House Calendar

Thursday, February 29, 2024

58th DAY OF THE ADJOURNED SESSION

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ACTION CALENDAR

Third Reading

H. 629

An act relating to changes to property tax abatement and tax sales

H. 694

An act relating to sexual exploitation

Favorable with Amendment

H. 128

An act relating to removing regulatory barriers for working lands businesses

Rep. O'Brien of Tunbridge, for the Committee on Agriculture, Food Resiliency, and Forestry, recommends the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Working Lands Business * * *

Sec. 1. 10 V.S.A. § 6093 is amended to read:

§ 6093. MITIGATION OF PRIMARY AGRICULTURAL SOILS

(a) Mitigation for loss of primary agricultural soils. Suitable mitigation for the conversion of primary agricultural soils necessary to satisfy subdivision 6086(a)(9)(B)(iv) of this title shall depend on where the project tract is located.

* * *

(5) Wood products manufacturers. Notwithstanding any provision of this chapter to the contrary, a conversion of primary agricultural soils by a wood products manufacturer shall be allowed to pay a mitigation fee computed according to the provisions of subdivision (1) of this subsection, except that it shall be entitled to a ratio of 1:1 protected acres to acres of affected primary agricultural soil.

* * *

Sec. 2. 10 V.S.A. § 6081 is amended to read:

§ 6081. PERMITS REQUIRED; EXEMPTIONS

* * *

- (z) No permit or permit amendment shall be required if less than one acre of land is physically altered for either:
- (1) a sawmill that produces three and one-half million board feet or less annually; or
- (2) an operation that involves the primary processing of wood products of commercial value and that annually produces:
 - (A) 3,500 cords or less of firewood or cordwood; or
- (B) 10,000 tons or less of bole wood, whole tree chips, mulch, or wood pellets.

Sec. 3. REPEAL

10 V.S.A. § 6084(g) is repealed.

- Sec. 4. 24 V.S.A. § 4412(11) is amended to read:
- (11) Accessory on-farm businesses. No bylaw shall have the effect of prohibiting an accessory on-farm business at the same location as a farm.
 - (A) Definitions. As used in this subdivision (11):
- (i) "Accessory on-farm business" means activity that is accessory to on a farm, the revenues of which may exceed the revenues of the farming operation, and comprises one or both of the following:
- (I) The storage, preparation, processing, and sale of qualifying products, provided that more than 50 percent of the total annual sales are from the qualifying products that are produced on the <u>a</u> farm at which the business is located; the sale of products that name, describe, or promote the farm or accessory on-farm business, including merchandise or apparel that features the farm or accessory on-farm business; or the sale of bread or baked goods baked in the State.
- (II) Educational, recreational, or social events <u>or farm stays</u> that feature agricultural practices or qualifying products, or both. Such events may include tours of the farm, farm stays, tastings and meals featuring qualifying products, and classes or exhibits in the preparation, processing, or harvesting of qualifying products. As used in this subdivision (II), "farm stay" means a paid, overnight guest accommodation on a farm for the purpose of participating in educational, recreational, or social activities on the farm that feature agricultural practices or qualifying products, or both. A farm stay includes the option for guests to participate in such activities.
- (ii) "Educational, recreational, or social events" may include tours of the farm, farm stays, tastings and meals featuring qualifying products grown

or raised on the farm where the business is located, and classes or exhibits in the preparation, processing, or harvesting of qualifying products.

- (ii)(iii) "Farm" means a parcel or parcels owned, leased, or managed by a person, devoted primarily to farming, and subject to the RAP rules. For leased lands to be part of a farm, the lessee must exercise control over the lands to the extent they would be considered as part of the lessee's own farm. Indicators of such control include whether the lessee makes day-to-day decisions concerning the cultivation or other farming-related use of the leased lands and whether the lessee manages the land for farming during the lease period.
- (iii)(iv) "Farming" shall have has the same meaning as in 10 V.S.A. § 6001.
- (v) "Farm stay" means a paid, overnight guest accommodation on a farm for the purpose of participating in educational, recreational, or social activities on the farm. A farm stay includes the option for guests to participate in those activities.
- (vi) "To feature agricultural practices or qualifying products" means a host farm's agricultural practices or its qualifying products are a substantial component of any educational, recreational, or social event the accessory on-farm business hosts. For social or recreational events like weddings or concerts that may have a purpose wholly independent of the host farm's activities, agricultural practices or qualifying products must be an integral component of the event to satisfy the definition of an accessory on-farm business. A farm that is exclusively serving as an event location is not featuring agricultural practices or qualifying products.
- (iv)(vii) "Qualifying product" means a product that is wholly principally:
- (I) an agricultural, horticultural, viticultural, or dairy commodity, or maple syrup;
 - (II) livestock or cultured fish or a product thereof;
 - (III) a product of poultry, bees, an orchard, or fiber crops;
 - (IV) a commodity otherwise grown or raised on a farm; or
- (V) a product manufactured on one or more farms from commodities wholly grown or raised on one or more farms.
- (v)(viii) "RAP rules" means the rules on required agricultural practices adopted pursuant to 6 V.S.A. chapter 215, subchapter 2.

- (B) Eligibility. For an accessory on-farm business to be eligible for the benefit of this subdivision (11), the business shall comply with each of the following:
- (i) The business is operated by the farm owner, one or more persons residing on the farm parcel, or the lessee of a portion of the farm.
- (ii) The farm meets the threshold criteria for the applicability of the RAP rules as set forth in those rules.
- (C) Use of structures or land. An accessory on-farm business may take place inside new or existing structures or on the land.
- (D) Review; permit. Activities of an accessory on-farm business that are not exempt under section 4413 of this title may be subject to site plan review pursuant to section 4416 of this title. A bylaw may require that such activities meet the same performance standards otherwise adopted in the bylaw for similar commercial uses pursuant to subdivision 4414(5) of this title.
- (E) Less restrictive. A municipality may adopt a bylaw concerning accessory on-farm businesses that is less restrictive than the requirement of this subdivision (11).
- (F) Notification; training. The Secretary of Agriculture, Food and Markets shall provide periodic written notification and training sessions to farms subject to the RAP rules on the existence and requirements of this subdivision (11) and the potential need for other permits for an accessory onfarm business, including a potable water and wastewater system permit under 10 V.S.A. chapter 64.
- Sec. 5. 10 V.S.A. § 6001 is amended to read:

§ 6001. DEFINITIONS

As used in this chapter:

* * *

- (45) "Agricultural products" means raw agricultural commodities or processed or manufactured agricultural products.
- (46) "Principally produced" means, for the purposes of subdivision (22)(E) of this section, that more than 50 percent of a raw agricultural commodity or other agricultural product is grown or produced on the farm. The majority percentage shall be determined over a consistent and reasonably defined time period. The percentage of a raw agricultural commodity grown or produced on the farm shall be determined by measuring the commodity's volume or weight. The percentage of an agricultural product grown or

produced on the farm shall be determined by measuring the volume or weight of the product ingredients or materials, excluding water.

Sec. 6. 10 V.S.A. § 6081 is amended to read:

§ 6081. PERMITS REQUIRED; EXEMPTIONS

* * *

(t) No permit or permit amendment is required for the construction of improvements for an accessory on-farm business as defined in 24 V.S.A. § 4412(11)(A) if less than one acre of land is physically altered.

* * *

* * * Effective Date * * *

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

(Committee Vote: 10-0-1)

Action Postponed Until March 13, 2024

Favorable with Amendment

S. 18

An act relating to banning flavored tobacco products and e-liquids

Rep. Brumsted of Shelburne, for the Committee on Human Services, recommends the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The General Assembly finds that:

- (1) Tobacco use is costly. Vermont spends more than \$400 million annually to treat tobacco-caused illnesses, including more than \$90 million each year in Medicaid expenses. This translates into a tax burden each year of over \$1,000.00 per Vermont household. Smoking-related productivity losses add another \$576 million in additional costs each year.
- (2) Youth tobacco use is growing due to e-cigarettes. Seven percent of Vermont high school students smoke, but if e-cigarette use is included, 28 percent of Vermont youths use some form of tobacco product. More than one in four Vermont high school students now uses e-cigarettes. Use more than doubled among this age group, from 12 percent to 26 percent, between 2017 and 2019.

(3) Menthol cigarette use is more prevalent among persons of color who smoke than among white persons who smoke and is more common among lesbian, gay, bisexual, and transgender smokers than among heterosexual smokers. Eighty-five percent of African American adult smokers use menthol cigarettes, and of Black youths 12–17 years of age who smoke, seven out of 10 use menthol cigarettes. Tobacco industry documents show a concerted effort to target African Americans through specific advertising efforts.

Sec. 2. 7 V.S.A. chapter 40 is amended to read:

CHAPTER 40. TOBACCO PRODUCTS

§ 1001. DEFINITIONS

As used in this chapter:

- (1) "Bidis" or "Beedies" means a product containing tobacco that is wrapped in temburni leaf (diospyros melanoxylon) or tendu leaf (diospyros exculpra), or any other product that is offered to, or purchased by, consumers as bidis or beedies.
 - (2) "Board" means the Board of Liquor and Lottery.
- (3) "Characterizing flavor" means a taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a tobacco product or tobacco substitute, or a component part or byproduct of a tobacco product or tobacco substitute. The term includes tastes or aromas relating to any fruit, chocolate, vanilla, honey, maple, candy, cocoa, dessert, alcoholic beverage, mint, menthol, wintergreen, herb or spice, or other food or drink, or to any conceptual flavor that imparts a taste or aroma that is distinguishable from tobacco flavor but may not relate to any particular known flavor. The term also includes induced sensations, such as those produced by synthetic cooling agents, regardless of whether the agent itself imparts any taste or aroma.
- (4) "Child-resistant packaging" means packaging that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance in the container within a reasonable time and not difficult for normal adults to use properly but does not mean packaging that all children under five years of age cannot open or obtain a toxic or harmful amount of the substance in the container within a reasonable time.

(5) "Cigarette" means:

(A) any roll of tobacco wrapped in paper or any substance not containing tobacco; and

- (B) any roll of tobacco wrapped in a substance containing tobacco that, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subdivision (A) of this subdivision (5).
 - (2)(6) "Commissioner" means the Commissioner of Liquor and Lottery.
- (3) "Tobacco products" means cigarettes, little cigars, roll-your-own tobacco, snuff, cigars, new smokeless tobacco, and other tobacco products as defined in 32 V.S.A. § 7702.
- (4) "Vending machine" means any mechanical, electronic, or other similar device that dispenses tobacco products for money.
- (7) "E-liquid" means the solution, substance, or other material used in or with a tobacco substitute that is heated or otherwise acted upon to produce an aerosol, vapor, or other emission to be inhaled or otherwise absorbed by the user, regardless of whether the solution, substance, or other material contains nicotine. The term does not include cannabis products as defined in section 831 of this title or products that are regulated by the Cannabis Control Board.
- (8) "E-liquid container or other container holding a liquid or gel substance containing nicotine" means a bottle or other container of an e-liquid containing nicotine or a nicotine liquid or other substance containing nicotine that is sold, marketed, or intended for use in a tobacco substitute. The term does not include a container containing nicotine in a cartridge that is sold, marketed, or intended for use in a tobacco substitute if the cartridge is prefilled and sealed by the manufacturer and not intended to be opened by the consumer.
- (9) "Flavored e-liquid" means any e-liquid with a characterizing flavor. An e-liquid shall be presumed to be a flavored e-liquid if a licensee, a manufacturer, or a licensee's or manufacturer's agent or employee has made a statement or claim directed to consumers or the public, whether express or implied, that the product has a distinguishable taste or aroma other than the taste or aroma of tobacco.
- (10) "Flavored tobacco product" means any tobacco product with a characterizing flavor. A tobacco product shall be presumed to be a flavored tobacco product if a licensee, a manufacturer, or a licensee's or manufacturer's agent or employee has made a statement or claim directed to consumers or the public, whether express or implied, that the product has a distinguishable taste or aroma other than the taste or aroma of tobacco.
- (11) "Flavored tobacco substitute" means any tobacco substitute with a characterizing flavor. A tobacco substitute shall be presumed to be a flavored

- tobacco substitute if a licensee, a manufacturer, or a licensee's or manufacturer's agent or employee has made a statement or claim directed to consumers or the public, whether express or implied, that the product has a distinguishable taste or aroma other than the taste or aroma of tobacco.
- (12) "Licensed wholesale dealer" means a wholesale dealer licensed under 32 V.S.A. chapter 205.
- (13) "Little cigars" means any rolls of tobacco wrapped in leaf tobacco or any substance containing tobacco, other than any roll of tobacco that is a cigarette, and as to which 1,000 units weigh not more than three pounds.
- (14) "Nicotine" means the chemical substance named 3-(1-Methyl-2-pyrrolidinyl)pyridine or C[10]H[14]N[2], including any salt or complex of nicotine, whether naturally or synthetically derived.
- (15) "Proper proof of age" means a valid authorized form of identification as defined in section 589 of this title.
- (16) "Retail dealer" means a person licensed pursuant to section 1002 of this title.
- (17) "Roll-your-own tobacco" means any tobacco that, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes.
- (18) "Snuff" means any finely cut, ground, or powdered tobacco that is not intended to be smoked, has a moisture content of not less than 45 percent, and is not offered in individual single-dose tablets or other discrete single-use units.
- (5)(19) "Tobacco license" means a license issued by the Division of Liquor Control under this chapter permitting the licensee to engage in the retail sale of tobacco products.
- (6) "Bidis" or "Beedies" means a product containing tobacco that is wrapped in temburni leaf (diospyros melanoxylon) or tendu leaf (diospyros exculpra), or any other product that is offered to, or purchased by, consumers as bidis or beedies.
- (7)(20) "Tobacco paraphernalia" means any device used, intended for use, or designed for use in smoking, inhaling, ingesting, or otherwise introducing tobacco products, tobacco substitutes, e-liquids, or a combination of these, into the human body, or for preparing tobacco for smoking, inhaling, ingesting, or otherwise introducing into the human body, including devices for holding tobacco, rolling paper, wraps, cigarette rolling machines, pipes, water pipes, carburetion devices, bongs, and hookahs, and clothing or accessories

adapted for use with a tobacco product, a tobacco substitute, an e-liquid, or tobacco paraphernalia.

- (21) "Tobacco products" means cigarettes, little cigars, roll-your-own tobacco, snuff, cigars, new smokeless tobacco, and any other product manufactured from, derived from, or containing tobacco that is intended for human consumption by smoking, by chewing, or in any other manner.
- (8)(22)(A) "Tobacco substitute" means products any product that is not a tobacco product, as defined in subdivision (21) of this section, and that meets one or both of the following descriptions:
- (i) a product, including an electronic eigarettes cigarette or other electronic or battery-powered devices device, or any component, part, or accessory thereof, that contain or are contains or is designed to deliver nicotine or other substances into the body through the inhalation or other absorption of aerosol, vapor, or other emission and that have has not been approved by the U.S. Food and Drug Administration for tobacco cessation or other medical purposes; or
- (ii) an oral nicotine product or any other item that is designed to deliver nicotine into the body, including a product or item containing or delivering nicotine that has been extracted from a tobacco plant or leaf.
- (B) Cannabis products as defined in section 831 of this title or products that have been approved by the U.S. Food and Drug Administration for tobacco cessation or other medical purposes shall not be considered to be tobacco substitutes.
- (23) "Vending machine" means any mechanical, electronic, or other similar device that sells or dispenses tobacco products, tobacco substitutes, eliquids, tobacco paraphernalia, or a combination of these.
- (24) "Wholesale dealer" means a person who imports or causes to be imported into the State any cigarettes, little cigars, roll-your-own tobacco, snuff, new smokeless tobacco, or other tobacco product for sale or who sells or furnishes any of these products to other wholesale dealers or retail dealers for the purpose of resale, but not by small quantity or parcel to consumers thereof.

§ 1002. LICENSE REQUIRED; APPLICATION; FEE; ISSUANCE

(a)(1) Except as provided in subsection (h) of this section, no person shall engage in the retail sale of tobacco products, tobacco substitutes, <u>e-liquids</u>, or tobacco paraphernalia in the person's place of business without a tobacco license obtained from the Division of Liquor Control.

* * *

- (e) A person who sells tobacco products, tobacco substitutes, <u>e-liquids</u>, or tobacco paraphernalia without obtaining a tobacco license and a tobacco substitute endorsement, as applicable, in violation of this section shall be guilty of a misdemeanor and fined not more than \$200.00 for the first offense and not more than \$500.00 for each subsequent offense.
- (f) No individual under 16 years of age may sell tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia.
- (g) No person shall engage in the retail sale of tobacco products, tobacco substitutes, substances containing nicotine or otherwise intended for use with a tobacco substitute e-liquids, or tobacco paraphernalia in the State unless the person is a licensed wholesale dealer as defined in 32 V.S.A. § 7702 or has purchased the tobacco products, tobacco substitutes, substances containing nicotine or otherwise intended for use with a tobacco substitute e-liquids, or tobacco paraphernalia from a licensed wholesale dealer.
- (h) This section shall not apply to a cannabis establishment licensed pursuant to chapter 33 of this title to engage in the retail sale of cannabis products as defined in section 831 of this title but not engaged in the sale of tobacco products or tobacco substitutes.

* * *

§ 1003. SALE OF TOBACCO PRODUCTS; TOBACCO SUBSTITUTES; <u>E-LIQUIDS</u>; TOBACCO PARAPHERNALIA; REQUIREMENTS; PROHIBITIONS

- (a)(1) A person shall not:
- (A) sell or provide tobacco products, tobacco substitutes, <u>e-liquids</u>, or tobacco paraphernalia to any person under 21 years of age; <u>or</u>
- (B) knowingly enable the usage of tobacco products, tobacco substitutes, or e-liquids by a person under 21 years of age.
- (2)(A) Except as otherwise provided in subdivision (B) of this subdivision (2), a person, including a retail dealer, who violates subdivision (1) of this subsection (a) shall be subject to a civil penalty of not more than \$500.00 for the first offense and not more than \$2,000.00 for any subsequent offense.
- (B) An employee of a retail dealer who violates subdivision (1) of this subsection (a) in the course of employment shall be subject to a civil penalty of not more than \$100.00 for a first offense and not more than \$500.00

for any subsequent offense. This penalty shall be in addition to the penalty imposed on the retail dealer pursuant to subdivision (A) of this subdivision (2).

- (C) An action under this subsection (a) shall be brought in the same manner as for a traffic violation pursuant to 23 V.S.A. chapter 24 and shall be brought within 24 hours after the occurrence of the alleged violation.
- (b) All vending machines selling <u>or dispensing</u> tobacco products, <u>tobacco</u> <u>substitutes</u>, <u>e-liquids</u>, <u>or tobacco paraphernalia</u>, <u>or a combination of these</u>, are prohibited.
- (c)(1) Persons holding a tobacco license may only display or store tobacco products or, tobacco substitutes, and e-liquids:
- (A) behind a sales counter or in any other area of the establishment that is inaccessible to the public; or
 - (B) in a locked container.
 - (2) This subsection shall not apply to the following:
- (A) a display of tobacco products, tobacco substitutes, or e-liquids that is located in a commercial establishment in which by law no person under 21 years of age is permitted to enter at any time;
- (B) cigarettes in unopened cartons and smokeless tobacco in unopened multipack containers of 10 or more packages, any of which shall be displayed in plain view and under the control of a responsible employee so that removal of the cartons or multipacks from the display can be readily observed by that employee; or
- (C) cigars and pipe tobacco stored in a humidor on the sales counter in plain view and under the control of a responsible employee so that the removal of these products from the humidor can be readily observed by that employee.
- (d) The sale and the purchase of bidis is prohibited. A person who holds a tobacco license who sells bidis as prohibited by this subsection shall be fined not more than \$500.00. A or a person who purchases bidis from any source shall be fined subject to a civil penalty of not more than \$250.00 for a first offense and not more than \$500.00 for a subsequent offense.
- (e) No person holding a tobacco license shall sell cigarettes or little cigars individually or in packs that contain fewer than 20 cigarettes or little cigars.
- (f) As used in this section, "little cigars" means any rolls of tobacco wrapped in leaf tobacco or any substance containing tobacco, other than any roll of tobacco that is a cigarette within the meaning of 32 V.S.A. § 7702(1),

and as to which 1,000 units weigh not more than three pounds "enable the usage of tobacco products, tobacco substitutes, or e-liquids" means creating a direct and immediate opportunity for a person to use tobacco products, tobacco substitutes, or e-liquids, or a combination of these.

§ 1004. PROOF OF AGE FOR THE SALE OF TOBACCO PRODUCTS; TOBACCO SUBSTITUTES; <u>E-LIQUIDS</u>; TOBACCO PARAPHERNALIA

- (a) A person shall exhibit proper proof of his or her the person's age upon demand of a person licensed under this chapter, an employee of a licensee, or a law enforcement officer. If the person fails to provide proper proof of age, the licensee shall be entitled to refuse to sell tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia to the person. The sale or furnishing of tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia to a person exhibiting proper proof of age shall be prima facie evidence of a licensee's compliance with section 1007 of this title.
- (b) As used in this section, "proper proof of age" means a valid authorized form of identification as defined in section 589 of this title.
- § 1005. PERSONS UNDER 21 YEARS OF AGE; POSSESSION <u>OR</u>

 <u>PURCHASE</u> OF TOBACCO PRODUCTS; <u>MISREPRESENTING</u>

 <u>AGE OR PURCHASING TOBACCO PRODUCTS</u>; <u>PENALTY</u>,

 <u>TOBACCO SUBSTITUTES</u>, <u>E-LIQUIDS</u>, <u>OR TOBACCO</u>

 <u>PARAPHERNALIA PROHIBITED</u>
- (a)(1) A person under 21 years of age shall not possess, purchase, or attempt to purchase tobacco products, tobacco substitutes, <u>e-liquids</u>, or tobacco paraphernalia unless:
- (A) the person is an employee of a holder of a tobacco license and is in possession of tobacco products, tobacco substitutes, <u>e-liquids</u>, or tobacco paraphernalia to effect a sale in the course of employment; or
- (B) the person is in possession of tobacco products or tobacco paraphernalia in connection with Indigenous cultural tobacco practices.
- (2) A person under 21 years of age shall not misrepresent his or her the person's age to purchase or attempt to purchase tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia.
- (b)(1) A person who possesses tobacco products, tobacco substitutes, eliquids, or tobacco paraphernalia in violation of subsection (a) of this section

shall be subject to having the tobacco products, tobacco substitutes, <u>e-liquids</u>, or tobacco paraphernalia immediately confiscated and shall be further subject to a civil penalty of \$25.00 complete a tobacco cessation program approved by the Department of Health.

- (2) Within 90 days following the date of confiscation, the person shall provide to the Division of Liquor Control a certificate or attestation of completion of the tobacco cessation program. If the person does not submit the certificate or attestation within 90 days, the person shall be subject to a civil penalty of up to \$50.00.
- (3) An action under this subsection shall be brought in the same manner as a traffic violation pursuant to 23 V.S.A. chapter 24.
- (c)(1) A person under 21 years of age who misrepresents his or her the person's age by presenting false identification to purchase tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia shall be fined not more than \$50.00 or provide up to 10 hours of community service, or both subject to:
- (A) having the tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia immediately confiscated;
 - (B) having the false identification immediately confiscated; and
- (C) completing a tobacco cessation program approved by the Department of Health.
- (2) Within 90 days following the date of confiscation, the person shall provide to the Division of Liquor Control a certificate or attestation of completion of the tobacco cessation program. If the person does not submit the certificate or attestation within 90 days, the person shall be subject to a civil penalty of up to \$50.00.
- (3) An action under this subsection shall be brought in the same manner as a traffic violation pursuant to 23 V.S.A. chapter 24.

