

# Senate Calendar

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WEDNESDAY, MARCH 9, 2022

SENATE CONVENES AT: 1:00 P.M.

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**ACTION CALENDAR**

**CONSIDERATION POSTPONED UNTIL MARCH 22, 2022**

**GOVERNOR'S VETO**

**S. 79.**

An act relating to improving rental housing health and safety.

**Pending question (to be voted by call of the roll):** Shall the bill pass, notwithstanding the Governor's refusal to approve the bill? (Two-thirds of the members present required to override the Governor's veto.)

(For text of the Governor's Veto Message, see Senate Journal for June 24, 2021, page 1454)

**UNFINISHED BUSINESS OF JANUARY 4, 2022**

**GOVERNOR'S VETO**

**S. 107.**

An act relating to confidential information concerning the initial arrest and charge of a juvenile.

**Pending question (to be voted by call of the roll):** Shall the bill pass, notwithstanding the Governor's refusal to approve the bill? (Two-thirds of the members present required to override the Governor's veto.)

The text of the Communication from His Excellency, The Governor, whereby he *vetoed* and returned unsigned **Senate Bill No. S. 107** to the Senate is as follows:

**Text of Communication from Governor**

"May 20, 2021

The Honorable John Bloomer, Jr.  
Secretary of the Senate  
115 State House  
Montpelier, VT 05633-5401

Dear Mr. Bloomer:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I am returning S.107, *An act relating to confidential information concerning the initial arrest and charge of a juvenile*, without my signature, because of concerns with the policy to automatically raise the age of accountability for

crimes, and afford young adults protections meant for juveniles, without adequate tools or systems in place.

Three years ago, I signed legislation intended to give young adults who had become involved in the criminal justice system certain protections meant for juveniles. At the time, I was assured that, prior to the automatic increases in age prescribed in the bill, plans would be in place to provide access to the rehabilitation, services, housing and other supports needed to both hold these young adults accountable and help them stay out of the criminal justice system in the future.

This has not yet been the case. In addition to ongoing housing challenges, programs designed and implemented for children under 18 are often not appropriate for those over 18. Disturbingly, there are also reports of some young adults being used – and actively recruited – by older criminals, like drug traffickers, to commit crimes because of reduced risk of incarceration, potentially putting the young people we are trying to protect deeper into the criminal culture and at greater risk.

I want to be clear: I’m not blaming the Legislature or the Judiciary for these gaps. All three branches of government need to bring more focus to this issue if we are going to provide the combination of accountability, tools and services needed to ensure justice and give young offenders a second chance.

For these reasons, I believe we need to take a step back and assess Vermont’s “raise the age” policy, the gaps that exist in our systems and the unintended consequences of a piecemeal approach on the health and safety of our communities, victims and the offenders we are attempting to help. I see S.107 as deepening this piecemeal approach.

I also remain concerned with the lack of clarity in S.107 regarding the disparity in the public records law between the Department of Public Safety and the Department of Motor Vehicles.

Based on the objections outlined above, I am returning this legislation without my signature pursuant to Chapter II, Section 11 of the Vermont Constitution. I believe this presents an opportunity to start a much-needed conversation about the status of our juvenile justice initiatives and make course corrections where necessary, in the interest of public safety and the young Vermonters we all agree need an opportunity to get back on the right path.

Sincerely,

/s/Philip B. Scott  
Governor

PBS/kp”

**Text of bill as passed by Senate and House**

The text of the bill as passed by the Senate and House of Representatives is as follows:

**S.107** An act relating to confidential information concerning the initial arrest and charge of a juvenile

It is hereby enacted by the General Assembly of the State of Vermont:

\* \* \* Exemption; records of arrest or charge of a juvenile \* \* \*

Sec. 1. 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:

\* \* \*

(5)(A) Records dealing with the detection and investigation of crime, but only to the extent that the production of such records:

\* \* \*

(B)(i) Notwithstanding subdivision (A) of this subdivision (5), records relating to management and direction of a law enforcement agency; records reflecting the initial arrest of a person, including any ticket, citation, or complaint issued for a traffic violation, as that term is defined in 23 V.S.A. § 2302; and records reflecting the charge of a person shall be public.

(ii) A public agency shall not release any information within a record reflecting the initial arrest or charge of a person under 19 years of age that would reveal the identity of the person. However, a public agency may disclose identifying information relating to the initial arrest of a person under 19 years of age in order to protect the health and safety of any person.

\* \* \*

\* \* \* Effective July 1, 2022 \* \* \*

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:

\* \* \*

(5)(A) Records dealing with the detection and investigation of crime, but only to the extent that the production of such records:

\* \* \*

(B)(i) Notwithstanding subdivision (A) of this subdivision (5), records relating to management and direction of a law enforcement agency; records reflecting the initial arrest of a person, including any ticket, citation, or complaint issued for a traffic violation, as that term is defined in 23 V.S.A. § 2302; and records reflecting the charge of a person shall be public.

(ii) A public agency shall not release any information within a record reflecting the initial arrest or charge of a person under ~~19~~ 20 years of age that would reveal the identity of the person. However, a public agency may disclose identifying information relating to the initial arrest of a person under ~~19~~ 20 years of age in order to protect the health and safety of any person.

\* \* \*

### Sec. 3. APPLICATION OF PUBLIC RECORDS ACT EXEMPTION REVIEW

Notwithstanding 1 V.S.A. § 317(e), the Public Records Act exemption amended in Sec. 1 shall continue in effect and shall not be reviewed for repeal.

\* \* \* Custodian of records relating to a person  
under court jurisdiction \* \* \*

Sec. 4. 33 V.S.A. § 5117 is amended to read:

### § 5117. RECORDS OF JUVENILE JUDICIAL PROCEEDINGS

(a)(1) Except as otherwise provided, court and law enforcement reports and files concerning a person subject to the jurisdiction of the court shall be maintained separate from the records and files of other persons. Unless a charge of delinquency is transferred for criminal prosecution under chapter 52 of this title or the court otherwise orders in the interests of the child, such records and files shall not be open to public inspection nor their contents disclosed to the public by any person. However, upon a finding that a child is a delinquent child by reason of commission of a delinquent act ~~which~~ that would have been a felony if committed by an adult, the court, upon request of the victim, shall make the child's name available to the victim of the



delinquent act. If the victim is incompetent or deceased, the child's name shall be released, upon request, to the victim's guardian or next of kin.

(2) When a person is subject to the jurisdiction of the court, the court shall become the sole records custodian for purposes of responding to any request for court or law enforcement records concerning the person. A public agency shall direct any request for these records to the courts for response.

(3) When a person is subject to the jurisdiction of the Criminal Division of the Superior Court pursuant to chapter 52 or 52A of this title, the Criminal Division of the Superior Court shall become the sole records custodian for purposes of responding to any request for court or law enforcement records concerning the person. A public agency shall direct any request for these records to the courts for response.

\* \* \*

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

#### Sec. 5. EFFECTIVE DATES

This act shall take effect on July 1, 2021, except that Sec. 2 (2022 amendment to 1 V.S.A. § 317(c)(5)(B)(ii) (public records; exemptions; records relating to the initial arrest and charge of a person)) shall take effect on July 1, 2022.

### UNFINISHED BUSINESS OF FEBRUARY 24, 2022

#### GOVERNOR'S VETO

##### S. 30.

An act relating to prohibiting possession of firearms within hospital buildings.

**Pending question (to be voted by call of the roll):** Shall the bill pass, notwithstanding the Governor's refusal to approve the bill? (Two-thirds of the members present required to override the Governor's veto.)

The text of the Communication from His Excellency, The Governor, whereby he *vetoed* and returned unsigned **Senate Bill No. S. 30** to the Senate is as follows:

#### Text of Communication from Governor

“February 22, 2022

The Honorable John Bloomer, Jr.

Secretary of the Senate

115 State House

Montpelier, VT 05633-5401

Dear Mr. Bloomer:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I'm returning S. 30, *An act relating to prohibiting possession of firearms within hospital buildings* without my signature.

In 2018, I called for and signed the most comprehensive gun safety measures in our state's history. We established universal background check requirements; authorized extreme risk protection orders (i.e., "red flag" laws), providing tools to prevent someone from having a gun if there is credible evidence they may harm themselves or others; strengthened the ability of law enforcement to seize firearms from those accused of domestic violence; enhanced age requirements; and prohibited the sale and possession of bump stocks and large capacity magazines. This was a comprehensive, and historic, set of policies that take reasonable steps to help keep firearms out of the hands of people who should not have them. It's my belief that we need to give these new provisions more time to be fully understood and utilized, and that the Legislature should focus on educating Vermonters on these changes – and on addressing Vermont's mental health crisis – before additional gun laws are passed.

However, as I've also said, I'm open to a discussion about improving existing law to address the so-called "Charleston Loophole" and I'm offering a path forward below. This refers to a provision in federal law that provides automatic approval to someone who is buying a gun if a federal background check through the National Instant Criminal Background Check System (also known as NICS) doesn't produce a "red light" (i.e., reporting they are ineligible) within three business days.

S. 30 increases that timeframe from three days to an unlimited amount of time without acknowledging that an application expires in 30 days. So instead of holding the federal government accountable to complete the background check in a timely manner, it shifts all the burden away from government – where responsibility was intentionally placed in federal law – entirely onto the citizen. Law abiding citizens who become the victims of a government administrative error must themselves gather all applicable law enforcement and court records and try to understand and navigate a complex maze of federal bureaucratic process to try to rectify their "yellow" status.

For these reasons, I believe going from three to effectively 30 days is excessive and unreasonable for law-abiding citizens who wish to purchase a firearm for their own personal safety or for other lawful and constitutionally protected purposes.

However, I'm willing to work with the Legislature to find a path forward that gives the federal government more time to fulfill its obligations to complete background checks, without denying law-abiding citizens of their right to a fair and reasonable process.

A more reasonable standard would be to increase the current three-day waiting period to seven business days to allow the federal government additional time to resolve issues and make a final determination.

Given this bill's effective date of July 1, 2022, the Legislature has ample time to address my concerns and send me a bill I can sign.

Based on the objections outlined above I'm returning this legislation without my signature pursuant to Chapter II, Section 11 of the Vermont Constitution.

Sincerely,

/s/Philip B. Scott

Philip B. Scott

Governor

PBS/kp”

**Text of bill as passed by Senate and House**

The text of the bill as passed by the Senate and House of Representatives is as follows:

**S. 30** An act relating to prohibiting possession of firearms within hospital buildings

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 13 V.S.A. § 4023 is added to read:

§ 4023. POSSESSION OF FIREARMS IN HOSPITAL BUILDINGS  
PROHIBITED

(a) A person shall not knowingly possess a firearm while within a hospital building.

(b) A person who violates this section shall be fined not more than \$250.00.

(c) This section shall not apply to a firearm possessed by a federal law enforcement officer or a law enforcement officer certified as a law enforcement officer by the Vermont Criminal Justice Training Council pursuant to 20 V.S.A. § 2358, for legitimate law enforcement purposes.

(d) Notice of the provisions of this section shall be posted conspicuously at each public entrance to each hospital.

(e) As used in this section:

(1) "Firearm" has the same meaning as in subsection 4017(d) of this title.

(2) "Hospital" has the same meaning as in 18 V.S.A. § 1902.

Sec. 2. 13 V.S.A. § 4019 is amended to read:

§ 4019. FIREARMS TRANSFERS; BACKGROUND CHECKS

(a) As used in this section:

\* \* \*

(4) "Licensed dealer" means a person issued a license as a dealer in firearms pursuant to 18 U.S.C. § 923(a).

(5) "Proposed transferee" means an unlicensed person to whom a proposed transferor intends to transfer a firearm.

(6) "Proposed transferor" means an unlicensed person who intends to transfer a firearm to another unlicensed person.

(7) "Transfer" means to transfer ownership of a firearm by means of sale, trade, or gift.

(8) "Unlicensed person" means a person who has not been issued a license as a dealer, importer, or manufacturer in firearms pursuant to 18 U.S.C. § 923(a).

(b)(1) Except as provided in subsection (e) of this section, an unlicensed person shall not transfer a firearm to another unlicensed person unless:

(A) the proposed transferor and the proposed transferee physically appear together with the firearm before a licensed dealer and request that the licensed dealer facilitate the transfer; and

(B) the licensed dealer agrees to facilitate the transfer.

(2) A person shall not, in connection with the transfer or attempted transfer of a firearm pursuant to this section, knowingly make a false statement or exhibit a false identification intended to deceive a licensed dealer with respect to any fact material to the transfer.

\* \* \*

(d) A person shall not transfer a firearm to another person if:

(1) the transfer requires a background check under this section or under federal law; and

(2) the licensed dealer facilitating the transfer has not been provided with a unique identification number for the transfer by the National Instant Criminal Background Check System.

~~(d)~~(e)(1) An unlicensed person who transfers a firearm to another unlicensed person in violation of subdivision (b)(1) of this section shall be imprisoned not more than one year or fined not more than \$500.00, or both.

(2) A person who violates subdivision (b)(2) or subsection (d) of this section shall be imprisoned not more than one year or fined not more than \$500.00, or both.

~~(e)~~(f) This section shall not apply to:

(1) the transfer of a firearm by or to a law enforcement agency;

(2) the transfer of a firearm by or to a law enforcement officer or member of the U.S. Armed Forces acting within the course of his or her official duties;

(3) the transfer of a firearm from one immediate family member to another immediate family member; or

(4) a person who transfers the firearm to another person in order to prevent imminent harm to any person, provided that this subdivision shall only apply while the risk of imminent harm exists.

~~(f)~~(g) A licensed dealer who facilitates a firearm transfer pursuant to this section shall be immune from any civil or criminal liability for any actions taken or omissions made when facilitating the transfer in reliance on the provisions of this section. This subsection shall not apply to reckless or intentional misconduct by a licensed dealer.

Sec. 3. 13 V.S.A. § 4057 is amended to read:

§ 4057. PROCEDURE

(a) Except as otherwise specified, proceedings commenced under this subchapter shall be in accordance with the Vermont Rules for Family Proceedings and shall be in addition to any other available civil or criminal remedies.

\* \* \*

(d)(1) For purposes of a petition filed pursuant to this subchapter, a health care provider may notify a law enforcement officer when the provider believes in good faith that disclosure of the information is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public.

(2) As used in this subsection:

(A) “Health care provider” has the same meaning as in 18 V.S.A. § 9402.

(B) “Necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public” includes circumstances when the health care provider reasonably believes that the patient poses an extreme risk of causing harm to themselves or another person by purchasing, possessing, or receiving a dangerous weapon or by having a dangerous weapon within the patient’s custody or control.

Sec. 4. 13 V.S.A. § 4062 is added to read:

§ 4062. ANNUAL REPORTING; OFFICE OF COURT ADMINISTRATOR  
AND AGENCY OF HUMAN SERVICES

(a) On or before September 1, 2022 and annually thereafter, the Court Administrator, with the assistance of the Agency of Human Services, shall report data on the use of extreme risk protection orders during the previous year to the Senate and House Committees on Judiciary.

(b) The reports required by this section shall include the following data for the previous year:

(1) the number of extreme risk protection order petitions filed and the number of orders issued;

(2) geographical data indicating the county where the petition was filed;  
and

(3) follow-up information describing whether the order was renewed or terminated pursuant to section 4055 of this title and whether the subject of the order was charged with violating it under section 4058 of this title.

(c) The Agency of Human Services shall include in the reports required by this section an analysis of the impact of extreme risk prevention orders on Vermont suicide rates, including any relevant data relied on or utilized by the Agency for purposes of providing the information required by 2017 Acts and Resolves No. 34, An act relating to evaluation of suicide profiles.

Sec. 5. 13 V.S.A. § 4021 is amended to read:

§ 4021. LARGE CAPACITY AMMUNITION FEEDING DEVICES

(a) A person shall not manufacture, possess, transfer, offer for sale, purchase, or receive or import into this State a large capacity ammunition feeding device. As used in this subsection, “import” ~~shall~~ does not include the transportation back into this State of a large capacity ammunition feeding device by the same person who transported the device out of State if the person possessed the device on or before the effective date of this section.

\* \* \*

(d)(1) This section shall not apply to any large capacity ammunition feeding device:

\* \* \*

(F) transported by a resident of another state into this State for the exclusive purpose of use in an organized shooting competition sponsored by an entity registered with the Secretary of State if the device is lawfully possessed under the laws of another state.

\* \* \*

Sec. 6. 15 V.S.A. § 1104 is amended to read:

§ 1104. EMERGENCY RELIEF

(a) In accordance with the Vermont Rules of Civil Procedure, temporary orders under this chapter may be issued ex parte, without notice to the defendant, upon motion and findings by the court that the defendant has abused the plaintiff or the plaintiff’s children, or both. The plaintiff shall submit an affidavit in support of the order. A minor 16 years of age or older, or a minor of any age who is in a dating relationship as defined in subdivision 1101(2) of this chapter, may seek relief on his or her own behalf. Relief under this section shall be limited as follows:

(1) Upon a finding that there is an immediate danger of further abuse, an order may be granted requiring the defendant:

(A) to refrain from abusing the plaintiff or his or her children, or both, or from cruelly treating as defined in 13 V.S.A. § 352 or 352a or killing any animal owned, possessed, leased, kept, or held as a pet by either party or by a minor child residing in the household;

(B) to refrain from interfering with the plaintiff’s personal liberty or the personal liberty of the plaintiff’s children, or both;

(C) to refrain from coming within a fixed distance of the plaintiff, the plaintiff's children, the plaintiff's residence, or the plaintiff's place of employment; ~~and~~

(D) to refrain from contacting the plaintiff or the plaintiff's children, or both, in any way, whether directly, indirectly, or through a third party, with the purpose of making contact with the plaintiff, including in writing or by telephone, e-mail, or other electronic communication; or

(E) to immediately relinquish, until the expiration of the order, all firearms that are in the defendant's possession, ownership, or control and to refrain from acquiring or possessing any firearms while the order is in effect.

