

Journal of the House

Wednesday, March 23, 2022

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rev. Mark Pitton, Sharon Congregational Church.

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 22nd day of March, 2022, he signed bills originating in the House of the following titles:

H. 367 An act relating to the management of perpetual care funds by cemetery associations

H. 654 An act relating to extending COVID-19 health care regulatory flexibility

House Bill Introduced

H. 741

By Reps. McCarthy of St. Albans City and Toof of St. Albans Town,
House bill, entitled

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

Was read the first time and referred to the Committee on Government Operations.

House Resolution Referred to Committee

H.R. 22

House resolution authorizing remote participation in House sessions and committees through the remainder of 2022 for members with a disability as an accommodation under the Americans with Disabilities Act

Offered by: Representative Killacky of South Burlington

Resolved by the House of Representatives:

That in addition to the five conditions for remote participation in House sessions and committees set forth in H.R. 20, through December 31, 2022, a member with a disability may debate and vote remotely in a House session or House committee if the member requests that remote participation as an accommodation under the Americans with Disabilities Act and is approved by the Speaker of the House, who shall consult with the Office of Legislative Counsel and the Office of Legislative Human Resources in considering any such request.

Was read by title, treated as a bill, and referred to the Committee on Rules pursuant to House Rule 52.

Joint Resolution Referred to Committee

J.R.H. 20

Joint resolution authorizing remote participation in joint committees through the remainder of 2022 for members with a disability as an accommodation under the Americans with Disabilities Act

Offered by: Representative Killacky of South Burlington

Resolved by the Senate and House of Representatives:

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

Rule 22A. Temporary Rule Regarding Joint Committee Meetings

(a)(1) Joint committees shall return to in-person legislating, except that a member of a joint committee may debate and vote remotely in that committee if the member notifies the committee's chair or a co-chair, as applicable, that the member meets one of the following conditions:

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

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

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

(D) the member has a household member who relies on the member for caregiving and the household member is required to be home due to one of the reasons set forth in subdivisions (A)–(C) of this subdivision (1) or because

such a household member's daycare or school program has a short-term closure due to COVID-19; or

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

(F) the member has a disability and, upon the member's request, is approved for remote participation as an accommodation under the Americans with Disabilities Act by the chair or co-chair, as applicable, who shall consult with the Office of Legislative Counsel and the Office of Legislative Human Resources in considering any such request.

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

* * *

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

* *

Was read by title, treated as a bill, and referred to the Committee on Rules pursuant to House Rule 52.

Joint Resolution Adopted in Concurrence

J.R.S. 47

By Senator Balint,

J.R.S. 47. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 25, 2022, it be to meet again no later than Tuesday, March 29, 2022.

Was taken up, read, and adopted in concurrence.

Recess

At one o'clock and eighteen minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At two o'clock and four minutes in the afternoon, the Speaker called the House to order.

Second Reading; Bill Amended; Third Reading Ordered

H. 96

Rep. Stevens of Waterbury, for the Committee on General, Housing, and Military Affairs, to which had been referred House bill, entitled

An act relating to creating the Truth and Reconciliation Commission Development Task Force

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. INTENT

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

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

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

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

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

CHAPTER 25. TRUTH AND RECONCILIATION COMMISSION

§ 901. DEFINITIONS

As used in this chapter:

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

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

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

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

§ 902. VERMONT TRUTH AND RECONCILIATION COMMISSION;

ESTABLISHMENT; ORGANIZATION

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

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

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

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

(C) individuals of color;

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

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

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

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

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

(D) The commissioners shall determine the amount of an annual stipend to be paid to committee members, provided that not more than \$1,000.00 from monies appropriated by the State may be used for each committee member's annual stipend. Stipend payments shall be made from the Truth and Reconciliation Commission Special Fund.

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

§ 903. COMMISSIONERS

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

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

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

§ 904. SELECTION PANEL; MEMBERSHIP; DUTIES

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

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

(B) the Executive Director of the Human Rights Commission or designee;

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

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

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

(2) The individuals identified in subdivision (1) of this subsection shall hold their first meeting on or before August 1, 2022 at the call of the Executive Director of the Human Rights Commission.

(3) Individuals selected pursuant to subdivision (1) of this subsection who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for

not more than two meetings. These payments shall be made from the Truth and Reconciliation Commission Special Fund.

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

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

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

(B) establish and maintain a principal office;

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

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

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

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

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

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

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

§ 905. SELECTION OF COMMISSIONERS

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

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

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

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

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

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

(E) Publish the names of all applicants who have applied to serve as commissioners and provide not less than 30 days for members of the public to submit comments on the suitability of any applicant to serve as a commissioner. Public comments regarding an applicant shall only be considered by the Panel if the comment includes the name and contact information of the commenter. Comments received by the Panel shall be exempt from public inspection and copying pursuant to the Public Records Act and shall be kept confidential, except that comments that may be detrimental to an applicant's application shall be shared with the applicant and the applicant shall be provided with an opportunity to provide the Panel with a response to the comment.

(F) Hold one or more public hearings to provide an opportunity for members of the public to comment on the suitability of any finalist to serve as a commissioner.

(G) Hold public interviews for each individual selected by the Panel as a finalist for selection as a commissioner.

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

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

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

(A) be residents of Vermont;

(B) not be members of the Selection Panel;

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

(D) have experience advocating in relation to the issues of the populations and communities identified pursuant to subdivision 902(b)(1)(A)–(D) of this chapter in Vermont;

(E) have demonstrated leadership in programs or activities to improve opportunities for the populations and communities identified pursuant to subdivision 902(b)(1)(A)–(D) of this chapter; and

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

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

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

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

§ 906. POWERS AND DUTIES OF THE COMMISSIONERS

(a) Duties. The commissioners shall:

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

(2) determine, in consultation with the populations and communities identified pursuant to subdivision 902(b)(1) of this chapter, historians, social

scientists, experts in restorative justice, and other interested parties in the commissioners' discretion, the scope and objectives of the work to be carried out by each committee established pursuant to subdivision (1) of this subsection;

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

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

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

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

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

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

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

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

(8) seek gifts, donations, and grants from public and private sources to support the Commission and its work; and

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

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

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

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

(3) Establish and maintain a principal office.

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

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

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

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

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

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

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

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

§ 907. EXECUTIVE DIRECTOR; DUTIES

(a) The Commissioners shall appoint an Executive Director, who shall be an individual with experience in relation to racial justice or advocating on behalf of historically disadvantaged groups. The Executive Director shall be a full-time State employee, shall be exempt from the State classified system, and shall serve at the pleasure of the commissioners.

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

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

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

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

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

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

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

§ 908. REPORTS

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

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

(2) The Commission shall, on or before January 15, 2026, make a draft of the final report publicly available and provide copies of the draft to interested parties from the populations and communities identified pursuant to subdivision 902(b)(1) of this chapter and other interested parties. The Commission shall provide the interested parties and members of the public with not less than 60 days to review the draft and provide comments on it. The Commission shall consider fully all comments submitted in relation to the draft and shall include with the final version of the report a summary of all

comments received and a concise statement of the reasons why the Commission decided to incorporate or reject any proposed changes. Comments submitted in relation to the final report shall be made available to the public in a manner that complies with the requirements of section 910 of this chapter.

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

§ 909. TRUTH AND RECONCILIATION COMMISSION SPECIAL FUND

(a) There is established the Truth and Reconciliation Commission Special Fund, which shall be managed in accordance with 32 V.S.A. chapter 7, subchapter 5. The Fund shall consist of amounts appropriated by the State and any gifts, donations, or grants received by the Vermont Truth and Reconciliation Commission. The Fund shall be available to the commissioners to carry out the work of the Commission pursuant to this chapter and to the Selection Panel to carry out its duties pursuant to this chapter.

(b) The commissioners may seek and accept gifts, donations, and grants from any source, public or private, to be dedicated for deposit into the Fund.

§ 910. ACCESS TO INFORMATION; CONFIDENTIALITY

(a) Access to State records and information.

