

Journal of the House

Tuesday, February 15, 2022

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Elder of Starksboro.

Pledge of Allegiance

Page Carver Maxwell of Coventry led the House in the Pledge of Allegiance.

Message from the Senate No. 23

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 210. An act relating to rental housing health and safety and affordable housing.

In the passage of which the concurrence of the House is requested.

The Senate has on its part adopted Senate concurrent resolutions of the following titles:

S.C.R. 12. Senate concurrent resolution memorializing the more than 500 Vermonters who have died due to COVID-19, extending sincere condolences to their families, and thanking those Vermonters whose frontline jobs have been especially challenging during the pandemic.

S.C.R. 13. Senate concurrent resolution congratulating Kekla Magoon on her 2021 and 2022 literary honors as an author of young people's literature..

S.C.R. 14. Senate concurrent resolution congratulating Jason Chin of Burlington on his winning of the 2022 Randolph Caldecott Medal..

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 98. House concurrent resolution congratulating Mary L. Miner of Manchester on her 100th birthday.

H.C.R. 99. House concurrent resolution congratulating the Town of Stowe on earning a three-year designation as a Quality Youth Development Community.

H.C.R. 100. House concurrent resolution honoring Rebecca Buck for her superb service as a member of the Joint Fiscal Office staff.

H.C.R. 101. House concurrent resolution in memory of former Representative Carl D. Powden of Johnson.

H.C.R. 102. House concurrent resolution honoring Stephen A. Klein for his dedicated leadership as the General Assembly's Chief Fiscal Officer.

H.C.R. 103. House concurrent resolution congratulating the 2021 class of Eagle Scouts in the State of Vermont.

Communication from the Governor

February 14, 2022

The Honorable Jill Krowinski
Speaker of the House
115 State Street, Drawer 33
Montpelier, VT 05633-5301

Dear Speaker Krowinski:

I have the great honor to inform you that I have appointed Wayne A. Laroche of Franklin, Vermont to serve in the General Assembly representing House District Franklin-5.

Sincerely,
/s/ Philip B. Scott
Philip B. Scott
Governor

PBS/jz
CC: James Condos, Secretary of State
BetsyAnn Wrask, Clerk of the House

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the fourteenth day of February, 2022, he signed bills originating in the House of the following titles:

H. 454 An act relating to approval of an amendment to the charter of the City of Burlington

H. 693 An act relating to the annual budget vote of the Northeast Kingdom Waste Management District

New Member Announced and Appointed to Committee

Rep. Laroche of Franklin, who was recently appointed by the Governor to fill the vacancy in Franklin-5, having taken and subscribed the oath administered by the Clerk, as required by the Constitution and laws of the State, was seated and then appointed by the Speaker to the Committee on Commerce and Economic Development.

Senate Bill Referred

S. 210

Senate bill, entitled

An act relating to rental housing health and safety and affordable housing

Was read the first time and referred to the Committee on General, Housing, and Military Affairs.

Second Reading; Bill Amended; Third Reading Ordered

H. 447

Rep. Mrowicki of Putney, for the Committee on Government Operations, to which had been referred House bill, entitled

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

Reported in favor of its passage when amended as follows:

By striking out Sec. 2, 24 App. V.S.A. chapter 149 (Town of Springfield) in its entirety and inserting in lieu thereof a new Sec. 2 and Sec. 3 to read as follows:

Sec. 2. 24 App. V.S.A. chapter 149 is amended to read:

CHAPTER 149. TOWN OF SPRINGFIELD

* * *

§ 2. APPLICATION OF GENERAL LAW; PROPOSED CHARTER

(a) Purpose. This document is drafted to ~~supersede~~ update and replace the existing charter.

(b) Application of general laws.

* * *

(2) In the event of any conflict or contradiction, either direct or implied, between the powers conferred ~~herein~~ in this charter and State statute, this charter shall prevail.

§ 3. POWERS OF THE TOWN

(a) The Town of ~~Springfield~~ shall have all the powers and functions conferred upon ~~towns and villages~~ municipalities by the Constitution and general laws of the State, ~~and shall also have~~ all implied powers necessary to implement ~~such those~~ those powers and functions, and any additional powers conferred by this charter that are consistent with the Constitution. All powers and functions conferred or implied by the charter shall be in addition to the powers and functions conferred upon the Town by laws now in force or ~~hereinafter~~ later enacted.

(b) Without limiting any of the express or implied powers granted by this charter, the Town shall have the following additional specific authorities:

(1) To adopt and enforce ordinances relating to the cleaning and repair of any premises when in a condition that:

(A) impairs the general appearance of the Town;

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

(C) is a health hazard.

(2) To control the removal of rubbish, waste, and objectionable material of any premises subject to subdivision (1) of this subsection.

(3) Not less than 30 days before any action taken under this subsection (b), the Town shall provide to the property owner and any lienholders a notice of the Town's intent to issue civil penalties, clean or repair the premises, or remove rubbish, waste, or objectionable material. The Town shall provide to the property owner and any lienholders reasonable opportunity and resources to appeal the proposed action or to clean or repair the premises before the Town takes any final action.

(c) Nothing in this charter shall be construed as a limitation of ~~such~~ the powers and functions incident to public and municipal corporations.

* * *

§ 5. ORDINANCES

(a) Town legislation. Town legislation shall be by ordinance. Ordinances and rules promulgated adopted pursuant thereto to ordinances shall have the full force of law embodied in this charter.

(b) Legislative body.

* * *

(2) Town ~~meeting~~ meetings, annual or special, as constituted ~~herein~~ in this section, in addition to ~~its~~ their other functions, shall also serve as a legislative body and may adopt, amend, or repeal an ordinance.

* * *

(B) The entire text or an explanation of the nature and purpose of ordinances subject to Town meeting action must be posted on the Town's website and published in a newspaper or newspapers of general circulation as may be directed or designated by the Selectboard, at least 30 days before the meeting.

(C) Any ordinance to be considered by Town meeting shall be reviewed by the Town Attorney or other counsel engaged by the Selectboard prior to the official warning. ~~Said~~ The Attorney shall be charged with the duty to correct ~~such~~ the ordinance to avoid repetition, illegal, or unconstitutional provisions, and to ensure accuracy in the text and reference, along with clear and precise phraseology. The ordinance shall not be changed in its meaning and effect.

(D) The effect of Town meeting action on an ordinance shall take place upon passage unless otherwise provided ~~therein~~ in the body of the ordinance.

~~(E) Ordinances acted upon by Town meeting shall not apply to any appointments of officers, members of boards and commissions to be made by the Board of Selectmen, or to the appointment or designation of the selectmen, or their rules of order. [Repealed.]~~

* * *

(c) Ordinance adoption procedure, other than zoning and subdivision bylaws.

* * *

(d) Procedure for drafting, adoption, rejection, major amendment, or repeal of ordinances.

(1) Drafting.

~~(A) Ordinances or actions related thereto~~ The Selectboard may appoint an ordinance committee including not more than two Selectboard members.

~~(B) If the Selectboard appoints an ordinance committee, ordinances of all categories, with the exception of emergency ordinances, shall be drafted by or submitted in draft form to an the ordinance subcommittee consisting of no more than two Selectboard members~~ committee.

(2) Reporting out.

~~The~~ If the Selectboard appoints an ordinance committee, the ordinance subcommittee committee shall review the any ordinance for form submitted to them by the Selectboard and report it out to the Board of Selectmen Selectboard for first review within 90 days following submission.

~~(B) Ordinances reported out for first review must be reviewed beforehand by the Town Attorney or other counsel engaged by the Selectboard, and signed by him/her signifying proper legal form and constitutionality~~ the Town Attorney or other counsel.

* * *

(3) Introduction and first review.

~~(A) The proposed ordinance or action, amendment, or repeal shall be introduced at a Board of Selectmen~~ Selectboard meeting by the ordinance subcommittee committee.

~~(B) During first review, the proposed ordinance or action, amendment, or repeal may be amended.~~

~~(C) A final draft~~ The proposed ordinance including any amendments must be accepted or rejected at the completion of first review.

~~(D) Upon completion of first review, a date for second review and public hearing shall be fixed within no not less than 14, but not nor more than 28~~ 40 days from first review.

* * *

~~(C) At~~ A public hearing shall be held at the time and place specified in the notice, a public hearing shall be held.

(5) Amendment during second review. Should the Selectboard decide after the public hearing to substantively amend the text of the proposed ordinance, the process and timetable shall revert back to second review with the new public hearing to be held in ~~no not~~ not less than 14, ~~but no nor~~ not more than

28 40 days and all notice requirements to be met in subsection 4 above subdivision (4) of this subsection.

(6) Final action.

* * *

(B) Failure to act ~~in 14~~ within 40 days following the final review shall constitute a rejection.

* * *

(e) Minor amendments. ~~An action classed~~ Any proposed change to an existing ordinance that is classified by Selectboard vote as to constitute a minor amendment, ~~pursuant to subsection (e) of this section,~~ may be adopted by the Selectboard after the completion of the first review.

(f) Emergency ordinances.

(1) ~~To meet a public emergency affecting life, health, property, or the public peace~~ Following a declaration of public emergency pursuant to section 10 of this charter, the Selectboard may adopt one or more emergency ordinances.

* * *

(4) An emergency ordinance must be clearly titled as such, and contain a clear declaration of the emergency, describing it in specific terms.

(5) An emergency ordinance may be adopted ~~or rejected, with or without amendment,~~ at the meeting at which it is introduced, ~~but an affirmative vote of four Selectboard members is required for adoption, amended, or repealed upon a two-thirds vote, with at least three affirmative votes.~~

* * *

(7) Any emergency ordinance shall automatically stand repealed on the 61st day following adoption; ~~this shall not prevent reenactment of the ordinance if the emergency still exists~~ its effective date.

(8) In order for actions taken under an emergency ordinance to be binding beyond the time period of the emergency as determined by the Selectboard, the ordinance must be ratified in a manner similar to other ordinances; this shall not prevent reenactment of the ordinance if the Selectboard determines that the emergency still exists.

(9) An emergency ordinance may also be repealed ~~by the adoption of a repealing ordinance~~ in the manner specified in this section for emergency ordinance.

~~(g) Changes in zoning and subdivision bylaws: Changes in zoning and subdivision bylaws shall be in accordance with Vermont statutes. [Repealed.]~~

(h) Standard codes of technical regulations.

(1) The Selectboard may adopt any standard code of technical regulations by ~~references thereto~~ reference in an ~~adopting~~ ordinance.

(2) The procedure and requirements governing ~~such an adopting ordinance~~ the adoption of an ordinance concerning standard codes of technical regulations shall be the same as prescribed for ordinances generally except that the requirements of ~~this charter~~ for distribution and filing of copies of the ordinance shall include the ~~adoption~~ ordinance itself, ~~but and~~ shall ~~not only~~ include a citation to the entire set of technical regulations, and a copy of each adopted code of technical regulations shall be authenticated and recorded by the Town Clerk for distribution or for purchase at a reasonable price.

(i) Authentication and recording, codification, ~~printing and publication~~.

* * *

(2) ~~Printing~~ Publication of ordinances and resolutions.

(A) The Selectboard shall cause each ordinance and resolution ~~having the force and effect of law to be printed~~ published.

(B) ~~Printed ordinances~~ Ordinances, resolutions, charters, and charter amendments shall be ~~distributed or sold~~ published electronically and made available in printed form for sale to the public at reasonable prices set by the Selectboard.

(C) All ~~printed~~ ordinances, codes, resolutions, and charter amendments should follow a uniform format or style ~~established by the initial codification following this charter adoption.~~

(3) Codification.

(A) ~~Within one year after the adoption of this charter, and at~~ At least every five 10 years thereafter, the Selectboard shall provide for the uniform codification of all ordinances, zoning bylaws, subdivision bylaws, and resolutions ~~having the force of law.~~

(B) When completed, the updated codification ~~will be adopted by the Selectboard by ordinance,~~ shall be published in a form convenient for general use and shall be incorporated into the Town code.

(j) Penalties.

* * *

(2) The Town may take actions necessary to prosecute any person who violates ordinances passed under this charter. ~~Said The~~ prosecution may be through the courts ~~or the Town Grand Juror as may be established under this charter.~~

(3) The Town may also bring an action for injunctive relief seeking a court order to require compliance with any ordinance in addition to the penalty set forth in the ordinance.

* * *

§ 7. POTENTIAL OR ACTUAL CONFLICT OF INTEREST; PERSONAL FINANCIAL INTEREST

~~(a) At a meeting, no elective or appointive officer, acting in an official capacity, or employee of the Town, while engaged in his or her duties, shall raise the issue of, place on the agenda, participate in a discussion of, or take part in a discussion concerning any business of the Town relating to his or her business or personal financial interests, or those of a spouse, be they direct or indirect, to the degree that said interests exceed those of taxpayers generally.~~

~~(b) Personal and business interests shall include direct or indirect ownership of land, stock, property, materials, supplies or services.~~

~~(c) Discussions of salary and benefits shall be exempt from this prohibition.~~

~~(d) Any officer or employee having such an interest shall immediately make said interest known publicly.~~

~~(e) Any officer who willfully conceals such an interest, or willfully violates any requirement of this section shall forfeit said office or position, as provided under subdivision 23(b)(8)(B) of this charter.~~

~~(f) Any contract, sale, or action taken in violation of this section shall be voidable by the Board of Selectmen.~~

~~(g) Officers of the Town may buy; sell goods and services from; to the Town subject to the restrictions above, provided said procurement is done competitively in accordance with the procurement ordinance.~~

~~(h) The Board of Selectmen may require public disclosure of assets or financial interest, in a form they may prescribe, of any elected or appointed official as part of an investigation into matters of conflict of interest, or for the purposes of general investigation. Failure to disclose or incomplete or falsified disclosure may be cause for removal as provided under subdivision 23(b)(8)(B) of this charter.~~

~~(i) No officer shall devote any Town property or labor to private use, except as may be provided by law or ordinance.~~

The Selectboard shall adopt and maintain a conflict of interest policy.

§ 8. LICENSES; FEES; CHARGES; USER FEES; FEES FOR SERVICE

(a) The Selectboard shall have the sole authority for the setting of all fees, charges, user fees, or fees for services, related to Town government, except those prescribed by State statute relating to the Office of the Town Clerk or otherwise provided for in this charter. ~~All fees and charges set by the Selectboard shall be reasonably related to actual costs.~~

~~(b) The Board of Selectmen shall have the authority to license or issue permits for any function or activity taking place or occurring within the boundaries of the Town over which jurisdiction is established by statute, ordinance or this charter. [Repealed.]~~

~~(c) All licenses required by the Town shall be authorized by passage and/or amendment of a license ordinance. [Repealed.]~~

~~(d) All fees, charges, user fees, or fees for service shall be implemented by passage of a comprehensive fee ordinance which shall be placed on the Board of Selectmen agenda for review and/or update, every three years from its date of passage. [Repealed.]~~

(e) No officer of the Town shall collect fees or monetary prerequisites for ~~his or her~~ the Town officer's own use, and all fees or charges shall be accrued to the General Fund Town funds.