(2) Upon a finding that the plaintiff, ~~his or her~~ or the plaintiff's children, or both, have been forced from the household and will be without shelter unless the defendant is ordered to vacate the premises, the court may order the defendant to vacate immediately the household and may order sole possession of the premises to the plaintiff.

(3) Upon a finding that there is immediate danger of physical or emotional harm to minor children, the court may award temporary custody of these minor children to the plaintiff or to other persons.

\* \* \*

#### Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

### **UNFINISHED BUSINESS OF MARCH 8, 2022**

#### **Third Reading**

#### **S. 261.**

An act relating to municipal retention of property tax collections.

#### **J.R.S. 43.**

Joint resolution authorizing the Commissioner of Forests, Parks and Recreation to exchange quit claim deeds with the Vermont Land Trust and the Nature Conservancy in order to confirm the boundary between the Long Trail State Forest and the land co-owned by the Vermont Land Trust and the Nature Conservancy in the Towns of Eden and Belvidere.



**Second Reading**  
**Favorable with Recommendation of Amendment**

**S. 173.**

An act relating to the State House Oversight Committee.

**Reported favorably with recommendation of amendment by Senator Clarkson for the Committee on Government Operations.**

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 2 V.S.A. chapter 19 is amended to read:

CHAPTER 19. LEGISLATIVE ADVISORY COMMITTEE ON THE  
STATE HOUSE

§ 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 ~~13~~ 12 members:
  - (1) ~~four~~ three members of the House of Representatives, appointed biennially by the Speaker of the House;
  - (2) ~~four~~ three 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 or designee;
- ~~and~~
- (7) the State Curator; and
- (8) the Sergeant at Arms.
- (c) The Committee shall biennially elect a chair from among its legislative members. A quorum shall consist of seven members.

(d) The Committee shall meet ~~at the State House~~ at least one time when the General Assembly is in session and at least one time when the General Assembly is not in session or at the call of the Chair. The Commissioner of Buildings and General Services shall keep minutes of the meetings and maintain a file thereof.

(e) The Committee shall have the assistance of the Office of Legislative Counsel and the Office of Legislative Operations.

#### § 652. PER DIEM AND EXPENSES; LEGISLATIVE MEMBERS

For meetings held during adjournment of the General Assembly, the legislative members of the Committee shall be entitled to per diem compensation and expense reimbursement as provided in subsection 406(a) of this title.

#### § 653. FUNCTIONS

(a)(1) ~~The Legislative Advisory Committee on the State House shall be consulted on~~ oversee all activities relating to the ~~acquisition~~ collections and care of paintings and historic artifacts and furnishings; and ~~shall be consulted on~~ the refurbishing, renovation, preservation, and expansion of the building and its interior.

(2) ~~The Legislative Advisory Committee on the State House shall develop~~ approve a plan for the ~~acquisition~~ collections or commission of artwork for the State House collection that represents Vermont's diverse people and history, including diversity of gender, race, ethnicity, sexuality, and disability status.

(b) The Sergeant at Arms and the Commissioner of Buildings and General Services, in discharging responsibilities under subdivision 62(a)(6) of this title and 29 V.S.A. §§ 154(a) and 154a, respectively, shall consider the recommendations of the Committee. ~~The Committee's recommendations shall be advisory only.~~

(c)(1) The Committee may establish permanent or ad hoc subcommittees as needed to carry out its duties.

(2) A collections subcommittee of the Committee shall, in coordination with experts, develop a collections policy for recommendation to the Committee.

(d) The Chair of the Committee, the Sergeant at Arms, the State Curator, and the President of the Friends of the Vermont State House shall execute a memorandum of understanding to coordinate the policies, oversight, and care of the State House artwork collection.

Sec. 2. 2 V.S.A. § 62 is amended to read:

§ 62. LEGISLATIVE DUTIES

(a) The Sergeant at Arms shall:

(1) execute orders of either house, the Joint Legislative Management Committee, the Committee on Joint Rules, or the House or Senate Committee on Rules;

(2) maintain order among spectators and take measures to prevent interruption of either house or any committee thereof;

(3) arrange for special meetings and conferences at the State House;

(4) provide for the distribution of mail to all legislators;

(5) schedule the time for the use of rooms for committee meetings and hearings;

(6) ~~maintain the State House and its furnishings in a good state of repair and provide security for all furniture, draperies, rugs, desks, and other furnishings kept in the State House, in consultation with the State Curator;~~

(7) provide for the establishment of a cafeteria and supervise its operation;

(8) provide security for the State House, pursuant to the responsibilities set forth in 29 V.S.A. § 171; and

(9) perform such other duties for the benefit of the legislators as may be required by any duly authorized committee thereof.

(b) He or she or any person in his or her employ shall not accept any compensation or gift for his or her services other than his or her salary. If he or she or any person in his or her employ violates this provision, he or she shall be fined \$25.00.

(c) The Sergeant at Arms shall not be responsible for structural repairs, capital improvements, or ~~building for maintenance for the~~ or curating the historic State House and its collections (as the term maintenance is defined in 29 V.S.A. § 159) or for the use, upkeep, or maintenance of the State House grounds.

(d) The Sergeant at Arms and employees of the Sergeant at Arms shall seek guidance from and operate in accordance with policies adopted by the Joint Legislative Management Committee.

Sec. 3. 29 V.S.A. § 154a is amended to read:

§ 154a. STATE CURATOR

(a) Creation. The position of State Curator is created within the Department of Buildings and General Services.

(b) Duties. The State Curator's responsibilities shall include:

(1) oversight of the ~~general historic preservation of the State House, including maintaining the historical integrity of the State House and works of art in the State House~~ its collections of art, decorative arts, and furnishings;

(2) interpretation of the State House to the visiting public through exhibits, publications, ~~and tours, and other means of communication; and~~

(3) acquisition, management, and care of State collections of art and historic furnishings, provided that any works of art for the State House are acquired pursuant to the requirements of 2 V.S.A. § 653(a); ~~and~~

(4) oversight and management of the State's historic and contemporary art and collections in State buildings and on State property.

(c) ~~Acquisition Collections~~ policy. In ~~coordination with the Legislative Advisory Committee on the State House, and in~~ accordance with the plan developed pursuant to 2 V.S.A. § 653, and upon approval of the Legislative Advisory Committee on the State House, the State Curator shall adopt ~~an acquisition a collections~~ a collections policy that ensures that the acquisition of art for the State House reflects a diversity of artistic media and artists; and celebrates the natural history of the State; and the diversity of the people and stories of Vermont throughout the history of the State.

(d) Interpretive plan. In coordination with the Friends of the Vermont State House and the Vermont Historical Society, the State Curator shall create an interpretive plan that tells the stories of the State House art collection through accessible written, multimedia, and oral means. The plan shall include appropriate and inclusive training of State House volunteers and staff.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

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

An act relating to the State House art collections.

(Committee vote: 5-0-0)

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

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

First: In Sec. 1, 2 V.S.A. § 651, by striking out subsection (d) in its entirety and inserting in lieu thereof the following:

(d) The Committee shall meet ~~at the State House~~ at least one time when the General Assembly is in session ~~and at least one time when~~. When the General Assembly is not in session or at the call of the Chair, the Committee shall meet at least one time, but the Committee and any subcommittees shall not cumulatively meet more than six times per year; provided, however, that the Committee and any subcommittees of the Committee may meet more often with the approval of the Speaker of the House and the President Pro Tempore of the Senate. The Commissioner of Buildings and General Services shall keep minutes of the meetings and maintain a file thereof.

Second: In Sec. 1, § 653, by striking out subsection (d) in its entirety and inserting in lieu thereof the following:

(d) The Sergeant at Arms, the State Curator, the President of the Friends of the Vermont State House, and the Chair of the Joint Legislative Management Committee shall execute a memorandum of understanding to coordinate the policies, oversight, and care of the State House artwork collection.

(Committee vote: 5-0-2)

**NEW BUSINESS**

**Second Reading**

**Favorable with Recommendation of Amendment**

**S. 139.**

An act relating to public schools' team mascots.

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

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. LEGISLATIVE INTENT

It is the intent of the General Assembly to ensure that all Vermont schools provide positive and inclusive learning environments for all students by eliminating the use of discriminatory school branding, which undermines the educational experiences of members of all communities and perpetuates negative stereotypes. All Vermont students should feel safe and welcome while enrolled in a Vermont school.

Sec. 2. 16 V.S.A. § 568 is added to read:

§ 568. SCHOOL BRANDING

(a) Definitions. As used in this section:

(1) “School” means a public school or an independent school approved under section 166 of this title.

(2) “School board” means the board of directors or other governing body of an educational institution when referring to an independent school.

(3) “School branding” means any name, symbol, or image used by a school as a mascot, nickname, logo, letterhead, team name, slogan, motto, or other identifier.

(b) Model policy.

(1) The Secretary of Education, in consultation with stakeholder groups including the Vermont School Boards Association, shall develop and, from time to time, update a model nondiscriminatory school branding policy. The policy shall prohibit school branding that directly or indirectly references or stereotypes the likeness, features, symbols, traditions, or other characteristics that are specific to either:

(A) the race, creed, color, national origin, sexual orientation, or gender identity of any person or group of persons; or

(B) any person, group of persons, or organization associated with the repression of others.

(2) The policy shall provide a process for an individual to file a complaint that an element of school branding is in violation of the policy. Complaints shall be determined first by the school board of the district and, if the individual is unsatisfied with the decision of the board, may be appealed to the Secretary of Education.

(3) The policy shall also require school boards to review the district’s school branding to ensure compliance with the policy after any school branding changes or updates to the policy.

(c) School branding policy adoption. Each school board shall develop, adopt, and ensure implementation of, and make available in the manner described under subdivision 563(1) of this title, a nondiscriminatory school branding policy that shall be at least as comprehensive as the model policy developed by the Secretary. Any school board that fails to adopt such a policy shall be presumed to have adopted the most current model policy published by the Secretary.

### Sec. 3. IMPLEMENTATION

(a) The Agency of Education shall adopt the model policy required in Sec. 2 of this act not later than August 1, 2022.

(b) School boards, as defined in Sec. 2 of this act, shall adopt and implement school branding policies as required by section 1 of this act not later than January 1, 2023.

(c) School boards shall review the district's school branding in place at the time the policy is adopted to ensure compliance with the policy.

(d) A school may use materials that feature school branding that does not comply with the policy after January 1, 2023, if the materials were purchased before January 1, 2023, and if the school selects new school branding by May 1, 2023, to take effect in the 2023-24 school year.

### Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

(Committee vote: 5-1-0)

## **S. 181.**

An act relating to authorizing miscellaneous regulatory authority for municipal governments.

**Reported favorably with recommendation of amendment by Senator Clarkson for the Committee on Government Operations.**

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Ordinance Authority Subject to Permissive Referendum \* \* \*

Sec. 1. 24 V.S.A. § 2291 is amended to read:

### § 2291. ENUMERATION OF POWERS

For the purpose of promoting the public health, safety, welfare, and convenience, a town, city, or incorporated village shall have the following powers:

(1) To set off portions of public highways of the municipality for sidewalks and bicycle paths and to regulate their installation and use.

\* \* \*

(4) To regulate the operation and use of vehicles of every kind including the power: to erect traffic signs and signals; to regulate the speed of vehicles subject to 23 V.S.A. chapter 13, subchapter 12; to implement traffic-calming devices, to regulate or exclude the parking of all vehicles; and to provide for waiver of the right of appearance and arraignment in court by persons charged with parking violations by payment of specified fines within a stated period of time.

\* \* \*

(6) To regulate the location, installation, maintenance, repair, and removal of utility poles, wires and conduits, water pipes or mains, storm drains, or gas mains and sewers, upon, under, or above public highways or public property of the municipality.

\* \* \*

(13) To compel the cleaning or repair of any premises that in the judgment of the legislative body is dangerous to the health or safety of the public and to establish standards for the maintenance of all premises within the municipality to protect the health and safety of the public or to prevent injury to other properties in the vicinity.

\* \* \*

(24) Upon the determination by a municipal building inspector, health officer, or fire marshal that a building within the boundaries of the town, city, or incorporated village is uninhabitable or blighted, to recover all expenses incident to the maintenance of the uninhabitable or blighted building with the expenses to constitute a lien on the property in the same manner and to the same extent as taxes assessed on the grand list, and all procedures and remedies for the collection of taxes shall apply to the collection of those expenses; provided, however, that the town, city, or incorporated village has adopted rules to determine the habitability of a building, including provisions for notice in accordance with 32 V.S.A. § 5252(3) to the building's owner prior to incurring expenses and including provisions for an administrative appeals process.

\* \* \*



Sec. 2. 10 V.S.A. § 1420 is amended to read:

§ 1420. VESSELS; ABANDONMENT PROHIBITED; REMOVAL AND  
DISPOSITION OF ABANDONED VESSELS

\* \* \*

(c) Abandonment of vessels prohibited.

(1) Civil violation. A person shall not abandon a vessel on public waters or immediately adjacent land. A person who violates this subdivision shall be subject to civil enforcement under chapters 201 and 211 of this title and, in any such enforcement action, the Secretary or municipality may obtain an order to recover costs specified in subdivision (d)(1) of this section incurred by the Agency of Natural Resources or the municipality.

\* \* \*

(d)(1)(A) Removal of abandoned vessel. Upon request from a law enforcement officer or at ~~his or her~~ the Secretary's own initiative, the Secretary shall promptly cause the removal and safe storage of a vessel that is abandoned as described in subdivision (a)(1) of this section, unless the vessel is to be removed by a federal agency. If removal is requested by a law enforcement officer, the Secretary shall make reasonable efforts to determine if the vessel qualifies as abandoned. In addition, the Secretary shall have the authority to take actions as may be necessary to eliminate risks to public health or safety caused by the condition of the vessel.

(B) A municipality shall have the authority granted to the Secretary in subdivision (A) of this subdivision (d)(1) and may remove a damaged and leaking vessel from public waters, provided that:

(i) the municipality reports the presence of the abandoned vessel to the Secretary; and

(ii) the municipality reports the presence of the abandoned vessel to the owner of the vessel, if possible.

(C) A municipality shall have the authority to issue civil penalties and impound a vessel when exercising the authority granted pursuant to subdivision (B) of this subdivision (d)(1).

\* \* \*

\* \* \* Municipal Authority Subject to Voter Approval \* \* \*

Sec. 3. 17 V.S.A. § 2645a is added to read:

§ 2645a. CHARTERED MUNICIPALITIES; VOTE TO SUSPEND  
CHARTER AUTHORITY AND RELY ON GENERAL  
MUNICIPAL LAW

(a) A municipality may propose to suspend for 3 years specific authority granted in the municipality's charter and instead use later-enacted general municipal authority granted to all Vermont municipalities by the General Assembly, provided that the proposal is approved by the voters at any annual or special meeting warned for that purpose.

(b) The proposal may be made by the legislative body of the municipality or by petition of five percent of the voters of the municipality. The proposal shall specifically identify and contain the later-enacted general law that the municipality proposes to use in lieu of the charter provision.

(c) If the proposal is approved by a majority of voters at an annual or special meeting warned for that purpose, then the municipal clerk shall certify the results of the vote to the House and Senate Committees on Government Operations.

(d) Annually on or before November 15, the Office of Legislative Counsel shall prepare a list of the charter provisions that are subject to a repeal review pursuant to this section.

Sec. 4. 17 V.S.A. § 2646a is added to read:

§ 2646a. TOWN OFFICERS; TOWN VOTE TO ALLOW ELECTION OF  
NONRESIDENTS

(a)(1) Notwithstanding section 2646 of this subchapter, a municipality may propose to allow nonresidents to be elected or appointed town officers, except for members of the legislative body of the municipality. For all of the municipality's boards, commissions, and other public bodies, the majority of the members of the municipal bodies shall be residents of the municipality.

(2) The proposal must be approved by the voters at any annual or special meeting warned for that purpose.

(b) The proposal may be made by the legislative body of the municipality or by petition of five percent of the voters of the municipality. The proposal shall identify the town office that may be filled by a nonresident.

Sec. 5. 17 V.S.A. § 2651a is amended to read:

§ 2651a. CONSTABLES; APPOINTMENT; REMOVAL; ELIMINATION OF OFFICE

\* \* \*

(d)(1) A town may vote at an annual meeting to eliminate the office of constable.

(2) If a town votes to eliminate the office of constable, the selectboard shall appoint a town officer to discharge the constable's duties, if any, subject to 24 V.S.A. § 1936a. The town officer shall proceed in the discharge of the constable's duties in the same manner and be subject to the same liabilities as are established by law for constables.

(3) A vote to eliminate the office of constable shall remain in effect until rescinded by majority vote of the registered voters present and voting at an annual meeting warned for that purpose.

(4) The term of office of any constable in office on the date a town votes to eliminate that office shall expire on the 45th day after the vote or on the date upon which the selectboard appoints a law enforcement officer under this subsection, whichever occurs first.

Sec. 6. 17 V.S.A. § 2668 is added to read:

§ 2668. RECALL OF LOCAL OFFICIALS

(a) Any elected municipal officer may be removed from office subject to the procedure for voter-initiated petition contained in this section.

