gender-neutral bathrooms and bathrooms designated for female students that are generally used by students who are eight years old or older; and

(B) the school nurse’s office.

(2) The school district or independent school, in consultation with the school nurse who provides services to the school, shall determine which of the gender-neutral bathrooms and bathrooms designated for female students to stock with menstrual products and which brands to use.

(c) School districts and approved independent schools shall bear the cost of supplying menstrual products and may seek grants or partner with a nonprofit or community-based organization to fulfill this obligation.

* * * Vermont Ethnic and Social Equity Standards Advisory Working Group * * *

Sec. 12. 2019 Acts and Resolves No. 1 is amended to read:

* * *

(c) Creation and composition. The Ethnic and Social Equity Standards Advisory Working Group is established. The Working Group shall comprise the following ~~20~~ 23 members:

(1) ~~10~~ 13 members who are members of, and represent the interests of, ethnic groups and social groups, ~~two~~ four of whom shall be high school students and two of whom shall be members of Vermont's Indigenous community;

* * *

(d) Appointment and operation.

(1) The Vermont Coalition for Ethnic and Social Equity in Schools (Coalition) shall appoint the ~~10~~ 13 members who represent ethnic groups and social groups and the member identified under subdivision (c)(2) of this section. Appointments of members to fill vacancies to these positions shall be made by the Coalition.

* * *

(3)(A) The Secretary of Education or designee shall call the first meeting of the Working Group to occur on or before September 1, 2019.

* * *

(E) The Working Group shall have the assistance of the Agency of Education for the purposes of scheduling meetings and processing compensation and reimbursement pursuant to subsection (e) of this section administrative, technical, and legal assistance of the Agency of Education. If the Agency is unable to provide the Working Group with adequate support to assist it with developing recommendations for updating educational standards to recognize fully the history, contributions, and perspectives of ethnic groups and social groups, then the Agency, in collaboration with the Working Group, is authorized to retain a contractor with expertise in this area to assist the Working Group.

* * *

(g) Duties of the Working Group.

(1) The Working Group shall review standards for student performance adopted by the State Board of Education under 16 V.S.A. § 164(9) and, on or before ~~June 30, 2021~~ December 31, 2021, recommend to the State Board updates and additional standards to recognize fully the history, contributions, and perspectives of ethnic groups and social groups. These recommended additional standards shall be designed to:

* * *

(h) Reports.

(3) The Working Group shall, on or before ~~July 1, 2022~~ December 31, 2022, submit a report to the General Assembly that includes:

* * *

(i) Duties of the State Board of Education. The Board of Education shall, on or before ~~June 30, 2022~~ December 31, 2022, consider adopting ethnic and social equity studies standards into standards for student performance adopted by the State Board under 16 V.S.A. § 164(9) for students in prekindergarten through grade 12, taking into account the report submitted by the Working Group under subdivision (g)(1) of this section.

Sec. 13. APPROPRIATIONS; VERMONT ETHNIC AND SOCIAL EQUITY STANDARDS ADVISORY WORKING GROUP

(a) The sum of \$3,700.00 is appropriated from the General Fund to the Vermont Ethnic and Social Equity Standards Advisory Working Group (Working Group) in fiscal year 2022 to cover per diem and reimbursement for the three members of the Working Group added under Sec. 12 of this act.

(b) The sum of \$50,000.00 is appropriated from the General Fund to the Agency of Education in fiscal year 2022 for the cost of the contractor under Sec. 12 of this act.

(c) Any unused portion of these appropriation shall, as of July 1, 2022, revert to the General Fund.

* * * Shared School District Data Management System * * *

Sec. 14. FINDINGS AND PURPOSE

(a) Sec. E.500.1 of 2018 (Sp. Sess.) Acts and Resolves No. 11, as amended, requires that not later than July 1, 2022 all Vermont supervisory unions, supervisory districts, school districts, and independent technical center districts utilize the same shared school district data management system (eFinancePlus), which shall be selected by the Agency of Education per State procurement guidelines.

(b) The purpose of Secs. 15-17 of this act is to:

(1) extend the deadline to December 31, 2022 for state-wide adoption of eFinancePlus;

(2) pause until January 1, 2022 the further implementation of eFinancePlus to provide time for further evaluation of the system, provided that:

(A) the Agency of Education and its contractor for implementation of the system shall continue to support users of the system; and

(B) a supervisory union, supervisory district, school district, or independent technical center district that does not use the system may join an implementation round offered by the Agency of Education during the pause period upon approval by its governing body; and

(3) require the Agency of Education to issue status reports to the General Assembly.

Sec. 15. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. E.500.1, as amended by 2019 Acts and Resolves No. 72, Sec. E.500.5, is further amended to read:

Sec. E.500.1. ~~SCHOOL FINANCE AND SHARED SCHOOL DISTRICT~~
FINANCIAL DATA MANAGEMENT SYSTEM

(a) Not later than ~~July 1~~ December 31, 2022, all Vermont supervisory unions, supervisory districts, school districts, and independent ~~tech~~ technical center districts shall utilize the same school finance and financial data management system. The system shall be selected by the Agency of Education per State procurement guidelines.

* * *

Sec. 16. PAUSE OF IMPLEMENTATION OF SHARED SCHOOL
DISTRICT FINANCIAL DATA MANAGEMENT SYSTEM

Notwithstanding Sec. E.500.1 of 2018 (Sp. Sess.) Acts and Resolves No. 11, as amended, the implementation of the Shared School District Data Management System shall be paused until January 1, 2022, provided that:

(1) the Agency of Education and its contractor for implementation of the system shall continue to support users, as of the date of enactment of this act, of the system; and

(2) a supervisory union, supervisory district, school district, or independent technical center district that does not use the system may join an implementation round offered by the Agency of Education during the pause period upon approval by its governing body.

Sec. 17. AGENCY OF EDUCATION; REPORTS

(a) On or before June 30, 2021 and quarterly thereafter until March 31, 2023, the Agency of Education shall provide a written report to the General Assembly and the Vermont Association of School Business Officials on the status of improving and implementing the Shared School District Data Management System, including the status of:

- (1) system outages;
- (2) bank reconciliations;
- (3) reporting enhancements;
- (4) systems enhancements; and
- (5) user training.

(b) In preparing the quarterly reports, the Agency shall collect input from the Vermont Association of School Business Officials and professional accounting firms engaged in the process of conducting school district audits in Vermont.

* * * State Board of Education; Agency of Education; Roles and
Responsibilities * * *

Sec. 18. STATE BOARD OF EDUCATION; AGENCY OF EDUCATION;
ROLES AND RESPONSIBILITIES

(a) On or before December 15, 2021, the State Board of Education and the Agency of Education shall jointly report to the House and Senate Committees on Education on how the roles and responsibilities of the State Board and the Agency should be restructured to ensure that:

- (1) the prekindergarten through grade 12 educational system meets the needs of all students on a fair and equitable basis;
- (2) federal and State statutory mandates are carried out in a professional and timely manner, including the updating of rules;
- (3) the State Board and the Agency have the resources necessary to fulfill their roles and responsibilities, including an adequate number of qualified and properly trained staff; and
- (4) the State Board and the Agency maximize operational and administrative efficiencies.

(b) As part of this process, the State Board and the Agency shall identify and document all federal and State statutory mandates and rules for which they are responsible and assess whether they are being carried out in a professional and timely manner. The results of this analysis shall be included in the report required under subsection (a) of this section.

(c) If the State Board and the Agency cannot agree on how the roles and responsibilities of the State Board and the Agency should be restructured to meet the goals under subsection (a) of this section, then they shall each identify in the report the areas of agreement and disagreement and explain why its proposal best achieves these goals. The report shall not include legislative language, which shall be developed after the Committees have considered the report.

* * * Effective Dates * * *

Sec. 19. EFFECTIVE DATES

This act shall take effect on passage, except that school districts and approved independent schools shall comply with the requirements of Sec. 11 (menstrual products) for the 2022–2023 school year and thereafter.

NEW BUSINESS

Third Reading

H. 140.

An act relating to approval of amendments to the charter of the Town of Williston.

H. 225.

An act relating to possession of a therapeutic dosage of buprenorphine.

H. 313.

An act relating to miscellaneous amendments to alcoholic beverage laws.

H. 445.

An act relating to approval of an amendment to the charter of the Town of Underhill.

Second Reading
Favorable with Proposal of Amendment

H. 183.

An act relating to sexual violence.

**Reported favorably with recommendation of proposal of amendment
by Senator Sears for the Committee on Judiciary.**

The Committee recommends that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 3251 is amended to read:

§ 3251. DEFINITIONS

As used in this chapter:

* * *

(3) “Consent” means ~~words or actions by a person indicating a voluntary agreement to engage in a sexual act~~ the affirmative, unambiguous, and voluntary agreement to engage in a sexual act, which can be revoked at any time.

* * *

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

(A) is incapable of understanding the nature of the conduct at issue;

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

(C) lacks the mental ability to make or communicate a decision about whether to engage in the conduct at issue.

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

§ 3252. SEXUAL ASSAULT

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

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

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

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

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

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

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

* * *

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

* * *

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

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

§ 3254. TRIAL PROCEDURE; CONSENT

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

(1) ~~lack~~ Lack of consent may be shown without proof of resistance;

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

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

(4) A sleeping or unconscious person cannot consent.

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

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

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

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

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

Sec. 4. VERMONT SENTENCING COMMISSION

The Vermont Sentencing Commission shall examine whether the application of 13 V.S.A. § 3254 (trial procedure; consent) to 13 V.S.A. § 2601 (lewd and lascivious conduct) continues to be appropriate given recent amendments to 13 V.S.A. chapter 59 (lewdness and prostitution).

Sec. 5. DATA COLLECTION AND REPORTING

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

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

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

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

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

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

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

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

Sec. 6. EFFECTIVE DATE

This act shall take effect July 1, 2021.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 24, 2021, pages 475-482 and March 25, 2021, page 499.)

Reported favorably by Senator Sears for the Committee on Appropriations.

The Committee recommends that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Judiciary.

(Committee vote: 7-0-0)

Amendment to proposal of amendment of the Committee on Judiciary to H. 183 to be offered by Senators Lyons, Campion, Chittenden, Hooker, Perchlik and Terenzini

Senators Lyons, Campion, Chittenden, Hooker, Perchlik and Terenzini move to amend the proposal of amendment of the Committee on Judiciary by striking out Sec. 6, effective date, in its entirety and inserting in lieu thereof four new sections to be Secs. 6–9 to read as follows:

Sec. 6. 16 V.S.A. § 2187 is added to read:

§ 2187. INTERCOLLEGIATE SEXUAL HARM PREVENTION COUNCIL

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

(b) Membership.

(1) The Council shall be composed of the following members:

(A) a Title IX coordinator and a campus-based sexual harm prevention/education coordinator from an institution of higher learning, appointed by the Chancellor of the Vermont State Colleges;

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

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

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

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

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

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

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

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

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

(2) To ensure a council that is reflective of Vermont's college campuses, appointing authorities shall consider diversity when making appointments to the Council.

(c) Duties. The Council shall:

(1) Review the recommendations from the Report of the Vermont Campus Sexual Harm Task Force and develop prevention solutions to sexual harm based on those recommendations.

(2) Implement interdisciplinary planning and information sharing to support sexual violence prevention programs on every college campus in Vermont.

(3) Undertake an annual review of trends in aggregate data collected by institutions of higher learning regarding sexual violence on college campuses in Vermont.

(4) Identify and share effective practices on violence prevention, sexual health education, and strategies for mitigating sexual harm and secondary impacts of sexual harm on college campuses in Vermont.

(5) Identify campus-wide activities, publications, and services that promote a campus culture of respect to support the prevention of sexual harm.

(6) Recommend statutory protections to the General Assembly not later than November 1, 2021 to ensure that survivors of sexual harm are not punished for reporting an incident of sexual violence due to alcohol, drug use, or other minor conduct violations occurring at or around the time of an assault.

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

(e) Report. On or before December 1, 2022 and annually thereafter, the Council shall submit a written report to the General Assembly with a summary of activities and any recommendations for legislative action.

(f) Meetings.

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

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

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

(4) The Council shall meet quarterly.

(5) Members who are not otherwise compensated by the member's employer for attendance at meetings shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010. These payments shall be made from monies appropriated to the Network Against Domestic and Sexual Violence for such purposes.

Sec. 7. REPEAL

16 V.S.A. § 2187 (Intercollegiate Sexual Harm Prevention Council) is repealed on July 1, 2025.

Sec. 8. APPROPRIATIONS

(a) In fiscal year 2022, \$11,990.00 is appropriated to the Center for Crime Victim Services to provide a grant for the purpose of staffing the Intercollegiate Sexual Harm Prevention Council.

(b) In fiscal year 2022, \$1,010.00 is appropriated to the Center for Crime Victim Services to provide for per diem compensation and reimbursement of expenses for members who are not otherwise compensated by the member's employer for attendance at meetings.

Sec. 9. EFFECTIVE DATES

(a) This section and Secs. 6 (Intercollegiate Sexual Harm Prevention Council) and 8 (Appropriations) shall take effect on passage.

(b) The remaining sections shall take effect on July 1, 2021.

House Proposal of Amendment to Senate Proposal of Amendment

H. 434

An act relating to establishing the Agricultural Innovation Board

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

In Sec. 1, 6 V.S.A. chapter 215, subchapter 7A, in section 4964, by striking out subsection (d) in its entirety and inserting in lieu thereof the following:

(d) Seed review. The Agricultural Innovation Board shall advise the Secretary regarding the sale, distribution, or use of genetically engineered seed in the State and may recommend to the Secretary limits or conditions on the sale, distribution, or use of a genetically engineered seed or seeds or recommend a limited period of time for sale of a genetically engineered seed or seeds.

NOTICE CALENDAR

Second Reading

Favorable with Proposal of Amendment

H. 88.

An act relating to certification of agricultural use for purposes of the use value appraisal program.

Reported favorably with recommendation of proposal of amendment by Senator Parent for the Committee on Agriculture.

The Committee recommends that the Senate propose to the House to amend the bill by striking out Sec. 2, effective date, in its entirety and inserting in lieu thereof the following:

Sec. 2. 32 V.S.A. § 3752(5) is amended to read:

(5)(A) “Development” means, for the purposes of determining whether a land use change tax is to be assessed under section 3757 of this chapter, the construction of any building, road, or other structure, or any mining, excavation, or landfill activity.

(B) “Development” also means the subdivision of a parcel of land into two or more parcels, regardless of whether a change in use actually occurs, where one or more of the resulting parcels contains less than 25 acres each; but if subdivision is solely the result of a transfer to one or more of a spouse, ex-spouse in a divorce settlement, parent, grandparent, child, grandchild, niece, nephew, or sibling of the transferor, or to the surviving spouse of any of the foregoing, then “development” shall not apply to any portion of the newly created parcel or parcels that qualify for enrollment and for which, within 30 days following the transfer, each transferee or transferor applies for reenrollment in the use value appraisal program.

