

Journal of the House

Friday, March 3, 2023

At nine o'clock and thirty minutes in the forenoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rev. Rameen Zahed, The Old Meeting House, East Montpelier.

House Bill Introduced

H. 463

By Rep. Burrows of West Windsor,

House bill, entitled

An act relating to creating an Americans with Disabilities Act Coordinator position for the General Assembly

Was read the first time and referred to the Committee on General and Housing.

Senate Bill Referred

S. 45

Senate bill, entitled

An act relating to an elective pass-through entity income tax and credit

Was read the first time and referred to the Committee on Ways and Means.

Bill Referred to Committee on Appropriations

H. 157

House bill, entitled

An act relating to the Vermont basic needs budget

Appearing on the Notice Calendar, and pursuant to House Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Third Reading; Bill Passed**H. 40**

House bill, entitled

An act relating to nonconsensual removal of or tampering with a sexually protective device

Was taken up and read the third time.

Pending the question, Shall the bill pass?, **Rep. Small of Winooski** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill pass?, was decided in the affirmative. Yeas, 121. Nays, 12.

Those who voted in the affirmative are:

Andrews of Westford	Dolan of Essex Junction *	Mrowicki of Putney
Andriano of Orwell	Durfee of Shaftsbury	Mulvaney-Stanak of
Anthony of Barre City	Emmons of Springfield	Burlington
Arsenault of Williston	Farlice-Rubio of Barnet	Nicoll of Ludlow
Austin of Colchester	Galfetti of Barre Town	Notte of Rutland City
Bartholomew of Hartland	Garofano of Essex	Noyes of Wolcott
Bartley of Fairfax	Goldman of Rockingham	Nugent of South Burlington
Beck of St. Johnsbury	Graham of Williamstown	O'Brien of Tunbridge
Berbeco of Winooski	Graning of Jericho	Ode of Burlington
Birong of Vergennes	Gregoire of Fairfield *	Pajala of Londonderry
Black of Essex	Headrick of Burlington *	Patt of Worcester
Bluemle of Burlington	Holcombe of Norwich	Pouech of Hinesburg
Bongartz of Manchester	Hooper of Randolph	Priestley of Bradford
Bos-Lun of Westminster	Houghton of Essex Junction	Rachelson of Burlington
Boyden of Cambridge	Howard of Rutland City	Rice of Dorset
Brennan of Colchester	Hyman of South Burlington	Roberts of Halifax
Brown of Richmond	James of Manchester	Satcowitz of Randolph
Brownell of Pownal	Jerome of Brandon	Scheu of Middlebury
Brumsted of Shelburne	Kornheiser of Brattleboro	Shaw of Pittsford
Burke of Brattleboro	Krasnow of South	Sheldon of Middlebury
Burrows of West Windsor	Burlington	Sibilia of Dover
Buss of Woodstock	LaBounty of Lyndon	Sims of Craftsbury
Canfield of Fair Haven	Lalley of Shelburne	Small of Winooski
Carroll of Bennington	LaLonde of South	Squirrell of Underhill
Casey of Montpelier	Burlington	Stebbins of Burlington
Chapin of East Montpelier	LaMont of Morristown	Stevens of Waterbury
Chase of Chester	Lanpher of Vergennes	Stone of Burlington
Chase of Colchester	Laroche of Franklin	Surprenant of Barnard
Chesnut-Tangerman of	Leavitt of Grand Isle	Taylor of Milton
Middletown Springs	Lipsky of Stowe	Taylor of Colchester
Christie of Hartford	Logan of Burlington	Templeman of Brownington
Cina of Burlington	Long of Newfane	Toleno of Brattleboro
Clifford of Rutland City	Marcotte of Coventry	Toof of St. Albans Town
Coffey of Guilford	Masland of Thetford	Torre of Moretown

Cole of Hartford	Mattos of Milton	Trojano of Stannard
Conlon of Cornwall	McCann of Montpelier	Walker of Swanton
Corcoran of Bennington	McCarthy of St. Albans City	Waters Evans of Charlotte
Cordes of Lincoln	McCoy of Poultney *	White of Bethel
Demar of Enosburgh	McGill of Bridport	Whitman of Bennington
Demrow of Corinth	Minier of South Burlington	Williams of Barre City
Dodge of Essex	Morgan of Milton *	Wood of Waterbury
	Morris of Springfield	
	Morrissey of Bennington	

Those who voted in the negative are:

Arrison of Weathersfield	Hango of Berkshire	Parsons of Newbury *
Burditt of West Rutland *	Higley of Lowell	Peterson of Clarendon
Donahue of Northfield *	Labor of Morgan	Smith of Derby
Goslant of Northfield	Oliver of Sheldon	Williams of Granby *

Those members absent with leave of the House and not voting are:

Brady of Williston	Elder of Starksboro	Page of Newport City
Branagan of Georgia	Harrison of Chittenden	Pearl of Danville
Campbell of St. Johnsbury	Hooper of Burlington	Sammis of Castleton
Dickinson of St. Albans Town	Maguire of Rutland City	Wilson of Lyndon
Dolan of Waitsfield	McFaun of Barre Town	
	Mihaly of Calais	

Rep. Burditt of West Rutland explained his vote as follows:

“Madam Speaker:

I have no issue with what this bill does. I have an issue with ignoring the equality which is written in our U.S. Constitution, our Vermont Constitution, and is part of our oath of office.”

Rep. Dolan of Essex Junction explained her vote as follows:

“Madam Speaker:

It is especially meaningful for me to support this bill today with my two children with us in the Chamber. They and Vermonters deserve a decision that looks out for their safety, health, and future.”

Rep. Donahue of Northfield explained her vote as follows:

“Madam Speaker:

I need to be responsible for my actions as much as I expect it of men. This bill wrongly suggests that only men engage in the sexual assault that occurs when consent is based on perpetration of a lie.”

Rep. Gregoire of Fairfield explained his vote as follows:

“Madam Speaker:

If we are sincere about protecting victims, then we cannot live in denial that similar acts do occur to men. No matter how that may not fit a narrative, it is all too true and devastating for male victims. If it has not happened to you, then you are lucky, by that I mean that it is wrong to discount that it has happened to men.”

Rep. Headrick of Burlington explained his vote as follows:

“Madam Speaker:

Men are certainly victimized by sexual harassment and sexual assault as well. And, in some cases women perpetrate the behavior. However, Dr. Koss and countless other research studies will confirm that the vast majority of instances of sexual assault, rape, and attempted rape will identify a man as the perpetrator. This includes men who have been assaulted and raped by other men. Sexual violence harms women at overwhelmingly far greater rates than it does men. That is the only concern for equity that belongs in today’s discussion.”

Rep. McCoy of Poultney explained her vote as follows:

“Madam Speaker:

While I voted yes on this bill, I am disappointed we did not vet this bill from our ‘equity lens’ view when drafting and ultimately passing this bill.

Rep. Morgan of Milton explained his vote as follows:

“Madam Speaker:

I voted yes and I am in support of the structural foundations of the bill but I’m disappointed with the lack of equity in the bill.”

Rep. Parsons of Newbury explained his vote as follows:

“Madam Speaker:

I voted no today, looking at all pieces of legislation through the lens of equity has clearly taken the day off.”

Rep. Williams of Granby explained her vote as follows:

“Madam Speaker:

I do support the intent in this bill, but as we continue to work for equity in the People’s House, I do not find that in this bill, therefore I cannot support it.”