(b) A petition for a vote on the question of recalling an elected municipal officer shall be signed by not less than 25 percent of the active registered voters of the municipality and presented to the legislative body or the clerk of the municipality.

(c) When a petition is submitted in accordance with subsection (b) of this section, the legislative body shall call a special meeting within 60 days from the date of receipt of the petition or include an article in the warning for the next annual meeting of the municipality if the annual meeting falls within the 60-day period, to determine whether the voters will remove the elected municipal officer.

(d) When the petition is approved by the voters at the special or annual meeting, the elected municipal officer named in the petition shall cease to hold the office.

(e) A vacancy resulting from the recall of an elected municipal officer shall be filled pursuant to 24 V.S.A. chapter 33, subchapter 6.

(f) A recall petition shall not be brought against an individual elected municipal officer more than once within any 12-month period.

Sec. 7. 24 V.S.A. § 138 is amended to read:

§ 138. LOCAL OPTION TAXES

~~(a) Local option taxes are authorized under this section for the purpose of affording municipalities an alternative method of raising municipal revenues to facilitate the transition and reduce the dislocations in those municipalities that may be caused by reforms to the method of financing public education under the Equal Educational Opportunity Act of 1997. Accordingly:~~

~~(1) the local option taxes authorized under this section may be imposed by a municipality;~~

~~(2) a municipality opting to impose a local option tax may do so prior to July 1, 1998 to be effective beginning January 1, 1999, and anytime after December 1, 1998 a local option tax shall be effective beginning on the next tax quarter following 90 days' notice to the Department of Taxes of the imposition; and~~

~~(3) a local option tax may only be adopted by a municipality in which:~~

~~(A) the education property tax rate in 1997 was less than \$1.10 per \$100.00 of equalized education property value; or~~

~~(B) the equalized grand list value of personal property, business machinery, inventory, and equipment is at least ten percent of the equalized education grand list as reported in the 1998 Annual Report of the Division of Property Valuation and Review; or~~

~~(C) the combined education tax rate of the municipality will increase by 20 percent or more in fiscal year 1999 or in fiscal year 2000 over the rate of the combined education property tax in the previous fiscal year. [Repealed.]~~

(b) If the legislative body of a municipality by a majority vote recommends, the voters of a municipality may, at an annual or special meeting warned for that purpose, by a majority vote of those present and voting, assess any or all of the following:

(1) a one percent sales tax;

(2) a one percent meals and alcoholic beverages tax;

(3) a one percent rooms tax.

\* \* \*

Sec. 8. 24 V.S.A. § 4460 is amended to read:

§ 4460. APPROPRIATE MUNICIPAL PANELS

\* \* \*

(c) In the case of an urban municipality or of a rural town where the planning commission does not serve as the board of adjustment or the development review board, members of the board of adjustment or the development review board shall be appointed by the legislative body, the number and terms of office of which shall be determined by the legislative body subject to the provisions of subsection ~~(a)~~(b) of this section. The municipal legislative body may appoint alternates to a planning commission, a board of adjustment, or a development review board for a term to be determined by the legislative body. Alternates may be assigned by the legislative body to serve on the planning commission, the board of adjustment, or the development review board in situations when one or more members of the board are disqualified or are otherwise unable to serve. Vacancies shall be filled by the legislative body for the unexpired terms and upon the expiration of such terms. Each member of a board of adjustment or a development review board may be removed for cause by the legislative body upon written charges and after public hearing. If a development review board is created, provisions of this subsection regarding removal of members of the board of adjustment shall not apply.

\* \* \*

(f) Notwithstanding subsections (b) and (c) of this section, a municipality may vote at an annual or special meeting to change the number of members that may be appointed to a board of adjustment or development review board.

(1) The proposal to change the number of members serving on a board may be brought by the legislative body or by petition of five percent of the voters of the municipality.

(2) If the number of members on a board is reduced, the legislative body shall determine which of the appointed members shall remain in office.

\* \* \* Authority of Legislative Body without Voter Approval \* \* \*

Sec. 9. 18 V.S.A. § 5361 is amended to read:

§ 5361. APPROPRIATIONS AND REGULATIONS BY TOWNS

A town may vote sums of money necessary for purchasing, holding, improving, and keeping in repair suitable grounds and other conveniences for burying the dead. The selectboard may make necessary regulations concerning public burial grounds and for fencing and keeping the same in proper order.

Sec. 10. 23 V.S.A. § 1007 is amended to read:

§ 1007. LOCAL SPEED LIMITS

(a)(1) The legislative body of a municipality may establish, on the basis of an engineering and traffic investigation, a speed limit on all or a part of any city, town, or village highway within its jurisdiction, which:

(A) is not more than 50 miles per hour; however, after considering neighborhood character, abutting land use, bicycle and pedestrian use, and physical characteristics of the highways, the legislative body of a municipality may vote to set the maximum speed limit, without an engineering and traffic investigation, at not more than 50 miles per hour nor less than 35 miles per hour, on all or a portion of unpaved town highways within its boundaries, unless otherwise posted in accordance with the provisions of this section; or

(B) is not less than ~~25~~ 15 miles per hour.

\* \* \*

Sec. 11. 24 V.S.A. § 961 is amended to read:

§ 961. VACANCY OR SUSPENSION OF OFFICER'S DUTIES

\* \* \*

(e) When a member of a municipal legislative body fails to attend within a one-year period the minimum number of meetings established by the legislative body in an annual attendance policy, the legislative body may deem the member's office vacant. The legislative body shall afford the member the opportunity to demonstrate that the absences were due to a reasonable basis established in the attendance policy. An annual attendance policy may only be established by unanimous resolution of the legislative body and shall be renewed by the legislative body annually.

Sec. 12. 18 V.S.A. § 5361 is amended to read:

§ 5361. APPROPRIATIONS AND REGULATIONS BY TOWNS

A town may vote sums of money necessary for purchasing, holding, improving, and keeping in repair suitable grounds and other conveniences for burying the dead. The selectboard may make necessary regulations concerning public burial grounds and for fencing and keeping the same in proper order.

Sec. 13. 24 V.S.A. § 4414 is amended to read:

§ 4414. ZONING; PERMISSIBLE TYPES OF REGULATIONS

(a) Any of the following types of regulations may be adopted by a municipality in its bylaws in conformance with the plan and for the purposes established in section 4302 of this title.

\* \* \*

(b) A municipality may adopt a bylaw that:

(1) prohibits the initiation of construction under a zoning permit unless and until all required municipal permits have been issued; or

(2) establishes an application process for a zoning or subdivision permit, under which an applicant may submit a permit application for municipal review, and the municipality may condition the issuance of a final permit upon the issuance of all other required municipal permits.

\* \* \* Emergency Provisions for the Operation of Government \* \* \*

Sec. 14. 1 V.S.A. § 312a is added to read:

§ 312a. MEETINGS OF PUBLIC BODIES; STATE OF EMERGENCY

(a) As used in this section:

(1) “Affected public body” means a public body:

(A) whose regular meeting location is located in an area affected by a hazard; and

(B) that cannot meet in a designated physical meeting location due to a declared state of emergency pursuant to 20 V.S.A. chapter 1.

(2) “Hazard” means an “all-hazards” as defined in 20 V.S.A. § 2(1).

(b) Notwithstanding subdivisions 312(a)(2)(D) and (c)(2) of this title, during a declared state of emergency under 20 V.S.A. chapter 1:

(1) A quorum or more of an affected public body may attend a regular, special, or emergency meeting by electronic or other means without designating a physical meeting location where the public may attend.

(2) The members and staff of an affected public body shall not be required to be physically present at a designated meeting location.

(3) An affected public body of a municipality may post any meeting agenda or notice of a special meeting in two publicly accessible designated electronic locations in lieu of the two designated public places in the municipality, or in a combination of a designated electronic location and a designated public place.

(c) When an affected public body meets electronically under subsection (b) of this section, the affected public body shall:

(1) use technology that permits the attendance and participation of the public through electronic or other means;

(2) whenever feasible, allow the public to access the meeting by telephone; and

(3) post information that enables the public to directly access and participate in meetings electronically and shall include this information in the published agenda for each meeting.

(d) Unless unusual circumstances make it impossible for them to do so, the legislative body of each municipality and each school board shall record any meetings held pursuant to this section.

(e) An affected public body of a municipality shall continue to post notices and agendas in or near the municipal clerk's office pursuant to subdivision 312(c)(2) of this title and shall provide a copy of each notice or agenda to the newspapers of general circulation for the municipality.

Sec. 15. 32 V.S.A. § 4404 is amended to read:

§ 4404. APPEALS FROM LISTERS AS TO GRAND LIST

\* \* \*

(c)(1) The board shall meet at the time and place so designated, and on that day and from day to day thereafter shall hear and determine such appeals until all questions and objections are heard and decided. Each property, the appraisal of which is being appealed, shall be inspected by a committee of not less than three members of the board who shall report to the board within 30 days from the hearing on the appeal and before the final decision pertaining to the property is given. If, after notice, the appellant refuses to allow an inspection of the property as required under this subsection, including the interior and exterior of any structure on the property, the appeal shall be deemed withdrawn. The board shall, within 15 days from the time of the report, certify in writing its notice of decision, with reasons, in the premises, and shall file ~~such~~ the notice with the town clerk who shall thereupon record the same in the book wherein the appeal was recorded and forthwith notify the



appellant in writing of the action of such board, by certified mail. If the board does not substantially comply with the requirements of this subsection and if the appeal is not withdrawn by filing written notice of withdrawal with the board or deemed withdrawn as provided in this subsection, the grand list of the appellant for the year for which appeal is being made shall remain at the amount set before the appealed change was made by the listers; except, if there has been a complete reappraisal, the grand list of the appellant for the year for which appeal is being made shall be set at a value that will produce a tax liability equal to the tax liability for the preceding year. The town clerk shall immediately record the same in the book wherein the appeal was recorded and forthwith notify the appellant in writing of ~~such~~ the action, by certified mail. Thereupon the appraisal so determined pursuant to this subsection shall become a part of the grand list of ~~such~~ the person.

(2) During a declared state of emergency under 20 V.S.A. chapter 1, a board of civil authority within a municipality affected by an all-hazards event shall not be required to physically inspect any property that is the subject of an appeal. If the appellant requests in writing that the property be inspected for purposes of the appeal, a member or members of the board shall conduct the inspection through electronic means. If the appellant does not facilitate the inspection through electronic means, then the appeal shall be deemed withdrawn.

(3) As used in this subsection, "electronic means" means the transmittal of video or photographic evidence by the appellant at the direction of the board members conducting the inspection.

(d) Listers and agents to prosecute and defend suits wherein a town is interested shall not be eligible to serve as members of the board while convened to hear and determine such appeals nor shall an appellant, ~~his or her~~ the appellant's servant, agent, or attorney be eligible to serve as a member of the board while convened to hear and determine any appeals. However, listers and agents to prosecute and defend suits wherein a town is interested shall be given the opportunity to defend the appraisals in question.

Sec. 16. 32 V.S.A. § 4467 is amended to read:

#### § 4467. DETERMINATION OF APPEAL

(a) Upon appeal to the Director or the court, the hearing officer or court shall proceed de novo and determine the correct valuation of the property as promptly as practicable and to determine a homestead and a housesite value if a homestead has been declared with respect to the property for the year in which the appeal is taken. The hearing officer or court shall take into account the requirements of law as to valuation, and the provisions of Chapter I,

Article 9 of the Constitution of Vermont and the 14th Amendment to the Constitution of the United States.

(b) If the hearing officer or court finds that the listed value of the property subject to appeal does not correspond to the listed value of comparable properties within the town, the hearing officer or court shall set said the property in the list at a corresponding value. The findings and determinations of the hearing officer shall be made in writing and shall be available to the appellant.

(c)(1) If the appeal is taken to the Director, the hearing officer may inspect the property prior to making a determination, unless one of the parties requests an inspection, in which case the hearing officer shall inspect the property prior to making a determination. Within 10 days of the appeal being filed with the Director, the Director shall notify the property owner in writing of ~~his or her~~ the Director's option to request an inspection under this section.

(2) During a declared state of emergency under 20 V.S.A. chapter 1, a hearing officer shall not be required to physically inspect any property that is the subject of an appeal. If the appellant requests in writing that the property be inspected for purposes of the appeal, the hearing officer shall conduct the inspection through electronic means. If the appellant does not facilitate the inspection through electronic means, then the appeal shall be deemed withdrawn.

(3) As used in this subsection, "electronic means" means the transmittal of video or photographic evidence by the appellant at the direction of the hearing officer conducting the inspection.

Sec. 17. 24 V.S.A. § 5152 is added to read:

§ 5152. DISCONNECTIONS PROHIBITED; STATE OF EMERGENCY

(a) Notwithstanding this chapter or any provision of law to the contrary, a municipality; a person who is permitted as a public water system pursuant to 10 V.S.A. chapter 56 and who provides another person water as a part of the operation of that public water system; or a company engaged in the collecting, sale, and distribution of water for domestic, industrial, business, or fire protection purposes that is regulated by the Public Utility Commission under 30 V.S.A. § 203(3) shall be prohibited from disconnecting any person from services during a declared state of emergency under 20 V.S.A. chapter 1, provided that:

(1) the state of emergency is declared in response to an all-hazards event that will cause financial hardship and the inability of ratepayers to pay for water or sewer services; and

(2) the all-hazards event does not require the water or sewer service provider to disconnect services to protect the health and safety of the public.

(b)(1) A violation of subsection (a) of this section by a municipality or a person who is permitted as a public water system pursuant to 10 V.S.A. chapter 56 may be enforced by the Agency of Natural Resources pursuant to 10 V.S.A. chapter 201.

(2) A violation of subsection (a) of this section by a company engaged in the collecting, sale, and distribution of water for domestic, industrial, business, or fire protection purposes that is regulated by the Public Utility Commission under 30 V.S.A. § 203(3) may be enforced by the Public Utility Commission pursuant to 30 V.S.A. § 30.

(c) A ratepayer shall remain obligated for any amounts due to a water or sewer service provider subject to this section. The ratepayer shall have a minimum of 90 days after the end of the declared state of emergency to pay the amounts due.

Sec. 18. 20 V.S.A. § 47 is added to read:

§ 47. MUNICIPAL DEADLINES, PLANS, AND LICENSES; EXTENSION

(a) During a state of emergency declared under this chapter, a municipal corporation may:

(1) extend any statutory deadline applicable to municipal corporations, provided that the deadline does not relate to a license, permit, program, or plan issued or administered by the State or federal government; and

(2) extend or waive deadlines applicable to licenses, permits, programs, or plans that are issued by the municipal corporation.

(b) During a state of emergency declared under this chapter, any expiring license, permit, program, or plan issued by a municipal corporation that is due for renewal or review shall remain valid for 90 days after the date that the declared state of emergency ends.

\* \* \* Repeal \* \* \*

Sec. 19. REPEAL

19 V.S.A. § 312 (use of town highway funds) is repealed.

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

Sec. 20. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

(Committee vote: 5-0-0)

**S. 258.**

An act relating to amending the Required Agricultural Practices in order to address climate resiliency.

**Reported favorably with recommendation of amendment by Senator Collamore for the Committee on Agriculture.**

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 6 V.S.A. § 23 is added to read:

§ 23. GOOD STANDING FOR AGENCY GRANTS

(a) As used in this section, “good standing” means an applicant for a grant exclusively awarded by the Agency:

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

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

(b) This section shall not amend, alter, or otherwise modify the “good standing” requirements established for grant programs in chapter 215 of this title.

(c) An applicant shall not be eligible for any grant exclusively awarded by the Agency unless the applicant is in good standing with the Secretary on all grant agreements, contract awards, and enforcement proceedings at the time of the grant award.

(d) In the Secretary’s sole discretion, the Agency may waive the grant prohibition in subsection (c) of this section if the Secretary determines that:

(1) the applicant is working constructively with the Agency in good faith to resolve all issues that prevent good standing, and the applicant agrees in writing to take all necessary measures to comply with good standing requirements within a described time period;

(2) all issues that prevent an applicant’s good standing are minor and do not warrant ineligibility for the applicable grant; or

(3) the Secretary determines that waiving the good standing requirement is in the interests of justice.

(e) The good standing requirement only applies to grants exclusively awarded by the Agency. When the Agency is involved in administering other grants, the Agency may raise an applicant's lack of good standing for the awarding entity's consideration and review. The awarding entity may consider the applicant's lack of compliance when determining whether to award a grant.

Sec. 2. 6 V.S.A. § 4802(8) is amended to read:

(8) "Waste" or "agricultural waste" means material originating or emanating from a farm or imported onto a farm that is determined by the Secretary or the Secretary of Natural Resources to be harmful to the waters of the State, including: sediments; minerals, including heavy metals; plant nutrients; pesticides; organic wastes, including livestock waste, animal mortalities, compost, feed, and crop debris; waste oils; pathogenic bacteria and viruses; thermal pollution; silage runoff; untreated milk house waste; and any other farm waste as the term "waste" is defined in 10 V.S.A. § 1251(12).

Sec. 3. 6 V.S.A. § 4815 is amended to read:

§ 4815. WASTE STORAGE FACILITY

(a) No person shall construct a new waste storage facility or expand or modify a waste storage facility in existence on July 1, 2006 unless the facility meets the standard established for such facilities by the Natural Resources Conservation Service of the U.S. Department of Agriculture or an equivalent standard. If an equivalent design standard is used, the design and construction shall be certified by the Secretary of Agriculture, Food and Markets or a licensed professional engineer operating within the scope of ~~his or her~~ the engineer's expertise.

