

Senate Calendar

WEDNESDAY, APRIL 27, 2022

SENATE CONVENES AT: 10:00 A.M.

TABLE OF CONTENTS

Page No.

ACTION CALENDAR

CONSIDERATION POSTPONED UNTIL APRIL 27, 2022

Third Reading

H. 411 An act relating to the retrieval and use of covered wild animals....	3249
Amendment - Sen. Parent	3249
Amendment - Sen. Bray	3249

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.....	3250
---	------

Pending question: Shall the bill pass, notwithstanding the Governor's refusal to approve the bill?

Text of the veto message.....	3250
Bill as passed by Senate and House.....	3251

UNFINISHED BUSINESS OF APRIL 20, 2022

GOVERNOR'S VETO

S. 79 An act relating to improving rental housing health and safety.....	3254
---	------

Pending question: Shall the bill pass, notwithstanding the Governor's refusal to approve the bill?

Text of the veto message.....	3254
Bill as passed by Senate and House.....	3256

UNFINISHED BUSINESS OF APRIL 25, 2022

Second Reading

Favorable with Proposal of Amendment

- H. 517** An act relating to the Vermont National Guard Tuition Benefit Program
Education Report - Sen. Chittenden 3278
Appropriations Report - Sen. Starr 3285
- H. 553** An act relating to eligibility of domestic partners for reimbursement from the Victims Compensation Program
Judiciary Report - Sen. Sears 3285
Appropriations Report - Sen. Sears 3285
- H. 661** An act relating to licensure of mental health professionals
Government Operations Report - Sen. White 3286
Appropriations Report - Sen. Starr 3286
- H. 720** An act relating to the system of care for individuals with developmental disabilities
Health and Welfare Report - Sen. Hooker 3287
Appropriations Report - Sen. Westman 3293

House Proposal of Amendment to Senate Proposal of Amendment

- H. 447** An act relating to approval of amendments to the charter of the Town of Springfield..... 3294

UNFINISHED BUSINESS OF APRIL 26, 2022

Second Reading

Favorable

- H. 287** An act relating to patient financial assistance policies and medical debt protection
Health and Welfare Report - Sen. Hooker 3295

Favorable with Proposal of Amendment

- H. 739** An act relating to capital construction and State bonding budget adjustment
Institutions Report - Sen. Benning 3295
Appropriations Report - Sen. Starr 3307

NEW BUSINESS

Third Reading

H. 266 An act relating to health insurance coverage for hearing aids.....	3307
H. 293 An act relating to creating the State Youth Council.....	3308
H. 462 An act relating to miscellaneous Department of Health programs.....	3308
Amendment - Sens. Terenzini, et al	3308
H. 505 An act relating to reclassification of penalties for unlawfully possessing, dispensing, and selling a regulated drug.....	3308
H. 515 An act relating to banking, insurance, and securities.....	3308
H. 655 An act relating to telehealth licensure and registration and to provisional licensure for professions regulated by the Office of Professional Regulation.....	3308
H. 741 An act relating to approval of amendments to the charter of the City of St. Albans.....	3308
H. 744 An act relating to approval of an amendment to the charter of the City of Burlington.....	3308

NOTICE CALENDAR

Second Reading

Favorable

H. 482 An act relating to the Petroleum Cleanup Fund Natural Resources and Energy Report - Sen. Bray	3308
H. 606 An act relating to community resilience and biodiversity protection Natural Resources and Energy Report - Sen. Bray	3309

Favorable with Proposal of Amendment

H. 96 An act relating to creating the Truth and Reconciliation Commission Government Operations Report - Sen. Ram Hinsdale	3309
H. 464 An act relating to miscellaneous changes to the Reach Up Program Health and Welfare Report - Sen. Cummings	3320
Appropriations Report - Sen. Westman	3324
H. 715 An act relating to the Clean Heat Standard Natural Resources and Energy Report - Sen. Bray	3324
Appropriations Report - Sen. Nitka	3340

H. 729 An act relating to miscellaneous judiciary procedures	
Judiciary Report - Sen. Sears	3341
Finance Report - Sen. Hardy	3356
Appropriations Report - Sen. Sears	3356
Amendment - Sens. Sears, et al	3356
Amendment - Sens. Sears and Baruth	3358

House Proposal of Amendment

S. 206 An act relating to planning and support for individuals and families impacted by Alzheimer's Disease and related disorders.....	3358
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ORDERS OF THE DAY

ACTION CALENDAR

CONSIDERATION POSTPONED UNTIL APRIL 27, 2022

Third Reading

H. 411.

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

Pending Question: Shall the Senate propose to the House to amend the bill as proposed by Senator Parent?

**Proposal of amendment to H. 411 to be offered by Senator Parent before
Third Reading**

Senator Parent moves that the Senate propose to the House to amend the bill as follows:

First: In Sec. 1, 10 V.S.A. chapter 113, subchapter 7, in section 4921, subdivision (1), by striking out “, fur-bearing animal, or crow” and inserting in lieu thereof , or fur-bearing animal

Second: In Sec. 1, 10 V.S.A. chapter 113, subchapter 7, in section 4921, subdivision (3) after “the covered wild animal itself is” and before “decayed, rotting, diseased”, by inserting damaged, destroyed,

Third: In Sec. 1, 10 V.S.A. chapter 113, subchapter 7, in section 4923, subsection (a), in the first sentence, after “processed for its fur, hide,” and before “or feathers”, by inserting bones,

Fourth: In Sec. 1, 10 V.S.A. chapter 113, subchapter 7, in section 4924, subdivision (5), after “retrieval of a covered wild animal” and before “when a practice is”, by inserting , including

**Proposal of amendment to H. 411 to be offered by Senator Bray before
Third Reading**

Senator Bray moves that the Senate propose to the House to amend the bill in Sec. 1, 10 V.S.A. chapter 113, subchapter 7, section 4922, retrieval of covered wild animals, after “A person shall not” and before “kill a covered wild animal” by striking out “intentionally, knowingly, or recklessly” and inserting in lieu thereof the words intentionally or knowingly

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 APRIL 20, 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.)

The text of the Communication from His Excellency, The Governor, whereby he *vetoed* and returned unsigned **Senate Bill No. S. 79** to the Senate is as follows:

Text of Communication from Governor

“July 2, 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.79, *An Act Relating to Improving Rental Housing and Safety*, without my signature because I believe this bill would reduce the number of housing options for Vermonters at a time when we are grappling with a critical housing shortage. While we all want safe housing and lodging options for Vermonters and visitors, in my opinion this bill does not accomplish this shared goal.

As you well know, I have repeatedly advocated for improving Vermont’s aging long-term rental housing stock, which is why we used pandemic emergency housing relief and other funds to initiate innovative housing programs like the Vermont Rental Housing Investment Program and the

Vermont Homeownership Revolving Loan Fund. Fortunately, these programs can move forward despite this veto with the dedicated funding included in the Fiscal Year 2022 appropriations bill.

Most agree we suffer from a critical housing shortage for middle income, low income and homeless Vermonters, but the solution is not more regulation. Instead, we need to invest in new and rehabilitated housing in every corner of our state. We need to lower costs to make housing more affordable and we need to ease complicated and duplicative permitting requirements while we have the funding to grow and improve our housing stock. This is what I have proposed since my first year as governor and I will continue to do so.

S.79 targets all rental units in all types of buildings and dwellings with few exceptions. I believe this will discourage everyday Vermonters from offering their homes, rooms or summer cabins for rent, not as a primary business but as a means to supplement their income so they can pay their mortgage as well as their property taxes.

Adding additional restrictions, costs and hoops to jump through will not only reduce the number of long-term rentals, but also short-term lodging options when we have a surge in tourists, including foliage and ski seasons. Tourists and visitors having more lodging options when deciding where to stay makes Vermont more competitive and helps our economy.

I am willing to work with the Legislature to modernize our statewide life safety inspection model and initiate a long-term rental registry if we include the following provisions:

- First, I would support a rental housing registry for only those buildings which exceed two dwelling units available for rental for more than 120 days per year. This will ensure we are differentiating between those renting a unit merely to support household expenses, and more professional landlords operating a rental business.
- Second, the health safety inspection obligations transferred in S.79 to the Division of Fire Safety are an expansion of DFS fire safety inspection obligations to include health inspections. This also expands the responsibility for health code inspections from a local “complaint-based” system to the mandatory statewide inspection authority of DFS. Further, S.79 takes away the existing discretion of DFS to determine if a violation merits shutting a residence down for rental. Under S.79, one uncorrected health or safety violation will make a unit unavailable. There must be a commonsense risk consideration added.

I also believe we need more thorough consideration of timelines, resource needs, regulatory flexibility for DFS, training needs for local health officials and impacts on rental housing resources before transferring total oversight to DFS. The bill currently includes five new positions to carry out much of this work. Truly fulfilling the bill's mandate would require an even more costly expansion of the bureaucracy in the future, which I could not support. Perhaps Senator Brock's amendment could be considered a bridge to longer-term modernization.

- Third, I ask the Legislature to continue to support the Vermont Rental Housing Investment Program and the Vermont Homeownership Revolving Loan Fund, which, again, will move forward with funding from the FY22 budget.
- Finally, I also believe we must work together on Act 250 reforms and permitting, especially in light of our unprecedented housing investments. My Administration will make themselves available at any time over the summer and fall to discuss potential paths forward.

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

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.79 An act relating to improving rental housing health and safety

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

* * * Department of Public Safety; Authority for Rental Housing
Health and Safety * * *

Sec. 1. 20 V.S.A. chapter 173 is amended to read:

**CHAPTER 173. PREVENTION AND INVESTIGATION OF FIRES;
PUBLIC BUILDINGS; HEALTH AND SAFETY; ENERGY STANDARDS**

* * *

Subchapter 2. Division of Fire Safety; Public Buildings; Building Codes;
Rental Housing Health and Safety; Building Energy Standards

* * *

§ 2729. GENERAL PROVISIONS; FIRE SAFETY; CARBON MONOXIDE

(a) A person shall not build or cause to be built any structure that is unsafe or likely to be unsafe to other persons or property in case of fire or generation and leakage of carbon monoxide.

(b) A person shall not maintain, keep or operate any premises or any part thereof, or cause or permit to be maintained, kept, or operated, any premises or part thereof, under his or her control or ownership in a manner that causes or is likely to cause harm to other persons or property in case of fire or generation and leakage of carbon monoxide.

(c) On premises under a person's control, excluding single family owner-occupied houses and premises, that person shall observe rules adopted under this subchapter for the prevention of fires and carbon monoxide leakage that may cause harm to other persons or property.

(d) Any condominium or multiple unit dwelling using a common roof, or row houses so-called, or other residential buildings in which people sleep, including hotels, motels, and tourist homes, excluding single family owner-occupied houses and premises, whether the units are owned or leased or rented, shall be subject to the rules adopted under this subchapter and shall be provided with one or more carbon monoxide detectors, as defined in 9 V.S.A. § 2881(3), properly installed according to the manufacturer's requirements.

§ 2730. DEFINITIONS

(a) As used in this subchapter, "public building" means:

* * *

(D) a building in which people rent accommodations, whether overnight or for a longer term, including "rental housing" as defined in subsection (f) of this section;

* * *

(2) Use of any portion of a building in a manner described in this subsection shall make the entire building a "public building" for purposes of this subsection. For purposes of this subsection, a "person" does not include an individual who is directly related to the employer and who resides in the employment-related building.

(b) The term "public building" does not include:

(1) An owner-occupied single family residence, unless used for a purpose described in subsection (a) of this section.

* * *

~~(4) A single family residence with an accessory dwelling unit as permitted under 24 V.S.A. § 4406(4)(D). [Repealed.]~~

* * *

(f) “Rental housing” means housing that is leased or offered for lease and includes a “dwelling unit” as defined in 9 V.S.A. § 4451 and a “short-term rental” as defined in 18 V.S.A. § 4301.

§ 2731. RULES; INSPECTIONS; VARIANCES

(a) Rules.

(1) The Commissioner is authorized to adopt rules regarding the construction, health, safety, sanitation, and fitness for habitation of buildings, maintenance and operation of premises, and prevention of fires and removal of fire hazards, and to prescribe standards necessary to protect the public, employees, and property against harm arising out of or likely to arise out of fire.

* * *

(b) Inspections.

(1) The Commissioner shall conduct inspections of premises to ensure that the rules adopted under this subchapter are being observed and may establish priorities for enforcing these rules and standards based on the relative risks to persons and property ~~from fire~~ of particular types of premises.

(2) The Commissioner may also conduct inspections to ensure that buildings are constructed in accordance with approved plans and drawings.

(3) When conducting an inspection of rental housing, the Commissioner shall:

(A) issue a written inspection report on the unit or building that:

(i) contains findings of fact that serve as the basis of one or more violations;

(ii) specifies the requirements and timelines necessary to correct a violation;

(iii) provides notice that the landlord is prohibited from renting the affected unit to a new tenant until the violation is corrected; and

(iv) provides notice in plain language that the landlord or agents of the landlord must have access to the rental unit to make repairs as ordered by the Commissioner consistent with the access provisions in 9 V.S.A. § 4460;

(B) provide a copy of the inspection report to the landlord, to the person who requested the inspection, and to any tenants who are affected by a violation:

(i) electronically, if the Department has an electronic mailing address for the person; or

(ii) by first-class mail, if the Department does not have an electronic mailing address for the person;

(C) if an entire building is affected by a violation, provide a notice of inspection directly to the individual tenants, and may also post the notice in a common area, that specifies:

(i) the date of the inspection;

(ii) that violations were found and must be corrected by a certain date;

(iii) how to obtain a copy of the inspection electronically or by first-class mail; and

(iv) if the notice is posted in a common area, that the notice shall not be removed until authorized by the Commissioner;

(D) make the inspection report available as a public record.

* * *

§ 2733. ORDERS TO REPAIR, REHABILITATE, OR REMOVE STRUCTURE

(a)(1) Whenever the ~~commissioner~~ Commissioner finds that premises or any part of them does not meet the standards adopted under this subchapter, the ~~commissioner~~ Commissioner may order it repaired or rehabilitated.

(2) If ~~it~~ the premises is not repaired or rehabilitated within a reasonable time as specified by the ~~commissioner~~ Commissioner in his or her order, the ~~commissioner~~ Commissioner may order the premises or part of them closed, if by doing so the public safety will not be imperiled; otherwise he or she shall order demolition and removal of the structure, or fencing of the premises.

(3) Whenever a violation of the rules is deemed to be imminently hazardous to persons or property, the ~~commissioner~~ Commissioner shall order the violation corrected immediately.

(4) If the violation is not corrected, the ~~commissioner~~ Commissioner may ~~then~~ order the premises or part of them immediately closed and to remain closed until the violation is corrected.

(b) Whenever a structure, by reason of age, neglect, want of repair, action of the elements, destruction, either partial or total by fire or other casualty or other cause, is so dilapidated, ruinous, decayed, filthy, unstable, or dangerous as to constitute a material menace or damage in any way to adjacent property, or to the public, and has so remained for a period of not less than one week, the ~~commissioner~~ Commissioner may order such structure demolished and removed.

(c) Orders issued under this section shall be served by certified mail with return receipt requested or in the discretion of the ~~commissioner~~ Commissioner, shall be served in the same manner as summonses are served under the Vermont Rules of Civil Procedure promulgated by the ~~supreme court~~ Supreme Court, to all persons who have a recorded interest in the property recorded in the place where land records for the property are recorded, and to all persons who will be temporarily or permanently displaced by the order, including owners, tenants, mortgagees, attaching creditors, lien holders, and public utilities or water companies serving the premises.

§ 2734. PENALTIES

(a)(1) A person who violates any provision of this subchapter or any order or rule issued pursuant thereto shall be fined not more than \$10,000.00.

(2) The ~~state's attorney~~ State's Attorney of the county in which such violation occurs shall prosecute the violation and may commence a proceeding in the ~~superior court~~ Superior Court to compel compliance with such order or rule, and such court may make orders and decrees therein by way of writ of injunction or otherwise.

(b)(1) A person who fails to comply with a lawful order issued under authority of this subchapter in case of sudden emergency shall be fined not more than \$20,000.00.

(2) A person who fails to comply with an order requiring notice shall be fined \$200.00 for each day's neglect commencing with the effective date of such order or the date such order is finally determined if an appeal has been filed.

(c)(1) The ~~commissioner~~ Commissioner may, after notice and opportunity for hearing, assess an administrative penalty of not more than \$1,000.00 for each violation of this subchapter or any rule adopted under this subchapter.

(2) Penalties assessed pursuant to this subsection shall be based on the severity of the violation.

(3) An election by the ~~commissioner~~ Commissioner to proceed under this subsection shall not limit or restrict the ~~commissioner's~~ Commissioner's authority under subsection (a) of this section.

(d) Violation of any rule adopted under this subchapter shall be prima facie evidence of negligence in any civil action for damage or injury ~~which~~ that is the result of the violation.

* * *

§ 2736. MUNICIPAL ENFORCEMENT

(a)(1) The legislative body of a municipality may appoint one or more trained and qualified officials and may establish procedures to enforce rules and standards adopted under subsection 2731(a) of this title.

(2) After considering the type of buildings within the municipality, if the ~~commissioner~~ Commissioner determines that the training, qualifications, and procedures are sufficient, he or she may assign responsibility to the municipality for enforcement of some or all of these rules and standards.

(3) The ~~commissioner~~ Commissioner may also assign responsibility for enforcement of the rules of the access board adopted under section 2902 of this title.

(4) The ~~commissioner~~ Commissioner shall provide continuing review, consultation, and assistance as may be necessary.

(5) The assignment of responsibility may be revoked by the ~~commissioner~~ Commissioner after notice and an opportunity for hearing if the ~~commissioner~~ Commissioner determines that the training, qualifications, or procedures are insufficient.

(6) The assignment of responsibility shall not affect the ~~commissioner's~~ Commissioner's authority under this subchapter.

(b) If a municipality assumes responsibility under subsection (a) of this section for performing any functions that would be subject to a fee established under subsection 2731(a) of this title, the municipality may establish and collect reasonable fees for its own use, and no fee shall be charged for the benefit of the ~~state~~ State.

(c)(1) Subject to rules adopted under section 2731 of this title, municipal officials appointed under this section may enter any premises in order to carry out the responsibilities of this section.

(2) The officials may order the repair, rehabilitation, closing, demolition, or removal of any premises to the same extent as the ~~commissioner~~ Commissioner may under section 2732 of this title.

(d) Upon a determination by the ~~commissioner~~ Commissioner that a municipality has established sufficient procedures for granting variances and exemptions, such variances and exemptions may be granted to the same extent authorized under subsection 2731(b) of this title.

(e) The results of all activities conducted by municipal officials under this section shall be reported to the ~~commissioner~~ Commissioner periodically upon request.

(f) Nothing in this section shall be interpreted to decrease the authority of municipal officials under other laws, including laws concerning building codes and laws concerning housing codes.

* * *

§ 2738. FIRE PREVENTION AND BUILDING INSPECTION SPECIAL FUND

(a) The fire prevention and building inspection special fund revenues shall be from the following sources:

(1) fees relating to construction and inspection of public building and fire prevention inspections under section 2731 of this title;

(2) fees relating to boilers and pressure vessels under section 2883 of this title;

(3) fees relating to electrical installations and inspections and the licensing of electricians under 26 V.S.A. §§ 891-915;

(4) fees relating to cigarette certification under section 2757 of this title; and

(5) fees relating to plumbing installations and inspections and the licensing of plumbers under 26 V.S.A. §§ 2171-2199.

(b) Fees collected under subsection (a) of this section shall be available to the ~~department of public safety~~ Department of Public Safety to offset the costs of the ~~division of fire safety~~ Division of Fire Safety.

(c) The ~~commissioner of finance and management~~ Commissioner of Finance and Management may anticipate receipts to this fund and issue warrants based thereon.

* * *

* * * State Rental Housing Registry; Registration Requirement * * *

Sec. 2. 3 V.S.A. § 2478 is added to read:

§ 2478. STATE RENTAL HOUSING REGISTRY; HOUSING DATA

(a) The Department of Housing and Community Development, in coordination with the Division of Fire Safety, the Department of Health, the Enhanced 911 Board, and the Department of Taxes, shall create and maintain a registry of the rental housing in this State, which includes a “dwelling unit” as defined in 9 V.S.A. § 4451 and a “short-term rental” as defined in 18 V.S.A. § 4301.

(b) The Department of Housing and Community Development shall require for each unit that is registered the following data:

(1) the name and mailing address of the owner, landlord, and property manager of the unit, as applicable;

(2) the phone number and electronic mail address of the owner, landlord, and property manager of the unit, as available;

(3) location of the unit;

(4) year built;

(5) type of rental unit;

(6) number of units in the building;

(7) school property account number;

(8) accessibility of the unit; and

(9) any other information the Department deems appropriate.

(c) Upon request of the Department of Housing and Community Development, and at least annually, a municipal, district, or other local government entity that operates a rental housing health and safety program that requires registration of a rental housing unit and a fee for inclusion on the registry shall provide to the Department the data for each unit that is required pursuant to subsection (b) of this section.

(d)(1) The data the Department collects pursuant to this section is exempt from public inspection and copying pursuant to 1 V.S.A. § 317(c)(1), and the Department shall not disclose such data except as provided in subdivision (2) of this subsection.

(2) The Department:

(A) may disclose data it collects pursuant to this section to other State, municipal, or regional government entities; to nonprofit organizations; or to other persons for the purposes of protecting public health and safety;

(B) shall not disclose data it collects pursuant to this section for a commercial purpose; and

(C) shall require, as a condition of receiving data collected pursuant to this section, that a person to whom the Department discloses the data takes necessary steps to protect the privacy of persons whom the data concerns, to protect the data from further disclosure and to comply with subdivision (B) of this subsection (d).

Sec. 3. 3 V.S.A. § 2479 is added to read:

§ 2479. RENTAL HOUSING REGISTRATION

(a) Registration. Except as otherwise provided in subsection (b) of this section, annually, on or before March 1, the owner of each unit of rental housing that in the previous year was leased or offered for lease as a dwelling unit, as defined in 9 V.S.A. § 4451, or was a “short-term rental,” as defined in 18 V.S.A. § 4301, shall:

(1) register with the Department of Housing and Community Development and provide the information required by subsection 2478(b) of this title; and

(2) pay to the Department an annual registration fee of \$35.00 per unit.

(b) Exceptions.

(1) Unit registered with another program.

(A) The registration requirement imposed in subdivision (a)(1) of this section does not apply to a unit that is currently registered with a municipal, district, or other local government rental housing health and safety program that requires the owner to register the unit and provide the data required in subsection 2478(b) of this title.

(B) The fee requirement imposed in subdivision (a)(2) of this section does not apply to a unit that is currently registered with a municipal, district, or other local government rental housing health and safety program that requires the owner to register the unit and provide the data required in subsection 2478(b) of this title and for which program the owner is required to pay a registration fee.