§ 1006. POSTING OF SIGNS

(a) A person licensed under this chapter shall post in a conspicuous place on the premises identified in the tobacco license a warning sign stating that the sale of tobacco products, tobacco substitutes, <u>e-liquids</u>, and tobacco paraphernalia to persons under 21 years of age is prohibited. The Board shall prepare the sign and make it available with the license forms issued under this chapter. The sign may include information about the health effects of tobacco and tobacco cessation services. The Board, in consultation with a

representative of the licensees when appropriate, is authorized to change the design of the sign as needed to maintain its effectiveness.

(b) A person violating this section shall be guilty of a misdemeanor and fined not more than \$100.00.

§ 1007. FURNISHING TOBACCO TO PERSONS UNDER 21 YEARS OF

AGE; REPORT

- (a) A person that sells or furnishes tobacco products, tobacco substitutes, or tobacco paraphernalia to a person under 21 years of age shall be subject to a civil penalty of not more than \$100.00 for the first offense and not more than \$500.00 for any subsequent offense. An action under this section shall be brought in the same manner as for a traffic violation pursuant to 23 V.S.A. chapter 24 and shall be brought within 24 hours of the occurrence of the alleged violation. [Repealed.]
- (b)(1) The Division of Liquor Control shall conduct or contract for compliance tests of tobacco licensees as frequently and as comprehensively as necessary to ensure consistent statewide compliance with the prohibition on sales to persons under 21 years of age of at least 90 percent for buyers who are between 17 and 20 years of age. An individual under 21 years of age participating in a compliance test shall not be in violation of section 1005 of this title.
- (2) Any violation by a tobacco licensee of subsection 1003(a) of this title and this section after a sale violation or during a compliance test conducted within six months of a previous violation shall be considered a multiple violation and shall result in the minimum license suspension in addition to any other penalties available under this title. Minimum license suspensions for multiple violations shall be assessed as follows:

(A) two violations two weekdays;

(B) three violations 15-day suspension;

(C) four violations 90-day suspension;

(D) five violations one-year suspension.

(3) The Division shall report to the House Committee on General, Housing, Government Operations and Military Affairs, the Senate Committee on Economic Development, Housing and General Affairs, and the Tobacco Evaluation and Review Board Substance Misuse Prevention Oversight and Advisory Council annually, on or before January 15, the methodology and results of compliance tests conducted during the previous year. The provisions

of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the required report to be made under this subdivision.

* * *

§ 1009. CONTRABAND AND SEIZURE

(a) Any cigarettes or other tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia that have been sold, offered for sale, or possessed for sale in violation of section 1003, 1010, or 1013 of this title, 20 V.S.A. § 2757, 32 V.S.A. § 7786, or 33 V.S.A. § 1919, and any commercial cigarette rolling machines possessed or utilized in violation of section 1011 of this title, shall be deemed contraband and shall be subject to seizure by the Commissioner, the Commissioner's agents or employees, the Commissioner of Taxes or any agent or employee of the Commissioner of Taxes, or by any law enforcement officer of this State when directed to do so by the Commissioner. All eigarettes or other tobacco products items seized under this subsection shall be destroyed.

* * *

§ 1010. INTERNET SALES

- (a) As used in this section:
 - (1) "Cigarette" has the same meaning as in 32 V.S.A. § 7702(1).
 - (2) [Repealed.]
- (3) "Licensed wholesale dealer" has the same meaning as in 32 V.S.A § 7702(5).
 - (4) "Little cigars" has the same meaning as in 32 V.S.A. § 7702(6).
 - (5) "Retail dealer" has the same meaning as in 32 V.S.A. § 7702(10).
- (6) "Roll-your-own tobacco" has the same meaning as in 32 V.S.A § 7702(11).
- (7) "Snuff" has the same meaning as in 32 V.S.A. § 7702(13). [Repealed.]
- (b) No person shall cause cigarettes, roll-your-own tobacco, little cigars, snuff, tobacco substitutes, substances containing nicotine or otherwise intended for use with a tobacco substitute e-liquids, or tobacco paraphernalia, ordered or purchased by mail or through a computer network, telephonic network, or other electronic network, to be shipped to anyone other than a licensed wholesale dealer or retail dealer in this State.
- (c) No person shall, with knowledge or reason to know of the violation, provide substantial assistance to a person in violation of this section.

- (d) A violation of this section is punishable as follows:
- (1) A knowing or intentional violation of this section shall be punishable by imprisonment for not more than five years or a fine of not more than \$5,000.00, or both.
- (2) In addition to or in lieu of any other civil or criminal remedy provided by law, upon a determination that a person has violated this section, the Attorney General may impose a civil penalty in an amount not to exceed \$5,000.00 for each violation. For purposes of this subsection, each shipment or transport of cigarettes, roll-your-own tobacco, little cigars, or snuff, tobacco substitutes, e-liquids, or tobacco paraphernalia shall constitute a separate violation.

* * *

§ 1012. LIQUID NICOTINE E-LIQUIDS AND OTHER SUBSTANCES CONTAINING NICOTINE; PACKAGING

- (a) Unless specifically preempted by federal law, no person shall manufacture, regardless of location, for sale in; offer for sale in; sell in or into the stream of commerce in; or otherwise introduce into the stream of commerce in Vermont:
- (1) any <u>e-liquid containing nicotine or any other</u> liquid or gel substance containing nicotine unless that product is contained in child-resistant packaging; or
- (2) any nicotine liquid e-liquid container or other container holding a liquid or gel substance containing nicotine unless that container constitutes child-resistant packaging.

(b) As used in this section:

- (1) "Child-resistant packaging" means packaging that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance in the container within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging that all children under five years of age cannot open or obtain a toxic or harmful amount of the substance in the container within a reasonable time.
- (2) "Nicotine liquid container" means a bottle or other container of a nicotine liquid or other substance containing nicotine that is sold, marketed, or intended for use in a tobacco substitute. The term does not include a container containing nicotine in a cartridge that is sold, marketed, or intended for use in

a tobacco substitute if the cartridge is prefilled and sealed by the manufacturer and not intended to be opened by the consumer. [Repealed.]

§ 1013. FLAVORED TOBACCO SUBSTITUTES, FLAVORED E-

<u>LIQUIDS, AND MENTHOL TOBACCO PRODUCTS</u> PROHIBITED

- (a) No person shall engage in the retail sale of:
 - (1) any flavored tobacco substitute;
 - (2) any flavored e-liquid; or
 - (3) any menthol-flavored tobacco product.
- (b)(1) A person who violates subsection (a) of this section shall be subject to a civil penalty of not more than \$200.00 for the first offense and not more than \$500.00 for any subsequent offense.
- (2) An action under this section shall be brought in the same manner as for a traffic violation pursuant to 23 V.S.A. chapter 24 and shall be brought within 24 hours after the occurrence of the alleged violation.

§ 1014. SALE OF DISCOUNTED TOBACCO PRODUCTS, TOBACCO

SUBSTITUTES, E-LIQUIDS, AND TOBACCO

PARAPHERNALIA PROHIBITED

- (a) As used in this section, "price reduction instrument" means any coupon, voucher, rebate, card, paper, note, form, statement, ticket, image, or other issue, whether in paper, digital, or any other form, used for commercial purposes to receive an article, product, service, or accommodation without charge or at a discounted price.
 - (b) No person shall do any of the following:
- (1) sell or offer for sale a tobacco product, tobacco substitute, e-liquid, or tobacco paraphernalia to a consumer at a price lower than the price that was in effect at the time the seller purchased the item from the wholesale dealer;
- (2) sell or offer for sale a tobacco product, tobacco substitute, e-liquid, or tobacco paraphernalia through any multipackage discount; or
- (3) honor or accept a price reduction instrument in any transaction related to the sale of a tobacco product, tobacco substitute, e-liquid, or tobacco paraphernalia to a consumer.
- (c) A person who violates subsection (b) of this section shall be subject to a civil penalty of not more than \$200.00 for the first offense and not more than

\$500.00 for any subsequent offense. An action under this section shall be brought in the same manner as for a traffic violation pursuant to 23 V.S.A. chapter 24 and shall be brought within 24 hours after the occurrence of the alleged violation.

- Sec. 3. 4 V.S.A. § 1102(b) is amended to read:
 - (b) The Judicial Bureau shall have jurisdiction of the following matters:

* * *

(5) Violations of 7 V.S.A. § 1007 1003(a), relating to furnishing tobacco products, tobacco substitutes, e-liquids, and tobacco paraphernalia to a person under 21 years of age.

* * *

- (33) Violations of 7 V.S.A. § 1013, relating to sale of flavored tobacco substitutes, flavored e-liquids, and menthol-flavored tobacco products.
- (34) Violations of 7 V.S.A. § 1014, relating to sale of discounted tobacco products, tobacco substitutes, e-liquids, and tobacco paraphernalia.
- Sec. 4. 7 V.S.A. § 661(c) is amended to read:
- (c) The provisions of subsection (b) of this section shall not apply to a violation of subsection 1005(a) of this title, relating to purchase of tobacco products, tobacco substitutes, <u>e-liquids</u>, or tobacco paraphernalia by a person under 21 years of age.
- Sec. 5. 16 V.S.A. § 140 is amended to read:
- § 140. TOBACCO USE OF TOBACCO PRODUCTS, TOBACCO
 SUBSTITUTES, AND E-LIQUIDS PROHIBITED ON PUBLIC
 SCHOOL GROUNDS

No person shall be permitted to use tobacco products or, tobacco substitutes, or e-liquids, as those terms are defined in 7 V.S.A. § 1001, on public school grounds or at public school sponsored functions. Public school boards may adopt policies that include confiscation and appropriate referrals to law enforcement authorities.

- Sec. 6. 18 V.S.A. § 4226 is amended to read:
- § 4226. MINORS; TREATMENT; CONSENT
- (a)(1) If a minor 12 years of age or older is suspected to be dependent upon have a substance use disorder, including a dependence on regulated drugs as defined in section 4201 of this title, on alcohol, on nicotine, or on tobacco

products or tobacco substitutes as defined in 7 V.S.A. § 1001, or to have venereal disease, or to be an alcoholic as defined in section 8401 of this title a sexually transmitted infection, and the finding of such dependency, disease, or alcoholism substance use disorder or infection is verified by a licensed physician health care professional, the minor may give:

- (A) his or her consent to medical treatment health care services and hospitalization; and
- (B) in the case of a drug dependent or alcoholic person an individual who has a substance use disorder, consent to nonmedical inpatient or outpatient treatment at a program approved by the Agency of Human Services to provide treatment for drug dependency or alcoholism substance use disorder if deemed necessary by the examining physician for diagnosis or treatment of such dependency or disease or alcoholism health care professional.
- (2) Consent under this section shall not be subject to disaffirmance due to minority of the person consenting. The consent of the parent or legal guardian of a minor consenting under this section shall not be necessary to authorize care as described in this subsection.
- (b) The parent, parents, or legal guardian shall be notified by the physician if the condition of a minor child requires immediate hospitalization as the result of drug usage, alcoholism, or alcohol use or for the treatment of a venereal disease sexually transmitted infection.
- (c) As used in this section, "health care professional" means an individual licensed as a physician under 26 V.S.A. chapter 23 or 33, an individual licensed as a physician assistant under 26 V.S.A. chapter 31, or an individual licensed as a registered nurse or advanced practice registered nurse under 26 V.S.A. chapter 28.

Sec. 7. 18 V.S.A. § 4803(a) is amended to read:

- (a) Creation. There is created the Substance Misuse Prevention Oversight and Advisory Council within the Department of Health to improve the health outcomes of all Vermonters through a consolidated and holistic approach to substance misuse prevention that addresses all categories of substances. The Council shall provide advice to the Governor and General Assembly for improving prevention policies and programming throughout the State and to ensure that population prevention measures are at the forefront of all policy determinations. The Advisory Council's prevention initiatives shall encompass all substances at risk of misuse, including:
 - (1) alcohol;
 - (2) cannabis;

- (3) controlled substances, such as opioids, cocaine, and methamphetamines; and
- (4) tobacco products and, tobacco substitutes, and e-liquids, as those terms are defined in 7 V.S.A. § 1001 and substances containing nicotine or that are otherwise intended for use with a tobacco substitute.

Sec. 8. 32 V.S.A. § 7702 is amended to read:

§ 7702. DEFINITIONS

As used in this chapter unless the context otherwise requires:

* * *

(15) "Other tobacco products" means any product manufactured from, derived from, or containing tobacco that is intended for human consumption by smoking, by chewing, or in any other manner, including. The term also includes products sold as a tobacco substitute, as defined in 7 V.S.A. § 1001(8), and including any liquids, whether nicotine based or not, or; eliquids, as defined in 7 V.S.A. § 1001; and delivery devices sold separately for use with a tobacco substitute or e-liquid, but shall not include cigarettes, little cigars, roll-your-own tobacco, snuff, or new smokeless tobacco as defined in this section, or cannabis products as defined in 7 V.S.A. § 831.

* * *

Sec. 9. 18 V.S.A. § 9503 is amended to read:

§ 9503. VERMONT TOBACCO PREVENTION AND TREATMENT

- (a) Except as otherwise specifically provided, the tobacco prevention and treatment program shall be administered and coordinated statewide by the Department of Health, pursuant to the provisions of this chapter. The program shall be comprehensive and research-based.
- (b) The Department shall establish goals for reducing adult and youth smoking rates, including performance measures for each goal in conjunction with the Substance Misuse Prevention Oversight and Advisory Council established pursuant to section 4803 of this title. The services provided by a quitline approved by the Department of Health shall be offered and made available to any minor, upon his or her the minor's consent, who is a smoker or user of tobacco products, tobacco substitutes, or e-liquids, as those terms are defined in 7 V.S.A. § 1001.
- (c) The Department of Liquor and Lottery shall administer the component of the program that relates to enforcement activities.
 - (d) The Agency of Education shall administer school-based programs.

(e) The Department shall pay all fees and costs of the surveillance and evaluation activities, including the costs associated with hiring a contractor to conduct an independent evaluation of the program.

Sec. 10. 33 V.S.A. § 1900 is amended to read:

§ 1900. DEFINITIONS

As used in this subchapter, unless otherwise indicated:

* * *

(10) "Tobacco" means all <u>of the</u> products listed in <u>the definition of</u> "tobacco products" in 7 V.S.A. § 1001(3).

* * *

Sec. 11. HEALTH EQUITY ADVISORY COMMISSION; MENTHOL TOBACCO PRODUCT BAN; REPORT

On or before January 15, 2025, in its annual report due pursuant to 18 V.S.A. § 252(e), the Health Equity Advisory Commission shall recommend to the General Assembly whether the sale of tobacco products containing menthol, including menthol cigarettes, should be banned in Vermont.

Sec. 12. TOBACCO SUBSTITUTES AND E-LIQUIDS; ADVERTISING RESTRICTIONS; REPORT

On or before December 1, 2024, the Office of the Attorney General shall report to the House Committees on Commerce and Economic Development and on Human Services and the Senate Committees on Economic Development, Housing and General Affairs and on Health and Welfare regarding whether and to what extent Vermont may legally restrict advertising and regulate the content of labels for tobacco substitutes, including oral nicotine products, and e-liquids in this State.

Sec. 13. DEPARTMENT OF HEALTH; VERMONT YOUTH RISK BEHAVIOR SURVEY; TOBACCO SALES; REPORT

On or before March 1, 2027, the Department of Health shall report to the House Committee on Human Services and the Senate Committee on Health and Welfare the results of the 2025 Vermont Youth Risk Behavior Survey that relate to youth use of tobacco products, tobacco substitutes, and e-liquids, along with a comparison of the rates of use from previous Vermont Youth Risk Behavior Surveys. In its report, the Department shall also provide data on retail sales of tobacco products, tobacco substitutes, and e-liquids during calendar years 2024, 2025, and 2026.

Sec. 14. DEPARTMENT OF HEALTH; SCHOOL-BASED USAGE AND CESSATION EFFORTS; REPORT

The Department of Health shall collaborate with relevant school and community partners to survey and report on the use of tobacco products, tobacco substitutes, and e-liquids, as well as on nicotine and tobacco cessation efforts, in Vermont's schools. On or before January 15, 2026, the Department shall report to the House Committees on Human Services and on Education and the Senate Committees on Health and Welfare and on Education with its findings and any recommendations for legislative action.

Sec. 15. EFFECTIVE DATES

- (a) Sec. 2 (7 V.S.A. chapter 40) shall take effect on January 1, 2025, except that 7 V.S.A. § 1013(a)(3) (prohibiting retail sale of menthol-flavored tobacco products) shall take effect on July 1, 2025.
- (b) Secs. 1 (findings), 6 (18 V.S.A. § 4226; minor consent to treatment), 9 (18 V.S.A. § 9503; tobacco prevention and treatment), 11 (Health Equity Advisory Commission; menthol ban; report), 12 (advertising restrictions; report), 13 (Youth Risk Behavior Survey; tobacco sales; report), and 14 (school-based usage and cessation efforts; report) and this section shall take effect on passage.
- (c) Secs. 3 (4 V.S.A. § 1102(b); Judicial Bureau jurisdiction), 4 (7 V.S.A. § 661(c); penalties), 5 (16 V.S.A. § 140; use prohibited on school grounds), 7 (18 V.S.A. § 4803(a); Substance Misuse Prevention Oversight and Advisory Council), 8 (32 V.S.A. § 7702; definition for tobacco tax purposes), and 10 (33 V.S.A. § 1900; definition for medical assistance statutes) shall take effect on January 1, 2025.

(Committee Vote: 10-0-1)

Rep. Ode of Burlington, for the Committee on Ways and Means, recommends that the report of the Committee on Human Services be amended as follows:

<u>First</u>: In Sec. 2, in 7 V.S.A. § 1001, striking out subdivision (7) in its entirety and inserting in lieu thereof a new subdivision (7) to read as follows:

(7) "E-liquid" means the solution, substance, or other material that contains nicotine and is used in or with a tobacco substitute, and that is heated or otherwise acted upon to produce an aerosol, vapor, or other emission to be inhaled or otherwise absorbed by the user. The term does not include cannabis products as defined in section 831 of this title or products that are regulated by the Cannabis Control Board.

- <u>Second</u>: In Sec. 2, in 7 V.S.A. § 1001, striking out subdivision (22) in its entirety and inserting in lieu thereof a new subdivision (22) to read as follows:
- (8)(22)(A) "Tobacco substitute" means products any product that is not a tobacco product, as defined in subdivision (21) of this section, and that meets one or both of the following descriptions:
- (i) a product, including <u>an</u> electronic <u>eigarettes</u> <u>cigarette</u> or other electronic or battery-powered <u>devices</u> <u>device</u>, <u>or any component</u>, <u>part</u>, <u>or accessory thereof</u>, that <u>contain or are contains or is</u> designed to deliver nicotine <u>or other substances</u> into the body through the inhalation <u>or other absorption</u> of <u>aerosol</u>, vapor, <u>or other emission</u> and that <u>have has</u> not been approved by the U.S. Food and Drug Administration for tobacco cessation or other medical purposes; <u>or</u>
- (ii) an oral nicotine product or any other item that is designed to deliver nicotine into the body, including a product or item containing or delivering nicotine that has been extracted from a tobacco plant or leaf.
- (B) Cannabis products as defined in section 831 of this title or products that have been approved by the U.S. Food and Drug Administration for tobacco cessation or other medical purposes shall not be considered to be tobacco substitutes.

<u>Third</u>: In Sec. 2, by striking out 7 V.S.A. § 1005 in its entirety and inserting in lieu thereof a new 7 V.S.A. § 1005 to read as follows:

§ 1005. PERSONS UNDER 21 YEARS OF AGE; POSSESSION <u>OR</u>

<u>PURCHASE</u> OF TOBACCO PRODUCTS; <u>MISREPRESENTING</u>

<u>AGE OR PURCHASING TOBACCO PRODUCTS</u>; <u>PENALTY</u>,

<u>TOBACCO SUBSTITUTES</u>, <u>E-LIQUIDS</u>, <u>OR TOBACCO</u>

<u>PARAPHERNALIA PROHIBITED</u>

- (a)(1) Prohibited conduct. A person under 21 years of age shall not possess, purchase, or attempt to purchase tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia unless:
- (A) the person is an employee of a holder of a tobacco license and is in possession of tobacco products, tobacco substitutes, <u>e-liquids</u>, or tobacco paraphernalia to effect a sale in the course of employment; or
- (B) the person is in possession of tobacco products or tobacco paraphernalia in connection with Indigenous cultural tobacco practices.

- (2) A person under 21 years of age shall not misrepresent his or her the person's age to purchase or attempt to purchase tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia.
- (b) Offense. A person who possesses tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia in violation of subsection (a) of this section commits a civil violation and shall be subject to having the tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia immediately confiscated and shall be further subject to a civil penalty of \$25.00. An action under this subsection shall be brought in the same manner as a traffic violation pursuant to 23 V.S.A. chapter 24 referred to the Court Diversion Program for the purpose of enrollment in a tobacco cessation program approved by the Department of Health. A person who fails to complete the program shall be subject to a civil penalty of \$50.00.
- (c) Issuance of notice of violation. A law enforcement officer shall issue a person who violates this section a notice of violation, in a form approved by the Court Administrator. The notice of violation shall require the person to provide the person's name and address and shall explain procedures under this section, including that:
- (1) the person shall contact the Diversion Program in the county where the offense occurred within 15 days;
- (2) failure to contact the Diversion Program within 15 days will result in the case being referred to the Judicial Bureau, where the person, if found liable for the violation, will be subject to a civil penalty;
- (3) no money should be submitted to pay any penalty until after adjudication; and
- (4) the person shall notify the Diversion Program if the person's address changes.
- (d) Summons and complaint. When a person is issued a notice of violation under this section, the law enforcement officer shall complete a summons and complaint for the offense and send it to the Diversion Program in the county where the offense occurred. The summons and complaint shall not be filed with the Judicial Bureau at that time.
- (e) Registration in tobacco cessation program. Within 15 days after receiving a notice of violation, the person shall contact the Diversion Program in the county where the offense occurred and register for a tobacco cessation program approved by the Department of Health. If the person fails to do so, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program

- shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation and shall provide two copies to the person charged with the violation.
- (f) Notice to report to Diversion. Upon receipt from a law enforcement officer of a summons and complaint completed under this section, the Diversion Program shall send the person a notice to report to the Diversion Program. The notice to report shall provide that:
 - (1) the person is required to complete the tobacco cessation program;
- (2) if the person does not satisfactorily complete the tobacco cessation program, the case will be referred to the Judicial Bureau, where the person, if found liable for the violation, will be subject to a civil penalty; and
- (3) if the person satisfactorily completes the tobacco cessation program, no penalty shall be imposed.
 - (g) Diversion Program requirements.
- (1) Upon being contacted by a person who has been issued a notice of violation, the Diversion Program shall register the person in a tobacco cessation program approved by the Department of Health.
- (2) When a person has satisfactorily completed the tobacco cessation program, the Diversion Program shall do all of the following:
 - (A) Void the summons and complaint with no penalty due.
- (B) Send copies of the voided summons and complaint to the Judicial Bureau and to the law enforcement officer who completed them. Before sending copies of the voided summons and complaint to the Judicial Bureau under this subdivision, the Diversion Program shall redact all language containing the person's name, address, Social Security number, and any other information that identifies the person.
- (3) If a person does not satisfactorily complete the tobacco cessation program or if the person fails to pay the Diversion Program any required program fees, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation and shall provide two copies to the person charged with the violation.
- (4) A person aggrieved by a decision of the Diversion Program or of the tobacco cessation program may seek review of that decision pursuant to Rule 75 of the Vermont Rules of Civil Procedure.