(b) The Secretary may require the owner or operator of a waste storage facility in existence on July 1, 2006, to modify the facility to meet the standard set forth in subsection (a) of this section if the facility poses a threat to human health or the environment ~~as established by a violation of the State groundwater protection standards~~. If the Secretary determines that a facility that meets the standard set forth in subsection (a) of this section poses a threat to human health or the environment, the Secretary may require the owner or operator of the facility to implement additional management measures.

~~The~~ If the Secretary suspects that a waste storage facility may be contaminating groundwater, the Secretary shall pay the costs of any initial groundwater monitoring conducted to determine if whether a facility poses a threat to human health or the environment shall be paid by the Secretary. Within 21 days of after a determination under this subsection that a facility poses a threat to human health or the environment because of apparent

violation of the Groundwater Protection Standards, the Secretary of Agriculture, Food and Markets shall notify the Department of Health and the Secretary of Natural Resources of the location of the facility and the name of its owner or operator.

(e)(d) As used in this section, “waste storage facility” means an impoundment made for the purpose of storing agricultural waste by constructing an embankment, excavating a pit or dugout, fabricating an inground and aboveground structure, or any combination thereof.

Sec. 4. 6 V.S.A. § 4817 is amended to read:

§ 4817. MANAGEMENT OF NON-SEWAGE WASTE

(a) As used in this section:

(1) “Non-sewage waste” means any waste other than sewage that may contain organisms pathogenic to human beings but does not mean stormwater runoff.

(2) “Sewage” means waste containing human fecal coliform and other potential pathogenic organisms from sanitary waste and used water from any building, including carriage water and shower and wash water. “Sewage” ~~shall~~ does not mean stormwater runoff as that term is defined in 10 V.S.A. § 1264.

(b) The Secretary may require a person transporting or arranging for the transport of non-sewage waste to a farm for deposit in a manure pit or for use as an input in a methane digester to obtain approval from the Secretary prior to transporting the non-sewage waste to the farm. The Secretary may require a person to report to the Secretary at a designated time one or more of the following:

(1) the composition of the material transported to the farm, including the source of the material; and

(2) the volume of the material transported to a farm.

(c) After receipt of a report required under subsection (b) of this section, the Secretary may prohibit the import of non-sewage waste onto a farm upon a determination that the import of the material would violate the nutrient management plan for the farm or otherwise present a threat to water quality.

Sec. 5. 6 V.S.A. § 4827 is amended to read:

~~§ 4827. NUTRIENT MANAGEMENT PLANNING; INCENTIVE GRANTS~~

~~(a) A farm developing or implementing a nutrient management plan under chapter 215 of this title or federal regulations may apply to the Secretary of Agriculture, Food and Markets for financial assistance. The financial~~

~~assistance shall be in the form of incentive grants. Annually, after consultation with the Natural Resources Conservation Service of the U.S. Department of Agriculture, natural resources conservation districts, the University of Vermont Extension Service and others, the Secretary shall determine the average cost of developing and implementing a nutrient management plan in Vermont. The dollar amount of an incentive grant awarded under this section shall be equal to the average cost of developing a nutrient management plan as determined by the Secretary or the cost of complying with the nutrient management planning requirements of chapter 215 of this title or federal regulations, whichever is less.~~

~~(b) Application for a State assistance grant shall be made in a manner prescribed by the Secretary and shall include, at a minimum:~~

~~(1) an estimated cost of developing and implementing a nutrient management plan for the applicant;~~

~~(2) the amount of incentive grant requested; and~~

~~(3) a schedule for development and implementation of the nutrient management plan.~~

~~(c) The Secretary annually shall prepare a list of farms ranked, regardless of size, in priority order that have applied for an incentive grant under this section. The priority list shall be established according to factors that the Secretary determines are relevant to protect the quality of waters of the State, including:~~

~~(1) the proximity of a farm to a water listed as impaired for agricultural runoff, pathogens, phosphorus, or sediment by the Agency of Natural Resources;~~

~~(2) the proximity of a farm to an unimpaired water of the State;~~

~~(3) the proximity of a drinking water well to land where a farm applies manure; and~~

~~(4) the risk of discharge to waters of the State from the land application of manure by a farm.~~

~~(d) Assistance in accordance with this section shall be provided from State funds appropriated to the Agency of Agriculture, Food and Markets for integrated crop management.~~

~~(e) If the Secretary or the applicable U.S. Department of Agriculture conservation programs lack adequate funds necessary for the financial assistance required by subsection (a) of this section, the requirement to develop and implement a nutrient management plan under State statute or~~

~~State regulation shall be suspended until adequate funding becomes available. Suspension of a State required nutrient management plan does not relieve an owner or operator of a farm permitted under section 4858 or 4851 of this title of the remaining requirements of a State permit, including discharge standards, groundwater protection, and land application of manure. This subsection does not apply to farms permitted under 10 V.S.A. § 1263.~~

~~(f) The Secretary may enter into grants with natural resources conservation districts, the University of Vermont Extension Service, and other persons and organizations to aid in the implementation of the incentive grants program under subsection (a) of this section and to assist farmers in the development and implementation of nutrient management plans. [Repealed.]~~

Sec. 6. 6 V.S.A. § 4828 is amended to read:

§ 4828. CAPITAL EQUIPMENT ASSISTANCE PROGRAM

(a) It is the purpose of this section to provide assistance to purchase or use innovative equipment that will aid in the reduction of surface runoff of agricultural wastes to State waters, improve water quality of State waters, reduce odors from manure application, separate phosphorus from manure, decrease greenhouse gas emissions, and reduce costs to farmers.

(b) The capital equipment assistance program is created in the Agency of Agriculture, Food and Markets to provide State financial assistance for the purchase of new or innovative equipment to ~~improve manure application, separation of phosphorus from manure, or nutrient management plan implementation~~ achieve the purposes of this section.

(c) Assistance under this section shall in each fiscal year be allocated according to the following priorities and as further defined by the Secretary. Priority shall be given to capital equipment to be used on multiple farms; equipment to be used for phosphorus reduction, separation, or treatment; and projects managed by nonprofit organizations that are located in descending order within the boundaries of:

- (1) the Lake Champlain Basin;
- (2) the Lake Memphremagog Basin;
- (3) the Connecticut River Basin; and
- (4) the Hudson River Basin.

(d) An applicant for a State grant under this section to purchase or implement phosphorus reduction, separation, or treatment technology or equipment shall pay 10 percent of the total eligible project cost. The dollar amount of a State grant to purchase or implement phosphorus reduction,



separation, or treatment technology or equipment shall be equal to the total eligible project cost, less 10 percent of the total as paid by the applicant, and shall not exceed \$300,000.00.

Sec. 7. 6 V.S.A. § 4832 is amended to read:

§ 4832. FARM AGRONOMIC PRACTICES PROGRAM

(a) The Farm Agronomic Practices Assistance Program is created in the Agency of Agriculture, Food and Markets to provide the farms of Vermont with State financial assistance for the implementation, including through education, training, or instruction, of soil-based practices that improve soil quality and nutrient retention, increase crop production, minimize erosion potential, and reduce agricultural waste discharges. The following practices may be eligible for assistance to farms under the grant program:

- (1) conservation crop rotation;
- (2) cover cropping;
- (3) strip cropping;
- (4) cross-slope tillage;
- (5) zone or no-tillage;
- (6) pre-sidedress nitrate tests; and

~~(7) annual maintenance of a nutrient management plan that is no longer receiving funding under a State or federal contract, provided the maximum assistance provided to a farmer under this subdivision shall be \$2,000.00 per year;~~

~~(8) educational and instructional activities to inform the farmers and citizens of Vermont of:~~

~~(A) the impact on Vermont waters of agricultural waste discharges;~~  
and

~~(B) the federal and State requirements for controlling agricultural waste discharges;~~

- ~~(9) implementing alternative manure application techniques; and~~

~~(10) additional soil erosion reduction practices~~ soil-based practices that improve soil quality and nutrient retention, increase crop production, minimize erosion potential, and reduce agricultural waste discharges.

~~(b) Funding available under section 4827 of this title for nutrient management planning may be used to fund practices under this section.~~

Sec. 8. 6 V.S.A. § 4852 is amended to read:

§ 4852. RULES

The Secretary may adopt rules pursuant to 3 V.S.A. chapter 25 concerning program administration, program enforcement, appeals and standards for waste management and waste storage, setbacks or siting criteria for new construction or expansion, groundwater contamination, odor, noise, traffic, insects, flies, and other pests in order to implement this subchapter. The siting criteria adopted by the Secretary by rule shall be consistent with the standards for the quality of State waters and standards for ~~acceptable~~ required agricultural practices pursuant to subchapter 2 of this chapter. The groundwater contamination rules adopted by the Secretary shall include a process under which the agency shall receive, investigate, and respond to a complaint that a farm has contaminated the drinking water or groundwater of a property owner.

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

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

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

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

Sec. 10. EFFECTIVE DATE

This act shall take effect on passage.

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

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

(Committee vote: 5-0-0)

**S. 283.**

An act relating to miscellaneous changes to education laws.

**Reported favorably with recommendation of amendment by Senator Chittenden for the Committee on Education.**

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Community College of Vermont In-State Tuition for Refugees \* \* \*

Sec. 1. 16 V.S.A. § 2185 is amended to read:

§ 2185. DETERMINATION OF RESIDENCY FOR TUITION PURPOSES

(a) The Board of Trustees shall adopt policies related to residency for tuition purposes, consistent with State and federal requirements.

(b) Any member of the U.S. Armed Forces on active duty who is transferred to Vermont for duty other than for the purpose of education shall, upon transfer and for the period of active duty served in Vermont, be considered a resident for in-state tuition purposes at the start of the next semester or academic period.

(c) For determination of residency for tuition to the Community College of Vermont, a person who resides in Vermont shall be considered a resident for in-state tuition purposes, beginning at the start of the next semester or academic period after arrival in Vermont, if that person:

(1) qualifies as a refugee pursuant to 8 U.S.C. 1101(a)(42);

(2) is granted parole to enter the United States pursuant to 8 U.S.C. 1182(d)(5); or

(3) is issued a special immigrant visa pursuant to the Afghan Allies Protection Act of 2008, as amended.

\* \* \* Suspension or Expulsion of Students \* \* \*

Sec. 2. 16 V.S.A. § 1162 is amended to read:

§ 1162. SUSPENSION OR EXPULSION OF STUDENTS

(a) A superintendent or principal may, pursuant to policies adopted by the school board that are consistent with State Board rules, suspend a student for up to 10 school days or, with the approval of the board of the school district, expel a student for up to the remainder of the school year or up to 90 school days, whichever is longer, for misconduct:

(1) on school property, on a school bus, or at a school-sponsored activity when the misconduct makes the continued presence of the student harmful to the welfare of the school;

(2) not on school property, on a school bus, or at a school-sponsored activity where direct harm to the welfare of the school can be demonstrated; or

(3) not on school property, on a school bus, or at a school-sponsored activity where the misconduct can be shown to pose a clear and substantial interference with another student's equal access to educational programs.

(b) Nothing contained in this section shall prevent a superintendent or principal, subject to subsequent due process procedures, from removing immediately from a school a student who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process of the school, or from expelling a student who brings a weapon to school pursuant to section 1166 of this title.

(c) Principals, superintendents, and school boards are authorized and encouraged to provide alternative education services or programs to students during any period of suspension or expulsion authorized under this section.

(d) Notwithstanding anything to the contrary in this chapter, a student enrolled in a public school, approved independent school, or prequalified private prekindergarten program who is under eight years of age shall not be suspended or expelled from the school; provided, however, that the school may suspend or expel the student if the student poses an imminent threat of harm or danger to others in the school.

### Sec. 3. REPORT AND RECOMMENDATIONS ON SUSPENSION, EXPULSION, AND EXCLUSIONARY PRACTICES IN EARLY CHILDHOOD EDUCATION SETTINGS

The Building Bright Futures Council, established in 33 V.S.A. § 4602, shall collaborate with the Agencies of Human Services and Education to define suspension, expulsion, and exclusionary practices in early childhood education settings and to establish best practices for supporting children who face such measures. The work of the Council shall include reviewing available data on exclusionary practices. On or before January 15, 2023 the Building Bright Futures Council shall issue a written report to the Senate and House Committees on Education, the Senate Committee on Health and Welfare, and the House Committee on Human Services detailing its work and findings and making recommendations for legislative action.

\* \* \* Entrance Age Threshold for Public School Kindergarten \* \* \*

Sec. 4. REPORT AND RECOMMENDATIONS ON THE IMPACT OF  
STANDARDIZING THE ENTRANCE AGE THRESHOLD FOR  
PUBLIC SCHOOL KINDERGARTEN

On or before December 15, 2022, the Agency of Education shall issue a written report to the Senate and House Committees on Education on the impact of standardizing the entrance age threshold for public school kindergarten attendance. In preparing the report, the Agency of Education shall consult with the Vermont Department for Children and Families, the Vermont Department of Health, the Vermont School Boards Association, the Vermont Principals' Association, the Vermont Superintendents Association, and the Vermont National Education Association. The report shall include any recommendations for legislative action.

\* \* \* Statewide Uniform School Calendar \* \* \*

Sec. 5. REPORT AND RECOMMENDATIONS FOR A STATEWIDE  
UNIFORM SCHOOL CALENDAR

On or before January 15, 2024, the Agency of Education shall issue a written report to the Senate and House Committees on Education with a proposed statewide uniform school calendar, created to improve high-quality learning opportunities for all Vermont students. In creating the calendar, the Agency shall consider the impact on attendance at regional career and technical education centers as well as the impact on families and educators. The uniform calendar shall include student attendance days, periods of vacation, holidays, and teacher in-service education days.

\* \* \* Remote Learning \* \* \*

Sec. 6. REPORT AND RECOMMENDATIONS FOR STATEWIDE  
REMOTE LEARNING POLICY

On or before January 15, 2023, the Agency of Education, in consultation with the State Board of Education, shall issue a written report to the Senate and House Committees on Education with recommendations for a statewide remote learning policy that incorporates remote learning into the requirements for student attendance, school days, and cumulative instructional hours. The report shall define remote learning and recommend statewide quality standards to ensure substantially equal access to quality basic education. The report shall also include any recommendations for legislative action.

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

Sec. 7. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 6-0-0)

**Favorable with Proposal of Amendment**

**H. 444.**

An act relating to approval of amendments to the charter of the City of Barre.

**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 as follows:

By striking out Sec. 2, 24 App. V.S.A. chapter 1, in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. 24 App. V.S.A. chapter 1 is amended to read:

CHAPTER 1. CITY OF BARRE

\* \* \*

§ 104. GENERAL CORPORATE POWERS

\* \* \*

(d) The City of Barre shall fly only the City, State, United States, and POW/MIA flags.

§ 105. ORDINANCES - SUBJECT MATTER

(a) The general grant of ordinance promulgating authority in section 104 shall include the authority:

\* \* \*

(7) To adopt and enforce ordinances relating to the mediation of landlord tenant issues by the Housing Board of Review Notwithstanding any contrary provision of 23 V.S.A. § 1007, to adopt and enforce ordinances establishing a speed limit of less than 25 miles per hour on specified City streets, or sections thereof, within City boundaries as may be required for the safety and general welfare of the City.

\* \* \*

§ 111. BONDING OF CITY OFFICIALS

The Mayor, councilors, members of the Police Department, City Manager, ~~First Constable~~ Finance Director, Superintendent of Public Works, Tax Collector, and Clerk and Treasurer shall annually be bonded by the City for the faithful discharge of their respective duties, as provided by State statute, and the expense of said bonds to be paid by the City.

\* \* \*

§ 205. OFFICERS ELECTED

(a)(1) The legal voters shall elect biennially a Mayor, ~~a First Constable~~, and one person to serve as Clerk and Treasurer.

\* \* \*

Subchapter 4. City Officials

\* \* \*

ARTICLE 8. ~~CONSTABLE~~ [Repealed.]

\* \* \*

§ 418. DUTIES

~~The City Constable shall have the same powers and be under the same duties and liabilities as are prescribed by State statutes for constables of towns. [Repealed.]~~

\* \* \*

(Committee vote: 3-2-0)

(For House amendments, see House Journal for May 18, 2021, pages 1191-1193)

**H. 701.**

An act relating to cannabis license fees.

**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 as follows:

First: By striking out Sec. 7, 7 V.S.A. § 910, in its entirety and inserting in lieu thereof a new Sec. 7 to read as follows:

Sec. 7. 7 V.S.A. §§ 910 and 911 are added to read:

§ 910. CANNABIS ESTABLISHMENT FEE SCHEDULE

The following fees shall apply to each person or product licensed by the Board:

(1) Cultivators.

(A) Outdoor cultivators.

(i) Outdoor cultivator tier 1. Outdoor cultivators with up to 1,000 square feet of plant canopy or fewer than 125 cannabis plants in an outdoor cultivation space shall be assessed an annual licensing fee of \$750.00.

(ii) Outdoor cultivator tier 2. Outdoor cultivators with up to 2,500 square feet of plant canopy in an outdoor cultivation space shall be assessed an annual licensing fee of \$1,875.00.

(iii) Outdoor cultivator tier 3. Outdoor cultivators with up to 5,000 square feet of plant canopy in an outdoor cultivation space shall be assessed an annual licensing fee of \$4,000.00.

(iv) Outdoor cultivator tier 4. Outdoor cultivators with up to 10,000 square feet of plant canopy in an outdoor cultivation space shall be assessed an annual licensing fee of \$8,000.00.