Recess

At ten o'clock and twenty-three minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At ten o'clock and twenty-nine minutes in the forenoon, the Speaker called the House to order.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 94

House bill, entitled

An act relating to removing the Reach Up ratable reduction

H. 217

House bill, entitled

An act relating to miscellaneous workers' compensation amendments

H. 411

House bill, entitled

An act relating to extending COVID-19 health care regulatory flexibility

Bill Amended; Third Reading; Bill Passed**H. 227**

House bill, entitled

An act relating to the Vermont Uniform Power of Attorney Act

Was taken up and, pending third reading of the bill, **Rep. Andriano of Orwell** moved to amend the bill as follows:

First: In Sec. 1, 14 V.S.A. chapter 127, in section 4002, in subdivision (2), after "incapacity" by inserting "or unavailability"

Second: In Sec. 1, 14 V.S.A. chapter 127, in section 4002, by striking out subdivision (7) in its entirety and inserting in lieu thereof a new subdivision (7) to read as follows:

(7)(A) "Incapacity" means the inability of an individual to manage property or business affairs because the individual has an impairment in the ability to receive and evaluate information or make or communicate decisions even with the use of technological assistance.

(B) “Unavailability” means the inability of an individual to manage property or business affairs because the individual is:

- (i) missing;
- (ii) detained, including incarcerated in a penal system; or
- (iii) outside the United States and unable to return.

Third: In Sec. 1, 14 V.S.A. chapter 127, in section 4004, after “incapacity” by inserting “or unavailability”

Fourth: In Sec. 1, 14 V.S.A. chapter 127, in section 4009, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) If a power of attorney becomes effective upon the principal’s incapacity or unavailability and the principal has not authorized a person to determine whether the principal is incapacitated or unavailable, or the person authorized is unable or unwilling to make the determination, the power of attorney becomes effective upon a determination in a writing or other record by:

(1) a licensed health care professional working within the professional’s scope of practice, including a physician licensed pursuant to 26 V.S.A. chapter 23 or 33 and a psychologist licensed pursuant to 26 V.S.A. chapter 55, that the principal is incapacitated within the meaning of subdivision 4002(7) of this chapter; or

(2) an attorney at law, a judge, or an appropriate governmental official that the principal is unavailable within the meaning of subdivision 4002(17) of this chapter.

Fifth: In Sec. 1, 14 V.S.A. chapter 127, in section 4009, in subsection (d), after “incapacitated” by inserting “or unavailable”

Sixth: In Sec. 1, 14 V.S.A. chapter 127, in section 4010, in subdivision (a)(2), after “incapacitated” by inserting “or unavailable”

Seventh: In Sec. 1, 14 V.S.A. chapter 127, in section 4010, in subdivision (a)(6), after “incapacitated” by inserting “or unavailable”

Eighth: In Sec. 1, 14 V.S.A. chapter 127, in section 4010, in subdivision (b)(2), after “incapacitated” by inserting “or unavailable”

Ninth: In Sec. 1, 14 V.S.A. chapter 127, in section 4010, by striking out subsection (e) in its entirety and inserting in lieu thereof a new subsection (e) to read as follows:

(e) Incapacity or unavailability of the principal of a power of attorney that is not durable does not revoke or terminate the power of attorney as to an

agent or other person that, without actual knowledge of the incapacity or unavailability, acts in good faith under the power of attorney. An act so performed, unless otherwise invalid or unenforceable, binds the principal and the principal's successors in interest.

Tenth: In Sec. 1, 14 V.S.A. chapter 127, in section 4010, by inserting a new subsection (g) to read as follows:

(g) The principal of a power of attorney may not revoke the power of attorney if the principal has been determined to be incapacitated.

Eleventh: In Sec. 1, 14 V.S.A. chapter 127, in section 4011, in subsection (b), after "incapacitated" by inserting "or unavailable"

Twelfth: In Sec. 1, 14 V.S.A. chapter 127, in section 4011, in subdivision (b)(2), after "incapacitated" by inserting "or unavailable"

Thirteenth: In Sec. 1, 14 V.S.A. chapter 127, in section 4011, in subsection (d), after "incapacitated" by inserting "or unavailable"

Fourteenth: In Sec. 1, 14 V.S.A. chapter 127, in section 4018, after "incapacitated" by inserting "or unavailable"

Fifteenth: In Sec. 1, 14 V.S.A. chapter 127, subchapter 3, by striking out section 4051 in its entirety and inserting in lieu thereof a new section 4051 to read as follows:

§ 4051. STATUTORY FORM POWER OF ATTORNEY

A document substantially in the following form may be used to create a statutory form power of attorney that has the meaning and effect prescribed by this chapter.

VERMONT STATUTORY FORM POWER OF ATTORNEY

IMPORTANT INFORMATION

This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself. The meaning of authority over subjects listed on this form is explained in the Vermont Uniform Power of Attorney Act, 14 V.S.A. chapter 127.

This power of attorney does not authorize the agent to make health-care decisions for you.

You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent's authority will continue until you die or revoke the power of attorney or the agent resigns or is unable to act for you.

Your agent is entitled to reasonable compensation unless you state otherwise in the Special Instructions.

This form does not revoke powers of attorney previously executed by you unless you initial the introductory paragraph under DESIGNATION OF AGENT that all previous powers of attorney are revoked.

This form provides for designation of one agent. If you wish to name more than one agent, you may name a coagent in the Special Instructions. Coagents are not required to act together unless you include that requirement in the Special Instructions.

If your agent is unable or unwilling to act for you, your power of attorney will end unless you have named a successor agent. You may also name a second successor agent.

This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions.

If you have questions about the power of attorney or the authority you are granting to your agent, you should seek legal advice before signing this form.

DESIGNATION OF AGENT

I _____ (Name of Principal) () revoke all previous powers of attorney and name the following person as my agent:

Name of Agent: _____

Agent's Address: _____

Agent's Telephone Number: _____

DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent: _____

Successor Agent's Address: _____

Successor Agent's Telephone Number: _____

If my successor agent is unable or unwilling to act for me, I name as my second successor agent:

Name of Second Successor Agent: _____

Second Successor Agent's Address: _____

Second Successor Agent's Telephone Number: _____

GRANT OF GENERAL AUTHORITY

I grant my agent and any successor agent general authority to act for me with respect to the following subjects as defined in the Vermont Uniform Power of Attorney Act, 14 V.S.A. chapter 127.

(INITIAL each subject you want to include in the agent's general authority. If you wish to grant general authority over all of the subjects, you may initial "All Preceding Subjects" instead of initialing each subject.)

() Real Property

() Tangible Personal Property

() Stocks and Bonds

() Commodities and Options

() Banks and Other Financial Institutions

() Operation of Entity or Business

() Insurance and Annuities

() Estates, Trusts, and Other Beneficial Interests

() Claims and Litigation

() Personal and Family Maintenance

() Benefits from Governmental Programs or Civil or Military Service

() Retirement Plans

() Taxes

() All Preceding Subjects

GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. INITIAL ONLY the specific authority you WANT to give your agent.)

() An agent who is not an ancestor, spouse, or descendant may exercise authority under this power of attorney to create in the agent or in an individual to whom the agent owes a legal obligation of support an interest in my property whether by gift, rights of survivorship, beneficiary designation, disclaimer, or otherwise

- Create, amend, revoke, or terminate an inter vivos, family, living, irrevocable, or revocable trust
- Consent to the modification or termination of a noncharitable irrevocable trust under 14A V.S.A. § 411
- Make a gift, subject to the limitations of 14 V.S.A. § 4047 (gifts) and any special instructions in this power of attorney
- Create, amend, or change rights of survivorship
- Create, amend, or change a beneficiary designation
- Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan
- Exercise fiduciary powers that the principal has authority to delegate
- Authorize another person to exercise the authority granted under this power of attorney
- Disclaim or refuse an interest in property, including a power of appointment
- Exercise authority with respect to elective share under 14 V.S.A. § 319
- Exercise waiver rights under 14 V.S.A. § 323
- Exercise authority over the content and catalogue of electronic communications and digital assets under 14 V.S.A. chapter 125 (Vermont Revised Uniform Fiduciary Access to Digital Assets Act)
- Exercise authority with respect to intellectual property, including, without limitation, copyrights, contracts for payment of royalties, and trademarks

LIMITATION ON AGENT'S AUTHORITY

An agent who is not my ancestor, spouse, or descendant MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

WHEN POWER OF ATTORNEY EFFECTIVE

This power of attorney becomes effective when executed unless the principal has initialed one of the following:

- This power of attorney is effective only upon my later incapacity.