(e)(h) Confiscation of false identification. A In addition to the procedures set forth in subsections (b)–(g) of this section, a person under 21 years of age who misrepresents his or her the person's age by presenting false identification to purchase tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia shall be fined not more than \$50.00 or provide up to 10 hours of community service, or both have the person's false identification immediately confiscated.

<u>Fourth</u>: By striking out Sec. 15, effective dates, in its entirety and inserting in lieu thereof a new Sec. 15 to read as follows:

Sec. 15. EFFECTIVE DATES

- (a) Secs. 2 (7 V.S.A. chapter 40), 3 (4 V.S.A. § 1102(b); Judicial Bureau jurisdiction), 4 (7 V.S.A. § 661(c); penalties), 5 (16 V.S.A. § 140; use prohibited on school grounds), 7 (18 V.S.A. § 4803(a); Substance Misuse Prevention Oversight and Advisory Council), 8 (32 V.S.A. § 7702; definition for tobacco tax purposes), and 10 (33 V.S.A. § 1900; definition for medical assistance statutes) shall take effect on January 1, 2026.
- (b) Secs. 1 (findings), 6 (18 V.S.A. § 4226; minor consent to treatment), 9 (18 V.S.A. § 9503; tobacco prevention and treatment), 11 (Health Equity Advisory Commission; menthol ban; report), 12 (advertising restrictions; report), 13 (Youth Risk Behavior Survey; tobacco sales; report), and 14 (school-based usage and cessation efforts; report) and this section shall take effect on passage.

(Committee Vote: 7-5-0)

Amendment to be offered by Rep. Marcotte of Coventry to the report of the Committee on Human Services on S. 18

First: By adding a new section to be Sec. 14a to read as follows:

Sec. 14a. INVESTIGATOR POSITION CREATED; APPROPRIATION;

REPORT

- (a) One new permanent classified position, Investigator, is established in the Department of Liquor and Lottery to enforce, and to investigate potential violations of, Vermont laws relating to direct-to-consumer sales and delivery of alcohol and tobacco products, including 7 V.S.A. §§ 277, 279, 280, and 1010.
- (b)(1) The sum of \$160,000.00 is appropriated to the Department of Liquor and Lottery from the Tobacco Litigation Settlement Fund in fiscal year 2025 to fund the Investigator position established in subsection (a) of this section.

- (2) It is the intent of the General Assembly that the position established in subsection (a) of this section should be funded from the Tobacco Litigation Settlement Fund for fiscal years 2025 and 2026. It is also the intent of the General Assembly that, beginning in fiscal year 2027, the funding for the Investigator position should be built into base funding for the Department of Liquor and Lottery's budget, with the amount of the salary and benefits for the Investigator position offset by an equivalent amount of the revenue generated to the Department or to the Office of the Attorney General, or both, by the Investigator's activities in enforcing and in investigating violations of Vermont law, with the remainder of the revenue deposited into the General Fund.
- (c) If the revenue generated by the Investigator's activities becomes insufficient to cover the cost of the position in the future, the Department of Liquor and Lottery shall propose eliminating the position as part of its next budget or budget adjustment presentation to the General Assembly.
- (d)(1) On or before March 15, 2025, the Department of Liquor and Lottery shall provide an update to the House Committees on Government Operations and Military Affairs and on Human Services and the Senate Committees on Economic Development, Housing and General Affairs and on Health and Welfare regarding the status of its implementation of the new Investigator position.
- (2) Annually on or before December 15, the Department of Liquor and Lottery shall report to the House Committees on Government Operations and Military Affairs and on Human Services and the Senate Committees on Economic Development, Housing and General Affairs and on Health and Welfare on the impact of the Investigator's activities on compliance with Vermont's laws relating to direct-to-consumer sales and delivery of alcohol and tobacco products.

<u>Second</u>: In Sec. 15, effective dates, by adding a new subsection to be subsection (d) to read as follows:

(d) Sec. 14a (Investigator position created; appropriation; report) shall take effect on July 1, 2024, with the first report under subdivision (d)(2) due on or before December 15, 2025.

Amendment to be offered by Rep. Maguire of Rutland City to the report of the Committee on Human Services on S. 18

<u>First</u>: In Sec. 2, 7 V.S.A. chapter 40, by striking out section 1013 in its entirety and inserting in lieu thereof the following:

§ 1013. FLAVORED TOBACCO SUBSTITUTES AND FLAVORED

E-LIQUIDS PROHIBITED

- (a) No person shall engage in the retail sale of any flavored tobacco substitute or any flavored e-liquid.
- (b)(1) A person who violates subsection (a) of this section shall be subject to a civil penalty of not more than \$200.00 for the first offense and not more than \$500.00 for any subsequent offense.
- (2) An action under this section shall be brought in the same manner as for a traffic violation pursuant to 23 V.S.A. chapter 24 and shall be brought within 24 hours after the occurrence of the alleged violation.

Second: In Sec. 3, 4 V.S.A. § 1102(b), in subdivision (33), by striking out the comma following "substitutes" and inserting in lieu thereof "and" and, following "e-liquids," by striking out ", and menthol-flavored tobacco products"

Amendment to be offered by Rep. Galfetti of Barre Town to the report of the Committee on Human Services on S. 18

In Sec. 2, in 7 V.S.A. chapter 40, section 1013, by adding a new subsection to be subsection (c) to read as follows:

- (c) This section shall not apply to any product:
- (1) that has received a marketing authorization order or similar order from the U.S. Food and Drug Administration pursuant to 21 U.S.C. § 387j; or
- (2) that was on the market in the United States as of August 8, 2016, for which the manufacturer submitted a premarket tobacco product application to the U.S. Food and Drug Administration pursuant to 21 U.S.C. § 387j on or before September 9, 2020, and for which the application either remains under investigation by the U.S. Food and Drug Administration or a final decision on the application has not otherwise taken effect.

Amendment to be offered by Rep. Walker of Swanton to the report of the Committee on Human Services on S. 18

First: By adding Secs. 4a–4c to read as follows:

Sec. 4a. 7 V.S.A. § 831(3) is amended to read:

(3) "Cannabis product" means concentrated cannabis and a product that is composed of cannabis and other ingredients and is intended for use or consumption, including an edible product, ointment, and tincture. Cannabis product shall include includes a vaporizer cartridge containing cannabis oil that is intended for use with a battery-powered device and any device designed to deliver cannabis into the body through inhalation of vapor that is sold at a cannabis establishment licensed pursuant to chapter 33 of this title. "Cannabis

product" does not mean a "tobacco product" as defined in 32 V.S.A. § 7702, a "tobacco substitute" as defined in section 1001 of this title, or "tobacco paraphernalia" as defined in section 1001 of this title.

Sec. 4b. 7 V.S.A. § 868 is amended to read:

§ 868. PROHIBITED PRODUCTS

- (a) The following are prohibited products and may not be cultivated, produced, or sold pursuant to a license issued under this chapter:
 - (1) cannabis flower with greater than 30 percent tetrahydrocannabinol;
- (2) flavored oil cannabis products sold prepackaged for use with battery-powered devices and any cannabis flower that contains characterizing flavor that is not naturally occurring in the cannabis;
- (3) <u>flavored oil cannabis products sold prepackaged for use with battery- powered devices and any cannabis flower that include a characterizing flavor in the name or description of the product;</u>
 - (4) edible cannabis products;
- (5) cannabis products that contain delta-9 tetrahydrocannabinol and nicotine or alcoholic beverages; and
- (4)(6) any cannabis, cannabis products, or packaging of such items that are designed to make the product more appealing to persons under 21 years of age.

* * *

Sec. 4c. 7 V.S.A. § 972(3) is amended to read:

(3) "Cannabis product" has the same meaning as provided in section 831 of this title means concentrated cannabis and a product that is composed of cannabis and other ingredients and is intended for use or consumption, including an edible product, ointment, and tincture. Cannabis product includes a vaporizer cartridge containing cannabis oil that is intended for use with a battery-powered device and any device designed to deliver cannabis into the body through inhalation of vapor that is sold at a cannabis establishment licensed pursuant to chapter 33 of this title. "Cannabis product" does not mean a "tobacco product" as defined in 32 V.S.A. § 7702, a "tobacco substitute" as defined in section 1001 of this title, or "tobacco paraphernalia" as defined in section 1001 of this title.

<u>Second</u>: In Sec. 15, effective dates, by inserting a new subsection to be subsection (d) to read as follows:

NOTICE CALENDAR

Favorable with Amendment

H. 706

An act relating to banning the use of neonicotinoid pesticides

Rep. Rice of Dorset, for the Committee on Agriculture, Food Resiliency, and Forestry, recommends the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The General Assembly finds that:

- (1) Wild and managed pollinators are essential to the health and vitality of Vermont's agricultural economy, environment, and ecosystems. According to the Department of Fish and Wildlife (DFW), between 60 and 80 percent of the State's wild plants depend on pollinators to reproduce.
- (2) Vermont is home to thousands of pollinators, including more than 300 native bee species. Many pollinator species are in decline or have disappeared from Vermont, including three bee species that the State lists as endangered. The Vermont Center for Ecostudies and DFW's State of Bees 2022 Report concludes that at least 55 of Vermont's native bee species need significant conservation action.
- (3) Neonicotinoids are a class of neurotoxic, systemic insecticides that are extremely toxic to bees and other pollinators. Neonicotinoids are the most widely used class of insecticides in the world and include imidacloprid, clothianidin, thiamethoxam, acetamiprid, dinotefuran, thiacloprid, and nithiazine.
- (4) Among other uses, neonicotinoids are commonly applied to crop seeds as a prophylactic treatment. More than 90 percent of neonicotinoids applied to treated seeds move into soil, water, and nontarget plants. According to the Agency of Agriculture, Food and Markets, at least 1197.66 tons of seeds sold in Vermont in 2022 were treated with a neonicotinoid product.
- (5) Integrated pest management is a pest management technique that protects public health, the environment, and agricultural productivity by prioritizing nonchemical pest management techniques. Under integrated pest management, pesticides are a measure of last resort. According to the

European Academies Science Advisory Council, neonicotinoid seed treatments are incompatible with integrated pest management.

- (6) A 2020 Cornell University report that analyzed more than 1,100 peer-reviewed studies found that neonicotinoid corn and soybean seed treatments pose substantial risks to bees and other pollinators but provide no overall net income benefits to farms. DFW similarly recognizes that neonicotinoid use contributes to declining pollinator populations.
- (7) A 2014 peer-reviewed study conducted by the Harvard School of Public Health and published in the journal Bulletin of Insectology concluded that sublethal exposure to neonicotinoids is likely to be the main culprit for the occurrence of colony collapse disorder in honey bees.
- (8) A 2020 peer-reviewed study published in the journal Nature Sustainability found that increased neonicotinoid use in the United States between 2008 and 2014 led to statistically significant reductions in bird biodiversity, particularly among insectivorous and grassland birds.
- (9) A 2022 peer-reviewed study published in the journal Environmental Science and Technology found neonicotinoids in 95 percent of the 171 pregnant women who participated in the study. Similarly, a 2019 peer-reviewed study published in the journal Environmental Research found that 49.1 percent of the U.S. general population had recently been exposed to neonicotinoids.
- (10) The European Commission and the provinces of Quebec and Ontario have implemented significant prohibitions on the use of neonicotinoids.
- (11) The New York General Assembly passed legislation that prohibits the sale or use of corn, soybean, and wheat seed treated with imidacloprid, clothianidin, thiamethoxam, dinotefuran, or acetamiprid. The same legislation prohibits the nonagricultural application of imidacloprid, clothianidin, thiamethoxam, dinotefuran, or acetamiprid to outdoor ornamental plants and turf.
- Sec. 2. 6 V.S.A. § 1101 is amended to read:

§ 1101. DEFINITIONS

As used in this chapter unless the context clearly requires otherwise:

(1) "Secretary" shall have <u>has</u> the <u>same</u> meaning stated in subdivision 911(4) of this title.

- (2) "Cumulative" when used in reference to a substance means that the substance so designated has been demonstrated to increase twofold or more in concentration if ingested or absorbed by successive life forms.
- (3) "Dealer or pesticide dealer" means any person who regularly sells pesticides in the course of business, but not including a casual sale.
- (4) "Economic poison" shall have <u>has</u> the <u>same</u> meaning stated in subdivision 911(5) of this title.
- (5) "Pest" means any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus viruses, bacteria, or other microorganisms that the Secretary declares as being injurious to health or environment. "Pest shall" does not mean any viruses, bacteria, or other microorganisms on or in living humans or other living animals.
- (6) "Pesticide" for the purposes of this chapter shall be <u>is</u> used interchangeably with "economic poison."
- (7) "Treated article" means a pesticide or class of pesticides exempt under 40 C.F.R. § 152.25(a) from regulation under the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136-136y.
- (8) "Neonicotinoid pesticide" means any economic poison containing a chemical belonging to the neonicotinoid class of chemicals.
- (9) "Neonicotinoid treated article seeds" are treated article seeds that are treated or coated with a neonicotinoid pesticide.
- (10) "Agricultural commodity" means any food in its raw or natural state, including all fruits or vegetables that are washed, colored, or otherwise treated in their unpeeled natural form prior to marketing.
- (11) "Agricultural emergency" means an occurrence of any pest that presents an imminent risk of significant harm, injury, or loss to agricultural crops.
- (12) "Bloom" means the period from the onset of flowering or inflorescence until petal fall is complete.
- (13) "Crop group" means the groupings of agricultural commodities specified in 40 C.F.R. § 180.41(c) (2023).
- (14) "Environmental emergency" means an occurrence of any pest that presents a significant risk of harm or injury to the environment, or significant harm, injury, or loss to agricultural crops or turf, including any exotic or foreign pest that may need preventative quarantine measures to avert or

prevent that risk, as determined by the Secretary of Agriculture, Food and Markets.

- (15) "Ornamental plants" mean perennials, annuals, and groundcover purposefully planted for aesthetic reasons.
- (16) "Turf" means land planted in closely mowed, managed grasses, including residential and commercial property and publicly owned land, parks, and recreation areas. "Turf" does not include pasture, cropland, land used to grow sod, or any other land used for agricultural production.

Sec. 3. 6 V.S.A. § 1105b is added to read:

§ 1105b. USE AND SALE OF NEONICOTINOID TREATED ARTICLE SEEDS

- (a) No person shall sell, offer for sale or use, distribute, or use any neonicotinoid treated article seed for soybeans or for any crop in the cereal grains crop group (crop groups 15, 15-22, 16, and 16-22).
- (b) The Secretary of Agriculture, Food and Markets, after consultation with the Secretary of Natural Resource, may issue a written exemption order to suspend the provisions of subsection (a) of this section. Such written exemption order shall not be valid for more than one year.
- (c) A written exemption order issued under subsection (b) of this section shall:
- (1) specify the types of neonicotinoid treated article seeds to which the exemption order applies, the date on which the exemption order takes effect; the exemption order's duration; and the exemption order's geographic scope, which may include specific farms, fields, or properties;
- (2) provide a detailed evaluation of the agricultural seed market, including a determination either that the purchase of seeds that comply with subsection (a) of this section would cause agricultural producers undue financial hardship or that there is an insufficient amount of commercially available seed not treated with neonicotinoid pesticides to supply agricultural producers; and
- (3) provide a detailed evaluation of the exemption order's anticipated effect on pollinator populations, bird populations, ecosystem health, and public health, including whether the exemption order will cause undue harm to pollinator populations, bird populations, ecosystem health, and public health.
- (d) A written exemption order issued under subsection (b) of this section may:

- (1) establish restrictions related to the use of neonicotinoid treated article seeds to which the exemption order applies to minimize harm to pollinator populations, bird populations, ecosystem health, and public health; or
- (2) establish other restrictions related to the use of neonicotinoid treated article seeds to which the exemption order applies that the Secretary of Agriculture, Food and Markets considers necessary.
- (e) Upon issuing a written exemption order under subsection (b) of this section, the Secretary of Agriculture, Food and Markets shall submit a copy of the exemption order to the Senate Committees on Natural Resources and Energy and on Agriculture; the House Committees on Environment and Energy and on Agriculture, Food Resiliency, and Forestry; and the Agricultural Innovation Board. The General Assembly shall manage a written exemption order submitted under this section in the same manner as a report to the General Assembly and shall post the written exemption order to the website of the General Assembly.
- (f) The Secretary of Agriculture, Food and Markets, after consultation with the Secretary of Natural Resources, may rescind a written exemption order issued under subsection (b) of this section at any time. Such rescission shall come into effect not sooner than 30 days after its issuance and shall not apply to neonicotinoid treated article seeds planted or sown before such recission comes into effect.
- Sec. 4. 6 V.S.A. § 1105c is added to read:

§ 1105c. NEONICOTINOID PESTICIDES; PROHIBITED USES

- (a) The following uses of neonicotinoid pesticides are prohibited:
- (1) the outdoor application of neonicotinoid pesticides to any crop during bloom;
- (2) the outdoor application of neonicotinoid pesticides to soybeans or any crop in the cereal grains crop group (crop groups 15, 15-22, 16, and 16-22);
- (3) the outdoor application of neonicotinoid pesticides to crops in the leafy vegetables, brassica, bulb vegetables, herbs and spices, and stalk, stem, and leaf petiole vegetables crop groups (crop groups 3, 3-07, 4, 4-16, 5, 5-16, 19, 22, 25, and 26) harvested after bloom;
 - (4) the application of neonicotinoid pesticides to ornamental plants; and
 - (5) the application of neonicotinoid pesticides to turf.

- (b) The Secretary of Agriculture, Food and Markets, after consultation with the Secretary of Natural Resources, may issue a written exemption order to suspend the provisions of subsection (a) of this section. Such written exemption order shall not be valid for more than one year.
- (c) A written exemption order issued under subsection (b) of this section shall:
- (1) specify the neonicotinoid pesticides, uses, and crops, plants, or turf to which the exemption order applies; the date on which the exemption order takes effect; the exemption order's duration; and the exemption order's geographic scope, which may include specific farms, fields, or properties;
- (2) provide a detailed evaluation determining that an agricultural emergency or an environmental emergency exists;
- (3) provide a detailed evaluation of reasonable responses available to address the agricultural emergency or the environmental emergency, including a determination that the use of the neonicotinoid pesticides to which the exemption order applies would be effective in addressing the emergency and a determination that there is no other less harmful pesticide or pest management practice that would be effective in addressing the emergency; and
- (4) provide a detailed evaluation of the exemption order's anticipated effects on pollinator populations, bird populations, ecosystem health, and public health, including whether the exemption order will cause undue harm to pollinator population, bird populations, ecosystem health, and public health.
- (d) A written exemption order issued under subsection (b) of this section may:
- (1) establish restrictions related to the use of neonicotinoid pesticides to which the exemption order applies to minimize harm to pollinator populations, bird populations, ecosystem health, and public health; or
- (2) establish other restrictions related to the use of neonicotinoid pesticides to which the exemption order applies that the Secretary of Agriculture, Food and Markets considers necessary.
- (e) Upon issuing a written exemption order under subsection (b) of this section, the Secretary of Agriculture, Food and Markets shall submit a copy of the exemption order to the Senate Committees on Natural Resources and Energy and on Agriculture; the House Committees on Environment and Energy and on Agriculture, Food Resiliency, and Forestry; and the Agricultural Innovation Board. The General Assembly shall manage a written exemption order submitted under this section in the same manner as a report to

the General Assembly and shall post the written exemption order to the website of the General Assembly.

(f) The Secretary of Agriculture, Food and Markets, after consultation with the Secretary of Natural Resources, may rescind any written exemption order issued under subsection (b) of this section at any time. Such rescission shall come into effect not sooner than 15 days after its issuance.

Sec. 5. 6 V.S.A. § 918 is amended to read:

§ 918. REGISTRATION

(a) Every economic poison that is distributed, sold, or offered for sale within this State or delivered for transportation or transported in intrastate commerce or between points within this State through any point outside this State shall be registered in the Office of the Secretary, and such registration shall be renewed annually, provided that products that have the same formula are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same economic poison may be registered as a single economic poison, and additional names and labels shall be added by supplemental statements during the current period of registration. It is further provided that any economic poison imported into this State, which is subject to the provisions of any federal act providing for the registration of economic poisons and that has been duly registered under the provisions of this chapter, may, in the discretion of the Secretary, be exempted from registration under this chapter when sold or distributed in the unbroken immediate container in which it was originally shipped. The registrant shall file with the Secretary a statement including:

- (f) The Unless the use or sale of a neonicotinoid pesticide is otherwise prohibited, the Secretary shall register as a restricted use pesticide any neonicotinoid pesticide labeled as approved for outdoor use that is distributed, sold, sold into, or offered for sale within the State or delivered for transportation or transported in intrastate commerce or between points within this State through any point outside this State, provided that the Secretary shall not register the following products as restricted use pesticides unless classified under federal law as restricted use products:
- (1) pet care products used for preventing, destroying, repelling, or mitigating fleas, mites, ticks, heartworms, or other insects or organisms;
- (2) personal care products used for preventing, destroying, repelling, or mitigating lice or bedbugs; and

- (3) indoor pest control products used for preventing, destroying, repelling, or mitigating insects indoors; and
 - (4) treated article seed.
- Sec. 6. 6 V.S.A. § 1105a(c) is amended to read:
- (c)(1) Under subsection (a) of this section, the Secretary of Agriculture, Food and Markets, after consultation with the Agricultural Innovation Board, shall adopt by rule BMPs for the use in the State of:
- (A) neonicotinoid treated article seeds when used prior to January 1, 2029;
- (B) neonicotinoid treated article seeds when the Secretary issues a written exemption order pursuant to section 1105b of this chapter authorizing the use of neonicotinoid treated article seeds;
- (C) neonicotinoid pesticides when the Secretary issues a written exemption order pursuant to section 1105c of this chapter authorizing the use of neonicotinoid pesticides; and
- (D) the agricultural use after July 1, 2025 of neonicotinoid pesticides the use of which is not otherwise prohibited under law.
- (2) In developing the rules with the Agricultural Innovation Board, the Secretary shall address:
- (A) establishment of threshold levels of pest pressure required prior to use of neonicotinoid treated article seeds or neonicotinoid pesticides;
- (B) availability of nontreated article seeds that are not neonicotinoid treated article seeds;
- (C) economic impact from crop loss as compared to crop yield when neonicotinoid treated article seeds or neonicotinoid pesticides are used;
- (D) relative toxicities of different neonicotinoid treated article seeds or neonicotinoid pesticides and the effects of neonicotinoid treated article seeds or neonicotinoid pesticides on human health and the environment;
 - (E) surveillance and monitoring techniques for in-field pest pressure;
- (F) ways to reduce pest harborage from conservation tillage practices; and
- (G) criteria for a system of approval of neonicotinoid treated article seeds or neonicotinoid pesticides.
- (2)(3) In implementing the rules required under this subsection, the Secretary of Agriculture, Food and Markets shall work with farmers, seed

companies, and other relevant parties to ensure that farmers have access to appropriate varieties and amounts of untreated seed or treated seed that are not neonicotinoid treated article seeds.