(2) Mobile homes.

(A) The registration requirement imposed in subdivision (a)(1) of this section does not apply to a mobile home lot within a mobile home park if:

(i) the owner has registered the lot with the Department of Housing and Community Development; and

(ii) the owner does not own a mobile home on the lot.

(B) An owner of a mobile home lot within a mobile home park who has registered the lot with the Department and who owns a mobile home on the lot that is available for rent or rented shall register the property with the Department pursuant to subdivision (a)(1) of this section and pay a fee equal to the fee required by subdivision (a)(2) of this section less any fee paid within the previous 12 months pursuant to 10 V.S.A. § 6254(c).

(C) An owner of a mobile home who rents the mobile home, whether or not located in a mobile home park, shall register pursuant to this section.

(3) Unit not offered to general public. The registration and fee requirements imposed in subsection (a) of this section do not apply to a unit that an owner provides to another person, whether or not for consideration, if, and only to the extent that, the owner does not otherwise make the unit available for lease to the general public, and includes:

(A) housing provided to a member of the owner's family or personal acquaintances;

(B) housing provided to a person who is not related to a member of the owner's household and who occupies the housing as part of a nonprofit homesharing program; and

(C) housing provided to a person who provides personal care to the owner or a member of the owner's household.

(4) Housing provided as a benefit of farm employment. The registration and fee requirements imposed in subsection (a) of this section do not apply to a unit of housing that is provided as a benefit of farm employment, as defined in 9 V.S.A. § 4469a(a)(3).

(c) Rental Housing Safety Special Fund. The Department of Housing and Community Development shall maintain the fees collected pursuant to this section in a special fund entitled the Rental Housing Safety Special Fund, the proceeds of which the Department shall use:

(1) to hire authorized staff to administer the registry and registration requirements imposed in this section and in section 2478 of this title; and

(2) to provide funding to the Department of Public Safety to hire authorized staff to conduct inspections and regulate rental housing pursuant to 20 V.S.A. chapter 173, subchapter 2.

* * * Penalty for Failure to Register * * *

Sec. 3a. 3 V.S.A. § 2479(d) is added to read:

(d) Penalty. The Department shall impose an administrative penalty of not more than \$200.00 per unit for an owner of rental housing who knowingly fails to register or pay the fee required pursuant to this section.

* * * Registration; Prospective Repeal * * *

Sec. 3b. REPEAL

3 V.S.A. § 2479(b)(4) (exemption for housing provided as a benefit of farm employment) is repealed.

* * * Positions Authorized * * *

Sec. 4. DEPARTMENT OF PUBLIC SAFETY; POSITIONS

(a) The Department of Public Safety is authorized to create five full-time, classified Inspector positions in order to conduct rental housing health and safety inspections and enforcement pursuant to 20 V.S.A. chapter 173, subchapter 2.

(b) In fiscal year 2022, the amount of \$100,000.00 is appropriated from the General Fund to the Department of Public Safety as one-time startup funding to hire one or more Inspector positions authorized pursuant to subsection (a) of this section.

(c) The Department may hire additional Inspectors authorized by this section to the extent funds become available from the Rental Housing Safety Special Fund created and maintained pursuant to 3 V.S.A. § 2479.

Sec. 5. DEPARTMENT OF HOUSING AND COMMUNITY
DEVELOPMENT; POSITIONS

(a) The Department of Housing and Community Development is authorized to create one full-time classified position and one half-time classified position to administer and enforce the registry requirements created in 3 V.S.A. § 2478.

(b) In fiscal year 2022, the amount of \$300,000.00 is appropriated from the General Fund to the Department of Housing and Community Development as one-time startup funding to hire one or more of the positions authorized pursuant to subsection (a) of this section.

(c) The Department may hire additional staff authorized by this section to the extent funds become available from the Rental Housing Safety Special Fund created and maintained pursuant to 3 V.S.A. § 2479.

* * * Conforming Changes to Current Law Governing the Department of Health, State Board of Health, and Local Health Officials * * *

Sec. 6. 18 V.S.A. chapter 11 is amended to read:

CHAPTER 11. LOCAL HEALTH OFFICIALS

* * *

§ 602a. DUTIES OF LOCAL HEALTH OFFICERS

(a) A local health officer, within his or her jurisdiction, shall:

(1) ~~upon request of a landlord or tenant, or upon receipt of information regarding a condition that may be a public health hazard, conduct an investigation;~~

(2) enforce the provisions of this title, the rules promulgated, and permits issued thereunder;

(3) prevent, remove, or destroy any public health hazard; or mitigate any significant public health risk in accordance with the provisions of this title;

(4) in consultation with the Department, take the steps necessary to enforce all orders issued pursuant to chapter 3 of this title; and

(5) have the authority to assist the Division of Fire Safety in inspecting rental housing pursuant to 20 V.S.A. chapter 173, subchapter 2, provided that if the local health officer inspects a rental property without an inspector from the Division, the officer shall issue an inspection report in compliance with 20 V.S.A § 2731(b).

(b) Upon discovery of violation or a public health hazard or public health risk that involves a public water system, a food or lodging establishment, or any other matter regulated by Department rule, the local health officer shall immediately notify the Division of Environmental Health. Upon discovery of any other violation, public health hazard, or public health risk, the local health officer shall notify the Division of Environmental Health within 48 hours of discovery of such violation or hazard and of any action taken by the officer.

~~§ 603. RENTAL HOUSING SAFETY; INSPECTION REPORTS~~

~~(a)(1) When conducting an investigation of rental housing, a local health officer shall issue a written inspection report on the rental property using the protocols for implementing the Rental Housing Health Code of the Department~~

~~or the municipality, in the case of a municipality that has established a code enforcement office.~~

~~(2) A written inspection report shall:~~

~~(A) contain findings of fact that serve as the basis of one or more violations;~~

~~(B) specify the requirements and timelines necessary to correct a violation;~~

~~(C) provide notice that the landlord is prohibited from renting the affected unit to a new tenant until the violation is corrected; and~~

~~(D) provide notice in plain language that the landlord and agents of the landlord must have access to the rental unit to make repairs as ordered by the health officer consistent with the access provisions in 9 V.S.A. § 4460.~~

~~(3) A local health officer shall:~~

~~(A) provide a copy of the inspection report to the landlord and any tenants affected by a violation by delivering the report electronically, in person, by first class mail, or by leaving a copy at each unit affected by the deficiency; and~~

~~(B)(i) if a municipality has established a code enforcement office, provide information on each inspection according to a schedule and in a format adopted by the Department in consultation with municipalities that have established code enforcement offices; or~~

~~(ii) if a municipality has not established a code enforcement office, provide information on each inspection to the Department within seven days of issuing the report using an electronic system designed for that purpose, or within 14 days by mail if the municipality is unable to utilize the electronic system.~~

~~(4) If an entire property is affected by a violation, the local health officer shall post a copy of the inspection report in a common area of the property and include a prominent notice that the report shall not be removed until authorized by the local health officer.~~

~~(5) A municipality shall make an inspection report available as a public record.~~

~~(b)(1) A local health officer may impose a civil penalty of not more than \$200.00 per day for each violation that is not corrected by the date provided in the written inspection report, or when a unit is re-rented to a new tenant prior to the correction of a violation.~~

~~(2)(A) If the cumulative amount of penalties imposed pursuant to this subsection is \$800.00 or less, the local health officer, Department of Health, or State's Attorney may bring a civil enforcement action in the Judicial Bureau pursuant to 4 V.S.A. chapter 29.~~

~~(B) The waiver penalty for a violation in an action brought pursuant to this subsection is 50 percent of the full penalty amount.~~

~~(3) If the cumulative amount of penalties imposed pursuant to this subsection is more than \$800.00, or if injunctive relief is sought, the local health officer, Department of Health, or State's Attorney may commence an action in the Civil Division of the Superior Court for the county in which a violation occurred.~~

~~(c) If a local health officer fails to conduct an investigation pursuant to section 602a of this title or fails to issue an inspection report pursuant to this section, a landlord or tenant may request that the Department, at its discretion, conduct an investigation or contact the local board of health to take action.~~

[Repealed.]

* * *

* * * Transition Provisions * * *

Sec. 7. RENTAL HOUSING HEALTH AND SAFETY; TRANSITION PROVISIONS

(a) Notwithstanding any provision of law to the contrary:

(1) Until the Commissioner of Public Safety adopts rules governing rental housing health and safety pursuant to 20 V.S.A. § 2731, the Department of Health, local officials authorized by law, and the Department of Public Safety have concurrent authority to enforce the Vermont Rental Housing Health Code adopted by the Department of Health pursuant to 18 V.S.A. § 102, 3 V.S.A. § 3003(a), and 3 V.S.A. § 801(b)(11).

(2) The Commissioner of Public Safety may immediately adopt a rule incorporating the Rental Housing Health Code without following the procedures otherwise required for general rulemaking in 3 V.S.A. chapter 25.

(3) Except as provided in subdivision (2) of this subsection, the Commissioner of Public Safety shall comply with the requirements for general rulemaking in 3 V.S.A. chapter 25 when adopting rules governing rental housing health and safety.

(b) Upon the adoption of rules governing rental housing health and safety pursuant to the authority in 20 V.S.A. § 2731:

(1) the Department of Public Safety is the State government entity with primary authority to enforce State laws governing rental housing health and safety;

(2) the Department of Public Safety and local officials have concurrent authority to enforce State and local laws governing rental housing health and safety pursuant to 18 V.S.A. chapter 11; 20 V.S.A. chapter 173, subchapter 2; 24 V.S.A. chapters 83 and 123; and applicable municipal law; and

(3) the Department of Health, the State Board of Health, and local health officials have concurrent authority to enforce State and local laws governing public health hazards and public health risks, as those terms are defined in 18 V.S.A. § 2, pursuant to 18 V.S.A. chapters 1, 3, and 11.

* * * Vermont Housing Investments * * *

Sec. 8. VERMONT RENTAL HOUSING INVESTMENT PROGRAM;

PURPOSE

(a) Recognizing that Vermont's rental housing stock is some of the oldest in the country and that much of it needs to be updated to meet code requirements and other standards, the Vermont Rental Housing Investment Program is intended to incentivize private apartment owners to make significant improvements to both housing quality and weatherization by providing grants and forgivable loans that are matched in part by the property owner.

(b) The Program seeks to take the lessons learned from the successful Re-housing Recovery Program established with funds provided by the Federal CARES Act and implement them in a State-funded program.

Sec. 9. 10 V.S.A. chapter 29, subchapter 3 is added to read:

Subchapter 3. Housing; Investments

§ 699. VERMONT RENTAL HOUSING INVESTMENT PROGRAM

(a) Creation of program.

(1) The Department of Housing and Community Development shall design and implement the Vermont Rental Housing Investment Program through which the Department shall award funding to statewide or regional nonprofit housing organizations, or both, to provide competitive grants and forgivable loans to private landlords for the rehabilitation, including weatherization, of eligible rental housing units.

(2) The Department shall develop statewide standards for the Program, including factors that partner organizations shall use to evaluate applications and award grants and forgivable loans.

(b) Eligible rental housing units. The following units are eligible for a grant or forgivable loan through the Program:

(1) Non-code compliant. The unit does not comply with the requirements of applicable building, housing, or health laws.

(2) New accessory dwelling. The unit will be a newly created accessory dwelling unit that meets the requirements of 24 V.S.A. § 4412(1)(E).

(c) Administration. The Department shall require a housing organization that receives funding under the Program to adopt:

(1) a standard application form that describes the application process and includes instructions and examples to help landlords apply;

(2) an award process that ensures equitable selection of landlords, subject to a housing organization's exercise of discretion based on the factors adopted by the Department pursuant to subsection (a) of this section; and

(3) a grant and loan management system that ensures accountability for funds awarded.

(d) Program requirements applicable to grants and forgivable loans.

(1) A grant or loan shall not exceed \$30,000.00 per unit.

(2) A landlord shall contribute matching funds or in-kind services that equal or exceed 20 percent of the value of the grant or loan.

(3) A project may include a weatherization component.

(4) A project shall comply with applicable building, housing, and health laws.

(5) The terms and conditions of a grant or loan agreement apply to the original recipient and to a successor in interest for the period the grant or loan agreement is in effect.

(6) The identity of a recipient and the amount of a grant or forgivable loan are public records that shall be available for public copying and inspection and the Department shall publish this information at least monthly on its website.

(e) Program requirements applicable to grants. For a grant awarded under the Program, the following requirements apply for a minimum period of five years:

(1) A landlord shall coordinate with nonprofit housing partners and local coordinated entry organizations to identify potential tenants.

(2)(A) Except as provided in subdivision (2)(B) of this subsection (e), a landlord shall lease the unit to a household that is exiting homelessness.

(B) If, upon petition of the landlord, the Department or the housing organization that issued the grant determines that a household exiting homelessness is not available to lease the unit, then the landlord shall lease the unit:

(i) to a household with an income equal to or less than 80 percent of area median income; or

(ii) if such a household is unavailable, to another household with the approval of the Department or housing organization.

(3)(A) A landlord shall accept any housing vouchers that are available to pay all, or a portion of, the tenant's rent and utilities.

(B) If no housing voucher or federal or State subsidy is available, the total cost of rent for the unit, including utilities not covered by rent payments, shall not exceed the applicable fair market rent established by the Department of Housing and Urban Development.

(4)(A) A landlord may convert a grant to a forgivable loan upon approval of the Department and the housing organization that approved the grant.

(B) A landlord who converts a grant to a forgivable loan shall receive a 10 percent credit for loan forgiveness for each year in which the landlord participates in the grant program.

(f) Requirements applicable to forgivable loans. For a forgivable loan awarded under the Program, the following requirements apply for a minimum period of 10 years:

(1)(A) A landlord shall accept any housing vouchers that are available to pay all, or a portion of, the tenant's rent and utilities.

(B) If no housing voucher or federal or State subsidy is available, the cost of rent for the unit, including utilities not covered by rent payments, shall not exceed the applicable fair market rent established by the Department of Housing and Urban Development.

(2) The Department shall forgive 10 percent of the amount of a forgivable loan for each year a landlord participates in the loan program.

(g) Lien priority. A lien for a grant converted to a loan or for a forgivable loan issued pursuant to this section is subordinate to:

(1) a lien on the property in existence at the time the lien for rehabilitation and weatherization of the rental housing unit is filed in the land records; and

(2) a first mortgage on the property that is refinanced and recorded after the lien for rehabilitation and weatherization of the rental housing unit is filed in the land records.

Sec. 10. REPORT

On or before February 15, 2022, the Department of Housing and Community Development shall report to the General Assembly concerning the design, implementation, and outcomes of the Vermont Housing Investment Program, including findings and any recommendations related to the amount of grant awards.

Sec. 11. VERMONT HOMEOWNERSHIP REVOLVING LOAN FUND; PURPOSE

(a) The purpose of the Vermont Homeownership Revolving Loan Fund created in Sec. 12 of this act is to provide no-interest loans to increase access to homeownership.

(b) The Program is intended to assist Vermonters who otherwise may be unable to purchase a home or who may be unable to afford the costs to rehabilitate, weatherize, or otherwise make necessary improvements to a home they purchase.

(c) The Program is also intended to place a special focus on increasing the homeownership rates of households identifying as Black, Indigenous, or Persons of Color, who are systematically disenfranchised from financing real estate through traditional banking and have therefore been generationally dispossessed of the ability to develop lasting wealth.

Sec. 12. 10 V.S.A. § 699a is added to read:

§ 699a. VERMONT HOMEOWNERSHIP REVOLVING LOAN FUND

(a) Creation of Program. The Department of Housing and Community Development shall design and implement the Vermont Homeownership Revolving Loan Fund, through which the Department shall provide funding to statewide or regional nonprofit housing organizations, or both, to issue no-interest loans to first-time homebuyers.

(b) Eligible housing units. The following units are eligible for a loan through the Program:

(1) Existing structure. The unit is an existing single-family dwelling, a multifamily dwelling with not more than four units, a mobile home, or a condominium.

(2) Accessory dwelling. The unit is an accessory dwelling unit that meets the requirements of 24 V.S.A. § 4412(1)(E).

(c) Eligible applicants; priorities.

(1) To be eligible for a loan through the Program, an applicant shall:

(A) be a first-time homebuyer in Vermont;

(B) have a household income of not more than 120 percent of the area median income; and

(C) occupy the dwelling, or a unit within the dwelling, as his or her full-time residence.

(2) A housing organization may give priority to an applicant whose employer provides down payment assistance or funding for rehabilitation costs.

(d) Administration. The Department shall require a housing organization that receives funding under the Program to adopt:

(1) a standard application form that describes the application process and includes instructions and examples to help homebuyers apply;

(2) an award process that ensures equitable selection of homebuyers; and

(3) a loan management system that ensures accountability for funds awarded.

(e) Outreach. Recognizing that Black, Indigenous, and Persons of Color have historically not had access to capital for homeownership purchases and have been systemically discriminated against in the housing market, the Department, working with Vermont chapters of the NAACP, AALV, USCRI, the Executive Director of Racial Equity, the Vermont Commission on Native American Affairs, local racial justice organizations, the Vermont Housing Finance Agency, and the nonprofit homeownership centers, shall develop a plan of active outreach and implementation to ensure that program opportunities are effectively communicated, and that funds are equitably awarded, to communities of Vermonters who have historically suffered housing discrimination.

(f) Program requirements.

(1) A loan issued through the Program:

(A) shall not exceed a standard limit set by the Department, which shall not exceed \$50,000.00;

(B) shall be zero interest, and payments shall be suspended while the homebuyer occupies the home; and

(C) shall become due in full upon the sale or transfer of the home or upon refinancing with approval by the Department and the housing organization that issued the loan.

(2) A rehabilitation project that is funded by a loan through the Program may include a weatherization component and shall comply with applicable building, housing, and health laws.

(3) A homebuyer may use not more than 25 percent of a loan for down payment and closing costs and fees.

(4) A homebuyer shall repay a loan.

(g) Revolving loan fund. The Department shall use the amounts from loans that are repaid to provide additional funding through the Program.

(h) Lien priority. A lien for a loan issued pursuant to this section is subordinate to:

(1) a lien on the property in existence at the time the lien for the loan is filed in the land records; and

(2) a first mortgage on the property that is refinanced and recorded after the lien for the loan is filed in the land records.

Sec. 13. DUTIES CONTINGENT ON FUNDING

The duties of the Department of Housing and Community Development specified in Secs. 10 and 12 of this act are contingent upon available funding.

Sec. 14. REPORT

On or before February 15, 2022, the Department of Housing and Community Development shall report to the General Assembly concerning the design, implementation, and outcomes of the Vermont Homeownership Revolving Loan Fund created in Sec. 12 of this act, including findings and any recommendations related to the amount of loans.

* * * Allocation of Appropriations * * *

Sec. 15. ALLOCATION OF APPROPRIATIONS

(a) Of the amounts appropriated from the General Fund to the Department of Housing and Community Development in H.439, the Department shall allocate \$1,000,000.00 to provide loans through the Vermont Homeownership Revolving Loan Fund created in 10 V.S.A. § 699a.

(b) The Agency of Commerce and Community Development shall use the \$5,000,000.00 appropriated to it in Sec. G.400(a)(2) of H.439 to provide grants and loans through the Vermont Rental Housing Investment Program created in 10 V.S.A. § 699.

* * * Eviction Moratorium * * *

Sec. 16. 2020 Acts and Resolves No. 101, Sec. 1(b)(4) is amended to read:

(4) limit a court's ability to act in an emergency pursuant to Administrative Order 49, issued by the Vermont Supreme Court, as amended, which may include an action that involves criminal activity, illegal drug activity, or acts of violence, or other circumstances that seriously threaten the health or safety of other residents including in response to an action for ejection on an emergency basis pursuant to subsection (i) of this section.

Sec. 17. 2020 Acts and Resolves No. 101, Sec. 1(i) is added to read:

(i) Action for ejection on an emergency basis.

(1) Notwithstanding any provision of this section to the contrary, a court may allow an ejection action to proceed on an emergency basis pursuant to Vermont Rule of Civil Procedure 65, which may include an action that involves the following circumstances:

(A) criminal activity, illegal drug activity, acts of violence, or other circumstances that seriously threaten the health or safety of other residents, including a tenant tampering with, disabling, or removing smoke or carbon monoxide detectors;

(B) the landlord needs to occupy the rental premises;

(C) the tenant is not participating or does not qualify for the Vermont Emergency Rental Assistance Program; or

(D) continuation of the tenancy would cause other immediate or irreparable injury, loss, or damage to the property, the landlord, or other residents.

(2) Upon a plaintiff's motion to proceed under this subsection (i) supported by an affidavit, the court shall determine whether the plaintiff has alleged sufficient facts to warrant a hearing concerning emergency circumstances as provided in subdivision (1) of this subsection (i), and if so, the court shall:

(A) issue any necessary preliminary orders;

(B) schedule a hearing;

(C) allow the plaintiff to serve the defendant with the motion, affidavit, complaint, any preliminary orders, and a notice of hearing; and

(D) after hearing, issue any necessary orders, which may include issuance of a writ of possession.

* * * Effective Dates * * *

Sec. 18. EFFECTIVE DATES

(a) This section and the following sections shall take effect on passage:

(1) Sec. 1 (DPS authority for rental housing health and safety).

(2) Sec. 2 (rental housing registry).

(3) Sec. 6 (conforming changes to Department of Health statutes).

(4) Sec. 7 (DPS rulemaking authority and transition provisions).

(5) Secs. 16–17 (amendment to eviction moratorium).

(b) The following sections take effect on July 1, 2021:

(1) Sec. 4 (DPS positions).

(2) Sec. 5 (DHCD positions).

(3) Secs. 8–10 (Vermont Housing Investment Program).

(4) Secs. 11–14 (Vermont Homeownership Revolving Loan Fund).

(5) Sec. 15 (allocation of appropriations).

(c) Sec. 3 (rental housing registration) shall take effect on January 1, 2022.

(d) Sec. 3a (administrative penalty for failure to register) shall take effect on January 1, 2023.

(e) Sec. 3b (repeal of registration exemption for housing provided as a benefit of farm employment) shall take effect on January 1, 2024.

UNFINISHED BUSINESS OF APRIL 25, 2022

Second Reading

Favorable with Proposal of Amendment

H. 517.

An act relating to the Vermont National Guard Tuition Benefit Program.

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

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

* * * Vermont National Guard Tuition Benefit Program * * *

Sec. 1. 16 V.S.A. § 2857 is amended to read:

§ 2857. VERMONT NATIONAL GUARD TUITION BENEFIT PROGRAM

(a) Program creation. The Vermont National Guard Tuition Benefit Program (Program) is created, under which a member of the Vermont National Guard (member) who meets the eligibility requirements in subsection (c) of this section is entitled to the following tuition benefit for up to full-time attendance:

(1) For courses at ~~either campus of the Northern Vermont University (NVU), the Vermont Technical College (VTC), the University of Vermont and State Agricultural College (UVM), or at the Community College of Vermont (CCV)~~ any Vermont State College institution or the University of Vermont and State Agricultural College (UVM), the benefit shall be the in-state residence tuition rate for the relevant institution.