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

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

(b) Confidentiality requirements.

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

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

(c) Exceptions.

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

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

(d) Private proceedings.

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

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

Sec. 3. APPROPRIATION

The sum of \$550,000.00 is appropriated to the Truth and Reconciliation Commission Special Fund in fiscal year 2023.

Sec. 4. REPEAL

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

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: "An act relating to creating the Vermont Truth and Reconciliation Commission"

Rep. Toleno of Brattleboro, for the Committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the Committee on General, Housing, and Military Affairs and when further amended as follows:

First: In Sec. 2, 1 V.S.A. chapter 25, in section 902, by striking out subdivision (b)(2)(D) in its entirety and inserting in lieu thereof a new subdivision (b)(2)(D) to read as follows:

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

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

Second: In Sec. 2, 1 V.S.A. chapter 25, in section 906, in subsection (a), by striking out subdivisions (7)–(9) in their entireties and inserting in lieu thereof new subdivisions (7) and (8) to read as follows:

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

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

Third: In Sec. 2, 1 V.S.A. chapter 25, in section 906, in subsection (b), by striking out subdivision (11) in its entirety and inserting in lieu thereof subdivisions (11) and (12) to read as follows:

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

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

Fourth: In Sec. 2, 1 V.S.A. chapter 25, by striking out sections 909 and 910 in their entireties and inserting in lieu thereof a new section 909 to read as follows:

§ 909. ACCESS TO INFORMATION; CONFIDENTIALITY

(a) Access to State records and information.

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

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

(b) Confidentiality requirements.

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

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

(c) Exceptions.

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

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

(d) Private proceedings.

(1) The Commission shall permit any individual who is interviewed by the Commission to elect to have their interview conducted in a manner that

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

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

Fifth: By striking out Sec. 3, appropriation, in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. APPROPRIATION

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

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on General, Housing, and Military Affairs was amended as recommended by the Committee on Appropriations.

Thereafter, **Rep. Donahue of Northfield** moved to amend the report of the Committee on General, Housing, and Military Affairs as follows:

First: In Sec. 2, 1 V.S.A. chapter 25, by striking out section 903 in its entirety and inserting in lieu thereof a new section 903 to read as follows:

§ 903. COMMISSIONERS

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

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

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

Second: By striking out Sec. 3, appropriation, in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. APPROPRIATION

The sum of \$374,000.00 is appropriated from the General Fund to the Truth and Reconciliation Commission in fiscal year 2023.

Third: By adding a new Sec. 5 and a Sec. 6 to read as follows:

Sec. 5. 18 V.S.A. § 254 is added to read:

§ 254. CULTURAL LIAISON GRANTS

(a)(1) The Health Equity Advisory Commission shall establish the Cultural Liaison Grant Program to award grants to create or support cultural liaisons within community-based organizations to provide culturally responsive community health care, education, and outreach, in both clinical and nonclinical settings, aimed at reducing health disparities for Vermont's Black, Indigenous, and Persons of Color; immigrant; refugee; and new American communities.

(2) The Program shall be designed to provide timely and streamlined funding allocations to eligible community-based organizations.

(b) The Advisory Commission may award grants pursuant to the provisions of this section to a Native American Indian tribe recognized by the State pursuant to 1 V.S.A. chapter 23 or to private community organizations and nonprofit organizations that provide health care, health-related education and outreach services, or both, to Vermont's Black, Indigenous, and Persons of Color; immigrant; refugee; and new American communities.

(c) Grants awarded pursuant to the provisions of this section may be used by a recipient to increase access for members of Vermont's Black, Indigenous, and Persons of Color; immigrant; refugee; and new American communities to:

- (1) primary care services;
- (2) vaccinations;
- (3) health-related testing;
- (4) treatment clinics;
- (5) mental health crisis response; and
- (6) health-related education and outreach.

(d) The Advisory Commission may adopt rules pursuant to 3 V.S.A. chapter 25 as necessary to implement the provisions of this section.

Sec. 6. CULTURAL LIASON GRANT PROGRAM; APPROPRIATION

The sum of \$374,000.00 is appropriated from the General Fund to the Agency of Administration in fiscal year 2023 to support the Cultural Liaison Grant Program established pursuant to 18 V.S.A. § 254.

and by renumbering the remaining section to be numerically correct.

Thereupon, **Rep. Donahue of Northfield** asked and was granted leave of the House to withdraw her amendment. Thereafter, the report of the Committee on General, Housing, and Military Affairs, as amended, was agreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Peterson of Clarendon** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be read a third time?, was decided in the affirmative. Yeas, 109. Nays, 30.

Those who voted in the affirmative are:

Ancel of Calais	Feltus of Lyndon	Norris of Shoreham
Anthony of Barre City	Gannon of Wilmington	Notte of Rutland City
Arrison of Weathersfield	Garofano of Essex	Noyes of Wolcott
Austin of Colchester	Goldman of Rockingham	O'Brien of Tunbridge
Bartholomew of Hartland	Goslant of Northfield	Ode of Burlington
Beck of St. Johnsbury	Grad of Moretown	Pajala of Londonderry
Birong of Vergennes	Hooper of Montpelier	Partridge of Windham
Black of Essex	Hooper of Randolph	Patt of Worcester
Bluemle of Burlington *	Hooper of Burlington	Pearl of Danville
Bock of Chester	Houghton of Essex	Pugh of South Burlington
Bongartz of Manchester	Howard of Rutland City	Rachelson of Burlington
Bos-Lun of Westminster	James of Manchester	Rogers of Waterville
Brady of Williston	Jerome of Brandon	Satcowitz of Randolph
Briglin of Thetford	Jessup of Middlesex	Scheu of Middlebury
Brown of Richmond	Kascenska of Burke	Scheuermann of Stowe
Brownell of Pownal	Killacky of South Burlington	Sheldon of Middlebury
Brumsted of Shelburne	Kimbell of Woodstock	Sibilia of Dover
Burke of Brattleboro	Kornheiser of Brattleboro	Sims of Craftsbury
Burrows of West Windsor	LaLonde of South	Small of Winooski
Campbell of St. Johnsbury	Burlington	Squirrell of Underhill
Chase of Colchester	Lanpher of Vergennes	Stebbins of Burlington
Christie of Hartford	Lefebvre of Newark	Stevens of Waterbury
Cina of Burlington	Leffler of Enosburgh	Taylor of Colchester
Coffey of Guilford	Lippert of Hinesburg	Till of Jericho
Colburn of Burlington	Long of Newfane	Toleno of Brattleboro
Colston of Winooski	Masland of Thetford	Townsend of South
Conlon of Cornwall	Mattos of Milton	Burlington
Copeland Hanzas of	McCarthy of St. Albans City	Troiano of Stannard
Bradford	McCormack of Burlington	Vyhovsky of Essex
Corcoran of Bennington	McCullough of Williston	Walz of Barre City

Cordes of Lincoln	McFaun of Barre Town	Webb of Shelburne
Dolan of Essex	Morris of Springfield	White of Bethel
Dolan of Waitsfield	Mrowicki of Putney	White of Hartford
Donahue of Northfield	Mulvaney-Stanak of	Whitman of Bennington
Donnally of Hyde Park	Burlington	Wood of Waterbury
Durfee of Shaftsbury	Murphy of Fairfax	Yacovone of Morristown
Elder of Starksboro *	Nicoll of Ludlow	Yantachka of Charlotte
Emmons of Springfield	Nigro of Bennington	

Those who voted in the negative are:

Burditt of West Rutland	LaClair of Barre Town	Peterson of Clarendon
Canfield of Fair Haven	Laroche of Franklin	Rosenquist of Georgia
Cupoli of Rutland City	Lefebvre of Orange	Shaw of Pittsford
Fagan of Rutland City	Marcotte of Coventry	Smith of Derby *
Gregoire of Fairfield	Martel of Waterford	Smith of New Haven
Hango of Berkshire	McCoy of Poultney	Strong of Albany
Harrison of Chittenden	Morgan, L. of Milton	Terenzini of Rutland Town
Helm of Fair Haven	Morgan, M. of Milton	Toof of St. Albans Town
Higley of Lowell	Page of Newport City	Walker of Swanton
Labor of Morgan	Parsons of Newbury	Williams of Granby

Those members absent with leave of the House and not voting are:

Achey of Middletown	Town	Norris of Sheldon
Springs	Graham of Williamstown	Palasik of Milton
Brennan of Colchester	Kitzmiller of Montpelier	Sullivan of Dorset
Dickinson of St. Albans	Morrissey of Bennington	Surprenant of Barnard

Rep. Bluemle of Burlington explained her vote as follows:

“Madam Speaker:

The Canadian Reparations Commission noted that 'real change comes from a new connection to others.' This bill offers a watershed opportunity for new, authentic connection - through truth-telling and a willingness to listen with curiosity and compassion. ”

Rep. Elder of Starksboro explained his vote as follows:

“Madam Speaker:

To advance the cause of social justice we must first look backward, unflinchingly and with open hearts. We must acknowledge that without truth there can be no justice.”

