

Journal of the House

Thursday, May 5, 2022

At one o'clock in the afternoon Rep. Ann Pugh of South Burlington called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Page of Newport City.

Ceremonial Reading

H.C.R. 103

House concurrent resolution congratulating the 2021 class of Eagle Scouts in the State of Vermont

Offered by: Representatives Fagan of Rutland City, Krowinski of Burlington, Achey of Middletown Springs, Anthony of Barre City, Arrison of Weathersfield, Austin of Colchester, Beck of St. Johnsbury, Birong of Vergennes, Black of Essex, Bongartz of Manchester, Brady of Williston, Brennan of Colchester, Briglin of Thetford, Brownell of Pownal, Brumsted of Shelburne, Burditt of West Rutland, Burke of Brattleboro, Canfield of Fair Haven, Chase of Colchester, Cina of Burlington, Coffey of Guilford, Conlon of Cornwall, Corcoran of Bennington, Cupoli of Rutland City, Dolan of Essex, Dolan of Waitsfield, Donahue of Northfield, Durfee of Shaftsbury, Emmons of Springfield, Feltus of Lyndon, Garofano of Essex, Goslant of Northfield, Gregoire of Fairfield, Hango of Berkshire, Harrison of Chittenden, Helm of Fair Haven, Higley of Lowell, Houghton of Essex, Howard of Rutland City, James of Manchester, Jessup of Middlesex, Killacky of South Burlington, Labor of Morgan, LaClair of Barre Town, LaLonde of South Burlington, Lanpher of Vergennes, Lefebvre of Orange, Lippert of Hinesburg, Long of Newfane, Marcotte of Coventry, Martel of Waterford, Masland of Thetford, Mattos of Milton, McCoy of Poultney, McCullough of Williston, McFaun of Barre Town, Morgan, L. of Milton, Morgan, M. of Milton, Morris of Springfield, Morrissey of Bennington, Murphy of Fairfax, Nicoll of Ludlow, Nigro of Bennington, Norris of Shoreham, Notte of Rutland City, Noyes of Wolcott, Ode of Burlington, Page of Newport City, Palasik of Milton, Parsons of Newbury, Partridge of Windham, Patt of Worcester, Peterson of Clarendon, Rosenquist of Georgia, Scheuermann of Stowe, Shaw of Pittsford, Smith of Derby, Smith of New Haven, Squirrell of Underhill, Stebbins of Burlington, Stevens of Waterbury, Strong of Albany, Sullivan of Dorset, Taylor of

Colchester, Till of Jericho, Toleno of Brattleboro, Townsend of South Burlington, Troiano of Stannard, Vyhovsky of Essex, Webb of Shelburne, White of Hartford, Whitman of Bennington, Williams of Granby, Wood of Waterbury, Yacovone of Morristown, and Yantachka of Charlotte

Having been adopted in concurrence on Friday, February 11, 2022 in accord with Joint Rule 16b, was read.

Ceremonial Reading

H.C.R. 156

House concurrent resolution recognizing National Foster Care Month in Vermont

Offered by: All Members of the House

Having been adopted in concurrence on Friday, April 29, 2022 in accord with Joint Rule 16b, was read.

Rep. Krowinski of Burlington presiding.

Favorable Report; Second Reading; Third Reading Ordered

S. 139

Rep. Brown of Richmond, for the Committee on Education, to which had been referred Senate bill, entitled

An act relating to nondiscriminatory school branding

Reported in favor of its passage in concurrence.

The bill, 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** 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, 96. Nays, 47.

Those who voted in the affirmative are:

Ancel of Calais	Elder of Starksboro	Pajala of Londonderry
Anthony of Barre City	Emmons of Springfield	Patt of Worcester
Austin of Colchester	Gannon of Wilmington	Pearl of Danville
Bartholomew of Hartland	Garofano of Essex *	Pugh of South Burlington
Birong of Vergennes	Goldman of Rockingham	Rachelson of Burlington
Black of Essex	Grad of Moretown	Rogers of Waterville
Bluemle of Burlington	Hooper of Randolph	Satcowitz of Randolph
Bock of Chester	Hooper of Burlington	Scheu of Middlebury

Bongartz of Manchester	Houghton of Essex	Sheldon of Middlebury
Bos-Lun of Westminster	Howard of Rutland City	Sibilia of Dover
Brady of Williston	James of Manchester	Sims of Craftsbury
Briglin of Thetford	Jerome of Brandon	Small of Winooski
Brown of Richmond	Kascenska of Burke	Squirrell of Underhill
Brownell of Pownal	Killacky of South Burlington	Stebbins of Burlington
Brumsted of Shelburne	Kimbell of Woodstock	Stevens of Waterbury
Burke of Brattleboro	Kornheiser of Brattleboro	Sullivan of Dorset
Burrows of West Windsor	LaLonde of South	Surprenant of Barnard
Campbell of St. Johnsbury	Burlington	Taylor of Colchester
Chase of Colchester	Lanpher of Vergennes	Till of Jericho
Christie of Hartford	Lippert of Hinesburg	Toleno of Brattleboro
Cina of Burlington	Long of Newfane	Townsend of South
Coffey of Guilford	Masland of Thetford	Burlington
Colburn of Burlington	McCarthy of St. Albans City	Troiano of Stannard
Colson of Winooski	McCormack of Burlington	Vyhovsky of Essex
Conlon of Cornwall	McCullough of Williston	Walz of Barre City
Copeland Hanzas of	Mrowicki of Putney	Webb of Shelburne
Bradford	Mulvaney-Stanak of	White of Bethel
Corcoran of Bennington	Burlington	White of Hartford
Cordes of Lincoln	Nicoll of Ludlow	Whitman of Bennington
Dolan of Essex	Nigro of Bennington	Wood of Waterbury
Dolan of Waitsfield	Notte of Rutland City	Yacovone of Morristown *
Donahue of Northfield	Noyes of Wolcott	Yantachka of Charlotte
Donnally of Hyde Park	O'Brien of Tunbridge	
Durfee of Shaftsbury	Ode of Burlington	

Those who voted in the negative are:

Achey of Middletown	Higley of Lowell	Norris of Sheldon
Springs	Labor of Morgan	Norris of Shoreham
Arrison of Weathersfield *	LaClair of Barre Town	Page of Newport City
Beck of St. Johnsbury	Laroche of Franklin	Palasik of Milton
Brennan of Colchester	Lefebvre of Newark	Parsons of Newbury
Burditt of West Rutland	Lefebvre of Orange	Peterson of Clarendon
Canfield of Fair Haven	Leffler of Enosburgh	Rosenquist of Georgia
Cupoli of Rutland City	Marcotte of Coventry	Scheuermann of Stowe *
Dickinson of St. Albans	Martel of Waterford	Shaw of Pittsford
Town	Mattos of Milton	Smith of Derby
Feltus of Lyndon	McCoy of Poultney	Strong of Albany
Goslant of Northfield	McFaun of Barre Town	Terenzini of Rutland Town
Graham of Williamstown	Morgan, L. of Milton	Toof of St. Albans Town
Gregoire of Fairfield	Morgan, M. of Milton	Walker of Swanton
Hango of Berkshire	Morris of Springfield	Williams of Granby
Harrison of Chittenden	Morrissey of Bennington	
Helm of Fair Haven	Murphy of Fairfax	

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

Fagan of Rutland City	Jessup of Middlesex	Partridge of Windham
Hooper of Montpelier	Kitzmiller of Montpelier	Smith of New Haven

Rep. Arrison of Weathersfield explained his vote as follows:

“Madam Speaker:

Leave the decision at the local level. Engage the students, the school board, and the public. Use the opportunity as a learning tool. Legislation will only widen and split the community further.”

Rep. Garofano of Essex explained her vote as follows:

“Madam Speaker:

I voted yes because as a mother of a Black child in our public schools I have first-hand knowledge of racism in our schools. This bill takes an important step in ensuring my daughter, who has experienced racism in every school she has attended, will feel safer and protected in our public schools.”

Rep. Scheuermann of Stowe explained her vote as follows:

“Madam Speaker:

Once again, this body has ripped local control of - and local decision-making for - education from our local communities. From the Montpelier-centric funding of our education to its delivery; from decisions on what curriculum to offer to what kind of cleaning products to buy; from forcing proficiency-based learning and grading onto our schools to forcing the actual elimination of school districts; this body has decided over and over again that we know better than the local officials in our communities. And, we have done it again today. We know better than our local school boards, our local teachers, our local administrators, the parents and students of our communities. And, damn it, if they disagree with us, then we will just force it on them.”

Rep. Yacovone of Morristown explained his vote as follows:

“Madam Speaker:

This is a serious issue. Yet, I found myself sitting in amusement during the discussion. Some of those same champions of local control who plead with us to let the locals rule are the same people who recoil at charter changes despite overwhelming local support. Madam Speaker, our inconsistencies define us.”

Senate Proposal of Amendment Concurred in

H. 517

The Senate proposed to the House to amend House bill, entitled

An act relating to the Vermont National Guard Tuition Benefit Program

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

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

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

§ 2857. VERMONT NATIONAL GUARD TUITION BENEFIT PROGRAM

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

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

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

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

* * *

(c) Eligibility.

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

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

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

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

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

~~(5)~~(E) continually demonstrate satisfactory academic progress as determined by criteria established by the Vermont National Guard and VSAC,

in consultation with the educational institution at which the individual is enrolled under the Program;

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

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

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

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

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

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

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

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

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

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

* * *

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

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

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

(c)(1) A National Guard member shall be eligible to pursue a graduate

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

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

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

Sec. 3. REPEAL

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

* * * Education of Military Families * * *

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

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

* * *

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

Sec. 5. 16 V.S.A. § 2185 is amended to read:

§ 2185. DETERMINATION OF RESIDENCY FOR TUITION PURPOSES

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

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

(c) The spouse and dependent child of any person who is a member of the U.S. Armed Forces and stationed in this State pursuant to military orders shall

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

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

§ 2282a. DETERMINATION OF RESIDENCY FOR TUITION PURPOSES

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

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

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

* * * Purple Star School Programs * * *

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

§ 568. PURPLE STAR CAMPUS DESIGNATION

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

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

(2) the Vermont National Guard;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

their families;

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

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

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

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

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

§ 10. ELECTION OF STATE AND JUDICIAL OFFICERS

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

* * *

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

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

§ 363. OFFICERS GENERALLY

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

* * *

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

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

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

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

(D) be eligible for federal recognition.

* * *

Sec. 10. CURRENT TERM OF ADJUTANT AND INSPECTOR GENERAL

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

* * * Effective Date * * *

Sec. 11. EFFECTIVE DATE

This act shall take effect on passage.

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

An act relating to educational benefits for members of the military and their families and eligibility for election to serve as Adjutant and Inspector General.

Proposal of amendment was considered and concurred in.

**Senate Proposal of Amendment Concurred in
With a Further Amendment Thereto**

H. 548

The Senate proposed to the House to amend House bill, entitled
An act relating to miscellaneous cannabis establishment procedures

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

Sec. 1. 7 V.S.A. § 861 is amended to read:

§ 861. DEFINITIONS

As used in this chapter:

* * *

(16) “Child-deterrent packaging” means tear-resistant packaging that can be sealed in a manner that would deter children under five years of age from easily accessing the contents of the package within a reasonable time and not difficult for normal adults to use properly.

(17) “Child-resistant packaging” means packaging that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance in the container within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging that all children under five years of age cannot open or obtain a toxic or harmful amount of the substance in the container within a reasonable time.

(17)(18) “Controls,” “is controlled by,” and “under common control” mean the power to direct, or cause the direction or management and policies of a person, whether through the direct or beneficial ownership of voting securities, by contract, or otherwise. A person who directly or beneficially owns 10 percent or more equity interest, or the equivalent thereof, of another person shall be deemed to control the person.

(18)(19) “Dispensary” means a business organization licensed pursuant to chapter 37 of this title or 18 V.S.A. chapter 86.

(19)(20) “Enclosed, locked facility” means a building, room, greenhouse, outdoor fenced-in area, or other location that is enclosed on all sides and prevents cannabis from easily being viewed by the public. The facility shall be equipped with locks or other security devices that permit access only by:

(A) Employees, agents, or owners of the cultivator, all of whom shall be 21 years of age or older.

(B) Government employees performing their official duties.

(C) Contractors performing labor that does not include cannabis cultivation, packaging, or processing. Contractors shall be accompanied by an employee, agent, or owner of the cultivator when they are in areas where cannabis is being grown, processed, packaged, or stored.

(D) Registered employees of other cultivators, members of the media, elected officials, and other individuals 21 years of age or older visiting the facility, provided they are accompanied by an employee, agent, or owner of the cultivator.

~~(20)~~(21) “Flavored oil cannabis product” means any oil cannabis product that contains an additive to give it a characterizing flavor.

~~(21)~~(22) “Integrated licensee” means a person licensed by the Board to engage in the activities of a cultivator, wholesaler, product manufacturer, retailer, and testing laboratory in accordance with this chapter.

~~(22)~~(23) “Municipality” means a town, city, or incorporated village.

~~(24)~~ “Owner” means a natural person who controls, or shares control of, a Cannabis Establishment.

~~(23)~~(25) “Person” shall include any natural person; corporation; municipality; the State of Vermont or any department, agency, or subdivision of the State; and any partnership, unincorporated association, or other legal entity.

~~(24)~~(26) “Plant canopy” means the square footage dedicated to live plant production and does not include areas such as office space or areas used for the storage of fertilizers, pesticides, or other products.

~~(25)~~(27) “Principal” means ~~an individual vested with the authority to conduct, manage, or supervise the business affairs of a person, and may include the president, vice president, secretary, treasurer, manager, or similar executive officer of a business; a director of a corporation, nonprofit corporation, or mutual benefit enterprise; a member of a nonprofit corporation, cooperative, or member-managed limited liability company; and a partner of a partnership~~ one of the following:

(A) the president, vice president, secretary, treasurer, manager, or similar officer of a corporation as provided for by 11A V.S.A. § 8.40, nonprofit corporation as provided for by 11B V.S.A. § 8.40, mutual benefit enterprise as provided for by 11C V.S.A. § 822, cooperative as provided for by 11 V.S.A. § 1013, or worker cooperative corporation as provided for by 11 V.S.A. § 1089;

(B) a director of a corporation as provided for by 11A V.S.A. § 8.01, nonprofit corporation as provided for by 11B V.S.A. § 8.01, mutual benefit enterprise as provided for by 11C V.S.A. § 801, cooperative as provided for by 11 V.S.A. § 1006, or worker cooperative corporation as provided for by 11 V.S.A. § 1089;

(C) a member of a member-managed limited liability company as

provided for by 11 V.S.A. § 4054;

(D) manager of a manager-managed limited liability company as provided for by 11 V.S.A. § 4054; or

(E) a partner of a partnership as provided for by 11 V.S.A. § 3212 or a general partner of a limited partnership as provided for by 11 V.S.A. chapter 23.