OR

This power of attorney is effective only upon my later incapacity or unavailability.

OR

(____) I direct that this power of attorney shall become effective when one or more of the following occurs:

SPECIAL INSTRUCTIONS (OPTIONAL)

You may give special instructions on the following lines:

EFFECTIVE DATE

This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.

NOMINATION OF GUARDIAN (OPTIONAL)

If it becomes necessary for a court to appoint a guardian of my estate or a guardian of my person, I nominate the following person(s) for appointment:

Name of Nominee for [conservator or guardian] of my estate:

Nominee's Address: _____

Nominee's Telephone Number: _____

Name of Nominee for guardian of my person: _____

Nominee's Address: _____

Nominee's Telephone Number: _____

RELIANCE ON THIS POWER OF ATTORNEY

Any person, including my agent, may rely upon the validity of this power of attorney or a copy of it unless that person knows it has terminated or is invalid. Unless expressly stated otherwise, this power of attorney is durable and shall remain valid if I become incapacitated or unavailable.

SIGNATURE AND ACKNOWLEDGMENT

Your Name Printed

Your Address

Your Telephone Number

State of

County of

This document was acknowledged before me on _____ (Date)

by _____.

(Name of Principal)

(Seal, if any)

Signature of Notary

My commission expires:

IMPORTANT INFORMATION FOR AGENT

Agent's Duties

When you accept the authority granted under this power of attorney, a special legal relationship is created between you and the principal. This relationship imposes upon you legal duties that continue until you resign or the power of attorney is terminated or revoked. You must:

(1) do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's expectations, act in the principal's best interests;

(2) act in good faith;

(3) do nothing beyond the authority granted in this power of attorney; and

(4) disclose your identity as an agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as “agent” in the following manner: (Principal’s Name) by (Your Signature) as Agent.

Unless the Special Instructions in this power of attorney state otherwise, you must also:

(1) act loyally for the principal’s benefit;

(2) avoid conflicts that would impair your ability to act in the principal’s best interest;

(3) act with care, competence, and diligence;

(4) keep a record of all receipts, disbursements, and transactions made on behalf of the principal;

(5) cooperate with any person that has authority to make health-care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal’s expectations, to act in the principal’s best interests; and

(6) attempt to preserve the principal’s estate plan if you know the plan and preserving the plan is consistent with the principal’s best interests.

Termination of Agent’s Authority

You must stop acting on behalf of the principal if you learn of any event that terminates this power of attorney or your authority under this power of attorney. Events that terminate a power of attorney or your authority to act under a power of attorney include:

(1) death of the principal;

(2) the principal’s revocation of the power of attorney or your authority;

(3) the occurrence of a termination event stated in the power of attorney;

(4) the purpose of the power of attorney is fully accomplished; or

(5) if you are married to the principal, a legal action is filed with a court to end your marriage, or for your legal separation, unless the Special Instructions in this power of attorney state that such an action will not terminate your authority.

Liability of Agent

The meaning of the authority granted to you is defined in the Vermont Uniform Power of Attorney Act, 14 V.S.A. chapter 127. If you violate the Vermont Uniform Power of Attorney Act, or act outside the authority granted, you may be liable for any damages caused by your violation. In addition to civil liability, failure to comply with your duties and authority granted under this document could subject you to criminal prosecution.

If there is anything about this document or your duties that you do not understand, you should seek legal advice.

Pending the question, Shall the bill be amended as offered by Rep. Andriano of Orwell?, **Rep. Andriano of Orwell** moved to amend his recommendation of amendment in the fourth instance of amendment as follows:

First: In Sec. 1, 14 V.S.A. chapter 127, in section 4009, in new subdivision (c)(1), by striking out “subdivision 4002(7)” and inserting in lieu thereof “subdivision 4002(7)(A)”

Second: In Sec. 1, 14 V.S.A. chapter 127, in section 4009, in new subdivision (c)(2), by striking out “subdivision 4002(17)” and inserting in lieu thereof “4002(7)(B)”

Which was agreed to.

Thereafter, the question, Shall the bill be amended as offered by Rep. Andriano of Orwell, as amended?, was agreed to. Thereupon, the bill was read the third time and passed.

**Amendment Offered; Consideration Interrupted;
Amendments Offered and Withdrawn; Third Reading; Bill Passed**

H. 429

House bill, entitled

An act relating to miscellaneous changes to election laws

Was taken up and, pending third reading of the bill, **Rep. Gregoire of Fairfield** moved to amend the bill as follows:

By striking out Sec. 9, 17 V.S.A. § 2370, in its entirety and inserting in lieu thereof a new Sec. 9 to read as follows:

Sec. 9. 17 V.S.A. § 2370 is amended to read:

§ 2370. WRITE-IN CANDIDATES

(a) A write-in candidate shall not qualify as a primary winner unless ~~he or she~~ the candidate receives at least ~~one-half~~ the same number of votes as the number of signatures required for ~~his or her~~ the candidate's office on a primary petition, except that if a write-in candidate receives more votes than a candidate whose name is printed on the ballot, ~~he or she may~~ the write-in candidate shall qualify as a primary winner.

(b) The write-in candidate who qualifies as a primary winner under this section must still be determined a winner under section 2369 of this chapter before ~~he or she~~ the candidate becomes the party's candidate in the general election.

At ten o'clock and forty-six minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At ten o'clock and fifty-six minutes in the forenoon, the Speaker called the House to order.

Thereupon, **Rep. Gregoire of Fairfield** asked and was granted leave of the House to withdraw his amendment.

Pending the question, Shall the bill be read a third time?, **Rep. Gregoire of Fairfield** moved to amend the bill as follows:

By striking out Sec. 9, 17 V.S.A. § 2370, in its entirety and inserting in lieu thereof a new Sec. 9 to read as follows:

Sec. 9. 17 V.S.A. § 2370 is amended to read:

§ 2370. WRITE-IN CANDIDATES

(a) A write-in candidate shall not qualify as a primary winner unless ~~he or she~~ the candidate receives at least ~~one-half~~ the same number of votes as the number of signatures required for ~~his or her~~ the candidate's office on a primary petition, except that if a write-in candidate receives more votes than a candidate whose name is printed on the ballot, ~~he or she may~~ the write-in candidate shall qualify as a primary winner.

(b) The write-in candidate who qualifies as a primary winner under this section must still be determined a winner under section 2369 of this chapter before ~~he or she~~ the candidate becomes the party's candidate in the general election.

Which was disagreed to.

Pending third reading of the bill, **Rep. Sibia of Dover** moved to amend the bill as follows:

First: By adding six new sections to be Secs. 11a–11f and accompanying reader assistance headings to read as follows:

* * * Redesignation * * *

Sec. 11a. REDESIGNATION

17 V.S.A. §§ 2705 and 2706 are redesignated as 17 V.S.A. §§ 2710 and 2711.

* * * Ranked-Choice Voting Requirements for Presidential Primary
Elections * * *

Sec. 11b. 17 V.S.A. chapter 57, subchapter 1 is amended to read:

Subchapter 1. Presidential Primary

§ 2700. DEFINITIONS

As used in this subchapter:

(1) “Active candidate” means a candidate who has not been eliminated and who is not a withdrawn candidate as set forth in subdivision (12) of this section.

(2) “By lot” means a method, determined by the Secretary of State, for randomly choosing between two or more active candidates.

(3) “Highest-ranked active candidate” means the active candidate assigned a higher ranking than any other active candidate.

(4) “Inactive ballots” means ballots that do not count as votes for any candidate due to one or more of the reasons listed in subdivision 2706(c)(2) of this title.

(5) “Major political party” has the same meaning as in subdivision 2103(23)(A) of this title.

