

# Journal of the Senate

WEDNESDAY, MARCH 23, 2022

The Senate was called to order by the President.

## Devotional Exercises

Devotional exercises were conducted by the Reverend Adrienne Carr of Burlington.

## Message from the House No. 35

A message was received from the House of Representatives by Ms. Alona Tate, its Second Assistant Clerk, as follows:

Madam President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

**H. 287.** An act relating to patient financial assistance policies and medical debt protection.

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

**H. 518.** An act relating to municipal energy resilience initiatives.

**H. 533.** An act relating to converting civil forfeiture of property in drug-related prosecutions into a criminal process.

**H. 534.** An act relating to sealing criminal history records.

**H. 629.** An act relating to access to adoption records.

**H. 711.** An act relating to the creation of the Opioid Settlement Advisory Committee and the Opioid Abatement Special Fund.

**H. 716.** An act relating to making miscellaneous changes in education law.

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

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

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

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

**S. 4.** An act relating to procedures involving firearms.

And has passed the same in concurrence.

**Bills Referred**

House bills of the following titles were severally read the first time and referred:

**H. 287.**

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

To the Committee on Health and Welfare.

**H. 465.**

An act relating to boards and commissions.

To the Committee on Government Operations.

**H. 518.**

An act relating to municipal energy resilience initiatives.

To the Committee on Natural Resources and Energy.

**H. 533.**

An act relating to converting civil forfeiture of property in drug-related prosecutions into a criminal process.

To the Committee on Judiciary.

**H. 534.**

An act relating to sealing criminal history records.

To the Committee on Judiciary.

**H. 629.**

An act relating to access to adoption records.

To the Committee on Judiciary.

**H. 711.**

An act relating to the creation of the Opioid Settlement Advisory Committee and the Opioid Abatement Special Fund.

To the Committee on Health and Welfare.

**H. 716.**

An act relating to making miscellaneous changes in education law.

To the Committee on Education.

**H. 727.**

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

To the Committee on Education.

**H. 731.**

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

To the Committee on Government Operations.

**Bills Passed**

Senate bills of the following titles were severally read the third time and passed:

**S. 127.** An act relating to a pilot project for a Department of Corrections report to assist the court setting conditions of probation.

**S. 140.** An act relating to prohibiting civil arrests at courthouses.

**S. 163.** An act relating to State court jurisdiction for special immigrant juvenile status.

**S. 171.** An act relating to adoption of a State code of ethics.

**Bill Passed****S. 178.**

Senate bill of the following title:

An act relating to supermajority verdicts in civil trials.

Was read the third time and passed on a division of the Senate, Yeas 16, Nays 11.

**Bill Amended; Bill Passed****S. 269.**

Senate bill entitled:

An act relating to extending the Energy Savings Account Partnership Pilot Program.

Was taken up.

Thereupon, pending third reading of the bill, Senator Brock moved to amend the bill in Sec. 1, 2018 Acts and Resolves No. 150, Sec. 2, subsection (b), by striking out subdivisions (4) and (5) in their entireties and inserting in lieu thereof the following:

(4) The pilot created pursuant to this section shall be extended an additional 18 months, until December 31, 2023. The Commission shall allow the current participants in the pilot to decline to participate in this extension by submitting written notice to the Commission on or before June 30, 2022.

(5) The participants selected for the pilot may request an additional extension until December 31, 2026. The extension shall allow pilot participants to spend or contract to spend pilot funds accrued prior to January 1, 2024 but shall not allow participants to accrue additional pilot funds. The Commission shall consider requests and shall approve all reasonable extension requests.

Which was agreed to.

Thereupon, the bill was read the third time and passed.

**Bill Passed in Concurrence with Proposal of Amendment**

**H. 444.**

House bill of the following title was read the third time and passed in concurrence with proposal of amendment:

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

**Bill Amended; Bill Passed**

**S. 90.**

Senate bill entitled:

An act relating to establishing an amyotrophic lateral sclerosis registry.

Was taken up.

Thereupon, pending third reading of the bill, Senators Terenzini, Cummings, Hardy, Hooker and Lyons moved to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. chapter 4A is added to read:

CHAPTER 4A. AMYOTROPHIC LATERAL SCLEROSIS REGISTRY

§ 171. DEFINITIONS

As used in this chapter:

(1) “Amyotrophic lateral sclerosis” or “ALS” means a progressive neurodegenerative disease that affects nerve cells in the brain and the spinal cord.

(2) “Health care facility” has the same meaning as in section 9432 of this title.

(3) “Health care provider” has the same meaning as in section 9432 of this title.

#### § 172. ESTABLISHMENT OF AMYOTROPHIC LATERAL SCLEROSIS REGISTRY

(a) The Commissioner shall establish a uniform statewide population-based amyotrophic lateral sclerosis registry system for the collection of information determining the incidence of amyotrophic lateral sclerosis and related data. Pursuant to 3 V.S.A. chapter 25, the Commissioner shall adopt rules necessary to effect the purposes of this chapter, including the data to be reported and the effective date after which reporting by health care facilities and health care providers shall be required.

(b) All cases of amyotrophic lateral sclerosis diagnosed or treated in the State shall be reported to the representative of the Department of Health authorized by the Commissioner to compile the amyotrophic lateral sclerosis data, or any individual, agency, or organization designated to cooperate with that representative.

(c) The Commissioner shall establish a training program for the personnel of participating health care facilities and a quality control program for amyotrophic lateral sclerosis data. The Commissioner shall collaborate in studies with clinicians and epidemiologists and publish reports on the results of such studies. The Commissioner shall cooperate with the National Institutes of Health and the Centers for Disease Control and Prevention in providing amyotrophic lateral sclerosis incidence data.

#### § 173. PARTICIPATION IN PROGRAM

(a) Any health care facility diagnosing or providing treatment to patients with amyotrophic lateral sclerosis shall report each case of amyotrophic lateral sclerosis to the Commissioner or the Commissioner’s authorized representative in a format prescribed by the Commissioner within 180 days of admission or diagnosis. If the facility fails to report in a format prescribed by the Commissioner, the Commissioner’s authorized representative may enter the facility, obtain the information, and report it in the appropriate format. In these cases, the facility shall reimburse the Commissioner or the authorized representative for the cost of obtaining and reporting the information.

(b) Any health care provider diagnosing or providing treatment to patients with amyotrophic lateral sclerosis shall report each case to the Commissioner or the Commissioner's authorized representative within 180 days of diagnosis.