(2) For courses at a ~~Vermont State College, other than NVU, VTC, or CCV, or at any eligible Vermont private postsecondary institution,~~ the benefit shall be the in-state tuition rate charged by ~~NVU~~ UVM.

(3) For courses at an eligible training institution offering nondegree, certificate training, or continuing education programs, the benefit shall be the lower of the institution's standard tuition or the in-state tuition rate charged by ~~NVU~~ UVM.

* * *

(c) Eligibility.

(1) To be eligible for the Program, an individual, whether a resident or nonresident, shall satisfy all of the following requirements:

~~(1)~~(A) be an active member of the Vermont National Guard;

~~(2)~~(B) have successfully completed basic training;

~~(3)~~(C) be enrolled at UVM, a Vermont State College, or any other college or university located in Vermont in a program that leads to an undergraduate certificate or degree or at an eligible training institution in a program that leads to a certificate or other credential recognized by VSAC;

~~(4)~~(D) have not previously earned an undergraduate bachelor's degree;

~~(5)~~(E) continually demonstrate satisfactory academic progress as determined by criteria established by the Vermont National Guard and VSAC, in consultation with the educational institution at which the individual is enrolled under the Program;

~~(6)~~(F) have used available post-September 11, 2001 tuition benefits and other federally funded military tuition assistance; provided, however, that this subdivision shall not apply to:

~~(A)~~(i) tuition benefits and other federally funded military tuition assistance for which the individual has not yet earned the full amount of the benefit or tuition;

~~(B)~~(ii) Montgomery GI Bill benefits;

~~(C)~~(iii) post-September 11, 2001 educational program housing allowances;

~~(D)~~(iv) federal educational entitlements;

~~(E)~~(v) National Guard scholarship grants;

~~(F)~~(vi) loans under section 2856 of this title; and

~~(G)~~(vii) other nontuition benefits; and

~~(7)~~(G) have submitted a statement of good standing to VSAC signed by the individual's commanding officer within 30 days prior to the beginning of each semester.

(2) An individual may receive more than one undergraduate certificate or other credential recognized by VSAC under the Program, provided that the cost of all certificates and credentials received by the individual under the Program does not exceed the full-time in-state tuition rate charged by UVM for completion of an undergraduate baccalaureate degree.

* * *

Sec. 2. VERMONT NATIONAL GUARD TUITION BENEFIT
PROGRAM EXTENSION; MASTER'S DEGREE OR A SECOND
BACCALAUREATE DEGREE; PILOT

(a) The provisions of this section shall apply notwithstanding 16 V.S.A. § 2857.

(b) A National Guard member shall be eligible to pursue a second undergraduate baccalaureate degree under the Vermont National Guard Tuition Benefit Program, whether a resident or nonresident, if the individual received a first undergraduate baccalaureate degree that was not funded under the Program or any other State funding source designed exclusively for members of the Vermont National Guard.

(c)(1) A National Guard member shall be eligible to pursue a graduate degree under the Program, whether a resident or nonresident, if the individual agrees in the promissory note under 16 V.S.A. § 2857(b) to, upon receipt of the graduate degree and until the individual's service commitment under 16 V.S.A. § 2857(d) is satisfied, be employed full time in Vermont or, if unemployed, be actively seeking full-time employment in Vermont.

(2) An individual may pursue a graduate degree under the Program even if the individual has received an undergraduate baccalaureate degree under the Program.

(3) The Office of the Vermont Adjutant and Inspector General may terminate the tuition benefit provided to an individual who has earned a graduate degree under the Program for failure to satisfy the work requirement under subdivision (1) this subsection.

Sec. 3. REPEAL

Sec. 2 of this act is repealed on July 1, 2025.

* * * Education of Military Families * * *

Sec. 4. 16 V.S.A. § 1073 is amended to read:

§ 1073. "LEGAL PUPIL" DEFINED; ACCESS TO SCHOOL

* * *

(d) If one or both of a child's parents or guardians are being relocated to the State under military orders, a school district shall allow registration of the student by mail, telephone, or electronically and shall not require the parent or legal guardian of the student or the student themselves to physically appear at a location within the district to register the student. Proof of required residency shall not be required at the time of the remote registration but shall be required within 10 days of the student's attendance in the school district.

Sec. 5. 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) The spouse and dependent child of any person who is a member of the U.S. Armed Forces and stationed in this State pursuant to military orders shall be entitled to be considered, upon taking up a residence in the State, a resident for in-state tuition purposes at the start of the next semester or academic period. The spouse or dependent child shall not lose classification as an in-state student if the spouse or dependent child continues to reside in the State and the member of the U.S. Armed Forces is transferred on military orders or retires. The spouse or dependent child shall lose this classification as an in-state student under this subsection if the spouse or dependent child no longer resides in the State and shall regain this classification upon again taking up a residency in the State only if the member of the U.S. Armed Forces is stationed in this State pursuant to military orders.

Sec. 6. 16 V.S.A. § 2282a is amended to read:

§ 2282a. DETERMINATION OF RESIDENCY FOR TUITION PURPOSES

(a) Enrollment at an institution for higher learning, or presence within the State for the purposes of attending an institution of higher learning, shall not by itself constitute residence for in-state tuition purposes or for the purpose of eligibility for assistance from the Vermont Student Assistance Corporation.

(b) Any member of the U.S. Armed Forces ~~of the United States~~ 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) The spouse and dependent child of any person who is a member of the U.S. Armed Forces and stationed in this State pursuant to military orders shall be entitled to be considered, upon taking up a residence in the State, a resident for in-state tuition purposes at the start of the next semester or academic period. The spouse or dependent child shall not lose classification as an in-state student if the spouse or dependent child continues to reside in the State

and the member of the U.S. Armed Forces is transferred on military orders or retires. The spouse or dependent child shall lose this classification as an in-state student under this subsection if the spouse or dependent child no longer resides in the State and shall regain this classification upon again taking up a residency in the State only if the member of the U.S. Armed Forces is stationed in this State pursuant to military orders.

* * * Purple Star School Programs * * *

Sec. 7. 16 V.S.A. § 568 is added to read:

§ 568. PURPLE STAR CAMPUS DESIGNATION

(a) As used in this section, “military-connected student” means a student who is a dependent of a current or former member of:

(1) the U.S. military serving in the Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard on active duty;

(2) the Vermont National Guard;

(3) a reserve force of the U.S. Armed Forces; or

(4) a member of a military or reserve force described in subdivision (1), (2), or (3) of this subsection who was killed in the line of duty.

(b) The Agency of Education shall designate a school district as a Purple Star Campus if the school district applies and qualifies for the designation under this section.

(c) To qualify as a Purple Star Campus, a school district shall:

(1) designate a staff member as a military liaison, whose duties include:

(A) identifying military-connected students enrolled in the district’s schools;

(B) serving as the point of contact between the school district and military-connected students and their families;

(C) determining appropriate school services available to military-connected students; and

(D) assisting in coordinating school programs relevant to military-connected students;

(2) maintain within the school district an Internet website with an easily accessible web page that includes resources for military-connected students and their families, including information regarding:

(A) relocation to, enrollment at, registration at, and transferring records to the school district;

(B) academic planning, course sequences, and advanced classes available at the school district; and

(C) counseling and other support services available for military-connected students enrolled in the school district;

(3) maintain a transition program led by students, where appropriate, that assists military-connected students in transitioning into the school district;

(4) offer professional development for staff members on issues related to military-connected students; and

(5) offer at least one of the following initiatives:

(A) a resolution showing support for military-connected students and their families;

(B) recognition of the Month of the Military Child or Military Family Month with relevant events hosted by the school district; or

(C) a partnership with a local military installation that provides opportunities for active duty military members to volunteer with the school district, speak at an assembly, or host a field trip.

(d) To comply with the requirements under subdivisions (c)(2), (4), or (5) of this section, a school district may partner with a third party to provide those services and initiatives.

* * * Eligibility for Election to Serve as Adjutant and Inspector General * * *

Sec. 8. 2 V.S.A. § 10 is amended to read:

§ 10. ELECTION OF STATE AND JUDICIAL OFFICERS

(a) At 10 o'clock and 30 minutes, forenoon, on the seventh Thursday after their biennial meeting and organization, the Senate and House of Representatives shall meet in joint assembly and proceed therein to elect the State officers, except judicial officers, whose election by the Constitution and laws devolves in the first instance upon them in joint assembly, including the Sergeant at Arms, ~~the Adjutant and Inspector General~~, and legislative trustees of the University of Vermont and State Agricultural College. In case election of all such officers shall not be made on that day, they shall meet in joint assembly at 10 o'clock and 30 minutes, forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed in such election, until all such officers are elected.

* * *

(c) At 10 o'clock and 30 minutes, forenoon, on the seventh Thursday of the second year of the biennial session, the Senate and House of Representatives shall meet in joint assembly and proceed therein to elect the ~~legislative trustees of the Vermont State Colleges Corporation~~ State Officers, whose election by the Constitution and laws devolves in the first instance upon them in joint assembly, including the legislative trustees of the Vermont State Colleges Corporation and the Adjutant and Inspector General. In case election of all such ~~legislative trustees~~ officers shall not be made on that day, they shall meet in joint assembly at 10 o'clock and 30 minutes, forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed in such election, until all such ~~legislative trustees~~ officers are elected.

Sec. 9. 20 V.S.A. § 363 is amended to read:

§ 363. OFFICERS GENERALLY

(a)(1) The General Assembly shall biennially elect an Adjutant and Inspector General for a term of two years.

* * *

(3) In order to be eligible for election to serve as Adjutant and Inspector General, an individual shall:

(A) have attained the rank of Colonel (O-6) or above;

(B) be a current member of the U.S. Army, the U.S. Air Force, the U.S. Army Reserve, the U.S. Air Force Reserve, the Army National Guard, or the Air National Guard or be eligible to return to active service in the Army National Guard or the Air National Guard;

(C) be a graduate of a Senior Service College; and

(D) be eligible for federal recognition.

* * *

Sec. 10. CURRENT TERM OF ADJUTANT AND INSPECTOR GENERAL

Notwithstanding any provision of law to the contrary, the term of the Adjutant and Inspector General in office on the effective date of this act shall end on March 1, 2024.

* * * Effective Date * * *

Sec. 11. 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 educational benefits for members of the military and their families and eligibility for election to serve as Adjutant and Inspector General.

(Committee vote: 5-0-1)

(For House amendments, see House Journal for March 9, 2022, pages 484-486 and March 10, 2022, pages 492-494)

Reported favorably by Senator Starr for the Committee on Appropriations.

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

(Committee vote: 6-0-1)

H. 553.

An act relating to eligibility of domestic partners for reimbursement from the Victims Compensation Program.

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

The Committee recommends that the Senate propose to the House to amend the bill in Sec. 1, 13 V.S.A. § 5351, subdivision (2), by striking out “prohibited from legally marrying one another by 15 V.S.A. § 1a” and inserting in lieu thereof not be related by blood closer than would bar marriage under State law

(Committee vote: 4-1-0)

(For House amendments, see House Journal for March 23, 2022, pages 862-863)

Reported favorably by Senator Sears for the Committee on Appropriations.

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

(Committee vote: 5-1-1)

H. 661.

An act relating to licensure of mental health professionals.

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

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

First: In Sec. 8, mental health professional licensure; study, in subdivision (b)(4), following “organizations” by inserting and a representative of Vermont Care Partners

Second: By striking out Sec. 10, effective date, and its reader assistance heading in their entirety and inserting in lieu thereof two new sections with reader assistance headings to be Secs. 10–11 to read as follows:

* * * Position Created * * *

Sec. 10. CREATION OF POSITION WITHIN THE OFFICE OF
SECRETARY OF STATE; OFFICE OF PROFESSIONAL
REGULATION

There is created within the Secretary of State’s office one new classified Licensing Board Administrator position in the Office of Professional Regulation.

* * * Effective Dates * * *

Sec. 11. EFFECTIVE DATES

This act shall take effect on July 1, 2022, except that Secs. 1–7 (continuing education units) shall take effect on July 1, 2023.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 23, 2022, pages 863-875)

Reported favorably by Senator Starr for the Committee on Appropriations.

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

(Committee vote: 6-0-1)

H. 720.

An act relating to the system of care for individuals with developmental disabilities.

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

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

* * * Legislative Intent * * *

Sec. 1. LEGISLATIVE INTENT

It is the intent of the General Assembly that:

(1) Individuals who qualify for developmental services and who meet a funding priority as outlined in the State system of care plan for developmental services receive full and complete information in plain language regarding their options and services.

(2) Individuals with developmental disabilities, their family members, allies, and advocates be respected and active participants in systems change activities, including payment reform, development of resources to comply with the federal home- and community-based services regulations, and development of additional residential service options. Information provided to stakeholders shall be in plain language.

* * * System of Care Plan * * *

Sec. 2. 18 V.S.A. § 8725 is amended to read:

§ 8725. SYSTEM OF CARE PLAN

(a) Every three years, the Department shall adopt a plan for the nature, extent, allocation, and timing of services consistent with the principles of service set forth in section 8724 of this title that will be provided to people with developmental disabilities and their families. ~~Each plan shall include the following categories, which shall be adopted by rule pursuant to 3 V.S.A. chapter 25:~~

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

~~(2) criteria for receiving services or funding;~~

~~(3) type of services provided; and~~

~~(4) a process for evaluating and assessing the success of programs.~~

* * *

(c) ~~No~~ Not later than 60 days before adopting the proposed plan, the Commissioner shall submit it to the Advisory Board established in section 8733 of this title, for advice and recommendations, ~~except that the Commissioner shall submit those categories within the plan subject to 3 V.S.A. chapter 25 to the Advisory Board at least 30 days prior to filing the proposed plan in accordance with the Vermont Administrative Procedure Act.~~ The Advisory Board shall provide the Commissioner with written comments on the proposed plan. ~~It may also submit public comments pursuant to 3 V.S.A. chapter 25.~~

* * *

(f) If the Department requires an extension to complete the system of care plan, it shall submit a written request indicating the anticipated completion date to the House Committee on Human Services and to the Senate Committee on Health and Welfare at least two months prior to the expiration of the existing system of care plan. The request for an extension may be granted upon the approval of both the Chairs of the House Committee on Human Services and the Senate Committee on Health and Welfare.

* * * Quality Services Reviews * * *

Sec. 3. 18 V.S.A. chapter 204A is amended to read:

CHAPTER 204A. SUPPORTING INDIVIDUALS WITH
DEVELOPMENTAL DISABILITIES ACT

Subchapter 1. Developmental Disabilities Act

* * *

§ 8723. DEPARTMENT OF DISABILITIES, AGING, AND
INDEPENDENT LIVING; DUTIES

The Department shall plan, coordinate, administer, monitor, and evaluate State and federally funded services for people with developmental disabilities and their families within Vermont. The Department shall be responsible for coordinating the efforts of all agencies and services, government and private, on a statewide basis in order to promote and improve the lives of individuals with developmental disabilities. Within the limits of available resources, the Department shall:

(1) promote the principles stated in section 8724 of this title and shall carry out all functions, powers, and duties required by this ~~chapter~~ subchapter by collaborating and consulting with people with developmental disabilities, their families, guardians, community resources, organizations, and people who provide services throughout the State;

* * *

§ 8724. PRINCIPLES OF SERVICE

Services provided to people with developmental disabilities and their families shall foster and adhere to the following principles:

* * *

(11) Trained staff. In order to ~~assure~~ ensure that the goals of this ~~chapter~~ subchapter are attained, all individuals who provide services to people with developmental disabilities and their families must receive training as required by section 8731 of this title.

* * *

§ 8727. COMPLAINTS; APPEALS

(a) Notice. The Department or agency or program funded by the Department shall provide notice:

(1) To an applicant or the applicant's guardian, as applicable, of the rights provided under this ~~chapter~~ subchapter, State and federal law, and any other available rights of appeal for violations of any of those rights.

* * *

§ 8733. ADVISORY BOARD

* * *

(e) Members shall be entitled to reimbursement for necessary and actual expenses incurred in performance of their duties under this ~~chapter~~ subchapter.

Subchapter 2. Supports for Individuals with Developmental Disabilities

§ 8741. QUALITY SERVICES REVIEWS

The Department shall perform at least annual on-site quality assurance and improvement visits to the designated and specialized service agencies and other contracted agencies. The Department shall, at a minimum, assess the quality of services provided, including health and safety, in accordance with personalized service plans for the individuals served.

* * * Creation of New Position * * *

Sec. 4. DEPARTMENT OF DISABILITIES, AGING, AND INDEPENDENT LIVING; RESIDENTIAL PROGRAM DEVELOPER

(a) There is created a limited-service position of the Residential Program Developer within the Department of Disabilities, Aging, and Independent Living for the purposes of:

(1) expanding housing and residential services options for individuals with developmental disabilities, in accordance with federal home- and community-based services regulations;

(2) assisting individuals with developmental disabilities and their families navigate publicly and privately funded housing and residential services options;

(3) investigating public and private funding opportunities for residential program development for individuals with developmental disabilities;

(4) working with individuals with developmental disabilities, their families, and allies to identify potential models for residential services;

(5) developing requests for proposals and identifying at least three pilot planning grants for different regions of the State focused on the needs identified in those regions; and

(6) working with appropriate designated and specialized service agencies or other providers to implement selected pilots.

(b) In fiscal year 2023, \$102,000.00 is appropriated to the Department of Disabilities, Aging, and Independent Living from the Global Commitment Federal Medical Assistance Percentage (FMAP) home- and community-based services monies to fund the Residential Program Developer position established in subsection (a) of this section.

* * * Housing and Residential Service Pilot Planning Grants * * *

Sec. 5. DEPARTMENT OF DISABILITIES, AGING, AND INDEPENDENT LIVING; DEVELOPMENT OF HOUSING AND RESIDENTIAL SERVICES PILOT PLANNING GRANTS

(a) The Department of Disabilities, Aging, and Independent Living shall work with the Vermont Developmental Disabilities Council and a statewide self-advocacy group to review housing models in other states for the purpose of informing the pilot planning grants developed pursuant to subsection (b) of this section.

(b)(1) In fiscal year 2023, \$500,000.00 is appropriated to the Department of Disabilities, Aging, and Independent Living from the Global Commitment Federal Medical Assistance Percentage (FMAP) home- and community-based services monies to develop housing and residential service pilot planning grants in at least three regions of the State, in partnership with designated and specialized service agencies, for individuals with developmental disabilities and their families. The Department shall consult with the Vermont Housing and Conservation Board and other housing providers to prioritize successful housing projects for adults with developmental disabilities. The Department shall issue a request for proposals seeking entities to develop regional pilot planning grants with not more than one grant per designated agency catchment area.

(2) The pilot planning grants shall:

(A) reflect the diversity of needs expressed by individuals with developmental disabilities and their families, including individuals with high support needs who require 24-hour care and those with specific communication needs;

(B) be consistent with the federal home- and community-based services regulations;

(C) include new service-supported housing models; and

(D) include a vision statement, the number of and description of the support needs of individuals with developmental disabilities anticipated to be served, a draft budget, and an implementation plan.

(c)(1) The Department shall convene a steering committee to provide advice and guidance as it develops and selects the pilot planning grants required pursuant to this section.

(2) The steering committee shall be composed of the following members:

(A) three individuals with a developmental disability, appointed by the Green Mountain Self Advocates;

(B) two family members of individuals with a developmental disability, appointed by the Vermont Family Network;

(C) two advocates who are either individuals with a developmental disability or a family member of an individual with a developmental disability, appointed by the State Program Standing Committee and the Advisory Board established pursuant to 18 V.S.A. § 8733; and

(D) two representatives of the designated and specialized service agencies, appointed by Vermont Care Partners.

(3)(A) The steering committee shall have the technical, legal, and administrative assistance of the Department.

(B) The steering committee shall cease to exist on January 1, 2024.

(4) Information provided for the steering committee's consideration shall be in plain language.

(5) Members of the steering committee shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than eight meetings. These payments shall be made from monies appropriated to the Department.

(d) On or before April 15, 2023, the Department shall submit a report to the House Committee on Human Services and to the Senate Committee on Health and Welfare describing the pilot planning grant selection process, the implementation plan, and any resources necessary for implementation of selected pilots.

* * * Payment Reform and Conflict-Free Case Management * * *

Sec. 6. PAYMENT REFORM AND CONFLICT-FREE CASE MANAGEMENT

(a) At a minimum, the following shall be included in the payment reform process impacting individuals with developmental disabilities, their families, and designated and specialized service agencies:

(1) in addition to any standardized assessment utilized by the Department of Disabilities, Aging, and Independent Living, a process for consideration of additional information relevant to the life circumstances of service recipients or applicants;

(2) in addition to any standardized rates or rate ranges developed by the Department, a process for consideration of budgets to reflect the individualized support needs of service recipients or applicants; and

(3) a process for evaluating the fiscal and service impact on individual service recipients and the designated and specialized service agencies.

(b)(1) Prior to implementing the federally required conflict-free case management system, the Department shall seek and consider input from a variety of stakeholders, including individuals with developmental disabilities, their families, designated and specialized service agencies, and other providers and advocates.

(2) As part of the changes necessary to come into federal compliance, consideration shall be given to performing initial clinical eligibility and service planning within the Department.

(c) On or before February 1, 2023, the Department shall present any proposed policy changes related to payment reform and conflict-free case management to the House Committee on Human Services and the Senate Committee on Health and Welfare and seek and consider input from the Committees.

* * * HCBS Spending Plan Amendment * * *

Sec. 7. HOME- AND COMMUNITY-BASED SERVICE SPENDING PLAN AMENDMENT

The Agency of Human Services shall seek to amend its federal Home- and Community-Based Service Spending Plan to enable the Department of Disabilities, Aging, and Independent Living to use Global Commitment Federal Medical Assistance Percentage (FMAP) home- and community-based services monies to fund the new Residential Program Developer position created in Sec. 4 of this act and the pilot planning grants in Sec. 5 of this act.

* * * Effective Dates * * *

Sec. 8. EFFECTIVE DATES

This section and Sec. 2 (system of care plan) shall take effect on passage, and the remaining sections shall take effect on July 1, 2022.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 18, 2022, page 749)

Reported favorably with recommendation of proposal of amendment 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 with the following amendments thereto:

First: By striking out Sec. 3, 18 V.S.A. chapter 204A, and its reader assistance heading in their entirety and inserting in lieu thereof the following:

Sec. 3. [Deleted.]

