

# Journal of the Senate

WEDNESDAY, APRIL 20, 2022

The Senate was called to order by the President.

## Devotional Exercises

A moment of silence was observed in lieu of devotions.

## Bills Referred

Pursuant to Temporary Rule 44A the following bills having failed to meet cross-over and being released by the Committee on Rules were referred to their respective committees of jurisdictions:

### H. 741.

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

To the Committee on Government Operations.

### H. 744.

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

To the Committee on Government Operations.

## Senate Resolution Adopted

Senate resolution of the following title was offered, read and adopted, and is as follows:

By All Members of the Senate,

**S.R. 24.** Senate resolution honoring Senator Patrick J. Leahy for his nearly half century of extraordinary public service in the U.S. Senate.

*Whereas*, the true origin of U.S. Senator Patrick Leahy's illustrious senatorial career can be traced back to the then four-year-old Montpelier boy's obtaining his first library card at the Kellogg-Hubbard Library in Montpelier, and

*Whereas*, after graduating from St. Michael's College and the Georgetown University Law Center, Pat Leahy turned his attention to public service, first as Chittenden County State's Attorney, and then, in 1974, at 34 years of age, as a U.S. Senator, beginning the longest tenure of any Vermonter in the nation's senior legislative chamber where he is currently the U.S. Senate's longest-serving member, and

*Whereas*, Senator Leahy has been honored to serve terms as Chair of the Senate Agriculture, Appropriations, and Judiciary Committees, and has twice been President *pro tempore*, the third in line to the presidency, and

*Whereas*, issues pertaining to the economic prosperity and environmental protection of Vermont have always been of paramount importance to him, and

*Whereas*, Senator Leahy's advocacy of open government earned him membership in the FOIA Hall of Fame and won him the John Peter Zenger Press Freedom Award, and his concern for personal privacy in the digital age influenced his co-founding of the Congressional Internet Caucus, and

*Whereas*, he was an early and ardent advocate for the banning of anti-personnel landmines and shepherded the legislation establishing the Leahy War Victims Fund, and

*Whereas*, unique among his colleagues, Senator Leahy's thousands of photographs of congressional life have been prominently published and exhibited, and they form an extraordinary congressional archive, and

*Whereas*, the fees and royalties Senator Leahy has earned for appearing in five *Batman* movies have all been donated to the Kellogg-Hubbard Library, whose children's wing is named in his honor, and

*Whereas*, Pat Leahy and the love of his life, Marcelle, are celebrating their 60th wedding anniversary this year, and, at the conclusion of his current term, he will end an amazing eight terms as Vermont's U.S. Senator, *now therefore be it*

***Resolved by the Senate:***

That this legislative body honors Senator Patrick J. Leahy for his nearly half century of extraordinary public service in the U.S. Senate, *and be it further*

***Resolved:*** That the Secretary of the Senate be directed to send a copy of this resolution to U.S. Senator Patrick J. Leahy.

**Recess**

On motion of Senator Balint the Senate recessed until the fall of the gavel.

**Called to Order**

The Senate was called to order by the President.

**Proposal of Amendment; Third Reading Ordered**

**H. 534.**

Senator Benning, for the Committee on Judiciary, to which was referred House bill entitled:

An act relating to sealing criminal history records.

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

Sec. 1. 13 V.S.A. § 7601 is amended to read:

§ 7601. DEFINITIONS

As used in this chapter:

(1) “Court” means the Criminal Division of the Superior Court.

(2) “Criminal history record” means all information documenting an individual’s contact with the criminal justice system, including data regarding identification, arrest or citation, arraignment, judicial disposition, custody, and supervision.

~~(3) “Predicate offense” means a criminal offense that can be used to enhance a sentence levied for a later conviction and includes operating a vehicle under the influence of alcohol or other substance in violation of 23 V.S.A. § 1201, domestic assault in violation of section 1042 of this title, and stalking in violation of section 1062 of this title. “Predicate offense” shall not include misdemeanor possession of cannabis, a disorderly conduct offense under section 1026 of this title, or possession of a controlled substance in violation of 18 V.S.A. § 4230(a), 4231(a), 4232(a), 4233(a), 4234(a), 4234a(a), 4234b(a), 4235(b), or 4235a(a). [Repealed.]~~

(4) “Qualifying crime” means:

~~(A) a misdemeanor offense that is not:~~

~~(i) a listed crime as defined in subdivision 5301(7) of this title;~~

~~(ii) an offense involving sexual exploitation of children in violation of chapter 64 of this title;~~

~~(iii) an offense involving violation of a protection order in violation of section 1030 of this title;~~

~~(iv) prostitution as defined in section 2632 of this title, or prohibited conduct under section 2601a of this title; or~~

~~(v) a predicate offense;~~

~~(B) a violation of subsection 3701(a) of this title related to criminal mischief;~~

~~(C) a violation of section 2501 of this title related to grand larceny;~~

~~(D) a violation of section 1201 of this title related to burglary, excluding any burglary into an occupied dwelling, as defined in subdivision 1201(b)(2) of this title;~~

~~(E) a violation of 18 V.S.A. § 4223 related to fraud or deceit;~~

~~(F) a violation of section 1802 of this title related to uttering a forged or counterfeited instrument;~~

~~(G) a violation of 18 V.S.A. § 4230(a) related to possession and cultivation of cannabis;~~

~~(H) a violation of 18 V.S.A. § 4231(a) related to possession of cocaine;~~

~~(I) a violation of 18 V.S.A. § 4232(a) related to possession of LSD;~~

~~(J) a violation of 18 V.S.A. § 4233(a) related to possession of heroin;~~

~~(K) a violation of 18 V.S.A. § 4234(a) related to possession of depressant, stimulant, and narcotic drugs;~~

~~(L) a violation of 18 V.S.A. § 4234a(a) related to possession of methamphetamine;~~

~~(M) a violation of 18 V.S.A. § 4234b(a) related to possession of ephedrine and pseudoephedrine;~~

~~(N) a violation of 18 V.S.A. § 4235(b) related to possession of hallucinogenic drugs;~~

~~(O) a violation of 18 V.S.A. § 4235a(a) related to possession of ecstasy; or~~

~~(P) any offense for which a person has been granted an unconditional pardon from the Governor.~~

(A) all misdemeanor offenses except:

(i) a listed crime as defined in subdivision 5301(7) of this title;

(ii) a violation of chapter 64 of this title relating to sexual exploitation of children;

(iii) a violation of section 1030 of this title relating to a violation of an abuse prevention order, an order against stalking or sexual assault, or a protective order concerning contact with a child;

(iv) a violation of chapter 28 of this title related to abuse, neglect, and exploitation of a vulnerable adult;

(v) a violation of subsection 2605(b) or (c) of this title related to voyeurism;

(vi) a violation of subdivisions 352(1)–(10) of this title related to cruelty to animals;

(vii) a violation of section 5409 of this title related to failure to comply with sex offender registry requirements;

(viii) a violation of section 2802, 2802a, 2803, 2804, or 2804b of this title related to obscenity;

(ix) a violation of section 1455 of this title related to hate motivated crimes; and

(x) a violation of section 1456 of this title related to burning of a religious symbol; and

(B) the following felonies:

(i) a violation of section 1201 of this title related to burglary, excluding any burglary into an occupied dwelling, unless the person was 25 years of age or younger at the time of the offense and did not carry a dangerous or deadly weapon during the commission of the offense;

(ii) designated felony property offenses as defined in subdivision (5) of this section;

(iii) offenses relating to possessing, cultivating, selling, dispensing, or transporting regulated drugs, including violations of 18 V.S.A. § 4230(a) and (b), 4231(a) and (b), 4232(a) and (b), 4233(a) and (b), 4233a(a), 4234(a) and (b), 4234a(a) and (b), 4234b(a) and (b), 4235(b) and (c), or 4235a(a) and (b); and

(iv) any offense for which a person has been granted an unconditional pardon from the Governor.

(5) “Designated felony property offense” means:

(A) a felony violation of 9 V.S.A. § 4043 related to fraudulent use of a credit card;

(B) section 1801 of this title related to forgery and counterfeiting;

(C) section 1802 of this title related to uttering a forged or counterfeited instrument;

(D) section 1804 of this title related to counterfeiting paper money;

(E) section 1816 of this title related to possession or use of credit card skimming devices;