~~(26)~~(28) “Small cultivator” means a cultivator with a plant canopy or space for cultivating plants for breeding stock of not more than 1,000 square feet.

Sec. 2. 7 V.S.A. § 862a is added to read:

§ 862a. SYNTHETIC AND HEMP-DERIVED CANNABINOIDS

The Board shall have the authority to regulate synthetic cannabinoids and hemp-derived cannabinoids, including delta-8 and delta-10 tetrahydrocannabinol.

Sec. 3. 7 V.S.A. § 868 is amended to read:

§ 868. PROHIBITED PRODUCTS

(a) The following are prohibited products and may not be cultivated, produced, or sold pursuant to a license issued under this chapter:

(1) cannabis flower with greater than 30 percent tetrahydrocannabinol;

~~(2) solid concentrate cannabis products with greater than 60 percent tetrahydrocannabinol;~~

~~(3) oil cannabis products except for those that are sold prepackaged for use with battery-powered devices;~~

(4) flavored oil cannabis products sold prepackaged for use with battery-powered devices and any cannabis flower that contains characterizing flavor that is not naturally occurring in the cannabis;

~~(5)~~(3) cannabis products that contain delta-9 tetrahydrocannabinol and nicotine or alcoholic beverages; and

~~(6)~~(4) any cannabis, cannabis products, or packaging of such items that are designed to make the product more appealing to persons under 21 years of age.

Sec. 4. 7 V.S.A. § 881 is amended to read:

§ 881. RULEMAKING; CANNABIS ESTABLISHMENTS

(a) The Board shall adopt rules to implement and administer this chapter in

accordance with subdivisions (1)–(7) of this subsection.

(1) Rules concerning any cannabis establishment shall include:

* * *

(I) regulation of additives to cannabis and cannabis products, including ~~those~~ cannabidiol derived from hemp and substances that are toxic or designed to make the product more addictive, more appealing to persons under 21 years of age, or to mislead consumers;

* * *

(3) Rules concerning product manufacturers shall include:

(A) requirements that a single package of a cannabis product shall not contain more than 50 milligrams of THC, except in the case of:

(i) cannabis products that are not consumable, including topical preparations; ~~and~~

(ii) solid concentrates, oils, and tinctures; and

(iii) cannabis products sold to a dispensary pursuant to 18 V.S.A. chapter 86 and regulations issued pursuant to that chapter;

* * *

(5) Rules concerning retailers shall include:

* * *

(C) requirements that if the retailer sells hemp or hemp products, the hemp and hemp products are clearly labeled as such ~~and displayed separately from cannabis and cannabis products~~;

(D) requirements for opaque, child-resistant packaging of ~~cannabis~~ and cannabis products and child-deterrent packaging for cannabis at point of sale to customer; and

* * *

Sec. 5. 7 V.S.A. § 883 is amended to read:

§ 883. CRIMINAL BACKGROUND RECORD CHECKS; APPLICANTS

(a) The Board shall obtain from the Vermont Crime Information Center a copy of a ~~license applicant's~~ fingerprint-based Vermont criminal history records, out-of-state criminal history records, and criminal history records from the Federal Bureau of Investigation for each license applicant, principal of an applicant, and person who controls an applicant who is a natural person.

(b) The Board shall adopt rules that set forth standards for determining

whether an applicant should be denied a cannabis establishment license because of his or her criminal history record based on factors that demonstrate whether the applicant presently poses a threat to public safety or the proper functioning of the regulated market. Nonviolent drug offenses shall not automatically disqualify an applicant.

(c) Notwithstanding subsection (a) of this section, the Board may accept third-party criminal background checks submitted by an applicant for a cannabis establishment license or renewal in lieu of obtaining the records from the Vermont Crime Information Center a copy of the person's Vermont fingerprint-based criminal history records, out-of-state criminal history records, and criminal history records from the Federal Bureau of Investigation. Any such third-party background check shall:

(1) be conducted by a third-party consumer reporting agency or background screening company that is in compliance with the federal Fair Credit Reporting Act; and

(2) include a multistate and multi-jurisdiction criminal record locator.

Sec. 6. 7 V.S.A. § 884 is amended to read:

§ 884. CANNABIS ESTABLISHMENT IDENTIFICATION CARD

(a) Every owner, principal, and employee of a cannabis establishment shall obtain an identification card issued by the Board. A person may apply for an identification card prior to obtaining employment with a licensee. An employee identification card shall authorize the person to work for any licensee.

(b)(1)(A) Prior to issuing the identification card to an owner or principal of a cannabis establishment, the Board shall obtain from the Vermont Crime Information Center a copy of the person's Vermont fingerprint-based criminal history records, out-of-state criminal history records, and criminal history records from the Federal Bureau of Investigation.

(B) Prior to issuing the identification card to an employee of a cannabis establishment, the Board shall obtain a copy of a fingerprint-based identity history summary record from the Federal Bureau of Investigation.

(2) The Board shall adopt rules that set forth standards for determining whether a person should be denied a cannabis establishment identification card because of his or her criminal history record based on factors that demonstrate whether the applicant presently poses a threat to public safety or the proper functioning of the regulated market. Nonviolent drug offenses shall not automatically disqualify an applicant.

(c) Once an identification card application has been submitted, a person

may serve as an employee of a cannabis establishment pending the background check, provided the person is supervised in his or her duties by someone who is a cardholder. The Board shall issue a temporary permit to the person for this purpose, which shall expire upon the issuance of the identification card or disqualification of the person in accordance with this section.

(d) An identification card shall expire one year after its issuance or, in the case of owners and principals, upon the expiration of the cannabis establishment's license, whichever occurs first.

Sec. 7. 7 V.S.A. § 901(d)(3) is amended to read:

(3)(A) Except as provided in ~~subdivision~~ subdivisions (B) and (C) of this subdivision (3), an applicant and its affiliates may obtain a maximum of one type of each type of license as provided in subdivisions (1)(A)–(E) of this subsection (d). Each license shall permit only one location of the establishment.

(B) An applicant and its affiliates that are control a dispensary registered ~~pursuant to 18 V.S.A. chapter 86 on April 1, 2022~~ may obtain one integrated license provided in subdivision (1)(F) of this subsection (d) or a maximum of one of each type of license provided in subdivisions (1)(A)–(E) of this subsection (d). An integrated licensee may not hold a separate cultivator, wholesaler, product manufacturer, retailer, or testing laboratory license, and no applicant or its affiliates that control a dispensary shall hold more than one integrated license. An integrated license shall permit only one location for each of the types of activities permitted by the license: cultivation, wholesale operations, product manufacturing, retail sales, and testing.

(C) An applicant and its affiliates may obtain multiple testing laboratory licenses.

Sec. 8. PURPOSE; LEGISLATIVE INTENT

The purpose of the amendment to 7 V.S.A. § 901(d)(3)(B) in Sec. 7 of this act is solely to make the language consistent with the defined terms used throughout 7 V.S.A. chapter 33. The amendment should not be construed to alter the meaning of the provision as it was originally enacted in 2019 Acts and Resolves No. 164, Sec. 7.

Sec. 9. 7 V.S.A. § 907 is amended to read:

§ 907. RETAILER LICENSE

(a) A retailer licensed under this chapter may:

(1) purchase cannabis from a licensed cultivator, wholesaler, or

integrated licensee, and cannabis products from a licensed wholesaler, product manufacturer, integrated licensee, and dispensary; and

(2) transport, possess, package, and sell cannabis and cannabis products to the public for consumption off the registered premises.

* * *

(e) ~~Internet ordering and delivery~~ Delivery of cannabis to customers are is prohibited.

Sec. 10. 7 V.S.A. § 909(c) is added to read:

(c) An integrated licensee shall comply with the provisions of subsection 908(f) of this title and have its cannabis or cannabis products tested by an independent licensed testing laboratory.

Sec. 11. 18 V.S.A. § 4230h is amended to read:

§ 4230h. CHEMICAL EXTRACTION VIA BUTANE OR HEXANE
PROHIBITED

(a) No person shall manufacture concentrated cannabis by chemical extraction or chemical synthesis using butane or hexane ~~unless authorized as a dispensary pursuant to a registration issued by the Department of Public Safety pursuant to chapter 86 of this title.~~

* * *

Sec. 12. 2019 Acts and Resolves No. 164, Sec. 8(a)(1) is amended to read:

(a)(1) The cannabis plant, cannabis product, and useable cannabis possession limits for a registered dispensary set forth in 18 V.S.A. chapter 86 shall no longer apply on and after February 1, 2022. A dispensary shall be permitted to cultivate cannabis and manufacture cannabis products for the purpose of transferring or selling such products to an integrated licensee on or after April 1, 2022 until October 1, 2022 and engaging in the activities permitted by 7 V.S.A. chapter 33.

Sec. 13. EFFECTIVE DATE

This act shall take effect on passage.

Pending the question, Shall the House concur in the Senate proposal of amendment?, **Rep. Gannon of Wilmington** moved to concur in the Senate proposal of amendment with a further amendment thereto as follows:

First: By striking out Sec. 3, 7 V.S.A. § 868, in its entirety and inserting in lieu thereof the following:

Sec. 3. 7 V.S.A. § 868 is amended to read:

§ 868. PROHIBITED PRODUCTS

(a) The following are prohibited products and may not be cultivated, produced, or sold pursuant to a license issued under this chapter:

- (1) cannabis flower with greater than 30 percent tetrahydrocannabinol;
- (2) ~~solid concentrate cannabis products with greater than 60 percent tetrahydrocannabinol;~~
- (3) ~~oil cannabis products except for those that are sold prepackaged for use with battery-powered devices;~~
- (4) flavored oil cannabis products sold prepackaged for use with battery-powered devices and any cannabis flower that contains characterizing flavor that is not naturally occurring in the cannabis;
- (5)(3) cannabis products that contain delta-9 tetrahydrocannabinol and nicotine or alcoholic beverages; and
- (6)(4) any cannabis, cannabis products, or packaging of such items that are designed to make the product more appealing to persons under 21 years of age.

(b)(1) Except as provided by subdivision (2) of this subsection, solid and liquid concentrate cannabis products with greater than 60 percent tetrahydrocannabinol may be produced by a licensee and sold to another licensee in accordance with subchapter 3 of this chapter but shall not be sold to the public by a licensed retailer.

(2) Liquid concentrate cannabis products with greater than 60 percent tetrahydrocannabinol that are prepackaged for use with battery-powered devices shall be permitted to be sold to the public by a licensed retailer.

Second: By adding a new section to be Sec. 12a to read as follows:

Sec. 12a. 7 V.S.A. § 910(8) is amended to read:

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

Which was agreed to.

Action on Bill Postponed**H. 739**

House bill, entitled

An act relating to capital construction and State bonding budget adjustment

Was taken up and pending the question, Shall the House concur in the Senate proposal of amendment?, on motion of **Rep. Coffey of Guilford**, action on the bill was postponed for two legislative days.

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment****S. 140**

Senate bill, entitled

An act relating to prohibiting civil arrests at courthouses

Was taken up, read the third time, and passed in concurrence with proposal of amendment.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered****S. 224**

Rep. Donnally of Hyde Park, for the Committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to juvenile proceedings

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Pause of Juvenile Jurisdiction Expansion * * *

Sec. 1. 2018 Acts and Resolves No. 201, Sec. 21 is amended to read:

Sec. 21. EFFECTIVE DATES

* * *

(d) Secs. 17–19 shall take effect on ~~July 1, 2022~~ July 1, 2023.

Sec. 2. 2020 Acts and Resolves No. 124, Sec. 12 is amended to read:

Sec. 12. EFFECTIVE DATES

(a) Secs. 3 (~~33 V.S.A. § 510(e)~~) (33 V.S.A. § 5103(c)) and 7 (33 V.S.A. § 5206) shall take effect on ~~July 1, 2022~~ July 1, 2023.

* * *

* * * Victims Compensation and Restitution in Juvenile Proceedings * * *

Sec. 3. 33 V.S.A. § 5119 is amended to read:

§ 5119. SEALING OF RECORDS

* * *

(i) Upon receipt of a court order to seal a record relating to an offense for which there is an identifiable victim, a State's Attorney shall record the name and date of birth of the victim, the offense, and the date of the offense. The name and any identifying information regarding the defendant shall not be recorded. Victim information retained by a State's Attorney pursuant to this subsection shall be available only to victims' advocates, the ~~Victims'~~ Victims Compensation Program, and the victim and shall otherwise be confidential. The Victims Compensation Program may be provided with a copy, redacted of all information identifying the youth or delinquent child, of the affidavit for the sole purpose of verifying the expenses in a victims compensation application submitted pursuant to 13 V.S.A. § 5353.

* * *

Sec. 4. 33 V.S.A. § 5235 is amended to read:

§ 5235. JUVENILE RESTITUTION

* * *

(e) In the event the juvenile is unable to pay the restitution judgment order at the time of disposition, the court shall fix the amount thereof, which shall not exceed an amount the juvenile can or will be able to pay, ~~and shall fix the manner of performance or refer to a restorative justice program that will address how loss resulting from the delinquency will be addressed, and establish a restitution payment schedule based upon the juvenile's current and reasonably foreseeable future ability to pay,~~ subject to modification under section 5264 of this title.

* * *

(k)(1) The Restitution Unit may bring an action to enforce a restitution order issued under this section in the Superior or Small Claims Court of the county where the offender resides or in the county where the order was issued. In an action under this subsection, a restitution order issued in a juvenile proceeding shall be enforceable in Superior or Small Claims Court in the same manner as a civil judgment. Superior and Small Claims Court filing fees shall be waived for an action under this subsection and for an action to renew a restitution judgment.

(2) An action under this subsection may be brought only after the offender reaches 18 years of age and shall not be subject to any limitations period.

(3) For purposes of this subsection, a restitution order issued in a juvenile proceeding shall not be confidential. The sealing of a juvenile record shall not affect the authority of the Restitution Unit to enforce a restitution order in the same manner as a civil judgment under subdivision (1) of this subsection.

* * * Rights of Victims in Juvenile and Youthful Offender Proceedings * * *

Sec. 5. 13 V.S.A. § 5304 is amended to read:

§ 5304. VICTIMS ASSISTANCE PROGRAM

* * *

(2) Notification. ~~Victims, other than victims of acts of delinquency,~~ shall be notified in a timely manner when a court proceeding involving their case is scheduled to take place and when a court proceeding to which they have been summoned will not take place as scheduled. Victims shall also be notified as to the final disposition of the case, and shall be notified of their right to request notification of a person's release or escape under section 5305 of this title. Notwithstanding this subdivision, the notification rights of victims of delinquent acts are governed by 33 V.S.A. chapters 52 and 52A.