Second: In Sec. 4, Department of Disabilities, Aging, and Independent Living; residential program developer, in subsection (b), by striking out “appropriated” and inserting in lieu thereof allocated

Third: In Sec. 5, Department of Disabilities, Aging, and Independent Living; development of housing and residential services pilot planning grants, subsection (b), subdivision (1), in the first sentence, by striking out “appropriated” and inserting in lieu thereof allocated

(Committee vote: 6-0-1)

House Proposal of Amendment to Senate Proposal of Amendment

H. 447

An act relating to approval of amendments to the charter of the Town of Springfield

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

First: In Sec. 2, 24 App. V.S.A. chapter 149, in section 3, in subdivision (b)(1), by striking out subdivision (B) in its entirety and inserting in lieu thereof a new subdivision (B) to read as follows:

(B) may physically injure other property in the vicinity; or

Second: In Sec. 2, 24 App. V.S.A. chapter 149, in section 11, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) In addition to the procedure set forth above in subsections (a) and (b) of this section, the charter may be revised or amended by the submission of a citizen initiative (petition) specifying the amendments or revisions desired and signed by 10 percent of the registered voters. The petition and subsequent action shall conform to the requirements of State statutes relating to charter amendment procedures, ~~shall be subject to the determination of the Selectboard as to whether or not they are comprehensive in nature,~~ and shall be approved by a an annual Town meeting vote with at least ~~25~~ 15 percent of voters participating. If a proposed amendment or revision under this subsection is voted down at the annual Town meeting, it or a substantially similar amendment may not be petitioned again for a period of one year.

UNFINISHED BUSINESS OF APRIL 26, 2022

Second Reading

Favorable

H. 287.

An act relating to patient financial assistance policies and medical debt protection.

Reported favorably by Senator Hooker for the Committee on Health and Welfare.

(Committee vote: 5-0-0)

(For House amendments, see House Journal of March 17, 2022, pages 638-645)

Favorable with Proposal of Amendment

H. 739.

An act relating to capital construction and State bonding budget adjustment.

Reported favorably with recommendation of proposal of amendment by Senator Benning for the Committee on Institutions.

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

Sec. 1. 2021 Acts and Resolves No. 50, Sec. 1 is amended to read:

Sec. 1. LEGISLATIVE INTENT

(a) It is the intent of the General Assembly that of the ~~\$127,378,694.00~~ \$143,757,972.00 authorized in this act, not more than ~~\$70,074,988.00~~ \$69,549,988.00 shall be appropriated in the first year of the biennium, and the remainder shall be appropriated in the second year.

(b) It is the intent of the General Assembly that in the second year of the biennium, any amendments to the appropriations or authorities granted in this act shall take the form of the Capital Construction and State Bonding Adjustment Bill. It is the intent of the General Assembly that unless otherwise indicated, all appropriations in this act are subject to capital budget adjustment.

(c) It is also the intent of the General Assembly that in the second year of the biennium, the General Assembly address the impacts of the COVID-19 pandemic by offsetting capital projects with funds appropriated to the State from the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (ARPA) to the extent these appropriations are in compliance with federal law and guidance.

Sec. 2. 2021 Acts and Resolves No. 50, Sec. 2 is amended to read:

Sec. 2. STATE BUILDINGS

* * *

(c) The following sums are appropriated in FY 2023:

(1) Statewide, major maintenance: ~~\$7,350,000.00~~ \$7,096,521.00

(2) ~~Statewide, BGS engineering and architectural project costs:~~
~~\$3,747,442.00~~ [Repealed.]

* * *

(12) Burlington, 32 Cherry Street, parking garage renovations planning, design, and construction: ~~\$865,000.00~~ \$565,000.00

* * *

(15) Montpelier, State House, HVAC renovations:
~~\$2,535,000.00~~ \$6,800,000.00

* * *

(17) ~~Statewide, three-acre parcel, stormwater planning, design and implementation:~~ ~~\$600,000.00~~

(18) Statewide, correctional facilities, door control system replacements: ~~\$670,000.00~~

~~(18) Burlington, 108 Cherry Street, parking garage repairs:~~
~~\$2,000,000.00~~

~~(19) Springfield, Southern State Correctional Facility, door control system replacement:~~ ~~\$750,000.00~~

~~(20) Windsor, former Southeast State Correctional Facility, necessary demolition, salvage, dismantling, and improvements to facilitate future use of the facility:~~ ~~\$400,000.00~~

~~(21) 133 State Street, renovations for the Office of Legislative Information Technology and shared common spaces:~~ ~~\$1,400,000.00~~

Appropriation – FY 2022 \$19,316,774.00

Appropriation – FY 2023 ~~\$24,800,442.00~~ \$28,714,521.00

Total Appropriation – Section 2 ~~\$44,117,216.00~~ \$48,031,295.00

Sec. 3. 2021 Acts and Resolves No. 50, Sec. 3 is amended to read:

Sec. 3. HUMAN SERVICES

* * *

(b) The following sums are appropriated in FY 2023 to the Department of Buildings and General Services for the Agency of Human Services for the following projects described in this subsection:

- (1) Women’s correctional facilities, replacement: \$1,000,000.00
- (2) Statewide, correctional facility, life safety and security needs and enhancements: \$200,000.00
- (3) Secure Residential Recovery Facility, design and construction: \$3,200,000.00
- (4) Statewide, correctional facilities, accessibility improvements, Americans with Disabilities Act (ADA) compliance: \$1,200,000.00
- (5) Statewide, correctional facilities, HVAC, programming, schematic design, and design documents: \$500,000.00
- (6) Nursing school programs, capital grants, renovation or expansion of simulation laboratories: \$1,000,000.00

* * *

(e) For the amount appropriated in subdivision (b)(6) of this section, the Agency of Human Services shall provide capital grants to nursing school programs to enable them to renovate or expand their simulation laboratories, or both, in order to enable them to increase student enrollment. The amount of the grant funds shall be divided among the nursing schools in Vermont based on each school’s projected nursing student enrollment following completion of the renovation or expansion.

* * *

Appropriation – FY 2022	\$12,350,000.00	
Appropriation – FY 2023	\$1,200,000.00	\$7,100,000.00
Total Appropriation – Section 3	\$13,550,000.00	<u>\$19,450,000.00</u>

Sec. 4. 2021 Acts and Resolves No. 50, Sec. 4 is amended to read:

Sec. 4. COMMERCE AND COMMUNITY DEVELOPMENT

* * *

(b) The following sums are appropriated in FY 2023 to the Agency of Commerce and Community Development for the following projects described in this subsection:

(1) Major maintenance at statewide historic sites: \$350,000.00
\$683,000.00

* * *

(d) The Division of Historic Preservation shall conduct a facilities condition assessment on all the buildings and structures of the State Historic Sites within the next five years, with a cyclical update plan. Those buildings and structures open to the public shall be prioritized for investigation.

(e) It is the intent of the General Assembly to encourage the Lake Champlain Maritime Museum to, in addition to the development of a decommissioning plan, explore all options for the ongoing use of the Schooner Lois McClure.

Appropriation – FY 2022 \$473,000.00
Appropriation – FY 2023 \$733,000.00
Total Appropriation – Section 4 \$1,206,000.00

Sec. 5. 2021 Acts and Resolves No. 50, Sec. 8 is amended to read:

Sec. 8. VERMONT STATE COLLEGES

* * *

(b) The following sums are appropriated in FY 2023 to the Vermont State Colleges for the projects described in this subsection:

(1) construction, renovation, and major maintenance at any facility owned or operated in the State by the Vermont State Colleges: \$2,000,000.00
(2) infrastructure transformation planning and space modification:
\$100,000.00 \$900,000.00

Appropriation – FY 2022 \$2,000,000.00
Appropriation – FY 2023 \$2,100,000.00 \$2,900,000.00
Total Appropriation – Section 8 \$4,100,000.00 \$4,900,000.00

Sec. 6. 2021 Acts and Resolves No. 50, Sec. 9 is amended to read:

Sec. 9. NATURAL RESOURCES

* * *

(e) The following sums are appropriated in FY 2023 to the Agency of Natural Resources for the Department of Environmental Conservation for the projects described in this subsection:

* * *

(2) Dam safety and hydrology projects <u>High and Significant Hazard</u> <u>Dam, dam safety improvements:</u>	\$805,000.00 <u>\$3,115,000.00</u>
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* * *

(4) <u>Little Hosmer Dam, rehabilitation:</u>	<u>\$190,000.00</u>
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(5) <u>Infrastructure Investment and Jobs Act, Drinking and Clean Water</u> <u>State Revolving Fund, State match:</u>	<u>\$2,833,980.00</u>
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(f) The following sums are appropriated in FY 2023 to the Agency of Natural Resources for the Department of Forests, Parks and Recreation for the following projects:

(1) Infrastructure rehabilitation, including statewide small-scale rehabilitation, wastewater repairs, preventive improvements and upgrades of restrooms and bathhouses, and statewide small-scale road rehabilitation projects:	\$4,476,553.00 <u>\$4,251,553.00</u>
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(2) Rustic Cabin Construction Program:	\$500,000.00 <u>\$700,000.00</u>
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(g) The following amounts are appropriated in FY 2023 to the Agency of Natural Resources for the Department of Fish and Wildlife for the projects described in this subsection:

(1) General infrastructure projects, including small-scale maintenance and rehabilitation of infrastructure:	<u>\$1,083,500.00</u>
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(2) Lake Champlain Walleye Association, Inc., to upgrade and repair the Walleye rearing, restoration, and stocking infrastructure:	\$25,000.00 <u>\$50,000.00</u>
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(h) The following shall apply to the amounts appropriated in this section:

(1) For the amounts appropriated in subdivision (e)(5) of this section, the funds shall not be released until the federal grant has been received by the State.

(2) For the amount appropriated in subdivision (f)(2) of this section, the Department of Forests, Parks and Recreation is authorized to use not more than \$200,000.00 to work with career technical education centers for assistance with the Rustic Cabin Construction Program.

Appropriation – FY 2022	\$11,455,214.00
Appropriation – FY 2023	\$9,853,264.00 <u>\$15,187,244.00</u>
Total Appropriation – Section 9	\$21,308,478.00 <u>\$26,642,458.00</u>

Sec. 7. 2021 Acts and Resolves No. 50, Sec. 10 is amended to read:

Sec. 10. CLEAN WATER INITIATIVES

* * *

~~(c) The sum of \$500,000.00 is appropriated in FY 2022 to the Agency of Natural Resources for forestry access roads, recreation access roads, and water quality improvements. [Repealed.]~~

* * *

~~(e) The sum of \$11,000,000.00 is appropriated in FY 2023 to the Agency of Natural Resources for the Department of Environmental Conservation for clean water implementation projects. The amount of \$200,000.00 is appropriated in FY 2023 to the Agency of Agriculture, Food and Markets for water quality grants and contracts.~~

* * *

(i) The following amounts are appropriated in FY 2023 to the Agency of Natural Resources for the Department of Environmental Conservation for the projects described in this subsection:

(1) Water Pollution Control Fund, Clean Water State/EPA Revolving Loan Fund (CWSRF) match: \$1,548,219.00

(2) Municipal Pollution Control Grants, pollution control projects and planning advances for feasibility studies: \$2,715,000.00

(j)(1) The following amounts are appropriated in FY 2023 to the Vermont Housing and Conservation Board for the projects described in this subsection:

(A) Agricultural water quality projects: \$200,000.00

(B) Land conservation and water quality projects: \$2,000,000.00

(2) A grant issued under subdivision (1)(A) of this subsection:

(A) shall not be considered a State grant under 6 V.S.A. chapter 215, subchapter 3 for purposes of calculating the maximum amount of a State water quality assistance award under 6 V.S.A. § 4824 or 4826; and

(B) may be used to satisfy a grant recipient’s cost share requirements.

Appropriation – FY 2022	\$11,000,000.00 <u>\$10,500,000.00</u>
Appropriation – FY 2023	\$11,000,000.00 <u>\$6,663,219.00</u>
Total Appropriation – Section 10	\$22,000,000.00 <u>\$17,163,219.00</u>

Sec. 8. 2021 Acts and Resolves No. 50, Sec. 11 is amended to read:

Sec. 11. MILITARY

(a) The sum of \$900,000.00 is appropriated in FY 2022 to the Department of Military for maintenance, renovations, and ADA compliance at State armories.

(b) The sum of ~~\$900,000.00~~ \$1,100,000.00 is appropriated in FY 2023 to the Department of Military for the projects described in subsection (a) of this section.

Appropriation – FY 2022	\$900,000.00
Appropriation – FY 2023	\$900,000.00 <u>\$1,100,000.00</u>
Total Appropriation – Section 11	\$1,800,000.00 <u>\$2,000,000.00</u>

Sec. 9. 2021 Acts and Resolves No. 50, Sec. 12 is amended to read:

Sec. 12. PUBLIC SAFETY

* * *

(b) ~~The sum of \$50,000.00 is appropriated in FY 2023 to the Department of Public Safety for a feasibility study for the Vermont Police Academy in Pittsford. The following amounts are appropriated in FY 2023 to the Department of Public Safety for the projects described in this subsection:~~

- (1) Pittsford, Vermont Policy Academy, feasibility study: \$50,000.00
- (2) Williston Public Safety Field Station, construction: \$3,500,000.00

Appropriation – FY 2022	\$6,120,000.00
Appropriation – FY 2023	\$50,000.00 <u>\$3,550,000.00</u>
Total Appropriation – Section 12	\$6,170,000.00 <u>\$9,670,000.00</u>

Sec. 10. 2021 Acts and Resolves No. 50, Sec. 13 is amended to read:

Sec. 13. AGRICULTURE, FOOD AND MARKETS

* * *

(b) The sum of ~~\$350,000.00~~ \$1,400,000.00 is appropriated in FY 2023 to the Department of Buildings and General Services for the Agency of Agriculture, Food and Markets for ~~the project described in subsection (a) of~~

this section major maintenance, renovation, and modernization planning and design at the Vermont Building at the Eastern States Exhibition.

Appropriation – FY 2022	\$260,000.00
Appropriation – FY 2023	\$350,000.00 <u>\$1,400,000.00</u>
Total Appropriation – Section 13	\$610,000.00 <u>\$1,660,000.00</u>

Sec. 11. 2021 Acts and Resolves No. 50, Sec. 17a is added to read:

Sec. 17a. SERGEANT AT ARMS

The amount of \$185,000.00 is appropriated in FY 2023 to the Sergeant at Arms for upgrades to 2 Governor Aiken Avenue.

Total Appropriation – Section 17a	<u>\$185,000.00</u>
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Sec. 12. 2021 Acts and Resolves No. 50, Sec. 17b is added to read:

Sec. 17b. FY 2022 AND FY 2023; AMERICAN RESCUE PLAN ACT;
STATE AND LOCAL FISCAL RECOVERY FUND; CAPITAL
PROJECTS; AUTHORIZATIONS

(a) Findings. The General Assembly finds:

(1) In 2021 Acts and Resolves No. 74, Sec. G.700(c), the General Assembly authorized the Commissioner of Finance and Management to use not more than \$15,000,000.00 in American Rescue Plan Act (ARPA) funds to offset capital funds appropriated to projects supporting water and sewer infrastructure in fiscal year 2022 to the extent feasible under federal law and guidance.

(2) The Governor’s fiscal year 2022–2023 capital budget adjustment report included recommendations for water and sewer infrastructure projects historically funded in the State’s capital construction act that could be funded in fiscal years 2022 and 2023 with ARPA funds.

(3) The General Assembly finds that in addition to the capital projects identified by the Governor’s fiscal year 2022–2023 capital budget adjustment report, there are other capital projects that can be funded in fiscal year 2023 with ARPA funds.

(b) Intent. It is the intent of the General Assembly to authorize certain projects that are eligible for ARPA funds in this act but appropriate the funds for these projects in the FY 2023 Annual Appropriations Act.

(c) Authorizations. In fiscal years 2022 and 2023, the following capital projects are authorized to be undertaken with funds appropriated in the FY 2023 Annual Appropriations Act:

(1) In FY 2022 and FY 2023, the Department of Forests, Parks and Recreation is authorized to upgrade forestry access roads, recreation access roads, and make water quality improvements to these roads.

(2) In FY 2023, in addition to the amounts appropriated in Sec. 10(e) of this act, the Agency of Agriculture, Food and Markets is authorized to issue water quality grants and contracts.

(3) In FY 2023, in addition to the amounts appropriated in Sec. 10(i)(2) of this act, the Department of Environmental Conservation is authorized to issue municipal pollution control grants.

(4) In FY 2023, the Department of Forests, Parks and Recreation is authorized to make wastewater repairs and water and sewer infrastructure improvements and upgrades to restrooms and bathhouses at State parks.

(5) In FY 2023, in addition to the amount appropriated in Sec. 10(j)(1)(A) of this act, the Vermont Housing and Conservation Board is authorized to issue grants for water quality improvement projects.

(6) In FY 2023, the Vermont Historical Society is authorized to make upgrades and repairs to the HVAC system at the Vermont History Center in Barre.

(7) The Department of Buildings and General Services is authorized to begin design and construction for the expansion of the State House in Montpelier.

(8) The Judiciary is authorized to make HVAC improvements to county courthouses.

Sec. 13. 2021 Acts and Resolves No. 50, Sec. 18 is amended to read:

Sec. 18. REALLOCATION OF FUNDS; TRANSFER OF FUNDS

(a) The following sums are reallocated to the Department of Buildings and General Services from prior capital appropriations to defray expenditures authorized in Sec. 2 of this act:

* * *

(4) of the amount appropriated in 2015 Acts and Resolves No. 26, Sec. 2(b)(5) (major maintenance): \$35,475.94

(5) of the amount appropriated in 2015 Acts and Resolves No. 26, Sec. 2(c)(11) (Southern State Correctional Facility, copper waterline replacement): \$82,851.42

(6) of the amount appropriated in 2016 Acts and Resolves No. 160, Sec. 2(c)(15) (Southern State Correctional Facility, steam line replacement):

\$147,068.63

(7) of the amount appropriated in 2016 Acts and Resolves No. 160, Sec. 2(c)(16) (Statewide, ADA projects, State-owned buildings and courthouses):

\$52,460.30

(8) of the amount appropriated in 2016 Acts and Resolves No. 160, Sec. 2(c)(19) (Waterbury State Office Complex project, true up):

\$11,016.00

(9) of the amount appropriated in 2016 Acts and Resolves No. 160, Sec. 13(c)(2) (Westminster, DPS Facility, project cost adjustment for unanticipated site conditions and code modifications):

\$4,522.99

(10) of the amount appropriated in 2017 Acts and Resolves No. 84 Sec. 2(b)(2) (Statewide – Major Maintenance):

\$53,755.21

(11) of the amount appropriated in 2017 Acts and Resolves No. 84, Sec. 2(b)(6) (Randolph, Agencies of Agriculture, Food and Markets and of Natural Resources, collaborative laboratory, construction):

\$156,275.91

(12) of the amount appropriated in 2017 Acts and Resolves No. 84, Sec. 2(b)(7) (Springfield, Southern State Correctional Facility, completion of the steamline replacement):

\$36,382.55

(13) of the amount appropriated in 2017 Acts and Resolves No. 84 Sec. 2(b)(9) (Newport, Northern State Correctional Facility Door Control replacement):

\$72,287.54

(14) of the amount appropriated in 2018 Acts and Resolves No. 190, Sec. 2(c)(2) (Statewide, major maintenance):

\$26,921.21

(15) of the amount appropriated in 2018 Acts and Resolves No. 190, Sec. 2(c)(18) (Rutland, Marble Valley Regional Correctional Facility):

\$2,850.00

(16) of the amount appropriated in 2018 Acts and Resolves No. 190, Sec. 2(c)(8) (Waterbury State Office Complex, Weeks building renovation and fit-up):

\$224,387.21

(17) of the amount appropriated in 2018 Acts and Resolves No. 190, Sec. 2(c)(17) (Waterbury State Office Complex, Stanley and Wasson, demolition of Stanley Hall, and programming, schematic design, and design development for Wasson Hall):

\$265,247.20

(18) of the amount appropriated in 2018 Acts and Resolves No. 190, Sec. 6(a)(9) (E-911 compliance grants):

\$39,156.48

(19) of the amount appropriated in 2018 Acts and Resolves No. 190, Sec. 11(e)(1)(B) (phosphorous removal equipment): \$58,890.00

(20) of the amount appropriated in 2018 Acts and Resolves No. 190, Sec. 16(c)(a) (NEK fiber network): \$209,291.36

(21) of the amount appropriated in 2019 Acts and Resolves No. 42, Sec. 2(b)(6) (120 State Street): \$800,000.00

(22) of the amount appropriated in 2019 Acts and Resolves No. 42, Sec. 10(b)(2) rustic cabin construction): \$775,409.25

(23) of the amount appropriated in 2019 Acts and Resolves No. 42, Sec. 17(a)(1) (stand-alone digital public address system): \$147,177.00

(24) of the amount appropriated in 2019 Acts and Resolves No. 42, Sec. 17(b) (stand-alone digital public address system): \$174,888.00

(25) of the amount appropriated in 2019 Acts and Resolves No. 42, Sec. 3(c)(5), as added by 2020 Acts and Resolves No. 139, Sec. 2 (Windsor and St. Johnsbury, site preparation, relocation, and rebuild of a greenhouse at the Caledonia County Workcamp from the former Southeast State Correctional Facility): \$162,872.00

* * *

Total Reallocations and Transfers – Section 18 \$4,198,694.44 \$7,737,808.64

Sec. 14. 2021 Acts and Resolves No. 50, Sec. 19 is amended to read:

Sec. 19. GENERAL OBLIGATION BONDS AND APPROPRIATIONS

(a) The State Treasurer is authorized to issue general obligation bonds in the amount of \$123,180,000.00 for the purpose of funding the appropriations of this act. The State Treasurer, with the approval of the Governor, shall determine the appropriate form and maturity of the bonds authorized by this section consistent with the underlying nature of the appropriation to be funded. The State Treasurer shall allocate the estimated cost of bond issuance or issuances to the entities to which funds are appropriated pursuant to this section and for which bonding is required as the source of funds, pursuant to 32 V.S.A. § 954.

(b) The State Treasurer is authorized to issue additional general obligation bonds in the amount of \$12,840,163.00 that were previously appropriated but unissued under 2021 Acts and Resolves No. 50 for the purpose of funding the appropriations in this act.

Total Revenues – Section 19 \$123,180,000.00 \$136,020,163.00

Sec. 15. 2013 Acts and Resolves No. 1, Sec. 100(c), as amended by 2014 Acts and Resolves No. 179, Sec. E.113.1, 2015 Acts and Resolves No. 58, Sec. E.113.1, 2017 Acts and Resolves No. 84, Sec. 29, 2018 Acts and Resolves No. 190, Sec. 18, 2019 Acts and Resolves No. 42, Sec. 25, 2020 Acts and Resolves No. 139, Sec. 19, and 2021 Acts and Resolves No. 50, Sec. 24, is further amended to read:

(c) Sec. 97 (general obligation debt financing) shall take effect on ~~July 1, 2023~~ June 30, 2022.