- (F) section 2001 of this title related to false personation;
- (G) section 2002 of this title related to false pretenses or tokens;
- (H) section 2029 of this title related to home improvement fraud;
- (I) section 2030 of this title related to identity theft;
- (J) section 2501 of this title related to grand larceny;
- (K) section 2531 of this title related to embezzlement;
- (L) section 2532 of this title related to embezzlement by officers or servants of an incorporated bank;
- (M) section 2533 of this title related to embezzlement by a receiver or trustee;
- (N) section 2561 of this title related to receiving stolen property;
- (O) section 2575 of this title related to retail theft;
- (P) section 2582 of this title related to theft of services;
- (Q) section 2591 of this title related to theft of rented property;
- (R) section 2592 of this title related to failure to return a rented or leased motor vehicle;
- (S) section 3016 of this title related to false claims;
- (T) section 3701 of this title related to unlawful mischief;
- (U) section 3705 of this title related to unlawful trespass;
- (V) section 3733 of this title related to mills, dams, or bridges;
- (W) section 3761 of this title related to unauthorized removal of human remains;
- (X) section 3767 of this title related to grave markers and ornaments;
- (Y) chapter 87 of this title related to computer crimes; and
- (Z) 18 V.S.A. § 4223 related to fraud or deceit in obtaining a regulated drug.

(6) “Subsequent offense” means the conviction of a crime committed by the person who is the subject of a petition to seal a criminal history record that arose out of a new incident or occurrence after the person was convicted of the crime to be sealed.

Sec. 2. 13 V.S.A. § 7606 is amended to read:

§ 7606. EFFECT OF EXPUNGEMENT

(a) Order and notice. Upon finding that the requirements for expungement have been met, the court shall issue an order that shall include provisions that its effect is to annul the record of the arrest, conviction, and sentence and that such person shall be treated in all respects as if ~~he or she~~ the person had never been arrested, convicted, or sentenced for the offense. The court shall provide notice of the expungement to the respondent, Vermont Crime Information Center (VCIC), the arresting agency, the Restitution Unit of the Vermont Center for Crime Victim Services, and any other entity that may have a record related to the order to expunge. The VCIC shall provide notice of the expungement to the Federal Bureau of Investigation's National Crime Information Center.

\* \* \*

Sec. 3. 13 V.S.A. § 7607 is amended to read:

§ 7607. EFFECT OF SEALING

(a) Order and notice. Upon entry of an order to seal, the order shall be legally effective immediately and the person whose record is sealed shall be treated in all respects as if ~~he or she~~ the person had never been arrested, convicted, or sentenced for the offense and that its effect is to annul the record of arrest, conviction, and sentence. The court shall provide notice of the sealing to the respondent, Vermont Crime Information Center (VCIC), the arresting agency, the Restitution Unit of the Vermont Center for Crime Victim Services, and any other entity that may have a record related to the order to seal. The VCIC shall provide notice of the sealing to the Federal Bureau of Investigation's National Crime Information Center.

\* \* \*

Sec. 4. 13 V.S.A. § 7611 is added to read:

§ 7611. UNAUTHORIZED ACCESS OR DISCLOSURE

A state or municipal employee or contractor or any agent of the court, including an attorney and an employee or contractor of the attorney, who knowingly accesses or discloses sealed criminal history record information without authorization shall be assessed a civil penalty of not more than \$1,000.00. Each unauthorized disclosure shall constitute a separate civil violation.

Sec. 5. 24 V.S.A. § 2002 is added to read:

§ 2002. EXPUNGEMENT OF MUNICIPAL VIOLATION RECORDS

(a) Expungement. Three years following the satisfaction of a judgment resulting from an adjudication of a municipal violation, the Judicial Bureau shall make an entry of “expunged” and notify the municipality of such action, provided the person has not been adjudicated for any subsequent municipal violations during that time. The data transfer to the municipality shall include the name, date of birth, ticket number, and offense. Violations of offenses adopted pursuant to chapter 117 of this title shall not be eligible for expungement under this section.

(b) Effect of expungement.

(1) Upon entry of an expungement order, the order shall be legally effective immediately and the individual whose record is expunged shall be treated in all respects as if the individual had never been adjudicated of the violation.

(2) Upon an entry of expunged, the case will be accessible only by the Clerk of the Court for the Judicial Bureau or the Clerk’s designee. Adjudications that have been expunged shall not appear in the results of any Judicial Bureau database search by name, date of birth, or any other data identifying the defendant. Except as provided in subsection (c) of this section, any documents or other records related to an expunged adjudication that are maintained outside the Judicial Bureau’s case management system shall be destroyed.