* * *

Sec. 6. 13 V.S.A. § 5305 is amended to read:

§ 5305. INFORMATION CONCERNING RELEASE FROM CUSTODY

(a) ~~Victims, other than victims of acts of delinquency,~~ and affected persons shall have the right to request notification by the agency having custody of the defendant before the defendant is released, including a release on bail or conditions of release, furlough, or other community program; upon termination or discharge from probation; or whenever the defendant escapes, is recaptured, dies, or receives a pardon or commutation of sentence. Notice shall be given to the victim or affected person as expeditiously as possible at the address or telephone number provided to the agency having custody of the defendant by the person requesting notice. Any address or telephone number so provided shall be kept confidential. The prosecutor's office shall ensure that victims are made aware of their right to notification of an offender's scheduled release date pursuant to this section. Notwithstanding this subsection, the right to information for victims of delinquent acts is governed by 33 V.S.A. chapters 52 and 52A.

* * *

Sec. 7. 33 V.S.A. § 5110 is amended to read:

§ 5110. CONDUCT OF HEARINGS

(a) Hearings under the juvenile judicial proceedings chapters shall be conducted by the court without a jury and shall be confidential.

(b) The general public shall be excluded from hearings under the juvenile judicial proceedings chapters, and only the parties, their counsel, witnesses, persons accompanying a party for ~~his or her~~ the party's assistance, and such other persons as the court finds to have a proper interest in the case or in the work of the court, including a foster parent or a representative of a residential program where the child resides, may be admitted by the court. An individual without party status seeking inclusion in the hearing in accordance with this subsection may petition the court for admittance by filing a request with the clerk of the court. ~~This subsection shall not prohibit a victim's exercise of his or her rights under sections 5233 and 5234 of this title, and as otherwise provided by law.~~

(c) There shall be no publicity given by any person to any proceedings under the authority of the juvenile judicial proceedings chapters except with the consent of the child, the child's guardian ad litem, and the child's parent, guardian, or custodian. A person who violates this provision may be subject to contempt proceedings pursuant to Rule 16 of the Vermont Rules for Family Proceedings. This subsection shall not prohibit a victim from discussing underlying facts of the alleged offense that resulted in death or physical, emotional, or financial injury to the victim, provided that, unless otherwise provided by law or court order, a victim shall not disclose what occurs during a court proceeding or information learned through a court proceeding that is not an underlying fact of the alleged offense that resulted in death or physical, emotional, or financial injury to the victim.

(d) This section shall not prohibit a victim's exercise of rights provided by section 5234 of this title and as otherwise provided by law.

Sec. 8. 33 V.S.A. § 5126 is added to read:

§ 5126. INFORMATION FROM LAW ENFORCEMENT AGENCY

(a) Information to all victims in juvenile and youthful offender proceedings. After initial contact between a victim and a law enforcement agency responsible for investigating the offense, the agency shall promptly give in writing to the victim:

(1) an explanation of the victim's rights under this chapter and chapters 52 and 52A of this title; and

(2) information concerning the availability of:

(A) assistance to victims, including medical, housing, counseling, and emergency services;

(B) compensation for victims under 13 V.S.A. chapter 167 and the name, street address, and telephone number of the Center for Crime Victim Services;

(C) protection for the victim, including protective court orders; and

(D) access by the victim and the offender to records related to the case that are public under the provisions of 1 V.S.A. chapter 5, subchapter 3 (access to public records).

(b) Information to victims of listed crimes. As soon as practicable, the law enforcement agency shall use reasonable efforts to give to the victim of a listed crime, as relevant, all of the following:

(1) information as to the offender's identity unless inconsistent with law enforcement purposes;

(2) information as to whether the offender has been taken into custody;

(3) the file number of the case and the name, office street address, and telephone number of the law enforcement officer currently assigned to investigate the case;

(4) the prosecutor's name, office street address, and telephone number;

(5) an explanation that no individual is under an obligation to respond to questions that may be asked outside a courtroom or deposition; and

(6) information concerning any conditions of release imposed on the offender prior to an initial court appearance, unless otherwise limited by court order.

Sec. 9. 33 V.S.A. § 5127 is added to read:

§ 5127. VICTIM'S RIGHT TO PRESENCE OF VICTIM'S ADVOCATE

When a victim in a juvenile or youthful offender proceeding is ordered by the court to attend or has a right to attend the proceeding, the victim may be accompanied at the proceeding by a victim's advocate.

Sec. 10. 33 V.S.A. § 5234 is amended to read:

§ 5234. RIGHTS OF VICTIMS IN DELINQUENCY PROCEEDINGS
INVOLVING A LISTED CRIME

(a) The victim in a delinquency proceeding involving a listed crime shall have the following rights:

(1) To be notified by the prosecutor's office in a timely manner of the following:

(A) when a delinquency petition has been filed, the name of the child and any conditions of release initially ordered for the child or modified by the court ~~that are related to the victim or a member of the victim's family or current household, unless otherwise limited by court order;~~

(B) ~~his or her~~ the victim's rights as provided by law, information regarding how a case proceeds through a delinquency proceeding, the confidential nature of delinquency proceedings, and that it is unlawful to disclose confidential information concerning the proceedings to another person;

(C) when a predispositional or dispositional court proceeding is scheduled to take place and when a court proceeding of which ~~he or she~~ the victim has been notified will not take place as scheduled; and

(D) whether delinquency has been found and disposition has occurred, and any conditions of release or conditions of probation ~~that are related to the victim or a member of the victim's family or current household and any restitution, when ordered~~ unless otherwise limited by court order.

(2) To file with the court a written or recorded statement of the impact of the delinquent act on the victim and the need for restitution.

(3) To be present during all court proceedings subject to the provisions of Rule 615 of the Vermont Rules of Evidence; to attend the disposition hearing and to present a victim impact statement and to express reasonably the victim's views concerning the offense and the youth, including testimony in support of his or her the victim's claim for restitution pursuant to section 5235 of this title, and; to be notified as to the disposition, including probation; and to submit oral or written statements to the court at such other times as the court may allow. The court shall consider the victim's statement when ordering disposition. ~~The victim shall not be personally present at any portion of the disposition hearing except to present a victim impact statement or to testify in support of his or her claim for restitution unless the court finds that the victim's presence is necessary in the interest of justice.~~

(4) ~~Upon request, to~~ To be notified by the agency having custody of the delinquent child before ~~he or she~~ the child is discharged released into the community from a secure or staff-secured residential facility. The name of the facility shall not be disclosed. An agency's inability to give notification shall not preclude the release. However, in such an event, the agency shall take reasonable steps to give notification of the release as soon thereafter as practicable. Notification efforts shall be deemed reasonable if the agency attempts to contact the victim at the address or telephone number provided to the agency in the request for notification.

(5) To have the court take ~~his or her~~ the victim's views into consideration in the court's disposition order. If the victim is not present, the court shall consider whether the victim has expressed, either orally or in writing, views regarding disposition and shall take those views into account when ordering disposition.

(6) [Repealed.]

(b) The prosecutor's office shall keep the victim informed and consult with the victim through the delinquency proceedings.

Sec. 11. 33 V.S.A. § 5234a is amended to read:

§ 5234a. RIGHTS OF VICTIMS IN DELINQUENCY PROCEEDINGS

INVOLVING A NONLISTED CRIME

(a) The victim in a delinquency proceeding involving an offense that is not a listed crime shall have the following rights:

(1) To be notified by the prosecutor's office in a timely manner of the following:

(A) ~~his or her~~ the victim's rights as provided by law, information regarding how a delinquency proceeding is adjudicated, the confidential nature of juvenile proceedings, and that it is unlawful to disclose confidential information concerning the proceedings;

(B) when a delinquency petition is filed;

(C) the child's name and the conditions of release ordered for the child or modified by the court ~~if the conditions relate to the victim or a member of the victim's family or current household~~ unless otherwise limited by court order; and

(D) when a dispositional court proceeding is scheduled to take place and when a court proceeding of which ~~he or she~~ the victim has been notified will not take place as scheduled.

(2) That delinquency has been found and disposition has occurred, ~~and any conditions of release or conditions of probation that are related to the victim or a member of the victim's family or current household,~~ and any restitution ~~ordered~~ unless otherwise limited by court order.

(3) To file with the court a written or recorded statement of the impact of the delinquent act on the victim and any need for restitution.

(4) To attend the disposition hearing for the sole purpose of presenting to the court a victim impact statement, including testimony in support of ~~his or her~~ the victim's claim for restitution pursuant to section 5235 of this title. The victim shall not be personally present at any portion of the disposition hearing except to present a victim impact statement or to testify in support of ~~his or her~~ the victim's claim for restitution unless the court finds that the victim's presence is necessary in the interest of justice.

(5) To be notified by the agency having custody of the child, if agreed to by the parties, before the child is released into the community from a secure or staff-secured residential facility.

(6) To have the court take ~~his or her~~ the victim's views into consideration in the court's disposition order. If the victim is not present, the court shall consider whether the victim has expressed, either orally or in writing, views regarding disposition and shall take those views into account when ordering disposition. The court shall order that the victim be notified as to the identity of the child upon disposition if the court finds that release of the child's identity to the victim is in the best interests of both the child and the victim and serves the interests of justice.

(b) The prosecutor's office shall keep the victim informed and consult with the victim through the delinquency proceedings.

Sec. 12. 33 V.S.A. § 5288 is amended to read:

§ 5288. RIGHTS OF VICTIMS IN YOUTHFUL OFFENDER

PROCEEDINGS

(a) The victim in a proceeding involving a youthful offender shall have the following rights:

(1) ~~to~~ To be notified by the prosecutor in a timely manner;

(A) when a court proceeding is scheduled to take place and when a court proceeding to which he or she the victim has been notified will not take place as scheduled; and

(B) of any conditions of release or conditions of probation and of any restitution unless otherwise limited by court order.

(2) ~~to~~ To be present during all court proceedings subject to the provisions of Rule 615 of the Vermont Rules of Evidence ~~and to express reasonably his or her views concerning the offense and the youth; to attend the disposition hearing to present a victim impact statement and to express reasonably the victim's views concerning the offense and the youth, including testimony in support of the victim's claim for restitution; and to submit oral or written statements to the court at such other times as the court may allow.~~ The court shall consider the victim's statement when ordering disposition.

(3) ~~to request notification~~ To be notified by the agency having custody of the youth before the youth is released into the community from a secure or staff-secured residential facility;

(4) ~~to~~ To be notified by the prosecutor as to the final disposition of the case; ~~and.~~

(5) ~~to~~ To be notified by the prosecutor of the victim's rights under this section.

(b) In accordance with court rules, at a hearing on a motion for youthful offender treatment, the court shall ask if the victim is present and, if so, whether the victim would like to be heard regarding disposition. In ordering disposition, the court shall consider any views offered at the hearing by the victim. If the victim is not present, the court shall ask whether the victim has expressed, either orally or in writing, views regarding disposition and shall take those views into consideration in ordering disposition.

(c) No youthful offender proceeding shall be delayed or voided by reason of the failure to give the victim the required notice or the failure of the victim to appear.

(d) As used in this section, "victim" shall have the same meaning as in 13 V.S.A. § 5301(4).

(e) This section shall not prohibit a victim from discussing underlying facts of the alleged offense that resulted in death or physical, emotional, or financial injury to the victim, provided that, unless otherwise provided by law or court order, a victim shall not disclose what occurs during a court proceeding or information learned through a court proceeding that is not an underlying fact of the alleged offense that resulted in death or physical, emotional, or financial injury to the victim.

* * * Public Safety Requirement in Juvenile and Youthful
Offender Cases * * *

Sec. 13. 33 V.S.A. § 5284 is amended to read:

§ 5284. YOUTHFUL OFFENDER DETERMINATION AND DISPOSITION
ORDER

(a)(1) In a hearing on a motion for youthful offender status, the court shall first consider whether public safety will be protected by treating the youth as a youthful offender. If the court finds that public safety will not be protected by treating the youth as a youthful offender, the court shall deny the motion and transfer the case to the Criminal Division of the Superior Court pursuant to subsection 5281(d) of this title. If the court finds that public safety will be protected by treating the youth as a youthful offender, the court shall proceed to make a determination under subsection (b) of this section.

(2) When determining whether public safety will be protected by treating the youth as a youthful offender, the court shall consider, on the basis of the evidence admitted:

(A) the nature and circumstances of the charge and whether violence was involved;

(B) the youth's mental health treatment history and needs;

(C) the youth's substance abuse history and needs;

(D) the youth's residential housing status;

(E) the youth's employment and educational situation;

(F) whether the youth has complied with conditions of release;

(G) the youth's criminal record and whether the youth has engaged in subsequent criminal or delinquent behavior since the original charge;

(H) whether supervising the youth on youthful offender probation is appropriate considering the nature of the charged offense and the age and specialized needs of the youth;

(I) whether the youth has connections to the community; and

(J) the youth's history of violence and history of illegal or violent conduct involving firearms or other deadly weapons.

* * *

Sec. 14. 33 V.S.A. § 5204 is amended to read:

§ 5204. TRANSFER FROM FAMILY DIVISION OF THE SUPERIOR
COURT

(a) After a petition has been filed alleging delinquency, upon motion of the State's Attorney and after hearing, the Family Division of the Superior Court may transfer jurisdiction of the proceeding to the Criminal Division of the Superior Court, if the child had attained 16 years of age but not 19 years of age at the time the act was alleged to have occurred and the delinquent act set forth in the petition is a felony not specified in subdivisions (1)–(12) of this subsection or if the child had attained 12 years of age but not 14 years of age at the time the act was alleged to have occurred, and if the delinquent act set forth in the petition was any of the following:

- (1) arson causing death as defined in 13 V.S.A. § 501;
- (2) assault and robbery with a dangerous weapon as defined in 13 V.S.A. § 608(b);
- (3) assault and robbery causing bodily injury as defined in 13 V.S.A. § 608(c);
- (4) aggravated assault as defined in 13 V.S.A. § 1024;
- (5) murder as defined in 13 V.S.A. § 2301;
- (6) manslaughter as defined in 13 V.S.A. § 2304;
- (7) kidnapping as defined in 13 V.S.A. § 2405;
- (8) unlawful restraint as defined in 13 V.S.A. § 2406 or 2407;
- (9) maiming as defined in 13 V.S.A. § 2701;
- (10) sexual assault as defined in 13 V.S.A. § 3252(a)(1) or (a)(2);
- (11) aggravated sexual assault as defined in 13 V.S.A. § 3253; or
- (12) burglary into an occupied dwelling as defined in 13 V.S.A. § 1201(c).

