House Calendar

Friday, January 19, 2024

17th DAY OF THE ADJOURNED SESSION

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ORDERS OF THE DAY

NOTICE CALENDAR

Favorable with Amendment

H. 247

An act relating to Vermont's adoption of the Occupational Therapy Licensure Compact

Rep. Farlice-Rubio of Barnet, for the Committee on Health Care, recommends the bill be amended as follows:

By striking out Sec. 3, effective date, in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2025.

(Committee Vote: 10-0-1)

Rep. Andrews of Westford, for the Committee on Ways and Means, recommends the bill ought to pass when amended as recommended by the Committee on Health Care and when further amended by adding two new sections to be Secs. 3 and 4 to read as follows:

Sec. 3. 3 V.S.A. § 123(j)(1) is amended to read:

(j)(1) The Office may inquire into the criminal background histories of applicants for initial licensure and for license renewal of any Office-issued credential, including a license, certification, registration, or specialty designation for the following professions:

* * *

(I) speech-language pathologists licensed under 26 V.S.A. chapter 87; and

(J) occupational therapists licensed under 26 V.S.A. chapter 71; and

 (\underline{K}) individuals registered on the roster of psychotherapists who are nonlicensed and noncertified.

Sec. 4. 3 V.S.A. § 125(b) is amended to read:

(b) Unless otherwise provided by law, the following fees shall apply to all professions regulated by the Director in consultation with advisor appointees under Title 26:

* * *

(4) Biennial renewal, \$275.00, except biennial renewal for:

* * *

(B) Occupational therapists and assistants, \$180.00, except that a licensee of a remote state under the Occupational Therapy Licensure Compact established in 26 V.S.A. chapter 71, subchapter 2 shall pay a biennial \$50.00 privilege to practice fee.

* * *

And by renumbering the existing Sec. 3, effective date, to be Sec. 5

(Committee Vote: 12-0-0)

H. 518

An act relating to the approval of amendments to the charter of the Town of Essex

Rep. Boyden of Cambridge, for the Committee on Government Operations and Military Affairs, recommends the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. CHARTER AMENDMENT APPROVAL

The General Assembly approves the amendments to the charter of the Town of Essex as set forth in this act. The voters approved the proposals of amendment on March 7, 2023.

Sec. 2. 24 App. V.S.A. chapter 117 is amended to read:

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CHAPTER 117. TOWN OF ESSEX
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* * *

<u>§ 107. LICENSE FEES</u>

In addition to powers otherwise conferred upon the Town by law and this charter, the Town is authorized to adopt and enforce ordinances for the purpose of regulating, licensing, and fixing reasonable and necessary fees for the following:

(1) places of public resort, accommodation, assemblage, or amusement, whether indoor or outdoor;

(2) places dispensing food and drink to the public, such as restaurants, bars, or inns;

(3) theaters;

(4) displays of fireworks;

(5) public dances and musical performances;

(6) itinerant vendors;

(7) the exclusive occupancy of any specified portion of a public street or right-of-way;

(8) the keeping of dogs or other pets; and

(9) other activities that the Town has the power to regulate or license by virtue of general law or this charter.

* * *

§ 210. RECALL OF SELECTBOARD MEMBERS

(a) A petition signed by 15 percent of the registered voters of the municipality, based upon the total number of registered voters at the last preceding municipal election, demanding the recall of the Selectboard member or members cited in the petition, shall be filed with the Town Clerk.

(b) Within 60 days after receiving a valid petition, the Selectboard shall call a special meeting or, if annual meeting is within 60 days, include a question on the annual Town meeting ballot to vote on whether the elected officer shall be removed. The vote shall be held by Australian ballot.

(c) The Selectboard member shall be removed only if at least as many registered voters of the Town vote as voted in the election wherein the officer was elected or at least one-third of the registered voters of the Town vote, whichever is greater, and a majority of that number vote for removal. The Selectboard member or members shall be removed from office immediately, and the Selectboard shall then name a successor in accordance with the replacement provisions of this charter.

(d) A recall petition shall not be brought against an individual more than once within 12 months.