§ 9. ACQUISITION AND DISPOSITION OF TOWN PROPERTY

(a) The Selectboard shall pass ~~an ordinance~~ a policy governing the acquisition or disposition of Town property, which shall outline procedures for the handling of ~~such~~ these matters.

(b) The Selectboard may acquire or dispose of real property in accordance with ~~such ordinance~~ policy.

§ 10. EMERGENCY POWERS

(a) Declaration of public emergency. The Selectboard may, upon ~~majority~~ a two-thirds vote with at least three members present, declare a state of public emergency ~~which that~~ threatens life, property, or the public health or welfare.

(b) Condemnation, eminent domain. In the event of a declared public emergency ~~which that~~ threatens life, property, the public health or welfare, duly declared by ~~unanimous~~ Selectboard ~~duly warned meeting warned in~~ accordance with State statute, the Selectboard, by a minimum of three

affirmative votes and not more than one dissenting vote, may exercise powers of eminent domain and condemnation and take real property or personal property, after notice to the owner and the fixing of fair compensation. An aggrieved party may appeal to Superior Court.

(c) Civil preparedness. The Town Manager shall be the designated civil preparedness Chair and shall be duty bound to exercise the powers afforded by statute and any powers and functions outlined by the Selectboard in a declared emergency. On an annual basis, the Selectboard shall adopt an emergency preparedness plan that shall go into effect upon declaration of a public emergency.

§ 11. PROCEDURES FOR CHARTER REVISION AND AMENDMENT

(a) The procedures and process for charter amendment ~~herein~~ in subsection (b) of this section may be initiated either by a ~~unanimous~~ vote of four members of the Selectboard or by a citizen initiative (petition) ~~equal to~~ of at least five percent of the voters registered at the time that the petition is submitted.

(b) The procedure for charter ~~revision~~ amendment shall be as follows:

(1) The Selectboard shall appoint a Charter Review Committee of not less than ~~ten (10)~~ 11 members, which shall include two representatives from the Selectboard, and two representatives from the administration, ~~and the community at large~~ one of which must be the Town Clerk, with the majority from the community at large.

* * *

(3) The Selectboard shall determine if the proposed amendments are a comprehensive revision and shall determine the format of the article. All provisions of 17 V.S.A. § 2645 that are not in conflict with this charter shall be adhered to.

(4) Any changes in the charter must be effected by a Town meeting vote ~~with at least 25 of voters participating.~~

(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 Board of Selectmen 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.

(d) Any changes in the Town charter shall become effective immediately upon passage by the registered voters and approval by the ~~Legislature~~ General Assembly as prescribed by statute.

(e) ~~Charter amendment revote shall be subject to the limits prescribed in section 22(b)(7) of this charter~~ A comprehensive revision of this charter, as determined by the Selectboard, may be voted only once in three years.

* * *

§ 13. USE OF STREETS BY PUBLIC UTILITIES AND PRIVATE INTERESTS

Every non-Springfield municipal public utility ~~and~~ or private interest that desires to ~~dig up~~ excavate in a public street ~~or alley for the purpose of laying pipes or wires~~ right-of-way shall first obtain from the Selectboard Town Manager or designee a written permit stating the place where and the time when ~~digging~~ excavation and repair may be done. Upon receipt of a permit, the ~~digging up and replacing of the street or alley~~ excavation and repair shall be done under the supervision of the Selectboard; ~~they may complete the work at the expense of the utility or private interest and recover that expense in an action of tort under 19 V.S.A. § 1525, in the name of the Town, with costs~~ Town Manager or designee.

§ 14. SEPARABILITY SEVERABILITY

The sections of this charter and the parts thereof are ~~separable~~ severable. If any portion of this charter, or application thereof to any person or circumstance, shall be held invalid, the remainder thereof or the application of such invalid portions to other persons or circumstances shall not be affected thereby.

Subchapter 2. Elections and Local Officials

§ 21. ~~FORM OF GOVERNMENT~~ GOVERNMENTAL AUTHORITY

All governmental authority of the Town ~~of Springfield~~ rests ultimately with the citizens and registered voters of the Town, who shall exercise their power by Australian ballot at the annual Town meeting in determining:

* * *

(5) Any articles placed on the warning ~~which~~ that involve the expenditure of tax dollars or ~~in the provision of direction in the exercise of~~ directing the power vested in elected or appointed officials;

(6) Adoption, amendment, or repeal of ordinances provided by petition per section 5 of this charter; and

(7) charter amendments.

§ 22. TOWN MEETING; ELECTIONS

~~(a) Applicability of general laws: Except as otherwise herein limited, provisions of the general laws of the State related to voter qualifications, warnings, methods of voting, duties of Town officers at Town meeting and elections, counting of votes, recount of votes, certification of results, and nominations of candidates, so far as they may be applicable, shall govern all municipal elections and all annual and special Town meetings. [Repealed.]~~

(b) Meetings and Elections.

(1) Annual Town meeting.

(A) On the Monday preceding the first Tuesday in March, beginning at ~~7:30~~ 7:00 p.m. at a place designated by the Selectboard, the Town shall start its annual meeting and may transact at that time any business not involving Australian ballot. At this meeting, public discussion of ballot issues questions and all other issues appearing on the warning, other than the election of candidates, shall be permitted.

* * *

(C) The date of the annual Town meeting may be changed by a vote of the citizens at a an annual or a special Town meeting duly warned for that purpose.

* * *

(3) Warnings.

(A) Timetable and notice. Public notice of every annual or special Town meeting, or Town election, shall be given by a warning posted in ~~at least five~~ not less than four public places in the Town and on the Town's website, at least not less than 30, ~~but not~~ nor more than 40 days prior to the meeting, and published in a newspaper or newspapers of general circulation in the municipality as may be directed or designated by the Selectboard.

(B) Contents. The warning shall contain:

* * *

(ii) ~~specific indications of separate~~ separate articles which reflect specifically indicating the business to be ~~voted~~ transacted, in the language to be voted upon;

* * *

(C) Placing of articles on a warning for the annual Town meeting.

* * *

(ii) Articles submitted by petition must be filed ~~with the Town Clerk not less than 40 days before the date of the meeting~~ pursuant to State statute as to form and process.

(4) Power of Selectboard on Australian ballot decree.

(A) The Selectboard may cause any question ~~not covered in section 21(1) of this charter~~ to be voted by Australian ballot at any annual or special Town meeting called on their action, or by petition, provided that the warning for such meeting specifies the question to be voted.

(B) ~~Any article~~ All articles to be voted by Australian ballot shall be preceded by a public informational hearing. The warning of the vote shall include the notice of the public informational hearing and set forth the time and place of said the public informational hearing.

(5) Presiding officials at Town meeting and elections.

* * *

(E) While the polls are open, the Town Clerk shall rule on all questions covering the conduct of Australian ballot elections, except the resolution of questions concerning the checklist ~~which that~~ shall be made by the majority of the Board of Civil Authority members present.

(F) In the absence ~~or disability~~ of the Town Clerk, should it occur before an election, the Board of Civil Authority shall, upon notice, immediately meet and designate an Acting Clerk for the duration of the election. Should ~~such the absence or disability~~ occur on election day, the Board of Civil Authority members present at the election shall designate an ~~on-site temporary officer~~ Acting Clerk to preside for the duration of the election.

(6) Postponing or continuing of Town meetings.

(A) The Selectboard may postpone ~~the a special Town meeting~~ vote ~~on any question to be voted at a special meeting~~ to the later annual Town meeting if the date of the special Town meeting would will fall within 75 days ~~prior to~~ of the annual Town meeting.

(B) If a special Town meeting called by petition falls within 45 days of a ~~later~~ subsequent special or annual Town meeting called by petition, the Selectboard may warn the questions to be voted at such Town meeting for the later Town meeting and may by resolution rescind the call of the earlier meeting.

(7) Citizen initiatives; revote; ~~reversion~~ rescission of articles other than election of officers.

(A) Any question voted at an annual or special Town meeting, except ~~charter revision or amendment~~ the adoption, amendment, or repeal of ordinances or of the charter and the recall of elected officials, may be submitted for revote or ~~reversion~~ rescission at a subsequent annual or special Town meeting, subject to the limits contained herein.

(B) Requests for revote or ~~reversion~~ rescission must be by resolution of at least four members of the Selectboard or by a petition filed with the Town Clerk and signed by at least five percent of the voters registered on the date of the action.

(C) Any ~~action request~~ request for revote or ~~reversion~~ rescission must be taken or filed within 30 days of following the date the ~~action~~ question was first considered.

(D) The Town Clerk shall warn a special Town meeting to be held within 60 days of the date of following the call request for revote or ~~reversion~~ rescission.

(E) The Town budget shall be subject to a revote only if voted in the negative, or if voted in the affirmative at an election having a turnout of less than 15 percent of the registered voters at the time of the Town meeting.

* * *

(G) Any question voted on or considered shall be subject to revote or ~~reversion~~ rescission only once in the 12 months following the initial vote, except for the Town budget, which shall be voted until passed, and except for charter amendments by citizen initiative that are governed by subsection 11(c) of this charter.

(H) A vote of a proposed amendment or revision of this charter by citizen initiative that is substantially similar in substance to a previous proposed amendment by citizen initiative may ~~be voted~~ occur only once in one year.

(8) Tie votes.

(A) A tie vote, other than for an elected office, at any Town meeting shall ~~be subject to require an~~ immediate recount; ~~the article or election shall be subject to immediate revote~~ If the tie vote is affirmed, then the articles must be revoted at a special Town meeting within ~~the timetable prescribed by charter~~ 60 days.

(B) ~~Recount~~ Recounts other than tie votes may be requested in accordance with State statute.

(9) Nonproductive elections. In the event that a legal election fails to produce a person to fill any elected Town office, the Selectboard shall, within 30 days of following the election, appoint a ~~qualified individual~~ registered voter to serve in the position until the next annual Town meeting at which an election will occur for the term of office or remaining balance of the unexpired term, whichever is applicable.

* * *

§ 23. LOCAL ELECTED OFFICIALS

(a) Local elective offices to be filled by the registered voters of the Town of ~~Springfield~~ shall be only those articulated by this charter and shall include:

* * *

(2) ~~Listers; [Repealed.]~~

* * *

(4) ~~First Constable~~ Library Trustees;

* * *

(b) Provisions related generally to all elected local offices.

(1) Term.

(A) Terms for elective offices shall begin officially ~~at the point which~~ when the Town Clerk and Board of Civil Authority certify election returns as final.

(B) In the event of a recount, or unresolved irregularities in election returns, should ~~emergency~~ action be required, it shall be taken by the ~~elective~~ officials sitting at the time of the election.

(2) Oath of office.

(A) ~~Before taking any official action, an~~ An elected official shall take the oath of office prescribed by statute, if applicable, prior to taking any official action.

* * *

(4) Recall of elected officials.

* * *

(B) If the Town votes for removal of an elected officer, the office shall thereupon become vacant, and the Selectboard shall call a special

meeting, to be held within 45 days of following the vote for removal, to fill the vacancy until the term of the officer so removed expires for the remainder of the unexpired term. The office shall remain vacant until the next annual Town meeting if such the special Town meeting would fall within 75 calendar days prior to the annual Town meeting.

(5) Attendance. Any All elected official shall be required officials are expected to regularly attend all meetings of the public bodies of which they are members.

(6) Holding of more than one office.

(A) Elective offices. Nothing herein in this section shall be interpreted as limiting any person from holding a State or federal elective office at the same time he/she that person holds local office, provided such the service does not interfere or conflict with the proper attendance at meetings and execution of the duties of the office.

* * *

(7) Qualification to run for and or hold local office.

(A) No person shall be qualified to run for or be elected to hold an elective office unless he/she the person is a duly qualified registered voter in the Town of Springfield and a resident.

(B) Should an elected holder of local office establish residence in some place other than Springfield the Town, the office shall be declared immediately vacant by the Selectboard and said vacancy shall be filled in accordance with the provisions of the this charter.

* * *

(8) Vacancy of elected office.

(A) In addition to the requirement of subdivision (7) of this subsection (b), a vacancy shall be deemed to exist in any local office where an officer dies; resigns; is removed or recalled from office; is convicted of a felony; is convicted of a misdemeanor involving a breach of public trust; or is judicially declared to be mentally incompetent; or is no longer a resident resides in the Town.

(B) The declaration of a condition for forfeiture of office vacancy shall be made by the unanimous a majority vote of the Selectboard, or in the case of a Selectboard member, by the other members of the Selectboard, and shall be according to procedures established in 3 V.S.A. chapter 25, as they pertain to contested cases, and may be appealed to the Superior Court as contested cases are appealed Selectboard.

(c) Elected officers, duties, responsibilities, and conduct.

(1) Selectboard.

(A) Number and term. Unless altered by the procedures provided herein, the policy making body for the Town shall be a five member Selectboard, elected at large, on a nonpartisan basis, to ~~rotating, three year~~ staggered three-year terms.

* * *

(E) Meetings. All meetings shall be conducted in accordance with Vermont's Open Meeting Law, 1 V.S.A. chapter 5, subchapter 2.

(i) Organizational meeting.

(I) Within seven days after the annual Town meeting, the Selectboard, ~~duly certified,~~ shall meet for the purpose of taking the oath of office, organizing, electing a ~~Chair~~ chair and ~~Vice-Chair~~ vice chair, and the ~~adoption of~~ adopting rules for the transaction of business.

(II) The Town Clerk or designee shall preside at the organizational meeting of the Selectboard prior to the election of the Board Chair.

* * *

(ii) Regular meetings.

* * *

(II) ~~The time and place of regular Selectboard meetings shall be publicly announced to the media. [Repealed.]~~

(iii) Agenda.

(I) ~~The Chair or Vice Chair shall, with the Town Manager, prepare a written agenda for each regular meeting of the Selectboard. [Repealed.]~~

(II) Any Selectboard member, citizen in attendance, or the Manager may request at the start of the meeting that items be added to the agenda, ~~provided all Selectboard members present so vote to add the item.~~ Items may be added to the agenda subject to Selectboard approval.

(iv) Quorums; votes.

* * *

(III) No action of the Board shall be valid or binding unless acted upon by ~~the affirmative vote of three or more members of the board a~~ majority of the members present unless otherwise provided for by this charter.

(v) ~~Clerk; minutes~~ Minutes.

(I) The Town Clerk or the Selectboard's designee shall be the official Clerk of the ~~Board~~ Selectboard and shall be responsible for minutes in a form prescribed by ~~the Board~~ Vermont's Open Meeting Law.

(II) ~~The Selectboard may employ a stenographer to assist the Town Clerk in the discharge of duties related to minutes. [Repealed.]~~

(vi) Special meetings and workshops.

(I) ~~Special meetings may be called at any time by the Chair, or the Vice Chair in the absence of the Chair, or by written request, signed by three Board members.~~

(II) ~~Notice of a special meeting shall be served, in a reasonable manner, on all members of the Selectboard.~~

(III) ~~Notice of the special meeting shall be released to the local news media.~~

(IV) ~~Whenever practical, an agenda shall be issued at a special meeting, with additions to be handled in the same manner as regular meetings.~~

(V) ~~If an emergency meeting of the Selectboard is required, on very short notice, every possible effort shall be made to notify the media.~~

(vii) ~~Public meetings; citizen input; executive~~ Executive session.