Rep. Smith of Derby explained his vote as follows:

“Madam Speaker:

If I knew that this vote would be the last apology for something that no one

in this room had anything to do with, I could have voted yes! We need to stop apologizing for past things done and move forward to make Vermont better rather than weaker!”

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 353

House bill, entitled

An act relating to pharmacy benefit management

H. 464

House bill, entitled

An act relating to the medical review process in the Reach Up program and Postsecondary Education Program eligibility

H. 492

House bill, entitled

An act relating to the structure of the Natural Resources Board

H. 512

House bill, entitled

An act relating to modernizing land records and notarial acts law

H. 624

House bill, entitled

An act relating to supporting creative sector businesses and cultural organizations

Bill Amended; Read Third Time; Bill Passed

H. 635

House bill, entitled

An act relating to secondary enforcement of minor traffic offenses

Was taken up and, pending third reading of the bill, **Rep. Shaw of Pittsford** moved to amend the bill as follows:

By striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. REPEAL OF CERTAIN MOTOR VEHICLE OFFENSES; ANNUAL REPORT

(a) The Executive Director of Racial Equity, the Commissioner of Motor Vehicles, and the Commissioner of Public Safety jointly shall examine the motor vehicle violations for the purpose of making annual recommendations whether or not statutes should be repealed, modified, or limited to secondary enforcement. The following statutes shall be addressed in the first report:

- (1) 23 V.S.A. § 307 (failure to carry a registration certificate);
- (2) 23 V.S.A. § 511(c) (failure to display registration sticker or failure to display unobstructed license numbers);
- (3) 23 V.S.A. § 512 (failure to display number plate on trailer or semi-trailer);
- (4) 23 V.S.A. § 615 (operation by an individual with a learner's permit);
- (5) 23 V.S.A. § 1023 (pedestrian-control signals);
- (6) 23 V.S.A. §§ 1052 (crossing except at crosswalks), 1054 (pedestrians to use right half of crosswalks), 1055 (pedestrians on roadways), 1056 (highway solicitations), and 1058 (duties of pedestrians);
- (7) 23 V.S.A. § 1125 (obstructing windshield or windows);
- (8) 23 V.S.A. §§ 1134 (possession or consumption of alcohol or cannabis by operator), 1134a (possession or consumption of alcohol or cannabis by passenger) and 1134b(a) (using tobacco in a motor vehicle with child present);
- (9) 23 V.S.A. § 1221 (condition of vehicle);
- (10) 23 V.S.A. §§ 1243 (headlights), 1244 (illumination required), 1245 (illumination required on motorcycles), 1248 (taillights), and 1249 (directional signal lights); and
- (11) 23 V.S.A. § 1259 (safety belts; persons 18 years of age or older).

(b) The Executive Director and Commissioners jointly shall report the recommendations to the House and Senate Committees on Government Operations, on Judiciary, and on Transportation not later than October 1, 2022, and annually thereafter.

Sec. 2. SUNSET OF REPEAL OF CERTAIN MOTOR VEHICLE OFFENSES; ANNUAL REPORT

Sec. 1 of this act shall be repealed on July 1, 2027.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Which was agreed to. Thereupon, the bill was read the third time and passed.

Committee Bill; Second Reading; Third Reading Ordered**H. 737**

Rep. Beck of St. Johnsbury spoke for the Committee on Ways and Means.

House bill, entitled

An act relating to setting the homestead property tax yields and the nonhomestead property tax rate

Having appeared on the Notice Calendar and appearing on the Action Calendar, was taken up, read the second time, and third reading ordered.

**Committee Bill; Second Reading;
Amendment Offered; Point of Order Raised;
Ruling Sustained on Appeal; Third Reading Ordered****H. 738**

Rep. Ode of Burlington spoke for the Committee on Ways and Means.

House bill, entitled

An act relating to technical and administrative changes to Vermont's tax laws

Having appeared on the Notice Calendar, was taken up, and read the second time.

Pending the question, Shall the bill be read a third time? **Rep. Mulvaney-Stanak of Burlington** moved to amend the bill as follows:

First: By inserting a new section to be Sec. 7a and its reader assistance heading to read as follows:

* * * Unemployment Compensation Exclusion from Gross Income * * *

**Sec. 7a. EXCLUSION OF UNEMPLOYMENT COMPENSATION FROM
GROSS INCOME; TAXABLE YEAR 2021**

(a) Notwithstanding 32 V.S.A. § 5824, for taxable year 2021 only, the first \$10,200.00 of unemployment compensation received by a taxpayer whose taxable year 2021 adjusted gross income is less than \$150,000.00 shall be

excluded from the taxpayer's taxable income under 32 V.S.A. § 5811(21) as though 26 U.S.C. § 85(c) applied to taxable year 2021.

(b) Notwithstanding subsection (a) of this section, for taxable year 2021, the definition of household income pursuant to 32 V.S.A. § 6061(4)(A) and (5) shall include all unemployment compensation received by a taxpayer in taxable year 2021.

Second: In Sec. 17, effective dates, by inserting a new subsection (d) to read as follows:

(d) Notwithstanding 1 V.S.A. § 214, Sec. 7a (exclusion of unemployment compensation from gross income; taxable year 2021) shall take effect retroactively on January 1, 2021 and shall apply to taxable year 2021 only.

and by relettering the remaining subsections of Sec. 17, effective dates, to be alphabetically correct.

Rep. Bartholomew of Hartland raised a Point of Order that the amendment was not germane to the bill because the bill contained technical corrections and administrative changes but the amendment included tax policy changes that were beyond the scope of the bill.

The Speaker ruled the point of order well taken in that the amendment was not germane to the bill in violation on Mason's Sec. 402 because it would change the purpose, scope, and object of the bill.

Thereupon, **Rep. Colburn of Burlington** appealed the Speaker's decision. The question, Shall the ruling of the Speaker stand as judgment of the House?, was decided in the affirmative in a vote by division: Yeas, 130; Nays, 6.

Thereupon, third reading was ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 293

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

An act relating to creating the State Youth Council

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS, PURPOSE, AND INTENT

(a) Findings. The General Assembly finds the following:

(1) Young Vermonters are one of our State's most important resources. Youths under 21 years of age represent approximately 24 percent of the Vermont population and reflect Vermont's diversity. They are a group of dynamic, vibrant, and innovative individuals who are finding new ways to have their voices heard and effect the change they wish to see in the world.

(2) Multiple perspectives strengthen decision making and policy development by encouraging innovation, creativity, and change. Including the unique perspectives of young persons improves State policies and programs, including youth-specific services.

(3) Vermont's economy depends on the participation of young persons, and empowering them to provide policy advice will help keep young Vermonters in the State. It will also diversify our economy, making it more competitive and sustainable.

(4) Young persons have the right to be heard and respected. Almost all government policies and decisions have an impact on young persons' lives and youths have the right to influence those decisions, both individually and collectively. Furthermore, involving young persons in political processes helps build trust in democratic institutions, which in turn protects Vermont's democracy.