(c) All health care facilities and health care providers who provide diagnostic or treatment services to patients with amyotrophic lateral sclerosis shall report to the Commissioner any further demographic, diagnostic, or treatment information requested by the Commissioner concerning any person now or formerly receiving services. Additionally, the Commissioner or the Commissioner's authorized representative shall have physical access to all records that would identify cases of amyotrophic lateral sclerosis or would establish characteristics of the amyotrophic lateral sclerosis, treatment of the amyotrophic lateral sclerosis, or medical status of any identified patient with amyotrophic lateral sclerosis.

#### § 174. CONFIDENTIALITY

(a)(1) All information reported pursuant to this chapter is exempt from public inspection and copying under the Public Records Act and shall be kept confidential.

(2)(A) All identifying information regarding an individual patient, health care provider, or health care facility contained in records of interviews, written reports, and statements procured by the Commissioner or by any other person, agency, or organization acting jointly with the Commissioner in connection with amyotrophic lateral sclerosis morbidity and mortality studies is exempt from public inspection and copying under the Public Records Act, shall be kept confidential, and used solely for the purposes of studying amyotrophic lateral sclerosis.

(B) Nothing in this section shall prevent the Commissioner from publishing statistical compilations relating to morbidity and mortality studies that do not identify individual cases or sources of information.

(b) Notwithstanding 1 V.S.A. § 317(e), the Public Records Act exemption created in this section shall continue in effect and shall not be repealed through operation of 1 V.S.A. § 317(e).

#### § 175. DISCLOSURE

(a) The Commissioner may enter into agreements to exchange confidential information with any other amyotrophic lateral sclerosis registries in order to obtain complete reports of Vermont residents diagnosed or treated in other states and to provide information to other states regarding their residents diagnosed or treated in Vermont.

(b) The Commissioner may furnish confidential information to other states' amyotrophic lateral sclerosis registries or health researchers in order to collaborate in a national amyotrophic lateral sclerosis registry or to collaborate in amyotrophic lateral sclerosis control and prevention research studies. However, before releasing confidential information, the Commissioner shall first obtain from such state registries, agencies, or researchers an agreement in writing to keep the identifying information confidential and privileged. In the case of researchers, the Commissioner shall also first obtain evidence of the approval of their academic committee for the protection of human subjects established in accordance with 45 C.F.R. part 46.

#### § 176. LIABILITY

(a) No action for damages arising from the disclosure of confidential or privileged information may be maintained against any person, or the employer or employee of any person, who participates in good faith in the reporting of amyotrophic lateral sclerosis registry data or data for amyotrophic lateral sclerosis morbidity or mortality studies in accordance with this chapter.

(b) No license of a health care facility or health care provider may be denied, suspended, or revoked for the good faith disclosure of confidential or privileged information in the reporting of amyotrophic lateral sclerosis registry data or data for amyotrophic lateral sclerosis morbidity or mortality studies in accordance with this chapter.

(c) Nothing in this section shall be construed to apply to the unauthorized disclosure of confidential or privileged information when such disclosure is due to gross negligence or willful misconduct.

#### Sec. 2. GRANT APPLICATIONS TO FUND AMYOTROPHIC LATERAL SCLEROSIS REGISTRY

The Department of Health shall seek and apply for grants to fund the amyotrophic lateral sclerosis registry established in 18 V.S.A. chapter 4A. As part of its fiscal year 2024 budget presentation, the Department shall describe any grants applied for or awarded for this purpose or other identified funding sources.

#### Sec. 3. REPORT; REGISTRY EXPANSION

On or before December 1, 2022, the Department of Health shall submit a written report to the House Committees on Health Care and on Human Services and to the Senate Committee on Health and Welfare exploring the benefits of expanding the amyotrophic lateral sclerosis registry established in 18 V.S.A. chapter 4A by broadening the scope of neurodegenerative diseases addressed in the registry or by partnering with at least three neighboring states to collect data from a larger population, or both.

## Sec. 4. EFFECTIVE DATES

(a) Except as provided in subsection (b) of this section, this act shall take effect on July 1, 2022.

(b) Sec. 1 (amyotrophic lateral sclerosis registry) shall take effect on July 1, 2023.

Which was agreed to.

Thereupon, the bill was read the third time and passed.

**Bills Passed**

Senate bills of the following titles were severally read the third time and passed:

**S. 72.** An act relating to the Interstate Compact on the Placement of Children.

**S. 91.** An act relating to Parent Child Center Network.

**S. 161.** An act relating to extending the baseload renewable power portfolio requirement.

**S. 162.** An act relating to the collective bargaining rights of teachers.

**S. 201.** An act relating to the use of leghold traps.

**S. 214.** An act relating to valuation of time-share projects.

**S. 250.** An act relating to enhanced administrative and judicial accountability of law enforcement officers.

**S. 258.** An act relating to amending the Required Agricultural Practices in order to address climate resiliency.

**House Proposal of Amendment Concurred In****J.R.S. 44.**

House proposal of amendment to Senate bill entitled:

Joint resolution providing for a Joint Assembly to vote on the retention of six Superior Judges.

Was taken up.

The House proposes to the Senate to amend the resolution by striking out all after the Resolved Clause and inserting in lieu thereof the following:

***Resolved by the Senate and House of Representatives:***



That the two Houses meet in Joint Assembly on Thursday, March 24, 2022, at ten o'clock and thirty minutes in the forenoon to vote on the retention of six Superior Judges, *and be it further*

**Resolved:** That the Joint Assembly shall be concurrently conducted electronically at which members of the General Assembly may participate and debate from a remote location if they notify the Speaker of the House in the case of House members, or the President of the Senate in the case of Senators, that the member meets one of the COVID-19-related conditions set forth in 2022, J.R.H. 17 (remote participation in joint committees under restricted, COVID-19-related circumstances), *and be it further*

**Resolved:** That balloting for any members participating remotely shall be conducted through electronic means in a timeframe prescribed in the Joint Assembly, whereby remote members' completed ballots shall be submitted electronically to the Secretary of the Senate and the Clerk of the House, who may provide assistance to those remote voters in accordance with 17 V.S.A. § 2569 (assistance to voter) in order to ensure that remote members' votes are not distinguishable from in-person members' votes in order to maintain the confidentiality of the votes of remote members, and who shall commingle those completed ballots with those of the members who vote in-person at the Joint Assembly, *and be it further*

**Resolved:** That in case the vote to retain the Judges shall not be made on that day, the two Houses shall meet in Joint Assembly at ten o'clock and thirty minutes in the forenoon, on each succeeding day, Saturdays, Sundays, and Mondays excepted, and proceed until the above is completed.

Thereupon, the question, Shall the Senate concur in the House proposal of amendment?, was decided in the affirmative.