(I) ~~All meetings of the Selectboard shall be open to the public and shall comply with all the pertinent provisions of this charter.~~

(II) ~~Allowances should be made informally or on the agenda for citizen comment unless it interferes with regular business.~~

(III) ~~The Board~~ Selectboard may, upon a vote of four (4) members hold an executive session to discuss any action in accordance with the provisions of ~~section 6 of this charter~~ Vermont's Open Meeting Law.

(viii) ~~Correction of irregularities. Any irregularities or defects in the notice of or conduct of any meeting of the Selectboard may be cured at any subsequent regular meeting, provided that such resolution is included on the agenda of a regular or special meeting and is adopted by a majority of the Board. [Repealed.]~~

(ix) Vacancies. A vacancy on the Selectboard shall may be filled by a majority vote of the ~~remaining Board~~ Selectboard, ~~said the~~ the appointment to run until the next annual Town meeting at which an election can ~~can~~ shall be warned to fill the any unexpired term.

(2) ~~Listers.~~

~~(A) There shall be two elected listers elected on a nonpartisan basis for three-year terms that shall not coincide.~~

~~(B) The Chief Assessor shall serve as a third lister.~~

~~(C) Duties and responsibilities of the listers shall be in accordance with State statute and herein limited.~~

~~(D) Vacancies on the Board of Listers shall be filled by a majority vote of the Selectboard, said appointment to run until the next annual Town meeting at which an election can be warned to fill the unexpired term. [Repealed.]~~

(3) Moderator.

* * *

(B) Should a vacancy occur in the office of Moderator, it shall may be filled by a majority vote of the Selectboard for the, the appointment to run until the next annual Town meeting at which an election shall be warned to fill any unexpired term.

(4) Town Constable Library Trustees.

~~(A) There shall be elected a Town Constable, who shall serve a one-year term.~~

~~(B) The Constable shall be responsible for assisting the Town Clerk in the regulation and licensing of dogs.~~

~~(C) The Constable shall be in attendance at all Town meetings thereby serving as a Sergeant at Arms to assist the Moderator as necessary in the maintenance of order.~~

~~(D) The constables shall have powers of service equal to a deputy sheriff under Vermont Statutes.~~

~~(E) The Constable may exercise the law enforcement duties vested in the position only upon completion of certifiable training and being subject to the supervision of the Chief of Police.~~

~~(F) A vacancy in the Office of Constable shall be filled by a majority vote of the Selectboard.~~

(A) The Library Board of Trustees shall consist of seven members to be elected at large.

(B) Library Trustees shall serve staggered terms of three years.

(C) Should a vacancy occur in the Office of Library Trustee, it may be filled by a majority vote of the Selectboard, the appointment to run until the

next annual Town meeting at which an election shall be warned to fill any unexpired term.

(5) Cemetery ~~commissioners~~ Commissioners.

(A) There shall be elected five Cemetery ~~commissioners~~ Commissioners ~~for a term of five years on a rotating basis~~ each to serve staggered five-year terms.

(B) The Town Clerk shall be a ~~sixth cemetery commissioner, but shall not vote~~ nonvoting ex-officio member of the Cemetery Commission.

* * *

(F) ~~Vacancies~~ Should a vacancy occur in the office of ~~cemetery commissioner~~ Cemetery Commissioner, it may be filled by a majority vote of the Selectboard, ~~said~~ the appointment to run until the next annual Town meeting at which an election ~~can~~ shall be warned to fill the unexpired term.

(6) Trustees of public funds. Public funds are funds received from private outside sources for specific long-term purposes and are maintained separately from the general operating fund. The Town has a fiduciary responsibility to maintain these funds in accordance with any restrictions placed on the funds at the time the funds were received.

(A) There shall be elected three trustees of public funds, each to serve a staggered three-year term terms.

(B) ~~The Town Treasurer shall serve the trustees of public funds in an advisory capacity in connection with fund management and shall attend all meetings. [Repealed.]~~

* * *

(D) The trustees shall be charged with maximizing the return on all invested funds while maintaining their security, which shall include the preservation of principal. In service of this goal, they shall file with the Selectboard an annual plan outlining the program of investments for the year.

* * *

(F) ~~Vacancies on the trustees~~ Should a vacancy occur in the office of trustee of public funds, ~~shall~~ it may be filled by a majority vote of the Selectboard, ~~said~~ the appointment to run until the next annual Town meeting at which an election ~~can~~ shall be warned to fill the unexpired term.

§ 24. APPOINTED NONADMINISTRATIVE OFFICIALS

(a) General provisions applying to all appointed positions.

* * *

(3) All appointees shall be administered the oath of office in the form as provided for by statute, if applicable.

* * *

~~(5) For the purposes of the administrative code, within one year after the adoption of this charter, all appointees, positions, boards, and commissions shall be required to submit a proposed ordinance to the Selectboard outlining duties and responsibilities, which the Selectboard shall amend and adopt. [Repealed.]~~

* * *

(7) Although operating independently, all appointive boards and commissions shall be required to cooperate with the Selectboard in the exercise of their duties in the pursuit of the public good. They shall be required to file an annual report for inclusion in the Town report, and also to file any other reports requested by the Selectboard, and ~~be in attendance at~~ attend any meeting so requested by the Selectboard.

(8) If an appointed official misses three consecutive ~~regular~~ regularly scheduled meetings of the appointed body ~~for reasons other than health or personal emergency, that office may be declared immediately vacant by the Selectboard, the chair of that board or commission shall report to the Selectboard, who may then declare that position vacant. The official shall be entitled to a hearing before the Board prior to a final determination.~~

* * *

(10) ~~Members of the administrative service~~ Town employees may serve in appointive positions as limited by charter, but may not vote on any issue directly affecting their position or conditions of employment.

(b) Appointed positions.

(1) ~~The functions of the following positions are created by this charter, their functions to be governed by the applicable State statute, as limited by charter or ordinance:~~

(A) ~~Weigher of Coal; [Repealed.]~~

(B) ~~Fence viewers; [Repealed.]~~

* * *

(D) ~~Surveyor of Wood and Lumber; [Repealed.]~~

* * *

(I) ~~Grand Juror; [Repealed.]~~

(J) Delinquent Tax Collector;

(K) Town Constable.

(i) The Selectboard shall appoint the Town Constable, who shall serve a one-year term.

(ii) The Constable shall be responsible for assisting the Town Clerk in the regulation and licensing of dogs.

(iii) The Constable shall be in attendance at all Town meetings and shall serve as sergeant at arms to assist the moderator as necessary in the maintenance of order.

(iv) The Selectboard may assign additional responsibilities to the Constable as necessary or convenient.

(v) A vacancy in the Office of the Constable shall be filled by a majority vote of the Selectboard.

(c) Appointed boards and commissions established by charter.

(1) Planning Commission.

(A) The Selectboard shall appoint the members of the Planning Commission in accordance with State statute. All members shall be registered voters of the Town.

~~(B) The duties and responsibilities of the Planning Commission shall be in accordance with State statute as limited herein. [Repealed.]~~

(2) ~~Zoning Board of Adjustment~~ Development Review Board.

(A) The Selectboard shall appoint the members of the ~~Zoning Board of Adjustment~~ Development Review Board in accordance with State statute. All members shall be registered voters of the Town.

~~(B) Duties and responsibilities of the Zoning Board of Adjustment shall be in accordance with State statute as limited herein. [Repealed.]~~

(3) Housing Authority.

(A) The Selectboard shall appoint members of the Housing Authority established pursuant to 24 V.S.A. chapter 113.

~~(B) The Housing Authority shall be the agency responsible for dealing with all publicly owned housing, and subsidized housing issues in the Town of Springfield. [Repealed.]~~

* * *

(4) Airport Commission.

(A) ~~So long as~~ Provided that there is an a regional, State-owned airport in ~~Springfield~~ the Town, the Selectboard shall appoint an Airport Commission, the number of members to be decided by the Selectboard.

* * *

(d) Boards, commissions, committees created by Selectboard action.

* * *

(3) Any body created under this ~~section~~ subsection shall not have an effective life of more than three years. At the end of that period, the mandate creating the committee shall terminate and the Selectboard shall be required to review the reason for the body's existence and may act to reconstitute the body.

Subchapter 3. The Administrative Service

§ 31. THE TOWN MANAGER

* * *

(b) Qualifications. The Town Manager shall be appointed solely on the basis of ~~his or her~~ the person's executive and administrative skills, based on education, training, and experience relative to the duties of the Town Manager, and without reference to political belief or personal relationships.

(c) Term of appointment. The Manager may be appointed for ~~an indefinite~~ a term of not less than two years and not more than five years and may be removed at the pleasure of the Selectboard.

(d) Residency. The person appointed as Town Manager ~~need not be a resident of the Town or State at the time of appointment, but must assume residence within a period judged reasonable by the Selectboard, but not to exceed six months~~ must become a resident of Vermont within six months of appointment and may be required to become a resident of the Town within a period of time judged reasonable by the Selectboard at the time of appointment.

(e) ~~Conditions~~ Terms and conditions of employment; compensation. The conditions of employment and compensation shall be a matter to be determined at the time of appointment, and annually thereafter by the Selectboard ~~on the Manager's anniversary date~~ on a date convenient for the annual budgeting process, after negotiations that may be held in executive session between the Town Manager (candidate) and the Selectboard.

(f) Town Manager; evaluation. Before the Selectboard determines the subsequent annual compensation of the Manager, the Board and Town Manager shall be required to hold an evaluation session in executive session, at which the Town Manager shall present management goals for the coming year based on townwide goals articulated by the Selectboard, and shall be evaluated by the Selectboard regarding performance in relation to such goals set out for the previous year, and the Selectboard may also employ commonly used evaluation practices in the town management profession.

(g) Oath and bond. Before entering into the duties of office, the Town Manager shall be sworn to the impartial and faithful performance thereof, with a certificate to that effect to be filed with the Town Clerk. The Town Manager shall execute a bond in favor of the Town for the faithful performance of ~~his or her~~ the Town Manager's duties in a sum determined by the Selectboard, or shall purchase comparable insurance coverage. The premium for said surety shall be paid by the Town.

(h) Town Manager nonrenewal or removal. ~~The Town Manager~~ Manager's term of employment may be not renewed without explanation or reason. ~~The Town Manager may be removed at the discretion of~~ for cause by the Selectboard, with ~~no written reasons presented to the Town Manager and an opportunity for a public hearing before the Selectboard with not~~ less than four affirmative votes, after the following procedure is followed:

(1) ~~The Board~~ Selectboard shall draft, in executive session, a resolution stating its intent to remove the Town Manager. ~~Said~~ The resolution must state the reasons for removal and must be served upon the Town Manager personally, not more than five days from the date of drafting.

(2) ~~Within five working days from the date of service of the resolution, the Manager must file with the Selectboard a written request for a public hearing. Failure to file said notice shall constitute waiver of the right to a hearing.~~

(3) ~~No less than 15 days but no more than 45 days from the deadline prescribed in subdivision (2) of this subsection, the Selectboard shall schedule a meeting or public hearing for the purpose of considering the resolution.~~

(4) ~~Final action on the resolution shall be taken within five days of the hearing in subdivision (3) of this subsection.~~

(5) ~~During the period in which the above proceedings transpire, the Manager shall be on administrative leave and accrue full salary until official date of action on the resolution.~~

(6) Action by the Selectboard in the removal of a Town Manager shall be final.

~~(7) In the event of the removal of a Manager for reasons other than poor performance or wrongful conduct, the Selectboard may negotiate severance pay to the maximum of six months.~~

(i) Acting Town Manager; vacancy in the office.

(1) In the event that the Town Manager shall be absent from the Town for a period exceeding two consecutive weeks, ~~he or she~~ the Town Manager shall designate an acting Town Manager, subject to the advice and consent of the Selectboard, who shall exercise the duties of Town Manager. ~~The Manager may overrule the actions of the Acting Manager.~~

(2) In the event that illness or injury renders a Town Manager unable to discharge ~~his or her~~ the Town Manager's duties for a period exceeding two consecutive weeks, or in the event that the Town Manager is suspended or placed on administrative leave, the Selectboard shall declare a vacancy in the office and appoint an acting Town Manager to serve until such time as the Town Manager is able to assume regular duties or a new Town Manager is ~~selected~~ appointed.

(3) An acting Town Manager appointed to fill a declared vacancy in the office shall have all the powers and perform all the duties of the Town Manager and shall be compensated at a rate of ~~pay not inconsistent with the responsibilities of the position as determined by the Selectboard.~~ An acting Town Manager shall not serve for more than 180 calendar days unless the Selectboard determines there are extenuating circumstances that warrant an extension of that time period.

* * *

(j) Responsibilities and authority of the Town Manager ~~and authority.~~

(1) In general. The Town Manager shall be the chief administrative officer of the Town. ~~He or she~~ The Town Manager shall be responsible accountable to the Selectboard for the administration and general supervision of all business affairs and property placed in ~~his or her~~ the Town Manager's charge pursuant to this charter, State statute, or otherwise.

(2) Limits to authority in general.

(A) ~~The~~ In addition to the limits on authority enumerated in State statutes, authority of the Town Manager shall in no way extend to:

* * *

(iii) ~~judicial or legislative functions of the Selectboard or other legal bodies, boards, and commissions~~ Town public bodies;

* * *

(B) The Town Manager may, upon request, advise or counsel officials in the performance of the ~~above~~ duties in subdivision (A) of this subdivision (2).

(C) The Town Manager may not serve in any elective position in the ~~Town of Springfield. He or she~~ The Town Manager may, however, serve on appointed ~~boards and commissions~~ public bodies relevant to Town functions in an ex officio status, as may be determined by the Selectboard.

(3) Authority and duties in particular. ~~The~~ In addition to the authority conferred by State statute, the Town Manager shall be charged with full authority to, and be responsible for the following:

(A) ~~To organize, reorganize, continue, or discontinue such Town Departments as the Board may determine. [Repealed.]~~

* * *

(D) To institute and maintain an appropriate budget and financial internal control system systems.

(E) To keep the Selectboard informed on the financial condition of the Town, including monthly and year end reports showing in detail all ~~receipts~~ revenues and expenditures for Town functions

* * *

(G) To make such reports as the Selectboard may require, or the Manager deems appropriate, or may be required by law ~~or ordinance~~ regarding any and all functions under ~~his or her~~ the Town Manager's supervision.

(H) To keep full and complete records of the actions of the Town Manager's office.