(b) Purpose. The purpose of this act is to create the State Youth Council, composed of young Vermonters who will have an official means of providing advice on policies that impact young persons in Vermont.

(c) Intent.

(1) The intent of creating the State Youth Council set forth in this act is to enhance the State's progress in reaching the population-level outcomes set forth in 3 V.S.A. § 2311(b)(6) (Vermont's children and young people achieve their potential) and (9) (Vermont has open, effective, and inclusive government).

(2) The General Assembly further intends to consider the recommendations of the initial State Youth Council created in this act and to subsequently amend the Council's appointing authority, powers, and duties accordingly.

Sec. 2. 3 V.S.A. chapter 53, subchapter 4 is amended to read:

Subchapter 4. Departments, Divisions, Councils and Boards

* * *

§ 3097. STATE YOUTH COUNCIL

(a) Creation. There is created within the Department of Health the State Youth Council (Council) to advise the Governor and the General Assembly on issues affecting young persons in Vermont.

(b) Membership. The Council shall be composed of not more than 28 Vermont resident youths between 11 and 18 years of age at the time of appointment. The interagency workgroup Youth Services Advisory Council shall appoint members from an applicant pool with a focus on prioritizing diversity and inclusion, including characteristics such as county of residence, gender identity, racial identity, disabilities, age, and other characteristics identified by the applicants. The Youth Services Advisory Council shall appoint a minimum of one resident youth from each State county.

(1) The Department of Health shall assist the Youth Services Advisory Council in notifying the public regarding the opportunity for youths to serve on the Council, and the Youth Services Advisory Council shall accept applications for service on the Council. The application process should emphasize the need for diverse, qualified candidates. A successful candidate must demonstrate:

(A) a commitment to inclusion and the youths of the State; and

(B) the ability to work with others and listen to others.

(2) The Youth Services Advisory Council shall appoint members to the Council for three-year staggered terms and shall strive to appoint Council members who represent a variety of youths in the State. The Youth Services Advisory Council shall consult with members of youth advocacy groups concerning initial appointments to establish the Council and then shall consult with the Council regarding appointments for all subsequent terms.

(3) The Council shall elect a chair from among its members.

(4) The Council shall establish an Executive Committee, ad hoc committees as needed, and the following standing committees:

(A) the Youth Voice Committee;

(B) the Education Committee;

(C) the Equity and Anti-Racism Committee;

(D) the Climate Change Committee; and

(E) the Youth Mental Health Committee.

(c) Powers and duties.

(1) The Council may:

(A) meet at least one time per month;

(B) hold up to four public hearings annually in order to take testimony on issues affecting Vermont youths;

(C) gather input from Vermont youths through surveys or polls; and

(D) evaluate the State's progress in reaching the population-level outcomes set forth in section 2311 of this title and recommend to the Joint Committee on Government Accountability any revisions to the population-level indicators for those outcomes the Council finds necessary to better reflect data that impacts Vermont youths.

(2) The Council shall provide advice to the Governor and the General Assembly on policy changes necessary to improve the lives of Vermont youths.

(A) The Governor shall meet annually with the Council to hear and receive the Council's advice and recommendations on policies that impact the youths of Vermont.

(B) The Council shall annually report its advice and recommendations to the House and Senate Committees on Government Operations and to any other standing committees it deems appropriate. The report may be in verbal form.

(C) The Council shall annually report its advice and recommendations to the House and Senate Committees on Government Operations and to any other standing committees it deems appropriate on the preservation of Vermont's traditions and the future of Vermont's rural character, activities, and professions.

(d) Assistance. The Council shall have the administrative, technical, and legal assistance of the Department of Health to assist with Council-directed activities, including:

(1) assisting with meeting scheduling and logistical support;

(2) providing information technology support; and

(3) providing any technology or technological devices necessary for the Council to perform its duties.

(e) Support. The Council shall also have support from the Youth Services Advisory Council.

(f) Attending meetings.

(1) Members of the Council may attend Council meetings by electronic or other means without being physically present at a designated meeting location as permitted under 1 V.S.A. § 312(a)(2).

(2) The General Assembly finds that such virtual meeting attendance is particularly expedient for Council members from remote areas of the State to participate in meetings, but also encourages Council members to be physically present at meeting locations when possible due to the importance of in-person interaction.

(g) Compensation and reimbursement. Members of the Council shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than 16 meetings per calendar year. For purposes of this subsection, “meetings” includes public hearings. These payments shall be made from monies appropriated to the Department of Health.

Sec. 3. STATE YOUTH COUNCIL; INITIAL PROVISIONS

(a) Appointments. The Youth Services Advisory Council shall appoint the initial State Youth Council created by Sec. 2 of this act on or before November 1, 2021. The initial appointments shall be for two- and three-year terms in order to provide staggered Council member terms.

(b) Training. From funds appropriated to the Department of Health, to assist with State Youth Council-directed activities and in consultation with the Youth Services Advisory Council, the Department shall provide to the State Youth Council training on general State policies, how to formulate policy proposals, government operations, public speaking, meeting etiquette, and leadership.

(c) Duties. In addition to the State Youth Council’s duties set forth in Sec. 2 of this act, on or before January 15, 2023 the Council shall recommend to the House and Senate Committees on Government Operations the manner in which its members should be appointed or elected and any other amendments to its enabling law.

Sec. 4. SUNSET OF STATE YOUTH COUNCIL

3 V.S.A. § 3097 (State Youth Council) is repealed on February 1, 2025.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Scheu of Middlebury, for the Committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the Committee on Government Operations and when further amended as follows:

First: In Sec. 3, State Youth Council; initial provisions, in subsection (a), following “November 1,” by striking out “2021” and inserting in lieu thereof “2022”

Second: In Sec. 3, State Youth Council; initial provisions, in subsection (c), following “January 15,” by striking out “2023” and inserting in lieu thereof “2024”

Third: In Sec. 4, sunset of State Youth Council, following “February 1,” by striking out “2025” and inserting in lieu thereof “2026”

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Government Operations was amended as recommended by the Committee on Appropriations.

Thereafter, **Rep. Harrison of Chittenden** moved to amend the report of the Committee on Government Operations, as amended, as follows:

In Sec. 2, 3 V.S.A. chapter 53, subchapter 4, in section 3097, in subsection (b), by striking out subdivision (4) in its entirety and inserting in lieu thereof a new subdivision (4) to read as follows:

(4) The Council shall establish the Executive Committee, ad hoc committees as needed, and the following standing committees:

- (A) the Youth Voice Committee;
- (B) the Education Committee;
- (C) the Equity and Antiracism Committee;
- (D) the Climate Change Committee;
- (E) the Youth Mental Health Committee; and
- (F) the Economic Opportunity Committee.

Thereupon, **Rep. Harrison of Chitenden** asked and was granted leave of the House to withdraw his amendment.

Thereafter, **Reps. Mrowicki of Putney, Anthony of Barre City, Colston of Winooski, Copeland Hanzas of Bradford, Gannon of Wilmington, Higley of Lowell, Hooper of Burlington, LaClair of Barre Town, Lefebvre of Orange, McCarthy of St. Albans City, and Vyhovsky of Essex** moved

that the report of the Committee on Government Operations, as amended, be further amended as follows:

In Sec. 2, 3 V.S.A. chapter 53, subchapter 4, in § 3097(c)(2), by adding a new subdivision (D) to read as follows:

(D) The Council shall annually report its advice and recommendations to the House and Senate Committees on Government Operations and to any other standing committees it deems appropriate on the participation of young persons on Vermont's economy and keeping young Vermonters in the State.

Which was agreed to. Thereupon, the report of the Committee on Government Operations, as amended, was agreed to and third reading ordered.

Recess

At five o'clock and thirty-five minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At six o'clock and twenty-five minutes in the evening, the Speaker called the House to order.

