

1 TO THE HOUSE OF REPRESENTATIVES:

2       The Committee on General, Housing, and Military Affairs to which was  
3 referred House Bill No. 96 entitled “An act relating to creating the Truth and  
4 Reconciliation Commission Development Task Force” respectfully reports that  
5 it has considered the same and recommends that the bill be amended by  
6 striking out all after the enacting clause and inserting in lieu thereof the  
7 following:

8 Sec. 1. INTENT

9       It is the intent of the General Assembly to establish the Vermont Truth and  
10      Reconciliation Task Force to examine and begin the process of dismantling  
11      institutional, structural, and systemic discrimination in Vermont, both past and  
12      present. The Task Force shall be composed of members of historically  
13      disadvantaged racial, indigenous, and tribal populations that have suffered  
14      from institutional, structural, and systemic discrimination in Vermont.

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

16            CHAPTER 25. TRUTH AND RECONCILIATION TASK FORCE

17            § 901. VERMONT TRUTH AND RECONCILIATION TASK FORCE;

18            ESTABLISHMENT; ORGANIZATION

19            (a) There is created and established a body corporate and politic to be  
20      known as the Vermont Truth and Reconciliation Task Force to carry out the  
21      provisions of this chapter. The Truth and Reconciliation Task Force is

1       constituted a public instrumentality exercising public and essential government  
2       functions and the exercise by the Task Force of the power conferred by this  
3       chapter shall be deemed and held to be the performance of an essential  
4       governmental function.

5       (b)(1) The Task Force shall be composed of the following 14 members:

6           (A) the Executive Director of Racial Equity or designee;  
7           (B) the Executive Director of the Human Rights Commission or  
8       designee; and

9           (C) 12 members who shall be jointly appointed by the Governor, the  
10      President Pro Tem of the Senate, and the Speaker of the House as follows:

11           (i) four members representing the Native American Indian tribes  
12      recognized pursuant to 1 V.S.A. chapter 23, one from each recognized tribe,  
13      who shall be appointed in consultation with the Vermont Commission on  
14      Native American Affairs;

15           (ii) two members who identify as Native American but who are  
16      not members of tribes recognized by the State pursuant to 1 V.S.A. chapter 23;  
17      and

18           (iii) six individuals with experience working to implement racial  
19      justice reforms or representing communities of color in Vermont, who shall be  
20      appointed in consultation with the Legislative Social Equity Caucus.

1                   (2)(A) Each member of the Task Force who is appointed pursuant to  
2                   subdivision (1)(C) of this subsection (b) shall:  
3                    (i) be a resident of Vermont;  
4                    (ii) have knowledge of the problems and challenges facing racial,  
5                   indigenous, and tribal populations in Vermont;  
6                    (iii) have experience advocating in relation to the issues of racial,  
7                   indigenous, and tribal populations in Vermont; and  
8                    (iv) have demonstrated leadership in programs or activities to  
9                   improve opportunities for racial, indigenous, and tribal populations in  
10                  Vermont.

11                  (B)(i) To the extent possible, members of the Task Force appointed  
12                  pursuant to subdivision (1)(C) of this subsection (b) shall come from diverse  
13                  backgrounds and shall represent geographically diverse areas of the State.  
14                  (ii) A majority of the members of the Task Force appointed  
15                  pursuant to subdivision (1)(C) of this subsection (b) shall be members of a  
16                  racial, indigenous, or tribal population in Vermont.

17                  (c)(1) Members of the Task Force may be removed by the appropriate  
18                  appointing authority for incompetency, failure to discharge the member's  
19                  duties, malfeasance, or illegal acts.

20                  (2) A vacancy occurring during the term of a member shall be filled by  
21                  the appropriate appointing authority for the remainder of the unexpired term.

1           (d) Annually, the Task Force shall select a chair and a vice chair from  
2         among its members.

3           (e)(1) Meetings shall be held at the call of the Chair or at the request of five  
4         or more members.

5           (2) A majority of the current membership of the Task Force shall  
6         constitute a quorum and actions of the Task Force may be authorized by a  
7         majority of the members present and voting at a meeting of the Task Force.

8           (3) The Task Force shall meet not less than 10 times per calendar year.

9           (f) Notwithstanding 32 V.S.A. § 1010, members shall be entitled to per  
10         diem compensation of \$ \_\_\_\_\_.00 plus reimbursement of expenses for attendance  
11         at meetings.