### **Bill Amended; Third Reading Ordered**

#### **S. 155.**

Senator White, for the Committee on Government Operations, to which was referred Senate bill entitled:

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

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

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

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

CHAPTER 72. AGENCY OF PUBLIC SAFETY

Subchapter 1. General Provisions

§ 5201. DEFINITIONS

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

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

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

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

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

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

§ 5202. CREATION OF AGENCY

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

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

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

(A) the Division of Emergency Management;

(B) the Division of Fire Safety; and

(C) the Office of Training;

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

(3) the Division of Support Services; and

(4) the Office of Community Collaboration and Empowerment.

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

- (1) the Fire Service Training Council;
- (2) the Law Enforcement Advisory Board;
- (3) the State Police Advisory Commission;
- (4) the Search and Rescue Council;
- (5) the Animal Cruelty Investigation Advisory Board;
- (6) the Electricians Licensing Board;
- (7) the Elevator Safety Review Board;
- (8) the State Emergency Response Commission;
- (9) the Plumbers Examining Board;
- (10) the Vermont Access Board; and
- (11) the Enhanced 911 Board.

#### § 5203. ADVISORY CAPACITY

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

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

#### § 5204. PERSONNEL DESIGNATION

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

#### Subchapter 2. Secretary

#### § 5221. APPOINTMENT AND DUTIES

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

(b) The Secretary shall oversee the activities of the Division of Support Services and the Office of Community Collaboration and Empowerment. The

Secretary shall supervise the Commissioner of Fire Safety and Emergency Management and the Commissioner of Law Enforcement.

§ 5222. BUDGET AND REPORT

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

§ 5223. DEPUTY SECRETARY

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

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

§ 5224. ADVISORY COUNCILS OR COMMITTEES

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

§ 5225. TRANSFER OF PERSONNEL AND APPROPRIATIONS

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

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

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

Subchapter 3. Commissioners and Directors

§ 5251. COMMISSIONERS; DEPUTY COMMISSIONERS;  
APPOINTMENT; TERM

The Secretary, with the approval of the Governor, shall appoint a commissioner of each department, who shall be the chief executive and

administrative officer and shall serve at the pleasure of the Secretary.

§ 5252. MANDATORY DUTIES

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

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

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

(1) administer the laws assigned to the Department;

(2) coordinate and integrate the work of the divisions; and

(3) supervise and control all staff functions.

§ 5253. PERMISSIVE DUTIES; APPROVAL OF SECRETARY

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

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

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

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

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

(5) appoint a deputy commissioner;

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

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

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

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

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

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

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

#### § 5254. DIRECTORS

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

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

#### Subchapter 4. Departments, Divisions, and Boards

#### § 5281. DEPARTMENT OF LAW ENFORCEMENT

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

#### § 5282. DEPARTMENT OF FIRE SAFETY AND EMERGENCY MANAGEMENT

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

#### § 5283. DIVISION OF SUPPORT SERVICES

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

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

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

§ 5284. OFFICE OF COMMUNITY COLLABORATION AND EMPOWERMENT

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

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

- (1) create and execute a process to engage public safety stakeholders in the development of key Agency policies with broad stakeholder interest;
- (2) create and maintain a variety of mechanisms for community feedback and engagement regarding the operations of the public safety system;
- (3) maintain a list of relevant public safety stakeholders;
- (4) create a system to periodically review all Agency policies that includes the use of the Equity Impact Assessment Tool;

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

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

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

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

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

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

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

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

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

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

## Sec. 3. TRANSITION; GENERALLY

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



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

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

§ 7052. VERMONT ENHANCED 911 BOARD

\* \* \*

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

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

§ 7053. BOARD; RESPONSIBILITIES AND POWERS

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

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

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

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

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

\* \* \*

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

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

§ 1. ADMINISTRATION AND ENFORCEMENT OF TITLE

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

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

§ 1600. DEFINITION

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

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

§ 2101. CREATION

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

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

§ 3. VERMONT EMERGENCY MANAGEMENT DIVISION

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

\* \* \*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### § 1872. DUTIES OF COMMISSIONER GENERALLY

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

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

#### § 1874. ORGANIZATION OF DEPARTMENT BY COMMISSIONER

(a) The Commissioner of Law Enforcement, with the approval of the Governor and the Secretary, shall so organize and arrange the Department of Law Enforcement as will best and most efficiently promote its work and carry out the objectives of this chapter and 3 V.S.A. chapter 72. To that end, the

Commissioner may, with the Governor's approval, create, rearrange, and abolish divisions; establish grades, ranks, and positions to be held by members; and formulate, put into effect, alter, and repeal rules for the administration of the Department to the extent permitted by law.

\* \* \*

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

§ 1883. STATE LAW ENFORCEMENT; MEMORANDUM OF UNDERSTANDING

(a) ~~The Commissioner of Public Safety~~ In anticipation of consolidating all certified law enforcement resources into the Agency of Public Safety, the Secretary of Public Safety shall develop and execute a memorandum of understanding with the Commissioners of Fish and Wildlife, of Motor Vehicles, and of Liquor and Lottery and their respective directors of law enforcement. The memorandum of understanding shall be reviewed at least every two years and shall at a minimum address:

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

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

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

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

(5)(4) Providing for the ~~Commissioner~~ Secretary of Public Safety, with the approval of the Governor and in ~~consultation with the Commissioners of Motor Vehicles, of Fish and Wildlife, and of Liquor and Lottery~~ accordance

with the State Emergency Management Plan, to assume the role of lead coordinator of statewide law enforcement units in the event of elevated alerts, critical incidents, and ~~all-hazard~~ all-hazards events. The lead coordinator shall maintain control until in ~~his or her~~ the lead coordinator's judgment the event no longer requires coordinated action to ensure the public safety.

\* \* \*

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

Subchapter 2. State Police Certified Law Enforcement Officers

§ 1911. EXAMINATIONS; APPOINTMENT; PROMOTION; PROBATION

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

§ 1912. BOND AND OATH

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

§ 1913. UNIFORMS AND EQUIPMENT

Within the appropriation for the Department, the Commissioner shall provide the State Police certified law enforcement officers assigned to the Department of Law Enforcement, and such other members as ~~he or she~~ the Commissioner may designate, with uniforms and all members with the equipment necessary in the performance of their respective duties, which shall remain the property of the State. The Commissioner shall consult with agencies and departments that are supported by certified law enforcement officers assigned to the Department of Law Enforcement on the uniforms and equipment necessary for those positions. The Commissioner may sell such

equipment as may become unfit for use, and all monies received from the sale shall be paid into the State Treasury and credited to the ~~Department's~~ Agency's appropriation. The Commissioner shall keep an inventory and shall charge against each member all property of the Department issued to ~~him or her~~ the member, and if the Commissioner ~~shall determine~~ determines that a loss or destruction was due to the carelessness or neglect of the member, the value of the property shall be deducted from ~~his or her~~ the member's pay.