* * *

Subchapter 3. Town Meeting - Amendment of Charter Ordinances

* * *

Subchapter 4. Planning Town Manager

* * *

Subchapter 5. Department of Real Estate Appraisal Personnel

* * *

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Subchapter 6. Town Manager Meeting; Amendment of Charter

* * *

§ 701. FISCAL YEAR

The fiscal year of the Town shall begin on the first day of July and end on the last day of June of each calendar year. The fiscal year shall constitute the budget and accounting year as used in this charter. In the event of a consolidation between the Essex Town School District and the Village of Essex Junction Graded School District, the consolidated entity shall adopt the same fiscal year as the Town.

* * *

Subchapter 9. Personnel Planning

* * *

Subchapter 10. Amendment of Charter Department of Real Estate Appraisal

* * *

Subchapter 11. Severability Amendment of Charter

* * *

Subchapter 12. Severability

* * *

Sec. 3. REDESIGNATIONS

In 24 App. V.S.A. chapter 117, §§ 106 (introduction), 107 (Effective date), 108 (filing), 109 (annual Town report), 110 (reservation of powers to the Town), 203 (organization), 204 (meetings), 205 (record of proceedings), 207 (jurisdiction over other officers or employees), 208 (compensation of Selectboard), 209 (powers and duties), 301 (application of general law), 302 (time of holding), 303 (budget), 401 (Board established), 501 (creation of Department), 502 (appraisal of property), 503 (appraisal of business personal property), 504 (duties of Department), 505 (purpose), 601 (appointment of Manager), 602 (officials appointed by Manager), 703 (Town Meeting warning and budget), 901 (appointment and removal), 902 (personnel rules and regulations), 903 (prohibitions), 1001 (laws governing), and 1101 (severability) are redesignated to be §§ 301, 302, 303, 602, 105, 204, 205, 206, 209, 203, 207, 601, 604, 703, 901, 1001, 1003, 1004, 1005, 1002, 401, 402, 603, 501, 502, 503, 1101, and 1201 respectively.

Sec. 4. 24 App. V.S.A. chapter 117, § 105 is redesignated and amended to read:

§ 105 <u>106</u>. ORDINANCES—METHOD OF ADOPTION AND ENFORCEMENT

(a) The Selectboard may provide penalties for the breach of any ordinance authorized by general law or this charter, may prosecute any person violating the same through the Town Grand Juror or police officers who for such purposes shall be informing officers, and may maintain actions to restrain actual or threatened violations of the same; the establishment of any fine or penalty shall be by ordinance.

(b) Ordinance-making authority granted to the Town by this charter and general law shall be exercised pursuant to the provisions of sections 106 through 109 subchapter 3 of this charter.

Sec. 5. 24 App. V.S.A. chapter 117, § 206 is redesignated and amended to read:

§ 206 208. APPOINTMENTS BY SELECTBOARD

(a) The Selectboard shall appoint the members of the following permanent Commissions and positions:

* * *

(4) Town Manager; and

(5) Development Review Board.

* * *

Sec. 6. TRANSITIONAL PROVISION; ZONING BOARD OF

ADJUSTMENT AND DEVELOPMENT REVIEW BOARD

On or before January 1, 2025, the Zoning Board of Adjustment in the Town of Essex shall be replaced by the Development Review Board appointed by the Town Selectboard pursuant to 24 App. V.S.A. chapter 117, § 208.

Sec. 7. REPEAL

24 App V.S.A. chapter 117, § 208(a)(1) (appointments by Selectboard; Zoning Board of Adjustment) is repealed on January 1, 2025.

Sec. 8. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 11-0-1)

Rep. Anthony of Barre City, for the Committee on Ways and Means, recommends the bill ought to pass when amended as recommended by the Committee on Government Operations and Military Affairs.