(b) The State's Attorney of the county where the juvenile petition is pending may move in the Family Division of the Superior Court for an order transferring jurisdiction under subsection (a) of this section at any time prior to adjudication on the merits. The filing of the motion to transfer jurisdiction shall automatically stay the time for the hearing provided for in section 5225 of this title, which stay shall remain in effect until such time as the Family Division of the Superior Court may deny the motion to transfer jurisdiction.

(c) Upon the filing of a motion to transfer jurisdiction under subsection (b) of this section, the Family Division of the Superior Court shall conduct a hearing in accordance with procedures specified in subchapter 2 of this chapter to determine whether:

(1) there is probable cause to believe that the child committed the charged offense; and

(2) public safety and the interests of the community would not be served by treatment of the child under the provisions of law relating to the Family Division of the Superior Court and delinquent children.

(d) In making its determination as required under subsection (c) of this section, the court may consider, among other matters:

(1) the maturity of the child as determined by consideration of ~~his or her~~ the child's age, home, and environment; emotional, psychological, and physical maturity; and relationship with and adjustment to school and the community;

(2) the extent and nature of the child's prior record of delinquency;

(3) the nature of past treatment efforts and the nature of the child's response to them, including the child's mental health treatment and substance abuse treatment and needs;

(4) the nature and circumstances of the alleged offense, including whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner;

(5) the nature of any personal injuries resulting from or intended to be caused by the alleged act;

(6) the prospects for rehabilitation of the child by use of procedures, services, and facilities available through juvenile proceedings;

(7) whether the protection of the community would be better served by transferring jurisdiction from the Family Division to the Criminal Division of the Superior Court;

(8) the youth's residential housing status;

(9) the youth's employment and educational situation;

(10) whether the youth has complied with conditions of release;

(11) the youth's criminal record and whether the youth has engaged in subsequent criminal or delinquent behavior since the original charge;

(12) whether the youth has connections to the community; and

(13) the youth's history of violence and history of illegal or violent conduct involving firearms.

* * *

* * * Youthful Offender Risk and Needs Screening * * *

Sec. 15. 33 V.S.A. § 5280 is amended to read:

§ 5280. COMMENCEMENT OF YOUTHFUL OFFENDER
PROCEEDINGS IN THE FAMILY DIVISION

* * *

(d)(1) Within 15 days after the commencement of a youthful offender proceeding pursuant to subsection (a) of this section, ~~the youth shall be offered a risk and needs screening~~ the court shall notify the youth that the youth is required to complete a risk and needs screening, which shall be conducted by the Department or by a community provider that has contracted with the Department to provide risk and needs screenings. The notice shall inform the youth that youthful offender status may be denied if the youth fails to participate in the risk and needs screening.

(2) The risk and needs screening shall be completed prior to the youthful offender status hearing held pursuant to section 5283 of this title. Unless the court extends the period for the risk and needs screening for good cause shown, the Family Division shall reject the case for youthful offender treatment if the youth does not complete the risk and needs screening within 15 days ~~of~~ after the offer for the risk and needs screening.

~~(1)~~(3) The Department or the community provider shall report the risk level result of the screening, the number and source of the collateral contacts made, and the recommendation for charging or other alternatives to the State's Attorney.

~~(2)~~(4) Information related to the present alleged offense directly or indirectly derived from the risk and needs screening or other conversation with the Department or community-based provider shall not be used against the youth in the youth's criminal or juvenile case for any purpose, including impeachment or cross-examination. However, the fact of participation in risk and needs screening may be used in subsequent proceedings.

* * *

* * * Psychosexual Evaluation * * *

Sec. 16. 33 V.S.A. § 5230 is amended to read:

§ 5230. DISPOSITION CASE PLAN

* * *

(d) Psychosexual evaluation. For purposes of determining appropriate conditions of probation for a disposition case plan under this section, the court may order a psychosexual evaluation if clinically indicated for a child charged with:

- (1) lewd and lascivious conduct in violation of 13 V.S.A. § 2601;
- (2) lewd and lascivious conduct with a child in violation of 13 V.S.A. § 2602;
- (3) sexual assault in violation of 13 V.S.A. § 3252;
- (4) aggravated sexual assault in violation of 13 V.S.A. § 3253;
- (5) aggravated sexual assault of a child in violation of 13 V.S.A. § 3253a;
- (6) kidnapping with intent to commit sexual assault in violation of 13 V.S.A. § 2405(a)(1)(D); or
- (7) an offense involving sexual exploitation of children in violation of 13 V.S.A. chapter 64.

* * * Interests of Justice Hearing * * *

Sec. 17. 33 V.S.A. § 5294 is added to read:

§ 5294. INTERESTS OF JUSTICE HEARING

Not later than the next business day after a juvenile who is awaiting trial or other legal process and who is treated as an adult for prosecution in the Criminal Division is taken into custody, the court shall hold a hearing and determine whether to issue a written order, pursuant to 34 U.S.C. § 11133(a)(11)(B), that it is in the interests of justice to hold the juvenile in a jail or other secure facility for adults owned or operated by the Department of Corrections and, if such an order is issued, whether to allow sight or sound contact with adult inmates. Hearings held and orders issued pursuant to this section shall conform with the requirements of 34 U.S.C. § 11133(a)(11)(B), including the criteria set forth therein.

* * * Plan on Secure Placements * * *

Sec. 18. PLAN FOR SECURE PLACEMENTS

(a)(1) On or before December 1, 2022, the Department for Children and Families and the Department of Corrections shall propose a plan to the Senate Committees on Judiciary, on Health and Welfare, and on Institutions and the House Committees on Judiciary, on Corrections and Institutions, and on Human Services to ensure the availability of secure placements, treatment, and

transitional housing for persons 18 years of age and older who are subject to juvenile and youthful offender proceedings. The plan shall include:

(A) data on the number and location of current secure placements and a plan for how current and future secure placements will be accomplished;

(B) provisions ensuring that placements are available for youth going forward;

(C) a description of the services to be provided; and

(D) a recommendation as to whether dual custody with the Department of Corrections should be considered.

(2) The plan required by this section shall include a progress report on the requirement of Secs. 1 and 2 of this act that the Raise the Age initiative take effect on July 1, 2023.

(b) On or before July 1, 2022, the Department for Children and Families shall file a preliminary report to the Joint Legislative Justice Oversight Committee describing the progress made toward completion of the plans required by subsections (a) and (c) of this section.

(c) The Department for Children and Families shall, on or before December 1, 2022, propose a plan to the Senate Committees on Judiciary, on Health and Welfare, and on Institutions and the House Committees on Judiciary, on Corrections and Institutions, and on Human Services to ensure the availability of secure treatment placements and aftercare planning for 12–17-year-olds who are subject to juvenile and youthful offender proceedings.

(d) The plans required by subsections (a) and (c) of this section shall be based on research-informed, evidence-based best practices in support of children and families that are trauma-responsive, culturally informed, and consider alternatives to incarceration.

* * * Effective Date * * *

Sec. 19. EFFECTIVE DATE

This act shall take effect on passage.

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

Senate Proposal of Amendment Concurred in**H. 464**

The Senate proposed to the House to amend House bill, entitled

An act relating to miscellaneous changes to the Reach Up Program

The Senate proposed to the House to amend the bill as follows:

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

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

§ 1114. DEFERMENTS, MODIFICATIONS, AND REFERRAL

* * *

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

* * *

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

* * *

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

* * *

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

§ 1114. DEFERMENTS, MODIFICATIONS, AND REFERRAL

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

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

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

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

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

~~(4) An individual who has exhausted the 24 months of deferment provided for in subdivision (3) of this subsection and who is caring for a child who is not yet 13 weeks of age or a primary caretaker parent in a family with two parents who are able to work if the primary caretaker is caring for a child under 13 weeks of age and is otherwise subject to a work requirement because the other parent in the family is being sanctioned in accordance with section 1116 of this title.~~

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

~~(6) A participant who is under 20 years of age, who is a single head of household or married, and who maintains satisfactory attendance at secondary school or the equivalent during the month, or participates in education directly~~

related to employment for an average of 20 or more hours per week during the month.

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

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

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

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

~~(e) A participant who is able to work part-time or is unable to work shall be referred for assessment of the individual's skills and strengths, accommodations and support services, and vocational and other services in accordance with the provisions of his or her family development plan. The work requirement hours shall reflect the individual's ability to work. Participants with disabilities that do not meet the standards used to determine disability under Title XVI of the Social Security Act shall participate in rehabilitation, education, or training programs as appropriate. A participant who qualifies for a deferment or modification and who is able to work part-time shall have his or her work requirement hours modified or deferred. In granting deferments, the Department shall fully consider the participant's estimation of the number of hours the participant is able to work.~~

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

~~basis for a deferral or modification of the work requirement.~~

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

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

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

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

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

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

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

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

Proposal of amendment was considered and concurred in.

Senate Proposal of Amendment Concurred in

H. 523

The Senate proposed to the House to amend House bill, entitled

An act relating to reducing hydrofluorocarbon emissions

The Senate proposed to the House to amend the bill as follows:

First: In Sec. 1, 10 V.S.A. § 586, subsection (b), by striking out subdivision (4)(G) in its entirety and inserting in lieu thereof the following:

(G) July 1, 2022, for refrigeration systems used in ice skating rinks;
and

Second: In Sec. 3, 20 V.S.A. § 2731, by striking out subsection (m) in its entirety and inserting in lieu thereof the following:

(m) Refrigerants. No rule adopted under this section or any other requirement of this title shall prohibit or otherwise limit the use of a refrigerant designated as acceptable for use pursuant to and in accordance with 42 U.S.C. 7671k or 10 V.S.A. § 586, provided any equipment containing such refrigerant is listed and installed in accordance with safety standards and use conditions imposed pursuant to such designation.

Proposal of amendment was considered and concurred in.

Action on Bill Postponed

H. 729

House bill, entitled

An act relating to miscellaneous judiciary procedures

Was taken up and pending the question, Shall the House concur in the Senate proposal of amendment?, on motion of **Rep. Norris of Sheldon**, action on the bill was postponed until May 6, 2022.

Action on Bill Postponed

S. 280

Senate bill, entitled

An act relating to miscellaneous changes to laws related to vehicles

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. Lanpher of Vergennes**, action on the bill was postponed until May 10, 2022.

Rules Suspended; House Actions Messaged to Senate Forthwith

H. 548

House bill, entitled

An act relating to miscellaneous cannabis establishment procedures

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the House's actions on the bill were ordered messaged to the Senate forthwith.

Recess

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

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 5th day of May, 2022, he signed bills originating in the House of the following titles:

H. 399 An act relating to incarceration terms for criminal defendants who are primary caretakers of dependent children

H. 731 An act relating to technical corrections for the 2022 legislative session

Called to Order

At five o'clock and fifty-eight minutes in the afternoon, the Speaker called the House to order.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered****S. 226**

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

An act relating to expanding access to safe and affordable housing

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

* * * First-Generation Homebuyers * * *

Sec. 1. 32 V.S.A. 5930u is amended to read:

§ 5930u. TAX CREDIT FOR AFFORDABLE HOUSING

* * *

(b) Eligible tax credit allocations.

* * *

(3) Down Payment Assistance Program.

(A) The Vermont Housing Finance Agency shall have the authority to allocate affordable housing tax credits to finance down payment assistance loans that meet the following requirements:

(i) the loan is made in connection with a mortgage through an Agency program;

(ii) the borrower is a first-time home buyer of an owner-occupied primary residence; and

(iii) the borrower uses the loan for the borrower's down payment or closing costs, or both.

(B) The Agency shall require the borrower to repay the loan upon the transfer or refinance of the residence.

(C) The Agency shall use the proceeds of loans made under the Program for future down payment assistance.

(D) The Agency may reserve funding and adopt guidelines to provide grants to first-time homebuyers who are also first-generation homebuyers.

* * *

Sec. 2. FIRST-GENERATION HOMEBUYER; IMPLEMENTATION;

APPROPRIATION

(a) Guidelines. The Vermont Housing Finance Agency shall adopt guidelines and procedures for the provision of grants to first-generation homebuyers pursuant to 32 V.S.A. § 5930u(b)(3)(D) consistent with the criteria of the Down Payment Assistance Program implemented pursuant to 32 V.S.A. § 5930u(b)(3) and with this section.

(b) As used in this section and 32 V.S.A. § 5930u(b)(3)(D), a "first-generation homebuyer" means an applicant who self-attests that the applicant is an individual:

(1)(A) whose parents or legal guardians do not have any present residential ownership interest in any State; and

(B) whose spouse, or domestic partner, and each member of whose household has not, during the three-year period ending upon acquisition of the eligible home to be acquired, had any present ownership interest in a principal residence in any State; or

(2) is an individual who has at any time been placed in foster care.

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

(d) Of the amounts appropriated to the Department of Housing and Community Development in 2021 Acts and Resolves No. 74, the Department shall transfer \$1,000,000.00 to the Vermont Housing Finance Agency to provide grants pursuant to 32 V.S.A. § 5930u(b)(3)(D) and for the costs of administration and outreach pursuant to this section.

* * * Manufactured Home Relocation Incentives * * *

Sec. 3. MANUFACTURED HOME IMPROVEMENT AND REPLACEMENT PROGRAM

Of the amounts available from federal COVID-19 relief funds, the following amounts are appropriated to the Department of Housing and Community Development for the purposes specified:

(1) \$3,000,000.00 for manufactured home community small-scale capital grants, through which the Department may award not more than \$20,000.00 for owners of manufactured housing communities to complete small-scale capital needs to help infill vacant lots with homes, which may include projects such as disposal of abandoned homes, lot grading/preparation, site electrical box issues/upgrades, E911 safety issues, legal fees, transporting homes out of flood zones, individual septic system, and marketing to help make it easier for home-seekers to find vacant lots around the State.

(2) \$1,000,000.00 for manufactured home repair grants, through which the Department may award funding for minor rehab or accessibility projects, coordinated as possible with existing programs, for between 250 and 400 existing homes where the home is otherwise in good condition or in situations where the owner is unable to replace the home and the repair will keep them housed.

(3) \$1,000,000.00 for new manufactured home foundation grants, through which the Department may award not more than \$15,000.00 per grant

for a homeowner to pay for a foundation or HUD-approved slab, site preparation, skirting, tie-downs, and utility connections on vacant lots within manufactured home communities.