#### § 1914. POWERS AND IMMUNITIES

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

\* \* \*

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

#### § 1933. DNA SAMPLE REQUIRED

\* \* \*

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

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

#### § 2352. COUNCIL MEMBERSHIP

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

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

\* \* \*

## Sec. 17. REPEALS

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

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

## Sec. 18. CONFORMING REVISIONS

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

Sec. 21. EFFECTIVE DATES

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

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

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

And that when so amended the bill ought to pass.

Senator Kitchel, for the Committee on Appropriations, to which the bill was referred, reported that the bill ought to pass when so amended.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to and third reading of the bill was ordered.

### **Bill Amended; Third Reading Ordered**

#### **S. 219.**

Senator Campion, for the Committee on Education, to which was referred Senate bill entitled:

An act relating to ensuring compliance with the U.S. and Vermont Constitutions in the use of public funds for tuition and in the dual enrollment program.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Provision of Publicly Funded Education in Vermont \* \* \*

Sec. 1. 16 V.S.A. § 820 is added to read:

#### § 820. PROVISION OF PUBLICLY FUNDED EDUCATION IN VERMONT

##### (a) Findings and purpose.

(1) The Vermont Constitution provides that “a competent number of schools ought to be maintained in each town unless the general assembly permits other provisions for the convenient instruction of youth.” VT Const. CH II, § 68. Interpreting this provision in *Brigham v. State*, 692 A.2d 384 (1997), the Vermont Supreme Court stated that “[t]he state may delegate to local towns and cities the authority to finance and administer the schools within their borders; it cannot, however, abdicate the basic responsibility for education by passing it on to local governments, which are themselves creations of the state.” *Id.* at 395.

(A) From this, it is evident that the State has a constitutional obligation to provide public education to its youth. Many Vermont school districts operate schools, but others do not. Vermont is a relatively sparsely

populated and mountainous state that has made the operation of public schools unviable in certain regions of the State. Students who live in these regions do not have the choice of enrolling in a public school in their district; their only choice is to enroll in a public school operated by another school district or an independent school or to be homeschooled.

(B) Therefore, in order to fulfill its constitutional requirement to provide public education to its youth, the State permits school districts that do not operate schools (nonoperating school districts) to use public funds to send their resident youth to public schools operated by other school districts or to certain independent schools. In order for an independent school to be eligible to receive public tuition, this section requires these schools to:

(i) comply with all federal and State antidiscrimination laws applicable to Vermont public schools; and

(ii) not use public tuition to support religious instruction, religious indoctrination, religious worship, or the propagation of religious views.

(2) Chapter 1, Article 3 of the Vermont Constitution, known as the “Compelled Support Clause,” provides that “no person ... can be compelled to support any place of worship ... contrary to the dictates of conscience ...”

(A) In *Chittenden Town v. Department of Education*, 38 A.2d 539 (Vt. 1999), the Vermont Supreme Court held that a school district may pay public tuition to a school with a religious mission under the Compelled Support Clause only if the school has adequate safeguards against the use of such funds for religious worship or instruction or the propagation of religious views.

(B) This section sets out adequate safeguards to ensure that public tuition is not used for religious instruction, religious indoctrination, religious worship, or the propagation of religious views.

(b) Conditions for eligibility of an approved independent school to receive public tuition. An approved independent school shall be eligible to receive public tuition only if all of the following conditions are met.

(1)(A) The school has adopted and implemented policies and procedures to comply with all federal and State antidiscrimination laws applicable to Vermont public schools and makes reasonable efforts to enforce these policies and procedures. Compliance with the requirements set forth in these antidiscrimination laws includes compliance with the Vermont Public Accommodations Act, 9 V.S.A. chapter 139, the Vermont Fair Employment Practices laws, 21 V.S.A. chapter 5, subchapter 6, and all other federal and State antidiscrimination laws that apply to public schools, to the same extent

that these laws apply to public schools, even if those laws by their terms do not apply to the approved independent school.

(B) Notwithstanding 21 V.S.A. § 495(e) (Unlawful Employment Practice), which permits religious organizations, under limited circumstances, to discriminate on the basis of sexual orientation or gender identity with respect to matters of employment, approved independent schools eligible to receive public tuition shall not discriminate on the basis of sexual orientation or gender identity with respect to matters of employment.

(C) The school posts and maintains on its website in a prominent place its policy to comply with all antidiscrimination laws that apply to public schools.

(2) None of the public tuition will be used to support religious instruction, religious indoctrination, religious worship, or the propagation of religious views, except for religious instruction that is designed to provide an overview of religious history and teachings and does not support religious instruction, religious indoctrination, religious worship, or the propagation of any one religion or theology over others. As used in this section, “indoctrination” means to instruct in a body of doctrine or principles.

(3) The school receives approval from the State Board of Education to receive public tuition. In order to receive State Board approval, the school shall, in addition to satisfying any conditions required by the State Board, enter into a contract with the State Board, signed by an authorized representative acting on behalf of the school’s governing body, agreeing to comply with the eligibility requirements under subdivisions (1)–(2) of this subsection (antidiscrimination; no use of funds for religious purposes).

(c) Process for payment and school selection.

(1) The State Board of Education shall maintain a list of approved independent schools eligible to receive public tuition on its website.

(2) A school district may only pay tuition to an approved independent school eligible to receive public tuition listed on the State Board’s website. Payment of public tuition shall be made directly from the district to the school unless otherwise required by court order.

(d) Approved independent school eligible to receive public tuition. As used in this title, an “approved independent school eligible to receive public tuition” means an approved independent school that is eligible to receive public tuition under this section. An independent school meeting education quality standards under section 165 of this title or an approved independent school in Vermont functioning as an approved area career technical center

under chapter 37 of this title that seeks to receive public tuition is required also to qualify as an approved independent school eligible to receive public tuition.

(e) No private right of action. No private right of action is created by this section against an approved independent school eligible to receive public tuition for noncompliance with subsection (b) of this section or noncompliance with the contract between the school and the State Board of Education required under that subsection. The State Board is authorized to use its powers under subdivision 166(b)(5) of this title to revoke, suspend, or impose conditions on the eligibility of an approved independent school to receive public tuition for noncompliance with these requirements. The State Board shall establish and maintain a process to receive, investigate, and resolve allegations of noncompliance with these requirements in a manner that provides due process for the person or persons making the allegation and the approved independent school against which the allegation is made.