(3) Upon receiving an inquiry from any person regarding an expunged record, the Judicial Bureau and the municipality shall respond that “NO RECORD EXISTS.”

(c) Exception for research entities. Research entities that maintain adjudication records for purposes of collecting, analyzing, and disseminating criminal justice data shall not be subject to the expungement requirements established in this section. Research entities shall abide by the policies established by the Court Administrator and shall not disclose any identifying information from the records they maintain.

(d) Policies for implementation. The Court Administrator shall establish policies for implementing this section.

(e) Application. This section shall apply to municipal violations that occur on and after July 1, 2022.



Sec. 6. 23 V.S.A. § 2303 is amended to read:

§ 2303. EXPUNGEMENT OF VIOLATION RECORDS

\* \* \*

(e) Application. This section shall apply to municipal violations that occur on and after July 1, 2021.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

And that the bill ought to pass in concurrence with such proposal of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the proposal of amendment of the Committee on Judiciary was agreed to.

Thereupon, pending the question, Shall the bill be read a third time?, Senator Benning moved to amend the proposal of amendment as follows:

By inserting after Sec. 7, effective date, the following:

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

An act relating to expanding eligibility for expungement and sealing of criminal history records for nonviolent offenses.

Which was agreed to.

Thereupon, third reading of the bill was ordered.

**Proposal of Amendment; Consideration Postponed**

**H. 159.**

House bill entitled:

An act relating to community and economic development and workforce revitalization.

Was taken up.

Thereupon, pending third reading of the bill, Senator White moved to amend the Senate proposal of amendment by adding a new section to be Sec. 5a to read as follows:

Sec. 5a. INTENT; WINDHAM COUNTY ECONOMIC DEVELOPMENT

It is the intent of the General Assembly to take any legislative action necessary:

(1) to transfer all unobligated Windham County Economic Development Program grant funds and Program special fund balances from the Agency of Commerce and Community Development to the Brattleboro Development Credit Corporation not later than October 1, 2022;

(2) to move all Program-related loans and loan servicing functions from the Vermont Economic Development Authority to the Corporation not later than October 1, 2022; and

(3) to ensure that future payments of principal and interest on outstanding loans originally issued by the Authority are paid to the Corporation.

Which was agreed to.

Thereupon, Senators Sirotkin and Brock moved that the Senate proposal of amendment be amended as follows::

First: By adding a reader assistance heading and three new sections to be Secs. 17a–17c to read as follows:

\* \* \* SALT Deduction Cap Workaround \* \* \*

Sec. 17a. 32 V.S.A. chapter 151, subchapter 10C is added to read:

Subchapter 10C. Elective Pass-Through Entity Business Income Tax

§ 5921a. DEFINITIONS

As used in this subchapter:

(1) “Distributive proceeds” means the net income, dividends, royalties, interest, rents, guaranteed payments, and gains of a pass-through entity derived from or connected with sources within the State.

(2) “Member” means a member of a limited liability company; a partner in a general, limited, or limited liability partnership; or a shareholder of an S corporation, provided the member is a natural person.

(3) “Pass-through entity” means a limited liability company, a partnership, or an S corporation.

(4) “Pass-through entity business income tax” means the tax imposed under this subchapter.

(5) “Share of distributive proceeds” means the portion of distributive proceeds attributable to a member of a pass-through entity during a taxable year.

(6) “Taxed at the business entity level” means taxed pursuant to an election made under this subchapter.

§ 5921b. PASS-THROUGH ENTITY BUSINESS INCOME TAX;  
ELECTION

(a) A pass-through entity may elect to be liable for and pay a pass-through entity business income tax during the taxable year, provided:

(1) at least one member of the entity is liable for income tax under this chapter on that member's share of distributive proceeds of the pass-through entity during a taxable year;

(2) each member of the pass-through entity is a natural person and no member is a C corporation or a pass-through entity; and

(3) consent is given by:

(A) each member of the electing entity who is a member at the time the election is filed; or

(B) any officer, manager, or member of the electing entity who is authorized, under law or the entity's organizational documents, to make the election and who represents having such authority under penalties of perjury.

(b) The tax imposed on a pass-through entity under this section shall be equal to the sum of each member's share of taxable distributive proceeds attributable to the pass-through entity for the taxable year, multiplied by the second-highest marginal tax rate in section 5822 of this title.