Sec. 16. 2021 Acts and Resolves No. 50, Sec. 21a is amended to read:

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

(a) The Commissioner of Buildings and General Services is authorized to sell the property located at 13 Baldwin Street in Montpelier, Vermont, pursuant to the requirements of 29 V.S.A. § 166. ~~The~~ To the extent that there are sufficient proceeds from the sale shall be appropriated to future capital construction projects, the Department of Buildings and General Services is authorized to use up to \$300,000.00 in FY 2023 for the project described in Sec. 2(c)(1) of this act.

(b) The Commissioner of Buildings and General Services is authorized to sell the property located at ~~14–16 Baldwin Street in Montpelier, Vermont,~~ pursuant to the requirements of 29 V.S.A. § 166. ~~The~~ proceeds of the sale of ~~14–16 Baldwin Street shall be appropriated to future capital construction projects.~~

(c) The Commissioner of Buildings and General Services is authorized to sell the property located at 9 Baldwin Street in Montpelier, Vermont, contingent upon the completed relocation of the Office of Legislative Information Technology to 133 State Street. The proceeds from the sale shall be appropriated to future capital construction projects.

Sec. 17. 2021 Acts and Resolves No. 50, Sec. 25b is added to read:

Sec. 25b. REDUCING CARBON INTENSITY; STATE BUILDINGS;
STATE ENERGY MANAGEMENT PROGRAM; INTENT

(a) It is the intent of the General Assembly that the Department of Buildings and General Services implement strategies as soon as practicable to reduce carbon intensity in buildings under the jurisdiction of the Department. These strategies may include the use of:

(1) non-fossil-fuel alternatives when installing or replacing any space conditioning or water heating systems; and

(2) carbon-storing and least-embodied-carbon materials, as evidenced by appropriate documentation from contractors and suppliers, when constructing, renovating, or substantially repairing a building or facility.

(b) It is also the intent of the General Assembly that the Department of Forests, Parks and Receptions and the Agency of Transportation use the technical assistance of the State Energy Management Program, created in 29 V.S.A. § 168, for eligible projects.

Sec. 18. 2019 Acts and Resolves No. 42, Sec. 10 is amended to read:

Sec. 10. NATURAL RESOURCES

* * *

(b) The following sums are appropriated in FY 2020 to the Agency of Natural Resources for the Department of Forests, Parks and Recreation for the following projects:

* * *

(2) Rustic Cabin Construction Program: \$797,586.00 \$22,176.75

* * *

Sec. 19. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for March 25, 2022, pages 975-976)

Reported favorably by Senator Starr for the Committee on Appropriations.

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

(Committee vote: 6-0-1)

NEW BUSINESS

Third Reading

H. 266.

An act relating to health insurance coverage for hearing aids.

H. 293.

An act relating to creating the State Youth Council.

H. 462.

An act relating to miscellaneous Department of Health programs.

Proposal of amendment to H. 462 to be offered by Senators Terenzini, Cummings, Hardy, Hooker and Lyons before Third Reading

Senators Terenzini, Cummings, Hardy, Hooker and Lyons move to amend the Senate proposal of amendment in Sec. 9, 18 V.S.A. § 4224, subsection (b), in the first sentence, by striking out “December 31, 2022” and inserting in lieu thereof July 1, 2023

H. 505.

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

H. 515.

An act relating to banking, insurance, and securities.

H. 655.

An act relating to telehealth licensure and registration and to provisional licensure for professions regulated by the Office of Professional Regulation.

H. 741.

An act relating to approval of amendments to the charter of the City of St. Albans.

H. 744.

An act relating to approval of an amendment to the charter of the City of Burlington.

NOTICE CALENDAR

Second Reading

Favorable

H. 482.

An act relating to the Petroleum Cleanup Fund.

Reported favorably by Senator Bray for the Committee on Natural Resources and Energy.

(Committee vote: 5-0-0)

(For House amendments, see House Journal of March 16, 2022, pages 619-620)

H. 606.

An act relating to community resilience and biodiversity protection.

Reported favorably by Senator Bray for the Committee on Natural Resources and Energy.

(Committee vote: 5-0-0)

(For House amendments, see House Journal of March 15, 2022, pages 558-662 and March 16, 2022, page 580)

Favorable with Proposal of Amendment

H. 96.

An act relating to creating the Truth and Reconciliation Commission.

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

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

Sec. 1. INTENT

It is the intent of the General Assembly to establish the Vermont Truth and Reconciliation Commission to:

(1) examine and begin the process of dismantling institutional, structural, and systemic discrimination in Vermont, both past and present, that has been caused or permitted by State laws and policies;

(2) establish a public record of institutional, structural, and systemic discrimination in Vermont that has been caused or permitted by State laws and policies; and

(3) identify potential actions that can be taken by the State to repair the damage caused by institutional, structural, and systemic discrimination in Vermont that has been caused or permitted by State laws and policies and prevent the recurrence of such discrimination in the future.

Sec. 2. 1 V.S.A. chapter 25 is added to read:

CHAPTER 25. TRUTH AND RECONCILIATION COMMISSION

§ 901. DEFINITIONS

As used in this chapter:

(1) “Commission” means the Vermont Truth and Reconciliation Commission, including its commissioners, committees, and staff.

(2) “Consultation” means a meaningful and timely process of seeking, discussing, and considering carefully the views of others in a manner that is cognizant of all parties’ cultural values.

(3) “Panel” means the Selection Panel established pursuant to section 904 of this chapter.

(4) “Record” means any written or recorded information, regardless of physical form or characteristics.

§ 902. VERMONT TRUTH AND RECONCILIATION COMMISSION;
ESTABLISHMENT; ORGANIZATION

(a) There is created and established a body corporate and politic to be known as the Vermont Truth and Reconciliation Commission to carry out the provisions of this chapter. The Truth and Reconciliation Commission is constituted a public instrumentality exercising public and essential government functions and the exercise by the Commission of the power conferred by this chapter shall be deemed and held to be the performance of an essential governmental function.

(b)(1) The Commission shall consist of three commissioners appointed pursuant to section 905 of this chapter and shall include one or more committees established by the commissioners to examine institutional, structural, and systemic discrimination caused or permitted by State laws and policies experienced by each of the following populations and communities in Vermont:

(A) individuals who identify as Native American or Indigenous;

(B) individuals with a physical, psychiatric, or mental condition or disability and the families of individuals with a physical, psychiatric, or mental condition or disability;

(C) Black individuals and other individuals of color;

(D) individuals with French Canadian, French-Indian, or other mixed ethnic or racial heritage; and

(E) in the commissioners’ discretion, other populations and communities that have experienced institutional, structural, and systemic discrimination caused or permitted by State laws and policies.

(2)(A) Each committee shall consist of the commissioners and members appointed by the commissioners in consultation with the populations and communities identified pursuant to subdivision (1) of this subsection (b).

(B) The commissioners shall ensure that the members of each committee shall be broadly representative of the populations and communities who are the subject of that committees' work.

(C) The commissioners may appoint not more than 30 committee members in the aggregate across all of the committees established pursuant to subdivision 906(a)(1) of this chapter.

(D)(i) Except as otherwise provided pursuant to subdivision (ii) of this subdivision (2)(D), committee members shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than eight meetings per calendar year. These payments shall be made from monies appropriated to the Commission.

(ii) The commissioners may authorize committee members to receive per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for additional meetings in each calendar year. Payments for additional meetings shall be made from grants or additional funding received by the Commissioners pursuant to subdivision 906(b)(11) of this chapter. In no event shall the per diem compensation and reimbursement of expenses for any additional meetings exceed the amounts permitted pursuant to 32 V.S.A. § 1010.

(3) Nothing in this subsection shall be construed to require the Commission to examine institutional, structural, and systemic discrimination experienced by the populations and communities identified in subdivision (1) of this subsection in isolation or separately from each other.

§ 903. COMMISSIONERS

(a) Commissioners shall be full-time State employees and shall be exempt from the State classified system.

(b) The commissioners shall receive compensation equal to one-half that of a Superior Court Judge.

(c) The term of each commissioner shall begin on the date of appointment and end on July 1, 2026.

§ 904. SELECTION PANEL; MEMBERSHIP; DUTIES

(a)(1) The Selection Panel shall be composed of seven members selected on or before September 1, 2022 by a majority vote of the following:

(A) the Executive Director of Racial Equity or designee;

(B) the Executive Director of the Vermont Center for Independent Living or designee;

(C) an individual, who shall not be a current member of the General Assembly, appointed by the Speaker of the House;

(D) an individual, who shall not be a current member of the General Assembly, appointed by the Committee on Committees; and

(E) an individual appointed by the Chief Justice of the Vermont Supreme Court.

(2) The individuals identified in subdivision (1) of this subsection:

(A) shall hold their first meeting on or before August 1, 2022 at the call of the individual appointed by the Chief Justice of the Vermont Supreme Court; and

(B) are encouraged to appoint individuals to the Selection Panel who include members of the populations and communities identified pursuant to subdivisions 902(b)(1)(A)–(D) of this chapter and who are diverse with respect to socioeconomic status, work, education, geographic location, gender, and sexual identity.

(3) Individuals selected pursuant to subdivision (1) of this subsection who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than two meetings. These payments shall be made from amounts appropriated to the Truth and Reconciliation Commission.

(b)(1) The Selection Panel shall select and appoint the commissioners of the Truth and Reconciliation Commission as provided pursuant to section 905 of this chapter.

(2) To enable it to carry out its duty to select and appoint the commissioners of the Truth and Reconciliation Commission as provided pursuant to section 905 of this chapter, the Panel may:

(A) adopt procedures as necessary to carry out the duties set forth in section 905 of this chapter;

(B) establish and maintain a principal office;

(C) meet and hold hearings at any place in this State; and

(D) hire temporary staff to provide administrative assistance during the period from September 1, 2022 through January 15, 2023, provided that if the Panel extends the time to select commissioners pursuant to subdivision 905(c)(1) of this chapter, it may retain staff to provide administrative assistance through March 31, 2023.

(c) The term of each member of the Panel shall begin on the date of appointment and end on January 15, 2023, except if the Panel extends the time to select commissioners pursuant to subdivision 905(c)(1) of this chapter, the term of the Panel members shall end on March 31, 2023.

(d) The Panel shall select a chair and a vice chair from among its members.

(e)(1) Meetings shall be held at the call of the Chair or at the request of four or more members of the Panel.

(2) A majority of the current membership of the Panel shall constitute a quorum, and actions of the Panel may be authorized by a majority of the members present and voting at a meeting of the Panel.

(f) Members of the Panel shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than 20 meetings during fiscal year 2023. These payments shall be made from amounts appropriated to the Truth and Reconciliation Commission.

§ 905. SELECTION OF COMMISSIONERS

(a)(1) Except as otherwise provided pursuant to subdivision (c)(1) of this section, the Selection Panel shall, on or before December 31, 2022, select three individuals to serve as the commissioners of the Vermont Truth and Reconciliation Commission.

(2) In carrying out its duty to select the commissioners, the Panel shall:

(A) Establish a public, transparent, and simple process for candidates to apply to serve as a commissioner.

(B) Publicize the application process, deadlines, and requirements to serve as a commissioner through media outlets, civil society organizations, and any other forms of public outreach that the Panel determines to be appropriate.

(C) Solicit nominations for individuals to serve as commissioners from civil society organizations in Vermont whose work relates to the mission of the Commission.

(D) Invite Vermont residents to submit applications to serve as commissioners.

(E) Hold one or more public hearings to provide an opportunity for members of the public to meet and ask questions of the finalists to serve as a commissioner.

(F) Hold private interviews with each individual selected by the Panel as a finalist for selection as a commissioner.

(G) Conduct criminal history record checks for finalists, provided that the Panel shall only consider felony convictions or convictions for crimes involving untruthfulness or falsification. A finalist who has been convicted of a felony or a crime involving untruthfulness or falsification shall be afforded an opportunity to explain the information and the circumstances regarding the conviction, including postconviction rehabilitation.

(H) Take any other actions that the Panel deems appropriate or necessary to carry out its duties in relation to the selection of commissioners.

(3) The three commissioners selected by the Panel shall:

(A) be residents of Vermont;

(B) not be members of the Selection Panel;

(C) have knowledge of the problems and challenges facing the populations and communities identified pursuant to subdivisions 902(b)(1)(A)–(D) of this chapter; and

(D) satisfy any additional criteria established by the Panel.

(b) Not later than five days after selecting the commissioners pursuant to subsection (a) of this section, the Panel shall submit a brief report to the Governor and the General Assembly identifying the commissioners. The names of the commissioners shall be made available to the public on the same day that the report is submitted.

(c)(1) If the Panel is unable to identify three suitable applicants on or before December 31, 2022, the Panel may by a majority vote extend the time to select commissioners to March 31, 2023.

(2) If the Panel extends the time to select commissioners pursuant to this subsection, the Panel shall, on or before January 5, 2023, submit a brief written report to the House Committee on General, Housing, and Military Affairs and the Senate Committee on Government Operations providing notice of its decision to extend the time to select commissioners and its reasons for doing so and identifying any changes to the provisions of this chapter that may be necessary to enable the Panel to successfully identify and select commissioners.

§ 906. POWERS AND DUTIES OF THE COMMISSIONERS

(a) Duties. The commissioners shall:

(1) establish, in consultation with the populations and communities identified pursuant to subdivision 902(b)(1) of this chapter and other interested parties in the commissioners' discretion, committees to examine institutional, structural, and systemic discrimination caused or permitted by State laws and policies that have been experienced by the populations and communities identified pursuant to subdivision 902(b)(1) of this chapter;

(2) determine, in consultation with the populations and communities identified pursuant to subdivision 902(b)(1) of this chapter, historians, social scientists, experts in restorative justice, and other interested parties in the commissioners' discretion, the scope and objectives of the work to be carried out by each committee established pursuant to subdivision (1) of this subsection;

(3) develop and implement a process for each committee established pursuant to subdivision (1) of this subsection to fulfill the objectives established pursuant to subdivision (2) of this subsection;

(4) work with the committees and Commission staff to carry out research, public engagement, and other work necessary to:

(A) identify and examine historic and ongoing institutional, structural, and systemic discrimination against members of the populations and communities identified pursuant to subdivision 902(b)(1) of this chapter that has been caused or permitted by State laws and policies;

(B) determine the current status of members of the populations and communities identified pursuant to subdivision 902(b)(1) of this chapter; and

(C) satisfy the scope of work and the objectives established pursuant to subdivision (1) of this subsection (a);

(5) work with the committees and Commission staff to identify potential programs and activities to create and improve opportunities for or to eliminate disparities experienced by the populations and communities that are the subject of the committees' work;

(6) work with the committees and Commission staff to identify potential educational programs related to historic and ongoing institutional, structural, and systemic discrimination against members of the populations and communities that are the subject of the committees' work;

(7) work in consultation with the populations and communities identified pursuant to subdivision 902(b)(1) of this chapter, experts in restorative justice, and, in the commissioners' discretion, other interested parties to ensure that the work of the Commission is open, transparent, inclusive, and meaningful; and

(8) supervise the work of the Executive Director of the Commission.

(b) Powers. To carry out its duties pursuant to this chapter, the commissioners may:

(1) Adopt rules in accordance with 3 V.S.A. chapter 25 as necessary to implement the provisions of this chapter.

(2) Adopt procedures as necessary to carry out the duties set forth in subsection (a) of this section.

(3) Establish and maintain a principal office.

(4) Meet and hold hearings at any place in this State.

(5) Consult with local, national, and international experts on issues related to discrimination, truth and reconciliation, and restorative justice.

(6) Interview and take statements from members of the populations and communities identified pursuant to subdivision 902(b)(1) of this chapter; members of the public; and persons with knowledge of the institutional, structural, and systemic discrimination experienced by such populations and communities.

(7) Study, research, investigate, and report on the impact of State laws and policies on populations and communities identified pursuant to subdivision 902(b)(1) of this chapter. If the Commission determines that particular laws or policies caused or permitted institutional, structural, and systemic discrimination against a population or community, regardless of whether the discrimination was intentional or adversely impacted the population or community, the Commission may propose legislative or administrative action to the General Assembly or Governor, as appropriate, to remedy the impacts on the population or community.

(8) Enter into cooperative agreements with private organizations or individuals or with any agency or instrumentality of the United States or of this State to carry out the provisions of this chapter.

(9) Make and execute legal documents necessary or convenient for the exercise of its powers and duties under this chapter.

(10) Hire consultants and independent contractors to assist the Commission in carrying out the provisions of this chapter.

(11) Seek grants or funding other than annual State appropriations to further the work of the Commission.

(12) Take any other actions necessary to carry out the provisions of this chapter.

§ 907. EXECUTIVE DIRECTOR; DUTIES

(a) The Commissioners shall appoint an Executive Director. The Executive Director shall be a full-time State employee, shall be exempt from the State classified system, and shall serve at the pleasure of the commissioners.

(b) The Executive Director shall be responsible for the following:

(1) supervising and administering the implementation of the provisions of this chapter on behalf of the commissioners;

(2) assisting the commissioners in carrying out their duties;

(3) ensuring that the Commission has the resources and staff assistance necessary to collect historical materials, take statements from individuals, hold public hearings and events, and prepare and publish reports and other documents;

(4) facilitating communications between the Commission and members of the populations and communities identified pursuant to subdivision 902(b)(1) of this chapter, interested parties, and members of the public;

(5) hiring staff, including researchers and administrative and legal professionals, as necessary to carry out the duties of the Commission; and

(6) preparing an annual budget for submission to the commissioners.

§ 908. REPORTS

(a) On or before January 15, 2024, the Commission shall submit to the Governor and General Assembly an interim report on the Commission's progress to date, the committees established pursuant to subdivision 906(a)(1) of this chapter and the scope and objectives of their work, emerging themes and issues that the Commission has identified, and, if available, any preliminary findings and recommendations for legislative or other action that the Commission believes should be prioritized to address instances of institutional, structural, and systemic discrimination identified by the Commission.

(b)(1) On or before June 15, 2026, the Commission shall submit a final report incorporating the findings and recommendations of each committee. Each report shall detail the findings and recommendations of the relevant committee and shall include recommendations for actions that can be taken to eliminate ongoing instances of institutional, structural, and systemic discrimination and to address the harm caused by historic instances institutional, structural, and systemic discrimination.

(2) The Commission shall, on or before January 15, 2026, make a draft of the final report publicly available and provide copies of the draft to interested parties from the populations and communities identified pursuant to subdivision 902(b)(1) of this chapter and other interested parties. The Commission shall provide the interested parties and members of the public with not less than 60 days to review the draft and provide comments on it. The Commission shall consider fully all comments submitted in relation to the draft and shall include with the final version of the report a summary of all comments received and a concise statement of the reasons why the Commission decided to incorporate or reject any proposed changes. Comments submitted in relation to the final report shall be made available to the public in a manner that complies with the requirements of section 910 of this chapter.

(c) The Commission may, in its discretion, issue additional reports to the Governor, General Assembly, and public.

§ 909. ACCESS TO INFORMATION; CONFIDENTIALITY

(a) Access to State records and information.

(1) The Commission shall have access to and the right to copy any record or other information held by all executive, administrative, and judicial agencies and departments and all instrumentalities of the State. All executive, administrative, and judicial agencies and departments and all instrumentalities of the State shall cooperate with the Commission with respect to any request for access to any record or other information and shall provide all records or other information requested by the Commission to the extent permitted by law.

(2) The Commission shall keep confidential any information received from an executive, administrative, or judicial agency or department or an instrumentality of the State that is confidential or is exempt from the Public Records Act.

(b) Confidentiality requirements.

(1) Except as otherwise provided pursuant to subsection (c) of this section, information and records acquired by or provided to the Commission that would in any manner reveal an individual's identity shall be kept confidential and shall be exempt from public inspection and copying under the Public Records Act.

(2) The Commission shall not include the personally identifying information of any individual in any report that it produces without the express, written consent of the individual.

(c) Exceptions.

(1) Except as provided in subdivision (2) of this subsection, information and records acquired by or provided to the Commission shall only be available to the public in an anonymized form that does not reveal the identity of any individual.

(2) Information or records acquired by or provided to the Commission may be disclosed in a manner that would reveal the identity of an individual if that individual has provided their express, written consent to the disclosure of the information or record in a manner that would reveal their identity.

(d) Private proceedings.

(1) The Commission shall permit any individual who is interviewed by the Commission to elect to have their interview conducted in a manner that protects the individual's privacy and to have any recording of the interview kept confidential by the Commission. Any other record or document produced in relation to an interview conducted pursuant to this subdivision (d)(1) shall only be available to the public in an anonymized form that does not reveal the identity of any individual.

(2) The Commission shall adopt procedures and safeguards to ensure to the greatest extent possible that it does not conduct any interview in a manner that is open to the public if the interview will reveal the identities of individuals other than the interviewee without the express, written consent of those individuals.

Sec. 3. APPROPRIATION

The sum of \$748,000.00 is appropriated from the General Fund to the Truth and Reconciliation Commission in fiscal year 2023.

Sec. 4. REPEAL

1 V.S.A. chapter 25 (Truth and Reconciliation Commission) is repealed on July 1, 2026.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 4-1-0)

(For House amendments, see House Journal for March 23, 2022, pages 828-843)

H. 464.

An act relating to miscellaneous changes to the Reach Up Program.