(I) To be present at all regular Selectboard meetings unless excused by the Board and to have the right to attend and ~~take part~~ participate in all special meetings of the Selectboard and subcommittees ~~thereof~~, except when the removal of the Town Manager is being discussed. ~~Nothing herein shall deny the Manager any rights outlined in subsection (h) of this section, Town Manager removal.~~

(J) To appoint, upon merit ~~and fitness alone~~, and, when the Town Manager deems necessary for the good of the ~~service~~ Town, suspend or remove any subordinate official, employee, or agent under the Town Manager's supervision as provided for in this charter. Notwithstanding appeals of Town Manager decisions to the Selectboard, the Town Manager shall have the exclusive authority to hold subordinate employees, officers, or agents responsible for the faithful discharge of their duties. All such

appointments may be without definite terms unless for provisional, temporary, or emergency service, in which case, terms shall not exceed the maximum periods prescribed by the ~~personnel rules and regulations~~ employee handbook. The Town Manager may authorize the head of a department, or of an office responsible to the Town Manager, to appoint and remove subordinates in ~~such~~ the office or department.

(K) To ensure the proper and equitable administration of the Town's ~~personnel system~~ human resources function.

(L) To ~~fix the compensation of~~ make recommendations to the Selectboard as to the compensation for Town employees as provided in this charter.

(M) To remain ultimately responsible to the Selectboard for all administrative actions under ~~his or her~~ the Town Manager's jurisdiction although ~~he or she may hold subordinate employees offices or agents responsible for the faithful discharge of their duties~~.

* * *

(O) To examine, or cause to be examined, with or without notice, the affairs of any department under ~~his or her~~ the Town Manager's control, or the conduct of any officer or employee thereof ~~of a department under the Town Manager's control~~. For this purpose, the Town Manager shall have access to all books, papers, files, reports, or records of all departments that may be necessary for the proper performance of ~~his or her~~ the Town Manager's duties.

(P) To ensure the preservation of the public peace, health, and safety of persons and property, ~~and; to see to the enforcement of this charter, and ordinances; and to ensure the Town's compliance with~~ State and federal laws as applicable.

* * *

(R) To have charge and supervision of all Town buildings, properties, and facilities, all repairs thereon, and all construction by the Town ~~unless otherwise voted~~.

(S) To ~~supervise and~~ expend all special appropriations of the Town as if they were a separate Town department, ~~unless otherwise voted by the town or provided in this charter~~.

(T) To cause to be collected by the ~~Town Treasurer, or to collect~~, all taxes due the Town, except as otherwise provided by statute.

* * *

(V) To perform such other duties consistent with ~~his or her~~ the Town Manager's office as may be required by a vote of the Selectboard, by law, ordinance, or mandate not inconsistent with this charter.

(4) Accountability, ~~noninterference~~, and appointive power. The Town Manager shall be responsible to the Selectboard for the proper and efficient administration of the departments under ~~his or her~~ the Town Manager's charge as outlined ~~above~~ in this charter. Neither the Selectboard, any individual member of the Selectboard, nor any of its committees or committee members shall dictate the appointment or discharge of any Town employee by the Town Manager, or in any manner interfere with ~~his or her~~ the Town Manager's exercising of judgment in the appointment and discharge of employees in the administration.

(5) Noninterference with administrative discretion and supervision: Except for the purposes of formal inquiries ~~or~~, investigations, suspensions, and terminations made under this charter, the Selectboard and its members shall deal with the ~~administration~~, Town officers, and employees, who are subject to the Town Manager's direction and supervision, solely through the Town Manager. Neither the Selectboard ~~or~~ nor any of its members shall give orders to, or request any action publicly or privately of any Town employee. Communications for the purposes of information and background shall be considered proper when approved by the Town Manager.

§ 32. ADMINISTRATIVE DEPARTMENTS

~~(a) Plan of administrative organization. Within one year after the adoption of this charter, the Town Manager shall submit to the Selectboard a plan of organization for the administration, dividing the administrative service into departments and divisions and defining the functions of each. Said plan shall be reviewed and acted on within 30 days from submission. [Repealed.]~~

(b) Department heads. Each Town department shall have a designated department head appointed by the Town Manager who shall supervise and control the department and employees ~~therein~~ of the department. The Town Manager may, at any time, assume the duties of a department head.

* * *

(d) Creation, reorganization, consolidation, or abolition of administrative departments. Departments within the ~~administrative~~ service Town administration can only be created, reorganized, consolidated, or abolished by formal action of the Selectboard.

§ 33. ADMINISTRATIVE CODE

~~(a) Submission and adoption. On a timetable prescribed by the Selectboard, but not to exceed two years in length, the Town Manager shall assemble an administrative code for review and approval by the Selectboard, which shall consist of~~ The administrative code shall include the following:

* * *

(3) a copy of the Town's ~~personnel rules and regulations~~ employee handbook, classification, and pay plan;

(4) a copy of the Town's financial and purchasing and procurement ~~regulations~~ policies;

* * *

(6) enabling Town legislation, ordinances, and resolutions for all Town boards, ~~commissions, and committees~~ public bodies, accompanying an updated list of all elected and appointed officers;

~~(7) A copy of the plan of administrative organization.~~

(b) Distribution and availability.

(1) ~~Copies of the~~ The administrative code and its components shall be considered ~~an official document~~ documents to which a person may refer for up-to-date information on the Town.

(2) ~~The document shall be placed in the Town Hall and Library for free public access and sufficient copies made for sale to citizens at a cost of production fixed by the Selectboard~~ A current administrative code shall be made available in the Town Clerk's office for public access at no charge.

~~(c) Administrative Code update. The Town Clerk shall be responsible for the accurate maintenance and update of the administrative code.~~

§ 34. ADMINISTRATIVE AND POLICY FUNCTIONS PRESCRIBED BY
CHARTER

(a) Department of Assessment.

(1) There shall be a the Department of Assessment ~~to consist of a Chief Assessor, the elected listers, as prescribed by charter and State statute, and such assistants and support~~ with any staff as may be recommended by the Town Manager and approved by the Selectboard.

(2) The Chief Assessor head of the Department of Assessment shall be appointed or removed by the Town Manager with the advice and consent of the Selectboard.

* * *

(4) The Department of Assessment shall have the same powers, discharge the same duties, proceed in the discharge thereof of those duties, and in the same manner be subject to the same liabilities as are prescribed for assessors, listers, or boards of listers under the laws of the State of Vermont, except as herein provided in this section. Tax grievances shall be appealed to the Department of Assessment. Appeals from the Department of Assessment will be to the Board of Civil Authority.

~~(5) The Department of Assessment on January 1 of each year shall proceed to take up such inventories and make such personal examination of the property, both real and personal, which they are required to appraise as will enable them to appraise it at its fair market value.~~

~~(6) The Department shall review, or cause to be reviewed, their appraisals of all real property in the Town which is subject to taxation in accordance with the standards of appraising established by the laws of the State of Vermont, except as herein provided.~~

(7) All employees in the Department of Assessment shall be governed by applicable rules and regulations promulgated under this charter.

(b) Town Clerk, ~~Grand Juror~~, Town Treasurer, Town Attorney.

* * *

(2) The duties of the Town Clerk and Town Treasurer shall be as prescribed by statute, except as provided herein.

* * *

~~(4) The term of the Grand Juror shall not exceed three years. He or she shall be responsible for the prosecution of violations of local ordinances. The salary of the Grand Juror shall be fixed by the Selectboard and he or she shall be responsible to the Board in the performance of his or her duties. The Grand Juror shall be duty bound to work in cooperation with the Town Manager and administrative service. The Grand Juror may recommend to the Selectboard the appointment of staff who shall be part of the administrative service. [Repealed.]~~

~~(5) Appointments of the Town Clerk, Grand Juror, Treasurer, and Town Attorney shall be validated by the voters at the next annual town meeting following the appointment. Until validation, all appointments shall be temporary. [Repealed.]~~

(6) Removal of a ~~the~~ Town Clerk, ~~Grand Juror~~, Town Treasurer, and Town Attorney shall be by a process identical to removal of the Town Manager as outlined in ~~section~~ subsection 31(h) of this charter.

* * *

(8) Support personnel, supplies, material, and equipment for the Town Clerk and Town Treasurer shall may be provided by the Selectboard upon recommendation by the Town Manager.

* * *

(10) All staff provided to the Town Clerk, ~~Grand Juror~~, and Town Treasurer shall be part of the ~~administrative service~~ Town administration and be subject to all rules and regulations ~~promulgated~~ adopted under this charter.

* * *

(c) ~~Personnel system~~ Human Resources Department.

(1) Merit principle outlined. All employment actions relating to Town officers and employees shall be made ~~solely~~ on the basis of merit, ~~and fitness~~ except for employees subject to collective bargaining agreements.

(2) ~~Personnel Director~~ Human Resources Manager.

(A) There shall be a ~~Personnel Director~~ Human Resources Manager who shall be responsible for the ongoing administration of the Town's ~~personnel system~~ human resources system. The ~~Personnel Director~~ Human Resources Manager shall be the ~~Town Manager or his or her~~ Town Manager's designated agent, but must be a member of the ~~administrative service~~ Town administration.

(B) The authority of the ~~Personnel Director~~ Human Resources Manager in relation to all Town department heads shall be prescribed by the Town Manager.

(3) ~~Personnel merit system ordinance~~.

(A) ~~There shall be adopted, within six months of the passage of this charter, a new personnel and merit system ordinance which shall carry the full force of law embodied in this charter.~~

(B) ~~The personnel ordinance shall enable the enactment of rules and regulations which shall include the following provisions:~~

(i) ~~a classification and pay plan for all Town employees with uniform procedures for reclassification;~~

(ii) ~~a system of evaluation for fitness or merit for appointment and promotion;~~

- ~~(iii) a system of discipline and removal for cause or unfitness for duty;~~
- ~~(iv) a system for the reduction in the work force, layoff, and recall;~~
- ~~(v) a system dictating hours of work and attendance policies;~~
- ~~(vi) allowances for provisional and part time appointments;~~
- ~~(vii) a program for in-service training and employee development;~~
- ~~(viii) a system for the hearing, processing, and resolution of employee grievances;~~
- ~~(ix) provisions for relations with employee organizations and/or unions;~~
- ~~(x) a uniform system regulating benefits, sick time, and vacations;~~
- ~~(xi) opportunities for employee input related to safety, the quality of the work environment, and increased productivity;~~
- ~~(xii) other practices, procedures, and issues as may be necessary to the ongoing administration of the personnel system. [Repealed.]~~

(4) ~~Personnel rules and regulations~~ employee Employee handbook.

~~(A) The Personnel Director Human Resources Manager shall issue and maintain in updated status a set of comprehensive rules and regulations an employee handbook governing the ongoing administration of the Town personnel human resources system.~~

~~(B) The personnel rules shall be adopted and amended by a procedure established by the Selectboard and shall carry the full force of law of this charter.~~

~~(C) Copies A copy of the personnel rules employee handbook shall be provided to each Town employee.~~

(5) Town charter and collective bargaining agreements.

~~(A) The Selectboard may not commit the Town to any collective bargaining agreement which shall contradict, violate, or circumvent any provision of this charter or ordinances passed pursuant to this charter shall have the sole authority to enter into collective bargaining agreements and may commit the Town to collective bargaining agreements that shall control over conflicting rules and regulations adopted pursuant to this charter.~~

~~(B) Selectboard may commit the Town to bargaining agreements which shall act as a substitute for rules and regulations promulgated pursuant to this charter. [Repealed.]~~

(6) Service of Town employees in elective or appointive office.

~~(A) A Town employee may not, other than membership in the General Assembly, hold a local, State, or federal elective office, other than membership in the General Assembly, which that makes policy that shall directly or indirectly affect his or her the employee's department or any Town functions while employed by the Town of Springfield.~~

* * *

~~(C) A Town employee may not be disciplined in any way for failing refusing to electioneer on behalf of campaign for or against any candidate for any local Town elective office, contribute financially to a local candidate's campaign, or take or advocate a position on referendum questions.~~

~~(D) Nothing herein shall limit the right of an employee to express his or her the employee's opinion on a matter of public concern, belong to a political party, or exercise his or her the employee's right to vote, except as limited in subsection (c) above.~~

~~(E) Nothing herein shall limit the right of employees to participate in the elective process for State and federal offices, except as otherwise stated in this section.~~

(7) Surety bonds. Any Town officer and employee, as required by the Selectboard, shall annually give surety bonds or shall purchase comparable coverage to the satisfaction of the Selectboard for the faithful discharge of his or her the officer or employee's duties. In the event any officer or employee neglects to give a bond, is unable to obtain a bond, or obtain comparable coverage as herein specified in this section, after 10 calendar days' notice from the Board Selectboard that he or she the officer or employee is required to do so, his or her the officer or employee's office or position shall thereupon become vacant and the vacancy shall be filled as provided in this charter. Each bond must be approved by the Town Attorney. All official bonds shall be corporate surety bonds, and the premiums thereon shall be paid by the Town. Such bonds shall be filed with the Town Clerk.

Subchapter 4. Budgets and Finance

§ 41. FISCAL YEAR OF THE TOWN GOVERNMENT

The fiscal year for of the Town government shall be fixed by the Selectboard, in a manner to maximize efficiency in Town financial matters.

§ 42. OPERATING TOWN MANAGER'S PROPOSED BUDGET

TIMETABLE AND PREPARATION

(a) Submission of timetable. At least five months before the scheduled date of Town meeting, the Town Manager shall prepare and present to the Selectboard and Budget Advisory Committee a proposed timetable ~~which that~~ shall project the progress of events leading to the adoption of the Town budget.

(b) Statement by the Selectboard regarding budget policy. Upon receipt of the Town Manager's timetable, the Selectboard shall issue an annual budget policy statement, outlining the direction the Town Manager shall take in the drafting or assembly of the budget document.

(c) Departmental submissions. In following the timetable submitted to the Selectboard, all department heads, and elected or appointed officials with budget responsibility shall submit ~~operating~~ budget requests to the Town Manager in a ~~uniform~~ the format ~~to be~~ established by the Town Manager.

(d) Drafting of ~~administration's~~ proposed annual budget.

(1) Unified administrative request. The Town Manager shall, ~~upon after~~ consultation with department heads, ~~draft a unified, proposed operating budget for submission~~ submit to the Selectboard, ~~reflecting a single budget request from the administration for each department~~ all departments.

(2) ~~Manager's budget~~ Budget message. The Town Manager's ~~administration's~~ proposed budget shall be ~~preceded~~ introduced by a budget message ~~which that~~ shall explain the budget in both fiscal terms and in terms of work programs. It shall outline the ~~proposed financial policies~~ budget of the Town for the coming year, describe important features of the budget, indicate any major changes from the current year in terms of ~~financial policies~~, revenues, and expenditures, indicating the reasons for ~~the change~~ any changes. The message shall summarize the Town's debt position, include a profile of the capital expenditure program for the year, and also include any other material ~~which that~~ the Town Manager deems appropriate.

(3) Budget; contents, and format.

(A) The ~~proposed~~ budget shall provide a complete financial plan for all Town funded activities for the ensuing fiscal year, and except as required by law, or charter, shall be in a form the Town Manager deems appropriate or the Selectboard may ~~require~~ prescribe.

(B) ~~In organizing the budget, the~~ The Town Manager shall ~~utilize~~ organize the budget by utilizing the most feasible combination of expenditure classifications by fund, organizational units, work ~~program~~ programs, purposes, ~~action~~ actions, and objects.