(Committee Vote: 11-0-1)

H. 543

An act relating to Vermont's adoption of the Social Work Licensure Compact

Rep. Cina of Burlington, for the Committee on Health Care, recommends the bill be amended as follows:

In Sec. 2, effective date, by striking out "2024" and inserting in lieu thereof "2025"

(Committee Vote: 10-0-1)

Rep. Andrews of Westford, for the Committee on Ways and Means, recommends the bill ought to pass when amended as recommended by the Committee on Health Care and when further amended as follows:

<u>First</u>: By inserting a new Sec. 2 before the existing Sec. 2 to read as follows:

Sec. 2. 3 V.S.A. § 123 is amended to read:

§ 123. DUTIES OF OFFICE

* * *

(j)(1) The Office may inquire into the criminal background histories of applicants for initial licensure and for license renewal of any Office-issued credential, including a license, certification, registration, or specialty designation for the following professions:

* * *

(I) speech-language pathologists licensed under 26 V.S.A. chapter 87; and

(J) social workers licensed under 26 V.S.A. chapter 61; and

 (\underline{K}) individuals registered on the roster of psychotherapists who are nonlicensed and noncertified.

* * *

and by renumbering the existing Sec. 2 to be Sec. 3

<u>Second</u>: In the newly renumbered Sec. 3, effective date, by striking out "July 1, 2025" and inserting in lieu thereof "passage"

(Committee Vote: 12-0-0)

H. 649

An act relating to the Vermont Truth and Reconciliation Commission

Rep. McCarthy of St. Albans City, for the Committee on Government Operations and Military Affairs, recommends the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 2022 Acts and Resolves No. 128, Sec. 4 is amended to read:

Sec. 4. REPEAL

1 V.S.A. chapter 25 (Truth and Reconciliation Commission) is repealed on July 1, 2026 May 1, 2027.

Sec. 2. 1 V.S.A. § 903 is amended to read:

§ 903. COMMISSIONERS

* * *

(c) The term of each commissioner shall begin on the date of appointment and end on July 1, 2026 May 1, 2027.

Sec. 3. 1 V.S.A. § 904 is amended to read:

§ 904. SELECTION PANEL; MEMBERSHIP; DUTIES

(a)(1) The Selection Panel shall be composed of seven members selected on or before September 1, 2022 by a majority vote of the following <u>five</u> <u>members</u>:

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

(B)(2) the Executive Director of the Vermont Center for Independent Living or designee;

(C)(3) an individual, who shall not be a current member of the General Assembly, appointed by the Speaker of the House;

(D)(4) an individual, who shall not be a current member of the General Assembly, appointed by the Committee on Committees; and

(E)(5) an individual appointed by the Chief Justice of the Vermont Supreme Court.

(2) The individuals identified in subdivision (1) of this subsection:

(A) shall hold their first meeting on or before August 1, 2022 at the call of the individual appointed by the Chief Justice of the Vermont Supreme Court; and

(B) are encouraged to appoint individuals to the Selection Panel who include members of the populations and communities identified pursuant to subdivisions 902(b)(1)(A) (D) of this chapter and who are diverse with respect to socioeconomic status, work, education, geographic location, gender, and sexual identity.

(3) Individuals selected pursuant to subdivision (1) of this subsection who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than two meetings. These payments shall be made from amounts appropriated to the Truth and Reconciliation Commission.

(b)(1) The Selection Panel shall select and appoint the commissioners of the Truth and Reconciliation Commission as provided pursuant to section 905 of this chapter.

(2) To enable it to carry out its duty to select and appoint the commissioners of the Truth and Reconciliation Commission as provided pursuant to section 905 of this chapter, the Panel may:

(A) adopt procedures as necessary to carry out the duties set forth in section 905 of this chapter; and

(B) establish and maintain a principal office;

(C) meet and hold hearings at any place in this State; and

(D) hire temporary staff to provide administrative assistance during the period from September 1, 2022 through January 15, 2023, provided that if the Panel extends the time to select commissioners pursuant to subdivision 905(c)(1) of this chapter, it may retain staff to provide administrative assistance through March 31, 2023.

(c) The term of each member of the Panel shall begin on the date of appointment and end on January 15, 2023, except if the Panel extends the time to select commissioners pursuant to subdivision 905(c)(1) of this chapter, the term of the Panel members shall end on March 31, 2023 May 1, 2027.