Sec. 7. 2022 Acts and Resolves No. 145, Sec. 4 is amended to read:

Sec. 4. IMPLEMENTATION; REPORT; RULEMAKING

- (a) On or before March 1, 2024, the Secretary of Agriculture, Food, and Markets shall submit to the Senate Committee on Agriculture and the House Committee on Agriculture, Food Resiliency, and Forestry a copy of the proposed rules required to be adopted under 6 V.S.A. § 1105a(c)(1)(A).
- (b) The Secretary of Agriculture shall not file the final proposal of the rules required by 6 V.S.A. § 1105a(c)(1)(A) under 3 V.S.A. § 841 until at least 90 days from submission of the proposed rules to the General Assembly under subsection (a) of this section or July 1, 2024, which ever whichever shall occur first.

Sec. 8. EFFECTIVE DATES

- (a) This section and Secs. 1 (findings), 2 (definitions), 5 (registration), and 6 (BMP rules), 7 (implementation) shall take effect on passage.
- (b) Sec. 4 (prohibited use; neonicotinoid pesticides) shall take effect on July 1, 2025.
 - (c) Sec. 3 (treated article seed) shall take effect on January 1, 2029.

(Committee Vote: 8-2-1)

Committee of Conference Report

H. 839

An act relating to fiscal year 2024 budget adjustments.

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon House Bill entitled:

H. 839 An act relating to fiscal year 2024 budget adjustments.

Respectfully reports that it has met and considered the same and recommends that the Senate recede from its proposal of amendment and that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 2023 Acts and Resolves No. 78, Sec. B.209 is amended to read:

Sec. B.209 Public safety - state police

67,754,321	69,564,321
13,861,460	13,861,460
<u>1,591,501</u>	<u>1,591,501</u>
83,207,282	85,017,282
53,896,213	55,706,213
20,250,000	20,250,000
3,166,387	3,166,387
4,311,304	4,311,304
1,583,378	<u>1,583,378</u>
83,207,282	85,017,282
	13,861,460 1,591,501 83,207,282 53,896,213 20,250,000 3,166,387 4,311,304 1,583,378

Sec. 2. 2023 Acts and Resolves No. 78, Sec. B.216 is amended to read:

Sec. B.216 Military - air service contract

9,124,240	9,224,240
<u>1,396,315</u>	1,396,315
10,520,555	10,620,555
665,922	765,922
<u>9,854,633</u>	9,854,633
10,520,555	10,620,555
	1,396,315 10,520,555 665,922 9,854,633

Sec. 3. 2023 Acts and Resolves No. 78, Sec. B.240 is amended to read:

Sec. B.240 Cannabis Control Board

Personal services	4,829,061	4,917,181
Operating expenses	341,631	764,181
Total	5,170,692	5,681,362
Source of funds		
Special funds	<u>5,170,692</u>	5,681,362
Total	5,170,692	5,681,362

Sec. 4. 2023 Acts and Resolves No. 78, Sec. B.241 is amended to read:

Sec. B.241 Total protection to persons and property

Source of funds

General fund	208,539,656	210,449,656
Transportation fund	20,250,000	20,250,000
Special funds	109,230,607	109,741,277
Tobacco fund	635,843	635,843
Federal funds	133,784,669	133,784,669
Interdepartmental transfers	13,729,981	13,729,981
Enterprise funds	<u>13,816,313</u>	<u>13,816,313</u>

Sec. 5. 2023 Acts and Resolves No. 78, Sec. B.300 is amended to read:

Sec. B.300 Human services - agency of human services - secretary's office

14,083,686	15,401,686
5,402,086	5,402,086
<u>2,895,202</u>	2,895,202
22,380,974	23,698,974
9,767,874	10,226,874
135,517	135,517
11,678,441	12,537,441
<u>799,142</u>	<u>799,142</u>
22,380,974	23,698,974
	5,402,086 2,895,202 22,380,974 9,767,874 135,517 11,678,441 799,142

Sec. 6. 2023 Acts and Resolves No. 78, Sec. B.301 is amended to read:

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

Grants	1,990,896,293 2,039,037,932
Total	1,990,896,293 2,039,037,932
Source of funds	
General fund	648,528,785 657,710,193
Special funds	32,994,384 32,994,384
Tobacco fund	21,049,373 21,049,373
State health care resources fund	25,265,312 25,438,836
Federal funds	1,259,024,269 1,298,107,936
Interdepartmental transfers	<u>4,034,170</u> <u>3,737,210</u>
Total	1,990,896,293 2,039,037,932

Sec. 7. 2023 Acts and Resolves No. 78, Sec. B.306 is amended to read:

Sec. B.306 Department of Vermont health access - administration

Personal services	136,568,959	127,889,514
Operating expenses	44,391,640	44,391,640
Grants	<u>2,912,301</u>	<u>2,912,301</u>
Total	183,872,900	175,193,455
Source of funds		
General fund	35,605,917	39,109,628
Special funds	4,753,011	4,753,011
Federal funds	134,621,243	122,016,027
Global Commitment fund	4,220,337	4,220,337
Interdepartmental transfers	<u>4,672,392</u>	<u>5,094,452</u>
Total	183,872,900	175,193,455

Sec. 8. 2023 Acts and Resolves No. 78, Sec. B.307 is amended to read:

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

Personal services	547,983	547,983
Grants	932,542,238	936,811,294
Total	933,090,221	937,359,277
Source of funds		
Global Commitment fund	933,090,221	937,359,277
Total	933,090,221	937,359,277

Sec. 9. 2023 Acts and Resolves No. 78, Sec. B.309 is amended to read:

Sec. B.309 Department of Vermont health access - Medicaid program - state only

Grants	<u>53,067,318</u>	55,742,931
Total	53,067,318	55,742,931
Source of funds		
General fund	53,062,626	54,861,587
Global Commitment fund	<u>4,692</u>	881,344
Total	53,067,318	55,742,931

Sec. 10. 2023 Acts and Resolves No. 78, Sec. B.310 is amended to read:

Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched

Grants	34,621,472	34,672,534
Total	34,621,472	34,672,534
Source of funds		
General fund	12,634,069	12,493,853
Federal funds	21,987,403	22,178,681
Total	34,621,472	34,672,534

Sec. 11. 2023 Acts and Resolves No. 78, Sec. B.312 is amended to read:

Sec. B.312 Health - public health

Personal services	64,592,946	64,592,946
Operating expenses	13,047,530	13,047,530
Grants	<u>45,946,724</u>	53,342,870
Total	123,587,200	130,983,346
Source of funds		
General fund	12,408,429	12,408,429
Special funds	25,017,725	31,148,098
Tobacco fund	1,088,918	1,306,918

Federal funds	66,753,896	66,753,896
Global Commitment fund	16,582,951	17,630,724
Interdepartmental transfers	1,710,281	1,710,281
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	123,587,200	130,983,346

Sec. 12. 2023 Acts and Resolves No. 78, Sec. B.314 is amended to read:

Sec. B.314 Mental health - mental health

Personal services	47,716,644	50,489,379
Operating expenses	5,272,240	5,272,240
Grants	264,539,814	264,343,558
Total	317,528,698	320,105,177
Source of funds		
General fund	25,282,556	26,278,924
Special funds	1,708,155	1,708,155
Federal funds	10,999,654	10,999,654
Global Commitment fund	279,524,193	281,104,304
Interdepartmental transfers	<u>14,140</u>	<u>14,140</u>
Total	317,528,698	320,105,177

Sec. 13. 2023 Acts and Resolves No. 78, Sec. B.316 is amended to read:

Sec. B.316 Department for children and families - administration & support services

Personal services	44,446,942	46,323,033
Operating expenses	17,162,151	17,162,151
Grants	<u>3,919,106</u>	3,919,106
Total	65,528,199	67,404,290
Source of funds		
General fund	37,090,554	38,841,112
Special funds	2,781,912	2,781,912
Federal funds	23,540,549	23,540,549
Global Commitment fund	1,659,321	1,784,854
Interdepartmental transfers	<u>455,863</u>	<u>455,863</u>
Total	65,528,199	67,404,290

Sec. 14. 2023 Acts and Resolves No. 78, Sec. B.317 is amended to read:

Sec. B.317 Department for children and families - family services

Personal services	43,987,652	43,987,652
Operating expenses	5,180,385	5,180,385
Grants	93,421,639	93,703,581

Total	142,589,676	142,871,618
Source of funds		
General fund	59,707,017	59,046,300
Special funds	729,587	729,587
Federal funds	33,937,204	34,378,330
Global Commitment fund	48,178,131	48,679,664
Interdepartmental transfers	<u>37,737</u>	<u>37,737</u>
Total	142,589,676	142,871,618

Sec. 15. 2023 Acts and Resolves No. 78, Sec. B.318 is amended to read:

Sec. B.318 Department for children and families - child development

Personal services	5,670,999	5,670,999
Operating expenses	810,497	810,497
Grants	95,860,842	99,707,882
Total	102,342,338	106,189,378
Source of funds		
General fund	35,016,309	35,016,309
Special funds	16,745,000	16,745,000
Federal funds	37,419,258	41,266,298
Global Commitment fund	<u>13,161,771</u>	13,161,771
Total	102,342,338	106,189,378

Sec. 16. 2023 Acts and Resolves No. 78, Sec. B.320 is amended to read:

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

Personal services	2,252,206	2,252,206
Grants	<u>10,431,118</u>	11,181,118
Total	12,683,324	13,433,324
Source of funds		
General fund	7,533,333	7,533,333
Global Commitment fund	<u>5,149,991</u>	<u>5,899,991</u>
Total	12,683,324	13,433,324

Sec. 17. 2023 Acts and Resolves No. 78, Sec. B.323 is amended to read:

Sec. B.323 Department for children and families - reach up

Operating expenses	30,633	30,633
Grants	35,536,413	36,683,099
Total	35,567,046	36,713,732
Source of funds		
General fund	23,233,869	24,114,082
Special funds	5,970,229	5,970,229

Federal funds	3,531,330	2,806,330
Global Commitment fund	<u>2,831,618</u>	3,823,091
Total	35,567,046	36,713,732

Sec. 18. 2023 Acts and Resolves No. 78, Sec. B.330 is amended to read:

Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants

Grants	22,380,328	22,922,275
Total	22,380,328	22,922,275
Source of funds		
General fund	9,220,695	9,220,695
Federal funds	7,321,114	7,321,114
Global Commitment fund	<u>5,838,519</u>	<u>6,380,466</u>
Total	22,380,328	22,922,275

Sec. 19. 2023 Acts and Resolves No. 78, Sec. B.334 is amended to read:

Sec. B.334 Disabilities, aging, and independent living - TBI home and community based waiver

Grants	<u>6,638,028</u>	6,938,028
Total	6,638,028	6,938,028
Source of funds		
Global Commitment fund	6,638,028	6,938,028
Total	6,638,028	6,938,028

Sec. 20. 2023 Acts and Resolves No. 78, Sec. B.334.1 is amended to read:

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

Grants	268,715,683	289,878,189
Total	268,715,683	289,878,189
Source of funds		
General fund	498,579	498,579
Federal funds	2,450,000	2,450,000
Global Commitment fund	<u>265,767,104</u>	286,929,610
Total	268,715,683	289,878,189

Sec. 21. 2023 Acts and Resolves No. 78, Sec. B.338 is amended to read:

Sec. B.338 Corrections - correctional services

Personal services	139,473,576	152,714,793
Operating expenses	24,600,099	24,600,099
Total	164,073,675	177,314,892

Source of funds		
General fund	159,502,946	167,744,163
Special funds	935,963	935,963
ARPA State Fiscal	Θ	5,000,000
Federal funds	492,196	492,196
Global Commitment fund	2,746,255	2,746,255
Interdepartmental transfers	<u>396,315</u>	396,315
Total	164.073.675	177,314,892

Sec. 22. 2023 Acts and Resolves No. 78, Sec. B.338.1 is amended to read:

Sec. B.338.1 Corrections - Justice Reinvestment II

Grants	<u>10,659,519</u>	11,206,413
Total	10,659,519	11,206,413
Source of funds		
General fund	8,081,831	8,081,831
Federal funds	13,147	13,147
Global Commitment fund	<u>2,564,541</u>	3,111,435
Total	10,659,519	11,206,413

Sec. 23. 2023 Acts and Resolves No. 78, Sec. B.342 is amended to read:

Sec. B.342 Vermont veterans' home - care and support services

Personal services	18,187,631	24,284,571
Operating expenses	5,978,873	6,813,344
Total	24,166,504	31,097,915
Source of funds		
General fund	4,199,478	9,579,745
Special funds	11,655,797	13,627,301
Federal funds	8,311,229	7,890,869
Total	24,166,504	31,097,915

Sec. 24. 2023 Acts and Resolves No. 78, Sec. B.347 is amended to read:

Sec. B.347 Total human services

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Source	α t	tu	ındç

dice of funds		
General fund	1,231,153,062 1	,262,543,832
Special funds	124,537,345	132,639,222
Tobacco fund	23,088,208	23,306,208
State health care resources fund	25,265,312	25,438,836
ARPA State Fiscal	Θ	5,000,000
Federal funds	1,785,709,992 1	,816,381,527
Global Commitment fund	1,943,848,077 1	,976,541,555
Internal service funds	1,746,397	1,746,397

Interdepartmental transfers	28,591,925	28,717,025
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	5,163,965,318 5	5,272,339,602

Sec. 25. 2023 Acts and Resolves No. 78, Sec. B.500 is amended to read:

Sec. B.500 Education - finance and administration

Personal services	17,683,192	16,733,192
Operating expenses	4,387,522	4,407,522
Grants	15,270,700	15,270,700
Total	37,341,414	36,411,414
Source of funds		
General fund	7,415,742	7,465,742
Special funds	16,575,926	16,595,926
Education fund	3,486,447	3,486,447
Federal funds	9,220,942	8,220,942
Global Commitment fund	260,000	260,000
Interdepartmental transfers	<u>382,357</u>	382,357
Total	37,341,414	36,411,414

Sec. 26. 2023 Acts and Resolves No. 78, Sec. B.502 is amended to read:

Sec. B.502 Education - special education: formula grants

Grants	226,195,600	229,821,806
Total	226,195,600	229,821,806
Source of funds		
Education fund	226,195,600	229,821,806
Total	226,195,600	229,821,806

Sec. 27. 2023 Acts and Resolves No. 78, Sec. B.505 is amended to read:

Sec. B.505 Education - adjusted education payment

Grants	<u>1,703,317,103</u> <u>1,711,148,481</u>
Total	1,703,317,103 1,711,148,481
Source of funds	
Education fund	<u>1,703,317,103</u> <u>1,711,148,481</u>
Total	1,703,317,103 1,711,148,481

Sec. 28. 2023 Acts and Resolves No. 78, Sec. B.509 is amended to read:

Sec. B.509 Education - Afterschool Grant Program

Grants	4,000,000	4,000,000
Total	4,000,000	4,000,000
Source of funds		

Special funds	Θ	4,000,000
Education fund	<u>4,000,000</u>	<u>0</u>
Total	4,000,000	4,000,000

Sec. 29. 2023 Acts and Resolves No. 78, Sec. B.516 is amended to read:

Sec. B.516 Total general education

Source of funds

General fund	216,199,064	216,249,064
Special funds	19,495,486	23,515,486
Tobacco fund	750,388	750,388
Education fund	2,070,971,937 2	2,078,429,521
Federal funds	493,305,099	492,305,099
Global Commitment fund	260,000	260,000
Interdepartmental transfers	382,357	382,357
Pension trust funds	<u>3,448,255</u>	<u>3,448,255</u>
Total	2,804,812,586 2	2,815,340,170

Sec. 30. 2023 Acts and Resolves No. 78, Sec. B.603 is amended to read:

Sec. B.603 Vermont state colleges - allied health

Grants	<u>1,157,775</u>	<u>1,774,148</u>
Total	1,157,775	1,774,148
Source of funds		
General fund	748,314	274,148
Global Commitment fund	<u>409,461</u>	1,500,000
Total	1,157,775	1,774,148

Sec. 31. 2023 Acts and Resolves No. 78, Sec. B.608 is amended to read:

Sec. B.608 Total higher education

Source of funds

General fund	128,339,478	127,865,312
Education fund	41,225	41,225
Global Commitment fund	409,461	1,500,000
Total	128.790.164	129,406,537

Sec. 32. 2023 Acts and Resolves No. 78, Sec. B.702 is amended to read:

Sec. B.702 Fish and wildlife - support and field services

Personal services	21,567,730	22,223,023
Operating expenses	7,140,027	7,140,027
Grants	<u>936,232</u>	936,232
Total	29.643.989	30,299,282

Source of funds		
General fund	7,173,206	7,603,314
Special funds	370,644	385,694
Fish and wildlife fund	10,921,090	10,921,090
Federal funds	9,793,589	10,003,724
Interdepartmental transfers	1,385,460	1,385,460

30,299,282

29,643,989

Sec. 33. 2023 Acts and Resolves No. 78, Sec. B.710 is amended to read:

Sec. B.710 Environmental conservation - air and waste management

26,006,961	29,506,961
10,026,393	10,026,393
<u>4,905,988</u>	4,905,988
40,939,342	44,439,342
193,565	193,565
26,236,633	29,736,633
14,342,090	14,342,090
<u>167,054</u>	<u>167,054</u>
40,939,342	44,439,342
	10,026,393 <u>4,905,988</u> 40,939,342 193,565 <u>26,236,633</u> 14,342,090 <u>167,054</u>

Sec. 34. 2023 Acts and Resolves No. 78, Sec. B.714 is amended to read:

Sec. B.714 Total natural resources

Total

Source of funds		
General fund	37,999,582	38,429,690
Special funds	79,971,986	83,487,036
Fish and wildlife fund	10,921,090	10,921,090
Federal funds	93,077,302	93,287,437
Interdepartmental transfers	13,215,308	13,215,308
Total	235.185.268	239,340,561

Sec. 35. 2023 Acts and Resolves No. 78, Sec. B.800 is amended to read:

Sec. B.800 Commerce and community development - agency of commerce and community development - administration

Personal services	2,610,304	2,510,304
Operating expenses	982,307	982,307
Grants	539,820	539,820
Total	4,132,431	4,032,431
Source of funds		
General fund	3,666,442	3,566,442
Federal funds	351,000	351,000

Interdepartmental transfers	114,989	114,989
Total	4,132,431	
Sec. 36. 2023 Acts and Resolves No. 78, Sec. B.	.802 is amended t	o read:
Sec. B.802 Housing and community development	nt	
Personal services	6,428,334	6,528,334
Operating expenses	705,584	705,584
Grants	23,739,005	25,967,039
Total	30,872,923	33,200,957
Source of funds		
General fund	5,031,943	5,131,943
Special funds	6,937,054	9,165,088
Federal funds	15,854,615	15,854,615
Interdepartmental transfers	3,049,311	3,049,311
Total	30,872,923	33,200,957
Sec. 37. 2023 Acts and Resolves No. 78, Sec. B.813 is amended to read:		
Sec. B.813 Total commerce and community development		

Source of funds

ource of fullas		
General fund	21,222,221	21,222,221
Special funds	32,106,330	34,334,364
Federal funds	93,013,297	93,013,297
Interdepartmental transfers	<u>5,062,973</u>	5,062,973
Total	151,404,821	153,632,855

Sec. 38. 2023 Acts and Resolves No. 78, Sec. B.1000 is amended to read:

Sec. B.1000 Debt service

Operating expenses	75,705,398	<u>675,000</u>
Total	75,705,398	675,000
Source of funds		
General fund	75,377,993	675,000
Transportation fund	327,405	<u>0</u>
Total	75,705,398	675,000

Sec. 39. 2023 Acts and Resolves No. 78, Sec. B.1001 is amended to read:

Sec. B.1001 Total debt service

Source of funds

General fund	75,377,993	675,000
Transportation fund	327,405	<u>0</u>
Total	75,705,398	675,000

Sec. 40. 2023 Acts and Resolves No. 78, Sec. B.1100 is amended to read:

Sec. B.1100 MISCELLANEOUS FISCAL YEAR 2024 ONE-TIME APPROPRIATIONS

(a) Agency of Administration. In fiscal year 2024, funds are appropriated for the following:

- (4) \$30,000,000 General Fund to be used as Federal Emergency Management Agency (FEMA) matching funds for costs incurred due to the July 2023 flooding event.
- (5) \$6,250,000 General Fund for local economic damage grants to municipalities that were impacted by the July 2023 flooding event in counties that are eligible for Federal Emergency Management Agency (FEMA) Public Assistance funds under federal disaster declaration DR-4720-VT. It is the intent of the General Assembly that these local economic damage grants be distributed to municipalities throughout the state to address the secondary economic impacts of the July 2023 flooding event. Monies from these grants shall not be expended on FEMA-related projects.
- (A) \$3,250,000 of the funds appropriated in this subdivision (a)(5) for local economic damage grants shall be distributed as follows:
- (i) \$1,000,000 to each municipality that as of February 1, 2024 has at least 450 FEMA-approved Individuals and Households Program registrations for Individual Assistance relating to the July 2023 flooding event.
- (ii) \$750,000 to each municipality that as of February 1, 2024 has less than 450 and at least 95 FEMA-approved Individuals and Households Program registrations for Individual Assistance relating to the July 2023 flooding event.
- (B) \$3,000,000 of the funds appropriated in this subdivision (a)(5) for local economic damage grants shall be distributed as follows:
- (i) \$75,000 to each municipality that as of February 1, 2024 has at least \$5,000,000 in estimated reported damages to public infrastructure relating to the July 2023 flooding event.
- (ii) \$50,000 to each municipality that as of February 1, 2024 has less than \$5,000,000 and at least \$2,000,000 in estimated reported damages to public infrastructure relating to the July 2023 flooding event.
- (iii) \$30,000 to each municipality that as of February 1, 2024 has less than \$2,000,000 and at least \$1,000,000 in estimated reported damages to public infrastructure relating to the July 2023 flooding event.

- (iv) \$20,000 to each municipality that as of February 1, 2024 has less than \$1,000,000 and at least \$250,000 in estimated reported damages to public infrastructure relating to the July 2023 flooding event.
- (v) \$10,000 to each municipality that as of February 1, 2024 has less than \$250,000 and at least \$100,000 in estimated reported damages to public infrastructure relating to the July 2023 flooding event.
- (C) To the extent that the funds appropriated in this subdivision (a)(5) have not been granted by June 30, 2024, they shall revert the General Fund and be transferred to the Emergency Relief and Assistance Fund.