Second Reading; Bill Amended; Third Reading Ordered

H. 410

Rep. Rogers of Waterville, for the Committee on Energy and Technology, to which had been referred House bill, entitled

An act relating to the creation of the Artificial Intelligence Commission

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS; INTENT

(a) The General Assembly finds that:

(1) The Vermont Artificial Intelligence Task Force (Task Force), established by 2018 Acts and Resolves No. 137, Sec. 1, as amended by 2019 Acts and Resolves No. 61, Sec. 20, met from September 2018 through January 2020 to investigate the field of artificial intelligence (AI) and make recommendations for State action and policies with respect to this new technology.

(2) The Task Force found that this technology presents tremendous opportunities for economic growth and improved quality of life but also

presents substantial risks of loss of some jobs and invasions of privacy and other impacts to civil liberties.

(3) Large-scale technological change makes states rivals for the economic rewards, where inaction leaves states behind. States can become leaders in crafting appropriate responses to technological change that eventually produces policy and action around the country.

(4) The Task Force determined that there are steps that the State can take to maximize the opportunities and reduce the risk, but action must be taken now. The Task Force concluded that there is a role for local and State action, especially where national and international action is not occurring.

(5) The final report of the Task Force presents a series of recommendations for policies and actions consistent with the limited role of Vermont to direct the path of AI development and use in the State. The final report also concludes that Vermont can make a difference, maximize the benefits of AI, and minimize, or adapt to, the adverse consequences.

(b) It is the intent of the General Assembly to carry out the work of the Task Force by creating the Artificial Intelligence Commission to implement some of the specific recommendations of the Task Force and conduct an inventory of all automated decision systems that are being developed, used, or procured by the State.

Sec. 2. 3 V.S.A. § 3303 is amended to read:

§ 3303. REPORTING, RECORDS, AND REVIEW REQUIREMENTS

(a) Annual report and budget. The Secretary shall submit to the General Assembly, concurrent with the Governor's annual budget request required under 32 V.S.A. § 306, an annual report for information technology and cybersecurity. The report shall reflect the priorities of the Agency and shall include:

(1) performance metrics and trends, including baseline and annual measurements, for each division of the Agency;

(2) a financial report of revenues and expenditures to date for the current fiscal year;

(3) costs avoided or saved as a result of technology optimization for the previous fiscal year;

(4) an outline summary of information, including scope, schedule, budget, and status for information technology projects with total costs of \$500,000.00 or greater;

- (5) an annual update to the strategic plan prepared pursuant to subsection (c) of this section;
- (6) a summary of independent reviews as required by subsection (d) of this section; and
- (7) the Agency budget submission; and
- (8) an annual update to the inventory required by section 3305 of this title.

* * *

Sec. 3. 3 V.S.A. § 3305 is added to read:

§ 3305. AUTOMATED DECISION SYSTEM; STATE PROCUREMENT;
INVENTORY

(a) Definitions. As used in this section:

(1) “Algorithm” means a computerized procedure consisting of a set of steps used to accomplish a determined task.

(2) “Automated decision system” means any algorithm, including one incorporating machine learning or other artificial intelligence techniques, that uses data-based analytics to make or support government decisions, judgments, or conclusions.

(3) “Automated final decision system” means an automated decision system that makes final decisions, judgments, or conclusions without human intervention.

(4) “Automated support decision system” means an automated decision system that provides information to inform the final decision, judgment, or conclusion of a human decision maker.

(5) “State government” has the same meaning as in section 3301 of this chapter.

(b) Inventory. The Agency of Digital Services shall conduct a review and make an inventory of all automated decision systems that are being developed, employed, or procured by State government. The inventory shall include the following for each automated decision system:

(1) the automated decision system’s name and vendor;

(2) a description of the automated decision system’s general capabilities, including:

(A) reasonably foreseeable capabilities outside the scope of the agency’s proposed use; and

(B) whether the automated decision system is used or may be used for independent decision-making powers and the impact of those decisions on Vermont residents;

(3) the type or types of data inputs that the technology uses; how that data is generated, collected, and processed; and the type or types of data the automated decision system is reasonably likely to generate;

(4) whether the automated decision system has been tested by an independent third party, has a known bias, or is untested for bias;

(5) a description of the purpose and proposed use of the automated decision system, including:

(A) what decision or decisions it will be used to make or support;

(B) whether it is an automated final decision system or automated support decision system; and

(C) its intended benefits, including any data or research relevant to the outcome of those results;

(6) how automated decision system data is securely stored and processed and whether an agency intends to share access to the automated decision system or the data from that automated decision system with any other entity, and why; and

(7) a description of the IT fiscal impacts of the automated decision system, including:

(A) initial acquisition costs and ongoing operating costs, such as maintenance, licensing, personnel, legal compliance, use auditing, data retention, and security costs;

(B) any cost savings that would be achieved through the use of the technology; and

(C) any current or potential sources of funding, including any subsidies or free products being offered by vendors or governmental entities.

Sec. 4. AUTOMATED DECISION SYSTEM; STATE PROCUREMENT;

INVENTORY; REPORT

On or before December 1, 2022, the Agency of Digital Services shall submit to the House Committee on Energy and Technology and the Senate Committee on Finance a report on the inventory described in 3 V.S.A. § 3305. The report shall include recommendations for any changes to the inventory, including how it should be maintained and the frequency of updates.

Sec. 5. 3 V.S.A. chapter 69 is added to read:

CHAPTER 69. ARTIFICIAL INTELLIGENCE COMMISSION

§ 5011. ARTIFICIAL INTELLIGENCE COMMISSION

(a) Definition. As used in this section, “artificial intelligence systems” means systems capable of perceiving an environment through data acquisition and then processing and interpreting the derived information to take an action or actions or to imitate intelligent behavior given a specific goal. An artificial intelligence system can also learn and adapt its behavior by analyzing how the environment is affected by prior actions.

(b) Creation. There is established the Artificial Intelligence Commission within the Agency of Digital Services to study and monitor all aspects of artificial intelligence systems developed, employed, or procured in State government.

(c) Membership. The Commission shall be composed of the following seven members:

(1) the Secretary of Digital Services or designee, who shall serve as chair;

(2) the Secretary of Commerce and Community Development or designee;

(3) the Commissioner of Public Safety or designee;

(4) the Executive Director of the American Civil Liberties Union of Vermont or designee;

(5) one member who is an expert in constitutional and legal rights, appointed by the Chief Justice of the Supreme Court;

(6) one member who is a social worker with experience in the field of ethics and human rights, appointed by the Governor; and

(7) one member who is an academic at a postsecondary institute, appointed by the Vermont Academy of Science and Engineering.

(d) Powers and duties. The Commission shall study and monitor artificial intelligence systems developed, employed, or procured in State government, including the following:

(1) propose for adoption by the Agency of Digital Services a State code of ethics for artificial intelligence in State government, which shall be updated annually;

(2) make recommendations to the General Assembly on policies, laws, and regulations for artificial intelligence systems in State government;

(3) review the automated decision systems inventory created by the Agency of Digital Services, including:

(A) whether any systems affect the constitutional or legal rights, duties, or privileges of any Vermont resident; and

(B) whether there are any potential liabilities or risks that the State of Vermont could incur from its implementation; and

(4) annually, on or before January 15 each year, report to the House Committee on Energy and Technology and the Senate Committees on Finance and on Government Operations on the following:

(A) the extent of the use of artificial intelligence systems by State government and any short-or long-term actions needed to optimize that usage or mitigate their risks;

(B) the impact of using artificial intelligence systems in State government on the liberty, finances, livelihood, and privacy interests of Vermont residents;

(C) any necessary policies to:

(i) protect the privacy and interests of Vermonters from any diminution caused by employment of artificial intelligence systems by State government; and

(ii) ensure that Vermonters are free from unfair discrimination caused or compounded by the employment of artificial intelligence in State government;

(D) a summary of the recommendations of any relevant national bodies on artificial intelligence, including the National Artificial Intelligence Advisory Committee established by the Department of Commerce, and its applicability to Vermont; and

(E) any other information the Commission deems appropriate based on its work.