12         § 902. POWERS AND DUTIES OF THE TASK FORCE

13           (a) Duties. The Task Force shall:

14           (1) Conduct research necessary to determine the current status of  
15         historically disadvantaged racial, indigenous, and tribal populations in  
16         Vermont. The research shall include a quantitative and qualitative examination  
17         of data related to business ownership; household assets, income, and debt;  
18         housing; land ownership; employment; education; health care; access to  
19         benefits; and access to wealth and capital.

20           (2) Develop and implement a process for truth and reconciliation to  
21         address the institutional, structural, and systemic discrimination experienced

1       by historically disadvantaged racial, indigenous, and tribal populations in  
2       Vermont, both past and present.

3           (3) Promote, implement, and coordinate programs and activities to  
4       create and improve opportunities for or to eliminate disparities experienced by  
5       members of historically disadvantaged racial, indigenous, and tribal  
6       populations in Vermont.

7           (b) Powers. To carry out its duties pursuant to this chapter, the Task Force  
8       may:

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

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

13          (3) Establish and maintain a principal office.

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

15          (5) Issue subpoenas to compel testimony or access to or production of  
16      records, documents, and other evidence or possible sources of evidence or the  
17      appearance of persons, provided that the subpoena is issued pursuant to an  
18      investigation commenced by the Task Force pursuant to this chapter and that  
19      there is reasonable cause to believe that those materials or the testimony of the  
20      person are relevant to the investigation. Subpoenas issued under this  
21      subdivision shall be accompanied with a notice that informs the person that the

1       person has a right to contest the subpoena at a hearing before not less than  
2       seven members of the Task Force and that the person has the additional right to  
3       contest the subpoena in court. Subpoenas issued under this subdivision shall  
4       be enforced as provided in 3 V.S.A. §§ 809a and 809b.

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

7               (7) Hear testimony from members of historically disadvantaged racial,  
8       indigenous, and tribal populations in Vermont; members of the public; and  
9       persons with knowledge of the institutional, structural, and systemic  
10      discrimination experienced by such populations.

11               (8) Study, research, investigate, and report on the impact of State actions  
12      in relation to historically disadvantaged racial, indigenous, and tribal  
13      populations in Vermont. If the Task Force determines that the actions  
14      constituted institutional, structural, and systemic discrimination against a  
15      population, regardless of whether the discrimination was intentional or  
16      adversely impacted a population, the Task Force may propose legislative or  
17      administrative action to the General Assembly or Governor, as appropriate, to  
18      remedy the impacts on the population.

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

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

3           (11) Hire consultants and independent contractors to assist the Task  
4           Force in carrying out the provisions of this chapter.

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

7           § 903. EXECUTIVE DIRECTOR; DUTIES

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

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

14           (1) supervising and administering the implementation of the provisions  
15          of this chapter on behalf of the Task Force;

16           (2) assisting the Task Force in carrying out its duties;

17           (3) employing staff as necessary to carry out the duties of the Task  
18          Force; and

19           (4) preparing an annual budget for submission to the Task Force.

1       § 904. REPORTS

2           (a) Notwithstanding 2 V.S.A. § 20(d), the Task Force shall annually, on or  
3           before January 15, submit to the Governor and General Assembly a report on  
4           the Task Force's activities during the prior year, its findings, and any  
5           recommendations for legislative or other action necessary to further the  
6           mission of the Task Force or to address instances of institutional, structural,  
7           and systemic discrimination identified by the Task Force.

8           (b) On or before June 15, 2025, the Task Force shall submit a final report  
9           detailing its findings and recommended actions to address instances of  
10          institutional, structural, and systemic discrimination identified by the Task  
11          Force.

12        § 905. TRUTH AND RECONCILIATION TASK FORCE SPECIAL FUND

13           (a) There is established the Truth and Reconciliation Task Force Special  
14          Fund, which shall be managed in accordance with 32 V.S.A. chapter 7,  
15          subchapter 5. The Fund shall consist of amounts appropriated by the State and  
16          any gifts or grants received by the Vermont Truth and Reconciliation Task  
17          Force. The Fund shall be available to the Task Force to carry out its duties and  
18          activities pursuant to this chapter.

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

21           (c) All interest earned on Fund balances shall be credited to the Fund.

1 Sec. 3. REPEAL

2 1 V.S.A. chapter 25 (Truth and Reconciliation Task Force) is repealed on  
3 July 1, 2025.

4 Sec. 4. EFFECTIVE DATE

5 This act shall take effect on July 1, 2022.

6 and that after passage the title of the bill be amended to read: “An act  
7 relating to creating the Vermont Truth and Reconciliation Task Force”

8

9

10 (Committee vote: \_\_\_\_\_)

11 \_\_\_\_\_

12 Representative \_\_\_\_\_

13 FOR THE COMMITTEE