* * * New Approaches to Creating Housing * * *

Sec. 4. VERMONT HOUSING CONSERVATION BOARD; NEW

APPROACHES TO CREATING HOUSING

(a) Authorization. Of the amounts appropriated to the Vermont Housing and Conservation Board in fiscal year 2023, the Board is authorized to use up to \$5,000,000.00 to explore new approaches for the State to support the creation of housing through the following activities:

(1) the Community Partnership for Neighborhood Development created in subsection (b) of this section;

(2) matching funds, which for each unit shall not exceed the lesser of \$50,000.00 or 20 percent of the employer cost, for not fewer than two large employers with 50 or more full time equivalent employees that create new housing for their employees; and

(3) conversion of commercial properties to residential use by providing supplemental grants up to \$50,000.00 or 20 percent of the development cost per unit for costs not covered by other funding or financing sources.

(b) Community Partnership for Neighborhood Development.

(1) The Department of Housing and Community Development shall lead a cross-agency program to encourage and support local partnerships between municipalities, nonprofit and for-profit developers, employers, the Vermont Housing and Conservation Board, and local planning officials by reducing or eliminating the cost of land and infrastructure from housing development while enhancing density, walkability, inclusiveness, and smart growth development that reduces greenhouse gas emissions.

(2) The Department shall lead an effort involving the Vermont Housing Finance Agency, the Agency of Natural Resources, the Agency of Transportation, the Department of Public Service, and the Vermont Housing Conservation Board to integrate resources for housing, land, and down payment assistance that also makes available funding for critical infrastructure, including funding from the American Rescue Plan Act and the Infrastructure Investment and Jobs Act.

(3) Participating municipalities may bring resources to the table by planning for and permitting dense housing development in smart growth locations, thereby reducing permitting risk for developers.

(c) Program goals. The Program shall seek to achieve the following goals:

(1) development of new denser neighborhoods in five to ten communities of mixed income and mixed tenure of homeownership and rental opportunities, which, over time, will land bank and make available smart growth sites for 500–1,000 energy efficient homes and apartments;

(2) financial and planning commitment and participation of municipalities and cooperation in siting and permitting development;

(3) enhanced construction of modestly sized homes, at least half of which should be single-family homes under 1,600 sq ft. on small lots;

(4) opportunities for site development and skill-building participation by technical education centers, Youth Build, Vermont Works for Women, and community volunteers such as Habitat for Humanity;

(5) reservation of 25 percent of single family lots for permanently affordable homes, including Habitat for Humanity, Youth Build, or Tech Center programs, at no cost for acquisition or infrastructure and only modest fees for all small homes; and

(6) reservation of 35 percent of multifamily rentals for Vermonters with income below 80 percent of the median income with no cost for publicly funded infrastructure.

* * * Downtown and Village Center Tax Credit Program * * *

Sec. 5. 32 V.S.A. § 5930aa is amended to read:

§ 5930aa. DEFINITIONS

As used in this subchapter:

(1) “Qualified applicant” means an owner or lessee of a qualified building involving a qualified project; but does not include a State or federal agency or a political subdivision of either; or an instrumentality of the United States.

(2) “Qualified building” means a building built at least 30 years before the date of application, located within a designated downtown or village center, or neighborhood development area, which, upon completion of the project supported by the tax credit, will be an income-producing building not used solely as a single-family residence. Churches and other buildings owned by religious organization may be qualified buildings, but in no event shall tax credits be used for religious worship.

(3) “Qualified code improvement project” means a project:

(A) to install or improve platform lifts suitable for transporting personal mobility devices, limited use or limited application elevators, elevators, sprinkler systems, and capital improvements in a qualified building, and the installations or improvements are required to bring the building into compliance with the statutory requirements and rules regarding fire prevention, life safety, and electrical, plumbing, and accessibility codes as determined by the Department of Public Safety;

(B) to abate lead paint conditions or other substances hazardous to human health or safety in a qualified building; or

(C) to redevelop a contaminated property in a designated downtown ~~or~~, village center, or neighborhood development area under a plan approved by the Secretary of Natural Resources pursuant to 10 V.S.A. § 6615a.

(4) “Qualified expenditures” means construction-related expenses of the taxpayer directly related to the project for which the tax credit is sought but excluding any expenses related to a private residence.

(5) “Qualified façade improvement project” means the rehabilitation of the façade of a qualified building that contributes to the integrity of the designated downtown ~~or~~, designated village center. Façade improvements to qualified buildings listed, or eligible for listing, in the State or National Register of Historic Places must be consistent with Secretary of the Interior Standards, as determined by the Vermont Division for Historic Preservation.

(6) “Qualified Flood Mitigation Project” means any combination of structural and nonstructural changes to a building located within the flood hazard area as mapped by the Federal Emergency Management Agency that reduces or eliminates flood damage to the building or its contents. The project shall comply with the municipality’s adopted flood hazard bylaw, if applicable, and a certificate of completion shall be submitted by a registered engineer, architect, qualified contractor, or qualified local official to the State Board. Improvements to qualified buildings listed, or eligible for listing, in the State or National Register of Historic Places shall be consistent with Secretary of the Interior’s Standards for Rehabilitation, as determined by the Vermont Division for Historic Preservation.

(7) “Qualified historic rehabilitation project” means an historic rehabilitation project that has received federal certification for the rehabilitation project.

~~(7)~~(8) “Qualified project” means a qualified code improvement, qualified façade improvement, or qualified historic rehabilitation project as defined by this subchapter.

~~(8)~~(9) “State Board” means the Vermont Downtown Development Board established pursuant to 24 V.S.A. chapter 76A.

Sec. 6. 32 V.S.A. § 5930bb is amended to read:

§ 5930bb. ELIGIBILITY AND ADMINISTRATION

* * *

(e) Sunset of Neighborhood Development Area tax credits. Effective on July 1, 2027, under this subchapter no new tax credit may be allocated by the State Board to a qualified building in a neighborhood development area.

Sec. 7. 24 V.S.A. § 2793a is amended to read:

§ 2793a. DESIGNATION OF VILLAGE CENTERS BY STATE BOARD

* * *

(c) A village center designated by the State Board pursuant to subsection (a) of this section is eligible for the following development incentives and benefits:

* * *

~~(4) The following State tax credits for projects located in a designated village center:~~

~~(A) A State historic rehabilitation tax credit of ten percent under 32 V.S.A. § 5930cc(a) that meets the requirements for the federal rehabilitation tax credit.~~

~~(B) A State façade improvement tax credit of 25 percent under 32 V.S.A. § 5930cc(b).~~

~~(C) A State code improvement tax credit of 50 percent under 32 V.S.A. § 5930cc(e) The Downtown and Village Center Tax Credit Program described in 32 V.S.A. § 5930aa et seq.~~

* * *

Sec. 8. 24 V.S.A. § 2793e is amended to read:

§ 2793e. NEIGHBORHOOD PLANNING AREAS; DESIGNATION OF
NEIGHBORHOOD DEVELOPMENT AREAS

* * *

(f) Neighborhood development area incentives for developers. Once a municipality has a designated neighborhood development area or has a Vermont neighborhood designation pursuant to section 2793d of this title, any proposed development within that area shall be eligible for each of the benefits

listed in this subsection. These benefits shall accrue upon approval by the district coordinator, who shall review the density requirements set forth in subdivision (c)(7) of this section to determine benefit eligibility and issue a jurisdictional opinion under 10 V.S.A. chapter 151 on whether the density requirements are met. These benefits are:

(1) ~~The~~ the application fee limit for wastewater applications stated in 3 V.S.A. § 2822(j)(4)(D);

(2) ~~The~~ the application fee reduction for residential development stated in 10 V.S.A. § 6083a(d);

(3) ~~The~~ the exclusion from the land gains tax provided by 32 V.S.A. § 10002(p); and

(4) eligibility for the Downtown and Village Center Tax Credit Program described in 32 V.S.A. § 5930aa et seq.

* * *

Sec. 9. 24 V.S.A. § 2794 is amended to read:

§ 2794. INCENTIVES FOR PROGRAM DESIGNEES

(a) Upon designation by the Vermont Downtown Development Board under section 2793 of this title, a downtown development district and projects in a downtown development district shall be eligible for the following:

(1) Priority consideration by any agency of the State administering any State or federal assistance program providing funding or other aid to a municipal downtown area with consideration given to such factors as the costs and benefits provided and the immediacy of those benefits, provided the project is eligible for the assistance program.

(2) ~~The following State tax credits:~~

~~(A) A State historic rehabilitation tax credit of 10 percent under 32 V.S.A. § 5930cc(a) that meets the requirements for the federal rehabilitation tax credit.~~

~~(B) A State façade improvement tax credit of 25 percent under 32 V.S.A. § 5930cc(b).~~

~~(C) A State code improvement tax credit of 50 percent under 32 V.S.A. § 5930cc(e)~~ The Downtown and Village Center Tax Credit Program described in 32 V.S.A. § 5930aa et seq.

* * *

Sec. 10. 32 V.S.A. § 5930cc is amended to read:

§ 5930cc. DOWNTOWN AND VILLAGE CENTER PROGRAM TAX
CREDITS

* * *

(d) Flood Mitigation Tax Credit. The qualified applicant of a qualified flood mitigation project shall be entitled, upon the approval of the State Board, to claim against the taxpayer's State individual income tax, State corporate income tax, or bank franchise or insurance premiums tax liability a credit of 50 percent of qualified expenditures up to a maximum tax credit of \$75,000.00.

* * * Missing Middle Housing * * *

Sec. 11. MISSING MIDDLE-INCOME HOMEOWNERSHIP
DEVELOPMENT PILOT PROGRAM

(a) The following amounts are appropriated from the America Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the Department of Housing and Community Development to grant to the Vermont Housing Finance Agency to establish the Missing Middle-Income Homeownership Development Pilot Program:

(1) \$5,000,000.00 in fiscal year 2022; and

(2) \$10,000,000.00 in fiscal year 2023.

(b) As used in this section:

(1) "Affordable owner-occupied housing" means owner-occupied housing identified in 26 U.S.C. § 143(c)(1) or that qualifies under Vermont Housing Finance Agency criteria governing owner-occupied housing.

(2) "Income-eligible homebuyer" means a Vermont household with annual income that does not exceed 120 percent of area median income.

(c) The Agency shall use the funds appropriated in this section to provide subsidies for new construction or acquisition and substantial rehabilitation of affordable owner-occupied housing for purchase by income-eligible homebuyers.

(d) The total amount of subsidies for a project shall not exceed 35 percent of eligible development costs, as determined by the Agency, which the Agency may allocate consistent with the following:

(1) Developer subsidy. The Agency may provide a direct subsidy to the developer, which shall not exceed the difference between the cost of development and the market value of the home as completed.

(2) Affordability subsidy. Of any remaining amounts available for the project after the developer subsidy, the Agency may provide a subsidy for the benefit of the homebuyer to reduce the cost of purchasing the home, provided that:

(A) the Agency includes conditions in the subsidy, or uses another legal mechanism, to ensure that, to the extent the home value has risen, the amount of the subsidy remains with the home to offset the cost to future homebuyers; or

(B) the subsidy is subject to a housing subsidy covenant, as defined in 27 V.S.A. § 610, that preserves the affordability of the home for a period of 99 years or longer.

(3) The Agency shall allocate not less than 33 percent of the funds available through the Program to projects that include a housing subsidy covenant consistent with subdivision (2)(B) of this subsection.

(e) The Agency shall adopt a Program plan that establishes application and selection criteria, including:

(1) project location;

(2) geographic distribution;

(3) leveraging of other programs;

(4) housing market needs;

(5) project characteristics, including whether the project includes the use of existing housing as part of a community revitalization plan;

(6) construction standards, including considerations for size;

(7) priority for plans with deeper affordability and longer duration of affordability requirements;

(8) sponsor characteristics;

(9) energy efficiency of the development; and

(10) historic nature of the project.

(f) The Agency may assign its rights under any investment or subsidy made under this section to the Vermont Housing and Conservation Board or any State agency or nonprofit organization qualifying under 26 U.S.C. §

501(c)(3), provided such assignee acknowledges and agrees to comply with the provisions of this section.

(g) The Agency shall ensure that initial investments made under this Program are obligated by December 31, 2024 and expended by December 31, 2026.

(h) The Department shall report to the House Committee on Housing, General, and Military Affairs and Senate Committee on Economic Development, Housing and General Affairs on the status of the Program annually, on or before January 15, through 2027.

* * * Residential Construction Contractors * * *

Sec. 12. FINDINGS

The General Assembly finds that:

(1) There is currently no master list of residential construction contractors operating in the State.

(2) There is no standard process for determining or adjudicating construction contract fraud complaints either on the part of contractors or consumers.

(3) Public authorities have no mechanism to contact all contractors when necessary to provide updates to public health requirements, safe working protocols, codes and standards, available trainings and certifications, or building incentives or construction subsidies.

(4) Wide dissemination of information on codes, standards, and trainings is vital to improving construction techniques throughout the State's construction industry. Since building thermal conditioning represents over one-quarter of the State's greenhouse gas emissions, improving energy performance is a key strategy for meeting the requirements of the Global Warming Solutions Act, 2020 Acts and Resolves No. 153.

(5) While registration is not licensure and confers no assurance of competence, consumers have no way of knowing whether a contractor is operating legally or has been subject to civil claims or disciplinary actions.

(6) A noncommercial, standardized public listing will provide contractors an opportunity to include in their record optional third-party, State-sanctioned certifications.

Sec. 13. 3 V.S.A. § 122 is amended to read:

§ 122. OFFICE OF PROFESSIONAL REGULATION

The Office of Professional Regulation is created within the Office of the Secretary of State. The Office shall have a director who shall be qualified by education and professional experience to perform the duties of the position. The Director of the Office of Professional Regulation shall be a classified position with the Office of the Secretary of State. The following boards or professions are attached to the Office of Professional Regulation:

* * *

(51) Residential Contractors.

Sec. 14. 26 V.S.A. chapter 106 is added to read:

CHAPTER 106. RESIDENTIAL CONTRACTORS

Subchapter 1. General Provisions

§ 5501. REGISTRATION REQUIRED

(a) A person shall register with the Office of Professional Regulation prior to contracting with a homeowner to perform residential construction in exchange for consideration of more than \$10,000.00, including labor and materials.

(b) Unless otherwise exempt under section 5502 of this title, as used in this chapter, “residential construction” means to build, demolish, or alter a residential dwelling unit, or a building or premises with four or fewer residential dwelling units, in this State, and includes interior and exterior construction, renovation, and repair; painting; paving; roofing; weatherization; installation or repair of heating, plumbing, solar, electrical, water, or wastewater systems; and other activities the Office specifies by rule consistent with this chapter.