(C) The budget shall begin with a clear, general summary of its contents and shall show, ~~in detail,~~ all ~~proposed revenues, income, expected revenue~~ and all proposed expenditures.

(D) The budget should be arranged so as to show comparative figures for actual and ~~estimated~~ budgeted revenues, ~~income,~~ and expenditures for the preceding year, and for the year covered by the ~~proposed~~ budget.

(E) The budget shall include ~~in separate sections:~~

(i) proposed expenditures for ~~current~~ operations during the ensuing fiscal year, detailed by offices, departments, and agencies, detailed in terms of respective work programs, and the method of financing such expenditures;

* * *

(iv) proposed estimated ~~monies~~ revenues to be raised from all ~~sources~~ each source to be collected, levied, or raised by taxation to defray the expenses of the Town.

(e) Subsidiary budgets for utilities.

* * *

(2) Cross subsidy in areas other than fund management between Town government operations and utility operations shall be limited to ~~legitimate~~ services and support provided as approved by the Selectboard.

§ 43. CAPITAL EXPENDITURE PROGRAM

(a) Preparation and submission. The Town Manager, after consultation with department heads, shall submit a proposed five-year capital expenditure program to the Selectboard, with a copy provided to the Budget Advisory Committee, at least three months prior to Town meeting.

(b) Contents.

(1) The capital expenditure program shall include:

(A) a ~~clear~~ narrative summary of needs requests;

* * *

(C) ~~Actual cost~~ cost estimates, proposed methods of financing, and necessary time schedules for each improvement; or asset

~~(D) Estimated annual cost of operating and maintaining the facilities to be constructed or acquired.~~

(c) Revision and update. The above program shall be revised and extended each year to reflect progress or projects still pending or assets to be acquired.

(d) Inclusion in ~~annual~~ budget. A summary of the capital expenditure program shall be included in the ~~annual~~ budget with special emphasis on the expenditures for the particular year.

§ 44. ~~CAPITAL RESERVE FUNDS AND EQUIPMENT FUNDS~~

(a) The Selectboard may raise and appropriate money for the establishment of capital reserve or equipment reserve funds for the financing of all or part of:

* * *

(3) ~~the size and regulation of capital reserve funds shall be determined by Selectboard action~~ other purposes to meet specific obligations and needs of the Town so as to ensure efficient operations.

(b) The size and regulation of reserve funds shall be determined by the Selectboard.

§ 45. SELECTBOARD ACTION ON THE BUDGET

Board review and final action.

(1) The Selectboard shall schedule ~~public one or more~~ meetings, as it deems appropriate, for the review and discussion of the ~~administration's proposed budget proposal and comments from the Budget Advisory Committee.~~

* * *

(3) ~~The Board~~ Selectboard shall then schedule a public hearing prior to Town meeting, warned as such.

(4) Following the public hearing, the Selectboard shall act to officially ~~fix~~ finalize the budget to be finalized or proposed at Town meeting.

(5) The Selectboard, in ~~fixing~~ finalizing the budget, shall place it on the warning as a gross appropriation.

§ 46. SPECIAL APPROPRIATIONS

In response to a request, or upon its own initiative, should the Selectboard so judge, the appropriation relative to a special element of Town business may be placed on the warning as a special appropriation by a majority vote of the Board Selectboard. In taking action, the Selectboard shall maintain the right to reject, alter, or reduce a request. This section does not apply to articles placed on the warning by petition, as described in subdivision 22(b)(3)(C)(i)(II) of this charter.

§ 47. ~~CITIZEN INPUT; CITIZEN PARTICIPATION IN THE BUDGET~~
ADVISORY COMMITTEE; BUDGET PROCESS

~~Citizen participation plan; public notice.~~

~~(1) Timetable. Before the sixth month of a fiscal year, the Selectboard shall draft and adopt a citizen participation plan, which shall provide for a committee of not more than 18 citizens, for the upcoming budget cycle.~~

~~(2) Contents.~~

~~(A) The citizen participation plan shall outline, in specific terms, the manner by which the Selectboard intends to provide for citizen input and public notice of the budget and its contents.~~

~~(B) The citizen participation plan must provide for, but shall not be limited to formal budget workshops before Town meeting; along with the publication of a budget summary in the Town report indicating budgeted and actual expenditures for the current year and proposed expenditures for the coming year.~~

~~(C) The citizen participation plan shall make proper allowances for review of all special appropriations. The Selectboard shall appoint a Budget Advisory Committee that shall be composed of not less than five and not more than nine registered voters of the Town at least six months before the scheduled date of the annual Town meeting. The Budget Advisory Committee shall be governed by operating procedures established by the Selectboard.~~

§ 48. ~~APPROPRIATION-TOWN; BUDGET~~

~~(a) Gross appropriation fixed and levy.~~

~~(1) The vote of Town meeting or other action finalizing the Town budget shall make a gross appropriation for the coming fiscal year. The Town meeting may not make any budget No appropriation not recommended by the selectmen; may be voted unless such action was duly warned.~~

* * *

~~(3) Nothing herein shall limit the authorizing of payments or making of capital expenditures to be financed, wholly or partly whether in whole or in part, by the issuance of bonds except as provided in section 52 of this charter.~~

~~(4) Any officer The Town Manager or the Town Manager's designee may, upon approval of the Selectboard, make a contract or lease for payments beyond the end of the fiscal year.~~

~~(5) Every appropriation, except an appropriation for a capital expenditure and multiyear contracts for which Town monies have been~~

obligated, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it has been made has been accomplished or abandoned.

~~(6) The money raised by taxation, and other lawful sources, shall constitute the entire sum from which appropriations and payments are to be made by or under the authority of the Selectboard.~~

(b) Overruns on gross appropriations, emergency appropriations.

(1) The gross appropriation may not be exceeded, except by consent of the Selectboard, as ~~herein~~ limited in this charter.

* * *

(3) Any amount in excess of five percent of the gross appropriation shall be warned and voted by special or regular Town meeting.

(c) Under expenditures; excess revenues.

(1) Under expenditures. If during the fiscal year, the Board, upon recommendation and certification of the Town Manager, determines that there are funds available due to under expenditure of the funds or revenue returns exceeding projections proposed in the budget, the Board may make supplemental appropriations for the fiscal year up to the amount of such excess, not to exceed five percent of the gross appropriation.

* * *

(d) Surplus. Any surplus created, subject to the provisions of subsection (d) of this section, ~~shall~~ may be carried over to the next fiscal year's budget and counted as a fixed receipt on the calculation of the ensuing tax rate, or, by action of the Selectboard, may be placed in a capital reserve fund as provided for in this charter.

* * *

(f) Ongoing appropriation; in the event of a budget revote.

* * *

(2) ~~Expenditures~~ In the event that the budget is not adopted before the beginning of the fiscal year, expenditures during the budget revote shall be limited on a monthly basis to an allotment based on the prior year's appropriation until such time as the budget is adopted.

§ 49. FINANCIAL ADMINISTRATION AND TOWN BUDGET

(a) ~~Financial officer~~ Finance Director.

(1) The Town Manager may appoint, ~~on the basis of education, training, experience, and performance, an officer~~ upon merit alone, a person who shall serve as ~~financial officer~~ the Finance Director.

(2) The ~~financial officer~~ Finance Director shall be a member of the ~~administrative service~~ Town administration and be subject to all rules and regulations ~~therein~~ of the Town administration, and may be the Town Treasurer or ~~other administrative officer~~ a Selectboard member.

(3) The ~~financial officer~~ Finance Director shall perform such duties as the job description submitted by the Town Manager and approved by the Selectboard shall indicate.

(b) Depository of Town funds; cash and fund management.

* * *

(3) The officer responsible for each fund ~~management~~ shall issue a ~~regular~~ report of investments and yields to the ~~manager~~ Town Manager and the Selectboard at least annually and when requested by either the Town Manager or the Selectboard.

(c) Independent audit; ~~Town Auditor~~.

* * *

(2) ~~Such~~ The audits shall be made by ~~the Town Auditor who shall be a CPA~~ certified public accountant or firm of such accountants who have no personal interest, direct or indirect, with Town government, its fiscal affairs, or its officers.

(3) The ~~Board~~ Town Manager shall appoint such accountant or firm annually at a time proper to the scheduling of the audit itself.

(4) Should the State of Vermont make such an audit at the request of the ~~Board~~ Selectboard, it shall meet the requirements of this section.

(5) At the conclusion of the audit, the auditors shall present their report and findings to the Selectboard in open session.

(d) Authorization for expenditure of Town funds.

(1) Money shall not be paid out of the Town Treasury unless it is authorized by a payroll or payment authorization signed by at least three members of the Selectboard, or in accordance with the provisions of 24 V.S.A. § 1623.

(2) No payment of money on account of any department of which the Town Manager has supervision shall be made except upon vouchers approved by the Town Manager or ~~his or her~~ the Town Manager's designated agent.

(3) In the event of the absence, ~~disability termination~~, or suspension of the Town Manager, the Selectboard may approve ~~such~~ the vouchers or authorize their approval by ~~some other person~~ a Town employee or other Town officer.

(4) The Town Manager may provide for periodic or quarterly allotments of the appropriations to departments, funds, or agencies under such rules as ~~he or she~~ the Town Manager may prescribe and as may be agreeable to the Selectboard.

(e) Budget Financial reports, books, and records.

(1) Regular reporting. The Town Manager shall submit, on a schedule prescribed by the Selectboard, but ~~no~~ not less often than quarterly, a budget report indicating the relationship between actual and estimated ~~receipts~~ revenues and expenditures to date.

(2) All ~~books of account~~ accounting records, in relation to the receipt, holding, or disbursement of money of the Town kept by any official of the Town, shall be paid for by the Town, shall remain the property of the Town, and shall be turned over to the Town Clerk whenever the keeper of the ~~books of account~~ accounting records retires from office. All ~~books~~ records pertaining to Town affairs kept by the Town Manager, Town Clerk, or other elective or appointive officer of the Town shall be kept in the Town buildings in their proper places and shall not be removed therefrom without an order of a court or a vote of the Selectboard.

(f) Purchasing and procurement.

(1) All purchasing and procurement for the Town shall be the responsibility of the Town Manager, who may delegate purchasing authority ~~to~~ within the limits allowed by charter.

(2) All purchasing and procurement shall be by competitive bid or quote wherever practical or as required.

(3) The Town Manager shall ~~establish~~ maintain purchasing and procurement ~~guidelines~~ policies approved by the Selectboard as part of the Town code.

§ 50. TRUST FUNDS

(a) Trust funds of the Town of ~~Springfield~~ shall ~~continue to be~~ accounted for separately and kept separate and apart from other Town funds.

(b) Trust funds shall be ~~in the hands~~ the responsibility of the trustees of public funds in accordance with this charter and State law, unless the trust document specifies otherwise.

§ 51. TAXATION AND COLLECTION

(a) Authority for taxation.

~~(1) The Town shall retain rights of taxation as afforded by State statute related to real estate and personal property.~~

~~(2) The Selectboard shall be the tax authority for all Town and school functions and shall fix all rates of taxation as limited by charter and statute. [Repealed.]~~

(b) Responsibility for taxation and collection.

* * *

~~(2) The Selectboard shall designate the Collector of Delinquent Taxes. [Repealed.]~~

(3) The Collector of Taxes or Delinquent Taxes may charge and collect such fees and interest as may be fixed by the Selectboard and shall deposit them ~~in~~ into the General Fund. Fees and interest established shall not exceed those provided by statute.

(c) Manner of collection.

(1) The timetable of tax collection in terms of due dates and installments shall be fixed by the Town Treasurer, subject to the approval of the Selectboard.

~~(2) Delinquent taxes shall be administered in accordance with State statute. [Repealed.]~~

~~(d) Tax abatement. Tax abatement shall be administered in accordance with State statute. [Repealed.]~~

(e) Tax stabilization.

(1) ~~Authority~~ The authority to negotiate and grant tax stabilization agreements shall be granted and revoked by the voters.

(2) The Selectboard shall negotiate all stabilization agreements when so authorized by the voters.

(3) Under this section, the Selectboard shall ~~draft~~ maintain uniform guidelines outlining the scope and nature of tax stabilization agreements.

(4) The Selectboard shall ~~confer with the School Board on stabilization related matters but shall~~ retain final authority on stabilization agreements.

* * *

~~(g) Tax classification; special nonresidential property tax; repeal of inventory tax:~~

~~(1) For purposes of this section:~~

~~(A) All real and personal property, other than inventory, that is not classified in the grand list as residential property, a farm, or vacant land shall be classified as commercial, industrial, utilities (electric), utilities (other), or equipment, and shall be collectively classified as "special nonresidential property." Special nonresidential property does not include property used for dwelling or farm purposes or accessory property which is subordinate to or customarily incidental to the main residential or farm use, such as garages and out buildings.~~

~~(B) "1996 minimum grand list value" means the aggregate grand list value of special nonresidential property and inventory on January 1, 1996.~~

~~(C) "Special tax" means the additional tax on special nonresidential property and inventory authorized by this section.~~

~~(2) Beginning with the January 1, 1997 grand list, the inventory tax shall be phased out over a period of five years and real and personal property shall be taxed as provided in this section.~~

~~(3) For purposes of calculating the property tax rate, the aggregate grand list value of special nonresidential property and inventory shall be the aggregate grand list value of such property and inventory as calculated below or the 1996 minimum grand list value, whichever is greater.~~

~~(4) Beginning with the January 1, 1997 grand list, special nonresidential property and inventory shall be subject to a special tax. The special tax shall be imposed in any tax year in which the aggregate grand list value of special nonresidential property and inventory is less than the 1996 minimum grand list value. The special tax shall be in addition to taxes imposed on real and personal property generally. The special tax rate shall be sufficient to generate the tax revenues necessary to fully offset the decrease in tax revenues that would result from basing the property tax rate on the 1996 minimum grand list value rather than the actual aggregate grand list value of special nonresidential property and inventory.~~

~~(5) Inventory shall be valued on the grand list as follows:~~

~~(A) 80% percent of fair market value as of January 1, 1997.~~

~~(B) 60% percent of fair market value as of January 1, 1998.~~

~~(C) 40% percent of the fair market value as of January 1, 1999.~~

~~(D) 20% percent of the fair market value as of January 1, 2000.~~

~~(E) Zero percent of the fair market value for the year 2001 and thereafter.~~

~~(6) Properties upon which payments are made in lieu of taxes pursuant to a contractual agreement with the Town shall be classified according to their grand list classification and assessed for the purposes of such payments.~~

~~(7) If a property is used for both residential and nonresidential purposes for both farm and nonfarm purposes, the value of the property shall be apportioned according to such uses and classified and assessed as in this section. [Repealed.]~~

§ 52. DEBT; AND BONDED DEBT FOR TOWN AND SCHOOL
IMPROVEMENTS

(a) Authorization for any long-term ~~bonded~~ debt shall be granted by the voters at an annual or special Town meeting duly authorized for that purpose. As used in this section, "long-term" means a period of indebtedness greater than five years.