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

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

First: By striking out Sec. 8, 33 V.S.A. § 1114, in its entirety and inserting in lieu thereof a new Sec. 8 and a Sec. 8a to read as follows:

Sec. 8. 33 V.S.A. § 1114 is amended to read:

§ 1114. DEFERMENTS, MODIFICATIONS, AND REFERRAL

* * *

(b) The work requirements shall be either modified or deferred for:

* * *

(5) A participant who is needed in the home on a full- or part-time basis in order to care for an ill or disabled parent, spouse, or child. In granting deferments, the Department shall fully consider the participant's preference as to the number of hours the participant is able to leave home to participate in work activities. ~~A deferral or modification of the work requirement exceeding 60 days due to the existence of illness or disability pursuant to this subdivision shall be confirmed by the independent medical review of one or more physicians, physician assistants, advanced practice registered nurses, or other health care providers designated by the Secretary of Human Services prior to receipt of continued financial assistance under the Reach Up program.~~

* * *

(d) Absent an apparent condition or claimed physical, emotional, or mental condition, participants are presumed to be able-to-work. A participant shall have the burden of demonstrating the existence of the condition asserted as the basis for a deferral or modification of the work requirement. ~~A deferral or modification of the work requirement exceeding 60 days due to the existence of conditions rendering the participant unable to work shall be confirmed by the independent medical review of one or more physicians, physician assistants, advanced practice registered nurses, or other health care providers designated by the Secretary of Human Services prior to receipt of continued financial assistance under the Reach Up program.~~

* * *

Sec. 8a. 33 V.S.A. § 1114 is amended to read:

§ 1114. DEFERMENTS, MODIFICATIONS, AND REFERRAL

~~(a) The Commissioner shall establish by rule criteria, standards, and procedures for granting deferments from or modifications to the work requirements established in section 1113 of this title, in accordance with the provisions of this section and for referring individuals with disabilities to the Office of Vocational Rehabilitation.~~

~~(b) The work requirements shall be either modified or deferred for:~~

~~(1) A participant for whom no unsubsidized or subsidized job or other equivalent supervised work activity recognized by the Commissioner by rule is available.~~

~~(2) A participant for whom support services that are essential to employment and other work activities and identified in the family development plan cannot be arranged. Such services shall include case management, education and job training, child care, and transportation.~~

~~(3) A primary caretaker parent in a two-parent family in which one parent is able to work part-time or unable to work, a single parent, or a caretaker who is caring for a child who has not attained 24 months of age for no more than 24 months of the parent's or caretaker's lifetime receipt of financial assistance. To qualify for such deferment, a parent or caretaker of a child older than the age of six months but younger than 24 months shall cooperate in the development of and participate in a family development plan.~~

~~(4) An individual who has exhausted the 24 months of deferment provided for in subdivision (3) of this subsection and who is caring for a child who is not yet 13 weeks of age or a primary caretaker parent in a family with two parents who are able to work if the primary caretaker is caring for a child under 13 weeks of age and is otherwise subject to a work requirement because~~

~~the other parent in the family is being sanctioned in accordance with section 1116 of this title.~~

~~(5) A participant who is needed in the home on a full- or part-time basis in order to care for an ill or disabled parent, spouse, or child. In granting deferments, the Department shall fully consider the participant's preference as to the number of hours the participant is able to leave home to participate in work activities.~~

~~(6) A participant who is under 20 years of age, who is a single head of household or married, and who maintains satisfactory attendance at secondary school or the equivalent during the month, or participates in education directly related to employment for an average of 20 or more hours per week during the month.~~

~~(7) A participant who has attained 20 years of age and who is engaged in at least 15 hours per week of classes and related learning activities for the purpose of attaining a high school diploma or General Educational Development (GED) certificate or completing a literacy program approved by the Department; provided that the participant is making satisfactory progress toward the attainment of the diploma or certificate; and provided further that a deferment or modification granted for this purpose does not exceed 18 months.~~

~~(8) A participant who is enrolled in, attending, and making satisfactory progress toward the completion of a full-time vocational training program that has a normal duration of no more than two years and who is within 12 months of expected completion of such program. Such deferment or modification shall continue until he or she has completed the program, he or she is no longer attending the program, or the 12-month expected completion period has ended, whichever occurs first.~~

~~(9) A participant for whom, due to the effects of domestic violence, fulfillment of the work requirement can be reasonably anticipated to result in serious physical or emotional harm to the participant that significantly impairs his or her capacity either to fulfill the work requirement or to care for his or her child adequately, or can be reasonably anticipated to result in serious physical or emotional harm to the child.~~

~~(10) Any other participant designated by the Commissioner in accordance with criteria established by rule.~~

~~(e) A participant who is able to work part-time or is unable to work shall be referred for assessment of the individual's skills and strengths, accommodations and support services, and vocational and other services in accordance with the provisions of his or her family development plan. The~~

~~work requirement hours shall reflect the individual's ability to work. Participants with disabilities that do not meet the standards used to determine disability under Title XVI of the Social Security Act shall participate in rehabilitation, education, or training programs as appropriate. A participant who qualifies for a deferment or modification and who is able to work part-time shall have his or her work requirement hours modified or deferred. In granting deferments, the Department shall fully consider the participant's estimation of the number of hours the participant is able to work.~~

~~(d) Absent an apparent condition or claimed physical, emotional, or mental condition, participants are presumed to be able to work. A participant shall have the burden of demonstrating the existence of the condition asserted as the basis for a deferral or modification of the work requirement.~~

~~(e) Deferments and modifications granted pursuant to this section shall continue for as long as the grounds for the deferment or modification exist or until expiration of a related time period specified in subsection (b) of this section, whichever occurs first.~~

~~(f) As used in this section, "health care provider" means a person, partnership, or corporation, other than a facility or institution, licensed or certified or authorized by law to provide professional health care service in this State to an individual during that individual's medical care, treatment, or confinement. The program participation requirements established in section 1113 of this chapter shall be deferred when:~~

~~(1) a participating adult is 60 years of age or older;~~

~~(2) a participating adult is caring for a child under six weeks of age;~~

~~(3) a participating adult for whom, due to the effects of domestic violence, engaging in the program participation requirements can be reasonably anticipated to result in serious physical or emotional harm to the participating adult or participating adult's child; or~~

~~(4) any other participant designated by the Commissioner in accordance with criteria established by the Commissioner in rule pursuant to 3 V.S.A. chapter 25.~~

~~Second: In Sec. 12, effective dates, after "This section", by inserting the following:~~

~~, Sec. 8 (deferments, modifications, and referral),~~

~~(Committee vote: 5-0-0)~~

~~(For House amendments, see House Journal for March 22, 2022, pages 789-805)~~

Reported favorably by Senator Westman for the Committee on Appropriations.

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

(Committee vote: 6-0-1)

H. 715.

An act relating to the Clean Heat Standard.

Reported favorably with recommendation of proposal of amendment by Senator Bray for the Committee on Natural Resources and Energy.

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

Sec. 1. FINDINGS

The General Assembly finds:

(1) All of the legislative findings made in 2020 Acts and Resolves No. 153, Sec. 2, the Vermont Global Warming Solutions Act of 2020, remain true and are incorporated by reference here.

(2) Under the Vermont Global Warming Solutions Act of 2020 and 10 V.S.A. § 578, Vermont has a legal obligation to reduce greenhouse gas emissions to specific levels by 2025, 2030, and 2050.

(3) The Vermont Climate Council was established under the Vermont Global Warming Solutions Act of 2020 and was tasked with, among other things, recommending necessary legislation to reduce greenhouse gas emissions. The Initial Vermont Climate Action Plan calls for the General Assembly to adopt legislation authorizing the Public Utility Commission to administer the Clean Heat Standard consistent with the recommendations of the Energy Action Network's Clean Heat Standard Working Group.

(4) As required by the Vermont Global Warming Solutions Act of 2020, the Vermont Climate Council published the Initial Vermont Climate Action Plan on December 1, 2021. As noted in that plan, over one-third of Vermont's greenhouse gas emissions come from the thermal sector. Approximately 72 percent of Vermont's thermal energy use is fossil-based, including 43 percent from the combustion of fossil gas and propane and 29 percent from the burning of heating oil.

(5) To meet the greenhouse gas emission reductions required by the Vermont Global Warming Solutions Act of 2020, Vermont needs to transition away from its current carbon-intensive building heating practices to lower-carbon alternatives. It also needs to do this equitably, recognizing economic effects on energy users, especially energy-burdened users; on the workforce currently providing these services; and on the overall economy.

Sec. 2. 30 V.S.A. chapter 94 is added to read:

CHAPTER 94. CLEAN HEAT STANDARD

§ 8121. CLEAN HEAT STANDARD

(a) The Clean Heat Standard is established. Under this program, obligated parties shall reduce greenhouse gas emissions attributable to the Vermont thermal sector by retiring required amounts of clean heat credits to meet the thermal sector portion of the greenhouse gas emission reduction obligations of the Global Warming Solutions Act.

(b) By rule or order, the Commission shall establish or adopt a system of tradeable clean heat credits earned from the delivery of clean heat measures that reduce greenhouse gas emissions.

(c) An obligated party may obtain the required amount of clean heat credits through delivery of eligible clean heat measures, through contracts for delivery of eligible clean heat measures, through the market purchase of clean heat credits, or through delivery of eligible clean heat measures by a designated statewide default delivery agent.

(d) The Public Utility Commission shall adopt rules and may issue orders to design and implement the Clean Heat Standard.

§ 8122. DEFINITIONS

As used in this chapter:

(1) “Clean heat credit” means a tradeable, non-tangible commodity that represents the amount of greenhouse gas reduction caused by a clean heat measure. The Commission shall establish a system of recognition for clean heat credits pursuant to this chapter.

(2) “Clean heat measure” means fuel and technologies delivered and installed to end-use customers in Vermont that reduce greenhouse gas emissions. Clean heat measures shall not include switching from one fossil fuel use to another fossil fuel use. The Commission may adopt a list of acceptable actions that qualify as clean heat measures.

(3) “Commission” means the Public Utility Commission.

(4) “Default delivery agent” means the entity designated by the Commission to provide services that generate tradeable clean heat credits.

(5) “Entity” means any individual, trustee, agency, partnership, association, corporation, company, municipality, political subdivision, or any other form of organization.

(6) “Heating fuel” means fossil-based heating fuel, including oil, propane, natural gas, coal, and kerosene.

(7) “Obligated party” means:

(A) a regulated natural gas utility serving customers in Vermont; or

(B) for other heating fuels, the entity that makes the first sale of the heating fuel into or in the State for consumption within the State.

(8) “Thermal sector” has the same meaning as the “Residential, Commercial and Industrial Fuel Use” sector as used in the Vermont Greenhouse Gas Emissions Inventory and Forecast.

§ 8123. CLEAN HEAT STANDARD COMPLIANCE

(a) Required amounts.

(1) The Commission shall establish the number of clean heat credits that each obligated party is required to retire each calendar year. The size of the annual requirement shall be set at a pace sufficient for Vermont’s thermal sector to achieve lifecycle carbon dioxide equivalent (CO₂e) emission reductions consistent with the requirements of 10 V.S.A. § 578(a) expressed as lifecycle greenhouse gas emissions pursuant to subsection 8124(d) of this title.

(2) Annual requirements shall be expressed as a percent of each obligated party’s contribution to the thermal sector’s lifecycle CO₂e emissions in the previous year with the annual percentages being the same for all parties. To ensure understanding among obligated parties, the Commission shall, in a timely manner, publicly provide a description of the annual requirements in plain terms.

(3) The Commission may adjust the annual requirements for good cause after notice and opportunity for public process. Good cause may include a shortage of clean heat credits or undue adverse financial impacts on particular customers or demographic segments. Any downward adjustment shall be allowed for only a short, temporary period.

(4) To support the ability of the obligated parties to plan for the future, the Commission shall establish annual clean heat credit requirements for 10 years with the required amounts being updated so 10 years’ worth of

requirements are always available. Every three years, the Commission shall extend the requirements three years, shall assess emission reductions actually achieved in the thermal sector, and, if necessary, revise the pace of clean heat credit requirements for future years to ensure that the thermal sector portion of the emission reduction requirements of 10 V.S.A. § 578(a) for 2030 and 2050 will be achieved.

(b) Annual registration.

(1) Each entity that sells heating fuel into or in Vermont shall register annually with the Commission by an annual deadline established by the Commission. The form and information required in the registration shall be determined by the Commission and shall include all data necessary to establish annual requirements under this chapter. The Commission shall use the information provided in the registration to determine whether the entity shall be considered an obligated party and the amount of its annual requirement.

(2) At a minimum, the Commission shall require registration information to include legal name, doing business as name if applicable, municipality, state, type of heating fuel sold, and the volume of sales of heating fuels into or in the State for final sale or consumption in the State in the calendar year immediately preceding the calendar year in which the entity is registering with the Commission.

(3) Each year, and not later than 30 days following the annual registration deadline established by the Commission, the Commission shall share complete registration information of obligated parties with the Agency of Natural Resources and the Department of Public Service for purposes of conducting the Vermont Greenhouse Gas Emissions Inventory and Forecast and meeting the requirements of 10 V.S.A. § 591(b)(3).

(4) The Commission shall maintain, and update annually, a list of registered entities on its website that contains the required registration information, except that the public list shall not include heating fuel volumes reported.

(5) For any entity not registered, the first registration form shall be due 30 days after the first sale of heating fuel to a location in Vermont.

(6) Clean heat requirements shall transfer to entities that acquire an obligated party.

(c) Early action credits. Beginning on January 1, 2022, clean heat measures that are installed and provide emission reductions are creditable and therefore count towards the future clean heat credit requirements of an obligated party. Upon the establishment of the clean heat credit system, entities may register credits for actions taken starting in 2022.

(d) Equitable distribution of clean heat measures.

(1) The Clean Heat Standard shall be designed and implemented to enhance social equity by minimizing adverse impacts to low-income and moderate-income customers and those households with the highest energy burdens. The design shall ensure all customers have an equitable opportunity to participate in, and benefit from, clean heat measures regardless of heating fuel used, income level, geographic location, or homeownership status.

(2) A substantial portion of clean heat credits retired by each obligated party shall be sourced from clean heat measures delivered to low-income and moderate-income customers. The portion of each obligated party's required amount needed to satisfy the annual Clean Heat Standard requirement shall be at least 16 percent from low-income customers and 16 percent from moderate-income customers. The definitions of low-income customer and moderate-income customer shall be set by the Commission in consultation with the Equity Advisory Group and in alignment with other existing definitions.

(3) The Commission may consider frontloading the credit requirements for low-income and moderate-income customers so that the greatest proportion of clean heat measures reach low-income and moderate-income Vermonters in the earlier years.

(4) In order to best serve low-income and moderate-income customers, the Commission shall have authority to change these portions and the criteria used to define low-income and moderate-income customers for good cause, after notice and opportunity for public process.

(5) In determining whether to exceed the minimum percentages of clean heat measures that must be delivered to low-income and moderate-income customers, the Commission shall take into account participation in other government-sponsored low-income and moderate-income weatherization programs.

(6) A clean heat measure delivered to a customer qualifying for a government-sponsored, low-income energy subsidy shall qualify for clean heat credits required by subdivision (2) of this subsection.

(e) Credit banking. The Commission shall allow an obligated party that has met its annual requirement in a given year to retain clean heat credits in excess of that amount for future sale or application to the obligated party's annual requirements in future compliance periods as determined by the Commission.

(f) Default delivery agent.

(1) An obligated party may meet its annual requirement through a designated default delivery agent appointed by the Commission. The default delivery agent shall deliver creditable clean heat measures to Vermont homes and businesses when:

(A) an obligated party chooses to assign its annual requirement to the default delivery agent; or

(B) an obligated party fails to produce or acquire its required amount of clean heat credits.

(2) The Commission shall designate the default delivery agent. The default delivery agent shall be a single statewide entity capable of providing a variety of clean heat measures and contracted for a multiyear period through a competitive procurement process. The entity selected as the default delivery agent may also be a market participant but shall not be an obligated party.

(3) By rule or order, the Commission shall adopt annually the cost per clean heat credit to be paid to the default delivery agent by an obligated party that chooses this option. In adjusting the default delivery agent credit cost, the Commission shall consider the default delivery agent's anticipated costs to deliver clean heat measures and costs borne by customers, among other factors determined by the Commission. Changes to the cost of credits shall take effect not less than 180 days after adopted.

(4) All funds received from noncompliance payments pursuant to subdivision (g)(2) of this section shall be used by the default delivery agent to provide clean heat measures to low-income customers.

(g) Enforcement.

(1) The Commission shall have the authority to enforce the requirements of this chapter and any rules or orders adopted to implement the provisions of this chapter. The Commission may use its existing authority under this title. As part of an enforcement order, the Commission may order penalties and injunctive relief.

(2) The Commission may order an obligated party that fails to retire the number of clean heat credits required in a given year, including the required amounts from low-income and moderate-income customers, to make a noncompliance payment to the default delivery agent. The per-credit amount of the noncompliance payment shall be three times the amount established by the Commission under subsection (f) of this section for timely per-credit payments to the default delivery agent.

(3) Any statements or other representations made by obligated parties related to compliance with the Clean Heat Standard are subject to the Commission’s enforcement authority, including the power to investigate and assess penalties, under this title.

(h) Records. The Commission shall establish requirements for the types of records to be submitted by obligated parties, a record retention schedule for required records, and a process for verification of records and data submitted in compliance with the requirements of this chapter.

(i) Reports.

(1) For purposes of this subsection, “standing committees” means the House Committees on Energy and Technology and on Natural Resources, Fish, and Wildlife and the Senate Committees on Finance and on Natural Resources and Energy.

(2) After the adoption of the rules implementing this chapter, the Commission shall submit a written report to the standing committees detailing the efforts undertaken to establish the Clean Heat Standard pursuant to this chapter.

(3) On or before August 31 of each year following the year in which the rules are first adopted under this section, the Commission shall submit to the standing committees a written report detailing the implementation and operation of the Clean Heat Standard. This report shall include an assessment on the equitable adoption of clean heat measures required by subsection (d) of this section, along with recommendations to increase participation for the households with the highest energy burdens. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

§ 8124. TRADEABLE CLEAN HEAT CREDITS

(a) By rule or order, the Commission shall establish or adopt a system of tradeable clean heat credits that may be earned by reducing greenhouse gas emissions through the delivery of clean heat measures. While credit denominations may be in simple terms for public understanding and ease of use, the underlying value shall be based on units of carbon dioxide equivalent (CO₂e). The system shall provide a process for the recognition, approval, and monitoring of the clean heat credits. The Department of Public Service shall perform the verification of clean heat credit claims and submit results of the verification and evaluation to the Commission annually.

(b) Clean heat credits shall be based on the lifecycle CO2e emission reductions that result from the delivery of eligible clean heat measures to end-use customer locations into or in Vermont. For clean heat measures that are installed, the value of the clean heat credits in each year shall be the lifecycle CO2e emissions of the heating fuel avoided by the installation of the measure, minus the lifecycle CO2e emissions of the energy that is used instead. Eligible clean heat measures delivered to or installed in Vermont shall include:

- (1) thermal energy efficiency improvements and weatherization;
- (2) the supply of sustainably sourced biofuels;
- (3) renewable natural gas;
- (4) green hydrogen;
- (5) cold-climate heat pumps and efficient electric appliances providing thermal end uses;
- (6) advanced wood heating; and
- (7) renewable energy-based district heating services.

(c) For pipeline renewable natural gas and other renewably generated natural gas substitutes to be eligible, an obligated party shall purchase renewable natural gas and its associated renewable attributes and demonstrate that it has secured a contractual pathway for the physical delivery of the gas from the point of injection into the pipeline to the obligated party's delivery system.

(d) To promote certainty for obligated parties and clean heat providers, the Commission shall, by rule or order, establish a schedule of lifecycle emission rates for heating fuels and eligible clean heat measures. The schedule shall be based on transparent and accurate emissions accounting adapting the Argonne National Laboratory GREET Model, Intergovernmental Panel on Climate Change (IPCC) modeling, or an alternative of comparable analytical rigor to achieve the thermal sector greenhouse gas emissions reductions necessary in order to meet the sector's share of the requirements of 10 V.S.A. § 578(a), to accurately account for emissions from biogenic and geologic sources, and to deter substantial unintended harmful consequences. The schedule may be amended based upon changes in technology or evidence on emissions, but clean heat credits previously awarded shall not be adjusted retroactively.

(e) Clean heat credits shall be "time stamped" for the year in which the clean heat measure is delivered as well as each subsequent year during which the measure produces emission reductions. Only clean heat credits with the current year time stamp, and credits banked from previous years, shall be eligible to satisfy the current year obligation.

(f) Clean heat credits can be earned only in proportion to the deemed or measured thermal sector greenhouse gas emission reductions achieved by a clean heat measure delivered in Vermont. Other emissions offsets, wherever located, shall not be eligible measures.

(g)(1) All eligible clean heat measures that are delivered in Vermont shall be eligible for clean heat credits and may be retired and count towards an obligated party's emission reduction obligations, regardless of who creates or delivers them and regardless of whether their creation or delivery was required by other State policies and programs. This includes individual initiatives, emission reductions resulting from the State's energy efficiency programs, the low-income weatherization program, and the Renewable Energy Standard Tier 3 program.

(2) The Commission shall determine whether the total value of a clean heat credit for an installed measure shall be claimed in the year it is installed or whether the annual value of that credit shall be applied each year of the measure's life.

(3) The Commission shall determine whether to require a certain portion of clean heat credits be acquired each year from weatherization projects in order to further the State's building efficiency goals. The Commission shall recommend legislative changes, if needed, to accomplish this.

(h)(1) The Commission shall create a registration system to lower administrative barriers to individuals and businesses seeking to register qualified actions eligible to earn clean heat credits and to facilitate the transfer of credits to obligated parties. The Commission may hire a third-party consultant to evaluate, develop, implement, maintain, and support a database or other means for tracking clean heat credits and compliance with the annual requirements of obligated parties.

(2) The system shall require entities to submit the following information to receive the credit: the location of the clean heat measure, whether the customer or tenant has a low or moderate income, the type of property where the clean heat measure was installed or sold, the type of clean heat measure, and any other information as required by the Commission.

(i) Nothing in this chapter shall limit the authority of the Secretary of Natural Resources to compile and publish the Vermont Greenhouse Gas Emissions Inventory and Forecast in accordance with 10 V.S.A. § 582.

§ 8125. CLEAN HEAT STANDARD TECHNICAL ADVISORY GROUP

(a) The Commission shall establish the Clean Heat Standard Technical Advisory Group (TAG) to assist the Commission in the ongoing management of the Clean Heat Standard. Its duties shall include:

(1) establishing and revising the lifecycle carbon dioxide equivalent (CO₂e) emissions accounting methodology to be used to determine each obligated party's annual requirement pursuant to subdivision 8123(a)(2) of this chapter;

(2) establishing and revising the clean heat credit value for different clean heat measures;

(3) periodically assessing and reporting to the Commission on the sustainability of the production of clean heat measures by considering factors including greenhouse gas emissions; carbon sequestration and storage; human health; land use changes; ecological and biodiversity impacts; groundwater and surface water impacts; air, water, and soil pollution; and impacts on food costs;

(4) setting the lifespan length of clean heat measures for the purpose of calculating credit values;

(5) establishing credit values for each year over a clean heat measure's life, including adjustments to account for increasing interactions between clean heat measures over time so as to not double-count emission reductions;

(6) facilitating the program's coordination with other energy programs;

(7) calculating the impact of the cost of clean heat credits and the cost savings associated with delivered clean heat measures on per-unit heating fuel prices;

(8) coordinating with the Agency of Natural Resources to ensure that greenhouse gas emissions reductions achieved in another sector through the implementation of the Clean Heat Standard are not double-counted in the Vermont Greenhouse Gas Emissions Inventory and Forecast produced by the Agency of Natural Resources;

(9) advising the Commission on the periodic assessment and revision requirement established in subdivision 8123(a)(4) of this chapter; and

(10) any other matters referred to the TAG by the Commission.