§ 5502. EXEMPTIONS

This chapter does not apply to:

(1) an employee acting within the scope of his or her employment for a business organization registered under this chapter;

(2)(A) a professional engineer, licensed architect, or a tradesperson licensed, registered, or certified by the Department of Public Safety acting within the scope of his or her license, registration, or certification; or

(B) a business that performs residential construction if the work is performed primarily by or under the direct supervision of one or more

employees who are individually exempt from registration under subdivision (2)(A) of this section;

(3) delivery or installation of consumer appliances, audio-visual equipment, telephone equipment, or computer network equipment;

(4) landscaping;

(5) work on a structure that is not attached to a residential building; or

(6) work that would otherwise require registration that a person performs in response to an emergency, provided the person applies for registration within a reasonable time after performing the work.

§ 5503. MANDATORY REGISTRATION AND VOLUNTARY

CERTIFICATION DISTINGUISHED

(a)(1) The system of mandatory registration established by this chapter is intended to protect against fraud, deception, breach of contract, and violations of law, but is not intended to establish standards for professional qualifications or workmanship that is otherwise lawful.

(2) The provisions of 3 V.S.A. § 129a, with respect to a registration, shall be construed in a manner consistent with the limitations of this subsection.

(b) The system of voluntary certification established in this chapter is intended to provide consumers and contractors with a publicly available, noncommercial venue for contractors to list optional approved certifications. The Director of Professional Regulation, in consultation with public safety officials and recognized associations or boards of builders, remodelers, architects, and engineers, may:

(1) adopt rules providing for the issuance of voluntary certifications, as defined in subdivision 3101a(1) of this title, that signify demonstrated competence in particular subfields and specialties related to residential construction;

(2) establish minimum qualifications, and standards for performance and conduct, necessary for certification; and

(3) discipline a certificant for violating adopted standards or other law, with or without affecting the underlying registration.

Subchapter 2. Administration

§ 5505. DUTIES OF THE DIRECTOR

(a) The Director of Professional Regulation shall:

(1) provide information to the public concerning registration, certification, appeal procedures, and complaint procedures;

(2) administer fees established under this chapter;

(3) receive applications for registration or certification, issue registrations and certifications to applicants qualified under this chapter, deny or renew registrations or certifications, and issue, revoke, suspend, condition, and reinstate registrations and certifications as ordered by an administrative law officer;

(4) prepare and maintain a registry of registrants and certificants; and

(5) use the registry to timely communicate with registrants and certificants concerning issues of health and safety, building codes, environmental and energy issues, and State and federal incentive programs.

(b) The Director, after consultation with an advisor appointed pursuant to section 5506 of this title, may adopt rules to implement this chapter.

§ 5506. ADVISORS

(a) The Secretary of State shall appoint two persons pursuant to 3 V.S.A. § 129b to serve as advisors in matters relating to residential contractors and construction.

(b) To be eligible to serve, an advisor shall:

(1) register under this chapter;

(2) have at least three years' experience in residential construction immediately preceding appointment; and

(3) remain active in the profession during his or her service.

(c) The Director of Professional Regulation shall seek the advice of the advisors in implementing this chapter.

§ 5507. FEES

A person regulated under this chapter shall pay the following fees at initial application and biennial renewal:

(1) Registration, individual: \$75.00.

(2) Registration, business organization: \$250.00.

(3) State certifications: \$75.00 for a first certification and \$25.00 for each additional certification.

Subchapter 3. Registrations§ 5508. ELIGIBILITY

To be eligible for registration, the Director of Professional Regulation shall find that the applicant is in compliance with the provisions of this chapter and applicable State law and has satisfied any judgment order related to the provision of professional services to a homeowner.

§ 5509. REQUIREMENTS OF REGISTRANTS

(a) Insurance. A person registered under this chapter shall maintain minimum liability insurance coverage in the amount of \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate, evidence of which may be required as a precondition to issuance or renewal of a registration.

(b) Writing.

(1) A person registered under this chapter shall execute a written contract prior to receiving a deposit or commencing residential construction work if the estimated value of the labor and materials exceeds \$10,000.00.

(2) A contract shall specify:

(A) Price. One of the following provisions for the price of the contract:

(i) a maximum price for all work and materials;

(ii) a statement that billing and payment will be made on a time and materials basis, not to exceed a maximum price; or

(iii) a statement that billing and payment will be made on a time and materials basis and that there is no maximum price.

(B) Work dates. Estimated start and completion dates.

(C) Scope of work. A description of the services to be performed and a description of the materials to be used.

(D) Change order provision. A description of how and when amendments to the contract may be approved and documented, as agreed by the parties.

(3) The parties shall document an amendment to the contract in a signed writing.

(c) Down payment.

(1) If a contract specifies a maximum price for all work and materials or a statement that billing and payment will be made on a time and materials basis, not to exceed a maximum price, the contract may require a down

payment of up to one-half of the cost of labor to the consumer, or one-half of the price of materials, whichever is greater.

(2) If a contract specifies that billing and payment will be made on a time and materials basis and that there is no maximum price, the contract may require a down payment as negotiated by the parties.

§ 5510. PROHIBITIONS AND REMEDIES

(a) A person who does not register as required pursuant to this chapter may be subject to an injunction or a civil penalty, or both, for unauthorized practice as provided in 3 V.S.A. § 127(b).

(b) The Office of Professional Regulation may discipline a registrant or certificant for unprofessional conduct as provided in 3 V.S.A. § 129a, except that 3 V.S.A. § 129a(b) does not apply to a registrant.

(c) The following conduct by a registrant, certificant, applicant, or person who later becomes an applicant constitutes unprofessional conduct:

(1) failure to enter into a written contract when required by this chapter;

(2) failure to maintain liability or workers' compensation insurance as required by law;

(3) committing a deceptive act in commerce in violation of 9 V.S.A. § 2453;

(4) falsely claiming certification under this chapter, provided that this subdivision does not prevent accurate and nonmisleading advertising or statements related to credentials that are not offered by this State; and

(5) selling or fraudulently obtaining or furnishing a certificate of registration, certification, license, or any other related document or record, or assisting another person in doing so, including by reincorporating or altering a trade name for the purpose or with the effect of evading or masking revocation, suspension, or discipline against a registration issued under this chapter.

Sec. 15. IMPLEMENTATION

(a) Notwithstanding any contrary provision of 26 V.S.A. chapter 106:

(1) The initial biennial registration term for residential contractors pursuant to 26 V.S.A. chapter 106 shall begin on April 1, 2023.

(2) The Secretary of State may begin receiving applications for the initial registration term on December 1, 2022.

(3)(A) The registration fee for individuals who submit complete registration requests between December 1, 2022 and March 31, 2023 is \$25.00 and between April 1, 2023 and March 31, 2024, the fee is \$50.00.

(B) The registration fee for business organizations that submit complete registration requests between December 1, 2022 and March 31, 2023 is \$175.00 and between April 1, 2023 and March 31, 2024, the fee is \$200.00.

(4) Prior to April 1, 2024, the Office of Professional Regulation shall not take any enforcement action for unauthorized practice under 26 V.S.A. § 5510(a) against a residential contractor who fails to register as required by this act.

(b) On or before July 1, 2023, the Director of Professional Regulation shall establish an initial set of voluntary certifications, to include at minimum OSHA standards on construction projects and components of energy-efficient “green” building for insulators, carpenters, and heating and ventilation installers.

Sec. 16. CREATION OF POSITIONS WITHIN THE OFFICE OF

PROFESSIONAL REGULATION; LICENSING

(a) There are created within the Secretary of State’s Office of Professional Regulation one new position in licensing and one new position in enforcement.

(b) In fiscal year 2023, the amount of \$200,000.00 in Office of Professional Regulation special funds is appropriated to the Secretary of State to fund the positions created in subsection (a) of this section.

Sec. 17. ATTORNEY GENERAL; CONSUMER ASSISTANCE

PROGRAM; POSITION; APPROPRIATION

(a) The Office of the Attorney General is authorized to create one classified, two-year full-time limited-service position within the Consumer Assistance Program, whose duties shall include:

(1) assisting with consumer complaints concerning residential construction projects with a value of less than \$10,000.00;

(2) providing education, outreach, and mediation to contractors and consumers; and

(3) coordinating and facilitating information sharing concerning complaints with the Office of Professional Regulation.

(b) In fiscal year 2023, the amount of \$200,000.00 is appropriated from the General Fund to the Office of the Attorney General to create the position and perform the duties provided in this section.

Sec. 18. SECRETARY OF STATE; STATUS REPORT

On or before January 15, 2024, the Office of Professional Regulation shall report to the House Committees on General, Housing, and Military Affairs and on Government Operations and to the Senate Committees on Economic Development, Housing and General Affairs and on Government Operations concerning the implementation of 26 V.S.A. chapter 106, including:

- (1) the number of registrations and certifications;
- (2) the resources necessary to implement the chapter;
- (3) the number and nature of any complaints or enforcement actions;
- (4) the potential design and implementation of a one-stop portal for contractors and consumers; and
- (5) any other issues the Office deems appropriate.

Sec. 19. 9 V.S.A. § 4500 is amended to read:

§ 4500. LEGISLATIVE INTENT

(a) The provisions of this chapter establishing legal standards, duties, and requirements with respect to persons with disabilities in places of public accommodation as defined in this chapter, except those provisions relating to remedies, are intended to implement and to be construed so as to be consistent with the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq. and regulations promulgated under that act Act, and are not intended to impose additional or higher standards, duties, or requirements than that act Act.

(b) Subsections 4502(b) and (c) of this title shall not be construed to create or impose on governmental entities additional or higher standards, duties, or requirements than that imposed by Title II of the Americans with Disabilities Act.

(c) The provisions of this chapter shall be construed liberally to accomplish its remedial purposes and any exceptions and exemptions to the provisions of this chapter shall be construed narrowly in order to maximize the deterrence of discriminatory behavior.

Sec. 20. 9 V.S.A. § 4503 is amended to read:

§ 4503. UNFAIR HOUSING PRACTICES

(a) It shall be unlawful for any person:

* * *

(2) To discriminate against, or to harass, any person in the terms, conditions, privileges, and protections of the sale or rental of a dwelling or

other real estate, or in the provision of services or facilities in connection therewith with a dwelling or other real estate, because of the race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.

* * *

(d)(1) As used in this section, “harass” means to engage in unwelcome conduct that detracts from, undermines, or interferes with the person’s terms, conditions, privileges, or protections in the sale or rental of a dwelling or other real estate, or in the provision of services or facilities in connection with a dwelling or other real estate, because of the person’s race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or disability, or because the person intends to occupy a dwelling with one or more minor children, or because the person is a recipient of public assistance, or because the person is a victim of abuse, sexual assault, or stalking.

(2) Notwithstanding any judicial precedent to the contrary, harassing conduct need not be severe or pervasive to be unlawful pursuant to the provisions of this section. In determining whether conduct constitutes unlawful harassment:

(A) The determination shall be made on the basis of the record as a whole, according to the totality of the circumstances, and a single incident may constitute unlawful harassment.

(B) Incidents that may be harassment shall be considered in the aggregate with varying types of conduct and conduct based on multiple characteristics viewed in totality, rather than in isolation.

(C) Conduct may constitute unlawful harassment, regardless of whether:

(i) the complaining person is the person being harassed;

(ii) the complaining person acquiesced or otherwise submitted to or participated in the conduct;

(iii) the conduct is also experienced by others outside the protected class involved in the conduct;

(iv) the complaining person was able to enjoy the benefit of applicable terms, conditions, privileges, or protections in the sale or rental of

the dwelling or other real estate, or to obtain services or facilities in connection with the dwelling or other real estate, despite the conduct;

(v) the conduct resulted in a physical or psychological injury; or

(vi) the conduct occurred outside the dwelling or other real estate.

(3) behavior that a reasonable person with the same protected characteristic would consider to be a petty slight or trivial inconvenience shall not constitute unlawful harassment or discrimination pursuant to this section.

Sec. 21. PROHIBITION OF TAX SALE WHILE VHAP APPLICATION

PENDING

(a) Not less than 60 days prior to serving a notice of sale on a delinquent taxpayer pursuant to 32 V.S.A. § 5252(a)(3), a town or municipality shall mail to the delinquent taxpayer's last known address a notice in the following, or substantially similar, form:

“If this property is your primary residence, you may be able to get help with delinquent property tax and utility payments through the Vermont Homeowner Assistance Program (VHAP). VHAP can help you avoid tax sale and transfer of your property by paying delinquent property taxes, water and sewer charges, interest, and penalties.

You can apply for VHAP online at vermonthap.vhfa.org. For advice about the program and help completing the application, call Vermont Legal Aid at 1-800-889-2047.

If you apply for VHAP, you must notify your town in writing, and your property will not be sold or transferred while your application is pending.”

(b) A notice of sale to a delinquent taxpayer pursuant to 32 V.S.A. § 5252(a)(3) shall include the notice in subsection (a) of this section.

(c) If a town or municipality has sold a delinquent taxpayer's property pursuant to 32 V.S.A. § 5254 prior to the effective date of this section, but the deed conveying title to the purchaser has not yet been executed pursuant to 32 V.S.A. § 5261, not later than 30 days from the effective date of this section, the town or municipality shall mail to the delinquent taxpayer's last known address the notice in subsection (a) of this section.

(d)(1) A homeowner who has applied for VHAP may request a stay of the tax sale process or extension of the redemption period while the VHAP application is pending by attesting to the municipality that the homeowner has made a good faith application for VHAP funds in connection with the homeowner's primary residence.

(2) Upon notification that a VHAP application is pending, a municipality shall not conduct a tax sale of the property until one of the following occurs:

(A) the applicant is deemed ineligible for VHAP;

(B) the VHAP application is closed due to inaction by the applicant;

or

(C) payment is issued to the municipality on a qualifying application.

(3) If a payment is issued that satisfies the delinquency, the sale shall not proceed.

(e)(1) If a tax sale occurred prior to the delinquent taxpayer's application for VHAP, the redemption period established in 32 V.S.A. § 5260 shall be extended by operation of law until one of the following occurs:

(A) the applicant is deemed ineligible for VHAP;

(B) the VHAP application is closed due to inaction by the applicant;

or

(C) payment is issued to the municipality on a qualifying application.

(2) If payment is issued for the redemption amount, the deed shall not be made to the purchaser, but the sums shall be paid to the purchaser pursuant to 32 V.S.A. § 5260.

(f)(1) This section is repealed on September 30, 2025.

(2) The notice obligations in subsections (a)–(c) of this section shall cease when the Vermont Housing Finance Agency stops accepting VHAP applications because funding is exhausted.

Sec. 22. 10 V.S.A. § 12 is added to read:

§ 12. VERMONT LAND ACCESS AND OPPORTUNITY BOARD

(a) Creation. There is created the Vermont Land Access and Opportunity Board, which for administrative purposes shall be attached to the Vermont Housing and Conservation Board.