(c) The election under this section shall be made annually, on or before the due date for filing the entity's return as established by the Commissioner, and shall not apply retroactively. An election made under this section shall be binding on all members of the pass-through entity for the year in which the election is made. If the members decide to revoke an election, that revocation shall occur on or before the due date for filing the entity's return.

(d) Each pass-through entity that makes an election for a taxable year under this section shall annually report to each of its members the member's share of distributive proceeds for the taxable year.

(e) Each pass-through entity that makes an election for a taxable year under this section shall file an entity tax return and make payments on or before the 15th day of the third month following the close of each entity's taxable year as determined for federal income tax purposes. A pass-through entity shall make estimated entity tax payments as provided under subchapter 5 of this chapter.

§ 5921c. REFUNDABLE INCOME TAX CREDIT; INDIVIDUAL  
MEMBERS OF PASS-THROUGH ENTITIES

An individual taxpayer of this State shall be entitled to a refundable credit against the income tax paid under this chapter for the taxable year, provided

the individual is a member of a pass-through entity that elects under section 5921b of this title to be liable for and pay the pass-through entity business income tax during the taxable year. For each pass-through entity of which the individual is a member, the amount of the credit shall equal 90 percent of the individual's pro rata share of the tax paid under section 5921b of this title for the taxable year, and that credit shall be available to the member during the same taxable year. The credit under this section shall be available after the application of all other credits allowed by law and claimed by the individual during the taxable year.

Sec. 17b. 32 V.S.A. § 5825 is amended to read:

§ 5825. CREDIT FOR TAXES PAID TO OTHER STATES AND PROVINCES

\* \* \*

(c) The credit claimed under this section shall include an amount of the tax paid to another state that imposes a tax on the distributive proceeds of a pass-through entity, provided the other state's tax is substantially similar to the pass-through entity business income tax imposed under subchapter 10C of this chapter. The nonrefundable credit under this subsection shall equal 90 percent of the taxpayer's pro rata share of tax paid to another state, provided the amount of the credit does not exceed the amount of pass-through entity business income tax owed under subchapter 10C of this chapter. As used in this subsection, "distributive proceeds" and "pass-through entity" shall have the same meanings as under section 5921a of this title.

Sec. 17c. CONSENSUS ESTIMATE; REPORT TO JOINT FISCAL COMMITTEE AND EMERGENCY BOARD

The Commissioner of Taxes, in consultation with the Joint Fiscal Office, shall conduct a fiscal analysis and reach a consensus estimate of the revenue impact to this State of the elective pass-through entity business income tax and credits created under this act. On or before July 25, 2022, the Commissioner of Taxes shall submit a written report to the Joint Fiscal Committee and the Emergency Board detailing the consensus estimate conducted under this section. Based on the consensus estimate, the Commissioner's report shall provide a recommendation in favor of or against implementing the tax and credits created under this act in taxable year 2022. The Commissioner shall make a favorable recommendation if:

(1) the consensus estimate under subsection (a) of this section demonstrates that the tax and credits created under this act are projected to have a neutral or positive impact on the revenues of this State; and

(2) the Commissioner determines that implementation of the tax and credits created under this act for the calendar year 2023 income tax filing season (taxable year 2022) will not impose undue administrative burden on the Department of Taxes.

Second: In Sec. 21, effective dates, by inserting a new subsection (g) to read as follows:

(g) Secs. 17a and 17b (SALT deduction cap work-around) shall take effect:

(1) notwithstanding 1 V.S.A. § 214, retroactively on January 1, 2022 and shall apply to taxable years beginning on and after January 1, 2022, provided the Commissioner’s recommendation required pursuant to Sec. 17c is in favor of implementing the tax and credits created under this act; or

(2) on January 1, 2023 and shall apply to taxable years beginning on and after January 1, 2023.

And by relettering the remaining subsections to be alphabetically correct.

Thereupon, pending the question, Shall the Senate proposal of amendment be amended as recommended by Senators Sirotkin and Brock?, on motion of Senator Cummings consideration of the bill was postponed until the next legislative day.

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

**H. 740.**

House bill entitled:

An act relating to making appropriations for the support of government.

Was taken up.