(C) “Development” also means the cutting of timber on property appraised under this chapter at use value in a manner contrary to a forest or conservation management plan as provided for in subsection 3755(b) of this title during the remaining term of the plan, or contrary to the minimum acceptable standards for forest management if the plan has expired; or a change in the parcel or use of the parcel in violation of the conservation management standards established by the Commissioner of Forests, Parks and Recreation.

(D) “Development” also means notification of the Director by the Secretary of Agriculture, Food and Markets under section 3756 of this title that the owner or operator of agricultural land or a farm building is violating the water quality requirements of 6 V.S.A. chapter 215 or is failing to comply with the terms of an order issued under 6 V.S.A. chapter 215, subchapter 10.

(E) The term “development” shall not include the construction, reconstruction, structural alteration, relocation, or enlargement of any building, road, or other structure for farming, logging, forestry, or conservation purposes, but shall include the subsequent commencement of a use of that building, road, or structure for other than farming, logging, or forestry purposes.

(F) The term “development” shall not include the location of any solar generation facility that is, in the aggregate, on 0.1 of an acre of land or less, provided that the underlying land qualifies under this chapter as agricultural land or open land that qualifies as managed forestland in accordance with standards established by the Commissioner of Forests, Parks and Recreation.

Sec. 3. 32 V.S.A. § 3756 is amended to read:

§ 3756. QUALIFICATION FOR USE VALUE APPRAISAL

(a) The owner of eligible agricultural land, farm buildings, or managed forestland shall be entitled to have eligible property appraised at its use value provided the owner shall have applied to the Director on or before September 1 of the previous tax year, on a form ~~approved by the Board~~ and provided by the Director. A farmer, whose application has been accepted on or before December 31 by the Director of the Division of Property Valuation and Review of the Department of Taxes for enrollment for the use value program for the current tax year, shall be entitled to have eligible property appraised at its use value, if ~~he or she~~ the farmer was prevented from applying on or before September 1 of the previous year due to the severe illness of the farmer.

* * *

(g) The Director shall execute ~~such~~ and provide other forms and the ~~board~~ Board shall adopt ~~such~~ other procedures and regulations, as are needed to ~~assure~~ ensure a fair opportunity for owners to qualify under this subchapter and to ~~assure~~ ensure compliance with the provisions of this chapter.

* * *

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

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

An act relating to the use value appraisal program.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 9, 2021, pages 282-283.)

Reported favorably with recommendation of proposal of amendment by Senator Pearson for the Committee on Finance.

The Committee recommends that the bill be amended as recommended by the Committee on Agriculture with the following amendment thereto:

By striking out Sec. 1, 32 V.S.A. § 3755(f), in its entirety and inserting in lieu thereof the following:

Sec. 1. 32 V.S.A. § 3755 is amended to read:

§ 3755. ELIGIBILITY FOR USE VALUE APPRAISALS

* * *

(f) ~~On~~ To maintain eligibility for use value appraisal under this subchapter, on or before November 1 of each year, the owner of agricultural land or buildings enrolled in the use value program as agricultural land or buildings shall certify in writing under oath to the Commissioner that the agricultural land or buildings enrolled by that owner continue to meet the requirements for enrollment in the use value program at the time of the certification. In the event the owner of agricultural land or buildings enrolled in the use value program fails to certify on or before November 1 of each year as required under this subsection, the Commissioner may waive the certification requirement, provided the Commissioner obtains, through other means, satisfactory information that the agricultural land continues or agricultural buildings continue to meet the other requirements for enrollment. The form of the certification shall be made on a form specified by the Director of Property Valuation and Review.

(g) Any applicant for a use value appraisal or any beneficiary of a use value appraisal must be in good standing with the Department of Taxes pursuant to subsection 3113(g) of this title to be eligible or to maintain eligibility for use value appraisal under this subchapter.

(Committee vote: 7-0-0)

H. 106.

An act relating to equitable access to a high-quality education through community schools.

Reported favorably with recommendation of proposal of amendment by Senator Champion for the Committee on Education.

The Committee recommends that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Short Title * * *

Sec. 1. SHORT TITLE

This act shall be called the “Community Schools Act.”

* * * Findings and Purpose * * *

Sec. 2. FINDINGS AND PURPOSE

(a) Findings. The General Assembly finds that:

(1) Every child should be provided with an equitable education, as defined by the Agency of Education as access to the resources, opportunities, and educational rigor they need at the right moment in their education, whatever their race, gender identity, sexual orientation, ethnicity, religion, language, disability, family background, or family income may be. Every child should be able to grow up with the opportunity to achieve their dreams and contribute to the well-being of society. Our public schools must be designed and equipped to fully deliver on that promise.

(2) According to the National Center for Education Statistics, more than half of the nation’s schoolchildren live in low-income households, meaning they qualify for free or reduced-price lunch, a percentage that has risen steadily in recent decades. According to the Vermont Agency of Education, an average of 38 percent of students across all supervisory unions during the 2019–2020 school year qualified for free or reduced-price lunch. As a result, some schoolchildren face more challenges than others in succeeding in school and in life. Recognizing that students need fresh and nutritional foods to enable them to focus on their education and that many students come to school hungry, providing universal school meals offered at no cost to students or their families advances the goals that community school programs seek to achieve.

(3) Community schools facilitate the coordination of comprehensive programs and services that are carefully selected to meet the unique needs of students and families and build on the assets they bring to their schools and communities. Community schools combine challenging and culturally inclusive learning opportunities with the academic and social supports every student needs to reach their potential.

(4) According to research reports from the Learning Policy Institute, the four key pillars of the community schools approach, which are integrated student supports, expanded and enriched learning time and opportunities, active family and community engagement, and collaborative leadership and practices, promote conditions and practices found in high-quality schools as well as address out-of-school barriers to learning. Research additionally supports the necessity of safe, inclusive, and equitable learning environments

to reinforce student success and well-being. These elements do not function independently, but are instead part of a unified and interconnected approach.

(5) This research also shows that community school interventions can result in improvements in a variety of student and family outcomes, including attendance, academic achievement, reducing systemic racial and economic injustices and inequities, and high school graduation rates, and can meet the Every Student Succeeds Act standard of “evidence-based” approaches to support schools identified for comprehensive and targeted support and intervention.

(6) Research also shows that these programs offer a strong return on investment. According to impact studies, each dollar invested in a community coordinator position returns approximately \$7.00 in net benefits to the school (Return on Investment of a Community School Coordinator: A Case Study; APEX and Community School Partnership; 2019). Every dollar invested in programs and support (including medical, dental, and social services; afterschool and summer enrichment; parent engagement; and early childhood services) can yield up to \$15.00 in return (Community Schools as an Effective School Improvement Strategy: A Review of the Evidence; Anna Maier, Julia Daniel, Jeannie Oakes, and Livia Lam; 2017).

(7) According to the Learning Policy Institute, “establishing community schools” is one of 10 recommended strategies for restarting and rethinking the role of public education in the wake of the COVID-19 pandemic. Community schools serve as resource hubs that provide a broad range of easily accessed, well-coordinated supports and services that help students and families with increasingly complex needs. These schools, at their core, are about investing in children, through quality teaching; challenging, engaging, and culturally responsive curricula; wrap around supports; safe, just, and equitable school climate; strong ties to family and community; and a clear focus on student achievement and well-being.

(8) Community schools are important centers for building community connection and resilience. When learning extends beyond the walls of the school through active engagement with community partners as with place-based learning, relationships expand and deepen, community strengths are highlighted, and opportunities for building vitality surface through shared learning.

(9) Community schools have been established in many states and settings, from New York City to Chicago and Los Angeles. But the approach has also been successful in rural communities. In McDowell County, West Virginia (population 22,000), community schools are part of a public-private

partnership, a collaboration between state government, nonprofit agencies, businesses, and philanthropic foundations, that aims to “make educational improvement the route to a brighter economic future.” The national nonprofit Rural School and Community Trust is an active advocate for expanding this model in rural areas, calling the relationship between good schools and thriving communities “crucial.” In Vermont, a growing number of schools are implementing or exploring the model, from Molly Stark Elementary in Bennington, which offers school-based health services, extended hours, summer school, and family learning activities, to the school-based health center in Winooski.

(10) Recognizing that literacy proficiency is a foundational learning skill, community schools can advance the State goal of improving literacy for all students in the State. Achieving this goal will require a multiyear and multidimensional effort requiring continued focus by the General Assembly, the Administration, and school leaders, and community schools are an important component of that effort.

(b) Purpose. This act provides funding for the implementation of community school programs that provide students with equitable access to a high-quality education and creates the Task Force on Universal School Lunch.

* * * Community School Programs * * *

Sec. 3. COMMUNITY SCHOOLS; FUNDING

(a) Definitions. As used in this section:

(1) “Community school coordinator” means a person who:

(A) is a full-time or part-time staff member serving in an eligible school or in a school district or supervisory union with an eligible school and appointed in accordance with Vermont law; and

(B) is responsible for the identification, implementation, and coordination of community school programs, subject to the operational and reporting structure of the community school coordinator’s employer.

(2) “Community school programs” mean programs offered at a public elementary or secondary school that include all five of the following:

(A) Integrated student supports, which address out-of-school barriers to learning through partnerships with social and health service agencies and providers, coordinated by a community school coordinator, which may include access to services such as medical, dental, vision care, and mental health services or access to counselors to assist with housing, transportation, nutrition, immigration, or criminal justice issues, and include what young

people bring with them to the classroom and the ways that schools and communities working together can enhance and embrace the knowledge and capacity that students and families can offer their schools. This could include educational strategies like universal design for learning, recognition and respect for cultural and linguistic diversity, and practices that focus on building and supporting relationships such as restorative practices.

(B) Expanded and enriched learning time and opportunities, which may include before-school, afterschool, weekend, summer programs, and during the school day, that provide additional academic instruction, individualized academic support, enrichment activities, and learning opportunities that emphasize real-world learning and community problem-solving and that may include art, music, drama, creative writing, hands-on experience with engineering or science, tutoring and homework help, and recreational programs that enhance and are consistent with the school's curriculum.

(C) Active family and community engagement, which brings students' families and the community into the school as partners in children's education and makes the school a community hub, where all students and their families feel a sense of belonging and engagement. This shall include broad student and community participation, with a diversity of income, race, gender, newcomer status, language, and ability represented in the design, implementation, and evaluation of all activities, that is embraced by the leaders and decision-makers in schools and communities. This also provides adults with a facility to access educational opportunities they want, which shall include access to evidence-based literacy instruction and may include coordinating services with outside providers to offer English as a second language classes, green card or citizenship preparation, computer skills, art, financial literacy, career counseling, job skills training, services for substance misuse, and other programs that bring community members into the building for meetings or events.

(D) Collaborative leadership and practices, which build a culture of professional learning, collective trust, and shared responsibility using strategies that shall, at a minimum, leverage the multitiered system of supports and include a community school coordinator and an integrated school and community leadership team that include youth and family representatives, and may include other leadership or governance teams; teacher learning communities; and other staff to manage the multiple, complex, joint work of school and community organizations.

(E) Safe, inclusive, and equitable learning environments.

(3) “Eligible recipient” means:

(A) a school district with one or more eligible schools;

(B) a supervisory union with one or more eligible schools;

(C) two or more school districts, each with one or more eligible schools that seek to work collaboratively to provide community school programs; or

(D) two or more supervisory unions, each with one or more eligible schools that seek to work collaboratively to provide community school programs.

(4) “Eligible school” means a public elementary or secondary school that:

(A) has a student body where at least 40 percent of students are eligible for free or reduced-price lunch under the Richard B. Russell National School Lunch Act, 42 U.S.C. § 1751 et seq.; or

(B) has been identified for comprehensive or equity support and intervention under Section 1111 of the Elementary and Secondary Education Act of 1965, Pub. L. 89-10, as amended, or otherwise identified by the State as in need of additional support.

(5) “Site-based leadership team” means an interdisciplinary, school-based leadership team that may include the school principal, the community school coordinator, teachers, other school employees, students, families, community partners, nonprofit organizations, unions, and neighboring community residents that supports collaborative planning, implementation, and oversight of community school programs by the eligible recipient.

(b) Funding authorization. The Secretary of Education is authorized to provide annual funding for a period of three years to an eligible recipient to use as required under subsection (d) of this section.

(c) Funding administration.

(1) Subject to subdivision (2) of this subsection, the Secretary of Education shall determine, using the Agency of Education’s equity lens tool, which eligible recipients shall receive funding and the amount of funding, and the Secretary shall provide the funding on or before September 1 of each of 2021, 2022, and 2023 to recipients. The Secretary may deny or reduce second- and third-year funding if the Secretary finds that the recipient has made insufficient progress towards developing and implementing community school programs. In determining which eligible recipients shall receive funding, the Secretary shall take into account relative need, based on the extent

to which community school program services are needed and the extent to which the eligible recipient seeks to offer them.

(2) In determining which eligible recipients shall receive funding and the amount of funding and to advance the principles for Vermont's trauma-informed system of care under 33 V.S.A. § 3401, the Secretary of Education shall collaborate with the Director of Trauma Prevention and Resilience Development and the Vermont Child and Family Trauma Work Group.

(3) The Agency of Education shall inform all eligible recipients of the availability of funding under this act and, for those eligible recipients most in need of this funding, shall educate these eligible recipients on community school programs and their benefits. The Agency of Education shall also advise all eligible recipients of other sources of funding that may be available to advance the purpose of this act.

(d) Use of funding.

(1) A recipient of funding under this act shall use the funding to:

(A) if a needs and assets assessment has not been conducted within the prior three years that substantially conforms with the requirements in this subdivision, then, in collaboration with the site-based leadership team, conduct a needs and assets assessment that includes:

(i) where available, and where applicable, student demographic, academic achievement, and school climate data, disaggregated by major demographic groups, including race, ethnicity, English language proficiency, students with individualized education plans, and students eligible for free or reduced-price lunch status;

(ii) access to and need for integrated student supports;

(iii) access to and need for expanded and enriched learning time and opportunities;

(iv) school funding information, including federal, State, local, and private education funding and per-pupil spending, based on actual salaries of personnel assigned to the eligible school;

(v) information on the number, qualifications, and stability of school staff, including the number and percentage of fully certified teachers and rates of teacher turnover; and

(vi) active family and community engagement information, including:

(I) family and community needs based on surveys, information

from public meetings, or information gathered by other means;

(II) measures of family and community engagement in the eligible schools, including volunteering in schools, attendance at back-to-school nights, and parent-teacher conferences;

(III) efforts to provide culturally and linguistically relevant communication between schools and families; and

(IV) access to and need for family and community engagement activities;

(B) hire a community school coordinator to, in collaboration with the site-based leadership team, develop and implement community school programs or designate a community school coordinator from existing personnel and, in collaboration with the site-based leadership team, augment work already being performed to develop and implement community school programs; and

(C) if the recipient has not fully implemented positive behavioral integrated supports under 16 V.S.A. § 2902, provide professional development to staff on positive behavioral integrated supports and implement those supports.