(b) Powers and duties. The Board shall promote racial and social equity in property ownership for Vermonters who have historically suffered from discrimination and who have not had equal access to public or private economic benefits.

Sec. 23. EFFECTIVE DATES

This act shall take effect on July 1, 2022, except that Sec. 11 (Missing Middle Pilot Program) and Sec. 21 (tax sales) shall take effect on passage.

Rep. Jessup of Middlesex, for the Committee on Appropriations, recommended that the House propose to the Senate to amend the bill as recommended by the Committee on General, Housing, and Military Affairs.

Rep. Kornheiser of Brattleboro, for the Committee on Ways and Means, recommended that the report of the Committee on General, Housing, and Military Affairs be amended as follows:

First: In Sec. 5, 32 V.S.A. § 5930aa, in subdivision (5), by inserting , or neighborhood development area following “designated village center”

Second: By striking out Sec. 6, 32 V.S.A. § 5930bb, in its entirety and inserting in lieu thereof the following:

Sec. 6. 32 V.S.A. § 5930bb is amended to read:

§ 5930bb. ELIGIBILITY AND ADMINISTRATION

* * *

(e) Availability of Neighborhood Development Area tax credits. Beginning on July 1, 2025, under this subchapter no new tax credit may be allocated by the State Board to a qualified building located in a neighborhood development area unless specific funds have been appropriated for that purpose.

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 Ways and Means.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on General, Housing, and Military Affairs, as amended?, **Rep. Stevens of Waterbury** moved to amend the report of the Committee on General, Housing, and Military Affairs, as amended, as follows:

By striking out Sec. 4 in its entirety and inserting in lieu thereof a new Sec. 4 to read as follows:

Sec. 4. COMMUNITY PARTNERSHIP FOR NEIGHBORHOOD
DEVELOPMENT

(a) The Department of Housing and Community Development shall lead a Community Partnership for Neighborhood Development Program, which shall be a collaborative among municipalities, nonprofit and for-profit developers, State agencies, employers, and other relevant stakeholders to develop a pilot neighborhood and demonstrate how new partnership models for targeted and

coordinated investments can support the development of at least 300 homes in inclusive, smart growth neighborhoods.

(b) The Program shall be steered by a Housing Equity Council with representatives from the Vermont Department of Housing Community Development, the Vermont Housing Finance Agency, the Agency of Natural Resources, the Agency of Transportation, the Department of Public Service, the Vermont Bond Bank, the Vermont Economic Development Authority, the Vermont Housing and Conservation Board, the Vermont Association of Planning and Development Agencies, the Vermont League of Cities and Towns, and the Vermont Regional Development Corporations.

(c) The Council shall consider and recommend to the Department of Housing and Community Development at least three a pilot neighborhood development project in three separate regional planning commission regions using a competitive process to select municipalities a municipality able to demonstrate need, collaboration, preliminary planning, bylaw modernization, and budgetary commitments to support smart growth and housing development in a location within or up to one quarter of a mile from a neighborhood planning area, as defined in 24 V.S.A. § 2791, or a location that otherwise represent a logical extension of an existing compact settlement pattern that is consistent with smart-growth principles.

(d) Through the Program, the Department and the Council shall coordinate with the pilot municipality through 2026 on the strategic use of public resources to create a development-ready framework for new and infill neighborhood development and construction-ready building lots through the integrated coordination of the following:

- (1) State, regional, and municipal planning;
 - (2) State and municipal regulation;
 - (3) land acquisition and land banking;
 - (4) physical improvement planning, design, and scoping;
 - (5) capital investment in infrastructure;
 - (6) financing and funding, including funding from the American Rescue Plan Act and Infrastructure Investment and Jobs Act;
 - (7) lot and building development by private and nonprofit developers;
- and
- (8) the sale or leasing of homes.

(e) The Department and the Council shall seek to achieve the following goals through the Program:

(1) The development of a neighborhood that:

(A) is compact and human-scaled, with a density of at least eight dwelling units per acre, including modestly sized dwellings on small lots;

(B) is characteristic of Vermont's smart growth principles, as provided in 24 V.S.A. § 2791;

(C) is located in proximity to existing residential, employment, and civic uses;

(D) provides for a mix of housing types, styles, tenure, and sizes to accommodate diverse households of varying composition, age, and income, including not less than 25 percent of the units with perpetual affordability and 35 percent of the homes affordable at 80 percent of the area median income;

(E) provides for a mix of transportation modes with interconnected streets and sidewalks; and

(F) is designed in a manner that enhances historic resources, climate readiness, energy efficiency, environmental quality, resident health, and overall livability.

(2) A successful model for the acquisition or banking of developable- or development-ready land for new neighborhood development or infill development within an existing, developed neighborhood.

(3) A successful model for the integration of planning and implementation for water, sewer, and other public utilities and services with land use planning and transportation investments in new or upgraded streets.

(f) \$1,000,000.00 is appropriated from the American Recue Plan Act (ARPA) recovery funds to the Department of Housing and Community Development for predevelopment grants that implement this section, which may fund municipal planning, site control, land acquisition, design, scoping, and surveying for the development of a pilot neighborhood.

(g) Of the amounts appropriated in this section, the Department may reserve not more than \$100,000.00 for related administrative expenses through fiscal year 2026.

(h) The Agency of Natural Resources and the Agency of Transportation shall report back to the General Assembly on or before December 15, 2024 on financial contributions the agencies can make to the Program's pilot neighborhood.

(i) The Department of Housing and Community Development shall report back to the General Assembly on the results of the Program on or before December 15, 2026.

Which was agreed to.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on General, Housing, and Military Affairs, as amended?, **Rep. Stevens of Waterbury** moved to further amend the report of the Committee on General, Housing, and Military Affairs, as amended, as follows:

By striking out Sec. 22, 10 V.S.A. § 12, Land Access and Opportunity Board, in its entirety and inserting in lieu thereof Secs. 22, 22a, 22b, and 22c to read as follows:

Sec. 22. INTENT

It is the intent of the Vermont General Assembly to acknowledge structural racism and address prevalent wealth disparities by creating new opportunities to improve access to woodlands, farmland, and land and home ownership for Vermonters from historically marginalized or disadvantaged communities who continue to face barriers to land and home ownership.

Sec. 22a. VERMONT LAND ACCESS AND OPPORTUNITY BOARD;
APPROPRIATION; SUPPORT

(a) As used in this section:

(1) “Board” means the Vermont Land Access and Opportunity Board.

(2) “VHCB” means the Vermont Housing and Conservation Board.

(b) The sum of \$200,000.00 is appropriated from the General Fund to VHCB in fiscal year 2023 to administer and support the Vermont Land Access and Opportunity Board.

(c) In fiscal year 2023, and to the extent that funding is appropriated in fiscal years 2024 and 2025, VHCB shall provide general, accounting, and administrative support to the Board, including support related to the administration of Board meetings, compliance with requirements for records retention and of the Open Meeting Law, processing of per diem compensation and reimbursement of expenses for Board members, contracting, and bookkeeping and financial compliance.

Sec. 22b. 10 V.S.A. chapter 15, subchapter 5 is added to read:

Subchapter 5: Land Access and Opportunity Board

§ 325t. DEFINITIONS

As used in this subchapter:

(1) “Board” means the Vermont Land Access and Opportunity Board.

(2) “Historically marginalized or disadvantaged community” means a community that has historically suffered from discrimination and has not had equal access to public or private economic benefits due to the race, ethnicity, gender, geography, language preference, immigrant or citizen status, sexual orientation, gender identity, socioeconomic status, or disability status of its members.

(3) “LGBTQ” means an individual who identifies as lesbian, gay, bisexual, transgender, queer, or questioning.

(4) “VHCB” means the Vermont Housing and Conservation Board.

§ 325u. VERMONT LAND ACCESS AND OPPORTUNITY BOARD

(a) Creation. There is created the Vermont Land Access and Opportunity Board to promote improvements in access to woodlands, farmland, and land and home ownership for Vermonters from historically marginalized or disadvantaged communities who continue to face barriers to land and home ownership. The Board shall be attached to the Vermont Housing and Conservation Board for administrative purposes.

(b) Organization of Board. The Board shall be composed of:

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

(2) one member of Indigenous heritage, appointed by the Vermont Commission on Native American Affairs;

(3) one member, appointed by the Vermont NAACP;

(4) one member, appointed by the Vermont Racial Justice Alliance;

(5) one member, appointed by Liberation Ecosystem;

(6) one member, appointed by the Vermont Every Town project;

(7) one member, appointed by the National Association of Social Workers, Vermont Chapter, who shall be a social worker with expertise in antiracism;

(8) one member, appointed by the Pride Center of Vermont, who shall be LGBTQ;

(9) one member, appointed by the U.S. Committee for Refugees and Immigrants Vermont, who shall be a member of a refugee or immigrant community or shall have experience representing refugee or immigrant communities, or both; and

(10) one member, appointed by the Vermont Developmental Disabilities Council.

(c) Member terms; priority.

(1) A member of the Board shall serve a term of three years and until their successor has been appointed.

(2) In the event of a vacancy occurring during a member's term, the vacancy shall be filled for the balance of the unexpired term in the same manner as the original appointment.

(3)(A) When selecting members of the Board, appointing authorities shall give priority to, and shall seek to appoint, Vermonters who satisfy one or more of the following:

(i) are a member of a historically marginalized or disadvantaged community;

(ii) represent the interests of Vermonters from historically marginalized or disadvantaged communities; or

(iii) have expertise regarding access to housing, land, agriculture, or credit.

(4) A member may serve not more than two full terms. A member who is appointed to fill a vacancy occurring during a term may serve two full terms in addition to the unexpired portion of the term during which the member is first appointed.

(d) Compensation. Board members shall be entitled to per diem compensation and reimbursement of expenses pursuant 32 V.S.A. § 1010 for meetings as deemed appropriate by the Board within the appropriation provided. These payments shall be made from monies appropriated to VHCB for the support and administration of the Board.

(e) Meetings. The Executive Director of Racial Equity or designee shall call the first meeting of the Board to occur on or before September 1, 2022.

(f) Powers and duties of the Board. The Board may do the following:

(1) Advise VHCB regarding policy development and programs to promote racial, social, economic, and climate justice for Vermonters from historically marginalized or disadvantaged communities.

(2) Retain wealth, financial, and real estate advisors who are Vermonters from historically marginalized or disadvantaged communities and use the services of those advisors to provide education and guidance for Vermonters from historically marginalized or disadvantaged communities.

(3) Retain Vermonters from historically marginalized or disadvantaged communities with expertise in agriculture, agronomics, and natural resource

and land management to provide regenerative natural resource services to Vermonters from historically marginalized or disadvantaged communities.

(4) Work with VHCB; the Agency of Agriculture, Food and Markets; the Departments of Financial Regulation and of Housing and Community Development; the Vermont Sustainable Jobs Fund; the Vermont Housing Finance Agency; the Vermont State Housing Authority; the Vermont Economic Development Agency; and other State entities to:

(A) develop metrics relevant to historically marginalized or disadvantaged communities to understand disparities and track progress in addressing disparities and improving opportunities; and

(B) develop strategies and plans to more effectively reach out and provide access to resources that can overcome structural barriers to housing and land ownership, including an examination of:

(i) debt-to-income ratios;

(ii) impacts from redlining;

(iii) the impact of algorithmic systems of decision making, including the impact of credit scores and criminal background checks;

(iv) the impact of shared equity programs and homeownership programs on wealth disparity; and

(v) other practices that increase discrimination, disparities, and inequities in land access, property ownership, and wealth acquisition.

(5) Work with the Department of Taxes to recommend options and opportunities to provide advantageous tax treatment to properties owned by Vermonters who come from historically marginalized or disadvantaged communities.

(6)(A) Review, monitor, and recommend options and opportunities to redress State policies, procedures, practices, laws, and rules related to racial and social equity in property ownership for the benefit of Vermonters from historically marginalized or disadvantaged communities.

(B) Collaborate with VHCB and other affordable housing stakeholders to recommend programs and related rules to provide loans, grants, and financial assistance to individuals from historically marginalized or disadvantaged communities.

(7) Develop one or more programs with associated rules and procedures to distribute grants, to the extent funds are appropriated for the purpose, for:

(A) community-based groups and programs that will improve land and housing access, safety, and health for historically marginalized or disadvantaged communities; and

(B) individual and collective property and home ownership or housing improvements to support safe and sustainable residences for historically marginalized or disadvantaged communities.

(8) Identify, examine, and make recommendations to redress the limitations and problems associated with existing laws, rules, programs, and services related to property ownership for Vermonters from historically marginalized or disadvantaged communities.

§ 325v. ACCEPTANCE OF GRANTS AND CONTRIBUTIONS

The Board may accept from any governmental department or agency, public or private body, or any other source, grants or contributions to be used in carrying out the provisions of this subchapter.

Sec. 22c. INITIAL REPORT; VERMONT LAND ACCESS AND OPPORTUNITY BOARD

On or before January 15, 2023, in consultation with the Vermont Housing and Conservation Board and any contractors hired for this purpose, the Vermont Land Access and Opportunity Board shall submit a written report to the House Committee on General, Housing, and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs with initial recommendations related to the goals set forth in 10 V.S.A. § 325u. The report and recommendations shall primarily address legal, constitutional, and governance questions relevant to the functions of the Board, including grant making and how to fund, organize, and structure the Board as a permanent instrumentality of the State of Vermont.

Which was agreed to.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on General, Housing, and Military Affairs, as amended?, **Reps. Jessup of Middlesex, Fagan of Rutland City, Feltus of Lyndon, Harrison of Chittenden, Helm of Fair Haven, Hooper of Montpelier, Scheu of Middlebury, Squirrell of Underhill, Toleno of Brattleboro, Townsend of South Burlington, and Yacovone of Morristown** moved to amend the report of the Committee on General, Housing, and Military Affairs, as amended, as follows:

In Sec. 3, “Manufactured Home Improvement and Replacement Program”, by striking out “\$3,000,000.00” in subdivision (1) and inserting in lieu thereof

“\$2,500,000.00” and by striking out “\$1,000,000.00” in subdivisions (2) and (3) and inserting in lieu thereof “\$750,000.00”

Which was agreed to.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on General, Housing, and Military Affairs, as amended?, **Rep. Higley of Lowell** moved to amend the report of the Committee on General, Housing, and Military Affairs, as amended, as follows:

By striking out Secs. 12–18 in their entireties and inserting in lieu thereof new Secs. 12–18 to read as follows:

Sec. 12. ATTORNEY GENERAL; CONSUMER ASSISTANCE

PROGRAM; POSITION; APPROPRIATION

(a) The Office of the Attorney General is authorized to create one classified, two-year, full-time limited-service position within the Consumer Assistance Program, whose duties shall include:

(1) assisting with consumer complaints concerning residential construction projects with a value of less than \$10,000.00;

(2) providing education, outreach, and mediation to contractors and consumers; and

(3) coordinating and facilitating information sharing concerning complaints with the Office of Professional Regulation.