(v) Outdoor cultivator tier 5. Outdoor cultivators with up to 20,000 square feet of plant canopy in an outdoor cultivation space shall be assessed an annual licensing fee of \$18,000.00.

(vi) Outdoor cultivator tier 6. Outdoor cultivators with up to 37,500 square feet of plant canopy in an outdoor cultivation space shall be assessed an annual licensing fee of \$34,000.00.

(B) Indoor cultivators.

(i) Indoor cultivator tier 1. Indoor cultivators with up to 1,000 square feet of plant canopy in an indoor cultivation space shall be assessed an annual licensing fee of \$1,500.00.

(ii) Indoor cultivator tier 2. Indoor cultivators with up to 2,500 square feet of plant canopy in an indoor cultivation space shall be assessed an annual licensing fee of \$3,750.00.



(iii) Indoor cultivator tier 3. Indoor cultivators with up to 5,000 square feet of plant canopy in an indoor cultivation space shall be assessed an annual licensing fee of \$8,000.00.

(iv) Indoor cultivator tier 4. Indoor cultivators with up to 10,000 square feet of plant canopy in an indoor cultivation space shall be assessed an annual licensing fee of \$16,000.00.

(v) Indoor cultivator tier 5. Indoor cultivators with up to 15,000 square feet of plant canopy in an indoor cultivation space shall be assessed an annual licensing fee of \$36,000.00.

(vi) Indoor cultivator tier 6. Indoor cultivators with up to 25,000 square feet of plant canopy in an indoor cultivation space shall be assessed an annual licensing fee of \$75,000.00.

(C) Mixed cultivator tiers.

(i) Mixed cultivator tier 1. Mixed cultivators with the following at the same licensed premises shall be assessed an annual licensing fee of \$2,250.00: up to 1,000 square feet of plant canopy in an indoor cultivation space and up to 125 cannabis plants in an outdoor cultivation space.

(ii) Mixed cultivator tier 2. Mixed cultivators with the following at the same licensed premises shall be assessed an annual licensing fee of \$5,625.00: up to 2,500 square feet of plant canopy in an indoor cultivation space and up to 312 cannabis plants in an outdoor cultivation space.

(iii) Mixed cultivator tier 3. Mixed cultivators with the following at the same licensed premises shall be assessed an annual licensing fee of \$5,500.00: up to 1,000 square feet of plant canopy in an indoor cultivation space and up to 625 cannabis plants in an outdoor cultivation space.

(iv) Mixed cultivator tier 4. Mixed cultivators with the following at the same licensed premises shall be assessed an annual licensing fee of \$9,500.00: up to 1,000 square feet of plant canopy in an indoor cultivation space and up to 1,250 cannabis plants in an outdoor cultivation space.

(v) Mixed cultivator tier 5. Mixed cultivators with the following at the same licensed premises shall be assessed an annual licensing fee of \$19,500.00: up to 1,000 square feet of plant canopy in an indoor cultivation space and up to 2,500 cannabis plants in an outdoor cultivation space.

(2) Wholesalers. Wholesalers shall be assessed an annual licensing fee of \$4,000.00.

(3) Manufacturers.

(A) Manufacturer tier 1. Manufacturers that process and manufacture cannabis in order to produce cannabis products without using solvent-based extraction and not more than \$10,000.00 per year in cannabis products based on the manufacturer's total annual sales in cannabis products shall be assessed an annual licensing fee of \$750.00.

(B) Manufacturer tier 2. Manufacturers that process and manufacture cannabis in order to produce cannabis products without using solvent-based extraction shall be assessed an annual licensing fee of \$2,500.00.

(C) Manufacturer tier 3. Manufacturers that process and manufacture cannabis in order to produce cannabis products using all allowable methods of extraction, including solvent-based extraction, shall be assessed an annual licensing fee of \$15,000.00.

(4) Retailers. Retailers that sell cannabis and cannabis products to consumers shall be assessed an annual licensing fee of \$10,000.00.

(5) Testing laboratories. Testing laboratories shall be assessed an annual licensing fee of \$1,500.00.

(6) Integrated licensees. Integrated licensees shall be assessed an annual licensing fee of \$100,000.00.

(7) Employees. Cannabis establishments licensed by the Board shall be assessed an annual licensing fee of \$50.00 for each employee.

(8) Products. Retailers and integrated licensees shall be assessed an annual product licensing fee of \$50.00 for every type of cannabis and cannabis product that is sold in accordance with this chapter.

(9) Local licensing fees. Cannabis establishments licensed by the Board shall be assessed an annual local licensing fee of \$100.00 in addition to each fee assessed under subdivisions (1)–(6) of this section. Local licensing fees shall be distributed to the municipality in which the cannabis establishment is located pursuant to section 846(c) of this title.

(10) One-time fees.

(A) All applicants for a cannabis establishment license shall be assessed an initial one-time application fee of \$1,000.00.

(B) An applicant may choose to be assessed an initial one-time intent-to-apply fee of \$500.00. If the applicant subsequently seeks a license within one year after paying the intent-to-apply fee, the initial one-time application fee of \$1,000.00 shall be reduced by \$500.00.

§ 911. FEE WAIVER AND REDUCTION; SOCIAL EQUITY APPLICANTS

The Cannabis Control Board may, in its discretion and pursuant to adopted rule or readily accessible policy, or both, reduce or waive cannabis establishment application and licensing fees for social equity applicants as defined by the Board, including individuals from communities that historically have been disproportionately impacted by cannabis prohibition and individuals directly and personally impacted by cannabis prohibition.

Second: By striking out Sec. 10, effective date, and its reader assistance heading in their entirety and inserting in lieu thereof a new Sec. 10 and reader assistance heading to read as follows:

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

Sec. 10. EFFECTIVE DATES

(a) Secs. 8 and 9 (medical cannabis; 7 V.S.A. §§ 955(b) and 977) shall take effect on July 1, 2022.

(b) All other sections shall take effect on passage.

(Committee vote: 7-0-0)

(No House amendments)

**Joint Resolutions For Action**

**J.R.H. 16.**

Joint resolution authorizing the Green Mountain Boys State educational program to use the State House.

**PENDING QUESTION:** Shall the Senate adopt the resolution in concurrence?

**Text of the resolution:**

Whereas, the American Legion Department of Vermont sponsors the Green Mountain Boys State educational program, providing a group of boys entering the 12th grade a special opportunity to study the workings of State government, including conducting a mock legislative session at the State House, and

Whereas, the COVID-19 pandemic has forced the temporary closure of the State House to the public, and the extent of permitted public access to the building on June 23, 2022 will be dependent on the prevailing public health situation, now therefore be it

Resolved by the Senate and House of Representatives:

That the Green Mountain Boys State educational program is authorized to use the chambers and committee rooms of the State House on Thursday, June 23, 2022, from 8:00 a.m. to 4:15 p.m., and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the American Legion Department of Vermont.

**J.R.H. 17.**

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

**PENDING QUESTION:** Shall the Senate adopt the resolution in concurrence?

**Text of resolution:**

Resolved by the Senate and House of Representatives:

That Temporary Joint Rule 22A is amended to read as follows:

Rule 22A. Temporary Rule Regarding Joint Committee Meetings

(a)(1) ~~A Joint committees shall return to in-person legislating, except that a member of a joint committee may debate and vote remotely in that committee if the member confirms with notifies the committee's chair or co-chairs a co-chair, as applicable, that the member must be absent from committee due to symptomatic illness or direct COVID-19-related circumstances~~ meets one of the following conditions:

(A) the member has tested positive for COVID-19 and is within a required period of isolation;

(B) the member has been exposed to COVID-19 as a close contact and is within a required term of quarantine;

(C) the member has COVID-19 symptoms and is awaiting the results of a PCR test;

(D) the member has a household member who relies on the member for caregiving and the household member is required to be home due to one of the reasons set forth in subdivisions (A)–(C) of this subdivision (1) or because such a household member's daycare or school program has a short-term closure due to COVID-19; or

(E) the member provides to the joint committee chair or a co-chair, as applicable, written documentation from a health care provider indicating that the ongoing COVID-19 pandemic requires the member to participate remotely due to the member's health condition.

(2) The definitions, required time periods, and testing referenced in subdivision (1) of this subsection are those provided by Vermont Department of Health guidelines, including any revisions or updates

(b) The Joint Rules Committee is authorized to meet remotely as necessary to address COVID-19-related matters that may impact the operation of the General Assembly and joint committees.

(c) The remote authority set forth in this rule shall remain in effect through Tuesday, ~~March 8,~~ December 31, 2022.

(d) Notwithstanding the provisions of subsection (c) of this rule, if the Governor thereafter reissues capacity restrictions at gatherings and events or requires masks and physical distancing in response to COVID-19, the Joint Rules Committee is authorized to meet remotely and to permit any joint committees of the Legislature to meet and vote electronically as the Joint Rules Committee determines appropriate.

## NOTICE CALENDAR

### Second Reading

#### Favorable with Recommendation of Amendment

#### S. 4.

An act relating to a 48-hour waiting period for firearms transfers.

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

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 4023 is added to read:

§ 4023. POSSESSION OF FIREARMS IN HOSPITAL BUILDINGS  
PROHIBITED

(a) A person shall not knowingly possess a firearm while within a hospital building.

(b) A person who violates this section shall be fined not more than \$250.00.

(c) This section shall not apply to a firearm possessed by a federal law enforcement officer or a law enforcement officer certified as a law enforcement officer by the Vermont Criminal Justice Training Council pursuant to 20 V.S.A. § 2358, for legitimate law enforcement purposes.

(d) Notice of the provisions of this section shall be posted conspicuously at each public entrance to each hospital.

(e) As used in this section:

(1) “Firearm” has the same meaning as in subsection 4017(d) of this title.

(2) “Hospital” has the same meaning as in 18 V.S.A. § 1902.

Sec. 2. 13 V.S.A. § 4019 is amended to read:

§ 4019. FIREARMS TRANSFERS; BACKGROUND CHECKS

(a) As used in this section:

\* \* \*

(4) “Licensed dealer” means a person issued a license as a dealer in firearms pursuant to 18 U.S.C. § 923(a).

(5) “Proposed transferee” means an unlicensed person to whom a proposed transferor intends to transfer a firearm.

(6) “Proposed transferor” means an unlicensed person who intends to transfer a firearm to another unlicensed person.

(7) “Transfer” means to transfer ownership of a firearm by means of sale, trade, or gift.

(8) “Unlicensed person” means a person who has not been issued a license as a dealer, importer, or manufacturer in firearms pursuant to 18 U.S.C. § 923(a).

(b)(1) Except as provided in subsection (e) of this section, an unlicensed person shall not transfer a firearm to another unlicensed person unless:

(A) the proposed transferor and the proposed transferee physically appear together with the firearm before a licensed dealer and request that the licensed dealer facilitate the transfer; and

(B) the licensed dealer agrees to facilitate the transfer.

(2) A person shall not, in connection with the transfer or attempted transfer of a firearm pursuant to this section, knowingly make a false statement or exhibit a false identification intended to deceive a licensed dealer with respect to any fact material to the transfer.

\* \* \*

(d) A person shall not transfer a firearm to another person if:

(1) the transfer requires a background check under this section or under federal law; and

(2) the licensed dealer facilitating the transfer has not been provided with a unique identification number for the transfer by the National Instant Criminal Background Check System, provided that if the identification number has not been provided within seven business days, then the transfer may proceed.

~~(d)~~(e)(1) An unlicensed person who transfers a firearm to another unlicensed person in violation of subdivision (b)(1) of this section shall be imprisoned not more than one year or fined not more than \$500.00, or both.

(2) A person who violates subdivision (b)(2) or subsection (d) of this section shall be imprisoned not more than one year or fined not more than \$500.00, or both.

~~(e)~~(f) This section shall not apply to:

(1) the transfer of a firearm by or to a law enforcement agency;

(2) the transfer of a firearm by or to a law enforcement officer or member of the U.S. Armed Forces acting within the course of ~~his or her~~ the officer's or the U.S. Armed Forces member's official duties;

(3) the transfer of a firearm from one immediate family member to another immediate family member; or

(4) a person who transfers the firearm to another person in order to prevent imminent harm to any person, provided that this subdivision shall only apply while the risk of imminent harm exists.

~~(f)~~(g) A licensed dealer who facilitates a firearm transfer pursuant to this section shall be immune from any civil or criminal liability for any actions taken or omissions made when facilitating the transfer in reliance on the provisions of this section. This subsection shall not apply to reckless or intentional misconduct by a licensed dealer.

Sec. 3. 13 V.S.A. § 4057 is amended to read:

§ 4057. PROCEDURE

(a) Except as otherwise specified, proceedings commenced under this subchapter shall be in accordance with the Vermont Rules for Family Proceedings and shall be in addition to any other available civil or criminal remedies.

\* \* \*

(d)(1) For purposes of a petition filed pursuant to this subchapter, a health care provider may notify a law enforcement officer when the provider believes in good faith that disclosure of the information is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public.

(2) As used in this subsection:

(A) “Health care provider” has the same meaning as in 18 V.S.A. § 9402.

(B) “Necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public” includes circumstances when the health care provider reasonably believes that the patient poses an extreme risk of causing harm to themselves or another person by purchasing, possessing, or receiving a dangerous weapon or by having a dangerous weapon within the patient’s custody or control.

Sec. 4. 13 V.S.A. § 4062 is added to read:

§ 4062. ANNUAL REPORTING; OFFICE OF COURT ADMINISTRATOR  
AND AGENCY OF HUMAN SERVICES

(a) On or before September 1, 2022 and annually thereafter, the Court Administrator, with the assistance of the Agency of Human Services, shall report data on the use of extreme risk protection orders during the previous year to the Senate and House Committees on Judiciary.

(b) The reports required by this section shall include the following data for the previous year:

(1) the number of extreme risk protection order petitions filed and the number of orders issued;

(2) geographical data indicating the county where the petition was filed;  
and



(3) follow-up information describing whether the order was renewed or terminated pursuant to section 4055 of this title and whether the subject of the order was charged with violating it under section 4058 of this title.

(c) The Agency of Human Services shall include in the reports required by this section an analysis of the impact of extreme risk prevention orders on Vermont suicide rates, including any relevant data relied on or utilized by the Agency for purposes of providing the information required by 2017 Acts and Resolves No. 34, An act relating to evaluation of suicide profiles.

Sec. 5. 13 V.S.A. § 4021 is amended to read:

§ 4021. LARGE CAPACITY AMMUNITION FEEDING DEVICES

(a) A person shall not manufacture, possess, transfer, offer for sale, purchase, or receive or import into this State a large capacity ammunition feeding device. As used in this subsection, “import” ~~shall~~ does not include the transportation back into this State of a large capacity ammunition feeding device by the same person who transported the device out of State if the person possessed the device on or before the effective date of this section.

\* \* \*

(d)(1) This section shall not apply to any large capacity ammunition feeding device:

\* \* \*

(F) transported by a resident of another state into this State for the exclusive purpose of use in an organized shooting competition sponsored by an entity registered with the Secretary of State if the device is lawfully possessed under the laws of another state.

\* \* \*

Sec. 6. 15 V.S.A. § 1104 is amended to read:

§ 1104. EMERGENCY RELIEF

(a) In accordance with the Vermont Rules of Civil Procedure, temporary orders under this chapter may be issued ex parte, without notice to the defendant, upon motion and findings by the court that the defendant has abused the plaintiff or the plaintiff’s children, or both. The plaintiff shall submit an affidavit in support of the order. A minor 16 years of age or older, or a minor of any age who is in a dating relationship as defined in subdivision 1101(2) of this chapter, may seek relief on ~~his or her~~ the minor’s own behalf. Relief under this section shall be limited as follows:

(1) Upon a finding that there is an immediate danger of further abuse, an order may be granted requiring the defendant:

(A) to refrain from abusing the plaintiff or ~~his or her~~ the plaintiff's children, or both, or from cruelly treating as defined in 13 V.S.A. § 352 or 352a or killing any animal owned, possessed, leased, kept, or held as a pet by either party or by a minor child residing in the household;

(B) to refrain from interfering with the plaintiff's personal liberty or the personal liberty of the plaintiff's children, or both;

(C) to refrain from coming within a fixed distance of the plaintiff, the plaintiff's children, the plaintiff's residence, or the plaintiff's place of employment; ~~and~~

(D) to refrain from contacting the plaintiff or the plaintiff's children, or both, in any way, whether directly, indirectly, or through a third party, with the purpose of making contact with the plaintiff, including in writing or by telephone, e-mail, or other electronic communication; or

(E) to immediately relinquish, until the expiration of the order, all firearms that are in the defendant's possession, ownership, or control and to refrain from acquiring or possessing any firearms while the order is in effect.

(2) Upon a finding that the plaintiff, ~~his or her~~ or the plaintiff's children, or both, have been forced from the household and will be without shelter unless the defendant is ordered to vacate the premises, the court may order the defendant to vacate immediately the household and may order sole possession of the premises to the plaintiff.

(3) Upon a finding that there is immediate danger of physical or emotional harm to minor children, the court may award temporary custody of these minor children to the plaintiff or to other persons.

\* \* \*

#### Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

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

An act relating to procedures involving firearms.

(Committee vote: 4-1-0)

**S. 155.**

An act relating to the creation of the Agency of Public Safety.

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

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Creation of Agency \* \* \*

Sec. 1. 3 V.S.A. chapter 72 is added to read:

CHAPTER 72. AGENCY OF PUBLIC SAFETY

Subchapter 1. General Provisions

§ 5201. DEFINITIONS

(1) “Agency” means the Agency of Public Safety.

(2) “Commissioner” means the head of a department responsible to the Secretary for the administration of the department.