Sec. 1a. 16 V.S.A. § 820 is amended to read:

§ 820. PROVISION OF PUBLICLY FUNDED EDUCATION IN  
VERMONT

(a) Findings and purpose.

(1) The Vermont Constitution provides that “a competent number of schools ought to be maintained in each town unless the general assembly permits other provisions for the convenient instruction of youth.” VT Const. CH II, § 68. Interpreting this provision in *Brigham v. State*, 692 A.2d 384 (1997), the Vermont Supreme Court stated that “[t]he state may delegate to local towns and cities the authority to finance and administer the schools within their borders; it cannot, however, abdicate the basic responsibility for education by passing it on to local governments, which are themselves creations of the state.” *Id.* at 395.

\* \* \*

(B) Therefore, in order to fulfill its constitutional requirement to provide public education to its youth, the State permits school districts that do not operate schools (nonoperating school districts) to use public funds to send their resident youth to public schools operated by other school districts or to certain independent schools. In order for an independent school to be eligible to receive public tuition, this section requires these schools to:

(i) comply with all federal and State antidiscrimination laws applicable to Vermont public schools; ~~and~~

(ii) not use public tuition to support religious instruction, religious indoctrination, religious worship, or the propagation of religious views.; and

(iii) enroll any student with an individualized education program (IEP) who requires special education services and who is placed in the independent school as an appropriate placement and least restrictive environment for the student by the student's individualized education program team or by the local education agency (LEA) as required under section 2973 of this title.

\* \* \*

(b) Conditions for eligibility of an approved independent school to receive public tuition. An approved independent school shall be eligible to receive public tuition only if all of the following conditions are met.

\* \* \*

(3) The school enrolls any student with an individualized education program who requires special education services and who is placed in the approved independent school as an appropriate placement and least restrictive environment for the student by the student's individualized education program team or by LEA as required under section 2973 of this title.

(3)(4) The school receives approval from the State Board of Education to receive public tuition. In order to receive State Board approval, the school shall, in addition to satisfying any conditions required by the State Board, enter into a contract with the State Board, signed by an authorized representative acting on behalf of the school's governing body, agreeing to comply with the eligibility requirements under subdivisions (1)–(2)(3) of this subsection (antidiscrimination; no use of funds for religious purposes; enrollment of students on an IEP).

\* \* \*

\* \* \* Dual Enrollment \* \* \*

Sec. 2. 16 V.S.A. § 944 is amended to read:

§ 944. DUAL ENROLLMENT PROGRAM

\* \* \*

(b) Students.

(1) A Vermont resident who has completed grade 10 but has not received a high school diploma is eligible to participate in the Program if:

(A) ~~the student:~~

~~(i) is enrolled in:~~

~~(I) a Vermont public school, including a Vermont career technical center;~~

~~(H) a public school in another state or an approved independent school that is designated as the public secondary school for the student's district of residence; or~~

~~(III) an approved independent school in Vermont to which the student's district of residence pays publicly funded tuition on behalf of the student;~~

~~(ii) is assigned to a public school through the High School Completion Program; or~~

~~(iii) is a home study student; none of the payment to the accredited postsecondary institution will be used to support religious instruction, religious indoctrination as defined in section 820 of this title, religious worship, or the propagation of religious views, except for religious instruction that is designed to provide an overview of religious history and teachings and does not support religious instruction, religious indoctrination, religious worship, or the propagation of religious views of any one religion or theology over others; and~~

~~(B) the student is not enrolled in a recognized independent school or a school or program that is not recognized for attendance purposes under section 1121 of this title;~~

~~(B)(C) dual enrollment is an element included within the student's personalized learning plan; and~~

~~(C)(D) the secondary school and the postsecondary institution have determined that the student is sufficiently prepared to succeed in a dual enrollment course, which can be determined in part by the assessment tool or tools identified by the participating postsecondary institution.~~

\* \* \*

\* \* \* Conforming Changes \* \* \*

Sec. 3. 16 V.S.A. § 11 is amended to read:

#### § 11. CLASSIFICATIONS AND DEFINITIONS

(a) As used in this title, unless the context otherwise clearly requires:

\* \* \*

(36) "Approved independent school eligible to receive public tuition" means an approved independent school that is also approved by the State Board of Education to receive public tuition under section 820 of this title.

Sec. 4. 16 V.S.A. § 165 is amended to read:

§ 165. EDUCATION QUALITY STANDARDS; EQUAL EDUCATIONAL OPPORTUNITIES; INDEPENDENT SCHOOL MEETING EDUCATION QUALITY STANDARDS

\* \* \*

(b) Annually, the Secretary shall determine whether students in each Vermont public school are provided educational opportunities substantially equal to those provided in other public schools. If the Secretary determines that a school is not meeting the education quality standards listed in subsection (a) of this section or that the school is making insufficient progress in improving student performance in relation to the standards for student performance set forth in subdivision 164(9) of this title, ~~he or she~~ the Secretary shall describe in writing actions that a district must take in order to meet either or both sets of standards and shall provide technical assistance to the school. If the school fails to meet the standards or make sufficient progress within two years of the determination, the Secretary shall recommend to the State Board one or more of the following actions:

\* \* \*

(4) the State Board close an individual school or schools and require that the school district pay tuition to another public school or an approved independent school ~~pursuant to chapter 21 of this title~~ eligible to receive public tuition; or

\* \* \*

Sec. 5. 16 V.S.A. § 166 is amended to read:

§ 166. APPROVED AND RECOGNIZED INDEPENDENT SCHOOLS

\* \* \*

(b) Approved independent schools. On application, the State Board shall approve an independent school that offers elementary or secondary education if it finds, after opportunity for hearing, that the school provides a minimum course of study pursuant to section 906 of this title and that it substantially complies with all statutory requirements for approved independent schools and the Board's rules for approved independent schools. ~~An independent school that intends to accept public tuition shall be approved by the State Board only on the condition that the school agrees, notwithstanding any provision of law to the contrary, to enroll any student who requires special education services and who is placed in or referred to the approved independent school as an appropriate placement and least restrictive environment for the student by the student's individualized education program team or by the local education~~



agency; provided, however, that this requirement shall not apply to an independent school that limits enrollment to students who are on an individualized education program or a plan under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and who are enrolled pursuant to a written agreement between the local education agency and the school. Except as provided in subdivision (6) of this subsection, the Board's rules must at minimum require that the school have the resources required to meet its stated objectives, including financial capacity, faculty who are qualified by training and experience in the areas in which they are assigned, and physical facilities and special services that are in accordance with any State or federal law or regulation. Approval may be granted without State Board evaluation in the case of any school accredited by a private, State, or regional agency recognized by the State Board for accrediting purposes, provided that the State Board shall determine that the school complies with all student enrollment provisions required by law.