Thereupon, pending third reading of the bill, Senators Kitchel, Balint, Baruth, Nitka, Sears, Starr and Westman moved to amend the Senate proposal of amendment as follows:

First: By striking out Sec. B.301, Secretary’s office – global commitment, in its entirety and inserting in lieu thereof a new Sec. B.301 to read as follows:

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

Grants	1,833,642,970
Total	1,833,642,970
Source of funds	
General fund	607,567,996
Special funds	33,384,536
Tobacco fund	21,049,373

State health care resources fund	17,078,501
Federal funds	1,150,528,394
Interdepartmental transfers	<u>4,034,170</u>
Total	1,833,642,970

Second: By striking out Sec. B.307, Department of Vermont health access - Medicaid program - global commitment, in its entirety and inserting in lieu thereof a new Sec. B.307 to read as follows:

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

Personal services	547,983
Grants	<u>836,337,225</u>
Total	836,885,208
Source of funds	
Global Commitment fund	<u>836,885,208</u>
Total	836,885,208

Third: By striking out Sec. B.320, Department for Children and families – aid to aged, blind and disabled, in its entirety and inserting in lieu thereof a new Sec. B.320 to read as follows:

Sec. B.320 Department for children and families - aid to aged, blind and disabled

Personal services	2,252,206
Grants	<u>10,431,118</u>
Total	12,683,324
Source of funds	
General fund	7,533,333
Global Commitment fund	<u>5,149,991</u>
Total	12,683,324

Fourth: By striking out Sec. B.334.1, Disabilities, aging and independent living – Long Term Care, in its entirety and inserting in lieu thereof a new Sec. B.334.1 to read as follows:

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

Grants	<u>247,242,665</u>
Total	247,242,665
Source of funds	
General fund	498,579
Federal funds	2,083,333
Global Commitment fund	<u>244,660,753</u>
Total	247,242,665

Fifth: In Sec. B.1100, fiscal year 2023 one-time General Fund appropriations, subdivision (a)(8), by striking the number “\$1,910,000” and inserting in lieu of a new number \$2,010,000

Sixth: In Sec. B.1100, fiscal year 2023 one-time General Fund appropriations, by striking out subdivision (a)(8)(E) in its entirety and inserting in lieu thereof a new subdivision (a)(8)(E) to read as follows:

(E) \$300,000 of which \$200,000 is to establish a grant program for organic milk farmers that are transitioning to a new buyer to assist with the costs of modifications needed to accommodate the new buyer and \$100,000 to the Produce Safety Improvement grant program.

Seventh: In Sec. B.1100, fiscal year 2023 one-time General Fund appropriations, by striking out subdivision (a)(12) in its entirety and inserting in lieu thereof a new subdivision (a)(12) to read as follows:

(12) \$1,180,000 to the Department for Children and Families for the following:

(A) \$50,000 for a grant to the Vermont Donor Milk Center for statewide activities.

(B) \$750,000 to the Parent Child Centers for upgrades to facilities, systems, or new equipment.

(C) \$180,000 to be granted to the Vermont Food Bank for statewide provision of diapers to families in need.

(D) \$200,000 to be granted to the five youth service provider organizations that currently have contracts with the Department of Health and the Department for Children and Families. Each organization shall receive a grant of \$20,000 and the remaining funds shall be granted to each organization in an equitable manner after consultation with the organizations and consideration of the scope of services by each organization.

Eighth: In Sec. B.1100, fiscal year 2023 one-time General Fund appropriations, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) \$11,000,000 is appropriated from the General Fund to the Department of Public Safety. Up to \$6,500,000 of this appropriation may be used to provide grants for establishing new regional dispatch facilities and grants to existing regional dispatch facilities. The Commissioner of Public Safety shall report to the Joint Fiscal Committee in September and November 2022 on the status of grants made under this provision. The remaining amount shall be held in reserve until further approval by the General Assembly is provided subsequent to the report required by Sec. E.209.1 of this act.

Ninth: In Sec. E.100, Executive Branch positions, by adding a subdivision (f) to read as follows:

(f) The establishment of two additional classified permanent Tax Examiner positions is authorized in the Department of Taxes beginning in fiscal year 2023.

(1) Department of Taxes:

(A) two Tax Examiners.

Tenth: By adding a new section to be Sec. E. 300.1 to read as follows:

Sec. E.300.1 PRIVATE NONMEDICAL INSTITUTIONS; COSTS

(a) On or before September 1, 2022, the Agency of Human Services shall report to Joint Fiscal Committee on a plan to address costs associated with contract staffing for private Nonmedical institutions. The plan shall include a timeline to address the rate setting process for future ongoing base costs starting in State fiscal year 2023.