(b) An article requesting authorization to incur long-term debt can only be placed on the warning by a vote of four Selectboard members, ~~which indicates that the cost of the improvement will be too great to be paid out of the annual income or revenues of the Town.~~

~~(c) Any vote authorizing long-term debt shall only be valid if voted at a Town meeting at which the total number of votes casting ballots exceeds 10 percent of the total number of names on the checklist on the date of the last annual Town meeting. [Repealed.]~~

(d) Articles requesting authorization for long-term debt shall be warned in accordance with ~~section 22(b)(3) of this charter related to Town warnings generally~~ State statute.

(e) The Town Treasurer shall be authorized, subject to the approval of the Selectboard, to incur short-term debt in anticipation of taxes for ~~Town and school~~ funding.

Sec. 3. REPEAL

24 App. V.S.A. chapter 149, § 6 (open meetings; freedom of information) is repealed.

and by renumbering the remaining sections to be numerically correct.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on Government Operations agreed to, and third reading ordered.

**Senate Proposal of Amendment Not Concurred in;
Committee of Conference Requested and Appointed;
Rules Suspended; Bill Messaged to Senate Forthwith**

H. 679

House bill, entitled

An act relating to fiscal year 2022 budget adjustments

The Senate proposed 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. 74, Sec. B.126 is amended to read:

Sec. B.126 Legislature

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

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

Sec. B.127 Joint fiscal committee

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

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

Sec. B.145 Total general government

Source of funds

General fund	98,982,912	99,277,912
Transportation fund	3,911,594	3,911,594
Special funds	16,446,601	16,446,601
Federal funds	1,150,041	1,150,041

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

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

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

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

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

Sec. B.240 Cannabis Control Board

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

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

Sec. B.241 Total protection to persons and property

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

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

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

Personal services	11,427,819	11,346,910
Operating expenses	5,214,621	5,214,621
Grants	<u>2,895,202</u>	<u>2,895,202</u>
Total	19,537,642	19,456,733

Source of funds

General fund	8,430,401	8,802,492
Special funds	135,517	135,517
Federal funds	9,959,398	9,959,398
Global Commitment fund	453,000	0
Interdepartmental transfers	<u>559,326</u>	<u>559,326</u>
Total	19,537,642	19,456,733

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

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

Grants	<u>1,680,637,999</u>	<u>1,839,201,185</u>
Total	1,680,637,999	1,839,201,185

Source of funds

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

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

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

Personal services	130,163,425	130,170,447
Operating expenses	26,394,423	26,444,423
Grants	<u>3,192,301</u>	<u>2,912,301</u>
Total	159,750,149	159,527,171

Source of funds

General fund	32,776,219	33,116,885
Special funds	3,363,758	5,678,861
Federal funds	114,469,002	111,590,255
Global Commitment fund	4,314,039	4,314,039
Interdepartmental transfers	<u>4,827,131</u>	<u>4,827,131</u>
Total	159,750,149	159,527,171

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

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

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

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

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

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

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

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

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

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

Sec. B.311 Health - administration and support

Personal services	5,753,602	5,753,602
Operating expenses	<u>6,567,686</u>	5,946,041
Grants	<u>6,313,608</u>	<u>6,313,608</u>
Total	<u>18,634,896</u>	18,013,251
Source of funds		
General fund	<u>2,982,217</u>	2,360,572
Special funds	2,061,857	2,061,857
Federal funds	7,777,658	7,777,658
Global Commitment fund	5,748,858	5,748,858
Interdepartmental transfers	<u>64,306</u>	<u>64,306</u>

Total	18,634,896	18,013,251
Sec. 14. 2021 Acts and Resolves No. 74, Sec. B.314 is amended to read:		
Sec. B.314 Mental health - mental health		
Personal services	32,985,332	34,712,990
Operating expenses	4,700,264	4,850,264
Grants	<u>246,498,959</u>	<u>234,392,478</u>
Total	284,184,555	273,955,732
Source of funds		
General fund	10,281,092	10,850,067
Special funds	1,685,284	1,685,284
Federal funds	9,398,134	9,377,108
Global Commitment fund	262,745,408	251,968,636
Interdepartmental transfers	<u>74,637</u>	<u>74,637</u>
Total	284,184,555	273,955,732
Sec. 15. 2021 Acts and Resolves No. 74, Sec. B.316 is amended to read:		
Sec. B.316 Department for children and families - administration & support services		
Personal services	38,362,798	39,823,024
Operating expenses	17,035,520	19,109,020
Grants	<u>3,819,106</u>	<u>3,819,106</u>
Total	59,217,424	62,751,150
Source of funds		
General fund	33,091,620	34,739,860
Special funds	2,711,682	2,761,682
Federal funds	21,062,298	23,494,784
Global Commitment fund	2,000,936	1,403,936
Interdepartmental transfers	<u>350,888</u>	<u>350,888</u>
Total	59,217,424	62,751,150
Sec. 16. 2021 Acts and Resolves No. 74, Sec. B.317 is amended to read:		
Sec. B.317 Department for children and families - family services		
Personal services	39,332,995	39,636,555
Operating expenses	4,997,338	4,997,338
Grants	<u>81,171,012</u>	<u>83,187,102</u>
Total	125,501,345	127,820,995
Source of funds		
General fund	49,047,462	49,543,086
Special funds	729,587	729,587
Federal funds	31,365,138	32,373,091

Global Commitment fund	44,344,158	45,137,731
Interdepartmental transfers	<u>15,000</u>	<u>37,500</u>
Total	125,501,345	127,820,995

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

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

Personal services	5,020,429	5,624,306
Operating expenses	848,079	921,579
Grants	<u>100,111,841</u>	<u>97,958,128</u>
Total	105,980,349	104,504,013

Source of funds

General fund	27,348,614	25,996,178
Special funds	16,820,000	16,820,000
Federal funds	50,874,814	50,623,626
Global Commitment fund	10,914,421	11,064,209
Interdepartmental transfers	<u>22,500</u>	<u>0</u>
Total	105,980,349	104,504,013

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

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

Personal services	15,000	15,000
Grants	<u>2,823,574</u>	<u>2,823,574</u>
Total	2,838,574	2,838,574

Source of funds

General fund	2,441,239	2,541,239
Federal funds	111,320	11,320
Global Commitment fund	<u>286,015</u>	<u>286,015</u>
Total	2,838,574	2,838,574

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

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

Operating expenses	29,119	29,119
Grants	<u>31,842,843</u>	<u>31,842,843</u>
Total	31,871,962	31,871,962

Source of funds

General fund	19,904,694	19,704,694
Special funds	5,854,320	5,954,320
Federal funds	3,431,330	3,531,330
Global Commitment fund	<u>2,681,618</u>	<u>2,681,618</u>
Total	31,871,962	31,871,962

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. B.346 Total human services

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

Sec. 30. [Deleted.]

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

Sec. B.400 Labor - programs

Personal services	31,359,103	30,259,103
Operating expenses	7,701,210	7,701,210
Grants	<u>1,822,409</u>	<u>1,822,409</u>

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

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

Sec. B.401 Total labor

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

Sec. 33. [Deleted.]

Sec. 34. [Deleted.]

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

Sec. B.605 Vermont student assistance corporation

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

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

Sec. B.608 Total higher education

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

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

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

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

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

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

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

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

Sec. B.713 Natural resources board

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

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

Sec. B.714 Total natural resources

Source of funds		
General fund	31,693,115	31,693,115
Special funds	<u>78,151,968</u>	<u>76,651,968</u>
Fish and wildlife fund	9,561,364	9,561,364

Federal funds	54,981,735	54,981,735
Interdepartmental transfers	11,534,344	11,534,344
Permanent trust funds	<u>11,000</u>	<u>11,000</u>
Total	185,933,526	184,433,526

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

Sec. B.900 Transportation - finance and administration

Personal services	13,654,880	13,558,021
Operating expenses	2,507,103	2,507,103
Grants	<u>50,000</u>	<u>50,000</u>
Total	16,211,983	16,115,124

Source of funds

Transportation fund	15,815,083	15,718,224
Federal funds	<u>396,900</u>	<u>396,900</u>
Total	16,211,983	16,115,124

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

Sec. B.903 Transportation - program development

Personal services	58,611,534	58,092,913
Operating expenses	227,109,245	226,965,577
Grants	<u>28,813,660</u>	<u>28,813,660</u>
Total	314,534,439	313,872,150

Source of funds

Transportation fund	48,717,849	48,055,560
TIB fund	10,597,637	10,597,637
Federal funds	254,737,875	254,737,875
Local match	<u>481,078</u>	<u>481,078</u>
Total	314,534,439	313,872,150

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

Sec. B.905 Transportation - maintenance state system

Personal services	45,339,790	45,955,270
Operating expenses	57,902,709	58,046,377
Grants	<u>277,000</u>	<u>277,000</u>
Total	103,519,499	104,278,647

Source of funds

Transportation fund	87,191,712	87,950,860
Federal funds	16,227,787	16,227,787
Interdepartmental transfers	<u>100,000</u>	<u>100,000</u>
Total	103,519,499	104,278,647

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

Sec. B.919 Transportation - municipal mitigation assistance program

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

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

Sec. B.922 Total transportation

Source of funds

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

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

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

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

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

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

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

* * *

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

* * *

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

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

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

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

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

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

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

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

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

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

(27) \$166,667 to the Department of Health, Alcohol and Drug Abuse Programs, to support four statewide syringe services programs.

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

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

(30) \$150,000 to the Agency of Education for the vaccine incentive program for recognized and approved Independent Schools that are not eligible to receive Elementary and Secondary School Emergency Relief (ESSER) funds.

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

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

(33) \$1,000,000 to the Agency of Commerce of Community Development to provide state match for U.S. Economic Development Administration funding to be allocated equally between the Build to Scale and the Good Jobs Challenge proposals to be submitted for funding.

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

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

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

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

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

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

Sec. D.101 FUND TRANSFERS, REVERSIONS AND RESERVES

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

* * *

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

* * *

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

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

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

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

(13) From the General Fund to the State Liability Self-Insurance Fund (56200): \$6,700,000.

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

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

(16) From the General Fund to the Correctional Industries Internal Services Fund (59100): \$1,877,092.

(17) From the General Fund to the Cannabis Regulation Fund (21998): \$850,000.

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

(1) The following amounts shall be transferred to the General Fund from the funds indicated:

* * *

<u>21500</u>	<u>Interdepartmental Transfer Fund – 7100000022</u>	<u>\$125,000.00</u>
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* * *

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

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

<u>3400001000</u>	<u>Secretary's Office Admin Costs</u>	<u>\$50,000.00</u>
<u>3400002000</u>	<u>RSVP Appropriation</u>	<u>\$1,035.00</u>
<u>3400891902</u>	<u>Elec Med/Health Records Syst</u>	<u>\$3,894.00</u>
<u>3410017000</u>	<u>DVHA-Programs-ST-Only Funded</u>	<u>\$76,450.02</u>
<u>3420010000</u>	<u>Administration</u>	<u>\$650,000.00</u>
<u>3420021000</u>	<u>Public Health</u>	<u>\$1,784,782.61</u>
<u>3420892110</u>	<u>VDH-Data Collection</u>	<u>\$134,000.00</u>
<u>3440060000</u>	<u>DCFS - General Assistance</u>	<u>\$4,374,450.77</u>
<u>3440891903</u>	<u>Parent Child Centers</u>	<u>\$18,089.40</u>
<u>3440891906</u>	<u>Incentivizing Child Care Profs</u>	<u>\$96,628.40</u>
<u>3440891908</u>	<u>Weatherization Assist Bridge</u>	<u>\$290,035.94</u>
<u>3460020000</u>	<u>Advocacy & Indep Living Grants</u>	<u>\$241,585.88</u>
<u>3480004000</u>	<u>Corrections-Correctional Services</u>	<u>\$6,361,238.22</u>
<u>5100010000</u>	<u>Administration</u>	<u>\$118,500.00</u>
<u>5100060000</u>	<u>Adult Basic Education</u>	<u>\$63,476.19</u>
<u>5100070000</u>	<u>Education Services</u>	<u>\$51,719.84</u>
<u>5100210000</u>	<u>Ed-Flexible Pathways</u>	<u>\$10,675.00</u>
<u>5100891807</u>	<u>Restorative Justice Grants</u>	<u>\$75,867.34</u>
<u>5100891901</u>	<u>AOE New Positions</u>	<u>\$214,729.59</u>
<u>6100040000</u>	<u>Property Tax Assessment Approp</u>	<u>\$0.93</u>
<u>6130010000</u>	<u>Administration</u>	<u>\$0.70</u>
<u>7100892107</u>	<u>ACCD-Public Access TV</u>	<u>\$30,450.10</u>
<u>7120892001</u>	<u>ThinkVermont Initiative</u>	<u>\$45,000.00</u>

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

<u>1140060000</u>	<u>Reappraisal & Listing Payments</u>	<u>\$0.13</u>
<u>5100010000</u>	<u>Administration</u>	<u>\$950,949.54</u>
<u>5100040000</u>	<u>Special Education Formula</u>	<u>\$5,824,528.53</u>
<u>5100050000</u>	<u>State-Placed Students</u>	<u>\$880,000.00</u>

<u>5100090000</u>	<u>Education Grant</u>	<u>\$0.69</u>
<u>5100110000</u>	<u>Small School Grant</u>	<u>\$614,965.00</u>
<u>5100190000</u>	<u>Essential Early Educ Grant</u>	<u>\$41,295.67</u>
<u>5100200000</u>	<u>Education-Technical Education</u>	<u>\$1,841,126.00</u>
<u>5100210000</u>	<u>Ed-Flexible Pathways</u>	<u>\$1,579,282.05</u>

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

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

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

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

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

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

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

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

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

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

(b) If previously obligated CRF monies become unobligated after December 31, 2021, the Commissioner of Finance and Management is

authorized to revert the unobligated CRF appropriations and allocate the monies for expenditure pursuant to 32 V.S.A. § 511 to any agency or department for CRF-eligible costs incurred from ~~July 1, 2021~~ March 1, 2020 through December 31, 2021.

Sec. 51. CORONAVIRUS RELIEF FUND REALLOCATION

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

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

Sec. 52. [Deleted.]

Sec. 53. FISCAL YEAR 2022 UNALLOCATED RESERVE

(a) After satisfying the requirements of 32 V.S.A. § 308, and after other reserve requirements have been met, but prior to satisfying the requirements of 32 V.S.A. § 308c, the first \$81,000,000 of remaining unreserved and undesignated funds at the close of fiscal year 2022 shall remain in the General Fund and be carried forward to fiscal year 2023. These funds may be used to provide state match to the federal Infrastructure Investment and Jobs Act.

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

(1) \$5,000,000 shall be transferred to the Property Management Fund (58700) established by 29 V.S.A. § 160.

(2) \$20,000,000 is appropriated to the State Treasurer's Office to be used to redeem, prior to maturity, State of Vermont general obligation bonds that may become eligible for redemption in fiscal years 2022 and 2023. These funds shall carry forward into fiscal year 2023 and be used only for the purpose of redeeming State of Vermont general obligation bonds prior to maturity.