(e) Meetings. The Commission shall meet at least 12 times each year or at the call of the Chair.

(f) Quorum. A majority of members shall constitute a quorum of the Commission. Once a quorum has been established, the vote of a majority of the members present at the time of the vote shall be an act of the Commission.

(g) Assistance. The Commission shall have the administrative, legal, and technical support of the Agency of Digital Services.

(h) Reimbursement. Members of the Commission who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to compensation and expenses as provided in 32 V.S.A. § 1010. Payment to the members shall be from an appropriation to the Agency of Digital Services from the Information Technology Internal Service Fund, established in section 3304 of this chapter.

Sec. 6. ARTIFICIAL INTELLIGENCE COMMISSION; REPORTS AND
RECOMMENDATIONS

(a) On or before January 15, 2023, the Commission shall include the State code of ethics as described in 3 V.S.A. § 5011(d)(1) in its report required under 3 V.S.A. § 5011(d)(4).

(b) On or before January 15, 2024, the Commission shall develop recommendations for a clear use and data management policy for State government in its report required under 3 V.S.A. § 5011(d)(4), including protocols for the following:

(1) how and when an automated decision system will be deployed or used and by whom, including:

(A) the factors that will be used to determine where, when, and how the technology is deployed;

(B) whether the technology will be operated continuously or used only under specific circumstances; and

(C) when the automated decision system may be accessed, operated, or used by another entity on the agency's behalf and any applicable protocols;

(2) whether the automated decision system gives notice to an individual impacted by the automated decision system of the fact that the automated decision system is in use and what information should be provided with consideration to the following:

(A) the automated decision system's name and vendor;

(B) what decision or decisions it will be used to make or support;

(C) whether it is an automated final decision system or automated support decision system;

(D) what policies and guidelines apply to its deployment;

(E) whether a human verifies or confirms decisions made by the automated decision system; and

(F) how an individual can contest any decision made involving the automated decision system;

(3) whether the automated decision system ensures that the agency can explain the basis for its decision to any impacted individual in terms understandable to a layperson, including:

(A) by requiring the vendor to create such an explanation;

(B) whether the automated decision system is subject to appeal or immediate suspension if a legal right, duty, or privilege is impacted by the decision; and

(C) potential reversal by a human decision maker through a timely process clearly described and accessible to an individual impacted by the decision; and

(4) what policies the State should have for a third-party entity to disclose potential conflicts of interest prior to purchasing or using their technology and how the State should evaluate those conflicts with respect to how the State intends to implement the technology.

(c) On or before January 15, 2025, the Commission shall recommend for inclusion in its report required under 3 V.S.A. § 5011(d)(4):

(1) whether the scope of the Commission should be expanded to include artificial intelligence outside of State government;

(2) whether there should be any changes to the structural oversight, membership, or powers and duties of the Commission;

(3) whether the Commission should cease to exist on a certain date; and

(4) whether there are any other additional tasks the Commission should complete.

(d) As used in this section:

(1) “Automated decision system” means any algorithm, including one incorporating machine learning or other artificial intelligence techniques, that uses data-based analytics to make or support government decisions, judgments, or conclusions.

(2) “Automated final decision system” means an automated decision system that makes final decisions, judgments, or conclusions without human intervention.

(3) “Automated support decision system” means an automated decision system that provides information to inform the final decision, judgment, or conclusion of a human decision maker.

Sec. 7. ARTIFICIAL INTELLIGENCE COMMISSION; POSITION;
APPROPRIATION

(a) The establishment of the permanent classified position is authorized in fiscal year 2023 in the Agency of Digital Services to manage and implement the work of the Artificial Intelligence Commission, established in 3 V.S.A. § 5011, and to serve as the State expert on artificial intelligence use and oversight within State government. This position shall be transferred and converted from existing vacant positions in the Executive Branch and shall not increase the total number of authorized State positions.

(b) The sum of \$150,000.00 is appropriated to the Agency of Digital Services from the Information Technology Internal Service Fund, established in 3 V.S.A. § 3304, in fiscal year 2021 for the position described in subsection (a) of this section.

Sec. 8. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

and that after passage the title of the bill be amended to read: “An act relating to the use and oversight of artificial intelligence in State government”

Rep. Feltus of Lyndon, for the Committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the Committee on Energy and Technology and when further amended as follows:

In Sec. 5, 3 V.S.A. chapter 69, in section 5011, in subsection (e), by striking out “at least 12 times” and inserting in lieu thereof “not more than 12 times”

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Energy and Technology was amended as recommended by the Committee on Appropriations. Report of the Committee on Energy and Technology, as amended, agreed to and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 553

Rep. Rachelson of Burlington, for the Committee on Judiciary, to which had been referred House bill, entitled

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

Reported in favor of its passage when amended as follows:

In Sec. 1, 13 V.S.A. § 5351, in subdivision (2), after the period, by adding “To qualify as a domestic partner, a couple shall share a residence for at least six months prior to applying; be 18 years of age or older; not be married to anyone; and not be related by blood and, therefore, prohibited from legally marrying one another by 15 V.S.A. § 1a.”

Rep. Townsend of South Burlington, for the Committee on Appropriations, recommended the bill ought to pass when amended by the Committee on Judiciary.

The bill, having appeared on the Notice Calendar, was taken up, and read second time.

Thereafter, **Rep. Rachelson of Burlington** moved to amend the report of the Committee on Judiciary as follows:

In Sec. 1, 13 V.S.A. § 5351, in subdivision (2), by striking out “not be related by blood and, therefore,”

Which was agreed to. Thereupon, the report of the Committee on Judiciary, as amended, was agreed to, and third reading was ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 661

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

An act relating to licensure of mental health professionals

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Continuing Education Units; Psychologists * * *

Sec. 1. 26 V.S.A. § 3015 is amended to read:

§ 3015. RENEWALS

(a) Licenses shall be renewed every two years upon payment of the required fee.

* * *

(d) Continuing education units.

(1) As a condition of renewal, the Board ~~may~~ shall require that licensees establish that they have satisfied continuing education requirements established by Board rule and this subsection.

(2) At least three continuing education units shall be in the area of systematic oppression and anti-oppressive practice.

(3) Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training.

(4) Upon application, the Board may exempt from continuing education requirements a licensee on active duty in the U.S. Armed Forces, if obtaining continuing education credits would be impossible in practice or a significant hardship for the licensee.

(5) If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * * Continuing Education Units; Social Workers * * *

Sec. 2. 26 V.S.A. § 3208 is amended to read:

§ 3208. RENEWALS

* * *

(d) As a condition of renewal, a licensee shall complete continuing education, approved by the Director by rule, during the preceding two-year period. For purposes of this subsection, the Director may require, by rule, not more than 20 hours of approved continuing social work education as a condition of renewal. Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. At least three continuing education units shall be in the area of systematic oppression and anti-oppressive practice. If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * *

* * * Continuing Education Units; Alcohol and Drug Abuse

Counselors * * *

Sec. 3. 26 V.S.A. § 3238 is amended to read:

§ 3238. BIENNIAL RENEWALS

(a) Licenses and certifications shall be renewed every two years on a schedule set by the Office upon:

(1) ~~payment~~ Payment of the required fee; ~~and.~~

(2) ~~documentation~~ Documentation that the applicant has completed at least 40 hours of continuing education, approved by the Director. Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. At least three continuing education units shall be in the area of systematic oppression and anti-oppressive practice. If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * *

* * * Continuing Education Units; Clinical Mental Health

Counselors * * *

Sec. 4. 26 V.S.A. § 3269 is amended to read:

§ 3269. RENEWALS

Licenses shall be renewed every two years upon payment of required fees and proof of such continuing education as the Board may require by rule and as required by this section. Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. At least three continuing education units shall be in the area of systematic oppression and anti-oppressive practice. If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * * Continuing Education Units; Marriage and Family

Therapists * * *

Sec. 5. 26 V.S.A. § 4040 is amended to read:

§ 4040. RENEWALS

(a) Licenses shall be renewed every two years upon payment of the required fee, provided the person applying for renewal has completed at least 20 hours of continuing education, approved by the Board, during the preceding two-year period.