(2) A recipient of funding under this act may use the funding to, in collaboration with the site-based leadership team, develop and implement a plan to improve literacy outcomes and objectively assess those outcomes.

(3) If a needs and assets assessment has not been conducted under subdivision (1)(A) of this subsection within the prior three years, the first year of funding shall be used to conduct the needs and assets assessment of the school to determine what is necessary to develop community school programs and an action plan to implement community school programs. During the second and third years of the funding, the community school coordinator shall, in collaboration with the site-based leadership team, oversee the implementation of community school programs.

(e) Evaluation.

(1) At the end of each year of funding, each recipient shall undergo an evaluation designed by the Agency of Education using its equity lens tool.

(2) On or before each of December 15, 2022 and 2024, the Agency of Education shall report to the General Assembly and the Governor on the impact of the funding under this act. The report shall be made publicly available on the Agency of Education's website.

(f) Ability to operate as a community school. Any school district or

school, regardless of whether it receives funding under this act, may function as a community school as defined in this section.

Sec. 4. APPROPRIATION OF FUNDS

(a) The Secretary of Education shall use \$3,399,000.00 of the amount allocated to the Agency of Education from the American Rescue Plan Act of 2021 pursuant to Section 2001(f)(1), 2021, Pub. L. No. 117-2 for the funding under this act on or before September 1 of each of 2021, 2022, and 2023 under Sec. 3 of this act.

(b) The Agency of Education may set aside:

(1) not more than one percent of the funds appropriated under subsection (a) of this section for each of fiscal years 2022, 2023, and 2024 for informational and technical assistance, such as the availability and use of funding for eligible recipients as defined under Sec. 3 of this act; and

(2) not more than two percent of the funds appropriated under subsection (a) of this section for each of fiscal years 2022, 2023, and 2024 for the evaluations required under Sec. 3 of this act.

* * * Locally Produced Foods * * *

Sec. 5. 16 V.S.A. § 1262a is amended to read:

§ 1262a. AWARD OF GRANTS

* * *

(d) The Agency shall, from funds appropriated for this subsection to the Agency, award grants to supervisory unions and supervisory districts in accordance with section 1264a of this title (locally produced foods). If the amount appropriated for this purpose is insufficient to fully fund the grants under that section, then the grant amounts that are awarded shall be prorated.

* * *

Sec. 6. 16 V.S.A. § 1264 is amended to read:

§ 1264. FOOD PROGRAM

* * *

~~(d) It is a goal of the State that by the year 2022 school boards operating a school lunch, breakfast, or summer meals program shall purchase at least 20 percent of all food for those programs from local producers. [Repealed.]~~

~~(e)(1) On or before December 31, 2020 and annually thereafter, a school board operating a school lunch, breakfast, or summer meals program shall submit to the Agency of Education an estimate of the percentage of locally~~

produced foods that were purchased by the school board for those programs.

~~(2) On or before January 31, 2021 and annually thereafter, the Agency of Education shall submit to the Senate Committees on Agriculture and on Education and the House Committees on Agriculture and Forestry and on Education in an aggregated form the information received from school boards regarding the percentage of locally produced foods that are purchased as part of a school lunch, breakfast, or summer meals program. The provisions of 2 V.S.A. § 20(d) regarding expiration of required reports shall not apply to the report required by this subdivision. [Repealed.]~~

Sec. 7. 16 V.S.A. § 1264a is added to read:

§ 1264a. LOCALLY PRODUCED FOODS

(a) It is a goal of the State that by the year 2023, at least 20 percent of all foods purchased by supervisory unions and supervisory districts, together referred to in this section as “supervisory unions,” be locally produced foods. School boards have the discretion to define what foods are included within the definition of “locally produced foods” for the purposes of this subsection and subsection (b) of this section.

(b) On or before December 31, 2021 and annually thereafter, a school board operating a school lunch, breakfast, or summer meals program shall report to the Agency of Education an estimate of the percentage of the cost of all foods purchased by the school board for those programs that were locally produced foods during the one-year period ending on June 30 of that year.

(c)(1) Beginning with the 2021–22 school year and thereafter, supervisory unions shall be eligible for a local foods incentive grant (grant) from funds appropriated to the Agency of Education for this purpose.

(2) A supervisory union may apply for the grant if it has:

(A) developed a locally produced foods purchasing plan that describes the supervisory union’s goals for purchasing locally produced foods and its plan to achieve those goals;

(B) designated an individual as the food coordinator for locally produced foods who shall be responsible for implementing the locally produced foods purchasing plan;

(C) developed a process for tracking the purchase of locally produced foods; and

(D) complied with the reporting requirement under subsection (b) of this section.

(3) A supervisory union that has satisfied the conditions under subdivision (2) of this subsection may, on or before January 15, 2022 or on or before January 15 of any year thereafter, apply to the Agency for the grant by submitting a certification, signed by the business manager for the supervisory union, that the supervisory union satisfies the conditions under subdivision (2) of this subsection.

(4) If a supervisory union is eligible for a grant under subdivision (3) of this subsection, then the Agency shall make the grant payment, subject to appropriation, on or before the following March 31 after submission of the supervisory union's application, which is due on or before January 15 of that year, which shall be equal to \$0.15 per reimbursable school lunch served by the supervisory union in the prior school year through the National School Lunch Program. A supervisory union may apply for this grant and receive this grant funding only once.

(5)(A) A supervisory union that has received a grant under subdivision (4) of this subsection (c) may, on or before January 15, 2023 or on or before January 15 of any year thereafter, apply for a further grant by submitting to the Agency of Education information that demonstrates that at least 15 percent of the cost of all foods purchased or grown, raised, or produced by the supervisory union during the one-year period ending on June 30 of the previous year were local to Vermont as defined in 9 V.S.A. § 2465a(b), excluding:

(i) foods purchased or grown, raised, or produced by the supervisory union that were used to provide catering services for which the supervisory union received compensation; and

(ii) fluid milk.

(B) If a supervisory union grows, raises, or produces food, it shall assign a fair market value to that food for the purpose of reporting its cost.

(C) A vendor that contracts with a supervisory union to supply food products shall certify to the supervisory union which of the food products supplied meet the definition of local to Vermont, taking into account the exclusions under subdivision 5(A) of this subsection (c).

(6) If a supervisory union is eligible for a grant under subdivision (5) of this subsection, the Agency shall, on or before the following April 30 after submission of the supervisory union's application, which is due on or before January 15 of that year, make the grant payment, subject to appropriation, which shall be determined as follows:

(A) \$0.15 per reimbursable school lunch served in the prior school year through the National School Lunch Program for supervisory unions purchasing at least 15 percent locally produced foods;

(B) \$0.20 per reimbursable school lunch served in the prior school year through the National School Lunch Program for supervisory unions purchasing at least 20 percent locally produced foods; or

(C) \$0.25 per reimbursable school lunch served in the prior school year through the National School Lunch Program for supervisory unions purchasing at least 25 percent locally produced foods.

(7) A supervisory union may apply for and receive grant funding under subdivisions (5) and (6) of this subsection for each year that it qualifies for this grant funding. For applications covering the 2020–2021 school year, meals served through the Summer Food Service Program shall also be counted for this grant payment.

(8) The Agency of Education may perform sample audits for any year that grant funds are paid to supervisory unions under subdivision (6) of this subsection to verify that information provided to the Agency under subdivision (5) of this subsection is accurate. If the Agency makes a grant payment under subdivision (6) of this subsection to a supervisory union that was based on inaccurate information reported by the supervisory union, the Agency may seek reimbursement from the supervisory union for an overpayment or reimburse the supervisory union for an underpayment or may adjust future grant amounts under this section to reflect the over- or underpayment.

(d)(1) On or before January 31, 2022 and annually thereafter, the Agency of Education shall submit to the Senate Committees on Agriculture and on Education and the House Committees on Agriculture and Forestry and on Education in an aggregated form:

(A) the information received from supervisory unions regarding the percentage of locally produced foods, as the supervisory unions define them, that were reported under subsection (b) of this section; and

(B) the percentage of locally produced foods, using the grant funding definition, that were reported under subdivision (c)(5) of this section and the amount of grant funding paid to supervisory unions under subdivision (c)(6) of this section in the prior school year.

(2) The provisions of 2 V.S.A. § 20(d) regarding expiration of required reports shall not apply to the reports required by this subsection.

Sec. 8. AGENCY OF EDUCATION; STAFFING

The following position is created in the Agency of Education: one full-time, classified position specializing in the administration of school food programs. The position established in this section shall be transferred and converted from an existing vacant position in the Executive Branch of State government. There is appropriated to the Agency of Education from the General Fund in fiscal year 2022 the amount of \$100,000.00 for salary, benefits, and operating expenses.

* * * Task Force on Universal School Lunch * * *

Sec. 9. TASK FORCE ON UNIVERSAL SCHOOL LUNCH; REPORT

(a) Creation. There is created the Task Force on Universal School Lunch. The Task Force shall make recommendations on how, not later than the 2026–2027 school year, to achieve the goal of providing universal school lunch for all public school students at no cost to the students or their families.

(b) Membership. The Task Force shall be composed of the:

- (1) Secretary of Education or designee;
- (2) Secretary of Human Services or designee; and
- (3) Secretary of Agriculture or designee.

(c) Powers and duties. The Task Force shall make recommendations on how, not later than the 2026–2027 school year, to achieve the goal of providing universal school lunch for all public school students at no cost to the students or their families and shall perform the following tasks:

- (1) recommend funding sources for universal school lunch;
- (2) recommend what data should be collected by local education agencies, school districts, and schools to qualify for federal funds based on student poverty, the means by which the data should be collected, the frequency of collection, and how this data should be reported to the Agency of Education and the frequency of this reporting;
- (3) consider how other states offer and fund universal school meals at no cost to students or their families; and
- (4) meet with Vermont’s federal delegation to discuss what changes could be made to federal law and regulations to more readily facilitate universal school meals.

(d) Collaboration. In performing its duties under this section, the Task Force shall collaborate with Hunger Free Vermont, the School Nutrition Association of Vermont, the Vermont Superintendents Association, the Vermont School Boards Association, the Vermont Council of Special Education Administrators, the Vermont Principals' Association, and the Vermont-National Education Association.

(e) Report. On or before January 15, 2022, the Task Force shall submit a written report to the House and Senate Committees on Education and on Appropriations, the House Committee on Agriculture and Forestry, and the Senate Committee on Agriculture with its findings and any recommendations for legislative action.

(f) Meetings.

(1) The Secretary of Education shall call the first meeting of the Task Force to occur on or before October 10, 2021.

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

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

(4) The Task Force shall meet not more than eight times.

(5) The Task Force shall expire on January 16, 2022.

(g) Assistance. The Task Force shall have the administrative, technical, and legal assistance of the Agency of Education.

* * * Effective Date * * *

Sec. 10. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 5-1-0)

(For House amendments, see House Journal for March 18, 2021, pages 387-392.)

Reported favorably by Senator Balint for the Committee on Appropriations.

The Committee recommends that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Education.

(Committee vote: 7-0-0)

H. 122.

An act relating to boards and commissions.

Reported favorably with recommendation of proposal of amendment by Senator White for the Committee on Government Operations.

The Committee recommends that the Senate propose to the House to amend the bill by striking out Sec. 12, effective date, and its reader assistance heading in their entirety and adding eight sections to be Secs. 11a–18 with reader assistance headings to read as follows:

* * * Vermont Climate Council * * *

Sec. 11a. VERMONT CLIMATE COUNCIL; TEMPORARY PER DIEM COMPENSATION; SUNSET

Until June 30, 2022, and notwithstanding any provision of 10 V.S.A. § 591(g) or 32 V.S.A. § 1010 to the contrary, a Vermont Climate Council member or subcommittee member who is entitled to per diem compensation under 10 V.S.A. § 591(g) shall, upon request, receive per diem compensation in the amount of \$100.00, subject to the availability of funds budgeted for Council per diem compensation.

* * * State Emergency Response Commission; Regional Committees * * *

Sec. 12. 20 V.S.A. § 6 is amended to read:

§ 6. LOCAL ORGANIZATION FOR EMERGENCY MANAGEMENT

(a) Each town and city of this state is hereby authorized and directed to establish a local organization for emergency management in accordance with the state State emergency management plan and program. ~~Except in a town that has a town manager in accordance with chapter 37 of Title 24, the~~ The executive officer or legislative branch of the town or city is authorized to appoint a town or city emergency management director who shall have direct responsibility for the organization, administration, and coordination of the local organization for emergency management, subject to the direction and control of the executive officer or legislative branch. If the town or city that has not adopted the town manager form of government in accordance with chapter 37 of Title 24 and the executive officer or legislative branch of the town or city has not appointed an emergency management director, the executive officer or legislative branch shall be the town or city emergency management director. The town or city emergency management director may appoint an emergency management coordinator and other staff as necessary to accomplish the purposes of this chapter.

~~(b) Except as provided in subsection (d) of this section, each~~ Each local organization for emergency management shall perform emergency management functions within the territorial limits of the town or city within which it is organized, and, in addition, shall conduct such functions outside of the territorial limits as may be required pursuant to the provisions of this chapter and in accord with such regulations as the governor may prescribe.

~~(c) Each local organization shall participate in the development of~~ develop and maintain an all-hazards emergency management plan with the local emergency planning committee and the public safety district in accordance with guidance set forth by the Division of Emergency Management.

~~(d) Each local organization shall annually notify the local emergency planning committee on forms provided by the state emergency response commission of its capacity to perform emergency functions in response to an all-hazards incident. Each local organization shall perform the emergency functions indicated on the most recently submitted form in response to an all-hazards incident. Regional emergency management committees shall be established by the Division of Emergency Management.~~

(1) Regional emergency management committees shall coordinate emergency planning and preparedness activities to improve their regions' ability to prepare for, respond to, and recover from all disasters.

(2) The Division of Emergency Management shall establish geographic boundaries and guidance documents for regional emergency planning committees in coordination with regional planning commissions and mutual aid associations.

(3) A regional emergency management committee shall consist of voting and nonvoting members.

(A) Voting members. The local emergency management director or designee and one representative from each town and city in the region shall serve as the voting members of the committee. A representative from a town or city shall be a member of the town's or city's emergency services community and shall be appointed by the town's or city's executive or legislative branch.

(B) Nonvoting members. Nonvoting members may include representatives from the following organizations serving within the region: fire departments; emergency medical services; law enforcement; media; transportation; regional planning commissions; hospitals; the Department of Health's district office; the Division of Emergency Management; organizations serving vulnerable populations; and any other interested public or private individual or organization.

(4) Voting members shall annually elect a chair and vice chair of the committee from the voting membership. The Chair shall develop a meeting schedule, agenda, and facilitate each meeting. The Vice Chair shall fill in for the Chair during the Chair's absence.

(5) Committees shall develop and maintain a regional plan, consistent with guidance provided by the Division of Emergency Management in coordination with regional planning commissions, that describes regional coordination and regionally available resources.