- (c) Department of Human Resources. In fiscal year 2024, funds are appropriated for the following:
- (1) \$725,000 \$600,000 General Fund to fund seven six new permanent full-time positions in the Operations division in fiscal year 2024. These position costs shall be funded through the Department of Human Resources Internal Service Fund beginning in fiscal year 2025;
- (2) \$75,000 \$200,000 General Fund to fund one two new permanent full-time position positions in the VTHR Operations division in fiscal year 2024. These position costs shall be funded through the Department of Human Resources Financial Management Internal Service Fund beginning in fiscal year 2025; and

* * *

- (d) \$200,000 General Fund to the Department of Libraries in. In fiscal year 2024, funds are appropriated for the following:
- (1) \$200,000 General Fund to support the FiberConnect project relating to Internet internet access in public libraries; and
- (2) \$11,500 General Fund for contract costs incurred in support of the Working Group on the Status of Libraries in Vermont pursuant to 2021 Acts and Resolves No. 66, Sec. 1.

- (i) Agency of Agriculture, Food and Markets. In fiscal year 2024, funds are appropriated for the following:
- (1) \$110,000 General Fund for electric vehicle charger inspections. Funds shall be used for the purchase of two testing units and related equipment to support the development and implementation of the Commercial Electric Vehicle Fueling Systems regulatory program;

- (2) \$1,070,000 General Fund for replacement of the existing Food Safety Inspection Database; and
- (3) \$500,000 General Fund for a grant to Salvation Farms to expand access to locally grown food for all Vermonters; and
- (4) \$6,000,000 American Rescue Plan Act (ARPA) Coronavirus State Fiscal Recovery Fund for water quality grants to partners and farmers, in accordance with the Clean Water Board's fiscal year 2023 and fiscal year 2024 budget recommendations and 2021 Acts and Resolves No. 74, Sec. G.700(a)(6)(A).

- (k) Green Mountain Care Board. In fiscal year 2024, funds are appropriated for the following:
- (1) \$620,000 General Fund for costs associated with the implementation of the Vermont Health Care Uniform Reporting and Evaluation System (VHCURES) database; <u>and</u>
- (2) \$120,500 General Fund for the implementation of a new financial database solution; and
- (3) \$50,000 General Fund for the development of the statutorily required Health Resources Allocation Plan Tool.
- (l) Agency of Human Services Central Office. In fiscal year 2024, funds are appropriated for the following:

- (3) \$10,000,000 General Fund to continue to address the emergent and exigent circumstances impacting health care providers following the COVID-19 pandemic. All or a portion of these funds may also be used as matching funds to the Agency of Human Services Global Commitment Program to provide state match. If funds are used as matching funds to the Agency of Human Services Global Commitment Program to provide state match, the commensurate amount of Global Commitment Fund spending authority may be requested during the Global Commitment Transfer process pursuant to 2023 Acts and Resolves No. 78, Sec. E.301.1; and
- (4) \$10,534,603 General Fund and \$13,693,231 Federal Revenue Fund #2205 for use as Global Commitment matching funds for one-time caseload pressures due to the suspension of Medicaid eligibility redeterminations; and
- (5) \$671,000 General Fund to the State Refugee Office for grants to support transitional housing for refugees.

(n) Department of Health. In fiscal year 2024, funds are appropriated for the following

* * *

(7) \$5,000,000 General Fund for the purpose of supporting the Community Violence Prevention Program established by legislation enacted in 2023. An amount not to exceed five percent of this appropriation may be used for the administrative costs of the program, including the funding of an existing limited service position at the Department of Health. Unexpended appropriations shall carry forward into the subsequent fiscal year and remain available for use for this purpose. All or part of this appropriation may be transferred to the Department of Health for this Program if necessary;

* * *

(o) Department for Children and Families. In fiscal year 2024, funds are appropriated for the following:

* * *

(3) \$40,000 General Fund the purchase of a driving school vehicle for the Youth Development Program to support foster and former foster youth access to driver's education to fund costs associated with supporting youth in foster care, or formerly in foster care, to learn to drive and to obtain their drivers' licenses and independent transportation;

* * *

- (9) \$130,000 General Fund for a grant to the Snelling Center to restart the Early Childhood Education Leadership Program; and
- (10) \$300,000 General Fund for a grant to Prevent Child Abuse Vermont to provide education regarding the prevention of unsafe infant sleep and to expand programming and support services regarding child abuse often related to parental substance misuse;
- (11) \$11,304,802 General Fund for emergency housing needs through the end of fiscal year 2024; and
 - (12) \$1,329,000 General Fund for standing up shelters.

* * *

(r) Agency of Education. In fiscal year 2024, funds are appropriated for the following:

- (1) \$200,000 General Fund in fiscal year 2024 to the Agency of Education for the work of the School Construction Task Force; and
- (2) \$1,924,495 Education Fund to hold Local Education Agencies harmless for the Special Education Census Block Grant miscalculation.

- (v) Public Service Department. In fiscal year 2024, funds are appropriated for the following:
- (1) \$500,000 Regulation/Energy Efficiency Fund #21698 to upgrade and expand the ePSD case management system;
- (2) \$400,000 Regulation/Energy Efficiency Fund #21698 to complete the Telecom Plan Update scheduled for June 2024; and
- (3) \$300,000 Regulation/Energy Efficiency Fund #21698 to craft policy proposals to reform and streamline electric sector policy; and
- (4) \$20,000,000 General Fund for the appropriation established in 2022 Acts and Resolves No. 185, Sec. B.1100(a)(28), as amended by 2023 Acts and Resolves No. 3, Sec. 45, to replenish the \$20,000,000 of General Fund spending authority transferred by the Emergency Board on July 31, 2023, per 32 V.S.A. §§ 133(b) and 706(2), as directed by order of the Emergency Board under Item 5(a) Business Emergency Gap Assistance Program.

* * *

- (x) Judiciary. In fiscal year 2024, funds are appropriated for the following:
- (1)(A) \$4,680,000 General Fund to the Judiciary for the Judiciary network replacement project.
- (1)(B) Judiciary shall update the Joint Information Technology Oversight Committee on the status of this project on or before December 1, 2023.
- (2) \$300,000 General Fund for the Essex County Courthouse renovation planning.

* * *

- Sec. 41. 2023 Acts and Resolves No. 78, Sec. B.1101 is amended to read:
 - Sec. B.1101 WORKFORCE AND ECONOMIC DEVELOPMENT FISCAL YEAR 2024 ONE-TIME APPROPRIATIONS

* * *

(b) Youth workforce and high school completion.

- (2) In fiscal year 2024, the amount of \$1,000,000 \$1,380,000 is appropriated from the General Fund to the Agency of Education for grants to Adult Basic Education programs to provide deficit assistance and bridge funding for Adult Basic Education programs while the study and report required by Sec. E.504 of this act is completed. Of the funds appropriated in this section, \$380,000 shall be allocated to Adult Basic Education providers as follows:
 - (A) \$300,000 to Vermont Adult Learning;
 - (B) \$40,000 to Northeast Kingdom Learning Services;
 - (C) \$20,000 to Central Vermont Adult Education; and
 - (D) \$20,000 to the Tutorial Center.

- (d) Healthcare and social services workforce.
- (1) In fiscal year 2024, the amount of \$1,000,000 is appropriated from the General Fund to the Department of Health to be transferred granted as needed to the Vermont Student Assistance Corporation for the Vermont Psychiatric Mental Health Nurse Practitioner Forgivable Loan Incentive Program created in 18 V.S.A. § 39.

- (4) In fiscal year 2024, the amount of \$3,000,000 is appropriated from the General Fund to the Department of Mental Health Agency of Human Services to address workforce needs at the designated and specialized services agencies. These funds shall not be released until a plan to meet training and retention is mutually agreed upon by the Department of Disabilities, Aging, and Independent Living and the designated and specialized services agencies and approved by the General Assembly or the Joint Fiscal Committee if the legislature General Assembly is not in session. All or a portion of these funds may be used as matching funds to the Agency of Human Services Global Commitment program to provide State match if any part of the plan is eligible to draw federal funds. It is the intent of the General Assembly to maximize the value of this one-time funding through eligible Global Commitment investment.
- (5) In fiscal year 2024, the amount of \$6,899,724 is appropriated from the Global Commitment Fund to the Department of Mental Health for purposes of leveraging the appropriation in subdivision (4) of this subsection for Global Commitment investment.

(g) Agriculture Economic Development.

* * *

(3) In fiscal year 2024, the amount of \$6,900,000 \$7,025,492 General Fund is appropriated to the Agency of Agriculture, Food and Markets to fund Agriculture Development Grants for the Organic Dairy Farm Assistance Program. Farms eligible for assistance that timely filed a complete application in calendar year 2023 that have continuously remained eligible since they applied and that are currently operating as of the passage of the fiscal year 2024 budget adjustment act shall be eligible for an award under the Program.

* * *

Sec. 42. 2023 Acts and Resolves No. 78, Sec. B.1102 is amended to read:

Sec. B.1102 AFFORDABLE HOUSING DEVELOPMENT – FISCAL YEAR 2024 ONE-TIME APPROPRIATIONS

- (c) In fiscal year 2024, the amount of \$50,000,000 \$52,000,000 General Fund is appropriated to the Vermont Housing and Conservation Board (VHCB):
- (1) \$10,000,000 to provide support and enhance capacity for emergency shelter and permanent homes for those experiencing homelessness. The funds shall be used to expand Vermont's shelter capacity, provide homes for those experiencing homelessness, and decrease reliance on the General Assistance Emergency Housing hotel and motel program. The Vermont Housing and Conservation Board shall consult with the Agency of Human Services to ensure new investments in homes and shelters are paired with appropriate support services for residents, including services supported through Medicaid. Funded projects may utilize a range of housing options, including the expansion of shelter capacity, the conversion of hotels to housing, creation of permanent supportive housing, and utilization of manufactured homes on infill sites.
- (2) \$40,000,000 \$30,000,000 to provide support and enhance capacity for the production and preservation of affordable mixed-income rental housing and homeownership units, including improvements to manufactured homes and communities, permanent homes for those experiencing homelessness, recovery residences, and housing available to farm workers and refugees. The Board is authorized to utilize up to 10 percent of these resources for innovative approaches to helping communities meet their housing needs.

(3) \$10,000,000 to:

- (A) Provide support and enhance the capacity, availability, and utilization of manufactured homes in cooperatively owned, nonprofit, and privately owned manufactured home parks with vacant and available lots. The Vermont Housing and Conservation Board shall consult with the Department of Housing and Community Development to ensure that new investments prioritize individuals and families exiting from hotels and motels in accordance with 2023 Acts and Resolves No. 81.
- (B) Provide support, expand emergency shelter capacity, and provide permanent homes to households experiencing homelessness, while decreasing reliance on motels and hotels used by beneficiaries of the emergency housing transition benefit established in 2023 Acts and Resolves No. 81 and participants of the General Assistance emergency housing program. The Vermont Housing and Conservation Board shall consult with the Agency of Human Services to ensure that new investments in emergency shelters and permanent homes are paired with appropriate support services for residents.
- (4) \$2,000,000 for emergency shelter projects in central Vermont and southeastern Vermont.
- Sec. 43. 2023 Acts and Resolves No. 78, Sec. B.1103 is amended to read:

Sec. B.1103 CLIMATE AND ENVIRONMENT – FISCAL YEAR 2024 ONE-TIME APPROPRIATIONS

* * *

(h) In fiscal year 2024, the amount of \$2,500,000 General Fund is appropriated to the Department of Environmental Conservation for the Brownfields Reuse and Environmental Liability Limitation Act as codified in 10 V.S.A. chapter 159. Funds shall be used for the assessment and cleanup planning for a maximum of 25 brownfields sites.

* * *

- (n) In fiscal year 2024, the amount of \$165,000 General Fund is appropriated to the Department of Environmental Conservation to complete the engineering assessment for the Green River Reservoir Dam. The Department shall share the findings of the assessment with Morrisville Water and Light.
- Sec. 44. 2023 Acts and Resolves No. 78, Sec. B.1104 is amended to read:

Sec. B.1104 FISCAL YEAR 2024 ONE-TIME APPROPRIATION; RETIRED TEACHERS' COST OF LIVING PAYMENT

- (a) In fiscal year 2024, notwithstanding any provision of 16 V.S.A. § 4025 to the contrary, the amount of \$3,000,000 is appropriated to the Vermont State Teachers' Retirement System from the Education Fund for Calendar Year 2023 supplemental payments made in Sec. E.514.2(b) of this act and associated costs and to fund the present value of modifications to the postretirement adjustments allowance.
- Sec. 45. 2023 Acts and Resolves No. 78, Sec. B.1105(d) is amended to read:
- (d) In fiscal year 2024, to the extent funds are available from transfers made in Sec. C.109 of this act, and before the appropriation identified in 2023 Acts and Resolves No. 81, Sec. 7(a), the projects in this subsection shall receive an appropriation from the Other Infrastructure, Essential Investments, and Reserves subaccount in the Cash Fund for Capital and Essential Investments in the following order:

Sec. 46. 29 V.S.A. § 161 is amended to read:

§ 161. REQUIREMENTS ON STATE CONSTRUCTION PROJECTS

* * *

(b) Each contract awarded under this section for any State project with a construction cost exceeding \$100,000.00, a construction project with a construction cost exceeding \$200,000.00 that is authorized and is at least 50 percent funded by a capital construction act pursuant to 32 V.S.A. § 701a, or a construction project with a construction cost exceeding \$200,000.00 that is at least 50 percent funded by the Cash Fund for Capital Infrastructure and Other Essential Investments established in 32 V.S.A. § 1001 1001b shall provide that all construction employees working on the project shall be paid not less than the mean prevailing wage published periodically by the Vermont Department of Labor in its occupational employment and wage survey plus an additional fringe benefit of 42 and one-half percent of wage, as calculated by the current Vermont prevailing wage survey. As used in this section, "fringe benefits" means benefits, including paid vacations and holidays, sick leave, employer contributions and reimbursements to health insurance and retirement benefits, and similar benefits that are incidents of employment.

Sec. 47. 2023 Acts and Resolves No. 78, Sec. C.108 is amended to read:

Sec. C.108 RESERVES FOR INFRASTRUCTURE INVESTMENT AND JOBS ACT (IIJA) MATCH

(b) To the extent available in fiscal years 2023 and 2024, the amount of \$14,500,000 is reserved in the Other Infrastructure, Essential Investments, and Reserves subaccount of the Cash Fund for Capital and Essential Investments, from the transfer provided in subdivision D.101(a)(1)(D)(ii) of this act, to provide the State match in fiscal years 2025 and 2026 needed for federal funding for water and wastewater related projects under the IIJA. These funds shall only be expended if authorized by the General Assembly.

Sec. 48. 2023 Acts and Resolves No. 78, Sec. C.109 is amended to read:

Sec. C.109 SUPPLEMENTAL CONTINGENT TRANSFERS TO CASH FUND FOR CAPITAL AND ESSENTIAL INVESTMENTS:

(a) Notwithstanding any other law to the contrary, to the extent any fund specified in 2022 Acts and Resolves No. 185, Sec. D.101(b)(2) as amended by 2023 Acts and Resolves No. 3, Sec. 48 has an a remaining unobligated fund balance in fiscal year 2023 after the transfers to the General Fund are made, the Commissioner of Finance and Management shall transfer to the subaccount created under 32 V.S.A. § 1001b(b)(2) the respective fiscal year 2023 unobligated special fund balances. The Commissioner shall report the amounts transferred pursuant to this provision to the Joint Fiscal Committee in July 2023.

* * *

Sec. 49. 2022 Acts and Resolves No. 185, Sec. B.1100, as amended by 2023 Acts and Resolves No. 78, Sec. C.115, is further amended to read:

Sec. B.1100 FISCAL YEAR 2023 ONE-TIME GENERAL FUND APPROPRIATIONS

- (b) \$11,000,000 is appropriated from the General Fund to the Department of Public Safety for regional dispatch funding. The funds are subject to the following conditions:
- (1) Up to \$1,000,000 shall be available for the retention of technical experts to assist the <u>Public Safety Communications</u> Task Force with the analysis and planning required by <u>Sec. C.112 of this act 2023 Acts and Resolves No. 78, Sec. C.114</u> and to fund the administrative expenses incurred by the Public Safety Communications Task Force. If the Task Force determines in calendar year 2023 that additional funding is necessary to achieve its purposes, it may submit a request to the Joint Fiscal Committee. The Joint Fiscal Committee is authorized to approve up to an additional \$1,000,000.

- (2) Up to \$4,500,000 shall be available to provide funding for pilot projects pursuant to Sec. C.112(f), of this act 2023 Acts and Resolves No. 78, Sec. C.114(f).
- (3) Any remaining amounts not obligated pursuant to subdivisions (1) and (2) of this subsection (b) shall be held in reserve remain unobligated and unexpended until approval to expend the funds is authorized by further enactment of the General Assembly.
- (4) It is the intent of the General Assembly that the Department of Public Safety In order to extract the greatest value from the limited State and federal dollars currently available for public safety communications modernization, it is the intent of the General Assembly that all such funding is expended in an efficient and complementary manner. To that end, the Commissioner of Public Safety shall seek to draw and deploy the \$9,000,000 in Congressionally Directed Spending to support Vermont's transition to a modernized, regional communications network in a manner that coordinates with and advances, to the greatest extent possible, the goals of a statewide public safety communications system developed by the Public Safety Communications Task Force. The Commissioner of Public Safety shall eonsult with promptly inform the Public Safety Communications Task Force as the federal parameters for expending the funds become available and as the Commissioner develops a and, if necessary, revises the plan to expend such funds. The Commissioner shall solicit recommendations from the Task Force regarding the plan, including any revisions to the plan, the implementation schedule, and specific expenditures. In addition, the Commissioner shall update the Joint Fiscal Committee on planned expenditures.

Sec. 50. 2023 Acts and Resolves No. 78, Sec. C.114(f) is amended to read:

(f)(1) If the Task Force determines that sufficient minimum technical and operational standards have been developed to warrant the funding of one or more pilot projects, the Task Force may submit for approval a pilot project plan to the Joint Fiscal Committee in calendar year 2023.

* * *

Sec. 51. 2023 Acts and Resolves No. 78, Sec. C.120 is amended to read:

Sec. C.120 BALANCE RESERVE UNRESERVED; RESERVED FOR VCBB

(a) In fiscal year 2024, \$20,000,000 is unreserved from the General Fund Balance Reserve established by 32 V.S.A. § 308c.

- (b) In fiscal year 2024, \$20,000,000 is reserved in the General Fund for the exclusive benefit of the Vermont Community Broadband Board and for the sole purpose of securing federal funding under the National Telecommunications and Information Administration's Enabling Middle Mile Broadband Infrastructure Program. The State's pending application requires a commitment to provide contingency reserve funding equal to 25percent of the total award amount if the application is approved and the award is accepted by the State.
- (1) In the fiscal year 2024 budget adjustment act, any funds reserved, but not required, for the purpose described in Sec. C.120(b) of this act shall be unreserved and reserved within the General Fund Balance Reserve established by 32 V.S.A. § 308c. [Repealed.]

Sec. 52. 2023 Acts and Resolves No. 78, Sec. C.123 is amended to read:

Sec. C.123 HOUSING TRANSITION; RESOURCES FOR COMPREHENSIVE COMMUNITY RESPONSE

- (d) \$9,400,000 of the funds described in subsection (c) of this section shall be transferred to the Department for Children and Families as set forth in this subsection. The Agency of Administration shall structure the program in accordance with the requirements of 31 C.F.R. Part 35 and in a manner designed to achieve rapid deployment and administrative efficiency, and may reallocate funds across governmental units in a net-neutral manner as follows for a total of \$9,400,000:
- (1) The Commissioner of Finance and Management is authorized to reallocate General Fund appropriations made to the Vermont Housing and Conservation Board in 2023 Acts and Resolves No. 3, Sec. 45 Department of Corrections in 2022 Acts and Resolves No. 185, Sec. B.338. In exchange, the Secretary of Administration shall provide an amount equal to the reallocation amount to the Vermont Housing and Conservation Board from the federal funds appropriated through the Emergency Rental Assistance Program, which was originally approved by the Joint Fiscal Committee pursuant to Grant Request #3034.
- (2) The Commissioner of Finance and Management is authorized to reallocate American Rescue Plan Act (ARPA) Coronavirus State Fiscal Recovery Funds appropriated to the Agency of Human Services in 2021 Acts and Resolves No. 74, Sec. G.300(a)(31), as amended by 2022 Acts and Resolves No. 83, Sec. 68 Department of Corrections from American Rescue Plan Act (ARPA) Coronavirus State Fiscal Recovery Fund dollars

appropriated to the Agency of Human Services in 2021 Acts and Resolves No. 74, Sec. G.300(a)(31), as amended by 2022 Acts and Resolves No. 83, Sec. 68.

* * *

Sec. 53. 2023 Acts and Resolves No. 78, Sec. D.100 is amended to read:

Sec. D.100 APPROPRIATIONS ALLOCATIONS; PROPERTY TRANSFER TAX

- (a) This act contains the following amounts appropriated from allocated to special funds that receive revenue from the property transfer tax. Expenditures from these appropriations These allocations shall not exceed available revenues.
- (1) The sum of \$560,000 is appropriated allocated from the Current Use Administration Special Fund to the Department of Taxes for administration of the Use Tax Reimbursement Program. Notwithstanding 32 V.S.A. § 9610(c), amounts in excess of \$560,000 from the property transfer tax deposited into the Current Use Administration Special Fund shall be transferred into the General Fund.
- (2) The sum of \$21,462,855 is appropriated from the Vermont Housing and Conservation Trust Fund to the Vermont Housing and Conservation Board (VHCB). Notwithstanding 10 V.S.A. § 312, amounts in excess of \$21,462,855 from the property transfer tax and surcharge established by 32 V.S.A. § 9602a that are deposited into the Vermont Housing and Conservation Trust Fund shall be transferred into the General Fund.
- (A) The dedication of \$2,500,000 in revenue from the property transfer tax pursuant to 32 V.S.A. § 9610(d) for the debt payments on the affordable housing bond (10 V.S.A. § 314) shall be offset by the reduction of \$1,500,000 in the appropriation to the Vermont Housing and Conservation Board and \$1,000,000 from the surcharge established by 32 V.S.A. § 9602a. The fiscal year 2024 appropriation of \$21,462,855 to the Vermont Housing and Conservation Board reflects the \$1,500,000 reduction. The affordable housing bond and related property transfer tax and surcharge provisions are repealed after the life of the bond on July 1, 2039. Once the bond is retired, it is the intent of the General Assembly that the \$1,500,000 reduction in the appropriation to the Vermont Housing and Conservation Board should be restored.
- (3) The sum of \$7,545,993 is appropriated from the Municipal and Regional Planning Fund. Notwithstanding 24 V.S.A. § 4306(a), amounts in excess of \$7,545,993 from the property transfer tax that are deposited into the

Municipal and Regional Planning Fund shall be transferred into the General Fund. The \$7,545,993 shall be allocated for the following:

- (A) \$6,211,650 for disbursement to regional planning commissions in a manner consistent with 24 V.S.A. § 4306(b);
- (B) \$898,283 for disbursement to municipalities in a manner consistent with 24 V.S.A. § 4306(b); and
- (C) \$436,060 to the Agency of Digital Services for the Vermont Center for Geographic Information.
- Sec. 54. 2023 Acts and Resolves No. 78, Sec. D.100.1 is amended to read:

Sec. D.100.1 LEGISLATIVE INTENT FOR FISCAL YEAR 2024 PLANNING FUNDS

- (a) It is the intent of the General Assembly that an <u>An</u> amount not to exceed \$500,000 of the planning funds provided in Sec. D.100 of this act <u>shall</u> be used for municipal bylaw modernization.
- Sec. 55. 2023 Acts and Resolves No. 78, Sec. D.101 is amended to read:

Sec. D.101 FUND TRANSFERS, REVERSIONS, AND RESERVES

- (a) Notwithstanding any other provision of law to the contrary, the following amounts shall be transferred from the funds indicated:
 - (1) From the General Fund to:

- (E) the Fire Prevention/Building Inspection Special Fund (21901): \$1,500,000.00; and
- (F) the Tax Computer System Modernization Fund (21909): \$3,600,000.00;
 - (G) the State Liability Insurance Fund (56200): \$9,500,000.00;
- (H) the Emergency Relief and Assistance Fund (21555): \$17,250,000.00;
 - (I) the Act 250 Permit Fund (21260): \$120,300.00;
 - (J) the General Government Projects Fund (31100): \$139.24;
 - (K) the Protection Projects Fund (31200): \$1,180,584.31;
 - (L) the Natural Resources Projects Fund (31500): \$2,127,949.51;
- (M) the Commerce and Community Development Projects Fund (31600): \$545,295.85; and

(N) the General Obligation Bonds Debt Service Fund (35100): \$71,202,993.00.