(1) The Board shall establish, by rule, guidelines and criteria for continuing education credit. Synchronous virtual continuing education credits

shall be approvable and accepted as live in-person training. At least three continuing education units shall be in the area of systematic oppression and anti-oppressive practice.

(2) The continuing education requirement shall not apply for the first renewal period. If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * *

* * * Continuing Education Units; Psychoanalysts * * *

Sec. 6. 26 V.S.A. § 4060 is amended to read:

§ 4060. RENEWALS

(a) Certification shall be renewed every two years upon payment of the required fee, provided the person applying for renewal completes at least 20 hours of continuing education, approved by the Director, during the preceding two-year period.

(1) The Director, with the advice of the advisor appointees, shall establish, by rule, guidelines and criteria for continuing education credit. Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. At least three continuing education units shall be in the area of systematic oppression and anti-oppressive practice.

(2) The education requirement shall not apply for the first renewal period. If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * *

* * * Continuing Education Units; Applied Behavior Analysts * * *

Sec. 7. 26 V.S.A. § 4925 is amended to read:

§ 4925. RENEWALS

* * *

(c) As a condition of renewal, the Director may by rule require that a licensee establish that ~~he or she~~ the licensee has completed continuing education.

(1) The Director may accept proof of current certification from the Behavior Analyst Certification Board as evidence of continuing competency if the Director finds that the maintenance of such certification implies appropriate continuing education consistent with this subsection and Board rule.

(2) Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. At least three continuing education units shall be in the area of systematic oppression and anti-oppressive practice.

(3) If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * *

* * * Mental Health Professional Licensure; Study * * *

Sec. 8. MENTAL HEALTH PROFESSIONAL LICENSURE; STUDY

(a) Study. The Office of Professional Regulation shall conduct a study on:

(1) the possibility of streamlining the licensure of mental health professionals practicing in the State, including a review of the feasibility of creating one mental health professional license with endorsements for specific mental health professions;

(2) whether additional regulation of supervisors for mental health professionals in training is necessary, including a review of potential limits on areas of mental health work a supervisor may supervise based on the supervisor's own work experience and education, the rate or fee a supervisor may charge for providing supervision, and the number of supervisees assigned to one supervisor; and

(3) the barriers for individuals who are Black, Indigenous, or Persons of Color (BIPOC), refugees and new Americans, individuals with low income, those individuals with disabilities, and those individuals with lived mental health and substance use experience entering mental health professions regulated by the Office of Professional Regulation.

(b) Stakeholder input. The Director of the Office of Professional Regulation shall seek the input and recommendations of the following stakeholders in completing the study:

(1) representatives of each mental health care profession associated with the Office of Professional Regulation, selected by their respective licensing board or by the Director;

(2) the Commissioner of Mental Health or designee;

(3) the Commissioner of Health Equity or designee;

(4) representatives of mental health care professional organizations;

(5) representatives of health insurers;

(6) individuals in mental health care professions or seeking to enter mental health care professions, selected by AALV, Inc., the Vermont Commission on Native American Affairs, the Vermont Center for Independent Living, and Outright Vermont; and

(7) other interested stakeholders, including individuals from diverse backgrounds to represent the interests of communities of color and other historically underrepresented populations in mental health care professions.

(c) Findings and recommendations. On or before December 15, 2024, the Director of the Office of Professional Regulation shall provide the Office's findings and recommendations to the House Committees on Health Care and on Government Operations and the Senate Committees on Health and Welfare and on Government Operations.

* * * Mental Health Professional Supervisors Registry * * *

Sec. 9. MENTAL HEALTH PROFESSIONAL SUPERVISORS; REGISTRY

The Office of Professional Regulation shall maintain a registry of mental health professionals who are available to serve as supervisors for mental health professionals in training. The registry shall begin upon passage and shall contain a complete list by 2025.

* * * Effective Date * * *

Sec. 10. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

Rep. Townsend of South Burlington, for the Committee on Appropriations, reported in favor of its passage when amended by the Committee on Government Operations.

The bill, having appeared on the Notice Calendar, was taken up and read the second time.

Pending the question, Shall the bill be amended as recommended by the Government Operations?, **Reps. Lippert of Hinesburg, Black of Essex, Cina**

of Burlington, Cordes of Lincoln, Donahue of Northfield, Goldman of Rockingham, and Houghton of Essex moved that the report of the Committee on Government Operations be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Continuing Education Units; Psychologists * * *

Sec. 1. 26 V.S.A. § 3015 is amended to read:

§ 3015. RENEWALS

(a) Licenses shall be renewed every two years upon payment of the required fee.

* * *

(d) Continuing education units.

(1) As a condition of renewal, the Board ~~may~~ shall require that licensees establish that they have satisfied continuing education requirements established by Board rule and this subsection.

(2) Continuing education requirements shall include requiring one or more continuing education units in the area of systematic oppression and anti-oppressive practice, or in related topic areas, consistent with the report recommendations from the Health Equity Advisory Commission required pursuant to 2021 Acts and Resolves No. 33, Sec. 5 for improving cultural competency, cultural humility, and antiracism in Vermont's health care system.

(3) Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training.

(4) Upon application, the Board may exempt from continuing education requirements a licensee on active duty in the U.S. Armed Forces; if obtaining continuing education credits would be impossible in practice or a significant hardship for the licensee.

(5) If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * * Continuing Education Units; Social Workers * * *

Sec. 2. 26 V.S.A. § 3208 is amended to read:

§ 3208. RENEWALS

* * *

(d) As a condition of renewal, a licensee shall complete continuing education, approved by the Director by rule, during the preceding two-year period. For purposes of this subsection, the Director may require, by rule, not more than 20 hours of approved continuing social work education as a condition of renewal. Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. Continuing education requirements shall include requiring one or more continuing education units in the area of systematic oppression and anti-oppressive practice, or in related topic areas, consistent with the report recommendations from the Health Equity Advisory Commission required pursuant to 2021 Acts and Resolves No. 33, Sec. 5 for improving cultural competency, cultural humility, and antiracism in Vermont's health care system. If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

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(2) ~~documentation~~ Documentation that the applicant has completed at least 40 hours of continuing education, approved by the Director. Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. Continuing education requirements shall include requiring one or more continuing education units in the area of systematic oppression and anti-oppressive practice, or in related topic areas, consistent with the report recommendations from the Health Equity Advisory Commission required pursuant to 2021 Acts and Resolves No. 33, Sec. 5 for improving cultural competency, cultural humility, and antiracism in Vermont's health care system. If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * *

* * * Continuing Education Units; Clinical Mental Health

Counselors * * *

Sec. 4. 26 V.S.A. § 3269 is amended to read:

§ 3269. RENEWALS

Licenses shall be renewed every two years upon payment of required fees and proof of such continuing education as the Board may require by rule and as required by this section. Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. Continuing education requirements shall include requiring one or more continuing education units in the area of systematic oppression and anti-oppressive practice, or in related topic areas, consistent with the report recommendations from the Health Equity Advisory Commission required pursuant to 2021 Acts and Resolves No. 33, Sec. 5 for improving cultural competency, cultural humility, and antiracism in Vermont's health care system. If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * * Continuing Education Units; Marriage and Family

Therapists * * *

Sec. 5. 26 V.S.A. § 4040 is amended to read:

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(a) Licenses shall be renewed every two years upon payment of the required fee, provided the person applying for renewal has completed at least 20 hours of continuing education, approved by the Board, during the preceding two-year period.

(1) The Board shall establish, by rule, guidelines and criteria for continuing education credit. Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. Continuing education requirements shall include requiring one or more continuing education units in the area of systematic oppression and anti-oppressive practice, or in related topic areas, consistent with the report recommendations from the Health Equity Advisory Commission required pursuant to 2021 Acts and Resolves No. 33, Sec. 5 for improving cultural competency, cultural humility, and antiracism in Vermont's health care system.