(3) \$25,114,179 is appropriated to the extent available and, in fiscal year 2022, the Commissioner of Finance and Management is authorized to replace American Rescue Plan Act – Coronavirus State Fiscal Recovery Funds appropriated in 2021 Acts and Resolves No. 74, Sec. G.300, as amended by Sec. 68 of this act, with General Fund dollars in the following amounts:

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

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

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

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

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

(c) After meeting the requirements of subsections (a) and (b) of this section, but prior to satisfying the requirements of 32 V.S.A. § 308c, the remaining unreserved and undesignated funds at the close of fiscal year 2022 shall remain in the General Fund and be carried forward to fiscal year 2023.

Sec. 53a. 32 V.S.A. § 902 is amended to read

§ 902. AUTHORIZATION TO BORROW MONEY

* * *

(c) Notwithstanding any other provision of law to the contrary, the State Treasurer shall have the authority to redeem any previously issued bonds or notes prior to their maturity, at a time and on terms consistent with the provisions of such bonds or notes, with funds specifically appropriated by the General Assembly for such redemption or in the case of any bonds maturing within a particular fiscal year, from funds appropriated or available for payment of debt service for the particular fiscal year.

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

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

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

(c)(1) The Commissioner for Children and Families shall reconvene the General Assistance working group described in 2021 Acts and Resolves No. 74, sections E.321 and E.321.2 for the purpose of assisting with the development of rules for a transitional housing program, which shall be funded by federal ERAP funds. The Department shall initiate emergency rulemaking

as soon as practicable and shall be deemed to have met the emergency rulemaking criteria in 3 V.S.A. § 844. The Department shall file permanent rules pursuant to 3 V.S.A. chapter 25 concurrently with its emergency rule filing.

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

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

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

§ 4452. EXCLUSIONS

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

* * *

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

* * *

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

Sec. E.126 TRANSFER OF FUNDS WITHIN LEGISLATIVE BRANCH

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

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

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

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

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

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

Sec. E.215 Military – Administration

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

Sec. 58. [Deleted.]

Sec. 59. CANNABIS CONTROL BOARD

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

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

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

Sec. 15. IMPLEMENTATION OF MEDICAL CANNABIS REGISTRY

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

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

(2) the cannabis registration fee fund established pursuant to 18 V.S.A. chapter 86; and

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

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

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

Sec. 33. EFFECTIVE DATES

* * *

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

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

* * *

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

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

* * *

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

* * *

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

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

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

(a) The Agency of Human Services shall seek to amend Vermont's Medicaid state plan to extend Medicaid coverage to 12 months postpartum for eligible individuals, as permitted under Sec. 9812 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2, beginning on April 1, 2022.

Sec. 61. DEPARTMENT FOR CHILDREN AND FAMILIES

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

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

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

* * *

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

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

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

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

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

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

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

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

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

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

* * *

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

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

* * *

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

* * *

Sec. 65a. ONETIME FISCAL YEAR 2022 TECHNICAL EDUCATION
SUPPLEMENTAL GRANT FUNDING

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

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

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

* * *

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

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

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

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

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

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

(c) The General Assembly reaffirms the intention of 2021 Acts and Resolves No. 74, Sec. G.100 and will seek to make the budget and appropriations processes of the 2022 legislative session consistent with the need to create state fiscal capacity to maximize the federal funding

opportunities in the IJA for broadband, cybersecurity, water, energy, and climate initiatives.

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

Sec. G.300 INVESTMENTS IN VERMONT'S ECONOMY,
WORKFORCE, AND COMMUNITIES

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

* * *

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

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

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

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

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

(B) \$3,000,000 to provide degree completion scholarships for up to 30 credits towards a credential of value for adult learners who have earned at least 40 credits towards an undergraduate degree and have a gap in attendance of at least two years.

(C) ~~\$5,000,000~~ \$14,700,000 to provide free last dollar tuition for one year of undergraduate studies for critical occupation careers, including bookkeeping certificate, IT service desk specialist certificate, certified production technician, graphic design certificate, software and web development program, electrical and plumbing apprenticeships, dental hygiene, certificate in accounting, small business management, radiologic science, and respiratory therapy. \$540,000 of these funds shall be allocated for

paramedic/EMS programs and any unexpended amount of this allocation shall be available for the broader purpose in this subdivision (C). Funds may be used for practical nursing, childcare, nursing, and mental health counseling programs only after available federal and State financial aid is applied to ensure no cost to the student. Of this amount, \$7,350,000 shall be carried forward for the 2022–2023 school year. If demand from undergraduates is met, then funds may be used to pay for tuition for the following graduate programs:

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

* * *

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

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

(24) [Deleted.]

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

(26) \$1,001,913 to the Department of Disabilities, Aging, and Independent Living to be granted to Adult Day service providers to maintain operations through June 30, 2022.

(27) \$4,934,590 to the Department of Corrections for costs associated with the collective bargaining unit related to retention and shift differential.

(28) \$12,803,996 to the Department of Labor to cover pandemic related operating costs in the Unemployment system and other programs.

(29) \$373,680 to the Vermont Veteran’s Home for retention and personal protective equipment related expenses.

(30) \$6,000,000 to the Department for Children and Families to be granted to childcare providers to address emergent and exigent circumstances following the COVID-19 pandemic for workforce retention bonuses to retain early childhood educators. It is the intent of the General Assembly that the

eligible employers awarded funds pursuant to this section shall use the funds to make retention payments to their employees. The employers shall be afforded flexibility in determining how best to provide the financial retention assistance to their employees and how best to encourage employment beyond the terms of this program.

(31) \$30,000,000 to the Agency of Human Services for a program to provide workforce recruitment and retention funding as specified in Sec. 72 of this act. These funds are combined with other funding provide in Sec. 72 for total \$60,000,000 retention payment program.

(32) \$1,500,000 to the Department of Buildings and General Services to develop and issue the request for proposal for the State House expansion planning design, provided that any funds remaining unobligated by October 1, 2023 shall be reverted and made available for reallocation.

(33) \$2,600,000.00 to the Agency of Agriculture, Food and Markets for purposes of implementing the Dairy Risk Management Assistance Program established under Sec. 77 of this act. Funds appropriated under this section that are unexpended in fiscal year 2022 shall carry forward for use by the Agency of Agriculture, Food and Markets in providing risk management assistance for dairy farmers in fiscal year 2023.

* * *

Sec. 69. 2021 Acts and Resolves No. 74, Sec. G.400 is amended to read:

Sec. G.400 HOUSING AND HOMELESSNESS INVESTMENTS

(a) ~~\$99,000,000~~ \$124,000,000 in fiscal year 2022 is appropriated from the American Rescue Plan Act (ARPA) - Coronavirus State Fiscal Recovery Funds as follows:

(1) ~~\$94,000,000~~ \$119,000,000 to the Vermont Housing and Conservation Board (VHCB) to provide housing and increase shelter capacity, with priority given to populations who may be displaced from the hotel/motel voucher problem or are currently without housing, including by providing permanent homes in mixed-income settings. VHCB shall distribute the funds in consultation with the Secretary of Human Services and may subgrant a portion to other entities, including the Department of Housing and Community Development, the Vermont Housing Finance Agency, and regional nonprofit housing organizations, for one or more of the following purposes:

(A) if necessary, to help ensure that households and areas impacted by the pandemic are served;

(B) to undertake additional housing initiatives, such as home ownership, to the extent permitted by ARPA and related regulations and guidance; or

(C) to provide for the efficient use of the funds.

* * *

(b) ~~\$91,000,000~~ \$121,000,000 is appropriated from other funds as follows:

(1) \$40,000,000 in fiscal year 2021 is appropriated from the General Fund to the Vermont Housing and Conservation Board (VHCB) for affordable housing initiatives. These funds shall carryforward into fiscal year 2022 and are in addition to funding provided to VHCB in 2021 Acts and Resolves No. 9 and \$30,000,000 in fiscal year 2022 is appropriated from the General Fund to the Vermont Housing and Conservation Board (VHCB) for affordable housing initiatives.

* * *

Sec. 70. 2021 Acts and Resolves No. 74, Sec. G.700(a)(4)(B)(i) is amended to read:

(i) \$1,000,000 to increase the funds available for grants and loan forgiveness to replace failed or inadequate residential on-site wastewater and water supply systems.

Sec. 71. 2021 Acts and Resolves No. 74, Sec. G.700(a)(5) is amended to read:

(5) ~~\$10,000,000 to the Department of Environmental Conservation for allocation by the Clean Water Board established under 10 V.S.A. § 1389, as part of their budget process in fiscal year 2022~~ for water quality initiatives to be allocated as follows:

(A) \$6,500,000 to the Department of Environmental Conservation for municipal water control grants and storm water project delivery, planning, and implementation.

(B) \$3,500,000 to the Agency of Agriculture, Food and Markets for water quality grants to partners and farmers.

Sec. 71a. AMERICAN RESCUE PLAN ACT; PREVAILING WAGE REQUIREMENT

(a)(1) Except as provided in subsection (b) of this section, any contract awarded for a maintenance, construction, or improvement project that receives \$200,000.00 or more in American Rescue Plan Act (ARPA) funds shall provide that all construction employees working on the project shall be paid not less than the mean prevailing wage published periodically by the Vermont

Department of Labor in its occupational employment and wage survey plus an additional fringe benefit of 42 and one-half percent of wage, as calculated by the current Vermont prevailing wage survey.

(2) As used in this subsection, “fringe benefits” has the same meaning as used in 29 V.S.A. § 161.

(b) The requirements of subsection (a) of this section shall not apply to any maintenance, construction, or improvement project that received \$200,000.00 or more in American Rescue Plan Act (ARPA) funds appropriated prior to the effective date of this act if any of the following apply as of the effective date of this act:

(1) the project has been invited or advertised for bid;

(2) the project is under contract; or

(3) the funds are obligated.

(c) Subsection (a) of this section shall not apply to contracts awarded for maintenance, construction, or improvements projects that are required by law to comply with the requirements of the federal Davis-Bacon Act.

Sec. 72. WORKFORCE RECRUITMENT AND RETENTION FUNDING
FOR EMPLOYEES OF ELIGIBLE HEALTH CARE AND
SOCIAL SERVICE EMPLOYERS

(a) The Secretary of Human Services shall establish a workforce recruitment and retention grant program for employees of eligible employers, as defined in this section. The Secretary shall develop a needs-based application process by which the Secretary shall invite eligible employers to apply by a date certain, assess the need across all employers following the application deadline, and disburse the funds appropriated in this section to eligible employers in a single round of grants. The total grant award amount for each eligible employer shall be based on the employer’s demonstrated need, subject to available funds.

(b) As used in this section, “eligible employers” means providers of health care and social services in the following categories that are located in Vermont and deliver health care or social services, or both, in this State:

(1) hospitals, including community hospitals and psychiatric hospitals;

(2) health care professional services, including independent medical practices, hospital-owned medical practices, designated and specialized services agencies, federally qualified health centers, rural health clinics, ambulatory surgical centers, and laboratory and imaging centers;

(3) dental services;

(4) other professional services, including mental health providers, residential and nonresidential substance use disorder treatment providers, emergency medical service and ambulance service providers, advanced practice registered nurses, physical therapists, podiatrists, optometrists, chiropractors, naturopathic physicians, and other health care providers licensed by the Board of Medical Practice or the Office of Professional Regulation;

(5) home health and hospice agencies;

(6) pharmacy services;

(7) facility- and community-based long-term care services, including skilled nursing facilities, nursing homes, residential care homes, assisted living facilities, and adult day service providers; and

(8) organizations recognized by the Agency of Human Services through their status as provider grant recipients providing health support services, including the area agencies on aging; organizations providing peer support services; organizations providing peer outreach services to individuals with intellectual disabilities; organizations providing children's integrated services; shared living providers; recovery centers; children, youth, and family-based support providers; and programs licensed by the Department for Children and Families as residential treatment programs.

(c) For the purpose of administering recruitment and retention payment amounts to independent direct support providers, ARIS Solutions, as the fiscal agent for the employers of independent direct support providers, is authorized to apply for a grant in the same manner as an eligible employer and to disburse recruitment and retention payments funded by the grant to eligible independent direct support providers in a manner consistent with ARIS Solutions' payroll practices, to the extent that making those awards is not inconsistent with the terms of the collective bargaining agreement between the Agency of Human Services and the independent direct support providers.

(d)(1) It is the intent of the General Assembly that the eligible employers awarded funds pursuant to this section shall use the funds to make recruitment and retention payments to their employees. The employers shall be afforded flexibility in determining how best to provide the financial recruitment and retention assistance to their employees and how best to encourage employment beyond the terms of this program, provided that each employee who receives a recruitment or retention payment under the program established in this section shall commit to continuing employment with the employer for not less than 12 months following receipt of the payment.

(2) Notwithstanding any provision of Vermont law to the contrary and to the extent permitted under federal law, the amount of a recruitment or

retention payment received by an employee of an eligible employer under the program established in this section shall be disregarded for purposes of determining the employee's or employee's household's income eligibility for any benefit program.

(e) A total of \$60,000,000 is appropriated in fiscal year 2022 for the workforce recruitment and retention grant program established in this section. The Agency of Human Services may use up to 1.5 percent of these funds for administration of the program. This funding is from the following sources:

(1) \$25,000,000 as appropriated in Sec. 72a (c)(2) to the Agency of Human Services in fiscal year 2022 from the Global Commitment Fund. The Agency shall amend the American Rescue Plan Act Home and Community-Based Services plan it submitted to the Centers for Medicare and Medicaid Services if needed to reflect this allocation.

(2) \$5,000,000 is appropriated to the Agency of Human Services in fiscal year 2022 from the General Fund, these funds may be included among the Global Commitment appropriations referenced in 2021 Acts and Resolves No. 74, Sec. E.301.2 as available for transfers if it is determined that grants made under this provision can be included and matched in the Global Commitment waiver. These funds shall carry forward if not fully expended in fiscal year 2022; and

(3) \$30,000,000 shall be made available for this purpose from the funds allocated to the Agency of Human Services from the American Rescue Plan Act of 2021 – Coronavirus State Fiscal Recovery Fund in 2021 Acts and Resolves No. 74, as amended by Sec. 68 of this act.

(f) On or before April 1, 2022, the Secretary of Human Services shall report to the House Committees on Appropriations, on Health Care, and on Human Services and the Senate Committees on Appropriations and on Health and Welfare regarding the status of program implementation. The Secretary shall require eligible employer applicants, and ARIS Solutions on behalf of employers of independent direct support providers, to report to the Agency the number of employees who received recruitment and retention payments under the program, including the maximum, minimum, and median employee payment amount and the status of those employees' continued employment in order to evaluate the program's effectiveness. The Agency shall also report on the total amount of funds allocated and expended for recruitment and the number of staff successfully recruited who did not come from active employment with another Vermont provider eligible for this program. On or before June 30, 2023, the Secretary shall provide a final report to the committees on the overall effectiveness of the program.