(d) The Panel shall select a chair and a vice chair from among its members.

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

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

(f) Members of the Panel who are not otherwise compensated by the State shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than 20 meetings during fiscal year 2023 meetings to carry out the Panel's duties pursuant to this section and sections 905 and 905a of this chapter. These payments shall be made from amounts appropriated to the Truth and Reconciliation Commission.

(g) The Panel shall have the administrative and legal assistance of the Truth and Reconciliation Commission.

(h)(1) A member of the Panel that is not serving ex officio may be removed by the appropriate appointing authority for incompetence, failure to discharge the member's duties, malfeasance, or illegal acts.

(2) A vacancy occurring on the Panel shall be filled by the appropriate appointing authority for the remainder of the term.

Sec. 4. 1 V.S.A. § 905 is amended to read:

§ 905. SELECTION OF COMMISSIONERS

* * *

(d) The Panel shall fill any vacancy occurring among the commissioners within 60 days after the vacancy occurs in the manner set forth in subsections (a) and (b) of this section. A commissioner appointed to fill a vacancy pursuant to this subsection shall be appointed to serve for the balance of the unexpired term.

Sec. 5. APPOINTMENT TO FILL EXISTING COMMISSION VACANCY

The Selection Panel established pursuant to 1 V.S.A. § 905 shall fill the vacancy existing on the Truth and Reconciliation Commission on the effective date of this act not later than 60 days after the appointive members of the Panel are appointed.

Sec. 6. 1 V.S.A. § 905a is added to read:

§ 905a. REMOVAL OR REPRIMAND OF COMMISSIONERS FOR

MISCONDUCT

The Selection Panel may, after notice and an opportunity for a hearing, reprimand or remove a commissioner for incompetence, failure to discharge the commissioner's duties, malfeasance, illegal acts, or other actions that the

Panel determines would substantially and materially harm the credibility of the Truth and Reconciliation Commission or its ability to carry out its work pursuant to the provisions of this chapter. Notwithstanding subdivision 904(e)(2) of this chapter, the reprimand or removal of a commissioner shall only be authorized by a vote of the majority of the members of the Panel.

Sec. 7. 1 V.S.A. § 906 is amended to read:

§ 906. POWERS AND DUTIES OF THE COMMISSIONERS

* * *

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

* * *

(13)(A) Establish groups in which individuals who have experienced institutional, structural, or systemic discrimination or are a member of a population or community that has experienced institutional, structural, or systemic discrimination may participate for purposes of sharing experiences and providing mutual support.

(B) Commissioners shall not participate in any meeting or session of a group established pursuant to this subdivision (13).

(C) Groups established pursuant to this subdivision (13) may continue to exist after the date on which the Commission ceases to exist, provided that after that date Commission staff shall no longer provide any assistance or services to the groups and Commission funds shall no longer be spent in support of the groups.

Sec. 8. 1 V.S.A. § 908 is amended to read:

§ 908. REPORTS

* * *

(b)(1) On or before June <u>April</u> 15, 2026 2027, the Commission shall submit a final report incorporating the findings and recommendations of each committee. Each report shall detail the findings and recommendations of the relevant committee and shall include recommendations for actions that can be taken to eliminate ongoing instances of institutional, structural, and systemic discrimination and to address the harm caused by historic instances of institutional, structural, and systemic discrimination.

(2) The Commission shall, on or before January October 15, 2026, make a draft of the final report publicly available and provide copies of the draft to interested parties from the populations and communities identified

pursuant to subdivision 902(b)(1) of this chapter and other interested parties. The Commission shall provide the interested parties and members of the public with not less than 60 days to review the draft and provide comments on it. The Commission shall consider fully all comments submitted in relation to the draft and shall include with the final version of the report a summary of all comments received and a concise statement of the reasons why the Commission decided to incorporate or reject any proposed changes. Comments submitted in relation to the final report shall be made available to the public in a manner that complies with the requirements of section $910 \ 909$ of this chapter.

* * *

Sec. 9. 1 V.S.A. § 909 is amended to read:

§ 909. ACCESS TO INFORMATION; CONFIDENTIALITY

* * *

(d) Private proceedings.