(6) “Overvote” means an instance in which a voter assigned the same ranking to more than one candidate.

(7) “Ranking” means the number available to be assigned by a voter to a candidate to express the voter’s choice for that candidate. The number “1” is the highest ranking, followed by “2,” and then “3” and so on.

(8) “Round” means an instance of the sequence of voting tabulation in accordance with section 2706 of this title.

(9) “Skipped ranking” means a voter does not assign a certain available ranking to any candidate but does assign a subsequent available ranking to a candidate.

(10) “Threshold for receiving delegates” means the number of votes necessary for a candidate to receive delegates in a presidential primary election conducted in accordance with subdivision 2705(a)(2) of this title.

(11) “Undervote” means a ballot on which a voter does not assign any ranking to any candidate in a particular contest.

(12) “Withdrawn candidate” means any candidate who has submitted a declaration of withdrawal in writing to the Secretary of State, the effectiveness of which begins when filed with the Secretary of State.

§ 2701. PRESIDENTIAL PRIMARY; TIME OF HOLDING; FORM OF BALLOT

In presidential election years, a presidential primary for each major political party shall be held in all municipalities on the first Tuesday in March. The Secretary of State shall prepare and distribute for use at the primary an official ranked-choice ballot for each party for which one or more candidates qualify for the placing of their names on the ballot under section 2702 of this title. Ballots shall be printed on index stock and configured to be readable by vote tabulators.

* * *

§ 2704. RANKED-CHOICE VOTING; BALLOTS

(a) A presidential primary election for a major political party shall be conducted by ranked-choice voting.

(b) A person voting at the primary shall be required to ask for the ranked-choice ballot of the party in which the voter wishes to vote, and an election official shall record the voter’s choice of ballot by marking the entrance checklist with a letter code, as designated by the Secretary of State, to indicate the voter’s party choice.

(1) The ballot shall allow voters to rank candidates in order of choice. The names of all candidates on the ballot shall be listed in alphabetical order. Each voter may vote for one candidate for the presidential nomination of one party, either by placing a mark opposite the printed name of a candidate as in other primaries, or by writing in the name of the candidate of the voter’s choice.

(2) The ballot shall allow voters to assign rankings to candidates that are equal to the number of printed candidate names and blank write-in lines,

except to the extent established by the Secretary pursuant to section 2709 of this title.

§ 2705. TYPE OF RANKED-CHOICE VOTING

(a) At least 150 days before the date of the presidential primary election, the State committee of each major political party shall confirm in writing with the Secretary of State whether the party will award delegates either:

(1) on a winner-take-all basis in accordance with subsection 2706(d) of this title; or

(2) on a proportional basis in accordance with subsection 2706(e) of this title, in which case the party shall also indicate the applicable threshold or thresholds for receiving delegates.

(b) If a party fails to provide notice, or its notice does not specify how the party will award its delegates, the presidential primary election for that party shall be tabulated on a winner-take-all basis in accordance with subsection 2706(d) of this title.

(c) At least 120 days before the date of the presidential primary election, the Secretary of State shall confirm with the State committee of each political party that the State is capable of implementing the party's preferences as declared under subsection (a) of this section or shall notify the State committee of any feasibility constraints that could prevent the State from implementing the party's preferences.

§ 2706. RANKED-CHOICE VOTING TABULATION

(a) Tabulation rounds. In any presidential primary election for a major political party, each ballot shall count as one vote for the highest-ranked active candidate on that ballot. Tabulation shall proceed in rounds. Each round proceeds sequentially as described in subsection (d) or (e) of this section, as applicable.

(b) Withdrawn candidates. Ranking orders containing withdrawn candidates shall be treated the same as ranking orders containing candidates who have been eliminated from tabulation.

(c) Inactive ballots and undervotes.

(1) In any round of tabulation, an inactive ballot does not count for any candidate and is not considered a vote for the purposes of determining either which active candidate has the majority of the active votes in the final round of tabulation pursuant to subsection (d) of this section or which active candidates possess a vote total above the threshold for receiving delegates pursuant to subsection (e) of this section.

(2) A ballot is an inactive ballot if any of the following is true:

(A) The ballot does not rank any active candidates and is not an undervote.

(B) The ballot has reached an overvote.

(C) The ballot has reached two consecutive skipped rankings.

(3) An undervote does not count as either an active or inactive ballot in any round of tabulation.

(d) Award of delegates on winner-take-all basis. If a major political party awards all of the State's delegates to a single candidate on a winner-take-all basis, tabulation shall proceed as follows:

(1) If there are two or fewer active candidates, then tabulation is complete, and the candidate with the most votes is declared the winner of the election.

(2) If there are more than two active candidates, the active candidate with the fewest votes is eliminated, the votes for the eliminated candidate are transferred to each ballot's next-ranked active candidate, and a new round begins.

(3) If there is a tie between two active candidates with the fewest votes, the tie shall be resolved by lot to determine which candidate is defeated. The result of the tie resolution must be recorded and reused in the event of a recount.

(4) If there is a tie between the final two active candidates, the Secretary of State shall notify each active candidate involved in the tie, or the candidate's designee, to be present at the Secretary of State's office at a certain time. At that time, the Secretary of State shall select the winner of the tabulation by lot.

(e) Award of delegates on proportional basis. If a major political party awards the State's delegates to multiple candidates on a proportional basis, tabulation shall proceed as follows:

(1) If the vote total of every active candidate is above the threshold for receiving delegates as confirmed by the major political party pursuant to subdivision 2705(a)(2) of this title, then tabulation is complete.

(2) If any active candidate is below the threshold for receiving delegates, then the active candidate with the fewest votes is eliminated, votes for the eliminated candidate are transferred to each ballot's next-ranked active candidate, and a new round begins.

(3) If there is a tie between two active candidates with the fewest votes and tabulation is not yet complete, the tie shall be resolved by lot to determine which candidate is defeated. The result of the tie resolution must be recorded and reused in the event of a recount.

(f) Certification of tabulation rounds. The Secretary of State shall certify the results of each round tabulated pursuant to subsection (d) or (e) of this section, as applicable, along with any other information required under section 2707 of this title, to the State chairperson and the national committee of each political party that had at least one candidate on the State-administered presidential primary election ballot to allocate national delegate votes in accordance with the party's State and national rules.

(g) Political party allocation of delegates. Nothing in this act shall be construed to preclude a political party from allocating delegates according to its own rules for allocating such delegates.

§ 2707. RANKED-CHOICE VOTING RESULTS REPORTING

(a) Unofficial preliminary round-by-round results and unofficial preliminary cast vote records shall be released as soon as feasible after the polls close and at regular intervals thereafter until the counting of ballots is complete.

(1) Unofficial preliminary round-by-round results shall be clearly labeled as preliminary and, to the extent feasible, shall include the percent of ballots counted to date.

(2) Unofficial preliminary cast vote records shall be:

(A) clearly labeled as preliminary and, to the extent feasible, shall include the percent of ballots counted to date;

(B) published online in a publicly accessible, electronic format; and

(C) published in a manner consistent with the need to maintain voter privacy.

(b) In addition to any other information required by law to be reported with the final results, the following shall be made public:

(1) the total number of votes each candidate received in each round of the official tabulation, including votes for withdrawn candidates;

(2) the total number of ballots that became inactive in each round because they did not contain any active candidates, reached an overvote, or reached two consecutive skipped rankings, reported as separate figures; and

(3) the cast vote records in a publicly accessible, electronic format and by district, published in a manner consistent with the need to maintain voter privacy.

(c) If a major political party allocates delegates by geographical unit or district, round-by-round results by geographical unit or district shall be made public in addition to statewide results.

§ 2708. CANVASSING COMMITTEE CERTIFICATES

When the canvassing committee provided for in section 2592 of this title prepares its certificate of election for a presidential primary election for a major political party, the canvass shall state the number of final round votes received by each candidate who has received votes in the final round of tabulation.