(3) “Department” means a major component of the Agency.

(4) “Director” means the head of a division of the Agency.

(5) “Division” means a major component of a department engaged in furnishing services to the public or to units of government at levels other than the State level.

(6) “Secretary” means the head of the Agency, a member of the Governor’s Cabinet, who is responsible to the Governor for the administration of the Agency.

§ 5202. CREATION OF AGENCY

(a) There is hereby created the Agency of Public Safety for the purpose of ensuring the coordination of all State public safety resources, including reducing redundancies; increasing efficiencies; and standardizing policies, training, and data collection.

(b) The Agency of Public Safety shall consist of the following:

(1) the Department of Fire Safety and Emergency Management, including:

(A) the Division of Emergency Management;

(B) the Division of Fire Safety; and

(C) the Office of Training;

(2) the Department of Law Enforcement, including the Division of the Vermont State Police;

(3) the Division of Support Services; and

(4) the Office of Community Collaboration and Empowerment.

(c) The Agency shall provide administrative support to the following boards, commissions, and councils:

(1) the Fire Service Training Council;

(2) the Law Enforcement Advisory Board;

(3) the State Police Advisory Commission;

(4) the Search and Rescue Council;

(5) the Animal Cruelty Investigation Advisory Board;

(6) the Electricians Licensing Board;

(7) the Elevator Safety Review Board;

(8) the State Emergency Response Commission;

(9) the Plumbers Examining Board;

(10) the Vermont Access Board; and

(11) the Enhanced 911 Board.

#### § 5203. ADVISORY CAPACITY

(a) Except as otherwise provided in this chapter, all boards and commissions that are a part of or are attached to the Agency pursuant to this chapter shall be advisory only, and the powers and duties of the boards and commissions, including administrative, policymaking, and regulatory functions, shall vest in and be exercised by the Secretary of the Agency.

(b) Notwithstanding subsection (a) of this section, boards of registration attached to this Agency shall retain and exercise all existing authority with respect to licensing and maintenance of the standards of the persons registered.

#### § 5204. PERSONNEL DESIGNATION

The Secretary, Deputy Secretary, commissioners, deputy commissioners, attorneys, and all members of boards, committees, commissions, or councils attached to the Agency are exempt from the classified State service. Division director positions may be exempt from the classified service or may be within the classified service. Except as authorized by section 311 of this title or otherwise by law, all other positions shall be within the classified service.

#### Subchapter 2. Secretary

#### § 5221. APPOINTMENT AND DUTIES

(a) The Agency shall be under the direction and supervision of the Secretary, who shall be appointed by the Governor with the advice and consent of the Senate and shall serve at the pleasure of the Governor.

(b) The Secretary shall oversee the activities of the Division of Support Services and the Office of Community Collaboration and Empowerment. The Secretary shall supervise the Commissioner of Fire Safety and Emergency Management and the Commissioner of Law Enforcement.

#### § 5222. BUDGET AND REPORT

The Secretary shall be responsible to the Governor and shall plan, coordinate, and direct the functions vested in the Agency.

#### § 5223. DEPUTY SECRETARY

(a) The Secretary, with the approval of the Governor, may appoint a deputy to serve at the Secretary's pleasure and to perform such duties as the Secretary may prescribe. The Deputy shall be exempt from the classified service. The appointment shall be in writing and shall be filed in the Office of the Secretary of State.

(b) The Deputy Secretary shall discharge the duties and responsibilities of the Secretary in the Secretary's absence. In case a vacancy occurs in the office of the Secretary, the Deputy shall assume and discharge the duties of office until the vacancy is filled.

#### § 5224. ADVISORY COUNCILS OR COMMITTEES

The Secretary, with the approval of the Governor, may create such advisory councils or committees as the Secretary deems necessary within the Agency and appoint their members for terms not exceeding the Governor's term.

§ 5225. TRANSFER OF PERSONNEL AND APPROPRIATIONS

(a) The Secretary, with the approval of the Governor, may transfer classified positions between State departments and other components of the Agency, subject to personnel laws and rules.

(b) Notwithstanding subsection (a) of this section, members from different divisions of the Department of Law Enforcement shall not be reassigned or transferred outside their division unless the member requests a transfer and the Commissioner approves the transfer.

(c) The Secretary, with the approval of the Governor, may transfer appropriations or parts thereof between departments and other components in the Agency, consistent with the purposes for which the appropriation was made.

Subchapter 3. Commissioners and Directors

§ 5251. COMMISSIONERS; DEPUTY COMMISSIONERS; APPOINTMENT; TERM

The Secretary, with the approval of the Governor, shall appoint a commissioner of each department, who shall be the chief executive and administrative officer and shall serve at the pleasure of the Secretary.

§ 5252. MANDATORY DUTIES

(a) The Commissioner shall exercise the powers and perform the duties required for the effective administration of the Department.

(b) The Commissioner, with the approval of the Governor, shall so organize and arrange the Department as will best and most efficiently promote its work and carry out the objectives of this chapter. The Commissioner may formulate, put into effect, alter, and repeal rules for the administration of the Department.

(c) In addition to other duties imposed by law, the Commissioner shall:

- (1) administer the laws assigned to the Department;
- (2) coordinate and integrate the work of the divisions; and
- (3) supervise and control all staff functions.

§ 5253. PERMISSIVE DUTIES; APPROVAL OF SECRETARY

(a) The Commissioner may, with the approval of the Secretary:

(1) transfer classified positions within or between divisions subject to State personnel laws and rules;

(2) cooperate with the appropriate federal agencies and administer federal funds in support of programs within the Department;

(3) submit plans and reports, and in other respects comply with federal law and regulations that pertain to programs administered by the Department;

(4) make rules and policies consistent with law for the internal administration of the Department and its programs;

(5) appoint a deputy commissioner;

(6) provide training and instructions for any employees of the Department, at the expense of the Department, in educational institutions or other places; and

(7) organize, reorganize, transfer, or abolish divisions, staff functions, or sections within the Department.

(b) The Commissioner of the Department of Law Enforcement, with the approval of the Secretary, may:

(1) designate or change the rank or grade to be held by a member in accordance with the rules adopted by the Commissioner;

(2) assign or transfer members within a division to serve at such stations and to perform such duties as the Commissioner shall designate; and

(3) determine what certified law enforcement officers other than State Police officers shall give bonds and prescribe the conditions and amount.

(c) Notwithstanding anything to the contrary in this chapter, the divisions within the Department of Law Enforcement shall not be abolished or transferred and members from different divisions of the Department of Law Enforcement shall not be reassigned or transferred outside their division unless the member requests a transfer and the Commissioner approves the transfer.

#### § 5254. DIRECTORS

(a) A director shall administer each division within the Agency. The commissioners, with the approval of the Secretary, shall appoint the directors for divisions that are part of a department, and the Secretary shall appoint any other directors whose appointment is not otherwise governed by law. Each division and its officers shall be under the direction and control of the appointing authority except with regard to the quasi-judicial acts or duties vested in them by law.

(b) No rule or policy may be issued by a director of a division without the approval of the appointing authority.

Subchapter 4. Departments, Divisions, and Boards

§ 5281. DEPARTMENT OF LAW ENFORCEMENT

The Department of Law Enforcement is created within the Agency of Public Safety.

§ 5282. DEPARTMENT OF FIRE SAFETY AND EMERGENCY MANAGEMENT

The Department of Fire Safety and Emergency Management is created within the Agency of Public Safety. The Commissioner of Fire Safety and Emergency Management, as Fire Marshal, shall be responsible for enforcing the laws pertaining to the investigation of fires, the prevention of fires, the promotion of fire safety, and the delivery of fire service training.

§ 5283. DIVISION OF SUPPORT SERVICES

(a) The Division of Support Services is created within the Agency of Public Safety. It shall be administered by the Deputy Secretary of the Agency.

(b) The Division of Support Services shall provide the following services to the Agency, including the following components assigned to it for administrative support:

- (1) personnel administration;
- (2) financing and accounting activities;
- (3) coordination of filing and records maintenance activities;
- (4) provision of facilities, office space, and equipment and the care thereof;
- (5) requisitioning from the Department of Buildings and General Services of the Agency of Administration supplies, equipment, and other requirements;
- (6) management improvement services;
- (7) training, including diversity, equity, and inclusion training;
- (8) communications, including dispatch and radio technology;
- (9) fleet services;
- (10) information systems and technology, including the Vermont Crime Information Center and the Sex Offender Registry;
- (11) grant management; and
- (12) other administrative functions assigned to it by the Secretary.



(c) Other provisions of the law notwithstanding, all administrative service functions delegated to other components of the Agency shall be performed within the Agency by the Division of Support Services.

§ 5284. OFFICE OF COMMUNITY COLLABORATION AND EMPOWERMENT

(a) Creation. The Office of Community Collaboration and Empowerment is created within the Agency of Public Safety. It shall be administered by the Deputy Secretary of the Agency.

(b) Duties; responsibilities. The Office of Community Collaboration and Empowerment shall:

(1) create and execute a process to engage public safety stakeholders in the development of key Agency policies with broad stakeholder interest;

(2) create and maintain a variety of mechanisms for community feedback and engagement regarding the operations of the public safety system;

(3) maintain a list of relevant public safety stakeholders;

(4) create a system to periodically review all Agency policies that includes the use of the Equity Impact Assessment Tool;

(5) define the relationship between the Office of Community Collaboration and Empowerment and the other offices, divisions, and departments within the Agency; and

(6) establish organizational structures that allow for meaningful community participation.

(c) Report. On or before November 1, 2023, and every two years thereafter, the Office of Community Collaboration and Empowerment shall report to the House and Senate Committees on Government Operations and on Judiciary, and to the list of stakeholders identified pursuant to subdivision (3) of subsection (b) of this section, on the Office's progress and implementation on the duties and responsibilities identified in subsection (b) of this section.

\* \* \* Transfer of Funds, Equipment, and Positions \* \* \*

Sec. 2. PROVISIONS FOR THE TRANSITION OF THE ENHANCED 911 BOARD

(a) All financial assets and liabilities of the Enhanced 911 Board, including all appropriations associated with the positions transferred pursuant to subsection (b) of this section, are transferred to the Agency of Public Safety.

(b) All authorized positions and equipment, supplies, and inventory of the Enhanced 911 Board are transferred to the Agency of Public Safety.

(c) The Enhanced 911 Board shall have the administrative, technical, and legal assistance of the Agency of Public Safety.

(d) The rules of the Enhanced 911 Board shall become a subtitle under the rules of the Agency of Public Safety.

\* \* \* General Transition Provisions \* \* \*

### Sec. 3. TRANSITION; GENERALLY

The Secretary of Public Safety shall coordinate with the Secretary of Administration; the Commissioner of Finance and Management; the Commissioner of Human Resources; the Executive Director of the Criminal Justice Council; the Chair of the Criminal Justice Council; the Executive Director of the Enhanced 911 Board; the Secretary of the Agency of Transportation; and the Commissioners of the Departments of Motor Vehicles, of Fish and Wildlife, of Liquor and Lottery, and their directors of enforcement as necessary to enable the organizational modernization and most efficient operation of State law enforcement divisions and resources.

\* \* \* Statutory Changes for the Enhanced 911 Board \* \* \*

Sec. 4. 30 V.S.A. § 7052 is amended to read:

### § 7052. VERMONT ENHANCED 911 BOARD

\* \* \*

(e) The Board shall appoint, subject to the approval of the Governor, advise the Secretary on and assist the Secretary with the selection of the Executive Director who shall hold office at the pleasure of the Board. He or she The Executive Director shall perform such duties as may be assigned by the Board. The Executive Director is entitled to compensation, as established by law, and reimbursement for the expenses within the amounts available by appropriation. The Executive Director may, with the approval of the Board, hire employees, agents, and consultants and prescribe their duties. The Executive Director shall submit a budget to the Secretary. The Executive Director shall not be under the direction and control of the Secretary except with regard to the budget and other administrative functions given to the Director or the Board by law.

Sec. 5. 30 V.S.A. § 7053 is amended to read:

§ 7053. BOARD; RESPONSIBILITIES AND POWERS

(a) The Board shall be the single governmental agency responsible for statewide Enhanced 911 pursuant to chapter 87 of this title and 3 V.S.A. chapter 72. To the extent feasible, the Board shall consult with the Agency of Human Services, the ~~Department~~ Agency of Public Safety, the Department of Public Service, and local community service providers on the development of policies, system design, standards, and procedures. The Board shall develop designs, standards, and procedures and shall adopt rules on the following:

(1) The technical and operational standards for public safety answering points.

(2) The system database standards and procedures for developing and maintaining the database. The system database shall be the property of the Board.

(3) Statewide, locatable means of identifying customer location, such as addressing, geo-coding, or other methods of locating the caller.

(4) Standards and procedures to ensure system and database security.

\* \* \*

\* \* \* Statutory Changes for Department of Public Safety Becoming  
Agency \* \* \*

Sec. 6. 23 V.S.A. § 1 is amended to read:

§ 1. ADMINISTRATION AND ENFORCEMENT OF TITLE

The Commissioner of Motor Vehicles and the Commissioner of ~~Public Safety~~ Law Enforcement shall cooperate in carrying out all the statutes and rules adopted to implement the provisions of this title to achieve the most efficient and economical administration. In case of disagreement as to division of work, the Governor shall decide.

Sec. 7. 23 V.S.A. § 1600 is amended to read:

§ 1600. DEFINITION

Notwithstanding subdivision 4(4) of this title, as used in this chapter, “Commissioner” means the Commissioner of the Agency of Public Safety, Department of Law Enforcement.

Sec. 8. 3 V.S.A. § 2101 is amended to read:

§ 2101. CREATION

A cabinet is created in the Executive Branch of government ~~which that~~ shall consist of the Secretaries of such agencies as are created by law, as well as such Commissioners of the departments created by law as the Governor, in the Governor's discretion, shall appoint to be a member of the Cabinet.

Sec. 9. 20 V.S.A. § 3 is amended to read:

§ 3. VERMONT EMERGENCY MANAGEMENT DIVISION

(a) There is hereby created within the ~~Department of Public Safety Agency of Public Safety, Department of Fire Safety and Emergency Management,~~ a division to be known as the Vermont Emergency Management Division.

\* \* \*

Sec. 10. 20 V.S.A. § 1871 is amended to read:

§ 1871. ~~DEPARTMENT OF PUBLIC SAFETY; COMMISSIONER~~  
CONTRACTING

~~(a) The Department of Public Safety, created by 3 V.S.A. § 212, shall include a Commissioner of Public Safety.~~

~~(b) The head of the Department shall be the Commissioner of Public Safety, who shall be a citizen of the United States and shall be selected on the basis of training, experience, and qualifications. The Commissioner shall be appointed by the Governor, with the advice and consent of the Senate.~~

~~(e)(a)~~ The Commissioner of ~~Public Safety~~ Law Enforcement may contract for security and related traffic control, and receive reimbursement for reasonable costs that shall include costs associated with providing personnel, benefits, equipment, vehicles, insurances, and related expenses. These reimbursements shall be credited to a special fund established pursuant to 32 V.S.A. chapter 7, subchapter 5, and be available to offset costs of providing those services.

~~(d)(b)~~ The Commissioner of ~~Public Safety~~ Law Enforcement shall collect fees for the termination of alarms at State Police facilities and for response to false alarms.

~~(e)(c)~~ Termination Fees.

(1) The termination fee for a single dedicated circuit alarm at a State Police facility ~~will~~ shall be \$250.00 per user per year.

(2) An alarm company or monitoring service that is authorized to install a ~~multi-unit~~ multiunit alarm panel at a State Police facility ~~will~~ shall be assessed a fee of \$25.00 per alarm with a minimum fee of \$250.00 per panel per year.

(3) An individual or business who programs a tape dialer or other automatic notification device to transmit a voice message to a State Police facility, informing the police of a burglary or other emergency, must register such dialer with the State Police facility and ~~will~~ shall be assessed a registration fee of \$50.00 per year. The fee includes an onsite inspection by a member of the State Police.

(4) If State Police respond to an alarm and it is found that the alarm was transmitted by an unregistered tape dialer or similar notification device, a registration fee of \$50.00 ~~will~~ shall be assessed subsequent to that response. Unpaid registration fees are considered to be alarms in default and handled in accordance with the provisions of the section on response terminations.

~~(f)~~(d) False Alarms alarms.

(1) A false alarm is notification given to the State Police by electronic or telephonic means that an emergency situation exists, when an emergency or other circumstance that could be perceived as an emergency does not exist and to which the State Police have responded.

(2) Alarm periods shall be based on the calendar year, January 1 through December 31.

(3) The first false alarm in an alarm period shall be at no cost. The second false alarm in the alarm period shall be assessed at \$50.00 and each successive false alarm in the same alarm period shall be assessed at \$75.00.

~~(g)~~(e) Response Terminations terminations.

(1) Alarm fees that have been assessed and not paid for a period of 60 days from the date of the last billing are considered alarms in default and the State Police station commander, with the concurrence of the State Police troop commander, may notify the alarm holder that the State Police will no longer respond to alarms at that location as long as the alarm holder is in default.

(2) When in the opinion of the station commander, with the concurrence with the troop commander, there exists a chronic false alarm problem that the alarm holder appears not to have taken reasonable measures to correct, the station commander may send notification that the State Police will no longer respond to alarms at that location until the problem is corrected even if the alarm holder is not in default on fees assessed.

(h)(f) Appeal. An alarm holder may appeal a decision of the station commander to the troop commander.