\* \* \*

Sec. 6. 16 V.S.A. § 821 is amended to read:

§ 821. SCHOOL DISTRICT TO MAINTAIN PUBLIC ELEMENTARY SCHOOLS OR PAY TUITION

\* \* \*

(d) Notwithstanding subdivision (a)(1) of this section, the electorate of a school district that does not maintain an elementary school may grant general authority to the school board to pay tuition for an elementary student at an approved independent elementary school eligible to receive public tuition or an independent school meeting education quality standards pursuant to sections 823 and 828 of this chapter upon notice given by the student's parent or legal guardian before April 15 for the next academic year.

Sec. 7. 16 V.S.A. § 822 is amended to read:

§ 822. SCHOOL DISTRICT TO MAINTAIN PUBLIC HIGH SCHOOLS OR PAY TUITION

(a) Each school district shall maintain one or more approved high schools in which high school education is provided for its resident students unless:

(1) the electorate authorizes the school board to close an existing high school and to provide for the high school education of its students by paying tuition to ~~a public high school, an approved independent high school, or an independent school meeting education quality standards, to be selected by the parents or guardians of the student, within or outside the State~~ in accordance with sections 824 and 828 of this title; or

\* \* \*

(c)(1) A school district may both maintain a high school and furnish high school education by paying tuition:

\* \* \*

(B) to an approved independent school eligible to receive public tuition or an independent school meeting education quality standards if the school board judges that a student has unique educational needs that cannot be served within the district or at a nearby public school.

\* \* \*

Sec. 8. 16 V.S.A. § 823 is amended to read:

§ 823. ELEMENTARY TUITION

\* \* \*

(b) Unless the electorate of a school district authorizes payment of a higher amount at an annual or special meeting warned for the purpose, the tuition paid to an approved independent elementary school eligible to receive public tuition or an independent school meeting education quality standards shall not exceed the least of:

\* \* \*

Sec. 9. 16 V.S.A. § 824 is amended to read:

§ 824. HIGH SCHOOL TUITION

\* \* \*

(c) The district shall pay an amount not to exceed the average announced tuition of Vermont union high schools for the year of attendance for its students enrolled in an approved independent school eligible to receive public tuition that does not functioning function as a Vermont area career technical center, or any higher amount approved by the electorate at an annual or special meeting warned for that purpose.

Sec. 10. 16 V.S.A. § 827 is amended to read:

§ 827. DESIGNATION OF A PUBLIC HIGH SCHOOL OR AN  
APPROVED INDEPENDENT HIGH SCHOOL AS THE PUBLIC  
HIGH SCHOOL OF A SCHOOL DISTRICT

(a) A school district not maintaining an approved public high school may vote on such terms or conditions as it deems appropriate, to designate three or fewer approved independent schools eligible to receive public tuition or public high schools as the public high school or schools of the district.

\* \* \*

(c) A parent or legal guardian who is dissatisfied with the instruction provided at a designated school or who cannot obtain for ~~his or her~~ the parent's or legal guardian's child the kind of course or instruction desired there, or whose child can be better accommodated in an approved independent school eligible to receive public tuition or public high school nearer ~~his or her~~ the child's home during the next academic year, may request on or before April 15 that the school board pay tuition to another approved independent school eligible to receive public tuition or public high school selected by the parent or guardian.

\* \* \*

(e) Notwithstanding any other provision of law to the contrary:

\* \* \*

(2) unless otherwise directed by an affirmative vote of the school district, when the Wells Board approves parental requests to pay tuition to a nondesignated approved independent school eligible to receive public tuition or public school, the Board shall pay tuition in an amount not to exceed the base education amount as determined under section 4011 of this title for the fiscal year in which tuition is being paid; and

(3) unless otherwise directed by an affirmative vote of the school district, when the Strafford Board approves a parental request to pay tuition to a nondesignated approved independent school eligible to receive public tuition or public school, the Board shall pay tuition to the nondesignated school pursuant to section 824 of this title for the year in which the student is enrolled; provided, however, that it shall not pay tuition in an amount that exceeds the tuition paid to the designated school for the same academic year.

Sec. 11. 16 V.S.A. § 828 is amended to read:

§ 828. TUITION TO APPROVED SCHOOLS; AGE; APPEAL

(a) A school district shall not pay the tuition of a student except to a public school, an approved independent school eligible to receive public tuition, an independent school meeting education quality standards, a tutorial program approved by the State Board, an approved education program, or, subject to subsection (b) of this section, an independent school in another state or country approved under the laws of that state or country, ~~nor shall payment.~~ Payment of tuition on behalf of a person shall not be denied on account of age. Unless otherwise provided, a person who is aggrieved by a decision of a school board relating to eligibility for tuition payments, the amount of tuition payable, or the school ~~he or she~~ the person may attend, may appeal to the State Board, and

its decision shall be final.

(b) An independent school in another state or country that is approved under the laws of that state or country is eligible to receive public tuition if all of the following conditions are met:

(1) It is located in a state that borders Vermont or in the Quebec Province of Canada, provided that an independent school that is not located in a state that borders Vermont or in the Quebec Province of Canada shall be eligible to receive public tuition if:

(A) the student is on an individual education program (IEP) and is placed at the school in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. chapter 33, as amended;

(B) the student is on a plan under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, as amended (504 Plan); or

(C) the student is determined to be disabled by the evaluation planning team or local education agency representative under State Board of Education rules.

(2)(A) The independent school has adopted and implemented policies and procedures to comply with all antidiscrimination laws applicable to public schools in the state or country where the independent school is located and makes reasonable efforts to enforce these policies and procedures. Compliance with the requirements set forth in these antidiscrimination laws includes compliance with antidiscrimination laws to the same extent as these laws apply to public schools, even if those laws by their terms do not apply to the independent school.

(B) The independent school posts and maintains on its website in a prominent place its policy to comply with all antidiscrimination laws that apply to public schools in the state or country where the independent school is located.

(3) None of the public tuition will be used to support religious instruction, religious indoctrination (as defined in section 820 of this title), religious worship, or the propagation of religious views, except for religious instruction that is designed to provide an overview of religious history and teachings and does not support religious instruction, religious indoctrination, religious worship, or the propagation of religious views of any one religion or theology over others.

(4) The independent school enters into a contract with the Vermont State Board of Education, signed by an authorized representative acting on behalf of the school's governing body, agreeing to comply with the eligibility

requirements under subdivisions (2)–(3) of this subsection (antidiscrimination; no use of funds for religious purposes).