Sec. 13. 20 V.S.A. § 30 is amended to read:

§ 30. STATE EMERGENCY RESPONSE COMMISSION; CREATION

~~(a) A state emergency response commission~~ The State Emergency Response Commission is created within the ~~department~~ Department of public safety Public Safety. The commission shall consist of ~~15~~ 17 members, ~~six~~ eight ex officio members, including the ~~commissioner of public safety~~ Commissioner of Public Safety, the ~~secretary of natural resources~~ Secretary of Natural Resources, the ~~secretary of transportation~~ Secretary of Transportation, the ~~commissioner of health~~ Commissioner of Health, the ~~secretary of agriculture, food~~ Secretary of Agriculture, Food and Markets Markets, and the ~~commissioner of labor~~ Commissioner of Labor, ~~the Director of Fire Safety, and the Director of Emergency Management~~, or their designees; and nine public members, including a representative from each of the following: local government, a ~~the~~ local emergency planning committee, a regional planning commission, the fire service, law enforcement, emergency medical service, a hospital, a transportation entity required under EPCRA to report chemicals to the ~~state emergency response commission~~ State Emergency Response Commission, and another entity required to report extremely hazardous substances under EPCRA. ~~The director of emergency management shall be the secretary of the commission without a vote.~~

(b) The nine public members shall be appointed by the ~~governor~~ Governor for staggered three year terms. The ~~governor~~ Governor shall appoint the chair of the commission.

(c) Members of the commission, except state employees who are not otherwise compensated as part of their employment and who attend meetings, shall be entitled to a per diem and expenses as provided in 32 V.S.A. § 1010.

Sec. 14. 20 V.S.A. § 31 is amended to read:

§ 31. STATE EMERGENCY RESPONSE COMMISSION; DUTIES

(a) The commission shall have authority to:

(1) Carry out all the requirements of a commission under the Emergency Planning and Community Right-To-Know Act, 42 U.S.C. § 11000-11050 (1986) (EPCRA), ~~and all hazards mitigation, response, recovery, and preparedness, as hereafter amended and other applicable federal initiatives.~~

(2) Adopt rules necessary for the implementation of EPCRA and for the reporting of hazardous chemicals or substances, including setting minimum limits on the level of hazardous chemicals to be reported.

(3) Designate and appoint local emergency planning committees.

(4) Review and comment on the development and implementation of local emergency response plans by the local emergency planning ~~committees~~ committee and provide assistance to ~~those committees~~ that committee in executing ~~their~~ its duties.

(5) Review and comment on the comprehensive state State emergency operations management plan and the local emergency planning committee response plans.

(6) Meet with interested parties, which may include representatives of the carrier industry shippers, and state and local agencies, having an interest, responsibility, or expertise concerning hazardous materials.

(7) Ensure that a state State plan will go into effect when an accident occurs involving the transportation of hazardous materials. The plan shall be ~~field tested~~ exercised at least once annually and shall be coordinated with local and State emergency plans.

(8) Jointly adopt rules concerning reportable quantities of economic poison as defined in 6 V.S.A. § 911(5) with the ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets. The commission may enter into contracts with governmental agencies or private organizations to carry out the duties of this section.

(9) ~~Coordinate statewide efforts and draft policies regarding planning, mitigation, preparedness, and response to all hazards events to be approved by the commissioner.~~

(10) Recommend funding for awards to be made by the ~~commissioner~~ Commissioner for planning, training, ~~special studies, citizen corps councils, community emergency response teams (CERT), medical reserve corps, and hazardous materials response teams~~ exercises, and response capabilities from funds that are available from federal sources or through the hazardous substances fund created in section 38 of this title. The commission may create committees as necessary for other related purposes and delegate funding recommendation powers to those committees.

(b) The Department of Public Safety shall provide administrative support to the State Emergency Response Commission.

Sec. 15. 20 V.S.A. § 32 is amended to read:

§ 32. LOCAL EMERGENCY PLANNING COMMITTEES; CREATION;
DUTIES

(a) ~~Local~~ One or more local emergency planning committees shall be appointed by the ~~state emergency response commission~~ State Emergency Response Commission.

(b) ~~Local~~ All local emergency planning committees ~~should~~ shall include representatives from the following: fire departments; local and regional emergency medical services; local, county, and state law enforcement; media; transportation; regional planning commissions; hospitals; industry; the ~~national guard~~ Vermont National Guard; the ~~department~~ Department of ~~health~~ Health's district office; an animal rescue organization; and may include any other interested public or private individual or organization. Where the local emergency planning committee represents more than one region of the State, the commission shall appoint representatives that are geographically diverse.

(c) A local emergency planning committee shall perform all the following duties:

(1) Carry out all the requirements of a committee pursuant to EPCRA, including preparing a local emergency planning committee ~~response~~ plan. The plan shall be coordinated with the ~~state~~ State emergency ~~operations management~~ plan and may be expanded to address all hazards ~~and all phases of emergency management.~~ identified in the State emergency management plan. At a minimum, the local emergency planning committee ~~response~~ plan shall include the following:

(A) Identifies facilities and transportation routes of extremely hazardous substances.

(B) Describes emergency response procedures, including those identified in facility plans.

(C) Designates a local emergency planning committee coordinator and facility coordinators to implement the plan.

(D) Outlines emergency notification procedures.

(E) Describes how to determine the probable affected area and population by releases of hazardous substances.

(F) Describes local emergency equipment and facilities and the persons responsible for them.

(G) Outlines evacuation plans.

(H) Provides for coordinated local training to ensure integration with the state ~~State emergency operations management~~ State Emergency Response Commission plan.

(I) Provides methods and schedules for exercising emergency response plans.

(2) Upon receipt by the committee or the committee's designated community emergency coordinator of a notification of a release of a hazardous chemical or substance, ~~insure~~ ensure that the local emergency response plan has been implemented.

(3) Consult and coordinate with the heads of local government emergency services, the emergency management director or designee, regional planning commissions, and the managers of all facilities within the ~~district jurisdiction~~ regarding the facility plan.

(4) Review and evaluate requests for funding and other resources and advise the ~~state emergency response commission~~ State Emergency Response Commission and ~~district coordinators~~ concerning disbursement of funds.

(5) Work to support the various emergency services, mutual aid systems, town governments, regional planning commissions, state agency district offices, and others in their area in conducting coordinated all-hazards emergency management activities.

Sec. 16. 20 V.S.A. § 38 is amended to read:

§ 38. SPECIAL FUNDS

~~(a)(1) There is created a radiological emergency response plan fund, into which any entity operating a nuclear reactor or storing nuclear fuel and radioactive waste in this state (referred to hereinafter as "the nuclear power plant") shall deposit the amount appropriated to support the Vermont radiological response plan for that fiscal year, adjusted by any balance in the radiological emergency response plan fund from the prior fiscal year. There shall also be deposited into the fund any monies received from any other source, public or private, that is intended to support the radiological emergency response planning process. The fund shall be managed in accordance with subchapter 5 of chapter 7 of Title 32. Any interest earned on the balance in the fund shall be retained by the fund.~~

~~(2) Expenditures from the fund shall be made by the division of emergency management, subject to an annual legislative appropriation. As~~

~~part of the annual appropriations process, the division of emergency management shall present a budget for the ensuing fiscal year that anticipates the expenditures that will be made from the fund. Each fiscal year, the division of emergency management in collaboration with the state and local agencies, the management of the nuclear power plant, the selectboards of the municipalities in the emergency planning zone, the Windham regional planning commission, and any other municipality or emergency planning zone entity defined by the state as required to support the radiological emergency response plan shall develop the budget for expenditures from the radiological emergency response plan fund. State personnel with responsibility for local coordination and plan development shall be physically located in the region. The annual budget shall include only expenditures necessary to support the radiological emergency response plan.~~

~~* * *~~

~~(5) The state shall bill the nuclear power plant on a monthly basis based on the budget presented and approved by the legislature. The nuclear power plant shall have the right to audit the books and records of the fund.~~

~~(6) Upon the permanent cessation of operation of the nuclear reactor and final removal of all nuclear fuel and radioactive waste, and the removal of emergency response plan regulations and state responsibilities applicable to it by the Federal Nuclear Regulatory Commission and any other federal agency having regulatory jurisdiction, and after all outstanding debts have been paid, all monies remaining in the fund shall be repaid to the nuclear power plant, and the fund terminated.~~

~~(b) There is created a hazardous chemical and substance emergency response fund which that shall include all moneys paid to the state State pursuant to section 39 of this title. The fund shall be managed pursuant to the provisions of subchapter 5 of chapter 7 of Title 32. The fund shall be used to implement and administer this chapter, including planning, training and response activities as well as the purchase of equipment and assisting local organizations referred to in section 6 of this chapter to develop emergency response plans. Each local emergency planning committee shall receive a minimum grant of \$1,500.00, and \$4,000.00 as of July 1, 2007, annually and may petition the state emergency response commission for additional funds if needed and available an annual grant from the Commissioner of Public Safety. The annual total grant amount to be allocated to local emergency planning committees statewide shall not exceed \$52,000.00, and the Commissioner shall divide the total annual grant amount equally among the local emergency planning committees. After disbursement of the minimum grant amounts funding and after consideration of the comments and evaluation received from~~

~~the appropriate local emergency planning committee and the State Emergency Response Commission, the commissioner~~ Commissioner of Public Safety at the Commissioner's discretion ~~with the approval of the emergency response commission~~ may make additional grants from the fund to any local emergency planning committee or regional emergency response commission as well as to any political subdivisions including any city, town, fire district, incorporated village and other incorporated entities in the state in accordance with rules adopted by the ~~state emergency response commission~~ State Emergency Response Commission. Unless waived by the ~~state emergency response commission~~ State Emergency Response Commission, grants shall be matched by local governments in the amount of 25 percent of the grant. The matching may be by contribution or by privately furnished funds or by in-kind services, space, or equipment ~~which~~ that would otherwise be purchased by a local emergency planning committee.

Sec. 17. 20 V.S.A. § 3a is amended to read:

§ 3a. EMERGENCY MANAGEMENT DIVISION; DUTIES; BUDGET

(a) In addition to other duties required by law, the ~~emergency management division~~ Division of Emergency Management shall:

(1) ~~Establish and define emergency planning zones and prepare and maintain a comprehensive state~~ State emergency management strategy that includes an emergency operations management plan, ~~establish and define emergency planning zones and prepare and maintain a radiological emergency response plan for use in those zones~~ regional emergency management committees, and prepare an all-hazards mitigation plan in cooperation with other state, regional, and local agencies ~~for use in such zones and in compliance with adopted federal standards for emergency management. The strategy shall be designed to protect the lives and property, including domestic animals, of persons within this state~~ State who might be threatened as the result of all-hazards and shall align ~~state~~ State coordination structures, capabilities, and resources into a unified and ~~multi-disciplined~~ multidisciplined all-hazards approach to incident management.

(2) ~~Design the radiological emergency response plan to protect persons and property within this state who or which might be threatened as the result of their proximity to any operating nuclear reactor. The plan shall be formulated in accordance with procedures approved by the Federal Nuclear Regulatory Commission. At a minimum, the plan shall provide for all the following:~~

(A) ~~Monitoring radiological activity within the state.~~

~~(B) Emergency evacuation routes within a ten-mile radius of any operating nuclear reactor.~~

~~(C) Adequate notification and communications systems.~~

~~(D) Contingency procedures as deemed necessary in the event of an incident or accident involving an operating nuclear reactor.~~

(3) Assist the ~~state emergency response commission~~ State Emergency Response Commission, the local emergency planning committees, ~~the regional emergency management committees~~, and the municipally established local organizations referred to in section 6 of this title in carrying out their designated emergency functions, including developing, implementing, and coordinating emergency response plans.

~~(4) Provide administrative support to the state emergency response commission.~~

* * *

* * * Effective Dates * * *

Sec. 18. EFFECTIVE DATES

This section and Secs. 1–11a (misc. boards and commissions) shall take effect on passage, and Secs. 12–17 (emergency management commission/committees) shall take effect on July 1, 2021.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for February 16, 2021, pages 184-195.)

Reported favorably with recommendation of proposal of amendment by Senator Starr for the Committee on Appropriations.

The Committee recommends that the bill be amended as recommended by the Committee on Government Operations with the following amendment thereto:

By striking out Sec. 11a, Vermont Climate Council; temporary per diem compensation; sunset, and its reader assistance heading in their entirety and inserting in lieu thereof the following:

Sec. 11a. [Deleted.]

(Committee vote: 7-0-0)

H. 135.

An act relating to the State Ethics Commission.

Reported favorably with recommendation of proposal of amendment by Senator Pollina for the Committee on Government Operations.

The Committee recommends that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 3 V.S.A. chapter 31 is amended to read:

CHAPTER 31. GOVERNMENTAL ETHICS

* * *

Subchapter 2. Disclosures

§ 1211. EXECUTIVE OFFICERS; ~~BIENNIAL~~ ANNUAL DISCLOSURE

(a) ~~Biennially~~ Annually, each Executive officer shall file with the State Ethics Commission a disclosure form that contains the following information in regard to the previous ~~calendar year~~ 12 months:

(1) Each source, but not amount, of personal income of the officer and of his or her spouse or domestic partner, and of the officer together with his or her spouse or domestic partner, that totals more than \$5,000.00, including any of the sources meeting that total described as follows:

(A) employment, including the employer or business name and address and, if self-employed, a description of the nature of the self-employment without needing to disclose any individual clients; and

(B) investments, described generally as “investment income.”

(2) Any board, commission, or other entity that is regulated by law or that receives funding from the State on which the officer served and the officer’s position on that entity.

(3) Any company of which the officer or his or her spouse or domestic partner, or the officer together with his or her spouse or domestic partner, owned more than 10 percent.

(4) Any lease or contract with the State held or entered into by:

(A) the officer or his or her spouse or domestic partner; or

(B) a company of which the officer or his or her spouse or domestic partner, or the officer together with his or her spouse or domestic partner, owned more than 10 percent.

(b) In addition, if an Executive officer's spouse or domestic partner is a lobbyist, the officer shall disclose that fact and provide the name of his or her spouse or domestic partner and, if applicable, the name of his or her lobbying firm.

(c)(1) Disclosure forms shall contain the statement, "I certify that the information provided on all pages of this disclosure form is true to the best of my knowledge, information, and belief."

(2) Each Executive officer shall sign his or her disclosure form in order to certify it in accordance with this subsection.

(d)(1) An officer shall file his or her disclosure on or before January 15 of ~~the odd-numbered~~ each year or, if he or she is appointed after January 15, within 10 days after that appointment.

(2) An officer who filed this disclosure form as a candidate in accordance with 17 V.S.A. § 2414 in the preceding year and whose disclosure information has not changed since that filing may update that filing to indicate that there has been no change.

~~(d)~~(e) As used in this section:

(1) "Domestic partner" means an individual with whom the Executive officer has an enduring domestic relationship of a spousal nature, as long as the officer and the domestic partner:

(A) have shared a residence for at least six consecutive months;

(B) are at least 18 years of age;

(C) are not married to or considered a domestic partner of another individual;

(D) are not related by blood closer than would bar marriage under State law; and

(E) have agreed between themselves to be responsible for each other's welfare.