(i)(g) The Commissioner of ~~Public Safety~~ Law Enforcement may enter into contractual arrangements to perform dispatching functions for State, municipal, or other emergency services.

(j)(h) Charges collected under subsections (e)(c), (f)(d), and (i)(g) of this section shall be credited to the Vermont Law Telecommunications Special Fund and shall be available to the Department to offset the costs of providing the services.

Sec. 11. 20 V.S.A. § 1872 is amended to read:

§ 1872. DUTIES OF COMMISSIONER GENERALLY

The Commissioner shall be the chief enforcement officer of all the statutes and rules pertaining to the law of the road and the display of lights on vehicles. In addition, the Commissioner shall supervise and direct the activities of the State Police and of the Vermont Crime Information Center and, ~~as Fire Marshal, be responsible for enforcing the laws pertaining to the investigation of fires, the prevention of fires, the promotion of fire safety, and the delivery of fire service training.~~

Sec. 12. 20 V.S.A. § 1874 is amended to read:

§ 1874. ORGANIZATION OF DEPARTMENT BY COMMISSIONER

(a) The Commissioner of Law Enforcement, with the approval of the Governor and the Secretary, shall so organize and arrange the Department of Law Enforcement as will best and most efficiently promote its work and carry out the objectives of this chapter and 3 V.S.A. chapter 72. To that end, the Commissioner may, with the Governor's approval, create, rearrange, and abolish divisions; establish grades, ranks, and positions to be held by members; and formulate, put into effect, alter, and repeal rules for the administration of the Department to the extent permitted by law.

\* \* \*

Sec. 13. 20 V.S.A. § 1883 is amended to read:

§ 1883. STATE LAW ENFORCEMENT; MEMORANDUM OF UNDERSTANDING

(a) ~~The Commissioner of Public Safety~~ In anticipation of consolidating all certified law enforcement resources into the Agency of Public Safety, the Secretary of Public Safety shall develop and execute a memorandum of understanding with the Commissioners of Fish and Wildlife, of Motor

Vehicles, and of Liquor and Lottery and their respective directors of law enforcement. The memorandum of understanding shall ~~be reviewed at least every two years and shall~~ at a minimum address:

(1) ~~Maximizing~~ Consolidating collective resources ~~by and~~ reducing or eliminating redundancies and implementing a methodology that will enhance overall coordination and communication and standardize training and policies while supporting the mission of individual enforcement ~~agencies~~ divisions.

(2) Providing for an overall statewide law enforcement strategic plan supported by quarterly planning and implementation strategy sessions to improve efficiencies and coordination on an operational level and ensure ~~interagency~~ cooperation and collaboration of programs funded through grants. The strategic plan should identify clear goals and performance measures that demonstrate results, as well as specific strategic plans for individual enforcement ~~agencies~~ divisions.

~~(3) Creating a task force concept that will provide for the sharing and disseminating of information and recommendations involving various levels of statewide law enforcement throughout Vermont that will benefit all law enforcement agencies as well as citizens.~~

~~(4)(3) Developing an integrated and coordinated approach to multi-agency special teams with the goal of creating a force multiplier, where feasible to be coordinated through the Agency of Public Safety, Department of Law Enforcement. These teams will be coordinated by the Vermont State Police during training and deployments.~~

~~(5)(4) Providing for the Commissioner Secretary of Public Safety, with the approval of the Governor and in consultation with the Commissioners of Motor Vehicles, of Fish and Wildlife, and of Liquor and Lottery accordance with the State Emergency Management Plan, to assume the role of lead coordinator of statewide law enforcement units in the event of elevated alerts, critical incidents, and all-hazard all-hazards events. The lead coordinator shall maintain control until in his or her the lead coordinator's judgment the event no longer requires coordinated action to ensure the public safety.~~

\* \* \*

Sec. 14. 20 V.S.A. chapter 113, subchapter 2 is amended to read:

Subchapter 2. State Police Certified Law Enforcement Officers

§ 1911. EXAMINATIONS; APPOINTMENT; PROMOTION; PROBATION

The Commissioner shall devise and administer examinations designed to test the qualifications of applicants for positions as ~~State Police~~ certified law

enforcement officers assigned to the Department of Law Enforcement and only those applicants shall be appointed or promoted who meet the prescribed standards and qualifications. Where certified law enforcement officer positions support the work of agencies or departments outside the Agency of Public Safety, the Commissioner shall consult the agencies or departments concerning the qualifications for the positions. All ~~State Police~~ certified law enforcement officers assigned to the Department of Law Enforcement shall be on probation for one year from the date of first appointment. Such examinations shall be with the advice of the Department of Human Resources.

#### § 1912. BOND AND OATH

~~State Police~~ Certified law enforcement officers assigned to the Department of Law Enforcement shall give bond to the State, at the expense of the State, in such penal sum as the Commissioner shall require, conditioned for the faithful performance of their duties. ~~State Police~~ Certified law enforcement officers assigned to the Department of Law Enforcement and auxiliary State police shall take the oath of office prescribed for sheriffs before the Commissioner or any person designated under 12 V.S.A. § 5852 to administer oaths.

#### § 1913. UNIFORMS AND EQUIPMENT

Within the appropriation for the Department, the Commissioner shall provide the ~~State Police~~ certified law enforcement officers assigned to the Department of Law Enforcement, and such other members as ~~he or she~~ the Commissioner may designate, with uniforms and all members with the equipment necessary in the performance of their respective duties, which shall remain the property of the State. The Commissioner shall consult with agencies and departments that are supported by certified law enforcement officers assigned to the Department of Law Enforcement on the uniforms and equipment necessary for those positions. The Commissioner may sell such equipment as may become unfit for use, and all monies received from the sale shall be paid into the State Treasury and credited to the ~~Department's~~ Agency's appropriation. The Commissioner shall keep an inventory and shall charge against each member all property of the Department issued to ~~him or her~~ the member, and if the Commissioner ~~shall determine~~ determines that a loss or destruction was due to the carelessness or neglect of the member, the value of the property shall be deducted from ~~his or her~~ the member's pay.

#### § 1914. POWERS AND IMMUNITIES

The Commissioner of ~~Public Safety~~ Law Enforcement and the ~~State Police~~ all certified law enforcement officers assigned to the Department of Law Enforcement shall be peace officers and shall have the same powers with respect to criminal matters and the enforcement of the law relating to criminal



matters as sheriffs, constables, and local police have in their respective jurisdictions, and shall have all the immunities and matters of defense now available or hereafter made available to sheriffs, constables, and local police in a suit brought against them in consequence of acts done in the course of their employment. State Police Certified law enforcement officers assigned to the Department of Law Enforcement shall be informing or complaining officers with the same powers possessed by sheriffs, deputy sheriffs, constables, or police officers of a city or incorporated village as provided in 13 V.S.A. § 5507.

\* \* \*

Sec. 15. 20 V.S.A. § 1933 is amended to read:

§ 1933. DNA SAMPLE REQUIRED

\* \* \*

(c) A person serving a sentence for a designated crime not confined to a correctional facility shall have ~~his or her~~ DNA samples collected or taken at a place and time designated by the Commissioner of Corrections, the Commissioner of ~~Public Safety~~ Law Enforcement, or a court if the person has not previously submitted a DNA sample in connection with the designated crime for which ~~he or she~~ the person is serving the sentence.

Sec. 16. 20 V.S.A. § 2352 is amended to read:

§ 2352. COUNCIL MEMBERSHIP

(a)(1) The Vermont Criminal Justice Council shall consist of:

(A) the Commissioners of ~~Public Safety~~ Law Enforcement, of Corrections, of Motor Vehicles, of Fish and Wildlife, and of Mental Health;

\* \* \*

Sec. 17. REPEALS

3 V.S.A. § 212(18) (the Department of Public Safety) is repealed.

\* \* \* Conforming Revisions \* \* \*

Sec. 18. CONFORMING REVISIONS

When preparing the Vermont Statutes Annotated for publication, the Office of Legislative Counsel shall make the following revisions throughout the statutes as needed for consistency with this act, provided the revisions have no other effect on the meaning of the affected statutes:

(1) replace “Department of Public Safety” with “Department of Law Enforcement”; and

(2) revisions that are substantially similar to those described in subdivision (1) of this section.

\* \* \* Reporting \* \* \*

Sec. 19. CREATION OF AGENCY OF PUBLIC SAFETY; REPORTS

(a) On or before November 15, 2022, the Secretary of the Agency of Public Safety shall report to the Governor, the leadership of the General Assembly, and the House and Senate Committees on Government Operations and on Judiciary on the status of the organizational transition and recommend any legislative changes needed to continue the orderly and efficient organizational transition of the Agency of Public Safety.

(b) On or before October 15, 2023, the Secretary of the Agency of Public Safety shall study the effectiveness, efficiency, and delivery of State public safety law enforcement services and shall report to the Governor and the General Assembly on the feasibility and advisability of transferring the operations of the Department of Motor Vehicles certified law enforcement officers, Department of Fish and Wildlife certified law enforcement officers, Department of Liquor and Lottery certified law enforcement officers, the Capitol Police, and the Department of Labor relating to VOSHA, Project WorkSAFE, and Passenger Tramway Safety to the Agency of Public Safety.

(c) On or before November 15, 2023, the Secretary of the Agency of Public Safety shall report to the Governor, the leadership of the General Assembly, and the House and Senate Committees on Government Operations and on Judiciary on the status of the organizational transition and recommend any legislative changes needed to continue an orderly and efficient organizational transition.

Sec. 20. UNIFICATION OF ANIMAL WELFARE AND RELATED  
PUBLIC SAFETY FUNCTIONS; REPORT

(a) On or before January 15, 2023, the Department of Public Safety, in consultation with the Agency of Agriculture and any other State agency, division, or department where domestic animal welfare functions reside, shall report to the House and Senate Committees on Government Operations with a plan to unify the domestic animal welfare and related public safety functions across State government. The report, which shall include draft legislation to enact the plan, shall focus on the intersection of existing domestic animal welfare functions and the role of the Department of Public Safety and shall include:

(1) an inventory of all existing domestic animal welfare and related public safety functions across all agencies, including citations to existing statutes;

(2) an inventory of all personnel, with job descriptions, responsible for carrying out the functions in the inventory required by subdivision (1) of this subsection (a);

(3) a recommended location and position in State government with responsibility for all State domestic animal welfare and related public safety functions, including enforcement;

(4) a recommendation on whether to move all domestic animal welfare and related public safety functions to a single agency or to maintain a multiagency approach to be coordinated by the position recommended in subdivision (3) of this subsection (a); and

(5) a plan to ensure that domestic animals transported into the State from other jurisdictions meet health and safety standards, and that the businesses that import domestic animals into the State are registered or licensed, or both, and meet health and safety standards.

(b) The Department shall engage with the animal welfare coalition consisting of the Animal Cruelty Investigative Advisory Board, the Vermont Humane Federation, and the Animal Welfare Regulations Coalition as needed to comply with this section.

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

#### Sec. 21. EFFECTIVE DATES

(a) This section and Sec. 3 (transition; generally), Secs. 6–17 (conforming statutory revisions), and Secs. 18–20 (conforming changes; reporting) shall take effect on July 1, 2022.

(b) Sec. 1 (agency creation) shall take effect on July 1, 2022, except that in Sec. 1, 3 V.S.A. § 5202(c)(11) (E-911 board) shall take effect on July 1, 2023.

(c) Secs. 2 and 4–5 (transition and conforming statutory revisions for the E-911 Board) shall take effect on July 1, 2023.

(Committee vote: 4-0-1)

**S. 206.**

An act relating to planning for the care and treatment of patients with cognitive impairments.

**Reported favorably with recommendation of amendment by Senator Hardy for the Committee on Health and Welfare.**

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

\* \* \* State Plan \* \* \*

Sec. 1. 3 V.S.A. § 3085b is amended to read:

§ 3085b. COMMISSION ON ALZHEIMER'S DISEASE AND RELATED DISORDERS

\* \* \*

(b) The Commission shall be composed of ~~20~~ 21 members: the Commissioners of Disabilities, Aging, and Independent Living and of Health or designees, the Executive Director of Blueprint for Health or designee, one Senator chosen by the Senate Committee on Committees, one Representative chosen by the Speaker of the House, and 16 members appointed by the Governor. The members appointed by the Governor shall represent the following groups and organizations: physicians, social workers, hospitals and nursing home managers, including the administrators of the Vermont Veterans' Home, the clergy, adult day center providers, ~~the business community,~~ registered nurses, residential care home operators, family care providers, the home health agency, the legal profession, mental health service providers, the area agencies on aging, University of Vermont's Center on Aging, the Support and Services at Home (SASH) program, and the Alzheimer's Association. The members appointed by the Governor shall have direct expertise or experience working with or caring for individuals impacted by Alzheimer's disease and related disorders, expertise in clinical and medical research on Alzheimer's disease and related disorders, or knowledge of health systems and policies to equitably address Alzheimer's disease and related disorders and shall represent, to the degree possible, the five regions of the State.

\* \* \*

(f) The Commission shall advise State agencies on matters of State policy relating to Alzheimer's disease and other dementia-related disorders in Vermont for both the public and private sectors. The Commission shall:

(1) Evaluate the adequacy of existing services to individuals with Alzheimer's disease and other dementia-related disorders and their families;

and conduct studies to identify gaps in these services. These studies may include access to mental health-related services and support for services to families of individuals with Alzheimer's disease.

(2) Identify strategies and recommend resources to expand existing services.

(3) Review or participate in the development of laws, rules, and other governmental initiatives that may affect individuals with Alzheimer's disease and other dementia-related disorders, and their families. ~~This may include participation in the development of rules, and procedures related to 1996 Acts and Resolves No. 160, Medicare and Medicaid, nursing and residential care facilities, adult day centers, special care units, and all community-based services to elders.~~

(4) Provide advice regarding revisions, coordination of services, accountability, and appropriations.

(5) Support the development of expanded community recognition, understanding, and capacity to meet the needs of individuals with Alzheimer's disease and dementia-related disorders. This may include development of new technologies to improve access to information for caregivers and practitioners who provide services throughout the State and identification of new models of service and activities related to expansion of community access to information, education, and service.

(6) Advise and provide written comments to the Departments of Health and of Disabilities, Aging, and Independent Living regarding the development of the State Plan on Aging as it relates to Alzheimer's disease and dementia pursuant to 33 V.S.A. § 6206 and other relevant plans.

\* \* \*

Sec. 2. 33 V.S.A. § 6206 is amended to read:

§ 6206. PLAN FOR COMPREHENSIVE AND COORDINATED SYSTEM OF SERVICES, SUPPORTS, AND PROTECTIONS

(a) At least once every four years, the Department of Disabilities, Aging, and Independent Living shall adopt a State Plan on Aging, as required by the Older Americans Act. The State Plan on Aging shall describe a comprehensive and coordinated system of services, supports, and protections for older Vermonters, including individuals with Alzheimer's disease and related disorders, that is consistent with the principles set forth in section 6202 of this chapter and sets forth the nature, extent, allocation, anticipated funding, and timing of services for older Vermonters. The State Plan on Aging shall also include the following categories:

(1) priorities for continuation of existing programs and development of new programs;

(2) criteria for receiving services or funding;

(3) types of services provided; and

(4) a process for evaluating and assessing each program's success.

(b)(1) The Commissioner shall determine priorities for the State Plan on Aging based on:

(A) information obtained from older Vermonters, their families, and their guardians, if applicable, and from senior centers and service providers;

(B) a comprehensive needs assessment that includes:

(i) demographic information about Vermont residents, including older Vermonters, family caregivers, and kinship caregivers;

(ii) information about existing services used by older Vermonters, family caregivers, and kinship caregivers;

(iii) characteristics of unserved and underserved individuals and populations; and

(iv) the reasons for any gaps in service, including identifying variations in community needs and resources;

(C) a comprehensive evaluation of the services available to older Vermonters across the State, including home- and community-based services, residential care homes, assisted living residences, nursing facilities, senior centers, and other settings in which care is or may later be provided; and

(D) identification of the additional needs and concerns of older Vermonters, their families, and their caregivers in the event of a public health crisis, natural disaster, or other emergency situation.

(2) Following the determination of State Plan on Aging priorities, the Commissioner shall consider funds available to the Department in allocating resources.

(c) At least 60 days prior to adopting the proposed plan, the Commissioner shall submit a draft to the Department's Advisory Board established pursuant to section 505 of this title and the Commission on Alzheimer's Disease and Related Disorders established pursuant to 3 V.S.A. § 3085b for advice and recommendations. The Advisory Board and Commission shall provide the Commissioner with written comments on the proposed plan.

(d) The Commissioner may make annual revisions to the plan as needed. The Commissioner shall submit any proposed revisions to the Department's Advisory Board and to the Commission on Alzheimer's Disease and Related Disorders for comment within the time frames established in subsection (c) of this section.

(e) On or before January 15 of each year, and notwithstanding the provisions of 2 V.S.A. § 20(d), the Department shall report to the House Committee on Human Services, the Senate Committee on Health and Welfare, and the Governor regarding:

(1) implementation of the plan;

(2) the extent to which the system principles set forth in section 6202 of this chapter are being achieved;

(3) based on both qualitative and quantitative data, the extent to which the system has been successful in targeting services to individuals with the greatest economic and social need;

(4) the sufficiency of the provider network and any workforce challenges affecting providers of care or services for older Vermonters; and

(5) the availability of affordable and accessible opportunities for older Vermonters to engage with their communities, such as social events, educational classes, civic meetings, health and exercise programs, and volunteer opportunities.