Sec. 12. 16 V.S.A. § 1073 is amended to read:

§ 1073. “LEGAL PUPIL” DEFINED; ACCESS TO SCHOOL

\* \* \*

(b) Access to school.

\* \* \*

(2) Right to enroll in a public or independent school. Notwithstanding the provisions of sections 822 and 1075 of this title, a pregnant or parenting student may enroll in any approved public school in Vermont or an adjacent state, any approved independent school eligible to receive public tuition in Vermont, or any other educational program approved by the State Board in which any other legal pupil in Vermont may enroll.

\* \* \*

Sec. 13. 16 V.S.A. § 2962 is amended to read:

§ 2962. EXTRAORDINARY SPECIAL EDUCATION REIMBURSEMENT

\* \* \*

(e) Under section 2973 of this title, a supervisory union, in its role as the local education agency, may place a student with an individualized education program under the Individuals with Disabilities Education Act, 20 U.S.C. chapter 33, with ~~certain~~ approved independent schools ~~that accept public tuition~~ eligible to receive public tuition. If the approved independent school is entitled to special education cost reimbursement under that section, it may bill the supervisory union for excess special education costs incurred by the independent school in providing special education services to that student beyond those covered by general tuition. If those costs for that student exceed the extraordinary expenditures threshold as defined in subdivision (a)(2) of this section, the supervisory union shall be entitled to extraordinary reimbursement.

Sec. 14. 16 V.S.A. § 2973 is amended to read:

§ 2973. INDEPENDENT SCHOOL TUITION RATES

(a)(1) Notwithstanding any provision of law to the contrary, an approved independent school ~~that accepts~~ eligible to receive public tuition shall enroll any student with an individualized education program who requires special education services and who is placed in the approved independent school as an appropriate placement and least restrictive environment for the student by the

student's individualized education program team or by the local education agency (LEA); provided, however, that this requirement shall not apply to an independent school that limits enrollment to students who are on an individualized education program or a plan under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and who are enrolled pursuant to a written agreement between the LEA and the school.

\* \* \*

\* \* \* Development of Standard Contract \* \* \*

#### Sec. 15. DEVELOPMENT OF STANDARD CONTRACT

(a) On or before August 1, 2022, the State Board of Education shall create and post on its website a standard form contract for use by approved independent schools eligible to receive public tuition that complies with the requirements of 16 V.S.A. § 820(b)(3) (antidiscrimination; no use of funds for religious purposes; enrollment of students on an individualized education program). The contract shall contain each of the following provisions:

(1) The State Board's authorization for the school to receive public tuition is conditioned on continued compliance by the school of this contract as well as any other conditions required by law or State Board rules.

(2)(A) The school has adopted and implemented policies and procedures to comply with all federal and State antidiscrimination laws applicable to Vermont public schools and makes reasonable efforts to enforce these policies and procedures. Compliance with the requirements set forth in these antidiscrimination laws includes compliance with the Vermont Public Accommodations Act, 9 V.S.A. chapter 139, the Vermont Fair Employment Practices laws, 21 V.S.A. chapter 5, subchapter 6, and all other federal and State antidiscrimination laws that apply to public schools to the same extent that these laws apply to public schools, even if those laws by their terms do not apply to the school.

(B) Notwithstanding subsection (e) of 21 V.S.A. § 495 (Unlawful Employment Practice), which permits religious organizations, under limited circumstances, to discriminate on the basis of sexual orientation or gender identity with respect to matters of employment, the school shall not discriminate on the basis of sexual orientation or gender identity with respect to matters of employment.

(C) The school has posted and shall maintain on its website in a prominent place its policy to comply with all antidiscrimination laws that apply to public schools.

(3) None of the public tuition will be used by the school to support religious instruction, religious indoctrination, religious worship, or the propagation of religious views, except for religious instruction that is designed to provide an overview of religious history and teachings and does not support religious instruction, religious indoctrination, religious worship, or the propagation of any one religion or theology over others. As used in this contract, “indoctrination” means to instruct in a body of doctrine or principles.

(4) Commencing with the 2023–2024 school year and thereafter, the school shall enroll any student with an individualized education program who requires special education services and who is placed in the school as an appropriate placement and least restrictive environment for the student by the student’s individualized education program team or by the local education agency as required under 16 V.S.A. § 2973.

(b) On or before August 1, 2022, the State Board of Education shall create and post on its website a standard form contract for use by independent schools in another state or country that complies with the requirements of 16 V.S.A. § 828(b) (antidiscrimination; no use of funds for religious purposes). The contract shall contain each of the following provisions:

(1) The State Board’s authorization for the school to receive public tuition is conditioned on continued compliance by the school of this contract.

(2)(A) The independent school has adopted and implemented policies and procedures to comply with all antidiscrimination laws applicable to public schools in the state or country where the independent school is located and makes reasonable efforts to enforce these policies and procedures. Compliance with the requirements set forth in these antidiscrimination laws includes compliance with antidiscrimination laws to the same extent as these laws apply to public schools, even if those laws by their terms do not apply to the independent school.

(B) The independent school posts and maintains on its website in a prominent place its policy to comply with all antidiscrimination laws that apply to public schools in the state or country where the independent school is located.

(3) None of the public tuition will be used to support religious instruction, religious indoctrination, religious worship, or the propagation of religious views, except for religious instruction that is designed to provide an overview of religious history and teachings and does not support religious instruction, religious indoctrination, religious worship, or the propagation of religious views of any one religion or theology over others. As used in this contract, “indoctrination” means to instruct in a body of doctrine or principles.

(c) A contract signed on behalf of the State Board and a school under 16 V.S.A. § 820(b)(3) or 828(b) shall contain no other conditions or requirements than those required under this section. The State Board and the school shall amend the contract as necessary to comply with applicable law, and the State Board shall amend its model contracts accordingly.

\* \* \* Transition \* \* \*

#### Sec. 16. TRANSITION

(a) A student enrolled for the 2021–2022 school year in, or has been accepted for enrollment for the 2022–2023 school year by, an independent school in another state or country that would not be eligible to receive public tuition under 16 V.S.A. § 828 as amended by this act shall continue to be entitled to public tuition until such time as the student graduates from that school. The school shall not be required to enter into the contract with the Vermont State Board of Education under 16 V.S.A. § 828 as amended by this act.

(b) Notwithstanding the provisions of this act, an approved independent school or out-of-state independent school that enrolled a student on public tuition for the 2021–2022 school year shall be entitled to that tuition payment for that school year, and school districts are authorized to make that payment or reimburse a parent or guardian who made that payment to the school.