(b) Members of the TAG shall be appointed by the Commission and shall include the Department of Public Service, the Agency of Natural Resources, and parties who have, or whose representatives have, expertise in one or more of the following areas: technical and analytical expertise in measuring

lifecycle greenhouse gas emissions; energy modeling and data analysis; clean heat measures and energy technologies; sustainability and non-greenhouse gas emissions strategies designed to reduce and avoid impacts to the environment; delivery of heating fuels in cold climates; and climate change mitigation policy and law. The Commission shall accept and review motions to join the TAG from interested parties who have, or whose representatives have, expertise in one or more of the areas listed in this subsection. Members who are not otherwise compensated by their employer shall be entitled to per diem compensation and reimbursement for expenses under 32 V.S.A. § 1010.

(c) The Commission shall hire a third-party consultant responsible for developing clean heat measure characterizations and relevant assumptions, including CO₂e lifecycle emissions analyses. The TAG shall provide input and feedback on the consultant's work.

(d) Emission analyses and associated assumptions developed by the consultant shall be reviewed and approved annually by the Commission. In reviewing the consultant's work, the Commission shall provide a public comment period on the work. The Commission may approve or adjust the consultant's work as it deems necessary based on its review and the public comments received.

§ 8126. CLEAN HEAT STANDARD EQUITY ADVISORY GROUP

(a) The Commission shall establish the Clean Heat Standard Equity Advisory Group to assist the Commission in developing and implementing the Clean Heat Standard in a manner that ensures an equitable share of clean heat measures are delivered to low-income and moderate-income Vermonters, and that low-income and moderate-income Vermonters who are not early participants in clean heat measures are not negatively impacted in their ability to afford heating fuel. Its duties shall include:

(1) providing feedback to the Commission on strategies for engaging low-income and moderate-income Vermonters in the public process around development of the Clean Heat Standard;

(2) supporting the Commission in assessing whether customers are equitably served by clean heat measures and how to increase equity in this area;

(3) identifying actions needed to provide better service to and mitigate the fuel price impacts calculated in section 8125 of this title on low-income and moderate-income customers;

(4) assisting the Commission in defining low-income and moderate-income customers;

(5) recommending any additional programs, incentives, or funding needed to support low-income and moderate-income customers, and organizations that provide social services to Vermonters, in affording heating fuel and other heating expenses;

(6) providing feedback to the Commission on the impact of the Clean Heat Standard on the everyday experience of low-income and moderate-income Vermonters; and

(7) providing information to the Commission on the challenges renters face in being equitably served by clean heat measures and recommendations to ensure that renters have equitable access to clean heat measures.

(b) The Clean Heat Standard Equity Advisory Group shall consist of up to 10 members appointed by the Commission and at a minimum shall include at least one representative from each of the following groups: the Department of Public Service; the Department for Children and Families Office of Economic Opportunity; community action agencies; Efficiency Vermont; individuals with socioeconomically, racially, and geographically diverse backgrounds; renters and rental property owners; and a member of the Vermont Fuel Dealers Association. Members who are not otherwise compensated by their employer shall be entitled to per diem compensation and reimbursement for expenses under 32 V.S.A. § 1010.

§ 8127. SEVERABILITY

If any provision of this chapter or its application to any person or circumstance is held invalid or in violation of the Constitution or laws of the United States or in violation of the Constitution or laws of Vermont, the invalidity or the violation shall not affect other provisions of this chapter that can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are severable.

§ 8128. INTENT

It is the intent of the General Assembly that the Clean Heat Standard be designed and implemented in a manner that achieves Vermont's thermal sector greenhouse gas emissions reductions necessary to meet the requirements of 10 V.S.A. § 578(a), minimizes costs to customers, and recognizes that affordable heating is essential for Vermonters. It shall minimize adverse impacts to low-income and moderate-income customers and those households with the highest energy burdens.

Sec. 3. PUBLIC UTILITY COMMISSION IMPLEMENTATION

(a) Commencement.

(1) On or before August 31, 2022, the Public Utility Commission shall commence a proceeding to implement Sec. 2 (Clean Heat Standard) of this act.

(2) On or before October 1, 2023, the Commission shall commence rulemaking to implement Sec. 2 (Clean Heat Standard) of this act. The Commission shall finally adopt these rules by July 1, 2024, unless this period is extended by the Legislative Committee on Administrative Rules.

(b) Facilitator. On or before October 1, 2022, the Commission shall hire a third-party consultant to design and conduct public engagement. The Commission may use funds appropriated under this act on hiring the consultant.

(c) Public engagement process. Before commencing rulemaking, the Commission shall use the forms of public engagement described in this subsection to inform the design and implementation of the Clean Heat Standard. Any failure by the Commission to meet the specific procedural requirements of this section shall not affect the validity of the Commission's actions.

(1) The Commission shall hold at least six public meetings and of those meetings three shall allow members of the public to participate in person and remotely. The meetings shall be held in at least six different geographically diverse counties of the State. The meetings shall be recorded and publicly posted on the Commission's website.

(2) In order to receive focused feedback from specific constituents, the Commission, with the assistance of the consultant, shall also hold at least four meetings using deliberative polling. The facilitator shall assist the Commission in developing a format for using deliberative polling at the meetings. Each of these meetings shall focus on seeking input from a specific group, including heating fuel dealers; low-income, moderate-income, and fixed-income customers and advocates; and customers who use large amounts of heating fuel.

(3) The Commission shall hold at least two workshops to solicit the input of potentially affected parties. To reach as many potentially interested entities as possible, such as Vermont's fuel wholesalers and retail fuel suppliers, renewable energy advocacy organizations, environmental and consumer advocacy organizations, organizations that specialize in serving low- and moderate-income Vermonters, organizations that specialize in serving older Vermonters, entities that provide weatherization services, energy

transition providers, regional planning commissions, municipal energy commissions, community action agencies, environmental justice organizations, financial institutions that specialize in implementing low-income financing programs, affordable housing advocates, the Office of Economic Opportunity, and regional development corporations, the Commission shall provide notice of the workshops on its website, shall publish the notice once in a newspaper of general circulation in each county of Vermont, and shall also provide direct notice to any person that requests direct notice or to whom the Commission may consider direct notice appropriate. The Commission also shall provide an opportunity for submission of written comments, which the notice shall include.

(d) Draft proposed rules. The Commission shall publicly publish draft proposed rules and provide notice of it to the stakeholders who registered their names and e-mail addresses with the Commission during the workshops. The Commission shall provide a 30-day comment period on the draft and accept written comments from the public and stakeholders. The Commission shall incorporate necessary changes in response to the public comments before filing the proposed rules with the Secretary of State and the Legislative Committee on Rules.

(e) Advertising. The Commission shall use funding appropriated in this act on advertising the public meetings in order to provide notice to a wide variety of segments of the public.

(f) Final rules. On or before July 1, 2024, the Commission shall adopt final rules to take effect on January 1, 2025 that initially implements Sec. 2 (Clean Heat Standard) of this act. In its review of the final proposed rules, the Legislative Committee on Rules (LCAR) shall consult with the committees of jurisdiction pursuant to 3 V.S.A. § 817(c).

(g) Consultant. On or before January 15, 2023, the Commission shall contract with a consultant to assist with implementation of 30 V.S.A. § 8124 (clean heat credits).

(h) Funding. On or before January 15, 2023, the Commission shall report to the General Assembly on suggested revenue streams that may be used or created to fund the Commission's administration of the Clean Heat Standard program.

(i) Check-back reports.

(1) On or before February 15, 2023 and January 15, 2024, the Commission shall submit a written report to and hold hearings with the House Committees on Energy and Technology and on Natural Resources, Fish, and

Wildlife and the Senate Committees on Finance and on Natural Resources and Energy detailing the efforts undertaken to establish the Clean Heat Standard. The reports shall include, to the extent available, estimates of the impact of the Clean Heat Standard on customers, including impacts to customer rates and fuel bills for participating and nonparticipating customers, net impacts on total spending on energy for thermal sector end uses, fossil fuel reductions, greenhouse gas emission reductions and, if possible, impacts on economic activity and employment. In conducting this analysis, the Commission shall incorporate the social cost of carbon as established by the Vermont Climate Council, take into account the economic modeling conducted in the Vermont Pathways Analysis Report 2.0, and consider the potential costs of delaying action to achieve the requirements of 10 V.S.A. § 578(a). The modeled impacts shall estimate high-, medium-, and low-price impacts. The reports shall recommend any legislative action needed to address enforcement of the Clean Heat Standard.

(2) Based on the information regarding projected costs and benefits, the Commission shall recommend cost-containment mechanisms to be included in statute.

(3) Upon receiving the recommendations regarding cost-containment mechanisms provided by the Commission, the General Assembly shall determine whether to enact legislation adopting the Commission's recommendations.

Sec. 4. PUBLIC UTILITY COMMISSION AND DEPARTMENT OF PUBLIC SERVICE POSITIONS; APPROPRIATION

(a) The following new positions are created in the Public Utility Commission for the purpose of carrying out this act:

- (1) one permanent exempt Staff Attorney 3;
- (2) one permanent exempt analyst; and
- (3) one limited-service exempt analyst.

(b) The sum of \$600,000.00 is appropriated to the Public Utility Commission from the General Fund in fiscal year 2023 for the positions established in subsection (a) of this section, for the consultant required by Sec. 3 of this act, and for additional operating costs required to implement the Clean Heat Standard, including marketing and public outreach for Sec. 3 of this act.

(c) The following new positions are created in the Department of Public Service for the purpose of carrying out this act:

(1) one permanent exempt Staff Attorney; and

(2) two permanent classified program analysts.

(d) The sum of \$600,000.00 is appropriated to the Department of Public Service from the General Fund in fiscal year 2023 for the positions established in subsection (c) of this section, to retain consultants that may be required to support verification and evaluation required by 30 V.S.A. § 8124(a), and for associated operating costs related to the implementation of the Clean Heat Standard.

Sec. 5. SECTORAL PROPORTIONALITY REPORT

(a)(1) On or before November 15, 2023, the Agency of Natural Resources and the Department of Public Service, in consultation with the Agencies of Agriculture, Food and Markets, of Commerce and Community Development, and of Transportation and the Vermont Climate Council, shall report to the House Committees on Energy and Technology and on Natural Resources, Fish, and Wildlife and to the Senate Committees on Finance and on Natural Resources and Energy regarding:

(A) the role of individual economic sectors in achieving the greenhouse gas emission reduction requirements pursuant to 10 V.S.A. § 578(a);

(B) each economic sector's proportional contribution to greenhouse gas emissions in Vermont as inventoried pursuant to 10 V.S.A. 582; and

(C) the extent to which cost-effective, feasible, and co-beneficial reasonably available greenhouse gas emission reduction measures are available commensurate with each sector's proportional contribution and emissions reduction impact.

(2) The report shall consider the analyses performed in support of the December 1, 2021 Climate Action Plan and the 2022 Comprehensive Energy Plan. The report shall consider additional analyses, as necessary.

(b) The report shall make recommendations to the General Assembly to amend 10 V.S.A. § 578 to include sector-specific greenhouse emissions reduction requirements and, as necessary, subsector-specific greenhouse emission reduction requirements for the purposes of informing and appropriately scaling the implementation of programs and policies that achieve greenhouse gas emission reductions. As used in this section, "sector" means those established in the annual Vermont Greenhouse Gas Emissions Inventory and Forecast produced by the Agency of Natural Resources pursuant to 10 V.S.A. § 582. The recommendations shall be made in consideration of the factors established in 10 V.S.A. § 592(d).

(c) The Agency of Natural Resources and the Department of Public Service, in consultation with the Vermont Climate Council, shall submit an updated report and any corresponding recommendations in accordance with this section on July 1 of a year immediately preceding a year in which an updated Climate Action Plan is adopted pursuant to 10 V.S.A. § 592(a).

Sec. 6. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 4-1-0)

(No House amendments)

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

The Committee recommends that the bill be amended as recommended by the Committee on Natural Resources and Energy with the following amendments thereto:

First: In Sec. 2, 30 V.S.A. chapter 94, by adding a new section 8129 to read as follows:

§ 8129. RULEMAKING AUTHORITY

Notwithstanding any other provision of law to the contrary, the Commission shall not file proposed rules with the Secretary of State or issue any orders implementing the Clean Heat Standard without specific authorization enacted by the General Assembly.

Second: In Sec. 3, Public Utility Commission implementation, subsection (a), by striking out subdivision (2) in its entirety and inserting in lieu thereof the following:

(2) On or before October 1, 2023, the Commission shall submit to the General Assembly an interim report on the development of the Clean Heat Standard.

Third: In Sec. 3, Public Utility Commission implementation, by striking out subsection (f) in its entirety and by inserting in lieu thereof the following:

(f) Final rules.

(1) On or before January 15, 2024, the Commission shall submit to the General Assembly final proposed rules to implement the Clean Heat Standard. The Commission shall not file the final proposed rules with the Secretary of State until specific authorization is enacted by the General Assembly to do so.

(2) Notwithstanding 3 V.S.A. §§ 820, 831, 836–840, and 841(a), upon affirmative authorization enacted by the General Assembly authorizing the adoption of rules implementing the Clean Heat Standard, the Commission shall file, as the final proposed rule, the rules implementing the Clean Heat Standard approved by the General Assembly with the Secretary of State and Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 841. The filing shall include everything that is required under 3 V.S.A. §§ 838(a)(1)–(5), (8)–(13), (15), and (16) and 841(b)(1).

(3) The review, adoption, and effect of the rules implementing the Clean Heat Standard shall be governed by 3 V.S.A. §§ 841(c); 842, exclusive of subdivision (b)(4); 843; 845; and 846, exclusive of subdivision (a)(3).

(4) Once adopted and effective, any amendments to the rules implementing the Clean Heat Standard shall be made in accordance with the Administrative Procedure Act, 3 V.S.A. chapter 25.

(Committee vote: 7-0-0)

H. 729.

An act relating to miscellaneous judiciary procedures.

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

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

* * * Cross Reference Corrections * * *

Sec. 1. 12 V.S.A. § 4853a is amended to read:

§ 4853a. PAYMENT OF RENT INTO COURT; EXPEDITED HEARING

* * *

(c) Any memorandum in opposition filed by the defendant pursuant to Rule ~~78(b)~~ (7)(b)(6) of the Vermont Rules of Civil Procedure shall be accompanied by affidavit setting forth particular facts in support of the memorandum.

* * *

Sec. 2. 12 V.S.A. § 4853b is amended to read:

§ 4853b. UNLAWFUL OCCUPANT; EXPEDITED HEARING

* * *

(c) At any time before the hearing, the defendant may oppose the motion pursuant to Rule ~~78(b)~~ (7)(b)(6) of the Vermont Rules of Civil Procedure by filing an affidavit, a signed written statement, or a memorandum in opposition to the motion. The affidavit, signed written statement, or memorandum shall set forth particular facts to show that a genuine dispute of fact exists in relation to the motion.

* * *

* * * Notarization of Affidavits in Relief from Abuse Proceedings * * *

Sec. 3. 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, which may be sworn to or affirmed by administration of the oath over the telephone to the applicant by an employee of the Judiciary authorized to administer oaths and shall conclude with the following statement: "I declare under the penalty of perjury pursuant to the laws of the State of Vermont that the foregoing is true and accurate. I understand that making false statements is a crime subject to a term of imprisonment or a fine, or both, as provided by 13 V.S.A. § 2904." The authorized person shall note on the affidavit the date and time that the oath was administered. 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:

* * *

Sec. 4. 15 V.S.A. § 1106 is amended to read:

§ 1106. PROCEDURE

* * *

(b)(1) The Court Administrator shall establish procedures to ensure access to relief after regular court hours, or on weekends and holidays. The Court Administrator is authorized to contract with public or private agencies to assist plaintiffs to seek relief and to gain access to Superior Courts. Law enforcement agencies shall assist in carrying out the intent of this section.

(2)(A) The court shall designate an authorized person to receive requests for ex parte temporary relief from abuse orders submitted after regular

court hours pursuant to section 1104 of this title, including requests made by reliable electronic means according to the procedures in this subdivision.

* * *

(C) The affidavit shall be sworn to or affirmed by administration of the oath over the telephone to the applicant by the authorized person, and shall conclude with the following statement: “I declare under the penalty of perjury pursuant to the laws of the State of Vermont that the foregoing is true and accurate. I understand that the penalty for perjury is imprisonment of not more than 15 years or a fine of not more than \$10,000.00, or both making false statements is a crime subject to a term of imprisonment or a fine, or both, as provided by 13 V.S.A. § 2904.” The authorized person shall note on the affidavit the date and time that the oath was administered.

* * *

* * * Sealing Criminal History Records * * *

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

§ 7607. EFFECT OF SEALING

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

* * *

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

§ 7611. UNAUTHORIZED DISCLOSURE

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

Sec. 6a. 4 V.S.A. § 1102 is amended to read:

§ 1102. JUDICIAL BUREAU; JURISDICTION

* * *

(b) The Judicial Bureau shall have jurisdiction of the following matters:

* * *

(30) Violations of 13 V.S.A. § 7611, relating to the unauthorized disclosure of sealed criminal history record information.

* * *

Sec. 7. 32 V.S.A. § 1431 is amended to read:

§ 1431. FEES IN SUPREME AND SUPERIOR COURTS

* * *

(e) Prior to the filing of any postjudgment motion in the Civil, Criminal, or Environmental Division of the Superior Court, including motions to reopen civil suspensions or motions to reopen existing cases in the Probate Division of the Superior Court, there shall be paid to the clerk of the court for the benefit of the State a fee of \$90.00 except for small claims actions, estates, and motions to confirm the sale of property in foreclosure. A filing fee of \$90.00 shall be paid to the clerk of the court for a civil petition for minor settlements. The \$90.00 filing fee shall only apply for a motion to seal a criminal history record of a violation of 23 V.S.A. § 1201(a) pursuant to 13 V.S.A. § 7602(a)(1)(C), but shall not apply for any other motion to seal or expunge a criminal history record pursuant to 13 V.S.A. § 7602, 33 V.S.A. § 5119(g), or other applicable records clearance provisions.

* * *

* * * Correcting Title of Chief Superior Judge * * *

Sec. 8. 4 V.S.A. § 21a is amended to read:

§ 21a. DUTIES OF THE ~~ADMINISTRATIVE~~ CHIEF SUPERIOR JUDGE

(a) The ~~Administrative~~ Chief Superior Judge shall assign and specially assign Superior judges, including ~~himself or herself~~ themselves, and Environmental judges to the Superior Court. All Superior judges except Environmental judges shall be subject to the requirements of rotation as ordered by the Supreme Court. Assignments made pursuant to the rotation schedule shall be subject to the approval of the Supreme Court.

(b) In making any assignment under this section, the ~~Administrative~~ Chief Superior Judge shall give consideration to the experience, temperament, and training of a judge and the needs of the court. In making an assignment to the Environmental Division, the ~~Administrative~~ Chief Superior Judge shall give consideration to experience and expertise in environmental and land use law and shall assign or specially assign judges in a manner to provide appropriate attention to all geographic areas of the State.

(c) In making any assignments to the Environmental Division under this section, the ~~Administrative~~ Chief Superior Judge shall regularly assign two judges, at least one of whom shall be an Environmental judge. An Environmental judge may be assigned to other divisions in the Superior Court for a period of time not exceeding two years. When assigned to other divisions in the Superior Court, the Environmental judge shall have all the powers and responsibilities of a Superior judge.

Sec. 9. 4 V.S.A. § 22 is amended to read:

§ 22. DESIGNATION AND SPECIAL ASSIGNMENT OF JUDICIAL OFFICERS AND RETIRED JUDICIAL OFFICERS

(a)(1) The Chief Justice may appoint and assign a retired Justice or judge with ~~his or her~~ the Justice's or judge's consent or a Superior or Probate judge to a special assignment on the Supreme Court. The Chief Justice may appoint, and the ~~Administrative~~ Chief Superior Judge shall assign, an active or retired Justice or a retired judge, with ~~his or her~~ the Justice's or judge's consent, to any special assignment in the Superior Court or the Judicial Bureau.

(2) The ~~Administrative~~ Chief Superior Judge may appoint and assign a judge to any special assignment in the Superior Court. As used in this subdivision, a judge shall include a Superior judge, a Probate judge, a Family Division magistrate, or a judicial hearing officer.

(b) The ~~Administrative~~ Chief Superior Judge may appoint and assign a member of the Vermont Bar residing within the State of Vermont to serve temporarily as:

- (1) an acting judge in Superior Court;
- (2) an acting magistrate;
- (3) an acting Probate judge; or
- (4) an acting hearing officer to hear cases in the Judicial Bureau.

* * *

(f) In making an appointment under subsection (b) of this section, the Administrative Chief Superior Judge shall apply the criteria and standards for judicial appointments contained in section 601 of this title.

Sec. 10. 4 V.S.A. § 36 is amended to read:

§ 36. COMPOSITION OF THE COURT

* * *

(C) Use of the term “judicial officer” in subdivisions (A) and (B) of this subdivision (2) shall not be construed to expand a judicial officer’s ~~subject matter~~ subject-matter jurisdiction or conflict with the authority of the Chief Justice or Administrative Chief Superior Judge to make special assignments pursuant to section 22 of this title.

* * *

Sec. 11. 4 V.S.A. § 38 is amended to read:

§ 38. JUDICIAL MASTERS

(a) The Administrative Chief Superior Judge may appoint a licensed Vermont lawyer who has been engaged in the practice of law in Vermont for at least the last five years to serve as a Judicial Master. The Judicial Master shall be an employee of the Judiciary and be subject to the Code of Judicial Conduct. A Judicial Master shall not engage in the active practice of law for remuneration while serving in this position. In making this appointment, the Administrative Judge shall apply the criteria and standards for judicial appointments contained in section 601 of this title. The Judicial Master may hear and decide the following matters as designated by the Administrative Judge:

* * *

Sec. 12. 4 V.S.A. § 71 is amended to read:

§ 71. APPOINTMENT AND TERM OF SUPERIOR JUDGES

* * *

(e) The Supreme Court shall designate one of the Superior judges to serve as Administrative Chief Superior Judge. The Administrative Chief Superior Judge shall serve at the pleasure of the Supreme Court.

Sec. 13. 4 V.S.A. § 73 is amended to read:

§ 73. ASSIGNMENT

(a) In accordance with the direction of the Supreme Court, the Administrative Chief Superior Judge shall assign the Superior judges among

the units and divisions of the Superior Court. The Administrative Chief Superior Judge shall assign a presiding judge to each unit and may assign a judge to preside in more than one unit. In a case where a Superior judge is disqualified or unable to attend any term of court or part thereof to which ~~he or she~~ the Superior Judge has been assigned, the Administrative Chief Superior Judge may assign another Superior judge to act as judge at that term or part thereof for that period during which the assigned judge is disqualified or unable to attend. If during a term of the Superior Court the court in a unit is unable to complete all or part of the work before it in a reasonable time, the Administrative Chief Superior Judge, with the approval of the Supreme Court, may modify judge assignments to reduce delays in that unit. The court shall publish the judicial rotation schedule in electronic format and distribute it electronically to attorneys licensed in Vermont.