(b) In fiscal year 2023, the amount of \$200,000.00 is appropriated from the General Fund to the Office of the Attorney General to create the position and perform the duties provided in this section.

Secs. 13–18. [Deleted.]

Which was disagreed to. Thereupon, the report of the Committee on General, Housing, and Military Affairs, as amended, was agreed to and third reading was ordered.

**Senate Proposal of Amendment Not Concurred in;
Committee of Conference Requested and Appointed**

H. 456

The Senate proposed to the House to amend House bill, entitled

An act relating to establishing strategic goals and reporting requirements for the Vermont State Colleges

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

* * * Vermont State Colleges; Strategic Goals and Reporting * * *

Sec. 1. 16 V.S.A. § 2171a is added to read:

§ 2171a. STRATEGIC GOALS

(a) The Corporation shall establish its priorities, budget and allocate its resources, and develop its capabilities to ensure that students successfully achieve their academic goals in a manner and in an environment that provides a high-quality education and that is:

- (1) affordable;
- (2) accessible;
- (3) equitable; and
- (4) relevant to Vermont's needs.

(b) As used in this chapter:

(1) "Accessible" means each student, regardless of where the student's home campus is located, has increased access to academic opportunities, majors, and courses across the Corporation's academic system.

(2) "Affordability standard" means the extent to which affordability is being achieved for students and for the Corporation as determined jointly by the Corporation and VSAC.

(3) "Affordable" means a level of financial commitment that results from the application of the affordability standard.

(4) "Equitable" means the extent to which gaps in educational access and success are being reduced for students from economically deprived backgrounds, first-generation students, students of color, and other marginalized groups.

(5) "Relevant to Vermont's needs" means that students graduate as informed and engaged citizens who are prepared for the world of work and for participating in a democratic society.

(6) "Total cost of attendance" has the meaning provided in 20 U.S.C. § 1087ll, as amended.

(7) "Unmet need" means the total cost of attendance minus:

(A) the Student Aid Index, as determined under 20 U.S.C. § 1087mm, as in effect on July 31, 2023; and

(B) all nonloan student financial assistance.

(8) “VSAC” means the Vermont Student Assistance Corporation.

(c) The Corporation’s Board of Trustees shall approve and maintain institutional missions that align to the strategic goals set out in subsection (a) of this section.

Sec. 2. 16 V.S.A. § 2171b is added to read:

§ 2171b. VERMONT STUDENT ASSISTANCE CORPORATION AND
VERMONT STATE COLLEGES; REPORTING

On or before January 15, 2024 and on or before January 15 annually thereafter, VSAC, with the assistance of and in collaboration with the Corporation, shall submit a written report to the House and Senate Committees on Education containing:

(1) the Corporation’s progress in attaining affordability for full-time students enrolled with the Corporation for the first time;

(2) the Corporation’s progress in attaining affordability for all other students;

(3) the average and median amount of unmet need for full-time students enrolled with the Corporation for the first time and the average and median amount of unmet need for all other students;

(4) the average, median, annual, and cumulative student and parent debt by loan type (federal direct to student, federal direct to parent, state, or private) for students obtaining a two-year or four-year degree; and

(5) for students enrolled with the Corporation, their average:

(A) yearly continuation rate;

(B) academic progress, showing satisfactory and unsatisfactory progress; and

(C) graduation rate.

Sec. 3. REPORT

On or before July 1, 2023, the Vermont Student Assistance Corporation, in collaboration with the Agency of Education, shall submit a written report to the House and Senate Committees on Education on whether and how to implement a requirement that all high school students complete the Free Application for Federal Student Aid as a condition of graduation.

Sec. 4. 16 V.S.A. § 2171(c) is amended to read:

(c) The Corporation may acquire, hold, and dispose of property in fee or in trust, or any other estate, except as provided in subsection (d) of this section; shall have a common seal; and shall be an instrumentality of the State for the purposes set forth in this section. The State of Vermont shall support and maintain the Corporation. The sale, lease, demolition, or disposal of property by the Corporation shall comply with the applicable requirements of 32 V.S.A. § 962.

Sec. 5. REPEAL

16 V.S.A. § 2188 is repealed.

Sec. 6. AFFORDABILITY STANDARD; DETERMINATION

On or before July 1, 2023, the Vermont State Colleges and the Vermont Student Assistance Corporation shall jointly recommend to the Senate and House Committees on Education and the Senate and House Committees on Appropriations the definition of the affordability standard under Sec. 1 of this act.

* * * Vermont State Colleges Corporation; Board of Trustees * * *

Sec. 7. 16 V.S.A. § 2172 is amended to read:

§ 2172. TRUSTEES; APPOINTMENT; VACANCIES

(a) The Corporation shall be governed by a board of ~~15~~ 17 trustees who shall be appointed or elected as follows:

(1) Biennially, the Governor, with the advice and consent of the Senate, shall appoint trustees to serve for four-year terms expiring March 1 of the year of the biennial session. Five trustees may be in office at one time under this subdivision. In the event of any vacancy occurring between biennial sessions in an office under this subdivision, the Governor, pursuant to 3 V.S.A. § 257, shall fill the vacancy, and the term of a person so appointed shall expire on March 1 in the year of the next following biennial session.

(2)(A) ~~One trustee~~ Two trustees shall be a student ~~trustee~~ trustees:

(i) who ~~is a~~ are matriculated ~~student~~ students at an educational institution operated by the Vermont State Colleges Corporation;

(ii) who ~~is~~ are pursuing a degree program; and

(iii) who ~~has~~ have reached the age of majority.

(B) The student ~~trustee~~ trustees shall serve a one-year ~~term~~ terms expiring on June 1. The student ~~trustee~~ trustees shall be appointed, and a vacancy may be filled, from among those eligible students applying for the

position by the decision of those members of the steering committee of the Vermont State Colleges Student Association who have been elected at large to that committee by the students at their respective colleges. No student trustee may serve more than two consecutive terms.

(3) Four trustees shall be legislative trustees who are members of the General Assembly at the time of their election. Legislative trustees shall serve four-year terms expiring on March 1 of the second year of the biennial session, and they shall be elected by joint assembly of the Legislature. Vacancies for any cause shall be filled by the General Assembly at its earliest opportunity, and the term of a person so appointed shall expire on March 1 of the next even numbered year.

(4) Four trustees shall be elected by the Board of Trustees to four-year terms expiring on March 1. Vacancies for any cause shall be filled by the remaining members of the Board of Trustees, and the term of the person so appointed shall expire on the next following March 1.

(5) One trustee shall be faculty or staff employed by the Vermont State Colleges Corporation and elected by the faculty and staff to a four-year term expiring on August 1. The faculty assembly or assemblies shall oversee all trustee elections under this subdivision, which shall be open to all faculty and staff. Vacancies for any cause shall be filled through an election, and the term of the person so appointed shall expire on the next following August 1.

(b) Appointments by the Governor ~~and~~ elections by the General Assembly, and student appointments shall be made with consideration of the geographic distribution of members to prevent an unfair focus on any single college or campus.

(c) No trustee shall be a member of the Board of Trustees of the University of Vermont.

(d)(1) The Board of Trustees, after notice and a hearing, may remove a trustee for incompetency, failure to discharge duties, malfeasance, illegal acts, or other cases inimical to the welfare of the Corporation.

(2) Gubernatorial-appointed trustees shall serve at the pleasure of the Governor pursuant to 3 V.S.A. § 2004.

(3) In the event of a vacancy occurring under this subsection, the ~~Governor or the Board~~ appointing or electing authority of the vacant position, as applicable, shall fill the vacancy pursuant to subsection (a) of this section.

Sec. 8. 16 V.S.A. § 2173 is amended to read:

§ 2173. BOARD OF TRUSTEES; ORGANIZATION

In addition to the ~~14~~ 16 elected and appointed trustees, the Board of Trustees shall include as a member the Governor of Vermont. A majority of the trustees shall constitute a quorum for the transaction of business. Biennially, the Board shall elect one of its voting members to serve as its chair.

Sec. 9. TRANSITION

(a) On or before August 1, 2022, the new faculty or staff member of the Board of Trustees of the Vermont State Colleges Corporation shall be elected under Sec. 7 of this act.

(b) On or before September 15, 2022, the new student member shall be appointed under Sec. 7 of this act. The new student trustee shall serve a partial term, commencing on September 15, 2022 and ending on March 1, 2023.

* * * University of Vermont and State Agricultural College; Board of Trustees * * *

Sec. 10. 16 App. V.S.A. Chapter 1, § 1-2 is amended to read:

§ 1-2. BOARD OF TRUSTEES; MEMBERSHIP; TERMS OF SERVICE; PRESIDING CHAIR

The Board of Trustees of the University of Vermont and State Agricultural College shall be composed of ~~25~~ 27 members, whose term of office shall be six years, except as to those who are members ex officio and to those who are student members. Three members shall be appointed by the Governor with the consent of the Senate. During the legislative session of 1955, the Governor shall appoint one member for a term of two years, one member for a term of four years, and one member for a term of six years, and it shall be the duty of the Governor during the session of the Legislature prior to expiration of the term of office of any of the members to appoint for the term of six years a successor to the member whose term is expiring. The terms of office of the ~~Trustees~~ trustees shall expire on the last day of February in the respective years of expiration, and the terms of office of their successors shall thereafter begin on March 1 and expire on the last day of February.

Nine members shall be those who have been heretofore elected by the Legislature as members of the Board of Trustees of the University of Vermont and State Agricultural College, and whose terms have not expired, and their successors, and it shall be the duty of the Legislature at its session during which the terms of office of any class of the members expire to elect three successor members for terms of six years. The terms shall commence on March 1 in the year of election. The nine ~~Trustees~~ trustees and their

successors shall also constitute the Board of Trustees of the Vermont Agricultural College.

~~Nine~~ Ten members shall be those who have been heretofore elected on behalf of the University of Vermont as members of the Board of Trustees of the University of Vermont and State Agricultural College and whose terms have not expired, and their successors, and it shall be the duty of said ~~nine Trustees~~ ten trustees to elect successors to fill vacancies occurring among their number upon expiration of the terms of office of any of them or otherwise. The ~~nine Trustees~~ ten trustees and their successors shall also constitute the Board of Trustees of the University of Vermont.

Two members shall be students enrolled at the University of Vermont and State Agricultural College. Their terms of office shall be two years. Prior to February 1, 1978, the Associated Directors for the Appointment of the University of Vermont and State Agricultural College Student Trustees, Incorporated shall select and appoint one student for a term of one year and one student for a term of two years, both of whom shall be enrolled as full-time undergraduate or full-time graduate students. Annually thereafter, the Directors shall meet to select and appoint one student trustee for a term of two years in accordance with the provisions of this section. The Directors shall fill any vacancy occurring among the student trustee members upon the expiration of the term of office of any of them or otherwise. A student shall be eligible to serve as a ~~Trustee~~ trustee, provided the student is a full-time undergraduate or full-time graduate student matriculating in accordance with the degree qualifications and requirements established by the University of Vermont and State Agricultural College and if the student remains in that status throughout the length of the term of office. The term of office of a ~~Student Trustee~~ student trustee shall begin on March 1 following the date of appointment, and the term of office shall end the last day of February in the year of expiration. Any student elected hereunder shall have reached ~~the age of~~ 18 years of age.

One member shall be faculty or staff employed by the University of Vermont and State Agricultural College and elected by the faculty and staff to a six-year term expiring on August 1. The Faculty Senate shall oversee all trustee elections under this subdivision, which shall be open to all faculty and staff. Vacancies for any cause shall be filled through an election, and the term of the person so elected shall expire on the next following August 1.

All ~~Trustees~~ trustees so appointed and elected as hereinbefore provided, shall, together with ~~his or her Excellency~~, the Governor of the State, and the President, who shall be, ex officio, a member, constitute an entire Board of Trustees of the corporation known as the University of Vermont and State Agricultural College, who shall have the entire management and control of its

property and affairs, and in all things relating thereto, except in the elections to fill vacancies, as aforesaid, shall act together jointly, as one entire Board of Trustees; provided, that all future elections or appointments to the Board of Trustees shall be made with special reference to preventing any religious denominational preponderance in the Board. The Board shall annually, at its first regular meeting after the election of new trustees, elect one of its members to serve as Chair.

Sec. 11. TRANSITION

On or before August 1, 2022, new members of the Board of Trustees of the University of Vermont and State Agricultural College shall be appointed or elected under Sec. 10 of this act.

Sec. 12. EFFECTIVE DATES

Secs. 1 and 2 shall take effect on July 1, 2023, and Secs. 3–6, 7–11 (VSC and UVM Board of Trustees), and this section shall take effect on passage.

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

An act relating to the Vermont State Colleges and the University of Vermont and State Agricultural College.

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

Rep. Webb of Shelburne
Rep. James of Manchester
Rep. Cupoli of Rutland City

Action on Bill Postponed

H. 708

House bill, entitled

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

Was taken up, and pending the question, Shall the bill pass, notwithstanding the Governor's refusal to approve the bill?, on motion of **Rep. Copeland Hanzas of Bradford**, action on the bill was postponed until May 10, 2022.

Rules Suspended; House Actions Messaged to Senate Forthwith**H. 456**

House bill, entitled

An act relating to establishing strategic goals and reporting requirements for the Vermont State Colleges

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the House's actions on the bill were ordered messaged to the Senate forthwith.

Bills Referred to Committee on Appropriations

Pending entry on the Notice Calendar, and pursuant to House Rule 35(a), carrying an appropriation, the following bills were severally referred to the Committee on Appropriations:

S. 173

Senate bill, entitled

An act relating to the State House art collection

S. 250

Senate bill, entitled

An act relating to law enforcement data collection and interrogation

Message from the Senate No. 67

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

Madam Speaker:

I am directed to inform the House that:

The Senate has considered bills originating in the House of the following titles:

H. 465. An act relating to boards and commissions.

H. 489. An act relating to miscellaneous provisions affecting health insurance regulation.

H. 727. An act relating to the exploration, formation, and organization of union school districts and unified union school districts.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

The Senate has considered a bill originating in the House of the following title:

H. 606. An act relating to community resilience and biodiversity protection.

And has passed the same in concurrence.

The Senate has considered House proposal of amendment to Senate bill of the following title:

S. 287. An act relating to improving student equity by adjusting the school funding formula and providing education quality and funding oversight.

And has concurred therein.

Adjournment

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