(2) "Lobbyist" and "lobbying firm" shall have the same meanings as in 2 V.S.A. § 261.

§ 1212. COMMISSION MEMBERS AND EXECUTIVE DIRECTOR;
~~BIENNIAL~~ ANNUAL DISCLOSURE

(a) ~~Biennially~~ Annually, each member of the Commission and the Executive Director of the Commission shall file with the Executive Director a disclosure form that meets the requirements of and contains the information

that Executive officers are required to disclose under section 1211 of this subchapter.

(b) A member and the Executive Director shall file their disclosures on or before January 15 of ~~the first each~~ year of ~~their appointments~~ or, if the member or Executive Director is appointed after January 15, within 10 days after that appointment, ~~and shall file subsequent disclosures biennially thereafter.~~

§ 1213. DISCLOSURES; GENERALLY

(a) The Executive Director of the Commission shall prepare on behalf of the Commission any disclosure form required to be filed with it and the candidate disclosure form described in 17 V.S.A. § 2414, and shall make ~~those~~ forms to be filed with the Commission available on the Commission's website.

(b) The Executive Director shall post on the Commission's website a copy of any disclosure form the Commission receives.

Subchapter 3. State Ethics Commission

§ 1221. STATE ETHICS COMMISSION

(a) Creation. There is created within the Executive Branch an independent commission named the State Ethics Commission to accept, review, make referrals regarding, and track complaints of alleged violations of governmental conduct regulated by law, of the Department of Human Resources ~~Code of Ethics~~ Personnel Policy and Procedure Manual, and of the State's campaign finance law set forth in 17 V.S.A. chapter 61; to provide ethics training; and to issue guidance and advisory opinions regarding ethical conduct.

(b) Membership.

(1) The Commission shall be composed of the following five members:

(A) one member appointed by the Chief Justice of the Supreme Court;

(B) one member appointed by the League of Women Voters of Vermont, who shall be a member of the League;

(C) one member appointed by the Board of Directors of the Vermont Society of Certified Public Accountants, who shall be a member of the Society;

(D) one member appointed by the Board of Managers of the Vermont Bar Association, who shall be a member of the Association; and

(E) one member appointed by the Board of Directors of the SHRM (Society of Human Resource Management) Vermont Human Resource Association State Council, who shall be a member of the Association Council.

(2) The Commission shall elect the Chair of the Commission from among its membership.

(3) A member shall not:

(A) hold any office in the Legislative, Executive, or Judicial Branch of State government or otherwise be employed by the State;

(B) hold or enter into any lease or contract with the State, or have a controlling interest in a company that holds or enters into a lease or contract with the State;

(C) be a lobbyist;

(D) be a candidate for State ~~or~~, legislative, or elected judicial office;
or

(E) hold any office in a State ~~or~~, legislative, or elected judicial office candidate's committee, a political committee, or a political party.

(4) A member may be removed for cause by the remaining members of the Commission in accordance with the Vermont Administrative Procedure Act.

(5)(A) A member shall serve a term of ~~three~~ five years and until a successor is appointed. A term shall begin on January 1 of the year of appointment and run through December 31 of the last year of the term. Terms of members shall be staggered so that ~~not all~~ no two terms expire at the same time.

(B) A vacancy created before the expiration of a term shall be filled in the same manner as the original appointment for the unexpired portion of the term.

(C) A member shall not serve more than two consecutive terms. A member appointed to fill a vacancy created before the expiration of a term shall not be deemed to have served a term for the purpose of this subdivision (C).

(c) Executive Director.

(1) The Commission shall be staffed by an Executive Director who shall be appointed by and serve at the pleasure of the Commission and who shall be a part-time exempt State employee.

(2) The Executive Director shall maintain the records of the Commission and shall provide administrative support as requested by the Commission, in addition to any other duties required by this chapter.

(d) Confidentiality. The Commission and the Executive Director shall maintain the confidentiality required by this chapter.

(e) Meetings. Meetings of the Commission:

(1) shall be held at least quarterly for the purpose of the Executive Director updating the Commission on his or her work;

(2) may be called by the Chair and shall be called upon the request of any other two Commission members; and

(3) shall be conducted in accordance with 1 V.S.A. § 172.

(f) Reimbursement. Each member of the Commission shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010.

* * *

§ 1223. PROCEDURE FOR HANDLING COMPLAINTS

(a) Accepting complaints.

(1) On behalf of the Commission, the Executive Director shall accept complaints from any source regarding governmental ethics in any of the three branches of State government or of the State's campaign finance law set forth in 17 V.S.A. chapter 61.

(2) Complaints shall be in writing and shall include the identity of the complainant.

(b) Preliminary review by Executive Director. The Executive Director shall conduct a preliminary review of complaints made to the Commission in order to take action as set forth in this subsection, which shall include referring complaints to all relevant entities.

(1) Governmental conduct regulated by law.

(A) If the complaint alleges a violation of governmental conduct regulated by law, the Executive Director shall refer the complaint to the Attorney General or to the State's Attorney of jurisdiction, as appropriate.

(B) The Attorney General or State's Attorney shall file a report with the Executive Director regarding his or her decision as to whether to bring an enforcement action as a result of a complaint referred under subdivision (A) of this subdivision (1) within 10 days of that decision.

(2) Department of Human Resources, ~~Code of Ethics~~ Personnel Policy and Procedure Manual.

(A) If the complaint alleges a violation of the Department of Human Resources, ~~Code of Ethics~~ Personnel Policy and Procedure Manual, the Executive Director shall refer the complaint to the Commissioner of Human Resources.

(B) The Commissioner shall report back to the Executive Director regarding the final disposition of a complaint referred under subdivision (A) of this subdivision (2) within 10 days of that final disposition.

(3) Campaign finance.

(A) If the complaint alleges a violation of campaign finance law, the Executive Director shall refer the complaint to the Attorney General or to the State's Attorney of jurisdiction, as appropriate.

(B) The Attorney General or State's Attorney shall file a report with the Executive Director regarding his or her decision as to whether to bring an enforcement action as a result of a complaint referred under subdivision (A) of this subdivision (3) as set forth in 17 V.S.A. § 2904a.

(4) Legislative and Judicial Branches; attorneys.

(A) If the complaint is in regard to conduct committed by a State Senator, the Executive Director shall refer the complaint to the Senate Ethics Panel and shall request a report back from the Panel regarding the final disposition of the complaint.

(B) If the complaint is in regard to conduct committed by a State Representative, the Executive Director shall refer the complaint to the House Ethics Panel and shall request a report back from the Panel regarding the final disposition of the complaint.

(C) If the complaint is in regard to conduct committed by a judicial officer, the Executive Director shall refer the complaint to the Judicial Conduct Board and shall request a report back from the Board regarding the final disposition of the complaint.

(D) If the complaint is in regard to an attorney employed by the State, the Executive Director shall refer the complaint to the Professional Responsibility Board and shall request a report back from the Board regarding the final disposition of the complaint.

(E) If any of the complaints described in subdivisions (A)–(D) of this subdivision (4) also allege that a crime has been committed, the Executive Director shall also refer the complaint to the Attorney General and the State's Attorney of jurisdiction.

(5) Closures. The Executive Director shall close any complaint that he or she does not refer as set forth in subdivisions (1)–(4) of this subsection.

(c) Confidentiality. Complaints and related documents in the custody of the Commission shall be exempt from public inspection and copying under the Public Records Act and kept confidential.

§ 1224. COMMISSION ETHICS TRAINING

At least annually, in collaboration with the Department of Human Resources, the Commission shall make available to legislators, State officers, and State employees training on issues related to governmental ethics. The training shall include topics related to those covered in any guidance provided or advisory opinion issued under section 1225 of this subchapter.

§ 1225. EXECUTIVE DIRECTOR GUIDANCE AND ADVISORY OPINIONS

(a) Guidance.

(1) The Executive Director may ~~issue~~ provide guidance only to an Executive officer or other State employee a person who is or will be subject to the provisions of this chapter, upon his or her request, guidance with respect to that person's duties regarding any provision of this chapter or regarding any other issue related to governmental ethics.

(2) The Executive Director may consult with members of the Commission and the Department of Human Resources in preparing this guidance.

(3) Guidance ~~issued~~ provided under this subsection shall be exempt from public inspection and copying under the Public Records Act and shall be kept confidential unless the receiving entity has publicly disclosed it.

(b) Advisory opinions.

(1) ~~The~~ On the written request of a person who is or will be subject to the provisions of this chapter, the Executive Director may issue an advisory opinions opinion to that person that provide provides general advice or interpretation with respect to that person's duties regarding any provision of this chapter or regarding any other issue related to governmental ethics.

(2) The Executive Director may consult with members of the Commission and the Department of Human Resources in preparing these advisory opinions.

(3) The Executive Director may seek comment from persons interested in the subject of an advisory opinion under consideration.

(4) The Executive Director shall post on the Commission's website any advisory opinions that he or she issues.

§ 1226. COMMISSION REPORTS

Annually, on or before January 15, the Commission shall report to the General Assembly regarding the following issues:

(1) Complaints. The number and a summary of the complaints made to it, separating the complaints by topic, and the disposition of those complaints, including any prosecution, enforcement action, or dismissal. This summary of complaints shall not include any personal identifying information.

(2) Guidance. The number of requests for and a summary of the guidance ~~documents~~ the Executive Director ~~issued~~ provided, separating the guidance by topic. This summary of guidance shall not include any personal identifying information.

(3) Recommendations. Any recommendations for legislative action to address State governmental ethics or provisions of campaign finance law.

Sec. 2. 2017 Acts and Resolves No. 79, Sec. 13, as amended by 2020 Acts and Resolves No. 120, Sec. A.8 is further amended to read:

Sec. 13. STATE ETHICS COMMISSION FUNDING SOURCE SURCHARGE; REPEAL

(a) Surcharge.

(1) Notwithstanding the provisions of 3 V.S.A. § 2283(c) setting forth the purpose and rate of charges collected in the Human Resource Services Internal Service Fund, in fiscal year 2018 and thereafter, a surcharge of up to 2.3 percent, but no greater than the cost of the activities of the State Ethics Commission set forth in Sec. 7 of this act, on the per-position portion of the charges authorized in 3 V.S.A. § 2283(c)(2) shall be assessed to all Executive Branch agencies, departments, and offices and shall be paid by all assessed entities solely with State funds.

(2) The amount collected shall be accounted for within the Human Resource Services Internal Service Fund and used solely for the purposes of funding the activities of the State Ethics Commission set forth in Sec. 7 of this act.

(b) Repeal. This section shall be repealed on ~~June 30, 2021~~ July 1, 2022.

Sec. 3. IMPLEMENTATION OF STAGGERED FIVE-YEAR TERMS

In order to stagger the terms of the members of the State Ethics Commission as described in 3 V.S.A. § 1221(b)(5)(A) in Sec. 1 of this act, members shall serve five-year terms beginning on January 1, 2022, except that:

(1) Following the conclusion of the current term of the Chief Justice of the Supreme Court appointment on December 31, 2023, the subsequent Chief Justice of the Supreme Court appointment shall be for a two-year term ending on December 31, 2025.

(2) Following the conclusion of the current term of the Board of Directors of the Vermont Human Resource Association appointment on December 31, 2022, the subsequent SHRM (Society of Human Resource Management) Vermont State Council appointment shall be for a two-year term ending on December 31, 2024.

Sec. 4. CREATION OF POSITION WITHIN THE STATE ETHICS COMMISSION

The Executive Director, with the consent of the State Ethics Commission, is authorized to establish one new exempt 0.5 full-time equivalent Administrative Assistant position for the efficient administration of the Commission.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for February 24, 2021, pages 247-255.)

Reported favorably by Senator Bray for the Committee on Finance.

The Committee recommends that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Government Operations.

(Committee vote: 7-0-0)

Reported favorably with recommendation of proposal of amendment by Senator Baruth for the Committee on Appropriations.

The Committee recommends that the bill be amended as recommended by the Committee on Government Operations with the following amendment thereto:

By striking out Sec. 4, creation of position within the State Ethics Commission, in its entirety and inserting in lieu thereof the following:

Sec. 4. CREATION OF POSITION WITHIN THE STATE ETHICS
COMMISSION

(a) The establishment of the following new position is authorized in fiscal year 2022, and the position shall be transferred and converted from an existing vacant position in the Executive Branch and shall not increase the total number of authorized State positions: one permanent exempt 0.5 full-time equivalent Administrative Assistant position for the efficient administration of the State Ethics Commission.

(b) The Executive Director may fill the position created in subsection (a) of this section with the consent of the State Ethics Commission.

(Committee vote: 7-0-0)

H. 337.

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

Reported favorably with recommendation of proposal of amendment by Senator White for the Committee on Government Operations.

The Committee recommends that the Senate propose to the House to amend the bill as follows:

In Sec. 6, 22 V.S.A. § 611 (d), immediately following the words “by the State Librarian” by inserting , provided that the sale is permitted by the publishing contract before the period.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 17, 2021, pages 354-355.)

Reported favorably by Senator Hardy for the Committee on Finance.

The Committee recommends that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Government Operations.

(Committee vote: 7-0-0)

Reported favorably by Senator Baruth for the Committee on Appropriations.

The Committee recommends that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Government Operations.

(Committee vote: 7-0-0)

H. 431.

An act relating to miscellaneous energy subjects.

Reported favorably with recommendation of proposal of amendment by Senator Pearson for the Committee on Finance.

The Committee recommends that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Occupational Safety and Health * * *

Sec. 1. 30 V.S.A. § 207 is amended to read:

§ 207. REPORT OF ACCIDENTS; INVESTIGATION

The superintendent or manager of any line or plant, subject to supervision under this chapter, shall, immediately after its occurrence, notify the Department in writing of any accident that occurs within this State ~~immediately after its occurrence~~, upon such line or plant ~~resulting that results~~ in loss of life or injury to any person that ~~shall incapacitate~~ incapacitates him or her from engaging in his or her usual vocations. ~~The~~ If the accident is subject to investigation by VOSHA pursuant to 21 V.S.A. chapter 3, subchapters 4 and 5, the Department shall provide support as requested by VOSHA, and VOSHA shall, to the extent permitted by law, provide the Department with any information pertaining to the investigation that is requested by the Department. If the accident it not subject to investigation by VOSHA, the Department shall inquire into the cause of every such the accident, and ~~if, in its judgment, a public investigation is necessary, it shall fix a time and place of holding the same, and shall thereupon proceed as provided in 5 V.S.A. § 3454 relating to investigation of accidents upon railroads shall make any recommendations to the company and to the Public Utility Commission as appropriate.~~

* * * Public Records Act * * *

Sec. 2. 1 V.S.A. § 317 is amended to read:

§ 317. DEFINITIONS; PUBLIC AGENCY; PUBLIC RECORDS AND DOCUMENTS; EXEMPTIONS

* * *

(c) The following public records are exempt from public inspection and copying:

* * *

(43) Records relating to a regulated utility’s cybersecurity program, assessments, and plans, including all reports, summaries, compilations, analyses, notes, or other cybersecurity information.