* * *

- (2) From the Education Fund to:
- (A) the Tax Computer System Modernization Fund (21909): \$1,300,000.00; and
- (B) the Universal Afterschool and Summer Special Fund: \$2,836,982.94.

* * *

- (4) From the Transportation Fund to:
- (A) the Downtown Transportation and Related Capital Improvement Fund (21575) established by 24 V.S.A. § 2796 to be used by the Vermont Downtown Development Board for the purposes of the Fund: \$523,966.00; and
- (B) the General Obligation Bonds Debt Service Fund (35100): \$327,405.00.
 - (5) From the Waste Management Assistance Fund (21285) to:
 - (A) the Environmental Contingency Fund (21275): \$3,500,000.00.
- (b) Notwithstanding any provisions of law to the contrary, in fiscal year 2024:
- (1) The following amounts shall be transferred to the General Fund from the funds indicated:

22005 AHS Central Office Earned Federal Receipts \$4,641,960

50300 Liquor Control Fund \$21,200,000

50250 Sports Wagering Fund \$1,204,000 \$3,200,000

Caledonia Fair \$5,000

North Country Hospital Loan Repayment \$24,047

Springfield Hospital Promissory Note Repayment \$121,416

21970 Registration Fees Fund \$605,273.01

21065 Financial Institutions Supervision Fund \$4,024,748

(2) The following estimated amounts, which may be all or a portion of unencumbered fund balances, shall be transferred to the General Fund. The

Commissioner of Finance and Management shall report to the Joint Fiscal Committee at its July meeting the final amounts transferred from each fund and certify that such transfers will not impair the agency, office, or department reliant upon each fund from meeting its statutory requirements.

21638 AG-Fees and reimbursement

- Court order \$1,000,000 \$4,000,000 621000 Unclaimed Property Fund \$3,270,225 \$4,806,692

* * *

- (3) Notwithstanding 2016 Acts and Resolves No. 172, Sec. E.228, \$60,044,000 \$57,667,840 of the unencumbered balances in the Insurance Regulatory and Supervision Fund (21075), the Captive Insurance Regulatory and Supervision Fund (21085), and the Securities Regulatory and Supervision Fund (21080) shall be transferred to the General Fund.
- (c)(1)(A) Notwithstanding any provision of law to the contrary, in fiscal year 2024, the following amounts amount shall revert to the General Fund from the accounts indicated general funds appropriated in Sec. B.301 of this act for the Global Commitment Program:

3400004000 Agency of Human Services -

Secretary's Office - Global Commitment

\$15,103,683

(B) Notwithstanding any provision of law to the contrary, in fiscal year 2024, the following amounts shall revert to the General Fund from the accounts indicated:

1130892201	<u>Lib – Working Group Per Diem</u>	<u>\$11,550.00</u>
1140070000	<u>Use Tax Reimbursement Program</u>	\$120,096.98
1140330000	Renter Rebates	\$943,487.35
<u>1150891901</u>	Electric Vehicle Charge	\$4,412.78
1250010000	Auditor of Accounts	\$21,067.71
1260010000	Office of the Treasurer	\$110,821.00
2110010000	Assigned Counsel	\$3.37
2120892203	JUD – County Courthouse HVAC	\$300,000.00
2130200000	<u>Sheriffs</u>	\$29,880.53
<u>2130400000</u>	SIUS Parent Account	\$167,678.27
<u>2130500000</u>	Crime Victims Advocates	\$18,465.95

2150010000	<u>Military – Administration</u>	\$100,782.00
2160892102	CCVS-BCJC for St Jo's Orph	<u>s88.00</u>
2200010000	Administration Division	\$389,654.70
2230892202	SOS – One-Time FY22 Elect Cost	ion \$171,400.78
2320020000	Liquor Enforcement & Licen	sing \$15,000.00
3150070000	Mental Health	\$2,772,735.17
3310000000	Commission on Women	\$11,173.77
3330010000	Green Mountain Care Board	\$250,000.00
3400001000	Secretary's Office Admin Co	sts \$475,775.00
3400004000	Global Commitment	\$11,676,230.24
3400010000	Human Services Board	<u>\$110,000.00</u>
3400892109	St Match – Act 155 4(a),5(a)	\$34,350.00
3400892203	AHSCO – COVID-19 Emergent/Exigen	<u>\$4,868,985.74</u>
3400892205	AHSCO – Workforce Recruitment	<u>\$4,367,147.39</u>
3400892312	AHSCO – VT Nursing Forgivable Loan	<u>\$13,403.00</u>
3410018000	DVHA – Medicaid-Non-	
	Waiver Program	\$525,610.73
3420060000	Substance Use Programs	\$119,130.89
3440010000	DCFS – Admin & Support Services	<u>\$2,595,167.55</u>
3440020000	DCFS – Family Services	<u>\$2,864,970.25</u>
3440030000	DCFS – Child Development	\$3,131,063.24
3440050000	$\underline{DCFS} - \underline{AABD}$	\$451,263.27
3440060000	<u>DCFS – General Assistance</u>	\$1,414,739.60
3440080000	DCFS – Reach Up	\$979,674.76
3440100000	DCFS – OEO Office of Economic Opp.	\$273,038.00
	720	

3440120000	DCFS – Secure Res.	
	<u>Treatment</u>	\$2,752,270.00
<u>3440130000</u>	$\underline{DCFS} - \underline{DDS}$	\$80,299.43
<u>3440891908</u>	Weatherization Assist Bridge	<u>\$1,892.85</u>
3440892214	DCF – Childcare Provider Workforce	\$2,879,549.25
3440892309	DCF – Worker Retention Grant	\$564,500.00
3480007000	<u>Corrections – Justice Reinves</u>	st \$831,964.28
4100500000	VT Department of Labor	\$2,400,000.00
<u>5100010000</u>	Administration	<u>\$0.03</u>
<u>5100060000</u>	Adult Basic Education	<u>\$136.13</u>
5100892214	AOA – School Food Program Admin	<u>\$50,670.70</u>
<u>5100892301</u>	AOE – Child Nutrition	\$244,648.60
<u>5100892309</u>	AOE – Staffing	\$146,649.08
<u>6100040000</u>	Property Tax Assessment Approp.	\$9,542.14
<u>6130030000</u>	<u>Parks</u>	<u>\$3.85</u>
6130891903	Logger Safety, Value Added	<u>\$108.51</u>
6140040000	Water Programs Appropriation	<u>\$0.20</u>
<u>7110010000</u>	Housing & Community Deve	lopment \$1.86
<u>7120010000</u>	Economic Development	<u>\$0.71</u>
7130000000	Dept. of Tourism & Marketin	\$230.47

(2) Notwithstanding any provision of law to the contrary, in fiscal year 2024, the following amounts shall revert to the Transportation Fund from the accounts indicated:

<u>1150400000</u> BGS – Information Centers \$183,952.35

(3) Notwithstanding any provision of law to the contrary, in fiscal year 2024, the following amounts shall revert to the Transportation Infrastructure Bond Fund from the accounts indicated:

8100001100 Program Development \$3,239,445.00

(4) Notwithstanding any provision of law to the contrary, in fiscal year 2024, the following amounts shall revert to the Education Fund from the accounts indicated:

<u>5100010000</u>	<u>Administration</u>	\$1,280,710.79
<u>5100110000</u>	Small School Grant	<u>\$391,067.00</u>
<u>5100200000</u>	<u>Education – Technical Education</u>	\$1,204,216.38
5100892310	Education – Universal Meals	\$6,823,849.84

(5) Notwithstanding any provision of law to the contrary, in fiscal year 2024, the following amounts shall revert to the Clean Water Fund from the accounts indicated:

<u>1100010000</u> <u>Secretary of Administration</u> <u>\$100,000.00</u>

(6) Notwithstanding any provision of law to the contrary, in fiscal year 2024, the following amounts shall revert to the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Fund from the accounts indicated:

6140892207	<u>Department of Environmental</u> Conservation – Clean Water	
	Board	<u>\$6,000,000.00</u>
1110892111	<u>University of Vermont –</u>	
	Workforce Upskill	<u>\$131,670.00</u>
1110892112	VSAC HS Grad Advancement	\$24,539.92
1110892219	<u>University of Vermont – New</u>	
	<u>Career</u>	<u>\$181,485.00</u>
2200892308	AAFM – Soil Quality Practices	<u>\$200,000.00</u>
3400892204	AHSCO – Workforce Retention	\$2,000,000.00
3440892205	<u>DCF – OEO – Community</u>	
	Action Agc	<u>\$3,182.48</u>
4100892203	DOL-COVID-19 Unemploymer	<u>1t</u>
	Syst	\$2,459,122.60

(7) Notwithstanding any provision of law to the contrary, in fiscal year 2024, the following amounts shall revert to the Tobacco Fund from the accounts indicated:

3400891802 Invest Substance Use Treat \$1,500,000.00

- (e)(1) Notwithstanding Sec. 1.4.3 of the Rules for State Matching Funds Under the Federal Public Assistance Program, in fiscal year 2024, the Secretary of Administration may provide funding from the Emergency Relief and Assistance Fund that was transferred pursuant to subdivision (a)(1)(H) of this section to subgrantees prior to the completion of a project. In fiscal year 2024, up to 70 percent of the State funding match on the nonfederal share of an approved project for municipalities that were impacted by the July 2023 flooding event in counties that are eligible for Federal Emergency Management Agency (FEMA) Public Assistance funds under federal disaster declaration DR-4720-VT may be advanced at the request of a municipality.
- (2) Notwithstanding Sec. 1.4.1 of the Rules for State Matching Funds Under the Federal Public Assistance Program, the Secretary of Administration shall increase the standard State funding match on the nonfederal share of an approved project to the highest percentage possible given available funding for municipalities in counties that were impacted by the July 2023 flooding event and are eligible for Federal Emergency Management Agency (FEMA) Public Assistance funds under federal disaster declaration DR-4720-VT.

* * *

Sec. 56. 2023 Acts and Resolves No. 78, Sec. E.100 is amended to read:

Sec. E.100 EXECUTIVE BRANCH POSITIONS

- (a) The establishment of 68 75 permanent positions is authorized in fiscal year 2024 for the following:
 - (1) Permanent classified positions:

* * *

- (R) Department for Children and Families:
 - (i) five Family Service Workers;
- (S) Cannabis Control Board:
 - (i) one Compliance Agent; and
 - (ii) one Deputy Director of Compliance and Enforcement.

* * *

(c) The establishment of $9 \underline{12}$ new classified limited service positions is authorized in fiscal year 2024 as follows:

- (3) Department of Finance and Management:
 - (A) one VISION Reporting Analyst III; and
 - (B) two VISION Financial Analysts II.

* * *

- Sec. 57. 2021 Acts and Resolves No. 74, Sec. G.501(a) is amended to read:
- (a) \$52,000,000 is appropriated in fiscal year 2022 from American Rescue Plan Act Coronavirus State Fiscal Recovery Funds as follows:

* * *

(4) \$12,800,000 to the Agency of Administration for a Human Capital Management ERP upgrade - replacement of the HR system that tracks employee information, timesheets, and contracts, including a VANTAGE budget system upgrade and interface with the new HR system. <u>Up to \$3,000,000 of these funds may be expended for other Enterprise Resource Planning modernization related projects, including business process transformation.</u>

* * *

Sec. 58. 3 V.S.A. § 3306 is amended to read:

§ 3306. TECHNOLOGY MODERNIZATION SPECIAL FUND

(a) Creation. There is created the Technology Modernization Special Fund, to be administered by the Agency of Digital Services. Monies in the Fund shall be used to <u>fund business process transformation and to</u> purchase, implement, and upgrade technology platforms, systems, and cybersecurity services used by State agencies and departments to carry out their statutory functions.

* * *

Sec. 59. AGENCY OF ADMINISTRATION; ENTERPRISE RESOURCE PLANNING

- (a) In fiscal year 2024, the Agency of Administration shall report to the Joint Information Technology Oversight Committee within three business days after any change in status of any contract relating to the Enterprise Resource Planning (ERP) Modernization Business Transformation project changes.
- (b) The Agency of Administration shall share the results of its independent review with the Committee within three business days after its completion.

Sec. 60. 2023 Acts and Resolves No. 78, Sec. E.111.2 is amended to read:

Sec. E.111.2 TAX COMPUTER SYSTEM MODERNIZATION FUND TRANSFER

- (a) Any remaining funds on June 30, 2023 in the Tax Computer System Modernization Fund established by 2007 Acts and Resolves No. 65, Sec. 282, and amended from time to time, shall be deposited into remain in the fund established as codified by 32 V.S.A. § 3209.
- Sec. 61. 2023 Acts and Resolves No. 78, Sec. E.131.2 is added to read:

Sec. E.131.2 TREASURER; STATE RESERVES STUDY

- (a) On or before December 15, 2024, the Treasurer shall, in consultation with the Department of Finance and Management and the Joint Fiscal Office, submit a written report to the Joint Fiscal Committee on the State's fiscal reserve practices and the fiscal reserve practices of other states. The report shall include a review of:
- (1) the current fiscal reserve practices of the State, including a review of which funds have statutory reserves and which funds do not;
 - (2) the fiscal reserve practices of other states and best practices;
- (3) how Vermont's fiscal reserve practices compare to those of other states and to best practices; and
- (4) the cash reserve policies of the State as it compares to reserve requirements.
- (b) The report shall include the Treasurer's findings and any recommendations for changes in the fiscal reserve practices of the State.
- Sec. 62. 2023 Acts and Resolves No. 78, Sec. E.131.3 is added to read:

Sec. E.131.3 TREASURER; STRESS-TESTING REPORT

- (a) On or before December 15, 2024, the Treasurer, in consultation with the Department of Finance and Management and the Joint Fiscal Office, shall submit a written report to the Joint Fiscal Committee on fiscal stress-testing practices and methodologies in other states. The report shall address the extent to which such practices may be useful or beneficial and include any recommendations for the implementation of stress-testing practices in State government.
- Sec. 63. 2023 Acts and Resolves No. 78, Sec. E.300.2 is amended to read:

Sec. E.300.2 BLUEPRINT FOR HEALTH HUB AND SPOKE PROGRAM PILOT; FUND SOURCES

- (a) The Agency of Human Services, in collaboration with the Departments of Vermont Health Access and of Health, shall identify alternative fund sources, including sales tax revenue from tobacco, cannabis, and liquor, for ongoing funding of the Blueprint for Health Hub and Spoke <u>pilot</u> program <u>funded in Sec. B.1100 of this act</u> and shall update the Joint Fiscal Committee on its findings on or before November 15, 2023.
- Sec. 64. 2023 Acts and Resolves No. 78, Sec. E.301 is amended to read:

Sec. E.301 SECRETARY'S OFFICE – GLOBAL COMMITMENT

* * *

(b) In addition to the State funds appropriated in Sec. B.301 of this act, a total estimated sum of \$25,231,644 \$25,050,921 is anticipated to be certified as State matching funds under the Global Commitment as follows:

* * *

- (c) Up to \$4,034,170 \$3,737,210 is transferred from the AHS Federal Receipts Holding Account to the Interdepartmental Transfer Fund consistent with the amount appropriated in Sec. B.301, Secretary's Office Global Commitment, of this act.
- Sec. 65. 2023 Acts and Resolves No. 78, Sec. E.312 is amended to read:

Sec. E.312 HEALTH – PUBLIC HEALTH

(a) HIV/AIDS funding:

- (5) In fiscal year 2024, the Department of Health shall provide grants in the amount of \$300,000 in General Funds Fund dollars and \$218,000 Tobacco Litigation Settlement Fund dollars to the current syringe exchange programs in Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers for syringe exchange programs. The method by which these prevention funds are distributed shall be determined by mutual agreement of the Department of Health, the Vermont AIDS service organizations, and other Vermont HIV/AIDS prevention providers. The performance period for these grants shall be State fiscal year 2024. Grant reporting shall include outcomes and results.
- (A) The \$218,000 Tobacco Litigation Settlement Fund dollars appropriated to the Department of Health in Sec. B.312 of this act for grants to the current syringe exchange programs in Vermont shall be distributed as follows:
 - (i) \$148,000 to Vermont Cares;

- (ii) \$30,000 to the AIDS Project of Southern Vermont;
- (iii) \$15,000 to the HIV/HCV Resource Center; and
- (iv) \$25,000 to the Howard Center Safe Recovery.

* * *

Sec. 66. 2022 Acts and Resolves No. 185, Sec. B.802, as amended by 2023 Acts and Resolves No. 3, Sec. 41, is further amended to read:

Sec. B.802 Housing and community development

Personal services	5,321,306	5,212,164
Operating expenses	673,807	<u>671,358</u>
Grants	77,056,152	27,259,532
Total	83,051,265	33,143,054
Source of funds		
General fund	4,065,708	4,065,708
Special funds	7,204,966	7,747,606
Federal funds	68,364,457	<u>18,456,246</u>
Interdepartmental transfers	2,873,494	2,873,494
Total	83,051,265	33,143,054

Sec. 67. 2022 Acts and Resolves No. 185, Sec. B.1100, as amended by 2023 Acts and Resolves No. 3, Sec. 45 is further amended to read:

Sec. B.1100 FISCAL YEAR 2023 ONE-TIME GENERAL FUND APPROPRIATIONS

(a) In fiscal year 2023, funds are appropriated from the General Fund for new and ongoing initiatives as follows:

* * *

(38) \$30,000 to the Department of Health for a grant to enter into an agreement with the American Heart Association for CPR and First Aid Training kits to facilitate training in schools.

- Sec. 68. 2022 Acts and Resolves No. 183, Sec. 53(a), as amended by 2023 Acts and Resolves No. 3, Sec. 81 is further amended to read:
- (a) Reversion. In fiscal year 2023, of the amounts appropriated in 2021 Acts and Resolves No. 74, Sec. G.300(a)(13) and 2021 Acts and Resolves No. 9, Sec. 3(b)(1), from the American Rescue Plan Act (ARPA) Coronavirus State Fiscal Recovery Funds to the Agency of Commerce and Community Development for the Economic Recovery Grant Program,

\$25,042,000.00 \$24,980,874.93 shall revert to the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds.

Sec. 69. 2023 Acts and Resolves No. 22, Sec. 3 is amended to read:

Sec. 3. APPROPRIATION; COMMUNITY NEEDLE AND SYRINGE DISPOSAL PROGRAMS

In Notwithstanding any provision of law to the contrary, in fiscal year 2024, \$150,000.00 is authorized appropriated from the Evidence-Based Education and Advertising Fund in established by 33 V.S.A. § 2004a to the Department of Health's Division of Substance Use Programs to provide grants and consultations for municipalities, hospitals, community health centers, and other publicly available community needle and syringe disposal programs that participated in a stakeholder meeting pursuant to Sec. 2 of this act.

Sec. 70. 2023 Acts and Resolves No. 22, Sec. 14 is amended to read:

Sec. 14. APPROPRIATION; OPIOID ABATEMENT SPECIAL FUND

In fiscal year 2023, the following monies shall be appropriated from the Opioid Abatement Special Fund pursuant to 18 V.S.A. § 4774:

* * *

- (9) All appropriations made in this section shall carry forward into fiscal year 2024 unless reverted as part of the fiscal year 2024 budget adjustment act.
- Sec. 71. 2022 Acts and Resolves No. 185, Sec. G.600(b), as amended by 2023 Acts and Resolves No. 3, Sec. 85, and 2023 Acts and Resolves No. 62, Sec. 26, is further amended to read:
- (b) In fiscal year 2023, \$32,200,000 is appropriated from the General Fund and \$550,000 is appropriated from the Transportation Fund for electric vehicle charging infrastructure, electrification incentives and public transportation investments as follows:

- (4) \$3,000,000 \$4,000,000 to the Agency of Transportation to grant to the Community Action Agencies to support the MileageSmart Program, established in 2019 Acts and Resolves No. 59, Sec. 34, as amended.
- (5) \$2,350,000.00 \$1,350,000 to the Agency of Transportation for the Replace Your Ride Program, established in 2021 Acts and Resolves No. 55, Sec. 27, as amended.
- (6) \$2,200,000 \$2,350,000 general funds and \$550,000 Transportation funds to the Agency of Transportation for the following:

- (C) \$50,000 Transportation funds and \$100,000 \$150,000 general funds to the Agency of Transportation for electric bicycle incentives.
- (7) \$500,000 to the Agency of Transportation Electrify Your Fleet Program.
- Sec. 72. 2023 Acts and Resolves No. 81, Sec. 8 is amended to read:

Sec. 8. EMERGENCY HOUSING TRANSITION; FUNDING; FISCAL YEAR 2024 BUDGET ADJUSTMENT

(a) The Agency of Human Services shall hold in reserve revert as much funding spending authority as possible from during the Agency's fiscal year 2023 closeout process as carryforward for potential investment in assisting households with transitioning out of the pandemic-era General Assistance Emergency Housing Program. The reserved funds shall not be used unless pursuant to the Secretary of Administration's discretion under 2023 Acts and Resolves No. 3, Sec. 109. If the amounts appropriated pursuant to Sec. 7 of this act are not sufficient to fully implement the phase-out of the pandemic-era General Assistance Emergency Housing Program as set forth in this act, then the General Assembly may provide additional spending authority as needed.

* * *

Sec. 73. 10 V.S.A. § 6083a is amended to read:

§ 6083a. ACT 250 FEES

(a) All applicants for a land use permit under section 6086 of this title shall be directly responsible for the costs involved in the publication of notice in a newspaper of general circulation in the area of the proposed development or subdivision and the costs incurred in recording any permit or permit amendment in the land records. In addition, applicants shall be subject to each of the following fees for each individual permit or permit application for the purpose of compensating the State of Vermont for the direct and indirect costs incurred with respect to the administration of the Act 250 program:

* * *

Sec. 74. 16 V.S.A. § 4025(b)(2) is amended to read:

(2) To cover the cost of fund auditing, accounting, <u>revenue collection</u>, and of short-term borrowing to meet fund cash flow requirements.

