

DRAFT FOR DISCUSSION

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 Commission to examine and begin the process of dismantling
11 institutional, structural, and systemic discrimination in Vermont, both past and
12 present.

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

14 CHAPTER 25. TRUTH AND RECONCILIATION COMMISSION

15 § 901. DEFINITIONS

16 As used in this chapter:

17 (1) “Commission” means the Vermont Truth and Reconciliation
18 Commission, including its commissioners, committees, and staff.

19 (2) “Panel” means the Selection and Advisory Panel established
20 pursuant to section 904 of this chapter.

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1 § 902. VERMONT TRUTH AND RECONCILIATION COMMISSION;

2 ESTABLISHMENT; ORGANIZATION

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

10 (b)(1) The Commission shall consist of three commissioners appointed
11 pursuant to section 905 of this chapter and shall include one or more
12 committees established by the commissioners to examine institutional,
13 structural, and systemic discrimination experienced by each of the following
14 populations in Vermont:

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

16 (B) individuals with a disability;

17 (C) individuals of color; and

18 (D) in the commissioners' discretion, other populations that have
19 experienced institutional, structural, and systemic discrimination.

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1 (2)(A) Each committee shall consist of the commissioners and citizen
2 members appointed by the commissioners in consultation with appropriate
3 stakeholders.

4 (B) The commissioners shall:

5 (i) determine the scope and objectives of the work to be carried
6 out by each committee in consultation with appropriate stakeholders; and

7 (ii) adopt rules and procedures for the conduct of each
8 committee's work.

9 § 903. COMMISSIONERS

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

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

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

16 (2) Commissioners may be removed by the Selection Panel for
17 incompetence, failure to discharge the commissioner's duties, malfeasance, or
18 illegal acts.

19 (3) A vacancy occurring during the term of a commissioner shall be
20 filled by the Panel for the remainder of the unexpired term.

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1 § 904. SELECTION PANEL; MEMBERSHIP; DUTIES

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

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

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

8 (C) four individuals representing the Native American Indian tribes
9 recognized pursuant to 1 V.S.A. chapter 23, one from each recognized tribe,
10 who shall be appointed according to a procedure determined by the tribe;

11 (D) two individuals appointed by the Vermont Commission of Native
12 American Affairs, who shall identify as a Native American Indian but shall not
13 be a member of a tribe recognized by the State pursuant to 1 V.S.A.
14 chapter 23;

15 (E) an individual with a developmental disability, appointed by the
16 Green Mountain Self Advocates;

17 (F) an individual with a psychiatric disability, appointed by the
18 Vermont Psychiatric Survivors;

19 (G) an individual who has a disability or advocates for individuals
20 with a disability, or both, appointed by the Vermont Developmental Disability
21 Council;

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1 (H) an individual who has a disability or advocates for individuals
2 with a disability, or both, appointed by the Vermont Center for Independent
3 Living;

4 (I) an individual who has a disability or advocates for individuals
5 with a disability, or both, appointed by the Vermont Coalition for Disability
6 Rights;

7 (J) an individual appointed by the Racial Equity Advisory Panel;

8 (K) an individual jointly appointed by the Champlain Area, Rutland
9 Area, and Windham County branches of the NAACP;

10 (L) an individual appointed by Black Lives Matter of Vermont;

11 (M) an individual appointed by Justice For All; and

12 (N) an individual appointed by the Vermont Racial Justice Alliance.

13 (2) The stakeholders shall hold their first meeting on or before August 1,
14 2022 at the call of the Executive Director of the Human Rights Commission.

15 (3) Stakeholders shall be entitled to per diem compensation and
16 reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than
17 two meetings.

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

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

3 (2) Members of the Panel may be removed by the appropriate
4 appointing authority for incompetence, failure to discharge the member’s
5 duties, malfeasance, or illegal acts.

6 (3) A vacancy occurring during the term of a member of the Panel shall
7 be filled by the appropriate appointing authority for the remainder of the
8 unexpired term.

9 (d) Annually, the Panel shall select a chair and a vice chair from among its
10 members.

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

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

16 (f) Notwithstanding 32 V.S.A. § 1010, members shall be entitled to per
17 diem compensation of \$ ____ .00 plus reimbursement of expenses for attendance
18 at not more than 20 meetings per calendar year. These payments shall be made
19 from the Truth and Reconciliation Commission Special Fund.

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1 § 905. SELECTION OF COMMISSIONERS; COMMITTEE MEMBERS

2 (a)(1) On or before December 31, 2022, the Selection Panel shall select
3 three individuals to serve as the commissioners of the Vermont Truth and
4 Reconciliation Commission.

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

6 (A) establish a public, transparent, and simple process for candidates
7 to apply to serve as a commissioner;

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

11 (C) solicit nominations for individuals to serve as commissioners
12 from civil society organizations in Vermont whose work relates to the mission
13 of the Commission;

14 (D) invite Vermont residents to submit applications to serve as
15 commissioners;

16 (E) publish the names of all applicants who have applied to serve as
17 commissioners and provide not less than 30 days for members of the public to
18 submit information regarding the suitability of any applicant to serve as a
19 commissioner;

20 (F) hold private interviews for each individual selected by the Panel
21 as a finalist for selection as a commissioner; and

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1 (G) take any other actions that the Panel deems appropriate or
2 necessary to carry out its duties in relation to the selection of commissioners.