* * *

* * * Energy Storage * * *

Sec. 3. 10 V.S.A. § 6001 is amended to read:

§ 6001. DEFINITIONS

~~It~~ As used in this chapter:

* * *

(3)(A) “Development” means each of the following:

* * *

(D) The word “development” does not include:

* * *

(ii) The construction of improvements for an electric generation, energy storage, or transmission facility that requires a certificate of public good under 30 V.S.A. § 248, or is subject to regulation under 30 V.S.A. § 8011, a natural gas facility as defined in 30 V.S.A. § 248(a)(3), or a telecommunications facility issued a certificate of public good under 30 V.S.A. § 248a.

* * *

Sec. 4. 24 V.S.A. § 4413 is amended to read:

§ 4413. LIMITATIONS ON MUNICIPAL BYLAWS

* * *

(b) A bylaw under this chapter shall not regulate ~~public utility power generating plants~~ electric generation facilities, energy storage facilities, and transmission facilities regulated under 30 V.S.A. § 248 or subject to regulation under 30 V.S.A. § 8011.

* * *

Sec. 5. 30 V.S.A. § 201 is amended to read:

§ 201. DEFINITIONS

As used in this chapter:

* * *

(4) “Energy storage facility” means a stationary device or system that captures energy produced at one time, stores that energy for a period of time, and delivers or may deliver that energy as electricity to the grid for use at a future time ~~uses mechanical, chemical, or thermal processes to store energy for export to the grid.~~

(5) “Energy storage aggregation” means a virtual resource formed by combining multiple stationary energy storage devices at different points of interconnection on the distribution system.

(6) “Energy storage aggregator” means an entity other than a distribution utility that is operating an energy storage aggregation of 100 kW or greater aggregate nameplate capacity.

Sec. 6. 30 V.S.A. § 203 is amended to read:

§ 203. JURISDICTION OF CERTAIN PUBLIC UTILITIES

* * *

(1) A company engaged in the manufacture, transmission, distribution, storage, or sale of gas or electricity directly to the public or to be used ultimately by the public for lighting, heating, or power and so far as relates to their use or occupancy of the public highways.

(2) That part of the business of a company that consists of the manufacture, transmission, distribution, storage, or sale of gas or electricity directly to the public or to be used ultimately by the public for lighting, heating, or power and so far as relates to their use or occupancy of the public highways.

* * *

(8) For purposes of this section, “storage” has the same meaning as “energy storage facility” as defined in section 201 of this title.

Sec. 7. 30 V.S.A. § 209 is amended to read:

§ 209. JURISDICTION; GENERAL SCOPE

* * *

(k) Energy storage facilities. Except when owned by a retail distribution utility, an energy efficiency utility, or the Vermont Electric Power Company, Inc., competitive suppliers of energy storage services that do not serve retail customers shall be exempt from sections 107, 108, and 109 of this title.

Sec. 8. 30 V.S.A. § 231 is amended to read:

§ 231. CERTIFICATE OF PUBLIC GOOD; ABANDONMENT OF SERVICE; HEARING

* * *

(c) An energy storage aggregator that operates an energy storage facility is subject to this section only if the aggregator is not a retail electric provider.

Sec. 9. 30 V.S.A. § 248 is amended to read:

§ 248. NEW GAS AND ELECTRIC PURCHASES, INVESTMENTS, AND FACILITIES; CERTIFICATE OF PUBLIC GOOD

(a)(1) No company, as defined in section 201 of this title, may:

* * *

(4)(A) With respect to a facility located in the State, in response to a request from one or more members of the public or a party, the Public Utility Commission shall hold a nonevidentiary public hearing on a petition for such finding and certificate in at least one county in which any portion of the construction of the facility is proposed to be located. The Commission in its discretion may hold a nonevidentiary public hearing in the absence of any request from a member of the public or a party. From the comments made at a public hearing, the Commission shall derive areas of inquiry that are relevant to the findings to be made under this section and shall address each such area in its decision. Prior to making findings, if the record does not contain evidence on such an area, the Commission shall direct the parties to provide evidence on the area. This subdivision does not require the Commission to respond to each individual comment.

* * *

(F) The following shall apply to the participation of the Agency of Agriculture, Food and Markets in proceedings held under this subsection:

(i) In any proceeding regarding an electric generation facility that will have a capacity greater than 500 kilowatts or an energy storage facility that will have a capacity greater than 1 megawatt and will be sited on a tract containing primary agricultural soils as defined in 10 V.S.A. § 6001, the Agency shall appear as a party and provide evidence and recommendations concerning any findings to be made under subdivision (b)(5) of this section on those soils, and may provide evidence and recommendations concerning any other matters to be determined by the Commission in such a proceeding.

* * *

(J) This subdivision (J) applies to an application for an electric generation facility with a capacity that is greater than 50 kilowatts and to an application for an energy storage facility that is greater than 1 megawatt, unless the facility is located on a new or existing structure the primary purpose of which is not the generation of electricity. In addition to any other information required by the Commission, the application for such a facility shall include information that delineates:

* * *

(k)(1) Notwithstanding any other provisions of this section, the Commission may waive, for a specified and limited time, the prohibitions contained in this section upon site preparation for or construction of an electric transmission facility, ~~or a generation facility,~~ or an energy storage facility as necessary to ensure the stability or reliability of the electric system or a natural gas facility, pending full review under this section.

* * *

(l) Notwithstanding other provisions of this section, and without limiting any existing authority of the Governor, and pursuant to 20 V.S.A. § 9(10) and (11), when the Governor has proclaimed a state of emergency pursuant to 20 V.S.A. § 9, the Governor, in consultation with the Chair of the Public Utility Commission and the Commissioner of Public Service or their designees, may waive the prohibitions contained in this section upon site preparation for or construction of an electric transmission facility, ~~or a generation facility,~~ or an energy storage facility as necessary to ensure the stability or reliability of the electric system or a natural gas facility. Waivers issued under this subsection shall be subject to such conditions as are required by the Governor, and shall be valid for the duration of the declared emergency plus 180 days, or such lesser overall term as determined by the Governor. Upon the expiration of a waiver under this subsection, if a certificate of public good has not been issued under this section, the Commission shall require the removal, relocation, or alteration of the facilities, subject to the waiver, as the Commission finds will best promote the general good of the State.

* * *

(u) For an energy storage facility, A certificate under this section shall only be required for an energy storage a stationary facility exporting to the grid that has a capacity of 500 100 kW or greater, unless the Commission establishes a larger threshold by rule. The Commission shall establish a simplified application process for energy storage facilities subject to this section with a capacity of up to 1 MW, unless it establishes a larger threshold by rule. For facilities eligible for this simplified application process, a

certificate of public good will be issued by the Commission by the forty-sixth day following filing of a complete application, unless a substantive objection is timely filed with the Commission or the Commission itself raises an issue. The Commission may require facilities eligible for the simplified application process to include a letter from the interconnecting utility indicating the absence or resolution of interconnection issues as part of the application.

Sec. 10. 30 V.S.A. § 8002 is amended to read:

§ 8002. DEFINITIONS

As used in this chapter:

* * *

(30) “Energy storage facility” has the same meaning as in section 201 of this title.

Sec. 11. 30 V.S.A. § 8011 is added to read:

§ 8011. ENERGY STORAGE FACILITIES

(a) The Commission may adopt and implement rules that govern the installation and operation of energy storage facilities of all sizes.

(b) The rules may establish a size threshold below which storage facilities need not submit an application for a certificate of public good pursuant to section 248 of this title.

(c) The rules may include provisions that govern:

(1) the respective duties of retail electricity providers and energy storage facility owners or operators;

(2) the electrical and fire safety, power quality, interconnection, metering, and decommissioning of energy storage facilities;

(3) the resolution of disputes between energy storage facility owners, operators, and the interconnecting provider;

(4) energy storage aggregators and the operation of aggregations; and

(5) energy storage facilities paired with other resources, such as net metering and standard offer plants, including retrofits of existing plants.

(c) The rules shall establish standards and procedures governing application for and issuance or revocation of a certificate of public good for certain energy storage facilities under the provisions of section 248 of this title. In establishing these standards and procedures, the rules may:

(1) waive the requirements of section 248 of this title that are not applicable to energy storage facilities, including criteria that are generally applicable to public service companies as defined in this title;

(2) modify notice and hearing requirements of this title as the Commission considers appropriate; and

(3) seek to simplify the application and review process.

Sec. 12. PUBLIC UTILITY COMMISSION RULEMAKING;
INTERCONNECTION RULE

On or before March 15, 2022, the Public Utility Commission shall propose an updated interconnection rule that:

(1) incorporates energy storage facilities with a capacity of 1 MW or more; and

(2) incorporates a simplified process for energy storage facilities with a capacity of between 100 kW and 1 MW.

* * * Nuclear Decommissioning Citizens Advisory Panel * * *

Sec. 13. 18 V.S.A. § 1700 is amended to read:

§ 1700. CREATION; MEMBERSHIP; OFFICERS; QUORUM

(a) There is created the Nuclear Decommissioning Citizens Advisory Panel that shall consist of the following:

(1) The Secretary of Human Services, ex officio, or designee.

(2) The Secretary of Natural Resources, ex officio, or designee.

(3) The Commissioner of Public Service, ex officio, or designee.

(4) The Secretary of Commerce and Community Development, ex officio, or designee.

(5) One member of the House Committee on Energy and Technology, chosen by the Speaker of the House.

(6) One member of the Senate Committee on Natural Resources and Energy, chosen by the Committee on Committees.

(7) One representative of the Windham Regional Commission or designee, selected by the Regional Commission.

(8) ~~One representative~~ Two representatives of the Town of Vernon or designee designees, selected by the legislative body of that town.

(9) Six members of the public, two each selected by the Governor, the Speaker of the House, and the President Pro Tempore of the Senate. Under this subdivision, each appointing authority initially shall appoint a member for a three-year term and a member for a four-year term. Subsequent appointments under this subdivision shall be for terms of four years.

(10) Two representatives of the owners of the Vermont Yankee Nuclear Power Station (VYNPS or Station) selected by the owner of the Station site.

(11) ~~A representative of the International Brotherhood of Electric Workers (IBEW) selected by the IBEW who shall be a present or former employee at the VYNPS.~~

(12) One optional member who will represent collectively the Towns of Chesterfield, Hinsdale, Richmond, Swanzey, and Winchester, New Hampshire, when selected by the Governor of New Hampshire at the invitation of the Commissioner of Public Service.

(12) One optional member who will represent collectively the Towns of Bernardston, Colrain, Gill, Greenfield, Leyden, Northfield, and Warwick, Massachusetts, when selected by the Governor of Massachusetts at the invitation of the Commissioner of Public Service.

(b) Ex officio members shall serve for the duration of their time in office or until a successor has been appointed. Members of the General Assembly shall be appointed for two years or until their successors are appointed, beginning on or before January 15 in the first year of the biennium. Representatives designated by ex officio members shall serve at the direction of the designating authority.

* * *

(f) Members of the panel who are not ex officio members, employees of the State of Vermont, representatives of the VYNPS owners of the Vermont Yankee site, or members representing towns outside Vermont, and who are not otherwise compensated or reimbursed for their attendance, shall be entitled to \$50.00 per diem and their necessary and actual expenses. Funds for this purpose shall come from the monies collected under 30 V.S.A. § 22 for the purpose of maintaining the Department of Public Service. Legislative members shall not be entitled to a per diem under this section for meetings while the General Assembly is in session.

(g) The Commissioner of Public Service shall:

* * *

(6) hire experts, contract for services, and provide for materials and other reasonable and necessary expenses of the Panel as the Commissioner may consider appropriate on request of the Panel from time to time. Funds for this purpose shall come from the ~~monies collected under 30 V.S.A. § 22 for the purpose of maintaining the Department of Public Service and such other sources as may be or become available.~~ owners of the Vermont Yankee site as the Commissioner of Public Service may consider appropriate, not to exceed \$35,000.00 annually. The obligation to support the Panel's activities shall cease upon the submission of the application for Partial License Termination by the owners of the Vermont Yankee site to the U.S. Nuclear Regulatory Commission. On or before June 30 annually, the Commissioner of Public Service shall render to the owners of the Vermont Yankee site a statement detailing the amount of money expended or contracted for under this subdivision (6), which shall be paid within 30 days by the owners of the Vermont Yankee site into the special fund established pursuant to 30 V.S.A. § 22 for the purpose of maintaining the Department of Public Service and Public Utility Commission. The funds paid into the special fund by the owners of the Vermont Yankee site shall be paid solely to the Department. Within 30 days after receiving the statement of funds due, the owners of the Vermont Yankee site may petition the Public Utility Commission for a hearing to review and determine the necessity and reasonableness of such expenses. Following the review, the Public Utility Commission may amend or revise the cost assessments as it deems appropriate.

Sec. 14. 18 V.S.A. § 1701 is amended to read:

§ 1701. DUTIES

The Panel shall serve in an advisory capacity only and shall not have authority to direct decommissioning of the ~~VYNPS~~ Vermont Yankee site. The duties of the Panel shall be:

(1) To hold a minimum of ~~four~~ three public meetings each year for the purpose of discussing issues relating to the decommissioning of ~~the VYNPS Vermont Yankee~~. The Panel may hold additional meetings.

(2) To advise the Governor, the General Assembly, the agencies of the State, and the public on issues related to the decommissioning of ~~the VYNPS Vermont Yankee~~, with a written report being provided annually to the Governor and to the energy committees of the General Assembly. The provisions of 2 V.S.A. § 20(d) (expiration of reports) shall not apply to this report.

(3) To serve as a conduit for public information and education on and to encourage community involvement in matters related to the decommissioning of ~~the VYNPS Vermont Yankee~~ and to receive written reports and presentations on the decommissioning of the ~~Station~~ site at its regular meetings.

(4) To periodically receive reports, including those required by the Public Utility Commission Docket No. 8880 Order, on the Decommissioning Trust Fund and other funds associated with decommissioning of or site restoration at ~~the VYNPS Vermont Yankee~~, including fund balances, expenditures made, and reimbursements received.

(5) To receive reports and presentations at regular meetings regarding the decommissioning progress and plans for the VYNPS Vermont Yankee, including any site assessments and post-shutdown decommissioning assessment reports; provide a forum for receiving public comment on these plans and reports; and ~~to~~ provide comment on these plans and reports as the Panel may consider appropriate to State agencies and the owner of ~~the VYNPS Vermont Yankee~~ and in the annual report described in subdivision (2) of this subsection.

Sec. 15. 18 V.S.A. § 1702 is amended to read:

§ 1702. ASSISTANCE

The Department of Public Service, the Agency of Human Services, and the Agency of Natural Resources shall furnish administrative support to the Panel, with assistance from the owners of the ~~VYNPS Vermont Yankee site~~ as the Commissioner of Public Service may consider appropriate.