(1) The Notwithstanding any provision of chapter 5, subchapter 2 of this title, the Vermont Open Meeting Law, or section 911 of this chapter to the contrary, the Commission shall permit any individual who is interviewed by the Commission to elect to have their interview conducted in a manner that protects the individual's privacy and to have any recording of the interview kept confidential by the Commission. Any other record or document produced in relation to an interview conducted pursuant to this subdivision (d)(1) shall only be available to the public in an anonymized form that does not reveal the identity of any individual.

* * *

Sec. 10. 1 V.S.A. § 911 is added to read:

§ 911. LIMITED ACCESS COMMISSION MEETINGS; EXCEPTION TO

OPEN MEETING LAW

(a)(1) As used in this subsection, "limited access meeting" means a meeting of the Commission that is livestreamed and video recorded to which access and participation by members of the general public is limited as provided in this subsection.

(2) Upon a finding by the Commission that there are material threats to the health or safety of the Commission, its staff, witnesses, or invitees, the Commission may hold a limited access meeting. During a limited access meeting, the Commission may restrict attendance at the meeting, whether the attendance is in person or by electronic or other means, and participation in the meeting to:

(A) Commission staff and legal counsel;

(B) persons who are providing testimony or information to the Commission during the meeting;

(C) members of the media; and

(D) other persons whose presence the Commission determines is needed at the meeting.

(3)(A) The Commission shall include in the agenda for a limited access meeting information that allows the public to directly access a livestream of the meeting. The video recording of any limited access meeting shall be posted and made available for inspection or copying under the Public Records Act.

(B) The Commission shall not be required to livestream or video record any portions of a limited access meeting that are held in executive session pursuant to 1 V.S.A. § 313.

(4) Limited access meetings shall only be conducted electronically to the extent that electronic meetings are permitted for public bodies and in a manner that is consistent with applicable laws governing electronic meetings of public bodies.

(b) Notwithstanding any provision of chapter 5, subchapter 2 of this title, the deliberations of a quorum or more of the members of the Commission shall not be subject to the Vermont Open Meeting Law.

Sec. 11. LEGISLATIVE INTENT

It is the intent of the General Assembly that limited access meetings held by the Truth and Reconciliation Commission pursuant to 1 V.S.A. § 911 shall be:

(1) utilized only when necessary to ensure the safety of the proceedings and to protect persons who may have experienced trauma who come before the Commission; and

(2) conducted in a manner that is trauma-informed and best ensures the safety of all participants.

Sec. 12. 1 V.S.A. § 912 is added to read:

§ 912. GROUP SESSIONS; DUTY OF CONFIDENTIALITY

(a) The sessions of groups established pursuant to subdivision 906(b)(13) of this chapter shall be confidential and privileged. Participants in a group

session, including Commission staff or individuals whom the Commission contracts with to facilitate group sessions, shall be subject to a duty of confidentiality and shall keep confidential any information gained during a group session.

(b) A person who attended a group session may bring a private action in the Civil Division of the Superior Court for damages resulting from a breach of the duty of confidentiality established pursuant to this section.

(c) This section shall not be construed to limit or otherwise affect the application of a common law duty of confidentiality to group sessions and any action that may be brought based on a breach of that duty.

(d) Nothing in this section shall be construed to prohibit the limited disclosure of information to specific persons under the following circumstances:

(1) The disclosure:

(A) relates to a threat or statement of a plan made during a group session that the individual reasonably believes is likely to result in death or bodily injury to themselves or others or damage to the property of themselves or another person; and

(B) is made to law enforcement authorities or another person that is reasonably able to prevent or lessen the threat.

(2) The disclosure is based on a reasonable suspicion of abuse or neglect of a child or vulnerable adult and a report is made in accordance with the provisions of 33 V.S.A. § 4914 or 33 V.S.A. § 6903 or to comply with another law.

(e) The Commission shall ensure that all participants in a group session are provided with notice of the provisions of this section, including any rights and obligations of participants that are established pursuant to this section.