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

4 (A) be a resident of Vermont;

5 (B) have knowledge of the problems and challenges facing racial,
6 Indigenous, tribal, and disabled populations in Vermont;

7 (C) have experience advocating in relation to the issues of racial,
8 Indigenous, tribal, or disabled populations in Vermont;

9 (D) have demonstrated leadership in programs or activities to
10 improve opportunities for racial, Indigenous, tribal, or disabled populations in
11 Vermont; and

12 (E) satisfy any additional criteria established by the Panel.

13 (b) Not later than 5 days after selecting the commissioners pursuant to
14 subsection (a) of this section, the Panel shall submit a brief report to the
15 Governor and the General Assembly identifying the commissioners. The
16 names of the commissioners shall be made available to the public on the same
17 day that the report is submitted.

18 § 906. POWERS AND DUTIES OF THE COMMISSIONERS

19 (a) Duties. The commissioners shall:

20 (1) establish, in consultation with the stakeholders identified in
21 subdivision 904(a)(1) of this chapter and other stakeholders in the

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1 commissioners’ discretion, committees to examine institutional, structural, and
2 systemic discrimination experienced by each of the following populations in
3 Vermont:

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

5 (B) individuals with a disability;

6 (C) individuals of color; and

7 (D) in the commissioners’ discretion, other populations that have
8 experienced institutional, structural, and systemic discrimination in Vermont;

9 (2) determine, in consultation with the stakeholders identified in
10 subdivision 904(a)(1) of this chapter and other stakeholders in the
11 commissioners’ discretion, the scope and objectives of the work to be carried
12 out by each committee established pursuant to subdivision (1) of this
13 subsection;

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

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

19 (A) identify and examine historic and ongoing institutional,
20 structural, and systemic discrimination against members of racial, Indigenous,
21 tribal, and disabled populations in Vermont;

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1 (B) determine the current status of members of racial, Indigenous,
2 tribal, and disabled populations in Vermont; and

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

5 (5) work with the committees and Commission staff to promote,
6 implement, and coordinate programs and activities to create and improve
7 opportunities for or to eliminate disparities experienced by the populations that
8 are the subject of the committees' work;

9 (6) work with the committees and Commission staff to promote,
10 implement, and coordinate educational programs related to historic and
11 ongoing institutional, structural, and systemic discrimination against members
12 of the populations that are the subject of the committees' work;

13 (7) work in consultation with the stakeholders identified in subdivision
14 904(a)(1) of this chapter and, in the commissioners' discretion, other
15 stakeholders to ensure that the work of the Commission is open, transparent,
16 inclusive, and meaningful;

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

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

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

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

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

5 (3) Establish and maintain a principal office.

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

7 (5) Issue subpoenas to compel testimony or access to or production of
8 records, documents, and other evidence or possible sources of evidence or the
9 appearance of persons, provided that the subpoena is issued pursuant to an
10 investigation commenced by the Commission pursuant to this chapter and that
11 there is reasonable cause to believe that those materials or the testimony of the
12 person are relevant to the investigation. Subpoenas issued under this
13 subdivision shall be accompanied with a notice that informs the person that the
14 person has a right to contest the subpoena at a hearing before not less than two
15 Commissioners and that the person has the additional right to contest the
16 subpoena in court. Subpoenas issued under this subdivision shall be enforced
17 as provided in 3 V.S.A. §§ 809a and 809b.

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

20 (7) Take statements from members of racial, Indigenous, tribal, and
21 disabled populations in Vermont; members of the public; and persons with

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1 knowledge of the institutional, structural, and systemic discrimination
2 experienced by such populations.

3 (8) Study, research, investigate, and report on the impact of State actions
4 in relation to racial, Indigenous, tribal, disabled, and, in the Commissioners’
5 discretion, other populations in Vermont. If the Commission determines that
6 the actions constituted institutional, structural, and systemic discrimination
7 against a population, regardless of whether the discrimination was intentional
8 or adversely impacted a population, the Commission may propose legislative
9 or administrative action to the General Assembly or Governor, as appropriate,
10 to remedy the impacts on the population.

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

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

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

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

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1 § 907. EXECUTIVE DIRECTOR; DUTIES

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

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

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

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

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

15 (4) facilitating communications between the Commission and
16 stakeholders and members of the public;

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

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

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1 § 908. REPORTS

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

11 (b) On or before June 15, 2026, the Commission shall submit final reports
12 from each committee established pursuant to subdivision 906(a)(1) of this
13 chapter. Each report shall detail the findings and recommendations of the
14 relevant committee and shall include recommendations for actions that can be
15 taken to eliminate ongoing instances of institutional, structural, and systemic
16 discrimination and to address the harm caused by historic instances
17 institutional, structural, and systemic discrimination.

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

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1 § 909. TRUTH AND RECONCILIATION COMMISSION SPECIAL FUND

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

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

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

12 Sec. 3. APPROPRIATION

13 The sum of \$ _____ is appropriated to the Truth and Reconciliation
14 Commission Special Fund in fiscal year 2023.

15 Sec. 4. REPEAL

16 1 V.S.A. chapter 25 (Truth and Reconciliation Commission) is repealed on
17 July 1, 2026.

18 Sec. 5. EFFECTIVE DATE

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

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

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(Committee vote: _____)

Representative _____

FOR THE COMMITTEE

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