(f) With regard to individuals with Alzheimer's disease and related disorders, the State Plan on Aging shall address:

(1) home-based care or placements and hospital and long-term care placements and transitions to and from care in home, hospital, and long-term care settings;

(2) support and education for families and caregivers; and

(3) strategies to promote affordable and accessible long-term care and home- and community-based services to individuals with Alzheimer's disease and related disorders.

### Sec. 3. STATE PLAN ON AGING; ALZHEIMER'S DISEASE AND RELATED DISORDERS; ADDENDUM

In preparing the 2023 to 2026 State Plan on Aging pursuant to 33 V.S.A. § 6206, the Department of Disabilities, Aging, and Independent Living shall include as an addendum the State Plan on Alzheimer's Disease and Healthy Aging.

\* \* \* Creation of Public Education Resources and Coordinator \* \* \*

Sec. 4. 33 V.S.A. chapter 62 is amended to read:

CHAPTER 62. SUPPORTS FOR OLDER VERMONTERS ACT

Subchapter 1. Older Vermonters Act

§ 6201. SHORT TITLE

This ~~chapter~~ subchapter may be cited as the “Older Vermonters Act.”

\* \* \*

§ 6203. DEFINITIONS

As used in this ~~chapter~~ subchapter:

\* \* \*

§ 6204. DEPARTMENT OF DISABILITIES, AGING, AND INDEPENDENT LIVING; DUTIES

\* \* \*

(b)(1) The Department shall coordinate strategies to incorporate the principles established in section 6202 of this ~~chapter~~ subchapter into all programs serving older Vermonters.

\* \* \*

(c) The Department’s Advisory Board established pursuant to section 505 of this title shall monitor the implementation and administration of the Older Vermonters Act established by this ~~chapter~~ subchapter.

§ 6205. AREA AGENCIES ON AGING; DUTIES

\* \* \*

(b) In addition to the duties described in subsection (a) of this section, the area agencies on aging shall:

(1) promote the principles established in section 6202 of this ~~chapter~~ subchapter across the agencies’ programs and shall collaborate with stakeholders to educate the public about the importance of each principle;

(2) promote collaboration with a network of service providers to provide a holistic approach to improving health outcomes for older Vermonters; and

(3) use their existing area plans to facilitate awareness of aging issues, needs, and services and to promote the system principles expressed in section 6202 of this ~~chapter~~ subchapter.



§ 6206. PLAN FOR COMPREHENSIVE AND COORDINATED SYSTEM OF SERVICES, SUPPORTS, AND PROTECTIONS

(a) At least once every four years, the Department of Disabilities, Aging, and Independent Living shall adopt a State Plan on Aging, as required by the Older Americans Act. The State Plan on Aging shall describe a comprehensive and coordinated system of services, supports, and protections for older Vermonters that is consistent with the principles set forth in section 6202 of this ~~chapter~~ subchapter and sets forth the nature, extent, allocation, anticipated funding, and timing of services for older Vermonters. The State Plan on Aging shall also include the following categories:

\* \* \*

(e) On or before January 15 of each year, and notwithstanding the provisions of 2 V.S.A. § 20(d), the Department shall report to the House Committee on Human Services, the Senate Committee on Health and Welfare, and the Governor regarding:

(1) implementation of the plan;

(2) the extent to which the system principles set forth in section 6202 of this ~~chapter~~ subchapter are being achieved;

\* \* \*

Subchapter 2. Supports for Individuals with Alzheimer's and Related Disorders

§ 6221. PUBLIC EDUCATION RESOURCES

The Departments of Health and of Disabilities, Aging, and Independent Living shall jointly develop and maintain easily accessible electronic, print, and in-person public education materials and programs on Alzheimer's disease and related disorders that shall serve as a resource for patients, families, caregivers, and health care providers. The Departments shall include information about the State Plan on Aging as well as resources and programs for prevention, care, and support for individuals, families, and communities.

Sec. 5. ALZHEIMER'S DISEASE COORDINATOR

On or before December 15, 2022, the Departments of Health and of Disabilities, Aging, and Independent Living shall submit a plan to the Senate Committee on Health and Welfare and to the House Committee on Human Services to fund a permanent Alzheimer's Disease Coordinator position to be shared between the Departments for the purpose of planning, public education, and coordination as informed by the recommendations of the Commission on Alzheimer's and Related Disorders established pursuant to 3 V.S.A. § 3085b,

the State Plan on Aging required pursuant to 33 V.S.A. § 6206, and other relevant statewide plans on Alzheimer's disease and related disorders.

\* \* \* Expanding Professional Education Opportunities \* \* \*

Sec. 6. PROFESSIONAL EDUCATION OPPORTUNITIES; REPORT

(a) The Chair of the Commission on Alzheimer's Disease and Related Disorders shall appoint at least three members of the Commission to serve as a work group for the purpose of making recommendations to achieve a dementia-capable workforce and promote and expand opportunities for health care and human services providers and first responders to improve the diagnosis, treatment, and care of individual's with Alzheimer's disease and related disorders and to support their families and caregivers. In developing its recommendations, the work group shall consult with relevant stakeholders, including licensing entities related to the professions specified in this subsection.

(b)(1) The work group shall submit its findings and recommendations to the full Commission on or before November 1, 2023.

(2) Upon approval of the full Commission, the work group's findings and recommendations shall be submitted to the Senate Committee on Health and Welfare and to the House Committees on Health Care and on Human Services on or before January 15, 2024.

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

Sec. 7. EFFECTIVE DATES

This act shall take effect on July 1, 2022, except Sec. 2 (plan for comprehensive and coordinated system of services, supports, and protections) shall take effect on January 1, 2023.

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

An act relating to planning and support for individuals and families impacted by Alzheimer's Disease and related disorders.

(Committee vote: 5-0-0)

**Reported favorably by Senator Westman for the Committee on Appropriations.**

The Committee recommends that the bill be amended as recommended by the Committee on Health and Welfare and when so amended ought to pass.

(Committee vote: 6-0-1)

**S. 247.**

An act relating to prohibiting discrimination based on genetic information.

**Reported favorably with recommendation of amendment by Senator Hardy for the Committee on Finance.**

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Genetic Information and Testing \* \* \*

Sec. 1. 18 V.S.A. § 9331 is amended to read:

§ 9331. DEFINITIONS

~~For purposes of~~ As used in this chapter:

\* \* \*

(6) “Genetic information” means the results of genetic testing related to an individual or a family member of the individual contained in any report, interpretation, evaluation, or other record ~~thereof~~.

\* \* \*

Sec. 2. 18 V.S.A. § 9334 is amended to read:

§ 9334. GENETIC TESTING AS A CONDITION OF INSURANCE  
COVERAGE

(a) No policy of insurance offered for delivery or issued in this State shall be underwritten or conditioned on the basis of:

(1) any requirement or agreement of the individual to undergo genetic testing; ~~or~~

(2) genetic information of the individual that may be associated with a potential genetic condition in that individual but that has not resulted in a diagnosed condition in the individual; or

(3) ~~the results of genetic testing~~ information of a member of the individual’s family that may be associated with a potential genetic condition in that family member but that has not resulted in a diagnosed condition in the family member.

\* \* \*

\* \* \* Insurance \* \* \*

Sec. 3. 8 V.S.A. § 3702 is amended to read:

§ 3702. OTHER PROHIBITED PRACTICES

A life insurance company doing business in the State or an agent thereof shall not do any of the following:

(1) ~~issue~~ Issue a policy of insurance or make an agreement other than that plainly expressed in the policy issued to the insured;

(2) ~~pay~~ Pay or allow, or offer to pay or allow, as an inducement to insurance, a rebate or premium payable on the policy;

(3) ~~grant~~ Grant a special favor or advantage in the dividends or other benefits to accrue thereon;

(4) ~~provide~~ Provide any valuable consideration or inducement not specified in the policy.

(5)(A) Condition insurance rates, the provision or renewal of insurance coverage or benefits, or other conditions of insurance for any individual on:

(i) any requirement or agreement of the individual to undergo genetic testing;

(ii) genetic information of the individual that may be associated with a potential genetic condition in that individual but that has not resulted in a diagnosed condition in the individual; or

(iii) genetic information of a member of the individual's family that may be associated with a potential genetic condition in that family member but that has not resulted in a diagnosed condition in the family member.

(B) As used in this subdivision (5), "genetic testing" and "genetic information" have the same meanings as in 18 V.S.A. § 9331.

(6) Request, require, purchase, or use information obtained from an entity providing direct-to-consumer genetic testing without the informed written consent of the individual who has been tested.

Sec. 4. 8 V.S.A. § 4724 is amended to read:

§ 4724. UNFAIR METHODS OF COMPETITION OR UNFAIR OR DECEPTIVE ACTS OR PRACTICES DEFINED

The following are hereby defined as unfair methods of competition or unfair or deceptive acts or practices in the business of insurance:

\* \* \*

(7) Unfair discrimination; arbitrary underwriting action.

\* \* \*

(D) Making or permitting any unfair discrimination against any individual by conditioning insurance rates, the provision or renewal of insurance coverage, or other conditions of insurance based on medical information, ~~including the results of genetic testing~~, where there is not a relationship between the medical information and the cost of the insurance risk that the insurer would assume by insuring the proposed insured. In demonstrating the relationship, the insurer can rely on actual or reasonably anticipated experience. ~~As used in this subdivision, “genetic testing” shall be defined as the term is defined in 18 V.S.A. § 9331(7).~~

\* \* \*

(F)(i) Making or permitting any unfair discrimination against any individual by conditioning insurance rates, the provision or renewal of insurance coverage, or other conditions of insurance on:

(I) any requirement or agreement of the individual to undergo genetic testing;

(II) genetic information of the individual that may be associated with a potential genetic condition in that individual but that has not resulted in a diagnosed condition in the individual; or

(III) genetic information of a member of the individual’s family that may be associated with a potential genetic condition in that family member but that has not resulted in a diagnosed condition in the family member.

(ii) As used in this subdivision (7)(F), “genetic testing” and “genetic information” have the same meanings as in 18 V.S.A. § 9331.

\* \* \*

(22) Genetic testing.

(A) Conditioning insurance rates, the provision or renewal of insurance coverage or benefits, or other conditions of insurance for any individual on:

(i) any requirement or agreement of the individual to undergo genetic testing; or

(ii) genetic information of the individual that may be associated with a potential genetic condition in that individual but that has not resulted in a diagnosed condition in the individual; or

(iii) the results of genetic testing information of a member of the individual's family unless the results are contained in the individual's medical record that may be associated with a potential genetic condition in that family member but that has not resulted in a diagnosed condition in the family member.

(B) As used in this subdivision (22), "genetic testing" shall be defined as the term is defined and "genetic information" have the same meanings as in 18 V.S.A. § 9331(7) 9331.

Sec. 5. 8 V.S.A. § 5115 is amended to read:

§ 5115. DUTY OF NONPROFIT HEALTH MAINTENANCE ORGANIZATIONS

(a) Any nonprofit health maintenance organization subject to this chapter shall offer nongroup plans to individuals in accordance with section 4080b of this title without discrimination based on age, gender, industry, genetic information, and medical history, except as allowed by subdivisions 4080a(h)(2)(B) and 4080b(h)(2)(B) of this title pursuant to 33 V.S.A. § 1811(f)(2)(A).

(b) As used in this section, "genetic information" has the same meaning as in 18 V.S.A. § 9331.

Sec. 6. 8 V.S.A. § 8086 is amended to read:

§ 8086. PREEXISTING CONDITIONS; GENETIC TESTING

\* \* \*

(b)(1) No long-term care insurance policy or certificate may exclude coverage for a loss or confinement which that is the result of a preexisting condition, unless such the loss or confinement begins within six months following the effective date of coverage of an insured person.

(2)(A) No long-term care insurance policy or certificate may condition insurance rates, the provision or renewal of insurance coverage or benefits, or other conditions of insurance for any individual on:

(i) any requirement or agreement of the individual to undergo genetic testing;

(ii) genetic information of the individual that may be associated with a potential genetic condition in that individual but that has not resulted in a diagnosed condition in the individual; or

(iii) genetic information of a member of the individual's family that may be associated with a potential genetic condition in that family member but that has not resulted in a diagnosed condition in the family member.

(B) As used in this subdivision (2), "genetic testing" and "genetic information" have the same meanings as in 18 V.S.A. § 9331.

\* \* \*

\* \* \* Social and Medical Services \* \* \*

Sec. 7. 8 V.S.A. § 4588 is amended to read:

§ 4588. ANNUAL REPORT TO COMMISSIONER

(a) Annually, on or before March 1, a medical service corporation shall file with the Commissioner of Financial Regulation a statement sworn to by the president and treasurer of the corporation showing its condition on December 31, which shall be in such form and contain such matters as the Commissioner shall prescribe. To qualify for the tax exemption set forth in section 4590 of this title, the statement shall include a certification that the medical service corporation operates on a nonprofit basis for the purpose of providing an adequate medical service plan to individuals of the State, both groups and nongroups, without discrimination based on age, gender, geographic area, industry, genetic information, and medical history, except as allowed ~~by subdivisions 4080a(h)(2)(B) and 4080b(h)(2)(B) of this title pursuant to 33 V.S.A. § 1811(f)(2)(A).~~

(b) As used in this section, "genetic information" has the same meaning as in 18 V.S.A. § 9331.

Sec. 8. 8 V.S.A. § 4516 is amended to read:

§ 4516. ANNUAL REPORT TO COMMISSIONER

(a) Annually, on or before March 1, a hospital service corporation shall file with the Commissioner of Financial Regulation a statement sworn to by the president and treasurer of the corporation showing its condition on December 31. The statement shall be in such form and contain such matters as the Commissioner shall prescribe. To qualify for the tax exemption set forth in section 4518 of this title, the statement shall include a certification that the hospital service corporation operates on a nonprofit basis for the purpose of providing an adequate hospital service plan to individuals of the State, both

groups and nongroups, without discrimination based on age, gender, geographic area, industry, genetic information, and medical history, except as allowed by ~~subdivisions 4080a(h)(2)(B) and 4080b(h)(2)(B)~~ of this title pursuant to 33 V.S.A. § 1811(f)(2)(A).

(b) As used in this section, “genetic information” has the same meaning as in 18 V.S.A. § 9331.

Sec. 9. 33 V.S.A. § 101 is amended to read:

§ 101. POLICY

It is the policy of the State of Vermont that:

\* \* \*

(3) Assistance and benefits shall be administered promptly, with due regard for the preservation of family life, and without restriction of individual rights or discrimination on account of race, religion, political affiliation, genetic information, or place of residence within the State.

\* \* \*

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

Sec. 10. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

(Committee vote: 7-0-0)

**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.

Heather J. Gray of Queeche – Superior Court Judge – By Sen. Nitka for the Committee on Judiciary. (2/25/22)

Justin Patrick Jiron of Underhill – Superior Court Judge – By Sen. Baruth for the Committee on Judiciary. (2/25/22)



Howard A. Kalfus of Colchester – Superior Court Judge – By Sen. Benning for the Committee on Judiciary. (2/25/22)

Elizabeth Novotny of Jericho - Superior Court Judge – By Sen. White for the Committee on Judiciary. (3/10/22)

### **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 #3087** – \$663,538 to the VT Department of Financial Regulation from the Centers for Medicare and Medicaid Services. Funds will be used to analyze Vermont’s current health insurance options to ensure coverage is accessible to all Vermonters, and to develop an action plan if necessary. Includes one (1) limited-service position, Grant Manager and Health Policy Analyst, funded through 9/14/2023.

***[NOTE: The Department of Financial Regulation signed an RFP with an actuarial firm to start looking at the benchmark in September 2021. The work being performed now is planned on being paid for with grant funds.]***

*[Received February 10, 2022]*

**JFO #3088** – \$896,945 to the VT Judiciary from the U.S. Office of Justice Programs. Funds will be used to support The Chittenden County Family Treatment Docket which opened for referrals in March 2021. The initial limited launch was intended to capture what areas require additional technical assistance from our national best practice standards partner, Children and Family Futures. Funding is needed to sustain operation and expand service to a larger number of at-risk families. Includes one (1) limited-service position, Treatment Court Coordinator, funded through 09/2024.

*[Received February 10, 2022]*

**JFO #3089** - \$6,589,481 to the VT Agency of Human Services, Dept of Disabilities, Aging and Independent Living from U.S. Dept of Education. Funds to establish a system and to provide support for 500 Vermonters with disabilities to achieve credentials leading to high-wage employment. Includes eight (8) limited-service positions: one (1) Project Director; six (6) VR Counselor/Career Navigator; one (1) Assistive Technology Specialist funded through 9/30/2026.

*[Received February 17, 2022, expedited review requested February 17, 2022]*

**JFO #3090** –Three (3) limited-service positions: Military Project Manager. Positions needed to replace Federal personnel reductions in project management and program management staffing levels. VT Military confirms the positions are fully funded through the Master Cooperative Agreement through 9/30/24.

*[Received February 17, 2022]*

**JFO #3091** - \$60,528 to the VT Department of Public Safety from the National Governor’s Association to fund the Agency of Digital Services staff to assist the Department of Public Safety with IT concerns specific to improving multi-agency information sharing and governance.

*[Received February 17, 2022]*

### **FOR INFORMATION ONLY**

#### **CROSSOVER DATES**

The Joint Rules Committee established the following Crossover deadlines:

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

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

**Note:** The Senate will not act on bills that do not meet these crossover deadlines, without the consent of the Senate Rules Committee.

**Exceptions to the foregoing deadlines include the major money bills (the general Appropriations bill (“The Big Bill”), the Transportation Capital bill, the Capital Construction bill and the Fee/Revenue bills).**