Sec. 75. 18 V.S.A. § 1001 is amended to read:

§ 1001. REPORTS TO COMMISSIONER OF HEALTH

(b) Public health records developed or acquired by State or local public health agencies that relate to HIV or AIDS and that contain either personally identifying information or information that may indirectly identify a person shall be confidential and only disclosed following notice to and written authorization from the individual subject of the public health record or the individual's legal representative. Notice otherwise required pursuant to this section shall not be required for disclosures to the federal government; other departments, agencies, or programs of the State; or other states' infectious disease surveillance programs if the disclosure is for the purpose of comparing the details of potentially duplicative case reports, <u>public health surveillance</u>, or <u>epidemiological follow-up</u>, provided the information shall be shared using the least identifying information first so that the individual's name shall be used only as a last resort.

* * *

Sec. 76. 33 V.S.A. § 3511 is amended to read:

§ 3511. DEFINITIONS

As used in this chapter:

* * *

- (7) "Family child care home" means a child care facility that provides care on a regular basis in the caregiver's own residence for not more than 10 children at any one time. Of this number, up to six children may be provided care on a full-time basis and the remainder on a part-time basis. As used in this subdivision, care of a child on a part-time basis shall mean care of a school-age child for not more than four hours a day. These limits shall not include children who reside in the residence of the caregiver, except:
- (A) These part-time, school-age children may be cared for on a full-day basis during school closing days, snow days, and vacation days that occur during the school year.
- (B) During the school summer vacation, up to 12 children may be cared for provided that at least six of these children are of school age and a second staff person is present and on duty when the number of children in attendance exceeds six. These limits shall not include children who are required by law to attend school (seven years of age and older) and who reside in the residence of the caregiver.

* * *

Sec. 77. 29 V.S.A. chapter 61 is amended to read:

CHAPTER 61. MUNICIPAL EQUIPMENT LOAN FUND

* * *

§ 1602. APPLICATION; LOANS; CONDITIONS

- (a) Upon application of a municipality or two or more municipalities applying jointly, the State Treasurer may loan money from the Fund to that municipality or municipalities for the purchase of equipment. Purchases of equipment eligible for loans from the Fund shall have a useful life of at least five years and a purchase price of at least \$20,000.00 but shall not be eligible for loans in excess of \$110,000.00 \$150,000.00 from this Fund.
- (b) The Treasurer is authorized to establish terms and conditions, including repayment schedules of up to five years for loans from the Fund to ensure repayment of loans to the Fund. Before a municipality may receive a loan from the Fund, it shall give to the Treasurer security for the repayment of the funds. The security shall be in such form and amount as the Treasurer may determine and may include a lien on the equipment financed by the loan.
- (c) The rates of interest shall be as established by this section to assist municipalities in purchasing equipment upon terms more favorable than in the commercial market. Such rates shall be no not more than two percent per annum for a loan to a single municipality, and loans shall bear no interest charge if made to two or more municipalities purchasing equipment jointly.
- (d) In any fiscal year, new loans from the Municipal Equipment Fund shall not exceed an aggregate of \$1,500,000.00. The Treasurer shall put forth recommendations to the General Assembly on a maximum loan amount every five years, commencing on January 15, 2028, based on requests received and loans granted pursuant to this chapter.

* * *

Sec. 78. 3 V.S.A. chapter 18 is amended to read:

CHAPTER 18. VT SAVES

* * *

§ 532. VT SAVES PROGRAM; ESTABLISHMENT

- (c) Contributions.
- (1) Unless otherwise specified by the covered employee, a covered employee shall automatically initially contribute five percent of the covered employee's salary or wages to the Program. A covered employee may elect to

opt out of the Program at any time or contribute at any higher or lower rate, expressed as a percentage of salary or wages, or, as permitted by the Treasurer, expressed as a flat dollar amount, subject in all cases to the IRA contribution and eligibility limits applicable under the Internal Revenue Code at no additional charge.

(2) The Treasurer shall provide for, on a uniform basis, an annual increase of each active participant's contribution rate, by not less than one percent, but not more than eight percent, of salary or wages each year. Any such increases shall apply to active participants, including participants by default with an option to opt out or participants who are initiated by affirmative participant election, provided that any increase is subject to the IRA contribution and eligibility limits applicable under the Internal Revenue Code.

* * *

§ 535. PENALTIES

(a) Failure to enroll comply. If a covered employer fails to enroll a covered employee be in compliance with this chapter without reasonable cause, the covered employer is subject to a penalty for each covered employee for each calendar year or portion of a calendar year during which the covered employee was not enrolled in the Program or had not opted out of participation in the Program. The amount of any penalty imposed on a covered employer for the failure to enroll a covered employee without reasonable cause is determined as follows:

* * *

(b) Waivers. The Treasurer is authorized to establish a rule waiving the penalty for a covered employer for any failure to enroll a covered employee that fails to be in compliance with this chapter for which it is established that the covered employer did not know that the failure existed and exercised reasonable diligence to meet the requirements of this chapter, provided that:

* * *

Sec. 79. 2023 Acts and Resolves No. 43, Sec. 2 is amended to read:

Sec. 2. VT SAVES; IMPLEMENTATION

(a) Subject to an appropriation from the General Assembly, the State Treasurer shall implement the VT Saves Program (Program), established in 3 V.S.A. chapter 18, as follows: in stages as determined by the Treasurer, which may include phasing in the Program based on the size of employers or other

factors. The Program shall be implemented so that all covered employees will begin participation and make contributions on or before July 1, 2026

- (1) Beginning on July 1, 2025, all covered employers with 25 or more covered employees shall offer the Program to all covered employees.
- (2) Beginning on January 1, 2026, all covered employers with 15 to 24 covered employees shall offer the Program to all covered employees.
- (3) Beginning on July 1, 2026, all covered employers with five to 14 covered employees shall offer the Program to all covered employees.
- (b) As used in this section, "covered employer" and "covered employee" have the same meanings as in 3 V.S.A. § 531.
- Sec. 80. 17 V.S.A. § 2732(a) is amended to read:
- (a) The electors shall meet at the State House on the first Monday <u>Tuesday</u> after the second Wednesday in December next following their election to vote for the President and Vice President of the United States, agreeably to the laws of the United States.
- Sec. 81. 18 V.S.A. § 9435 is amended to read:
- § 9435. EXCLUSIONS

* * *

- (g) With the approval of the Commissioner of Health, excluded from this subchapter is a facility in which the prescription, distribution, or administration of medication for opioid use disorder is a principal activity.
- Sec. 82. 18 V.S.A. § 4772 is amended to read:
- § 4772. OPIOID SETTLEMENT ADVISORY COMMITTEE

- (f) Meetings.
- (1) The Commissioner of Health shall call the first meeting of the Advisory Committee to occur on or before June 30, 2022.
- (2) The Advisory Committee shall meet at least quarterly but not more than six 12 times per calendar year.
- (3) The Advisory Committee shall adopt procedures to govern its proceedings and organization, including voting procedures and how the staggered terms shall be apportioned among members.
- (4) All meetings of the Advisory Committee shall be consistent with Vermont's Open Meeting Law pursuant to 1 V.S.A. chapter 5, subchapter 2.

- (g) Compensation and reimbursement.
- (1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Advisory Committee serving in the member's capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than six 12 meetings per year. These payments shall be appropriated from the Opioid Abatement Special Fund.
- (2) Other members of the Advisory Committee shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than six 12 meetings per year. These payments shall be appropriated from the Opioid Abatement Special Fund.
- Sec. 83. 27 V.S.A. § 1513 is amended to read:

§ 1513. PAYMENT OR DELIVERY OF PROPERTY TO ADMINISTRATOR

- (f) If property reported to the Administrator under section 1491 of this title is virtual currency, the holder shall liquidate the virtual currency and remit the proceeds to the Administrator. The liquidation shall occur anytime within 30 days prior to the remittance. The owner of the property shall not have recourse against the holder or the Administrator to recover any gain in value that occurs after the liquidation of the virtual currency for property properly reported as set forth in this chapter.
- (g) The Administrator shall establish procedures for the registration, issuance, method of delivery, transfer, and maintenance of securities delivered to the Administrator by a holder.
- (g)(h) An issuer, holder, and transfer agent or other person acting under this section under instructions of and on behalf of the issuer or holder is not liable to the apparent owner for, and must be indemnified by the State against, a claim arising with respect to property after the property has been delivered to the Administrator.
- (h)(i) A holder is not required to deliver to the Administrator a security identified by the holder as a non-freely nonfreely transferable security. If the Administrator or holder determines that a security is no longer a non-freely nonfreely transferable security, the holder shall deliver the security on the next regular date prescribed for delivery of securities under this chapter. The holder shall make a determination annually whether a security identified in a report filed under section 1491 of this title as a non-freely nonfreely transferable security.

Sec. 84. 20 V.S.A. § 3173 is amended to read:

§ 3173. MONETARY BENEFIT

- (a) The survivors of emergency personnel who dies while in the line of duty or from an occupation-related illness may apply for a payment of \$50,000.00 \$80,000.00 from the State.
- (b) The State Treasurer shall disburse from the Special Fund established in section 3175 of this title the monetary benefit described in subsection (a) of this section and shall adopt necessary procedures for the disbursement of such funds.
- Sec. 85. 16 V.S.A. § 1949 is amended to read:

§ 1949. POSTRETIREMENT ADJUSTMENTS TO RETIREMENT ALLOWANCES

- (a) Postretirement adjustments to retirement allowance. On January 1 of each year, the retirement allowance of each beneficiary of the System who is in receipt of a retirement allowance for at least a one-year period as of December 31 in the previous year, and who meets the eligibility criteria set forth in this section, shall be adjusted by the amount described in subsection (d) of this section. In no event shall a beneficiary receive a negative adjustment to the beneficiary's retirement allowance.
- (b) Calculation of net percentage increase. Each year, a determination shall be made of any increase or decrease, to the nearest one-tenth of a percent, in the Consumer Price Index for the month ending on June 30 of that year to the average of the Consumer Price Index for the month ending on June 30 of the previous year.
- (1) Consumer Price Index; maximum and minimum amounts. Any increase or decrease in the Consumer Price Index shall be subject to adjustment so as to remain within the following maximum and minimum amounts:
- (A) For Group A members and Group C members who are eligible for normal retirement or unreduced early retirement, or who are vested deferred, on or before June 30, 2022, the maximum amount of any increase or decrease utilized to determine the net percentage increase shall be five percent.
- (B) For Group C members who are eligible for retirement and leave active service on or after July 1, 2022, the maximum amount of any increase or decrease utilized to determine the net percentage increase shall be four percent.

- (2) Consumer Price Index; decreases. In the event of a decrease of the Consumer Price Index as of June 30 for the preceding year, there shall be no adjustment to the retirement allowance of a beneficiary for the subsequent year beginning on January 1; provided, however, that:
- (A) such decrease shall be applied as an offset against the first subsequent year's increase of the Consumer Price Index up to the full amount of such increase; and
- (B) to the extent that such decrease is greater than such subsequent year's increase, such decrease shall be offset in the same manner against two or more years of such increases, for up to but not exceeding five subsequent years of such increases, until fully offset.
- (3)(2) Consumer Price Index; increases. Subject to the maximum and minimum amounts set forth in subdivision (1) of this subsection, in <u>In</u> the event of an 4increase in the Consumer Price Index, and provided there remains an increase following the application of any offset as in subdivision (2)(1) of this subsection, that amount shall be identified as the net percentage increase and used to determine the members' postretirement adjustment as set forth in subsection (d) of this section.
- (c) Eligibility for postretirement adjustment. In order for a beneficiary to receive a postretirement adjustment allowance, the beneficiary must meet the following eligibility requirements:
- (1) for For any Group A or Group C member eligible for <u>normal</u> retirement, or who is vested deferred, on or before June 30, 2022, the member must be in receipt of a retirement allowance for at least 12 months prior to the January 1 effective date of any postretirement adjustment; and.
- (2) for For any Group C member who is <u>first</u> eligible for <u>normal</u> retirement and leaves active service on or after July 1, 2022, the member must be in receipt of a retirement allowance for at least 24 months prior to the January 1 effective date of any postretirement adjustment.
- (3) Special rule for Group C early retirement. A Group C member in receipt of an early retirement allowance shall not receive a postretirement adjustment to the member's retirement allowance until such time as the member has reached normal retirement age, provided the member meets all eligibility criteria set forth in this subsection.
- (d) Amount of postretirement adjustment. The postretirement adjustment for each member who meets the eligibility criteria set forth in subsection (c) of this section shall be as follows:

- (1) the full amount of the net percentage increase calculated pursuant to subsection (b) of this section for all Group A members; and, provided that:
- (A) the net percentage increase following the application of any offset as provided in this section equals or exceeds one percent; and
- (B) the maximum amount of any adjustment under this section shall be five percent; and
- (2) one-half of the net percentage increase <u>calculated pursuant to</u> <u>subsection (b) of this section</u> for all Group C members-, <u>provided that:</u>
- (A) For Group C members eligible for normal retirement or who are vested deferred on or before June 30, 2022, the maximum amount of any adjustment under this section shall be five percent. An adjustment of less than one percent shall be assigned a value of one percent.
- (B) For Group C members first eligible for normal retirement and who leave active service on or after July 1, 2022, the maximum amount of any adjustment under this section shall be four percent and the minimum amount shall be zero percent.
- (e) As used in this section, "Consumer Price Index" shall mean means the Northeast Region Consumer Price Index for all urban consumers, designated as "CPI-U," in the northeast region, as published by the U.S. Department of Labor, Bureau of Labor Statistics.
- Sec. 86. 2023 Acts and Resolves No. 47, Sec. 36 is amended to read:

Sec. 36 MIDDLE-INCOME HOMEOWNERSHIP DEVELOPMENT PROGRAM

- (a) The Vermont Housing Finance Agency shall establish a Middle-Income Homeownership Development Program pursuant to this section.
 - (b) As used in this section:
- (1) "Affordable owner-occupied housing" means owner-occupied housing identified in 26 U.S.C. § 143(c)(1) or that qualifies under Vermont Housing Finance Agency criteria governing owner-occupied housing.
- (2) "Income-eligible homebuyer" means a Vermont household with annual income that does not exceed 150 percent of area median income.
- (c) The Agency shall use the funds appropriated in this section to provide subsidies for new construction or acquisition and substantial rehabilitation of affordable owner-occupied housing for purchase by income-eligible homebuyers.

- (d) The total amount of subsidies for a project shall not exceed 35 percent of eligible development costs, as determined by the Agency, which the Agency may allocate consistent with the following:
- (1) Developer subsidy. The Agency may provide a direct subsidy to the developer, which shall not exceed the difference between the cost of development and the market value of the home as completed.
- (2) Affordability subsidy. Of any remaining amounts available for the project after the developer subsidy, the Agency may provide a subsidy for the benefit of the homebuyer to reduce the cost of purchasing the home, provided that:
- (A) the Agency includes conditions in the subsidy, <u>agreement</u> or uses another legal mechanism, to ensure that, to the extent the home value has risen, the amount of the subsidy <u>upon</u> sale of the home, to the extent proceeds are available, the amount of the affordability subsidy either:
- (i) remains with the home to offset the cost to future homebuyers; or
- (ii) is recaptured by the Agency upon sale of the home for use in a similar program to support affordable homeownership development; or
- (B) the subsidy is subject to a housing subsidy covenant, as defined in 27 V.S.A. § 610, that preserves the affordability of the home for a period of 99 years or longer.
- (3) The Agency shall allocate not less than 33 percent of the funds available through the Program to projects that include a housing subsidy covenant consistent with subdivision (2)(B) of this subsection.
- (e) The Agency shall adopt a Program plan that establishes application and selection criteria, including:
 - (1) project location;
 - (2) geographic distribution;
 - (3) leveraging of other programs;
 - (4) housing market needs;
- (5) project characteristics, including whether the project includes the use of existing housing as part of a community revitalization plan;
 - (6) construction standards, including considerations for size;
- (7) priority for plans with deeper affordability and longer duration of affordability requirements;

- (8) sponsor characteristics;
- (9) energy efficiency of the development; and
- (10) the historic nature of the project.
- (f)(1) When implementing the Program, the Agency shall consult stakeholders and experts in the field.
 - (2) The Program shall include:
 - (A) a streamlined and appropriately scaled application process;
- (B) an outreach and education plan, including specific tactics to reach and support eligible applicants, especially those from underserved regions or sectors;
- (C) an equitable system for distributing investments statewide on the basis of need according to a system of priorities that includes consideration of:
 - (i) geographic distribution;
 - (ii) community size;
 - (iii) community economic need; and
- (iv) whether an application has already received an investment or is from an applicant in a community that has already received Program funding.
 - (3) The Agency shall use its best efforts to ensure:
- (A) that investments awarded are targeted to the geographic communities or regions with the most pressing economic and employment needs; and
- (B) that the allocation of investments provides equitable access to the benefits to all eligible geographical areas.
- (g) The Agency may assign its rights under any investment or subsidy made under this section to the Vermont Housing and Conservation Board or any State agency or nonprofit organization qualifying under 26 U.S.C § 501(c)(3), provided such assignee acknowledges and agrees to comply with the provisions of this section.
- (h) The Department shall report to the House Committee on General and Housing and the Senate Committee on Economic Development, Housing and General Affairs on the status of the Program annually, on or before January 15.
- Sec. 87. 2023 Acts and Resolves No. 47, Sec. 37 is amended to read:
 - Sec. 37. MIDDLE-INCOME HOMEOWNERSHIP; IMPLEMENTATION

The duty to implement Sec. 36 of this act is contingent upon an appropriation of funds in fiscal year 2024 from the General Fund to the Department of Housing and Community Development for a subgrant to the Vermont Housing Finance Agency for the Middle-Income Homeownership Development Program. [Repealed.]

Sec. 88. UNRESERVED EDUCATION FUNDS; VERMONT STATE TEACHERS' RETIREMENT SYSTEM TRANSFER

(a) In fiscal year 2024, notwithstanding any provision of 16 V.S.A. § 4025 to the contrary, the amount of \$9,100,000 in Education Fund dollars reserved in 2023 Acts and Resolves No. 78, Sec. D.104(a) is unreserved, and the sum of \$9,340,000 in Education Fund dollars is transferred to the Vermont Teachers' Retirement Fund, established in 16 V.S.A. § 1944, to fund the present value of modifications made to the postretirement adjustments allowance set forth in Sec. 85 of this act.

Sec. 89. TEMPORARY EMERGENCY HOUSING

- (a) To the extent emergency housing is available, the Commissioner for Children and Families shall ensure that temporary emergency housing is provided through June 30, 2024 to households eligible for the General Assistance Emergency Housing Program, including beneficiaries of the emergency housing transition benefit that is set to conclude on April 1, 2024 and including those individuals who qualify for temporary emergency housing pursuant to both the Department's adverse weather condition policy and either catastrophic or vulnerable population eligibility. Participation pursuant to this subsection shall not be bound by day limit maximums and shall be subject to the following eligibility criteria:
- (1) for beneficiaries of the emergency housing transition benefit, 2023 Acts and Resolves No. 81, Sec. 6, and Department for Children and Families, Emergency Housing Transition Benefit (EH-100), adopted under Secretary of State emergency rule filing number 23-E12 or any future identical emergency rule adopted by the Department; and
- (2) for all other participants of the General Assistance Emergency Housing Program, including those individuals who qualify for temporary emergency housing pursuant to both the Department's adverse weather condition policy and either catastrophic or vulnerable population eligibility, Department for Children and Families, General Assistance (CVR 13-170-260) as amended by Department for Children and Families under Secretary of State emergency rule filing number 23-E11 or any future identical emergency rule adopted by the Department.

- (b) A household that is otherwise eligible for temporary emergency housing pursuant to subsection (a) of this section, but for the inability to qualify for or document receipt of SSI or SSDI, may use the Department's Emergency Housing Disability Variance Request Form as a means of documenting a qualifying disability or health condition.
- (c) Temporary emergency housing required pursuant to subsection (a) of this section may be provided through approved shelters, new unit generation, open units, licensed hotels or motels, or other appropriate shelter space. The Agency of Human Services shall, when available, prioritize temporary emergency housing at housing or shelter placements other than licensed hotels or motels.
- (d) On or before the last day of each month from April 2024 through June 2024, the Agency of Human Services, or other relevant agency or department, shall continue submitting a substantially similar report to that due pursuant to 2023 Acts and Resolves No. 81, Sec. 6(b).
- (e) For temporary emergency housing provided beginning on March 1, 2024 and thereafter, the Agency of Human Services shall not pay a licensed hotel or motel establishment more than the lowest advertised room rate and not more than \$80 a day per room to shelter a household experiencing homelessness. The Agency of Human Services may shelter a household in more than one licensed hotel or motel room depending on the household's size and composition.
 - (f) The Agency of Human Services shall apply the following rules:
- (1) Section 2650.1 of the Department for Children and Families, General Assistance (CVR 13-170-260);
- (2) Department of Health, Licensed Lodging Establishment Rule (CVR 13-140-023); and
- (3) Department of Public Safety, Vermont Fire and Building Safety Code (CVR 28-070-001).
- (g)(1) Prior to June 1, 2024, the Agency of Human Services may work with either a shelter provider or a community housing agency to enter into a full facility lease or sales agreement with a hotel or motel provider. Any facility conversion under this section shall comply with the Office of Economic Opportunity's shelter standards.
- (2) If the Agency determines that a contractual agreement with a licensed hotel or motel operator to secure temporary emergency housing capacity is beneficial to improve the quality, cleanliness, or access to services for those households temporarily housed in the facility, the Agency shall be

authorized to enter into such an agreement in accordance with the per-room rate identified in subsection (e) of this section; provided, however, that in no event shall such an agreement cause a household to become unhoused. The Agency may include provisions to address access to services or related needs within the contractual agreement.

Sec. 90. 2012 Acts and Resolves No. 71, Sec. 1, as amended by 2012 Acts and Resolves No. 143, Sec. 13, 2014 Acts and Resolves No. 189, Sec. 26, and 2017 Acts and Resolves No. 71, Sec. 24, is further amended to read:

Sec. 1. VERMONT STRONG MOTOR VEHICLE PLATES

- (a) Intent. It is the intent of this act to recognize all of those who have suffered losses because of the destruction brought by Tropical Storm Irene and the flooding of 2011, and to commemorate the contributions of the many who are helping to rebuild Vermont and to make it stronger. [Repealed.]
 - (b) Authority; accounting and reporting; bundles.
- (1) The department of motor vehicles ("department") Department of Motor Vehicles is authorized to design, manufacture or procure, and distribute one or more commemorative plates that include the text "Vermont Strong" in accordance with this section. The department and Vermont Life magazine are Department is authorized to sell commemorative plates individually or in conjunction with a bundled promotional item. The department Department may also authorize other persons to sell commemorative plates, provided that such persons are required to pay the department \$25.00 Department \$35.00 per plate within 30 days of after receiving the plates from the department Department.
- (2) A The Vermont Strong commemorative plate fund (the "fund") Commemorative Plate Fund is established. The fund Fund shall be under the control of the commissioner of motor vehicles Commissioner of Motor Vehicles or designee, and shall consist of all receipts from the sales of Vermont Strong commemorative plates and bundled promotional items. The commissioner Commissioner shall account for all proceeds of sales of commemorative plates and bundled promotional items and all receipts into and disbursements from the fund Fund; shall track the number of plates and bundled promotional items distributed and sold; and shall track and collect payments owed for plates distributed. The commissioner Commissioner shall transfer funds from the fund Fund in accordance with subsection (d) of this section no not less often than once per month. The department Department shall report its accounting of fund Fund receipts and disbursements, plate inventory, and uncollected payments for plates distributed to the joint fiscal

eommittee at its November 2012 meeting House and Senate Committees on Transportation and the Joint Fiscal Committee not later than May 1, 2024.