* * * Voter and Election Official Education * * *

Sec. 11c. VOTER AND ELECTION OFFICIAL EDUCATION;
SECRETARY OF STATE'S OFFICE

The Secretary of State shall make available to voters information regarding the ranked-choice process and provide to election officials training in order to assist them in implementing that process.

* * * Vote Tabulators; Returns * * *

Sec. 11d. TALLY SHEETS; SUMMARY SHEETS; RETURNS

The Secretary of State shall ensure that on or before January 1, 2025, all tally sheets, summary sheets, and returns described in 17 V.S.A. § 2586 are designed to record ranked-choice voting results in accordance with this act.

* * * Rulemaking Authority; Office of the Secretary of State * * *

Sec. 11e. 17 V.S.A. § 2709 is added to read:

§ 2709. RULEMAKING

The Secretary of State shall adopt rules pursuant to 3 V.S.A. chapter 25 for the proper and efficient administration of presidential primary elections, including procedures for ensuring that voting tabulators, voting tabulator memory cards, and related software are able to tabulate rank-choice voting when necessary; procedures for ensuring that the number of rankings allowed to voters be uniform across the State for any given contest, that the number of rankings allowed in any given contest be the maximum number allowed by the equipment, and that the number of rankings allowed be not fewer than three in any event; procedures for the release of unofficial preliminary round-by-round results and unofficial preliminary cast vote records; procedures for requesting

and conducting recounts of the results of presidential primary elections for major candidates; and procedures for filing returns in accordance with section 2588 of this title.

* * * Appropriation * * *

Sec. 11f. APPROPRIATION; UPGRADE OF SECRETARY OF STATE
ELECTION MANAGEMENT SYSTEM AND VOTE
TABULATORS

The sum of \$2,000,000.00 is appropriated from the General Fund to the Office of the Secretary of State in fiscal year 2024 for the purpose of upgrading the election management system and all vote tabulators and their memory cards and related software so that they may perform ranked-choice voting as described in this act.

Second: By adding a new section to be Sec. 11g and its accompanying reader assistance heading to read as follows:

* * * Nonpartisan Blanket Primaries Study and Report * * *

Sec. 11g. NONPARTISAN BLANKET PRIMARIES; SECRETARY OF
STATE; STUDY AND REPORT

(a) The Secretary of State, in consultation with the Vermont Municipal Clerks' and Treasurers' Association, shall develop a process for conducting "top-four" nonpartisan blanket primaries in State elections, in which the top four candidates advance to the general election without establishing party nominees, to begin not later than the 2028 election cycle. The Secretary of State shall determine how best to conduct nonpartisan blanket primaries in all State elections, including for local offices, school boards, county offices, members of the General Assembly, statewide offices, U.S. congressional offices, and the president of the United States.

(b) The Secretary of State shall solicit input from a wide range of stakeholders and shall hold not fewer than two public hearings.

(c) On or before January 15, 2024, the Secretary of State shall report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations with the Secretary's findings and any recommendations for legislative action.

Third: By adding a new section to be Sec. 11h and a accompanying reader assistance heading to read as follows:

* * * Reapportionment Process Study and Report * * *

Sec. 11h. REAPPORTIONMENT; LEGISLATIVE APPORTIONMENT
BOARD; STUDY AND REPORT

(a) Reapportionment process study. The Legislative Apportionment Board shall explore opportunities to make Vermont's redistricting process less partisan than prior redistricting efforts and yield redistricting plans that better reflect the principle of "one person – one vote." In its study, the Board shall consider the following:

(1) redistricting processes in states where the legislature does not participate in redistricting;

(2) those states' 2021–2022 redistricting results and whether there have been any court challenges; and

(3) how best to revise Vermont's reapportionment process so that:

(A) no elected persons or partisans are involved; and

(B) incumbency is not considered.

(b) Public engagement. The Board shall solicit input from a wide range of stakeholders and hold not fewer than two public hearings.

(c) Assistance. The Board shall have the administrative, technical, and legal assistance of the Office of the Secretary of State for the purpose of the reapportionment process study.

(d) Report. On or before January 15, 2024, the Board shall submit a written report to the House Committee on Government Operations and Military Affairs and Senate Committee on Government Operations with its findings and recommendations for enacting a redistricting process, prior to the 2030 Census, that would be less partisan than prior redistricting efforts and generate legislative districts that better adhere to the principle of "one person – one vote."

(e) Meetings. The Chair of the Board shall call the first meeting for the reapportionment process study to occur on or before July 15, 2023.

(f) Compensation and reimbursement. Members of the Board shall be entitled to per diem compensation and reimbursement of expenses as allowed under 17 V.S.A. § 1904(d) for not more than 10 meetings. Payments authorized under this subsection shall be made from monies appropriated to the Secretary of State's office.

Fourth: By striking out Sec. 12, effective date, and its reader assistance heading in their entireties and inserting in lieu thereof a new Sec. 12 and reader assistance heading to read as follows:

* * * Effective Dates * * *

Sec. 12. EFFECTIVE DATES

This act shall take effect on passage, except Secs. 11a–11b which shall take effect on January 1, 2024.

Thereupon, **Rep. Sibilía of Dover** asked and was granted leave of the House to withdraw her amendment.

Pending third reading of the bill, **Rep. Sibilía of Dover** moved to amend the bill as follows:

First: By striking out the reader assistance heading prior to Sec.1 in its entirety and inserting in lieu thereof the following:

* * * Vermont's Party over People General Election Provision * * *

Second: By adding a reader assistance heading and two new sections to be Secs. 11a and 11b to read as follows:

* * * Incumbency Not to be Considered in the Redistricting Division of Districts Having Two or More Representatives * * *

Sec. 11a. 17 V.S.A. § 1906b is amended to read:

§ 1906b. DIVISION OF TWO-MEMBER REPRESENTATIVE DISTRICTS

* * *

(c) In making a proposal under this section, the boards of civil authority shall consider:

- (1) preservation of existing political subdivision lines;
- (2) recognition and maintenance of patterns of geography, social interaction, trade, political ties, and common interests; and
- (3) use of compact and contiguous territory;
- (4) ~~incumbencies.~~

* * *

Sec. 11b. 17 V.S.A. § 1906c is amended to read:

§ 1906c. DIVISION OF DISTRICTS HAVING THREE OR MORE REPRESENTATIVES

* * *

(c) In making a proposal under this section, the boards of civil authority shall consider:

- (1) preservation of existing political subdivision lines;
- (2) recognition and maintenance of patterns of geography, social interaction, trade, political ties, and common interests; and
- (3) use of compact and contiguous territory;
- ~~(4) incumbencies.~~

* * *

Thereupon, **Rep. Cina of Burlington** requested that the question be divided by its two instances of amendment, and the Speaker ruled it was divisible in that manner.

Thereafter, the question, Shall the bill be amended as offered by Rep. Sibilica of Dover in the first instance of amendment?, was disagreed to.

Thereafter, the question, Shall the bill be amended as offered by Rep. Sibilica of Dover in the second instance of amendment?, was disagreed to.

Thereupon, the bill was read the third time and passed.

Favorable Report; Second Reading; Third Reading Ordered

H.R. 6

Rep. Bartholomew of Hartland, for the Committee on Rules, to which had been referred House resolution, entitled

House resolution updating House Rules

Reported in favor of its adoption. The resolution, having appeared on the Notice Calendar, was taken up, read the second time, and third reading ordered.