(2) The continuing education requirement shall not apply for the first renewal period. If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * *

* * * Continuing Education Units; Psychoanalysts * * *

Sec. 6. 26 V.S.A. § 4060 is amended to read:

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(1) The Director, with the advice of the advisor appointees, shall establish, by rule, guidelines and criteria for continuing education credit. Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. Continuing education requirements shall include requiring one or more continuing education units in the area of systematic oppression and anti-oppressive practice, or in related topic areas, consistent with the report recommendations from the Health Equity Advisory Commission required pursuant to 2021 Acts and Resolves No. 33, Sec. 5 for improving cultural competency, cultural humility, and antiracism in Vermont's health care system.

(2) The education requirement shall not apply for the first renewal period. If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * *

* * * Continuing Education Units; Applied Behavior Analysts * * *

Sec. 7. 26 V.S.A. § 4925 is amended to read:

§ 4925. RENEWALS

* * *

(c) As a condition of renewal, the Director may by rule require that a licensee establish that ~~he or she~~ the licensee has completed continuing education.

(1) The Director may accept proof of current certification from the Behavior Analyst Certification Board as evidence of continuing competency if the Director finds that the maintenance of such certification implies appropriate continuing education consistent with this subsection and Board rule.

(2) Synchronous virtual continuing education credits shall be approvable and accepted as live in-person training. Continuing education requirements shall include requiring one or more continuing education units in the area of systematic oppression and anti-oppressive practice, or in related topic areas, consistent with the report recommendations from the Health Equity Advisory Commission required pursuant to 2021 Acts and Resolves No. 33, Sec. 5 for improving cultural competency, cultural humility, and antiracism in Vermont's health care system.

(3) If the licensee is licensed in one or more other mental health professions under this title, continuing education units completed for one mental health profession shall count toward the required continuing education units for the other mental health profession or professions for which the licensee is licensed under this title.

* * *

* * * Mental Health Professional Licensure; Study * * *

Sec. 8. MENTAL HEALTH PROFESSIONAL LICENSURE; STUDY

(a) Study. The Office of Professional Regulation shall conduct a study on:

(1) the possibility of streamlining the licensure of mental health professionals practicing in the State, including a review of the feasibility of creating one mental health professional license with endorsements for specific mental health professions;

(2) whether additional regulation of supervisors for mental health professionals in training is necessary, including a review of potential limits on areas of mental health work a supervisor may supervise based on the supervisor's own work experience and education, the rate or fee a supervisor may charge for providing supervision, and the number of supervisees assigned to one supervisor; and

(3) the barriers for individuals who are Black, Indigenous, or Persons of Color (BIPOC), refugees and new Americans, LGBTQ individuals, individuals with low income, individuals with disabilities, and those individuals with lived

mental health and substance use experience entering mental health professions regulated by the Office of Professional Regulation.

(b) Stakeholder input. The Director of the Office of Professional Regulation shall seek the input and recommendations of the following stakeholders in completing the study:

(1) representatives of each mental health care profession associated with the Office of Professional Regulation, selected by their respective licensing board or by the Director;

(2) the Commissioner of Mental Health or designee;

(3) the Chair of the Health Equity Advisory Commission established pursuant to 18 V.S.A. § 252 or designee;

(4) representatives of mental health care professional organizations;

(5) representatives of health insurers;

(6) individuals in mental health care professions or seeking to enter mental health care professions, selected by AALV, Inc., the Vermont Commission on Native American Affairs, the Vermont Center for Independent Living, and Outright Vermont; and

(7) other interested stakeholders, including individuals from diverse backgrounds to represent the interests of communities of color and other historically underrepresented populations in mental health care professions.

(c) Findings and recommendations. On or before December 15, 2024, the Director of the Office of Professional Regulation shall provide the Office's findings and recommendations to the House Committees on Health Care and on Government Operations and the Senate Committees on Health and Welfare and on Government Operations.

* * * Mental Health Professional Supervisors Registry * * *

Sec. 9. MENTAL HEALTH PROFESSIONAL SUPERVISORS; REGISTRY

The Office of Professional Regulation shall maintain a registry of mental health professionals who are available to serve as supervisors for mental health professionals in training. The registry shall begin upon passage and shall contain a complete list by 2025.

* * * Effective Date * * *

Sec. 10. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

Which was agreed to. Thereupon, the report of the Committee on Government Operations, as amended, was agreed to and third reading ordered.

Action on Bill Postponed

H. 703

House bill, entitled

An act relating to promoting workforce development

Was taken up and, pending the reading of the report of the Committee on Commerce and Economic Development, on motion of **Rep. Kimbell of Woodstock**, action on the bill was postponed until March 24, 2022.

**Committee Bill; Second Reading;
Bill Amended; Third Reading Ordered**

H. 730

Rep. Birong of Vergennes spoke for the Committee on General, Housing, and Military Affairs.

House bill, entitled

An act relating to alcoholic beverages and the Department of Liquor and Lottery

Rep. Elder of Starksboro, for the Committee on Ways and Means, recommended that the bill ought to pass when amended as follows:

First: In Sec. 2, 7 V.S.A. § 2 (definitions), in subdivision (25), immediately following the period after the words “and other ingredients” by striking out the last sentence and subdivisions (A) and (B) in their entirety.

Second: In Sec. 2, 7 V.S.A. § 2 (definitions), in subdivision (36) (second-class license), immediately following the comma after the words “vinous beverages” by inserting “ready-to-drink spirits beverages,” before the words “and fortified wines”

Third: In Sec. 2, 7 V.S.A. § 2 (definitions), in subdivision (40) (spirits), immediately following the period at the end of the subdivision, by inserting the following: “Spirits” also means a ready-to-drink spirits beverage that contains more than 12 percent alcohol by volume at 60 degrees Fahrenheit or is packaged in containers greater than 24 fluid ounces in volume.”

Fourth: In Sec. 14, 7 V.S.A. § 222 (second-class licenses), in subdivision (a)(1)(B), immediately following the comma after the words “vinous beverages” by inserting “ready-to-drink spirits beverages,” before the words “and fortified wines”

Fifth: By adding a Sec. 44a to read as follows:

Sec. 44a. TRANSFER TO GENERAL FUND

(a) In fiscal year 2023, a minimum of \$20,400,000.00 shall be transferred from the Liquor Control Enterprise Fund to the General Fund. The amount transferred pursuant to this subsection shall include any amounts transferred pursuant to the fiscal year 2023 annual budget bill.

(b) In fiscal year 2024, a minimum of \$21,200,000.00 shall be transferred from the Liquor Control Enterprise Fund to the General Fund.

(c) It is the intent of the General Assembly that for each year after fiscal year 2024 the amounts transferred from the Liquor Control Enterprise Fund to the General Fund shall annually increase according to the growth rate of liquor tax revenues in the most recent January Consensus Revenue Forecast.

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

**Favorable Reports; Second Reading;
Third Reading Ordered**

H. 718

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

An act relating to approval of the dissolution of Colchester Fire District No. 1

Reported in favor of its passage.

Rep. Brennan of Colchester, for the Committee on Ways and Means, reported in favor of its passage.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and third reading ordered.

**Committee Bill; Favorable Reports; Second Reading;
Third Reading Ordered**

H. 729

Rep. Norris of Sheldon spoke for the Committee on Judiciary.

House bill, entitled

An act relating to miscellaneous judiciary procedures

Rep. Canfield of Fair Haven, for the Committee on Ways and Means, recommended the bill ought to pass.

Rep. Scheu of Middlebury, for the Committee on Appropriations, recommended the bill ought to pass.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and third reading ordered.

Action on Bill Postponed

S. 53

Senate bill, entitled

An act relating to exempting feminine hygiene products from the Vermont Sales and Use Tax

Was taken up and pending the question, Shall the House concur in the Senate proposal of amendment to the House proposal of amendment?, on motion of **Rep. Ancel of Calais**, action on the bill was postponed until March 30, 2022.

Adjournment

At seven o'clock and thirty-five minutes in the evening, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.