Eleventh: By adding a new section to be Sec. E.134.4 to read as follows:

Sec. E.134.4 MEMBERSHIP TRANSFER OF CERTAIN SHERIFF  
DEPARTMENT EMPLOYEES; COSTS; MUNICIPAL  
EMPLOYEES' RETIREMENT SYSTEM; STATE  
TREASURER; REPORT

(a) The State Treasurer, in consultation with the Joint Pension Oversight Committee shall, with assistance of actuarial analysis, determine the costs associated with transferring the membership of:

(1) certified law enforcement officials employed by county sheriff departments from Group F in the Vermont State Employees' Retirement System to a Group D membership in the Vermont Municipal Employees' Retirement System; and

(2) support staff employed by county sheriff departments from Group F in the Vermont State Employees' Retirement System to Group A, B, or C in the Vermont Municipal Employees' Retirement System.

(b) On or before October 1, 2022, the State Treasurer shall submit a report to the House Committees on Appropriations and on Government Operations and the Senate Committees on Appropriations and on Government Operations that includes the results of the study described in subsection (a) of this section. The report shall include an inventory of all employees, as of a specified date, for each county sheriff department with the current enrollment status of each employee in a State or municipal pension system by group; or if the employee



is not enrolled in a State or municipal pension system; or is enrolled in another retirement system.

Twelfth: In Sec. G.300, investments in Vermont's economy, workforce and communities, by striking out subdivision (b)(1) in its entirety and inserting in lieu thereof a new subdivision (b)(1) to read as follows:

(1) It is the intent of the General Assembly to provide \$26,900,000 from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds and the State General Fund to be allocated for workforce, including investment initiatives to address critical needs in nursing and the skilled trades and to provide training opportunities for young adult Vermonters seeking to acquire skills. The specific programs to be funded shall be included in H.703 or other legislation passed in the 2022 legislative session.

Thirteenth: In Sec. G.600, climate action investments, in subdivision (b)(1), after the words "Community Development to", by adding the word install at

Fourteenth: In Sec. G.700, water and sewer investments, in subdivision (a)(2)(C), by striking out the number "\$15,000,000" and inserting in lieu thereof the number \$10,000,000

Fifteenth: By striking out Sec. H.100, effective dates, in its entirety and inserting in lieu thereof a new Sec. H.100 to read as follows:

#### Sec. H.100 EFFECTIVE DATES

(a) This section; Secs. C.100 through C.111 (fiscal year 2022 one-time appropriations, adjustments, and amendments); Secs. E.240.1 (7 V.S.A. § 845), E.240.2 (32 V.S.A. § 7909), E.240.3 (repeal of 2020 Acts and Resolves No. 164, Sec. 6(c)), E.240.4 (repeal of 2020 Acts and Resolves No. 164, Sec. 33(h)), and Sec. G.702 (amendment to 2021 Acts and Resolves No.74, Sec. G.700(c)); and subsection G.701(a) (offset capital funds by swap to ARPA) shall take effect upon passage.

(b) Secs. E.240.5 (7 V.S.A. § 845) and E.240.6 (32 V.S.A. § 7909(a)) shall take effect on July 1, 2025.

(c) Notwithstanding 1 V.S.A. § 214, Secs. E.709 and E.709.1 (definition of release; PCBs) shall take effect retroactively on July 1, 2021.

(d) Sec. E.702 (Fish and Wildlife) shall take effect on July 1, 2023.

(e) All remaining sections shall take effect on July 1, 2022.

Which was agreed to.

Thereupon, Senator Kitchel moved that the Senate proposal of amendment be amended by adding a Sec. E.314.2 to read as follows:

Sec. E.314.2 29 V.S.A. § 821 is amended to read:

§ 821. STATE FACILITIES

(a) State buildings.

\* \* \*

(15) “River Valley Therapeutic Residence” shall be the name of the secure residential recovery facility in Essex.

\* \* \*

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Thereupon, on motion of Senator Balint, the rules were suspended and the bill was ordered messaged to the House forthwith.

#### **Message from the House No. 52**

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 adopted joint resolution of the following title:

**J.R.H. 20.** Joint resolution authorizing remote participation in joint committees through the remainder of 2022 for members with a disability as an accommodation under the Americans with Disabilities Act.

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

#### **Adjournment**

On motion of Senator Balint, the Senate adjourned until one o'clock in the afternoon on Thursday, April 21, 2022.