(f) As used in this section, "group session" means any meeting of a group established pursuant to subdivision 906(b)(13) of this chapter for purposes of the participants sharing or discussing their experiences and providing mutual support. "Group session" does not include any gathering of the participants in a group established pursuant to subdivision 906(b)(13) of this chapter that includes one or more members of the Commission.

Sec. 13. APPROPRIATION

<u>The sum of \$1,100,000.00 is appropriated from the General Fund to the</u> <u>Truth and Reconciliation Commission in fiscal year 2025 for the operating</u> <u>expenses of the Commission.</u> Sec. 14. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 9-3-0)

H. 659

An act relating to captive insurance

Rep. White of Bethel, for the Committee on Commerce and Economic Development, recommends the bill be amended as follows:

<u>First</u>: In Sec. 2, 8 V.S.A. § 6034h, in the section heading, by striking out the word "<u>GIFT</u>" and inserting in lieu thereof the word "<u>CELL</u>"

<u>Second</u>: In Sec. 19, effective date, by striking out "July 1, 2024" and inserting in lieu thereof "passage"

(Committee Vote: 9-0-2)

Rep. Kornheiser of Brattleboro, for the Committee on Ways and Means, recommends the bill ought to pass when amended as recommended by the Committee on Commerce and Economic Development.

(Committee Vote: 12-0-0)

Favorable

H. 554

An act relating to approval of the adoption of the charter of the Town of South Hero

Rep. Morgan of Milton, for the Committee on Government Operations and Military Affairs, recommends the bill ought to pass.

(Committee Vote: 12-0-0)

Rep. Anthony of Barre City, for the Committee on Ways and Means, recommends the bill ought to pass.

(Committee Vote: 12-0-0)

CONSENT CALENDAR

Concurrent Resolutions for Adoption Under Joint Rules 16a - 16d

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration in that member's chamber before today's adjournment. Requests for floor consideration in either chamber should be communicated to the Senate Secretary's Office or the House Clerk's Office, as applicable. For text of resolutions, see Addendum to House Calendar of January 18, 2024.

H.C.R. 136

House concurrent resolution recognizing February 2024 as School Board Recognition Month in Vermont

H.C.R. 137

House concurrent resolution congratulating the 2023 Georgia Elementary and Middle School Chargers seventh- and eighth-grade girls' soccer team on completing an outstanding, undefeated season

H.C.R. 138

House concurrent resolution commemorating the centennial of the Vermont State Parks

H.C.R. 139

House concurrent resolution commemorating the bicentennial of Mt. Anthony Masonic Lodge No. 13

H.C.R. 140

House concurrent resolution in memory of former Representative John C. Candon of Norwich

H.C.R. 141

House concurrent resolution honoring Director of Elections and Campaign Finance Will Senning for his superb public service

For Informational Purposes

Grants and Positions that have been submitted to the Joint Fiscal Committee by the Administration, under 32 V.S.A. (5(b)(3)(D)):

JFO #3177: \$2,543,564.00 to the Agency of Natural Resources, Secretary's Office from the U.S. Environmental Protection Agency. Funding is phase one of a two-phase funding opportunity aimed to support Vermont with climate change mitigation planning efforts. A comprehensive climate action plan will

be developed, to overlap with and be synonymous to the required update to Vermont's Climate Action Plan in 2025.

[Received January 12, 2024]

JFO #3178: \$456,436.00 to the Agency of Natural Resources, Secretary's Office from the U.S. Environmental Protection Agency. Funds will support (1) limited-service position, Environmental Analyst IV. This position will serve as administrative lead developing the updated Climate Action Plan with the Vermont Climate Council and perform added work required by the EPA grant. Position is funded through 6/30/2027.

[Received January 11, 2024]

JFO #3176: \$250,000.00 to the Agency of Human Services, Department of Mental Health from the National Association of State Mental Health Program Directors. These funds will increase rapid access to behavioral health care by supporting the peer service component of the mental health urgent care clinic being established in Chittenden County. This clinic will offer an alternative to seeking mental health care in emergency departments

[Received January 11, 2024]