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

#### Sec. 17. EFFECTIVE DATES

This act shall take effect on passage, except that Secs. 1a (16 V.S.A. § 820), 5 (16 V.S.A. § 166), 13 (16 V.S.A. § 2962), and 14 (16 V.S.A. § 2973) shall take effect on July 1, 2023.

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

An act relating to ensuring compliance with the U.S. and Vermont Constitutions in the use of public funds for tuition.

And that when so amended the bill ought to pass.

Senator Baruth, for the Committee on Appropriations, to which the bill was referred, reported that the bill ought to pass when so amended.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to and third reading of the bill was ordered.



**Third Reading Ordered****H. 628.**

Senator Ram Hinsdale, for the Committee on Government Operations, to which was referred House bill entitled:

An act relating to amending a birth certificate to reflect gender identity.

Reported that the bill ought to pass in concurrence.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

**Bill Amended; Third Reading Ordered****S. 197.**

Senator Lyons, for the Committee on Health and Welfare, to which was referred Senate bill entitled:

An act relating to the Coordinated Mental Health Crisis Response Working Group.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Mental Health Crisis Response Inventory \* \* \*

Sec. 1. INVENTORY OF MENTAL HEALTH CRISIS RESPONSE PROGRAMS

On or before January 15, 2023, the Department of Mental Health, in consultation with the Agencies of Education and of Human Services and the Department of Public Safety, shall submit the Mobile Crisis Needs Assessment report required by the Department's federally-funded mobile crisis state planning grant, including the stakeholder engagement summary and the mobile crisis benefit implementation plan, to the House Committee on Health Care and to the Senate Committee on Health and Welfare.

\* \* \* Integrating Mental Health for Educators and Students \* \* \*

Sec. 2. PROVISION OF MENTAL HEALTH AND WELL-BEING SUPPORTS FOR EDUCATORS

In fiscal year 2023, the Agency of Education, in consultation with the Department of Mental Health, shall contract with one or more organizations to provide statewide COVID-19 recovery supports for educators and school staff. The supports shall be provided by mental health clinicians and focused on COVID-19 recovery, including wellness and trauma-responsive school practice supports on a statewide, regional, or supervisory union or supervisory district-

specific level as needed.

Sec. 3. GRANTS TO EXPAND MENTAL HEALTH AND WELL-BEING SERVICES TO YOUTH

(a) In fiscal year 2023, the Agency of Education shall work collaboratively with the Department of Mental Health to establish and administer a two-year program utilizing a tiered-support approach to ensure continuous support to children and youth in a variety of settings, including supervisory union and district-wide, in-school, community technical education centers, and afterschool, by providing grants to:

(1) expand existing school-based counseling services in underserved districts of the State; or

(2) develop either school-based or community-based afterschool programs, operating in a variety of settings outside the school day and over the summer, including before and after school, in-service days, and school vacation week, that support the mental health and wellness needs of students, families, and staff.

(b) The Agency shall adopt policies, procedures, and guidelines necessary for implementation of the program described in subsection (a) of this section.

(c) The Agency shall issue grants to in-school counseling programs and afterschool programs in geographically diverse regions when the applicant meets all of the eligibility criteria listed in subdivision (1) of this subsection and at least one eligibility criterion listed in subdivision (2) of this subsection:

(1) Mandatory eligibility criteria.

(A) The applicant uses evidence-based strategies to address students' social, emotional, mental health, and wellness needs. As used in this subdivision, "evidence-based" means the same as in the Elementary and Secondary Education Act of 1965, 20 U.S.C. § 8101.

(B) The applicant collects data to demonstrate the effectiveness of the mental health and wellness supports and interventions utilized in the program.

(C) The applicant meets student needs by incorporating multitiered systems of supports, trauma-informed and responsive approaches, and approaches such as the Whole Child, Whole School, Whole Community model or the Strengthening Families curriculum's Youth Thrive program.

(2) Additional eligibility criterion.

(A) The applicant works in close partnership with classroom teachers and school guidance counselors to coordinate supports, communication, and

strategies.

(B) The applicant uses specially trained staff to provide one-on-one and small group supports and resilience sessions for children and youth, including addressing specific needs, such as suicide prevention, social isolation, anxiety, and substance use.

(C) The applicant provides participating families with assistance in navigating behavioral health resources in their communities.

(D) The applicant provides opportunities for children and youth to participate in activities that heal and prevent social isolation, such as outdoor activities, art therapy, recreation, and time in nature.

(E) The applicant consults with local pediatricians to provide referrals for support.

(F) The applicant provides staff training on Youth Mental Health First Aid and other evidence-based techniques and approaches to crisis prevention and intervention, such as trauma-responsive practices, adolescent brain development, and how to build a culture of connection.

(d) On or before January 15, 2025, the Agency, in collaboration with the Department, shall submit a report to the House Committees on Education and on Human Services and to the Senate Committees on Education and on Health and Welfare summarizing the programs to which grants were awarded and recommending a model for the integration of mental health and in-school and afterschool programming that provides consistency and reliability to children and youth, is fiscally sustainable, and does not create further workforce capacity challenges for afterschool organizations, schools, community technical education centers, the Agency, or the Department.

#### Sec. 4. ALLOCATION OF UNEXPENDED ESSER III FUNDS

In fiscal year 2023, ESSER III funds appropriated pursuant to 2021 Acts and Resolves No. 74, Sec. E.501.3 shall be used as follows:

(1) \$500,000.00 for statewide COVID-19 recovery supports for educators and school staff pursuant to Sec. 2 of this act; and

(2) \$2,500,000.00 for grants to expand mental health and well-being services for children and youth pursuant to Sec. 3 of this act.

\* \* \* Interagency Youth Afterschool Task Force \* \* \*

#### Sec. 5. VERMONT INTERAGENCY AFTERSCHOOL YOUTH TASK FORCE; REPORTING

The Vermont Interagency Afterschool Youth Task Force established

pursuant to Executive Order No. 08-21 shall submit to the House Committees on Education and on Human Services and to the Senate Committees on Education and on Health and Welfare copies of its bimonthly progress reports on achieving expanded universal afterschool and summer programming. The Task Force shall also provide advice and recommendations to the General Assembly upon request.

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

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

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

An act relating to the provision of mental health supports.

And that when so amended the bill ought to pass.

Senator Baruth, for the Committee on Appropriations, to which the bill was referred, reported that the bill ought to pass when so amended.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to and third reading of the bill was ordered.

**Adjournment**

On motion of Senator Balint, the Senate adjourned until one o'clock in the afternoon on Thursday, March 24, 2022.