* * * Energy Storage; Uniform Capacity Tax * * *

Sec. 16. 32 V.S.A. § 8701 is amended to read:

§ 8701. UNIFORM CAPACITY TAX

(a) As used in this section, the terms “energy storage facility,” “kW,” “kWh,” “plant,” “plant capacity,” and “renewable energy” shall be as defined in 30 V.S.A. §§ 201(4) and 8002; provided, however, that any tax or exemption under this chapter shall only apply to the fixtures and personal property of a plant, and not to the underlying land.

(b)(1) There is assessed on any renewable energy plant in Vermont commissioned to generate solar power an annual tax of \$4.00 per kW of plant capacity.

(2) There is assessed on any stationary grid-connected energy storage facility in Vermont that has a plant energy rating of 600 kWh or larger and that is not connected to a renewable energy plant an annual tax of \$0.50 per kWh of plant energy rating.

(3) The tax imposed under this section shall be paid to the Department of Taxes not later than April 15 of each year and accompanied by a return with such information as the Department of Taxes may require. The Department of Taxes shall deposit the taxes collected under this section into the Education Fund. The Department of Taxes may adopt procedures and rules necessary to implement the tax in this section.

(c) A renewable energy plant that generates electricity from solar power shall be exempt from taxation under this section if it has a plant capacity of less than 50kW. An energy storage facility shall be exempt from taxation under this section if it has a plant energy rating of less than 600 kWh.

(d) The existence of a renewable energy plant or energy storage facility subject to tax under subsection (b) of this section shall not:

(1) alter the exempt status of any underlying property under section 3802 or subdivision 5401(10)(F) of this title; or

(2) alter the taxation of the underlying property under chapter 135 of this title.

* * * Property Tax * * *

Sec. 17. 32 V.S.A. § 3800(n) is added to read:

(n) The statutory purpose of the exemptions for renewable energy plants generating electricity from solar power in subdivision 3802(17) of this title and for energy storage facilities in subdivision 3802(19) of this title is to lower the cost of generating and storing electricity from solar power for smaller plants and facilities.

Sec. 18. 32 V.S.A. § 3802 is amended to read:

§ 3802. PROPERTY TAX

The following property shall be exempt from taxation:

* * *

(17) Real and personal property, except land, ~~composing~~ comprising a renewable energy plant generating electricity from solar power ~~which~~ that has a plant capacity of less than 50 kW and is either:

(A) operated on a net-metered system; or

(B) not connected to the electric grid and provides power only on the property on which the plant is located.

(18) [Repealed.]

(19) Real and personal property, except land, comprising an energy storage facility that has a plant energy rating of less than 600 kWh.

Sec. 19. 32 V.S.A. § 3481(1)(E) is added to read:

(E) For real and personal property comprising an energy storage facility, except land and property that is exempt under subdivision 3802(19) of this title, the appraisal value shall be \$0.25 per kWh of plant energy rating.

Sec. 20. 32 V.S.A. § 5401(10) is amended to read:

(10) “Nonhomestead property” means all property except:

* * *

(J) Buildings and fixtures of:

(i) wind-powered electric generating facilities taxed under section 5402c of this title; and

(ii) renewable energy plants generating electricity from solar power and energy storage facilities that are taxed under section 8701 of this title.

* * * Tax exemption; Fuels * * *

Sec. 21. 32 V.S.A. § 9741 is amended to read:

§ 9741. SALES NOT COVERED

Retail sales and use of the following shall be exempt from the tax on retail sales imposed under section 9771 of this title and the use tax imposed under section 9773 of this title.:

* * *

(26) Sales of electricity, oil, gas, and other fuels used in a residence for all domestic use, including heating, but not including fuel sold at retail in free-standing containers, or sold as part of a transaction where a free-standing container is exchanged without a separate charge. Wood pellets sold to an individual on the vendor’s premises or delivered to an individual’s residence shall be presumed to be purchased for residential use and shall be exempt sales under this subdivision unless the vendor knew or ought reasonably to have known that the wood pellets were not purchased for residential use. A certificate of exemption shall not be required for exempt retail sales of wood pellets to an individual. The Commissioner shall by rule determine that

portion of the sales attributable to domestic use where fuels are used for purposes in addition to domestic use.

* * *

* * * Effective Dates * * *

Sec. 22. EFFECTIVE DATES

This act shall take effect on July 1, 2021, except that Sec. 9 (30 V.S.A. § 248) shall take effect on December 31, 2022 and Sec. 21 (32 V.S.A. § 9741) shall take effect on passage.

(Committee vote: 6-1-0)

(No House amendments.)

H. 436.

An act relating to miscellaneous changes to Vermont's tax laws.

Reported favorably with recommendation of proposal of amendment by Senator Cummings for the Committee on Finance.

The Committee recommends that the Senate propose to the House to amend the bill as follows:

First: By striking out Sec. 11, 32 V.S.A. § 9706(nn), and its reader assistance heading in their entireties and inserting in lieu thereof the following:

* * * Sales and Use Tax * * *

Sec. 11. 32 V.S.A. § 9706(nn) and (oo) are added to read:

(nn) The statutory purpose of the exemption for sales of recyclable paper carryout bags in subdivision 9741(54) of this title is to lessen the cost of recyclable paper carryout bags incidental to other retail purchases made by customers in Vermont.

(oo) The statutory purpose of the exemption for feminine hygiene products in subdivision 9741(56) of this title is to limit the cost of goods that are necessary for the health and welfare of Vermonters.

Sec. 11a. 32 V.S.A. § 9741(56) is added to read:

(56) Feminine hygiene products. As used in this subdivision, "feminine hygiene products" means tampons, panty liners, menstrual cups, sanitary napkins, and other similar tangible personal property designed for feminine hygiene in connection with the human menstrual cycle but does not include "grooming and hygiene products" as defined in this chapter.

Second: By striking out Sec. 17, effective dates, and its reader assistance heading in their entireties and inserting in lieu thereof the following:

* * * Education Property Tax; Yields; Nonhomestead Rate * * *

Sec. 17. PROPERTY DOLLAR EQUIVALENT YIELD, INCOME DOLLAR EQUIVALENT YIELD, AND NONHOMESTEAD RATE FOR FISCAL YEAR 2022

(a) Pursuant to 32 V.S.A. § 5402b(b), for fiscal year 2022 only, the property dollar equivalent yield shall be \$11,202.00.

(b) Pursuant to 32 V.S.A. § 5402b(b), for fiscal year 2022 only, the income dollar equivalent yield shall be \$13,770.00.

(c) Notwithstanding 32 V.S.A. § 5402(a)(1) and any other provision of law to the contrary, the tax rate for nonhomestead property for fiscal year 2022 shall be \$1.628 per \$100.00 of equalized education property value.

* * * Exclusion from Excess Spending Penalty; Capital Project Costs * * *

Sec. 18. 16 V.S.A. § 4001 is amended to read:

§ 4001. DEFINITIONS

As used in this chapter:

* * *

(6) “Education spending” means the amount of the school district budget, any assessment for a joint contract school, career technical center payments made on behalf of the district under subsection 1561(b) of this title, and any amount added to pay a deficit pursuant to 24 V.S.A. § 1523(b) that is paid for by the school district, but excluding any portion of the school budget paid for from any other sources such as endowments, parental fundraising, federal funds, nongovernmental grants, or other State funds such as special education funds paid under chapter 101 of this title.

(A) [Repealed.]

(B) For purposes of calculating excess spending pursuant to 32 V.S.A. § 5401(12), “education spending” shall not include:

(i) Spending during the budget year for:

(I) approved school capital construction for a project that received preliminary approval under section 3448 of this title, including interest paid on the debt, provided the district shall not be reimbursed or otherwise receive State construction aid for the approved school capital construction; or

(II) spending on eligible school capital project costs pursuant to the State Board of Education's Rule 6134 for a project that received preliminary approval under section 3448 of this title.

(ii) For a project that received final approval for State construction aid under chapter 123 of this title:

(I) spending for approved school capital construction during the budget year that represents the district's share of the project, including interest paid on the debt; ~~and~~ or

(II) payment during the budget year of interest on funds borrowed under subdivision 563(21) of this title in anticipation of receiving State aid for the project.

(iii) Spending that is approved school capital construction spending or deposited into a reserve fund under 24 V.S.A. § 2804 to pay future approved school capital construction costs, including that portion of tuition paid to an independent school designated as the public high school of the school district pursuant to section 827 of this title for capital construction costs by the independent school that has received approval from the State Board of Education, using the processes for preliminary approval of public school construction costs pursuant to subdivision 3448(a)(2) of this title.

* * *

* * * Declining Enrollment; 3.5 Percent Hold Harmless * * *

Sec. 19. 16 V.S.A. § 4010 is amended to read:

§ 4010. DETERMINATION OF WEIGHTED MEMBERSHIP

* * *

(f) For purposes of determining weighted membership under this section, a district's equalized pupils shall in no case be less than 96 and one-half percent of the actual number of equalized pupils in the district in the previous year, prior to making any adjustment under this section.

* * *

* * * Small Schools Grants * * *

Sec. 20. 16 V.S.A. § 4015 is amended to read

* * *

(f)(1) Notwithstanding anything to the contrary in this section, a school district that received a small schools grant in fiscal year 2020 shall continue to receive an annual small schools grant.

(2) Payment of the grant under this subsection shall continue annually unless explicitly repealed by the General Assembly; provided, however, that the Secretary shall discontinue payment of the grant in the fiscal year following the cessation of operations of the school that made the district eligible for the small schools grant, and further provided that if the building that houses the school that made the district eligible for the small schools grant is consolidated with another school into a renovated or new school building, then the Secretary shall continue to pay the grant during the repayment term of any bonded indebtedness incurred in connection with the consolidation-related renovation or construction.

(3) A school district that is eligible to receive an annual small schools grant under this subsection shall not also be eligible to receive a small school grant or its equivalent under subsection (b) of this section or under any other provision of law.

* * * Department of Taxes; Property Data Reports * * *

Sec. 21. COMMERCIAL PROPERTY APPRAISAL PROPOSAL

On or before January 15, 2022, the Commissioner of Taxes, in consultation with the Vermont League of Cities and Towns, shall submit a proposal, including proposed legislation, to the House Committees on Government Operations and on Ways and Means and the Senate Committees on Finance and on Government Operations that recommends ways to assist towns with appraising high-value or unique commercial properties, including property owned by utilities. In making the proposal required under this section, the Commissioner shall consider the recommendations contained in the Final Report of the Vermont Tax Structure Commission dated February 8, 2021 relating to appraisals, including the possibility of creating a State appraisal and litigation assistance program.

Sec. 22. REPORT; DEPARTMENT OF TAXES; SECONDARY RESIDENCES

On or before January 15, 2022, the Commissioner of Taxes, in consultation with the Vermont League of Cities and Towns and the Vermont Municipal Clerks' and Treasurers' Association, shall submit a report to the House Committee on Ways and Means and the Senate Committee on Finance proposing options to collect and report data annually on the number and grand list value of secondary residences located within this State. The report required under this section shall include the following recommendations:

(1) a definition for "secondary residences" to determine the new grand list classification of properties that would be subject to data collection and reporting;

(2) a structure and an implementation plan for collecting and reporting data on secondary residences as part of the grand list, including the State entity or State and municipal entities that would conduct the data collection and reporting; and

(3) initial and on-going education and guidance for municipalities and listers.

* * * Annual Link to Federal Statutes * * *

Sec. 23. 32 V.S.A. § 5824 is amended to read:

§ 5824. ADOPTION OF FEDERAL INCOME TAX LAWS

The statutes of the United States relating to the federal income tax, as in effect on ~~December 31, 2020~~ March 31, 2021, but without regard to federal income tax rates under 26 U.S.C. § 1, are hereby adopted for the purpose of computing the tax liability under this chapter, and shall continue in effect as adopted until amended, repealed, or replaced by act of the General Assembly.

Sec. 24. 32 V.S.A. § 7402(8) is amended to read:

(8) “Laws of the United States” means the U.S. Internal Revenue Code of 1986, as amended through December 31, 2020, ~~which shall continue in effect as adopted until amended, repealed, or replaced by act of the General Assembly.~~ As used in this chapter, “Internal Revenue Code” has the same meaning as “laws of the United States” as defined in this subdivision. The date through which amendments to the U.S. Internal Revenue Code of 1986 are adopted under this subdivision shall continue in effect until amended, repealed, or replaced by act of the General Assembly.

Sec. 25. REPEAL; FORGIVEN PAYROLL PROTECTION PROGRAM
LOANS INCLUDED IN TAXABLE INCOME

2021 Acts and Resolves No. 9, Sec. 23c (forgiven PPP loans included in taxable income) is repealed.

* * * Tax Increment Financing Districts * * *

Sec. 26. 32 V.S.A. § 5404a(l) is amended to read:

(l) The State Auditor of Accounts shall conduct performance audits of all tax increment financing districts according to a schedule, which will be arrived at in consultation with the Vermont Economic Progress Council. The cost of conducting each audit shall be considered a “related cost” as defined in 24 V.S.A. § 1891(6) and shall be billed back to the municipality. Audits conducted pursuant to this subsection shall include a review of a municipality’s adherence to relevant statutes and rules adopted by the Vermont

Economic Progress Council pursuant to subsection (j) of this section, an assessment of record keeping related to revenues and expenditures, and a validation of the portion of the tax increment retained by the municipality and used for debt repayment and the portion directed to the Education Fund.

(1)(A) For municipalities with a district created prior to January 1, 2006 and a debt repayment schedule that anticipates retention of education increment beyond fiscal year 2016, an audit shall be conducted when approximately three-quarters of the period for retention of education increment has elapsed, and at the end of that same period, an audit shall be conducted for the final one-quarter period for retention of education increment; ~~except that for the Milton-Catamount/Husky district and the Burlington Waterfront district only a final audit shall be conducted to cover the period from the effective date of the rules pursuant to subdivision (j)(1) of this section to the end of the retention period.~~

(B) Notwithstanding subdivision (1)(A) of this subsection, the audit schedule for the Burlington Waterfront Tax Increment Financing District shall be as follows:

(i) an audit shall be conducted not less than 5 years after the effective date of the rules adopted pursuant subdivision (j)(1) of this section;

(ii) an audit shall be conducted not more than three years from the date debt is incurred as allowed by 2020 Acts and Resolves No. 175, Sec. 29 (4);

(iii) a final audit shall be conducted at the end of the retention period for the District.

* * *

* * * Effective Dates * * *

Sec. 27. EFFECTIVE DATES

This act shall take effect on July 1, 2021, except:

(1) Sec. 1 (taxable meal facilitators) shall take effect on August 1, 2021.

(2) Notwithstanding 1 V.S.A. § 214, Sec. 2 (alcoholic beverages) shall take effect retroactively on April 1, 2021 and apply to sales made on and after April 1, 2021.