Sec. 72a. MEDICAID HOME- AND COMMUNITY-BASED SERVICES
(HCBS) PLAN

(a) Pursuant to Sec. 9817 of the American Rescue Plan Act (ARPA), in October 2021, the State submitted a home- and community-based services (HCBS) spending plan to the Centers for Medicare and Medicaid Services. This plan currently totals \$146,600,000, consisting of the following major components:

(1) \$77,800,000 allocated to improve services;

(2) \$25,000,000 allocated to promote a high-performing and stable HCBS workforce; and

(3) \$43,800,000 allocated to improve HCBS care through data systems, value-based payment models, and oversight.

(b) The Agency of Human Services (AHS) is authorized to transfer General Fund appropriations made in fiscal year 2022 in the Global Commitment line to a new, one-time General Fund HCBS appropriation departmental ID. The amount transferred shall be not greater than the amount accounted for in fiscal year 2022 as a result of the 10 percent match rate allowed under ARPA Sec. 9817. The estimate of this transfer is between \$65,000,000 and \$69,000,000. Up to \$7,540,128 of the funds transferred and appropriated in this subsection may be used in fiscal year 2022 as State matching funds in 2021 Acts and Resolves No. 74, Sec. B.301 for the \$17,136,654 HCBS Global Commitment rate increases provided in 2021 Acts and Resolves No. 74. AHS shall report to the Joint Fiscal Committee in July 2022 on the actual amount transferred pursuant to this authority and the amount expended as the State match for all the HCBS plan expenditures in fiscal year 2022. Funds transferred and appropriated under this subsection shall carry forward until expended and may only be used as State matching funds for the HCBS plan.

(c) In fiscal year 2022, a total of \$59,457,740 is appropriated from the Global Commitment Fund to AHS to meet the objectives of the HCBS plan. This appropriation consists of \$17,136,654 as appropriated in 2021 Acts and Resolves No. 74 for a three percent rate increase to HCBS providers, including the assistive community care rates and children integrated services rates, and the following appropriations in distinct one-time departmental IDs:

(1) \$25,000,000 is appropriated for the retention and recruitment grant program for HCBS providers as specified in Sec. 72 of this act.

(2) \$3,447,500 is appropriated to the Agency of Human Services – Secretary’s Office.

(3) \$2,370,000 is appropriated to the Department of Disabilities, Aging, and Independent Living.

(4) \$6,171,000 is appropriated to the Department of Mental Health.

(5) \$390,000 is appropriated to the Department of Vermont Health Access.

(6) \$4,942,586 is appropriated to the Department of Health.

(d) The Global Commitment Fund appropriated in subsection (c) of this section may be obligated in fiscal year 2022 for the purposes of bringing HCBS plan spending authority forward into fiscal year 2023. The funds appropriated in subsections (b) and (c) of this section may be transferred on a net-neutral basis in fiscal year 2022 in the same manner as the Global Commitment appropriations referenced in 2021 Acts and Resolves No. 74, Sec. E.301.2. The Agency shall report to the Joint Fiscal Committee in September 2022 on transfers of appropriations made and final amounts expended by each department in fiscal year 2022 and any obligated funds carried forward to be expended in fiscal year 2023.

Sec. 73. 2020 Acts and Resolves No. 136, Sec. 7, as amended by 2020 Acts and Resolves No. 154, Sec. B.1121, and 2021 Acts and Resolves No. 3, Sec. 50, is further amended to read:

Sec. 7. AGENCY OF HUMAN SERVICES; HEALTH CARE PROVIDER STABILIZATION GRANT PROGRAM

* * *

(d) Specific allocations. Notwithstanding any provisions of this section to the contrary, of the funds appropriated in subsection (a) of this section, the Agency of Human Services shall make the following allocations for the following purposes:

* * *

(3) Up to \$3,000,000.00 for COVID-19-related expenses incurred by designated and specialized service agencies through ~~December 30, 2020~~ December 31, 2021.

* * *

Sec. 74. HEALTH CARE PROVIDER STABILIZATION GRANT PROGRAM; ALTERNATIVE FUND DISTRIBUTION PROCESS

Notwithstanding any provision of 2020 Acts and Resolves No. 136, Sec. 7, as amended by 2020 Acts and Resolves No. 154, Sec. B.1121, 2021 Acts and Resolves No. 3, Sec. 50, and this act to the contrary, the Agency of Human

Services may distribute funds from the Health Care Provider Stabilization Grant Program to eligible health care providers using an alternative process to that set forth in 2020 Acts and Resolves No. 136, Sec. 7, as amended, as deemed necessary by the Agency due to emergent and exigent circumstances attributable to the COVID-19 pandemic.

Sec. 75. 2019 Acts and Resolves No. 6, Sec. 105, as amended by 2019 Acts and Resolves No. 71, Sec. 19, is further amended to read:

Sec. 105. EFFECTIVE DATES

* * *

(b) Sec. 73 (further amending 32 V.S.A. § 10402) shall take effect on July 1, ~~2021~~ 2023.

* * *

Sec. 76. CARRYFORWARD AUTHORITY

(a) Notwithstanding any other provisions of law and subject to the approval of the Secretary of Administration, General, Transportation, Transportation Infrastructure Bond, Education Fund, Clean Water Fund (21932), and Agricultural Water Quality Fund (21933) appropriations remaining unexpended on June 30, 2022 in the Executive Branch of State government shall be carried forward and shall be designated for expenditure.

(b) Notwithstanding any other provisions of law, General Fund appropriations remaining unexpended on June 30, 2022 in the Legislative and Judicial Branches of State government shall be carried forward and shall be designated for expenditure.

Sec. 77. DAIRY MARGIN COVERAGE PROGRAM; PREMIUM ASSISTANCE

(a) As used in this section:

(1) “Dairy Margin Coverage Program” or “DMC” means a voluntary program authorized under the Farm Act that provides dairy operations with risk management coverage that will pay producers when the difference between the national price of milk and the average cost of feed falls below a certain level selected by the Program participants.

(2) “Farm Act” means the federal Agriculture Improvement Act of 2018, Pub. L. No. 115-334.

(3) “Good standing” means an applicant under this section that:

(A) does not have an active enforcement violation under any Agency of Agriculture, Food and Markets program that has reached a final order with

the Secretary and is not subject to an ongoing enforcement action initiated by the Agency of Natural Resources; and

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

(4) “Milk producer” or “producer” means a person, partnership, unincorporated association, or corporation who owns or controls one or more dairy cows, dairy goats, or dairy sheep and sells or offers for sale a part or all of the milk produced by the animals.

(5) “Secretary” means the Secretary of Agriculture, Food and Markets.

(b) The Secretary shall establish the Dairy Risk Management Assistance Program (Assistance Program) for the purpose of assisting milk producers that participate in the federal DMC management programs. A milk producer in Vermont that participates in the DMC at the first-tier coverage level may apply for reimbursement of premium payments from the Assistance Program. A milk producer shall be eligible for assistance if the producer:

(1) is in good standing with the Agency of Agriculture, Food and Markets and the Agency of Natural Resources; and

(2) provides proof of payment of an annual premium payment for participation in Tier 1 of DMC.

(c)(1) A milk producer shall apply to the Secretary on or before July 1, 2022 to participate.

(2) The Secretary shall reimburse eligible applicants in the order in which the Secretary receives administratively complete applications. The Secretary shall have the discretion to determine when an application is administratively complete.

(3) After funds are exhausted, applicants shall no longer be eligible for reimbursement from the Secretary unless or until additional funds are appropriated to the Assistance Program.

Sec. 78. EDUCATION FUND REFUND; CITY OF BARRE TIF DISTRICT;
TAX INCREMENT; FISCAL YEAR 2016 – 2019

Notwithstanding 16 V.S.A. chapter 133 and any other provision of law to the contrary, the sum of \$20,962 shall be transferred from the Education Fund to the City of Barre not later than fiscal year 2023 to compensate the City for overpayments of education property taxes in fiscal years 2016 to 2019 due to insufficient retention of tax increment from the City’s Tax Increment Financing District Fund.

Sec. 79. 2021 Acts and Resolves No. 55, Sec. 20 is amended to read:

Sec. 20. MILEAGESMART

(a) The Agency is authorized to spend up to \$750,000.00 in one-time Transportation Fund monies in fiscal years 2021 and 2022 combined and up to \$500,000.00 in one-time General Fund monies in fiscal year 2022 on MileageSmart, which was established in 2019 Acts and Resolves No. 59, Sec. 34, as amended, with up to ~~10~~ 15 percent of the total amount that is distributed in incentives in fiscal year 2022, including incentive funding authorized by this section and incentive funding carried over from prior fiscal years pursuant to 2019 Acts and Resolves No. 59, Sec. 34, as amended, available for costs associated with administering MileageSmart.

Sec. 80. SEPARATE INDIVIDUAL AND SMALL GROUP HEALTH INSURANCE MARKETS FOR PLAN YEAR 2023 IF FEDERAL SUBSIDIES EXTENDED

(a) Purpose. The purpose of this section is to allow for separate individual and small group health insurance markets for plan year 2023 in the event that Congress extends increased opportunities for federal advanced premium tax credits to include plan year 2023 and that extension is enacted on or before September 1, 2022.

(b) Definitions. As used in this section, “health benefit plan,” “registered carrier,” and “small employer” have the same meanings as in 33 V.S.A. § 1811.

(c) Separate plans and community rating. Notwithstanding any provision of 33 V.S.A. § 1811 to the contrary, if the Department of Vermont Health Access, after consultation with interested stakeholders, determines on or before September 1, 2022 that Congress has extended the increased opportunities for federal premium assistance originally made available through the American Rescue Plan Act of 2021, Pub. L. No. 117-2 to eligible households purchasing qualified health benefit plans in the individual market to include plan year 2023, or has made substantially similar opportunities available, then for plan year 2023, a registered carrier shall:

(1) offer separate health benefit plans to individuals and families in the individual market and to small employers in the small group market;

(2) apply community rating in accordance with 33 V.S.A. § 1811(f) to determine the premiums for the carrier’s plan year 2023 individual market plans separately from the premiums for its small group market plans; and

(3) file premium rates with the Green Mountain Care Board pursuant to 8 V.S.A. § 4062 separately for the carrier’s individual market and small group market plans.

Sec. 81. EFFECTIVE DATES

(a) This act shall take effect on passage except, notwithstanding 1 V.S.A. § 214:

(1) Secs. 73 (designated and specialized service agencies; COVID-19-related expenses) and 74 (Health Care Provider Stabilization Grant Program; alternative fund distribution process) shall take effect retroactively on January 1, 2021; and

(2) Sec. 75 (health care claims tax) shall take effect retroactively on July 1, 2021.

Pending the question, Shall the House concur in the Senate proposal of amendment?, **Rep. Jessup of Middlesex** moved that the House refuse to concur and ask for a Committee of Conference, which was agreed to, and the Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Hooper of Montpelier
Rep. Fagan of Rutland City
Rep. Jessup of Middlesex

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Second Reading; Bill Amended; Third Reading Ordered**H. 628**

Rep. Small of Winooski, for the Committee on Human Services, to which had been referred House bill, entitled

An act relating to amending a birth certificate to reflect gender identity

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. LEGISLATIVE INTENT AND PURPOSE

It is the intent of the General Assembly to promote equity by allowing all individuals, regardless of gender, to amend their vital records to accurately reflect and affirm their identities. There is a long history of discrimination and violence against the LGBTQIA+ community. This act serves to mitigate future harm through the creation of a simple and equitable system to provide for all gender marker changes on a Vermont birth certificate to be made through means such as self-attestation.

Sec. 2. 18 V.S.A. § 5112 is amended to read:

§ 5112. ISSUANCE OF NEW BIRTH CERTIFICATE; ~~CHANGE OF SEX~~

~~(a)(1) Upon receipt of an application for a new birth certificate and after receiving sufficient evidence to determine that an individual's sexual reassignment has been completed, the State Registrar shall update the Statewide Registration System and issue a new birth certificate to:~~

~~(A) show that the sex of the individual born in this State has been changed; and~~

~~(B) if the application is accompanied by a decree of the Probate Division authorizing a change of name associated with the change of sex, to reflect the change of name.~~

~~(2) The State Registrar shall record in the System the identity of the person requesting the new certificate, the nature and content of the change made, the person who made the change, and the date of the change.~~

~~(b)(1) An affidavit by a licensed physician who has treated or evaluated the individual stating that the individual has undergone surgical, hormonal, or other treatment appropriate for that individual for the purpose of gender transition shall constitute sufficient evidence to determine that sexual reassignment has been completed. The affidavit shall include the medical license number and signature of the physician.~~

~~(2) If the State Registrar denies an application under this section, the applicant may petition the Probate Division of the Superior Court, which shall review the application and relevant evidence de novo to determine if the issuance of a new birth certificate under this section is warranted. If the court issues a decree ordering the issuance of a new birth certificate under this section, the State Registrar shall update the Statewide Registration System and issue a new birth certificate in accordance with subsection (a) of this section.~~

~~(c) A new certificate issued pursuant to subsection (a) of this section shall be substituted for the original birth certificate in official records. The new certificate shall not show that a change in name or sex, or both, has been made. The original birth certificate, the Probate Division change of name decree, if any, and any other records relating to the issuance of the new birth certificate shall be confidential and shall be exempt from public inspection and copying under the Public Records Act; however an individual may have access to his or her own records and may authorize the State Registrar to confirm that he or she issued a new birth certificate to the individual that reflects a change in name or sex, or both.~~

~~(d) If an individual born in this State has an amended birth certificate showing that the sex of the individual has been changed, and the birth certificate is marked "Court Amended" or otherwise clearly shows that it has been amended, the individual may receive a new birth certificate from the State Registrar upon application.~~

(a) It is the policy of the State of Vermont to honor and acknowledge all gender identities and protect public health and dignity of all individuals in Vermont, irrespective of their gender. Accordingly, the State shall adopt a simple process by which an individual may amend the marker on a birth certificate to reflect the individual's gender identity, including a third nonbinary marker.

(b) Pursuant to 3 V.S.A. chapter 25, the Department shall adopt rules as necessary for the purposes of implementing, administering, or enforcing the requirements of this section.

(c) The Department may adopt rules to add gender pronouns to the list of markers on a birth certificate in order to foster a gender literate environment and reflect an individual's gender identity.

(d) Except as otherwise required by law, records relating to the amendment of a birth certificate pursuant to this chapter shall be confidential and shall be exempt from public inspection and copying under the Public Records Act.

Sec. 3. EMERGENCY RULEMAKING AUTHORITY

Notwithstanding any provision of 3 V.S.A. § 844 to the contrary, the Department of Health shall have the authority to adopt emergency rules for the purposes of implementing, administering, or enforcing the purposes of this act.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on Human Services agreed to, and third reading ordered.

Action on Bill Postponed

H. 157

House bill, entitled

An act relating to registration of construction contractors

Was taken up, and pending the question, Shall the bill pass, notwithstanding the Governor's refusal to approve the bill?, on motion of **Rep. Troiano of Stannard**, action on the bill was postponed until February 16, 2022.

Message from the Senate No. 24

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 42. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

The Senate has considered joint resolution originating in the House of the following title:

J.R.H. 15. Joint resolution extending the application of temporary Joint Rule 22A through Tuesday, March 8, 2022.

And has adopted the same in concurrence.

Adjournment

At eleven o'clock and nine minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock minutes in the afternoon.