**Report of Committee of Conference Adopted;
Action Ordered Delivered to the Governor Forthwith**

H. 145

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses respectfully reported that it has met and considered the same and recommended the following:

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. 145. An act relating to fiscal year 2023 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. 2022 Acts and Resolves No. 185, Sec. B.105 is amended to read:

Sec. B.105 Agency of digital services - communications and information technology

Personal services	99,364,395	82,655,019
Operating expenses	<u>34,833,539</u>	<u>34,833,539</u>
Total	134,197,934	117,488,558
Source of funds		
General fund	179,572	179,572
Special funds	<u>17,159,341</u>	<u>449,965</u>
Internal service funds	<u>116,859,021</u>	<u>116,859,021</u>
Total	134,197,934	117,488,558

Sec. 1a. 2022 Acts and Resolves No. 185, Sec. B.133 is amended to read:

Sec. B.133 Vermont state retirement system

Personal services		180,911
Operating expenses	<u>1,399,555</u>	<u>2,276,023</u>
Total	<u>1,580,466</u>	<u>2,456,934</u>
Source of funds		
Pension trust funds	<u>1,580,466</u>	<u>2,456,934</u>
Total	<u>1,580,466</u>	<u>2,456,934</u>

Sec. 1b. 2022 Acts and Resolves No. 185, Sec. B.134 is amended to read:

Sec. B.134 Municipal employees' retirement system

Personal services		198,399
Operating expenses	<u>890,207</u>	<u>1,221,607</u>
Total	<u>1,088,606</u>	<u>1,420,006</u>
Source of funds		
Pension trust funds	<u>1,088,606</u>	<u>1,420,006</u>
Total	<u>1,088,606</u>	<u>1,420,006</u>

Sec. 2. 2022 Acts and Resolves No. 185, Sec. B.145 is amended to read:

Sec. B.145 Total general government

Source of funds

General fund	104,811,247	104,811,247
Transportation fund	4,059,343	4,059,343
Special funds	35,893,006	19,183,630
Federal funds	1,308,858	1,308,858
Internal service funds	178,033,418	178,033,418
Interdepartmental transfers	4,447,671	4,447,671
Enterprise funds	6,979	6,979
Pension trust funds	<u>2,669,072</u>	<u>3,876,940</u>
Private purpose trust funds	<u>1,156,575</u>	<u>1,156,575</u>
Total	332,386,169	<u>316,884,661</u>

Sec. 3. 2022 Acts and Resolves No. 185, Sec. B.209 is amended to read:

Sec. B.209 Public safety - state police

Personal services	62,598,426	62,396,849
Operating expenses	12,660,950	12,660,950
Grants	<u>1,467,153</u>	<u>1,467,153</u>
Total	76,726,529	<u>76,524,952</u>

Source of funds

General fund	46,676,421	46,474,844
Transportation fund	20,250,000	20,250,000
Special funds	3,116,711	3,116,711
Federal funds	4,820,645	4,820,645
Interdepartmental transfers	<u>1,862,752</u>	<u>1,862,752</u>
Total	76,726,529	<u>76,524,952</u>

Sec. 4. 2022 Acts and Resolves No. 185, Sec. B.225 is amended to read:

Sec. B.225 Agriculture, food and markets - agricultural resource management and environmental stewardship

Personal services	2,830,318	2,830,318
Operating expenses	950,906	950,906
Grants	545,334	<u>295,334</u>
Total	4,326,558	<u>4,076,558</u>

Source of funds

General fund	1,191,645	941,645
Special funds	2,325,153	2,325,153
Federal funds	472,695	472,695
Interdepartmental transfers	<u>337,065</u>	<u>337,065</u>
Total	4,326,558	<u>4,076,558</u>

Sec. 5. 2022 Acts and Resolves No. 185, Sec. B.225.2 is amended to read:

Sec. B.225.2 Agriculture, Food and Markets - Clean Water

Personal services	3,351,394	3,351,394
Operating expenses	518,202	518,202
Grants	<u>5,253,111</u>	<u>5,503,111</u>
Total	9,122,707	9,372,707
Source of funds		
General fund	1,100,802	1,350,802
Special funds	7,266,122	7,266,122
Federal funds	441,907	441,907
Interdepartmental transfers	<u>313,876</u>	<u>313,876</u>
Total	9,122,707	9,372,707

Sec. 6. 2022 Acts and Resolves No. 185, Sec. B.240 is amended to read:

Sec. B.240 Cannabis Control Board

Personal services	3,211,914	3,497,225
Operating expenses	<u>278,608</u>	<u>1,383,608</u>
Total	3,490,522	4,880,833
Source of funds		
Special funds	<u>3,490,522</u>	<u>4,880,833</u>
Total	3,490,522	4,880,833

Sec. 7. 2022 Acts and Resolves No. 185, Sec. B.241 is amended to read:

Sec. B.241 Total protection to persons and property

Source of funds		
General fund	187,158,391	186,956,814
Transportation fund	20,250,000	20,250,000
Special funds	98,238,728	99,629,039
Tobacco fund	561,843	561,843
Federal funds	127,115,612	127,115,612
ARRA funds	510,535	510,535
Interdepartmental transfers	12,413,144	12,413,144
Enterprise funds	<u>13,619,207</u>	<u>13,619,207</u>
Total	459,867,460	461,056,194

Sec. 8. 2022 Acts and Resolves No. 185, Sec. B.300 is amended to read:

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

Personal services	12,307,314	14,990,385
Operating expenses	5,340,825	5,356,835
Grants	<u>2,895,202</u>	<u>3,160,202</u>

Total	20,543,341	23,507,422
Source of funds		
General fund	9,056,662	12,020,743
Special funds	135,517	135,517
Federal funds	10,569,851	10,569,851
Interdepartmental transfers	<u>781,311</u>	<u>781,311</u>
Total	20,543,341	23,507,422

Sec. 9. 2022 Acts and Resolves No. 185, Sec. B.301 is amended to read:

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

Grants	1,835,603,282	<u>1,934,679,638</u>
Total	1,835,603,282	1,934,679,638
Source of funds		
General fund	608,430,925	515,071,925
Special funds	33,384,536	29,121,769
Tobacco fund	21,049,373	21,049,373
State health care resources fund	17,078,501	25,102,272
Federal funds	1,151,625,777	1,340,818,340
Interdepartmental transfers	<u>4,034,170</u>	<u>3,515,959</u>
Total	1,835,603,282	1,934,679,638

Sec. 10. 2022 Acts and Resolves No. 185, Sec. B.304 is amended to read:

Sec. B.304 Human services board

Personal services	766,312	619,083
Operating expenses	<u>89,396</u>	<u>89,396</u>
Total	855,708	708,479
Source of funds		
General fund	490,779	343,550
Federal funds	<u>364,929</u>	<u>364,929</u>
Total	855,708	708,479

Sec. 11. 2022 Acts and Resolves No. 185, Sec. B.306 is amended to read:

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

Personal services	133,258,216	133,258,216
Operating expenses	27,050,784	27,115,536
Grants	<u>2,912,301</u>	<u>8,712,301</u>
Total	163,221,301	169,086,053
Source of funds		
General fund	34,666,169	38,830,921
Special funds	4,738,197	4,738,197
Federal funds	114,997,590	116,697,590

Global Commitment fund	3,986,316	3,986,316
Interdepartmental transfers	<u>4,833,029</u>	<u>4,833,029</u>
Total	163,221,301	169,086,053

Sec. 12. 2022 Acts and Resolves No. 185, 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	<u>837,108,046</u>	<u>965,640,677</u>
Total	<u>837,656,029</u>	966,188,660

Source of funds

Global Commitment fund	<u>837,656,029</u>	<u>966,188,660</u>
Total	<u>837,656,029</u>	966,188,660

Sec. 13. 2022 Acts and Resolves No. 185, Sec. B.309 is amended to read:

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

Grants	<u>54,104,191</u>	<u>49,357,135</u>
Total	<u>54,104,191</u>	49,357,135

Source of funds

General fund	44,533,864	49,352,443
Global Commitment fund	<u>9,570,327</u>	<u>4,692</u>
Total	<u>54,104,191</u>	49,357,135

Sec. 14. 2022 Acts and Resolves No. 185, Sec. B.310 is amended to read:

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

Grants	<u>35,125,592</u>	<u>35,226,509</u>
Total	<u>35,125,592</u>	35,226,509

Source of funds

General fund	<u>12,736,699</u>	12,342,078
Federal funds	<u>22,388,893</u>	<u>22,884,431</u>
Total	<u>35,125,592</u>	35,226,509

Sec. 15. 2022 Acts and Resolves No. 185, Sec. B.311 is amended to read:

Sec. B.311 Health - administration and support

Personal services	7,880,051	7,232,181
Operating expenses	7,161,896	8,283,741
Grants	<u>15,416,408</u>	<u>15,416,408</u>
Total	<u>30,458,355</u>	30,932,330

Source of funds		
General fund	3,120,538	3,594,513
Special funds	2,123,150	2,123,150
Federal funds	19,371,027	19,371,027
Global Commitment fund	5,779,334	5,779,334
Interdepartmental transfers	<u>64,306</u>	<u>64,306</u>
Total	30,458,355	30,932,330

Sec. 16. 2022 Acts and Resolves No. 185, Sec. B.312 is amended to read:

Sec. B.312 Health - public health

Personal services	58,557,637	59,756,793
Operating expenses	10,504,324	10,504,324
Grants	<u>45,237,061</u>	<u>45,237,061</u>
Total	114,299,022	115,498,178

Source of funds		
General fund	12,217,471	13,416,627
Special funds	22,422,908	22,422,908
Tobacco fund	1,088,918	1,088,918
Federal funds	61,398,428	61,398,428
Global Commitment fund	16,159,672	16,159,672
Interdepartmental transfers	986,625	986,625
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	114,299,022	115,498,178

Sec. 17. 2022 Acts and Resolves No. 185, Sec. B.313 is amended to read:

Sec. B.313 Health - alcohol and drug abuse programs

Personal services	5,533,379	4,982,093
Operating expenses	511,500	511,500
Grants	<u>55,582,806</u>	<u>55,595,616</u>
Total	61,627,685	61,089,209

Source of funds		
General fund	4,706,142	4,167,666
Special funds	1,392,101	1,392,101
Tobacco fund	949,917	949,917
Federal funds	21,131,903	21,131,903
Global Commitment fund	<u>33,447,622</u>	<u>33,447,622</u>
Total	61,627,685	61,089,209

Sec. 18. 2022 Acts and Resolves No. 185, Sec. B.314 is amended to read:

Sec. B.314 Mental health - mental health

Personal services	37,550,464	45,679,048
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Operating expenses	5,023,808	5,406,921
Grants	<u>251,958,650</u>	<u>252,383,242</u>
Total	<u>294,532,922</u>	303,469,211
Source of funds		
General fund	12,966,387	23,720,891
Special funds	1,690,187	1,690,187
Federal funds	10,279,911	10,279,911
Global Commitment fund	269,471,344	267,653,129
Interdepartmental transfers	<u>125,093</u>	<u>125,093</u>
Total	<u>294,532,922</u>	303,469,211

Sec. 19. 2022 Acts and Resolves No. 185, Sec. B.316 is amended to read:

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

Personal services	41,932,610	41,930,824
Operating expenses	17,284,575	23,063,394
Grants	<u>3,819,106</u>	<u>3,415,106</u>
Total	<u>63,036,291</u>	68,409,324
Source of funds		
General fund	36,020,845	36,525,221
Special funds	<u>2,789,842</u>	2,788,056
Federal funds	22,463,191	27,083,191
Global Commitment fund	1,409,481	1,659,924
Interdepartmental transfers	<u>352,932</u>	<u>352,932</u>
Total	<u>63,036,291</u>	68,409,324

Sec. 20. 2022 Acts and Resolves No. 185, Sec. B.317 is amended to read:

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

Personal services	41,455,253	41,755,292
Operating expenses	5,392,584	5,392,584
Grants	<u>88,864,318</u>	<u>89,022,405</u>
Total	<u>135,712,155</u>	136,170,281
Source of funds		
General fund	56,028,109	66,085,811
Special funds	729,587	729,587
Federal funds	32,206,285	32,206,285
Global Commitment fund	46,710,437	37,110,861
Interdepartmental transfers	<u>37,737</u>	<u>37,737</u>
Total	<u>135,712,155</u>	136,170,281

Sec. 21. 2022 Acts and Resolves No. 185, Sec. B.318 is amended to read:

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

Personal services	5,486,947	5,487,235
Operating expenses	860,622	860,581
Grants	<u>106,205,300</u>	<u>100,677,216</u>
Total	<u>112,552,869</u>	<u>107,025,032</u>
Source of funds		
General fund	33,130,398	27,602,602
Special funds	16,820,011	16,820,011
Federal funds	50,457,478	50,457,478
Global Commitment fund	12,144,941	12,144,941
Interdepartmental transfers	<u>41</u>	<u>0</u>
Total	<u>112,552,869</u>	<u>107,025,032</u>

Sec. 22. 2022 Acts and Resolves No. 185, 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>	<u>9,624,177</u>
Total	<u>12,683,324</u>	<u>11,876,383</u>
Source of funds		
General fund	7,533,333	6,726,392
Global Commitment fund	<u>5,149,991</u>	<u>5,149,991</u>
Total	<u>12,683,324</u>	<u>11,876,383</u>

Sec. 23. 2022 Acts and Resolves No. 185, Sec. B.321 is amended to read:

Sec. B.321 Department for children and families - general assistance

Personal services	15,000	15,000
Grants	<u>2,823,574</u>	<u>2,147,995</u>
Total	<u>2,838,574</u>	<u>2,162,995</u>
Source of funds		
General fund	2,541,239	1,865,660
Federal funds	11,320	11,320
Global Commitment fund	<u>286,015</u>	<u>286,015</u>
Total	<u>2,838,574</u>	<u>2,162,995</u>

Sec. 24. 2022 Acts and Resolves No. 185, Sec. B.323 is amended to read:

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

Operating expenses	30,633	30,633
Grants	<u>27,235,606</u>	<u>37,028,703</u>

Total	27,266,239	37,059,336
Source of funds		
General fund	15,097,457	24,581,158
Special funds	5,955,834	5,955,834
Federal funds	3,531,330	3,531,330
Global Commitment fund	<u>2,681,618</u>	<u>2,991,014</u>
Total	27,266,239	37,059,336

Sec. 25. 2022 Acts and Resolves No. 185, Sec. B.325 is amended to read:

Sec. B.325 Department for children and families - office of economic opportunity

Personal services	707,738	707,738
Operating expenses	80,979	80,979
Grants	<u>19,896,892</u>	<u>19,096,328</u>
Total	<u>20,685,609</u>	<u>19,885,045</u>
Source of funds		
General fund	14,328,930	13,528,366
Special funds	58,135	58,135
Federal funds	4,942,559	4,942,559
Global Commitment fund	<u>1,355,985</u>	<u>1,355,985</u>
Total	<u>20,685,609</u>	<u>19,885,045</u>

Sec. 26. 2022 Acts and Resolves No. 185, Sec. B.326 is amended to read:

Sec. B.326 Department for children and families - OEO - weatherization assistance

Personal services	376,286	376,286
Operating expenses	47,090	247,090
Grants	<u>12,038,018</u>	<u>11,838,018</u>
Total	<u>12,461,394</u>	<u>12,461,394</u>
Source of funds		
Special funds	7,643,920	7,643,920
Federal funds	<u>4,817,474</u>	<u>4,817,474</u>
Total	<u>12,461,394</u>	<u>12,461,394</u>

Sec. 27. [DELETED]

Sec. 28. 2022 Acts and Resolves No. 185, Sec. B.329 is amended to read:

Sec. B.329 Disabilities, aging, and independent living - administration & support

Personal services	37,398,355	38,484,107
Operating expenses	<u>6,178,888</u>	<u>6,214,683</u>
Total	<u>43,577,243</u>	<u>44,698,790</u>