(b) Pursuant to section 21a of this title, the Administrative Chief Superior Judge shall assign Superior judges to hear and determine Family Court matters. The Administrative Chief Superior Judge shall ensure that such hearings are held promptly. Any contested divorce case ~~which that~~ has been pending for more than one year shall be advanced for prompt hearing upon the request of any party.

(c) As necessary to ensure the efficient operation of the Superior Court, the presiding judge of the unit may specially assign a Superior judge assigned to a division in the unit, including the presiding judge, to preside over one or more cases in a different division. As the Administrative Chief Superior Judge determines necessary for the operation of the Superior Court throughout the State, and with the approval of the Supreme Court, the Administrative Chief Superior Judge may additionally assign for a specified period of time a Superior judge to preside over a particular type of case, or over a particular type of motion or other judicial proceeding, in all or part of the units in the State.

Sec. 14. 4 V.S.A. § 111 is amended to read:

§ 111. SUPERIOR COURT SESSIONS

(a) When the business of a Superior Court cannot otherwise be disposed of with reasonable dispatch, by direction of the Administrative Chief Superior Judge, there may be held additional sessions of that Superior Court simultaneously with the regular session consisting of a presiding judge and one or more assistant judges, if available.

(b) A Superior Court may be temporarily recessed or adjourned from the place designated for holding a regular term or session to another place having adequate facilities, when the regular facilities at the designated courthouse are not adequate.

(c) The ~~Administrative~~ Chief Superior Judge may assign assistant judges, with their consent, to a special assignment in a court where they have jurisdiction in another county when assistant judges of that county are unavailable or the business of the courts so requires.

Sec. 15. 4 V.S.A. § 115 is amended to read:

§ 115. STATED TERMS OF SUPERIOR COURT

The Superior Court shall operate continuously irrespective of the term in which events occur. Terms are designated for purposes of determining the rotation schedule of Superior judges and the responsibility of a Superior judge once a term has expired. When at the expiration of a term a Superior judge is no longer assigned to a specified unit, the judge shall complete any matters that have been heard or taken under advisement for that unit. The ~~Administrative~~ Chief Superior Judge, pursuant to rules of the Supreme Court, may specially assign a Superior judge to continue to preside over one or more cases even though the judge is no longer assigned to the unit of origin of the case or cases. In the absence of such a direction or of an assignment made pursuant to subsection 73(c) of this title, a judge who at the end of a term is no longer assigned to a unit shall have no further responsibility for cases in that unit.

Sec. 16. 4 V.S.A. § 272 is amended to read:

§ 272. PROBATE DISTRICTS; PROBATE JUDGES

* * *

(c) The ~~Administrative~~ Chief Superior Judge may specially assign a Probate judge to hear a case in a geographical district other than the district for which the Probate judge was elected.

Sec. 17. 4 V.S.A. § 461a is amended to read:

§ 461a. ESSEX COUNTY; POWERS OF ASSISTANT JUDGES AND
MAGISTRATES IN FAMILY COURT PROCEEDINGS

* * *

(b) The ~~Administrative~~ Chief Superior Judge may appoint and may specially assign a magistrate to serve as the presiding judge in the Family Division of the Superior Court in Essex County.

* * *

Sec. 18. 4 V.S.A. § 461c is amended to read:

§ 461c. POWERS OF ASSISTANT JUDGES IN DIVORCE
PROCEEDINGS

* * *

(c) Prior to hearing an uncontested domestic matter, an assistant judge shall sit with a Superior judge on domestic proceedings for a minimum of 100 hours, satisfactorily complete a minimum of 30 hours of training on subjects relevant to domestic proceedings and the Code of Judicial Conduct, and conduct a minimum of three uncontested domestic hearings with a Superior judge who shall, in ~~his or her~~ the Superior judge's sole discretion, certify to the ~~Administrative~~ Chief Superior Judge that the assistant judge is qualified to preside over matters under this section. Upon application of an assistant judge, some or all of these requirements may be waived by the ~~Administrative~~ Chief Superior Judge based on equivalent experience. The requirements set forth herein shall only apply to assistant judges who elect to conduct uncontested final hearings in domestic cases after July 1, 2010. An assistant judge already conducting hearings under this section as of July 1, 2010 shall be deemed to have complied with these requirements.

Sec. 19. 4 V.S.A. § 906 is amended to read:

§ 906. CONFLICTING APPOINTMENTS, EXCUSE FROM ATTENDING
BY ~~ADMINISTRATIVE~~ CHIEF SUPERIOR JUDGE

When an attorney is required to attend more than one trial, hearing, or other proceeding before a court or commission having judicial or quasi-judicial functions, or both, at times which conflict so that ~~he or she~~ the attorney cannot reasonably attend each appointment, the attorney may request the ~~Administrative~~ Chief Superior Judge to designate which appointment ~~he or she~~ the attorney shall attend. The ~~Administrative~~ Chief Superior Judge shall designate the appointment the attorney shall attend and shall notify the presiding magistrate of each court and commission of ~~his or her~~ the Justice's or judge's decision. The attorney shall be excused from attending at that time any proceedings other than the one designated by the ~~Administrative~~ Chief Superior Judge, and the other proceedings shall be rescheduled.

Sec. 20. 4 V.S.A. § 1001 is amended to read:

§ 1001. ENVIRONMENTAL DIVISION

* * *

(b) Two environmental judges shall be appointed to hear matters in the Environmental Division and to hear other matters in the Superior Court when so assigned by the ~~administrative judge~~ Chief Superior Judge pursuant to subsection 21a(c) of this title.

* * *

Sec. 21. 4 V.S.A. § 1104 is amended to read:

§ 1104. APPOINTMENT OF HEARING OFFICERS

The ~~Administrative~~ Chief Superior Judge shall appoint members of the Vermont Bar to serve as hearing officers to hear cases. Hearing officers shall be subject to the Code of Judicial Conduct.

Sec. 22. 4 V.S.A. § 1108 is amended to read:

§ 1108. JUDICIAL BUREAU VIOLATIONS; JURISDICTION OF ASSISTANT JUDGES

* * *

(c) The ~~Administrative~~ Chief Superior Judge may assign or direct assignment of an assistant judge with ~~his or her~~ the assistant judge's consent to hear matters in the Judicial Bureau within the county in which the assistant judge presides or in a county other than the county in which the assistant judge presides if the assistant judge has elected to hear and decide such matters.

Sec. 23. 12 V.S.A. § 5538 is amended to read:

§ 5538. APPEALS

Any party may appeal from a small claims judgment to Superior Court. The ~~Administrative~~ Chief Superior Judge shall assign the appeal to a Superior judge who shall not have participated in any way in the decision being appealed. The appeal shall be heard and decided, based on the record made in the small claims procedure. No appeal as of right exists to the Supreme Court. On motion made to the Supreme Court by a party to the action, the Supreme Court may allow an appeal from the Superior Court.

Sec. 24. 12 V.S.A. § 5540a is amended to read:

§ 5540a. JURISDICTION OVER SMALL CLAIMS; ASSISTANT JUDGES

* * *

(d) An assistant judge upon successful completion of the training under subsection (b) of this section, shall cause the Superior Court clerk to notify the Court Administrator of the assistant judge's successful completion of training. Upon receipt of such notification, small claims cases ~~which~~ that require a

hearing shall first be set for hearing before an assistant judge in the Superior Court in the county and shall be heard by the assistant judge. If the assistant judge is unavailable due to illness, vacation, administrative leave, disability, or disqualification, the ~~Administrative~~ Chief Superior Judge pursuant to 4 V.S.A. § 22 may assign a judge, or appoint and assign a member of the Vermont bar to serve temporarily as an acting judge, to hear small claims cases in the county. No action filed or pending shall be heard at or transferred to any other location unless agreed to by the parties. If both assistant judges of the county elect to successfully complete training to hear these matters, the senior assistant judge shall make the assignment of cases to be heard by each assistant judge. The assistant judges, once qualified to preside in these matters, shall work with the Court Administrator's office and the ~~Administrative~~ Chief Superior Judge such that the scheduling of small claims cases before the assistant judges are at such times as to permit adequate current court personnel to be available when these cases are heard.

* * *

Sec. 25. 13 V.S.A. § 5451 is amended to read:

§ 5451. CREATION OF COMMISSION

(a) The Vermont Sentencing Commission is established for the purpose of overseeing criminal sentencing practices in the State, reducing geographical disparities in sentencing, and making recommendations regarding criminal sentencing to the General Assembly.

(b) The Commission shall consist of the following members:

- (1) the Chief Justice of the Vermont Supreme Court or designee;
- (2) the Chief Superior Judge or designee, provided that the designee is a sitting or retired Vermont judge;
- (3) a ~~District~~ or Superior Court Judge with substantial criminal law experience appointed by the ~~administrative judge~~ Chief Superior Judge;
- (4) the Chair of the Senate Committee on Judiciary;
- (5) the Chair of the House Committee on Judiciary;
- (6) the Attorney General or designee;
- (7) the Defender General or designee;
- (8) the Executive Director of the Department of State's Attorneys and Sheriffs or designee;
- (9) the Appellate Defender;

(10) a State's Attorney appointed by the Executive Director of the Department of State's Attorneys and Sheriffs;

(11) a staff public defender with experience in juvenile defense matters appointed by the Defender General;

(12) an attorney with substantial criminal law experience appointed by the Vermont Bar Association;

(13) the Commissioner of Corrections or designee;

(14) the Commissioner of Public Safety or designee;

(15) the Executive Director of the Vermont Center for Crime Victim Services or designee;

(16) the Executive Director of the Vermont Crime Research Group; and

(17) one member of the public appointed by the Governor.

* * *

Sec. 26. 24 V.S.A. § 139 is amended to read:

§ 139. ASSISTANT JUDGE JUDICIAL EDUCATION

The assistant judges, either collectively or through a duly authorized committee of assistant judges established by a majority vote of the assistant judges after consultation with the ~~administrative judge~~ Chief Superior Judge, shall, by majority vote:

(1) identify the training needs of assistant judges, including needs ~~which that~~ that are required by law; and

(2) design, organize, and implement training for assistant judges, including training ~~which that~~ that is required by law.

Sec. 27. 24 V.S.A. § 3211 is amended to read:

§ 3211. DETERMINATION OF NECESSITY

* * *

(b) The Superior Court judge to whom the petition is presented shall fix the time for hearing, which shall not be more than 60 nor less than 40 days from the date the judge signs such order. Likewise, the judge shall fix the place for hearing, which shall be the county courthouse or any other place within the county in which the land in question is located. If the Superior Court judge to whom the petition is presented cannot hear the petition at the time set therefor, the judge shall call upon the ~~administrative judge~~ Chief Superior Judge to assign another Superior Court judge to hear the cause at the time and place assigned in the order.

* * *

Sec. 28. 24 V.S.A. § 3605 is amended to read:

§ 3605. HEARING TO DETERMINE NECESSITY

The judge to whom such petition is presented shall fix the time for hearing, which shall not be more than 60 nor less than 30 days from the date ~~he or she~~ the judge signs such order. Likewise, ~~he or she~~ the judge shall fix the place for hearing, which shall be the county courthouse or any other convenient place within the county in which the land in question is located. If the Superior judge to whom such petition is presented cannot hear the petition at the time set therefore ~~he or she~~, the Superior judge shall call upon the ~~Administrative Chief Superior Judge~~ to assign another Superior judge to hear such cause at the time and place assigned in the order.

Sec. 29. 32 V.S.A. § 8361 is amended to read:

§ 8361. GENERAL RULES FOR APPEALS

(a) A party aggrieved, including the State represented by the State Treasurer, on or before February 15 following such an appraisal, may appeal therefrom to a Superior judge designated by the ~~administrative judge~~ Chief Superior Judge, not excluding ~~himself or herself~~ themselves, who shall hear such appeal.

* * *

Sec. 30. 32 V.S.A. § 9272 is amended to read:

§ 9272. SUSPENSION AND REVOCATION OF LICENSES; APPEAL

* * *

(b) Any operator aggrieved by such suspension, revocation, or refusal may appeal therefrom to any Superior judge within 10 days after written notice of such suspension, revocation, or refusal has been mailed or delivered to ~~him or her~~ the operator. Such Superior judge or another Superior judge designated by the ~~administrative judge~~ Chief Superior Judge shall hear such appeal forthwith.

* * *

Sec. 31. 32 V.S.A. § 9816 is amended to read:

§ 9816. SUSPENSION OR REVOCATION OF CERTIFICATES; APPEAL

* * *

(b) Any person required to collect the tax aggrieved by a suspension, revocation, or refusal may appeal therefrom to any Superior judge within 10 days after written notice of the suspension, revocation, or refusal has been mailed or delivered to ~~him or her~~ the person. The Superior judge or another Superior judge designated by the ~~administrative judge~~ Chief Superior Judge shall hear the appeal forthwith.

* * *

* * * Report on Collection of Racial Data in Civil Court Filings * * *

Sec. 32. REPORT BY CHIEF SUPERIOR JUDGE ON COLLECTION OF RACIAL DATA IN CIVIL COURT FILINGS

On or before December 1, 2022, the Chief Superior Judge shall report to the House and Senate Committees on Judiciary on practices for the collection of racial demographic data in civil court filings. The report shall describe whether and in what manner data about the race of parties in civil court actions, including eviction and debt collection proceedings, is collected by courts in Vermont and other jurisdictions. The report may include recommendations for future practices and strategies to collect racial demographic data for civil court filings in Vermont. A copy of the report shall be sent to the Executive Director of Racial Equity.

* * * Sunset Extensions * * *

Sec. 33. 2017 Acts and Resolves No. 142, Sec. 5, as amended by 2021 Acts and Resolves No. 65, Sec. 4, is further amended to read:

Sec. 5. REPEAL

13 V.S.A. §§ 5451 (creation of Vermont Sentencing Commission) and 5452 (creation of Vermont Sentencing Commission) shall be repealed on July 1, ~~2022~~ 2023.

Sec. 34. 2013 Acts and Resolves No. 69, Sec. 3, subsection (b), as amended by 2015 Acts and Resolves No. 32, Sec. 1, as further amended by 2016 Acts and Resolves No. 169, Sec. 6, 2018 Acts and Resolves No. 175, Sec. 1, and 2020 Acts and Resolves No. 134, Sec. 3 (July 1, 2022 repeal of Automated License Plate Recognition system standards), is further amended to read:

(b) Secs. 1–2 of this act, 23 V.S.A. §§ 1607 and 1608, shall be repealed on July 1, ~~2022~~ 2024.

* * * Fees for Service of Civil Process and Fingerprinting * * *

Sec. 35. 32 V.S.A. § 1591 is amended to read:

§ 1591. SHERIFFS AND OTHER OFFICERS

There shall be paid to sheriffs' departments and constables in civil causes and to sheriffs, deputy sheriffs, and constables for the transportation and care of prisoners, juveniles, and patients with a mental condition or psychiatric disability the following fees:

(1) Civil process:

(A) For serving each process, the fees shall be as follows:

(i) \$10.00 for each reading or copy wherein the officer is directed to make an arrest;

(ii) ~~\$50.00~~ \$75.00 upon presentation of each return of service for the service of papers relating to divorce, annulments, separations, or support complaints;

(iii) ~~\$50.00~~ \$75.00 upon presentation of each return of service for the service of papers relating to civil suits except as provided in subdivisions (1)(A)(ii) and (1)(A)(vii) of this section;

(iv) ~~\$50.00~~ \$75.00 upon presentation of each return of service for the service of a subpoena and shall be limited to that one fee for each return of service;

* * *

(E) Quarterly, 15 percent of the gross civil process fees received by a sheriff's department or constable during that quarter shall be forwarded to the State Treasurer for deposit in the State's General Fund.

* * *

Sec. 36. 20 V.S.A. § 2062 is amended to read:

§ 2062. FINGERPRINTING FEES

State, county, and municipal law enforcement agencies may charge a fee of not more than ~~\$25.00~~ \$35.00 for providing persons with a set of classifiable fingerprints. No fee shall be charged to retake fingerprints determined by the Vermont Crime Information Center not to be classifiable. Fees collected by the State of Vermont under this section shall be credited to the Fingerprint Fee Special Fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the Department of Public Safety to offset the costs of providing these services.

Sec. 37. 16 V.S.A. § 257 is amended to read:

§ 257. FEES FOR FINGERPRINTING; FINGERPRINT FEE SPECIAL FUND

State, county, and municipal law enforcement agencies may charge a fee of up to ~~\$15.00~~ \$35.00 for providing applicants or other individuals with a set of classifiable fingerprints as required by this subchapter. No fee shall be charged to retake fingerprints determined by the Vermont Crime Information Center not to be classifiable. Fees collected by the State of Vermont under this section shall be credited to the Fingerprint Fee Special Fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the Department of Public Safety to offset the costs of providing these services.

* * * Effective Date * * *

Sec. 38. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 5-0-0)

(No House amendments)

Reported favorably by Senator Hardy for the Committee on Finance.

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

(Committee vote: 6-0-1)

Reported favorably by Senator Sears for the Committee on Appropriations.

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

(Committee vote: 6-0-1)

Amendments to proposal of amendment of the Committee on Judiciary to H. 729 to be offered by Senators Sears, Baruth, Benning, Nitka and White

Senators Sears, Baruth, Benning, Nitka and White move to amend the proposal of amendment of the Committee on Judiciary as follows

By striking out Secs. 5 and 6 in their entireties and inserting in lieu thereof three new sections to be Secs. 5, 5a, and 6 to read as follows:

Sec. 5. 13 V.S.A. § 7606 is amended to read:

§ 7606. EFFECT OF EXPUNGEMENT

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

* * *

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

§ 7607. EFFECT OF SEALING

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

* * *

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

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

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

§ 7611. UNAUTHORIZED DISCLOSURE

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

Amendments to proposal of amendment of the Committee on Judiciary to H. 729 to be offered by Senators Sears and Baruth

Senators Sears and Baruth move to amend the proposal of amendment of the Committee on Judiciary as follows:

By inserting a new Sec. 38 and its reader assistance heading to read as follows:

* * * Statute of Limitations for Discrimination Claims * * *

Sec. 38. 12 V.S.A. § 525 is added to read:

§ 525. ACTIONS BASED ON DISCRIMINATION

An action under 9 V.S.A. § 4506(a) (discrimination in public accommodations or housing) or 21 V.S.A. § 495b (employment discrimination) shall be commenced within six years after the cause of action accrues and not after.

And by renumbering the remaining section to be numerically correct.

House Proposal of Amendment

S. 206

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

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

First: By striking out Sec. 5 in its entirety and inserting a new Sec. 5 to read as follows:

Sec. 5. ALZHEIMER'S DISEASE COORDINATOR

On or before December 15, 2022, the Agency of Human Services shall submit a plan to the Senate Committee on Health and Welfare and to the House Committee on Human Services to fund, within existing budgets, grants, or other external funding sources, a permanent Alzheimer's Disease

Coordinator position to be shared between the Departments of Health and of Disabilities, Aging, and Independent Living 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.

Second: By inserting a new section with reader assistance heading to be Sec. 6a to read as follows:

* * * Missing Persons with Alzheimer's Disease;
Response Communications * * *

Sec. 6a. DEPARTMENT OF PUBLIC SAFETY; MISSING PERSONS
EMERGENCY RESPONSE AND COMMUNICATIONS; REPORT

On or before November 1, 2022, the Department of Public Safety shall submit a written report to the House Committee on Human Services, the Senate Committee on Health and Welfare, and the House and Senate Committees on Government Operations with its recommendations regarding broadcasting information on missing persons with Alzheimer's Disease or related disorders or cognitive disabilities to aid in locating those individuals, including any proposals for legislative action. In forming its recommendations, the Department shall consult with interested stakeholders, including the Vermont Chapter of the Alzheimer's Association, Vermont Care Partners, and the Vermont Association on Mental Health and Addiction Recovery, and shall notify the Chairs of the House Committee on Human Services, the Senate Committee on Health and Welfare, and the House and Senate Committees on Government Operations as to the date, time, and location of stakeholder meetings.

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.

Shirley Jefferson of South Royalton – Member, State Police Advisory Commission – By Sen. Clarkson for the Committee on Government Operations. (4/19/22)

Mary Jean Wasik of Pittsford – Member, Human Services Board – By Sen. Terenzini for the Committee on Health and Welfare. (4/19/22)

Michael Donohue of Shelburne – Chair, Human Services Board – By Sen. Hardy for the Committee on Health and Welfare. (4/27/22)

Caroline Carpenter of Salisbury – Member, Vermont Economic Development Authority – By Sen. Hardy for the Committee on Finance. (4/28/22)

Peter Gregory of Hartland – Member, State Infrastructure Bank Board – By Sen. Sirotkin for the Committee on Finance. (4/28/22)

Karyn Hale of Lyndonville – Member, Vermont Economic Development Authority – By Sen. Hardy for the Committee on Finance. (4/28/22)

Thomas Leavitt of Waterbury – Member, Vermont Housing Finance Agency – By Sen. Cummings for the Committee on Finance. (4/28/22)

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 #3092 - \$420,000 to the VT Agency of Natural Resources, Dept of Environmental Conservation from the Environmental Protection Agency. The grant is for improved drinking water in underserved areas and will support construction of replacement drinking water infrastructure for the town of Milton's Mobile Home Cooperative.

[Received March 23, 2022]

JFO #3093 - \$1,000,000.00 to the VT Agency of Commerce and Community Development from the U.S. Economic Development Administration. Funds for the use of Statewide Economic Recovery Planning.

[Received March 23, 2022]

JFO #3094 – 11 (eleven) limited-service positions to the VT Agency of Human Services, Dept for Children and Families, to administer and support emergency and transitional housing programs. Positions funded through previously approved grant [#3034](#) (U.S. Emergency Assistance Rental Program) and funded through 9/30/2025.

[Received 3/23/2022, expedited review approved on 3/29/2022]

JFO #3095 - \$1,859,890 to the VT Department of Public Safety from the Federal Emergency Management Agency. Funding for flooding that occurred in Bennington and Windham counties between 7/29/21 and 7/30/21.

[Received March 23, 2022]

JFO #3096 – Ten (10) limited-service positions to the Agency of Human Services, Department of Health to support the Public Health Emergency Response Supplemental Award for response to the Covid-19 pandemic. Funded by previously approved JFO grant #2070. Positions funded through 6/30/2023.

[Received April 11, 2022]

JFO #3097 – Two (2) limited-service positions to the Vermont Agency of Human Services, Department of Health funded through a Substance Abuse Block grant supplement which was part of the American Recovery Act funding. Positions to help relieve the increase of substance abuse due to isolation during the Covid-19 pandemic. One (1) Substance Use Information Specialist, and one (1) Public Health Analyst funded through 9/30/2025.

[Received April 11, 2022]