(3) Notwithstanding 1 V.S.A. § 214, Secs. 9–10 (current use contingent lien and subordination fee) and 11 (tax expenditure; statutory purpose) shall take effect retroactively on July 1, 2020. Secs. 9–10 shall take effect retroactively to correct an erroneous technical revision to 2019 Acts and Resolves, No. 20, Sec. 109(a).

(4) Secs. 19–20 (3.5 percent hold harmless; small schools grant) shall take effect on passage.

(5) Notwithstanding 1 V.S.A. § 214, Sec. 23 (tax year 2021 link to federal income tax statutes) shall take effect retroactively on March 31, 2021 and shall apply to taxable years beginning on and after January 1, 2021.

(6) Notwithstanding 1 V.S.A. § 214, Sec. 24 (tax year 2020 link to federal estate tax statutes) shall take effect retroactively on January 1, 2021 and shall apply to taxable years beginning on and after January 1, 2020.

(7) Notwithstanding 1 V.S.A. § 214, Sec. 25 (repeal; forgiven PPP loans included in taxable income) shall take effect retroactively on January 1, 2021.

(Committee vote: 7-0-0)

(For House amendments, see House Journal for March 26, 2021, pages 517-519.)

Reported favorably with recommendation of proposal of amendment by Senator Baruth for the Committee on Appropriations.

The Committee recommends that the bill be amended as recommended by the Committee on Finance with the following amendment thereto:

By striking out Sec. 11a, 32 V.S.A. § 9741(56), in its entirety and inserting in lieu thereof a new Sec. 11a to read as follows:

Sec. 11a. 32 V.S.A. § 9741 is amended to read:

§ 9741. SALES NOT COVERED

Retail sales and use of the following shall be exempt from the tax on retail sales imposed under section 9771 of this title and the use tax imposed under section 9773 of this title:

* * *

(26) Sales of electricity, oil, gas, and other fuels used in a residence for all domestic use, including heating, but not including fuel sold at retail in free-standing containers, or sold as part of a transaction where a free-standing container is exchanged without a separate charge. Wood pellets sold to an individual on the vendor's premises or delivered to an individual's residence

shall be presumed to be purchased for residential use and shall be exempt sales under this subdivision unless the vendor knew or ought reasonably to have known that the wood pellets were not purchased for residential use. A certificate of exemption shall not be required for exempt retail sales of wood pellets to an individual. The Commissioner shall by rule determine that portion of the sales attributable to domestic use where fuels are used for purposes in addition to domestic use.

* * *

(56) Feminine hygiene products. As used in this subdivision, “feminine hygiene products” means tampons, panty liners, menstrual cups, sanitary napkins, and other similar tangible personal property designed for feminine hygiene in connection with the human menstrual cycle but does not include “grooming and hygiene products” as defined in this chapter.

(Committee vote: 7-0-0)

House Proposals of Amendment to Senate Proposals of Amendment

H. 171

An act relating to the governance and financing of Vermont’s child care system

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

First: By striking out Sec. 10, recommendations; American Rescue Plan Act of 2021; Child Care Development Block Grant, in its entirety and inserting in lieu thereof a new Sec. 10 to read as follows:

Sec. 10. RECOMMENDATIONS; AMERICAN RESCUE PLAN ACT OF 2021; CHILD CARE DEVELOPMENT BLOCK GRANT; CHILD CARE STABILIZATION GRANTS

(a) On or before September 1, 2021, the Department for Children and Families, in consultation with stakeholders that include individuals who are Black, Indigenous, and Persons of Color, shall submit a plan on the proposed use of the Child Care Development Block Grant and the Child Care Stabilization Grants, in excess of monies specifically allocated from the Child Care Stabilization Grants in fiscal year 2022 for the child care workforce support programs established in 33 V.S.A. chapter 35, subchapter 5, received by the State pursuant to the American Rescue Plan Act of 2021 (ARPA), Pub. L. No. 117-2, for review and acceptance by the Joint Fiscal Committee at their September 2021 meeting. The plan shall concurrently be provided to the Chairs of the House Committee on Human Services and of the Senate

Committee on Health and Welfare for input prior to action by the Joint Fiscal Committee. To the extent permissible, the plan shall consider the following priorities but need not be limited to consideration of the listed priorities:

(1) funding necessary to ensure that the co-payment for a family participating in the Child Care Financial Assistance Program shall not exceed 10 percent of a family's annual gross income;

(2) expansion of the Child Care Financial Assistance Program to families whose incomes are up to 400 percent of the current federal poverty level;

(3) increased access to high-quality infant care;

(4) access to high-quality, affordable child care for culturally and racially diverse families;

(5) support and assistance to stabilize regulated, privately operated center-based child care programs and family child care homes;

(6) the identification of any statutory or regulatory barriers to using the ARPA funds to address the immediate and future child care needs of Vermonters; and

(7) the fiscal impact of the pandemic on Head Start programs statewide.

(b) If ARPA funds are not available to implement the child care workforce support programs established in 33 V.S.A. chapter 35, subchapter 5, the plan required pursuant to subsection (a) of this section shall include an offset to State funds to cover the child care workforce support programs.

Second: In Sec. 16, effective dates, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) This section and Sec. 10 (recommendations; American Rescue Plan Act of 2021; Child Care Development Block Grant; Child Care Stabilization Grants) shall take effect on passage.

H. 438

An act relating to capital construction and State bonding

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

First: In Sec. 4, Commerce and Community Development, by striking out the newly relettered subsection (c) in its entirety and inserting in lieu thereof the following:

(c) For the amount appropriation in subdivision (a)(2) of this section, not more than \$10,000.00 shall be used as follows:

(1) to open two new underwater preserves at the Potash Point Canalboat site and the Pine Street Barge Canal Breakwater Graveyard site; and

(2) to prepare documentation for the Isle La Motte Wreck site and the Providence Island Wreck site.

Second: By adding a Sec. 21a to read as follows:

Sec. 21a. 13 BALDWIN STREET; SALE OF PROPERTY

The Commissioner of Buildings and General Services is authorized to sell the property located at 13 Baldwin Street in Montpelier, Vermont pursuant to the requirements of 29 V.S.A. § 166. The proceeds from the sale shall be appropriated to future capital construction projects.

Third: In Sec. 22, 2018 Acts and Resolves No. 84, Sec. 2(c)(12), by inserting “(Office of Legislative Information Technology)” after “~~(Agency of Digital Services)~~”

Fourth: By inserting after the newly renumbered Sec. 25, Federal Funds; Capital Projects, a Sec. 25a to read as follows:

Sec. 25a. USE OF FEDERAL FUNDS; WATER AND SEWER
INFRASTRUCTURE; FY 2022

In FY 2022, if the Commissioner of Finance and Management offsets any capital funds appropriated in this act for water and sewer infrastructure projects with federal funds from the American Rescue Plan Act pursuant to the process set forth in the FY 2022 Appropriations Act, then any offset amounts shall be reused for future capital construction projects in the fiscal years 2022–2023 capital budget adjustment process.

Fifth: By striking out all after the newly renumbered Sec. 29, 24 V.S.A. § 4764, and inserting in lieu thereof the following:

Sec. 30. MORATORIUM ON LAKE ENCROACHMENT PERMITS FOR
SINKING OF VESSEL

Notwithstanding the authority of the Department of Environmental Conservation (Department) under 29 V.S.A. chapter 11 to authorize encroachments on lakes and ponds and lands lying thereunder, the Department shall not issue a lake encroachment permit for the intentional sinking of a vessel in any lake or pond within the jurisdiction of the Department during the period beginning on the effective date of this act and ending on July 1, 2024.

* * * Legislative Branch * * *

Sec. 31. 2020 Acts and Resolves No. 154, E. 126.3 is amended to read:

Sec. E.126.3 GENERAL ASSEMBLY; STATE BUILDINGS; USE OF SPACE; AUTHORITY OF SERGEANT AT ARMS; ~~2021–22 LEGISLATIVE BIENNIUM~~

(a) Notwithstanding the provisions of 29 V.S.A. § 165 and any other provision of law to the contrary, in order to perform its constitutional duties, the Legislative Branch shall have exclusive use of alternative locations during the 2021–22 legislative biennium, including the following:

(1) 133 State Street:

(A) Basement: ~~stock room and~~ rooms 012, 016, ~~015, and 021, and 022.~~

(B) First Floor: rooms 121, ~~122,~~ and 126.

(C) Fourth Floor: board room.

~~(D) Fifth Floor: entire floor.~~

(2) 109 State Street:

(A) Basement: rooms B07 and B015 and surrounding space;

(B) Second floor: rooms 264, 267, 268, and 270.

(C) Fourth floor: conference room.

(3) 111 State Street: library stacks room on the second floor.

(b) Notwithstanding the provisions of 29 V.S.A. § 165 and any other provision of law to the contrary, in order to perform its constitutional duties, beginning July 1, 2021, the Legislative Branch shall have the exclusive use of the following space:

(1) 2 Aiken Street: entire building.

(2) 4 Aiken Street: entire building.

(3) 133 State Street:

(A) Basement: rooms 015 and 022.

(B) First Floor: rooms 122 and 125.

(c) The Sergeant at Arms and the Commissioner of Buildings and General Services shall consider ways to address any disruption to the functionality of the Executive and Legislative Branches in shared State building space.

(e)(d) The authority of the Sergeant at Arms set forth in 2 V.S.A. chapter 62 shall apply in any rooms or spaces occupied by the Legislative Branch.

Sec. 32. LEGISLATIVE ADVISORY COMMITTEE ON THE STATE HOUSE; STATE HOUSE LEGISLATIVE SPACE AND DESIGN; REPORT

(a)(1) The Legislative Advisory Committee on the State House shall review and make recommendations on any space and design proposals for the State House. The review shall take into account the Freeman, French, and Freeman, Legislative Space Study, 2021–2022, dated April 26, 2021. Prior to making any recommendations, the Committee shall consult with legislators, legislative staff, and relevant stakeholders on space needs.

(2) The Committee shall have the assistance of a planning architect from the Department of Buildings and General Services.

(b) On or before August 15, 2021, the Committee shall submit a report with its recommendations to the Joint Legislative Management Committee, the Joint Rules Committee, the House Committee on Corrections and Institutions, and the Senate Committee on Institutions.

Sec. 33. 2 V.S.A. § 651 is amended to read:

§ 651. LEGISLATIVE ADVISORY COMMITTEE ON THE STATE HOUSE

(a) The Legislative Advisory Committee on the State House is created.

(b) The Committee shall be composed of ~~11~~ 13 members:

(1) ~~three~~ four members of the House of Representatives, appointed biennially by the Speaker of the House;

(2) ~~three~~ four members of the Senate, appointed biennially by the Committee on Committees;

(3) the Chair of the Board of Trustees of the Friends of the Vermont State House;

(4) the Director of the Vermont Historical Society;

(5) the Director of the Vermont Council on the Arts;

(6) the Commissioner of Buildings and General Services; and

(7) the Sergeant at Arms.

(c) The Committee shall biennially elect a chair from among its legislative members. A quorum shall consist of ~~six~~ seven members.

* * *

* * * Public Safety * * *

Sec. 34. WILLISTON PUBLIC SAFETY BARRACKS; SALE

The Commissioner of Buildings and General Services is authorized to sell the property known as the Williston Public Safety Barracks (State Office Building) located at 2777 St. George Road in Williston, Vermont pursuant to the requirements of 29 V.S.A. § 166. The proceeds from the sale shall be appropriated to future capital construction projects.

* * * Effective Date * * *

Sec. 35. EFFECTIVE DATE

This act shall take effect on passage.

CONCURRENT RESOLUTIONS FOR NOTICE

Concurrent Resolutions For Notice Under Joint Rule 16

The following joint concurrent resolutions have been introduced for approval by the Senate and House. They will be adopted by the Senate unless a Senator requests floor consideration before the end of the session of the next legislative day. Requests for floor consideration should be communicated to the Secretary's Office.

H.C.R. 64 - 68 (For text of Resolutions, see Addendum to House Calendar for May 13, 2021)

CONFIRMATIONS

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Utility Commission shall be fully and separately acted upon.

Margaret Cheney of Norwich, Member, Public Utility Commission – By Sen. Hardy for the Committee on Finance. (5/12/21)

Daniel M. French of Manchester Center, Secretary, Agency of Education – By Sen. Campion for the Committee on Education. (5/12/21)

Peter Walke of Montpelier, Commissioner, Department of Environmental Conservation – By Sen. Campion for the Committee on Natural Resources and Energy. (5/12/21)

Maria Mercedes Avila of Burlington, Member, Children and Family Council for Prevention Programs – By Sen. Hooker for the Committee on Health and Welfare. (5/13/21)

Stuart Berry of Belmont, Member, Children and Family Council for Prevention Programs – By Sen. Hooker for the Committee on Health and Welfare. (5/13/21)

Katherine O’Day of White River Jct, Member, Children and Family Council for Prevention Programs – By Sen. Hardy for the Committee on Health and Welfare. (5/14/21)

Kreig Pinkham of Northfield, Member, Children and Family Council for Prevention Programs – By Sen. Hardy for the Committee on Health and Welfare. (5/14/21)

JFO NOTICE

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

JFO #3045 - 48 (forty-eight) limited-service positions to carry out the ongoing work for an effective public health response to COVID-19. *[NOTE: Positions to be funded through ongoing CDC grants #2254 (Immunization) and #2478 (Epidemiology and Laboratory Capacity) previously approved in 2006 and 2010, respectively.]*

[JFO received 4/13/2021]

JFO #3046 – One (1) limited service position, Grants Program Manager, to the VT Dept. of Economic Development to provide management, oversight and technical assistance to grantees. This position is funded through the Norther Border Regional Commission Capacity Grants through previously approved JFO Grant #2971. Position is for one year with expected approval for a second year.

[JFO received 4/21/2021]

JFO #3047 – \$1,000,000 to the VT Department of Public Service from the Norther Border Regional Commission. Funds will be used to build out infrastructure and expand broadband throughout Vermont. This grant includes a \$1.75M match as follows: \$1.5M from Act 154 (2020), \$60,000K from Act 79 (2019) and the rest from an existing position – Rural Broadband Technical Assistant.

[JFO received 4/21/2021]

JFO #3048 – One (1) limited-service position, Recreation Vehicle Equipment Technician, to the VT Department of Public Safety from the United States Coast Guard Recreational Boating Safety Grant to service the Dept. of Public Safety and Dept. of Fish and Wildlife recreational vehicle fleet.

[JFO received 5/3/2021]

JFO #3049 – \$1,250,000.00 to the VT Dept. of Public Service from the Northern Border Regional Commission. Funds will be used as the award to the VT Dept. of Public Service's request for proposals to promote a public-private partnership between one of Vermont's Communications Union Districts and a broadband provider. The successful proposal will provide service to the greatest quantity of eligible locations.

[JFO received 5/3/2021]

JFO #3050 – \$49,490.00 to the VT Dept. for Children and Families from the VT Community Foundation. Funds will be used for subgrants to Weatherization Agencies to fund low-income weatherization projects not covered by current funding streams.

[JFO received 5/3/2021]