- (c) Use. An approved Vermont Strong commemorative plate may be displayed on a motor vehicle registered in Vermont as a pleasure car or on a motor truck registered in Vermont for less than 26,001 pounds (, but excluding vehicles registered under the International Registration Plan), by covering the front registration plate with the commemorative plate any time from the effective date of this act. The regular front registration plate shall not be removed. The regular rear registration plate shall be in place and clearly visible at all times.
 - (d) Price and allocation of revenue.
- (1) The retail price of the plate shall be \$25.00 \$35.00, except that on or after July 1, 2016 2026, plates may be sold by the Commissioner for \$5.00.
- (2) Funds received from the sale of plates for \$5.00 shall be allocated to the Department; funds received from the sale of the plates for \$25.00 \$35.00 shall be allocated as follows:
 - (1)(A) \$5.00 to the Department;
- (2)(B) \$18.00 to the Vermont Disaster Relief Fund \$15.00 to the Vermont Community Foundation; and
- (3)(C) \$2.00 to the Vermont Foodbank \$15.00 to the Agency of Commerce and Community Development's Business Emergency Gap Assistance Program.
- (3) Funds received from the sale of bundled promotional items, less any costs to the Department for the purchase of the bundled promotional items, shall be allocated as follows:
 - (A) 50 percent to the Vermont Community Foundation; and
- (B) 50 percent to the Agency of Commerce and Community Development's Business Emergency Gap Assistance Program.
- (e) Funding. The department of motor vehicles Department of Motor Vehicles is authorized to obtain an advance from the Vermont Strong commemorative plate fund Commemorative Plate Fund in an anticipation of receipts. The amount to be determined by the commissioner of motor vehicles in anticipation of receipts from the administration of this section Commissioner of Motor Vehicles shall not exceed the projected number of plates to be sold multiplied by the amount provided in subdivision (d)(2)(A) of this section.

- (f) Tax exemption. Sales of commemorative plates pursuant to this section shall be exempt from the sales and use tax established by 32 V.S.A. chapter 233.
- Sec. 91. 2012 Acts and Resolves No. 71, Sec. 1, as amended by 2012 Acts and Resolves No. 143, Sec. 13, 2014 Acts and Resolves No. 189, Sec. 26, 2017 Acts and Resolves No. 71, Sec. 24, and Sec. 90 of this act is further amended to read:

Sec. 1. VERMONT STRONG MOTOR VEHICLE PLATES

- (a) [Repealed.]
- (b) Authority; accounting and reporting; bundles.
- (1) The Department of Motor Vehicles is authorized to design, manufacture or procure, and distribute one or more commemorative plates that include the text "Vermont Strong" in accordance with this section. The Department is authorized to sell commemorative plates individually or in conjunction with a bundled promotional item. The Department may also authorize other persons to sell commemorative plates, provided that such persons are required to pay the Department \$35.00 per plate within 30 days after receiving the plates from the Department.
- (2) The Vermont Strong Commemorative Plate Fund is established. The Fund shall be under the control of the Commissioner of Motor Vehicles, or designee, and shall consist of all receipts from the sales of Vermont Strong commemorative plates and bundled promotional items. The Commissioner shall account for all proceeds of sales of commemorative plates and bundled promotional items and all receipts into and disbursements from the Fund; shall track the number of plates and bundled promotional items distributed and sold; and shall track and collect payments owed for plates distributed. The Commissioner shall transfer disburse funds from the Fund in accordance with subsection (d) of this section not less often than once per month. The Department shall report its accounting of Fund receipts and disbursements, plate inventory, and uncollected payments for plates distributed to the House and Senate Committees on Transportation and the Joint Fiscal Committee not later than May 1, 2024.

- (d) Price and allocation of revenue.
- (1) The retail price of the plate shall be \$35.00, except that on or after July 1, 2026, plates may be sold by the Commissioner for \$5.00.

- (2) Funds received from the sale of plates for \$5.00 shall be allocated to the Department; funds received from the sale of the plates for \$35.00 shall be allocated as follows:
 - (A) \$5.00 to the Department; and
 - (B) \$15.00 \$30.00 to the Vermont Community Foundation; and
- (C) \$15.00 to the Agency of Commerce and Community Development's Business Emergency Gap Assistance Program General Fund. It is the intent of the General Assembly that an amount equal to these receipts be used for natural disaster relief.
- (3) Funds received from the sale of bundled promotional items <u>prior to</u> the effective date of this section, less any costs to the Department for the purchase of the bundled promotional items, shall be allocated as follows:
 - (A) 50 percent to the Vermont Community Foundation; and
- (B) 50 percent to the Agency of Commerce and Community Development's Business Emergency Gap Assistance Program.

- (g) Bundled promotional items. The State shall not be involved with the sale of any bundled promotional items.
- Sec. 92. FEDERAL EMERGENCY MANAGEMENT AGENCY REPORTING AND OVERSIGHT
- (a) The Secretary of Administration shall report to the Joint Fiscal Committee at each of its scheduled meetings in fiscal years 2024 and 2025 on funding received from the Federal Emergency Management Agency (FEMA) Public Assistance Program and associated emergency relief and assistance funds match for the damages due to the July 2023 flooding event. The report shall include:
- (1) a projection of the total funding needs for the Federal Emergency Management Agency (FEMA) Public Assistance Program and to the extent possible, details about the projected funding by State agency or municipality;
- (2) spending authority (appropriated and excess receipts) granted to date for the FEMA Public Assistance Program and the associated emergency relief and assistance funds match;
- (3) information on any audit findings that may result in financial impacts to the State; and

- (4) actual expenditures to date made from the spending authority granted and to the extent possible, details about the expended funds by State agency or municipality.
- (b) Reports shall be posted on the legislative and administration websites after submission.
- Sec. 93. 2010 Acts and Resolves No. 83, Sec. 2, as amended by 2013 Acts and Resolves No. 65, Sec. 1, 2016 Acts and Resolves No. 117, Sec. 2, and 2019 Acts and Resolves No. 5, Sec. 1, is further amended to read:

Sec. 2. CERTIFICATE OF NEED WORK GROUP; MORATORIUM

* * *

(d) Notwithstanding any other provision of law, no CON shall be granted for the offering of home health services, which includes hospice, or for a new home health agency during the period beginning on the effective date of this act and continuing through January 1, 2025 2030, or until the General Assembly lifts the moratorium after considering a progress report on the Green Mountain Care Board's implementation of its health care reform initiatives and health planning function and how they relate to home health agencies, whichever occurs first; provided, however, that the moratorium established pursuant to this subsection shall not apply to a continuing care retirement community that has been issued a certificate of authority or to a licensed home for persons who are terminally ill as defined in 33 V.S.A. § 7102.

* * *

Sec. 94. 2013 Acts and Resolves No. 65, Sec. 2, as amended by 2016 Acts and Resolves No. 117, Sec. 3 and 2019 Acts and Resolves No. 5, Sec. 2, is further amended to read:

Sec. 2. PERIODIC HEALTH PLANNING FUNCTION PROGRESS REPORTS

For as long as the moratorium continues for certificates of need for the offering of home health services, as established in 2010 Acts and Resolves No. 83, Sec. 2 and as amended by 2013 Acts and Resolves No. 65, Sec. 1, 2016 Acts and Resolves No.117, Sec. 2, 2019 Acts and Resolves No. 5, Sec. 1, and this act, the Green Mountain Care Board shall provide to the House Committees on Health Care and on Human Services and the Senate Committee on Health and Welfare any progress reports the Board generates on its implementation of its health care reform initiatives and health planning function and how they relate to home health agencies.

Sec. 95. 21 V.S.A. § 384 is amended to read:

* * *

(b) Notwithstanding subsection (a) of this section, an employer shall not pay an employee less than one and one-half times the regular wage rate for any work done by the employee in excess of 40 hours during a workweek. However, this subsection shall not apply to:

* * *

(8) Permanent employees of the Vermont General Assembly.

* * *

Sec. 96. 2023 Acts and Resolves No. 64, Sec. 3a. is amended to read:

Sec. 3a. APPROPRIATION; SCHOOL MEALS

The sum of \$29,000,000.00 \$24,000,000 is appropriated from the Education Fund to the Agency of Education for fiscal year 2024 to provide reimbursement for school meals under 16 V.S.A. § 4017.

Sec. 97. 16 V.S.A. chapter 1, subchapter 3 is added to read:

Subchapter 3. Afterschool and Summer Care

§ 51. UNIVERSAL AFTERSCHOOL AND SUMMER SPECIAL FUND

- (a) The Universal Afterschool and Summer Special Fund is created, to be managed by the Agency of Education. The cannabis sales tax revenue shall be deposited into the Universal Afterschool and Summer Special Fund. The Fund shall be used as follows:
- (1) To establish a grant program that supports the expansion of universal afterschool and summer programs with a focus on underserved areas of the State.
- (2) Cannabis sales tax revenue shall be used to support a mixed delivery system for afterschool and summer programming. Eligible recipients can be public, private, or nonprofit organizations.
- (A) Grants may be used for technical assistance, program implementation, program expansion, program sustainability, and related costs.
- (B) Funds may be used to directly target communities with low existing capacity to serve youth in afterschool and summer settings.
- (C) The award of grants and any subsequent contract or written agreement issued pursuant to the award of a grant shall require that a grantee does not discriminate, and prohibits its employees, agents, subcontractors, and

other service providers from discriminating, on the basis of race, creed, color, national origin, marital status, sex, sexual orientation, gender identity, or disability.

- (D) The Agency may use up to \$500,000.00 annually for administrative costs to allow for the support of the grant program and technical assistance to communities. This could include subcontracts to support the grant program.
- (b) An advisory committee is created to support the Secretary in administering the funds. The Agency shall provide administrative and technical support to the advisory committee. The advisory committee shall be composed of:
 - (1) the State's Chief Prevention Officer;
 - (2) the Commissioner for Children and Families or designee;
 - (3) the Commissioner of Health or designee;
 - (4) the Commissioner of Mental Health or designee;
 - (5) the Secretary of Natural Resources or designee;
- (6) the Secretary of Commerce and Community Development or designee;
 - (7) the Vermont Afterschool Executive Director or designee; and
 - (8) a representative from the Governor's office.
- (c) Notwithstanding 2 V.S.A. § 20(d), annually on or before November 15, the Agency shall submit to the General Assembly a plan to fund grants pursuant to subsection (a) of this section in the coming year and a report containing outcomes data on the grants made during the previous year. The Agency shall report on the number of programs, slots, weeks, or hours; geographic distribution of programs receiving a grant; and what is known about costs to families participating in programs receiving a grant. The report shall be inclusive of 21st Century programming.
- (d) The amount of grant funds awarded shall be in alignment with the actual revenue collected from the sales and use tax imposed by 32 V.S.A. chapter 233 on cannabis or cannabis products in this State. Discrepancies between the amount of grant funds awarded and actual revenue shall be reconciled through the budget adjustment process.
- Sec. 98. 32 V.S.A. chapter 207 is amended to read:

CHAPTER 207. CANNABIS EXCISE TAX AND CANNABIS

SALES TAX REVENUE

* * *

§ 7910. CANNABIS SALES TAX REVENUE; UNIVERSAL AFTERSCHOOL AND SUMMER SPECIAL FUND

Notwithstanding 16 V.S.A. § 4025, revenue from the sales and use tax imposed by chapter 233 of this title on retail sales of cannabis or cannabis products in Vermont shall be deposited into the Universal Afterschool and Summer Special Fund established pursuant to 16 V.S.A. § 51.

Sec. 99. REPEAL; AFTERSCHOOL AND SUMMER LEARNING PROGRAMS

16 V.S.A § 4018 (afterschool and summer learning programs) is repealed.

Sec. 99a. 2023 Acts and Resolves No. 78, Sec. E.323.7 is amended to read:

Sec. E.323.7 REACH AHEAD PILOT PROGRAM

- (c) The incentive payments provided in subdivision (a)(4) of this section are reimbursements for past or future work expenses incurred by participating families.
- Sec. 100. 7 V.S.A. § 843(f) is amended to read:
- (f) Executive Director. The Board shall appoint an Executive Director who shall be an attorney with <u>have prior</u> experience in legislative or regulatory matters. The Director shall be a full-time State employee, shall be exempt from the State classified system, and shall serve at the pleasure of the Board. The Director shall be responsible for:
- (1) supervising and administering the operation and implementation of this chapter and chapters 35 and 37 of this title and the rules adopted by the Board as directed by the Board;
- (2) assisting the Board in its duties and administering the licensing requirements of this chapter and chapters 35 and 37 of this title;
- (3) acting as Secretary to the Board, but as a nonvoting member of the Board;
- (4) employing such staff as may be required to carry out the functions of the Board; and
 - (5) preparing an annual budget for submission to the Board.
- Sec. 101. FOSTER CARE; SUBSIDIZED ADOPTION; EXPENDITURE

(a) The Department for Children and Families' Family Services Division shall spend funds appropriated in 2023 Acts and Resolves No. 78, Sec. B.317 on a four percent rate increase for foster care and subsidized adoption.

Sec. 102 2021 Acts and Resolves No. 9, Sec. 17 is amended to read:

Sec. 17. PRACTICAL NURSE; WORKFORCE FUNDING

- (a) Due to the increasing challenge of the pandemic on the health professions, the sum of \$1,400,000.00 is appropriated from the American Rescue Plan Act of 2021 Coronavirus State Fiscal Recovery Fund to the Vermont State Colleges to open 40 to 45 seats in the Practical Nurse Program in partnership with skilled nursing facilities across the State to upskill existing staff to achieve certification as a practical nurse purchase nursing simulation equipment to expand nursing student enrollment capacity and address the critical nursing shortage facing Vermont. These funds shall be used as follows:
- (1) Up to \$500,000.00 for administrative and start-up costs for Vermont Technical College.
- (2) Up to \$260,000.00 in incentive payments in the amount of \$6,000.00 per student to offset lost income during enrollment in the Program.
- (3) All remaining funds shall be allocated for tuition and fees payments for required prerequisite courses at Community College of Vermont and for the Practical Nurse Program at Vermont Technical College after available federal and State financial aid is applied to ensure no cost to the student.
- (b) To be eligible to participate in the program, a skilled nursing facility shall provide an incentive match in the amount of \$4,000.00 per student during enrollment in the Program.

Sec. 103. CARRYFORWARD AUTHORITY

- (a) Notwithstanding any other provisions of law and subject to the approval of the Secretary of Administration, General, Transportation, Transportation Infrastructure Bond, Education Fund, Clean Water Fund (21932), and Agricultural Water Quality Fund (21933) appropriations remaining unexpended on June 30, 2024 in the Executive Branch shall be carried forward and shall be designated for expenditure.
- (b) Notwithstanding any other provisions of law, General Fund appropriations remaining unexpended on June 30, 2024 in the Legislative and Judicial Branches shall be carried forward and shall be designated for expenditure.
- (c) As part the fiscal year 2025 budget adjustment presentation, the Commissioner of Finance and Management shall provide the House and

Senate Committees on Appropriations with a report on reversions and approved carryforward by appropriation.

Sec. 104. EFFECTIVE DATES

- (a) Notwithstanding 1 V.S.A. § 214, Sec. 74 (16 V.S.A. § 4025(b)(2) amendment) is effective retroactively on July 1, 2023.
- (b) Notwithstanding 1 V.S.A. § 214, Sec. 20 (B.334.1 amendment) is effective retroactively on January 1, 2024.
- (c) Notwithstanding 1 V.S.A. § 214, Sec. 90 (Vermont Strong license plates through passage) shall take effect retroactively on August 23, 2023.
 - (d) All other sections shall take effect on passage.

And by renumbering all of the sections of the bill to be numerically correct (including internal references) and adjusting all of the totals to be arithmetically correct.

M. JANE KITCHEL
ANDREW J. PERCHLIK
RICHARD A. WESTMAN
Committee on the part of the Senate
DIANE LANPHER
ROBIN SCHEU
THERESA WOOD
Committee on the part of the House

CONSENT CALENDAR FOR NOTICE

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 prior to adjournment of the next legislative day. 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.

H.C.R. 164

House concurrent resolution recognizing April 2024 as the Month of the Military Child in Vermont and supporting the important work it represents

H.C.R. 165

House concurrent resolution congratulating the 2024 Essex High School Hornets Division I championship boys' indoor track and field team

H.C.R. 166

House concurrent resolution congratulating the Essex High School Hornets girls' volleyball team on winning its third consecutive State championship

H.C.R. 167

House concurrent resolution commemorating the centennial of U.S. Navy Torpedoman 2nd Class Henry Breault's becoming the first submariner to receive the Medal of Honor

H.C.R. 168

House concurrent resolution honoring the artistic legacy of Skip Morrow and The Art of Humor Gallery in Wilmington

H.C.R. 169

House concurrent resolution honoring Norwich University Athletic Hall of Fame member Harold Martin, in celebration of Black History Month

H.C.R. 170

House concurrent resolution honoring Putney Fire Chief Thomas Goddard for his exemplary achievements as a municipal public safety official

For Informational Purposes

NOTICE OF CROSSOVER DATES

The Committee on Joint Rules adopted the following Crossover dates:

(1) All **House/Senate** bills must be reported out of the last committee of reference (including the Committees on Appropriations and on Ways and Means/Finance, except as provided below in (2) and the exceptions listed below) on or before **Friday, March 15, 2024** and filed with the Clerk/Secretary so they may be placed on the Calendar for Notice the next legislative day – Committee bills must be voted out of Committee by **Friday, March 15, 2024.**

(2) All **House/Senate** bills referred pursuant to House Rule 35(a) or Senate Rule 31 to the Committees on Appropriations and on Ways and Means/Finance must be reported out by the last of those committees on or before **Friday**, **March 22**, **2024** and filed with the Clerk/Secretary so they may be placed on the Calendar for Notice the next legislative day.

Exceptions the foregoing deadlines include the major money bills (the general Appropriations bill ("The Big Bill"), the Transportation Capital bill, the Capital Construction bill, the Pay Act, and the Fee and miscellaneous tax bills).

NOTICE OF JOINT ASSEMBLY

Friday, March 1, 2024 – 10:30 A.M. – House Chamber – Election of a Sergeant at Arms.

The following rules shall apply to the conduct of this election:

<u>First</u>: All nominations for this office will be presented in alphabetical order prior to voting.

<u>Second</u>: There will be only one nominating speech of not more than three (3) minutes and not more than two seconding speeches of not more than one (1) minute each for each nominee.

H.C.R. DRAFTING REQUEST DEADLINE

For a House Concurrent Resolution (H.C.R.) to be available for presentation during the Town Meeting Week break, it must be adopted pursuant to the Consent Calendar published not later than the preceding week (Thurs., Feb. 29 and Fri., March 1, 2024).

It was requested that any Member who wishes to present an H.C.R. during the Town Meeting Week break should submit a drafting request to Michael Chernick, Legislative Counsel, <u>not later than</u> Friday, February 16, 2024 at 4:30 P.M. to ensure adequate time for the drafting and Consent Calendar adoption process. That deadline has passed. Any H.C.R. drafting request received after that deadline cannot be guaranteed to be adopted in time for Town Meeting Week presentation.

JOINT FISCAL COMMITTEE NOTICES

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 #3187: Two (2) limited-service positions to the Public Service Department, Vermont Community Broadband Board: Administrative Services Manager III and Data and Information Project Manager. Positions will carry

out work related to the federal Broadband Equity, Access and Deployment (BEAD) program. This program has the potential to bring in additional Broadband investment, provided local applications are successful. Positions are fully funded through 11/30/2027 and are funded by previously approved JFO #3136.

[Received February 26, 2024]

JFO #3186: \$4,525,801.81 to the Agency of Agriculture, Food and Markets from the U.S. Department of Agriculture. The majority of funds to be subawards to Vermont's agricultural businesses and organizations to build resilience in the middle of the food supply chain and to support market development for small farms and food businesses. Includes full funding for one (1) limited-service position, Agriculture Development Specialist II and 50% support for one (1) limited-service position, Contracts and Grants Specialist I. The other 50% for the position will come from already approved JFO #2982.

[Received February 8, 2024]

JFO #3185: \$70,000.00 to the Attorney General's Office from the Sears Consumer Protection and Education Fund to improve accessibility and outreach of the Vermont Consumer Assistance Program to underserved populations in Vermont.

[Received January 31, 2024]

JFO #3184: Three (3) limited-service positions to the Agency of Human Services, Department of Health. One (1) Substance Abuse Program Evaluator, funded through 8/31/28; and one (1) Public Health Specialist II, and one (1) Family Service Specialist both funded through 9/29/2024. The positions are fully funded by previously approved JFO requests #3036 and #1891. These positions will support Vermont's Overdose Data to Action program and the Maternal Mortality Review Panel.

[Received January 31, 2024]

JFO #3183: \$182,500.00 to the Agency of Natural Resources, Department of Forests, Parks and Recreation. Funds will be used to complete the purchase of a conservation easement on a 183-acre parcel of land in Townshend, Vermont (Peterson Farm). [Note: Remainder of the easement (\$82,500) is supported by a State appropriation agreement between the department and the VHCB. Closing costs, including department staff time, is funded by already budgeted federal funds. Ongoing enforcement costs are managed by the department's Lands and Facilities Trust Fund. A \$15,000.00 stewardship contribution to this fund will be made by the landowner at the time of the sale.]

[Received January 31, 2024]

JFO #3182: \$125,000.00 to Agency of Natural Resources, Department of Environmental Conservation from the New England Interstate Water Pollution Control Commission to expand current monitoring of cyanotoxins in Lake Champlain and Vermont inland lakes.

[Received January 31, 2024]

JFO #3181: \$409,960.00 to the Agency of Commerce and Community Development, Department of Housing and Community Development from the U.S. Department of the Interior/National Park Service. Funds will be used for the preservation, repair, and restoration of the Old Constitution House, located in Windsor, Vermont. The first Constitution of Vermont was adopted on this site, then known as Elijah West's Tavern, on July 8, 1777. [Note: A State match of \$53,714.00 is accomplished within the agency budget through the reduction of a fraction of an existing position base and existing capital bill funds.]

[Received January 31, 2024]

JFO #3180: One (1) limited-service position, Administrative Services Director III, to the Agency of Administration, Recovery Office. Position will ensure that flood recovery projects are integrated with existing state and federal programs. Will also ensure compliance and tracking of already awarded grants as well as those anticipated in the wake of the July 2023 flooding event. Position is funded through already approved JFO Request #3165 as well as Acts 74 (2021) and 185 (2022). The position is fully funded through 7/31/2027.

[Received January 31, 2024]

JFO #3179: Two (2) limited-service positions. One (1) to the Department of Mental Health, Project AWARE Lead Coordinator and one (1) to the Agency of Education, Project AWARE Co-Coordinator. The positions will liaison to coordinate and expand the state's efforts to develop sustainable infrastructure for school-based mental health. Both positions are fully funded through 9/29/28 from previous SAMHSA grant award JFO #2934.

[Received January 26, 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 #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 #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]