Source of funds		
General fund	19,725,270	20,846,817
Special funds	1,390,457	1,390,457
Federal funds	21,360,232	21,360,232
Global Commitment fund	35,000	35,000
Interdepartmental transfers	<u>1,066,284</u>	<u>1,066,284</u>
Total	43,577,243	44,698,790

Sec. 29. 2022 Acts and Resolves No. 185, Sec. B.330 is amended to read:

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

Grants	<u>19,709,925</u>	<u>20,278,107</u>
Total	19,709,925	20,278,107
Source of funds		
General fund	7,754,865	7,754,865
Federal funds	7,148,466	7,148,466
Global Commitment fund	<u>4,806,594</u>	<u>5,374,776</u>
Total	19,709,925	20,278,107

Sec. 30. 2022 Acts and Resolves No. 185, Sec. B.333 is amended to read:

Sec. B.333 Disabilities, aging, and independent living - developmental services

Grants	<u>282,169,830</u>	<u>284,711,348</u>
Total	282,169,830	284,711,348
Source of funds		
General fund	155,125	555,125
Special funds	15,463	15,463
Federal funds	359,857	359,857
Global Commitment fund	281,589,385	283,730,903
Interdepartmental transfers	<u>50,000</u>	<u>50,000</u>
Total	282,169,830	284,711,348

Sec. 31. 2022 Acts and Resolves No. 185, Sec. B.334 is amended to read:

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

Grants	<u>6,163,669</u>	<u>6,620,179</u>
Total	6,163,669	6,620,179
Source of funds		
Global Commitment fund	<u>6,163,669</u>	<u>6,620,179</u>
Total	6,163,669	6,620,179

Sec. 32. 2022 Acts and Resolves No. 185, Sec. B.334.1 is amended to read:

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

Grants	<u>247,242,665</u>	<u>269,943,753</u>
Total	<u>247,242,665</u>	<u>269,943,753</u>
Source of funds		
General fund	498,579	1,598,579
Federal funds	2,083,333	2,083,333
Global Commitment fund	<u>244,660,753</u>	<u>266,261,841</u>
Total	<u>247,242,665</u>	<u>269,943,753</u>

Sec. 33. 2022 Acts and Resolves No. 185, Sec. B.338 is amended to read:

Sec. B.338 Corrections - correctional services

Personal services	<u>124,883,844</u>	<u>129,447,504</u>
Operating expenses	<u>24,337,405</u>	<u>24,571,221</u>
Total	<u>149,221,249</u>	<u>154,018,725</u>
Source of funds		
General fund	144,682,340	149,264,201
Special funds	935,963	935,963
Federal funds	460,376	675,991
Global Commitment fund	2,746,255	2,746,255
Interdepartmental transfers	<u>396,315</u>	<u>396,315</u>
Total	<u>149,221,249</u>	<u>154,018,725</u>

Sec. 34. 2022 Acts and Resolves No. 185, Sec. B.338.1 is amended to read:

Sec. B.338.1 Corrections - Justice Reinvestment II

<u>Personal services</u>	0	160,140
Grants	<u>9,868,567</u>	<u>12,467,844</u>
Total	<u>9,868,567</u>	<u>12,627,984</u>
Source of funds		
General fund	7,290,879	10,050,296
Federal funds	13,147	13,147
Global Commitment fund	<u>2,564,541</u>	<u>2,564,541</u>
Total	<u>9,868,567</u>	<u>12,627,984</u>

Sec. 35. [DELETED].

Sec. 36. 2022 Acts and Resolves No. 185, Sec. B.342 is amended to read:

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

Personal services	<u>18,693,897</u>	<u>23,557,937</u>
Operating expenses	<u>4,698,211</u>	<u>5,719,013</u>
Total	<u>23,392,108</u>	<u>29,276,950</u>

Source of funds		
General fund	4,068,733	5,655,522
Special funds	11,892,624	16,190,677
Federal funds	<u>7,430,751</u>	<u>7,430,751</u>
Total	23,392,108	29,276,950

Sec. 37. 2022 Acts and Resolves No. 185, Sec. B.346 is amended to read:

Sec. B.346 Total human services

Source of funds		
General fund	1,118,252,689	1,071,972,923
Special funds	122,249,086	122,282,586
Tobacco fund	23,088,208	23,088,208
State health care resources fund	17,078,501	25,102,272
Federal funds	1,651,894,729	1,848,118,445
Global Commitment fund	1,788,710,309	1,921,586,651
Internal service funds	1,699,065	1,699,065
Interdepartmental transfers	28,014,227	27,495,975
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	4,751,011,814	5,041,371,125

Sec. 38. 2022 Acts and Resolves No. 185, Sec. B.505 is amended to read:

Sec. B.505 Education - adjusted education payment

Grants	1,561,661,000	1,577,649,173
Total	1,561,661,000	1,577,649,173
Source of funds		
Education fund	1,561,661,000	1,577,649,173
Total	1,561,661,000	1,577,649,173

Sec. 39. 2022 Acts and Resolves No. 185, Sec. B.514 is amended to read:

Sec. B.514 State teachers' retirement system

Grants	187,273,782	188,073,782
Total	187,273,782	188,073,782
Source of funds		
General fund	154,345,678	154,645,678
Education fund	32,928,104	33,428,104
Total	187,273,782	188,073,782

Sec. 39a. 2022 Acts and Resolves No. 185, Sec. B.514.1 is amended to read:

Sec. B.514.1 State teachers' retirement system administration

Personal services		236,503
Operating expenses	1,609,560	<u>2,538,377</u>

Total	1,846,063	<u>2,774,880</u>
Source of funds		
Pension trust funds	1,846,063	<u>2,774,880</u>
Total	1,846,063	<u>2,774,880</u>

Sec. 40. 2022 Acts and Resolves No. 185, Sec. B.516 is amended to read:

Sec. B.516 Total general education

Source of funds		
General fund	204,865,262	<u>205,165,262</u>
Special funds	19,450,491	19,450,491
Tobacco fund	750,388	750,388
Education fund	1,900,680,013	<u>1,917,168,186</u>
Federal funds	512,572,265	512,572,265
Global Commitment fund	260,000	260,000
Interdepartmental transfers	365,324	365,324
Pension trust funds	<u>2,774,880</u>	<u>2,774,880</u>
Total	2,640,789,806	<u>2,658,506,796</u>

Sec. 41. 2022 Acts and Resolves No. 185, Sec. B.802 is amended to read:

Sec. B.802 Housing and community development

Personal services	5,321,306	5,321,306
Operating expenses	673,807	673,807
Grants	<u>76,513,512</u>	<u>77,056,152</u>
Total	82,508,625	83,051,265
Source of funds		
General fund	4,065,708	4,065,708
Special funds	<u>7,204,966</u>	7,747,606
Federal funds	68,364,457	68,364,457
Interdepartmental transfers	<u>2,873,494</u>	<u>2,873,494</u>
Total	82,508,625	83,051,265

Sec. 42. 2022 Acts and Resolves No. 185, Sec. B.813 is amended to read:

Sec. B.813 Total commerce and community development

Source of funds		
General fund	18,279,159	18,279,159
Special funds	32,584,165	33,126,805
Federal funds	160,118,217	160,118,217
Interdepartmental transfers	<u>5,532,656</u>	<u>5,532,656</u>
Total	216,514,197	217,056,837

Sec. 43. 2022 Acts and Resolves No. 185, Sec. B.903 is amended to read:

Sec. B.903 Transportation - program development

Personal services	67,084,877	67,084,877
Operating expenses	317,718,748	317,718,748
Grants	<u>28,106,566</u>	<u>28,106,566</u>
Total	412,910,191	412,910,191
Source of funds		
Transportation fund	63,006,826	59,806,826
TIB fund	16,199,908	19,399,908
Federal funds	330,355,267	330,355,267
Interdepartmental transfers	75,000	75,000
Local match	<u>3,273,190</u>	<u>3,273,190</u>
Total	412,910,191	412,910,191

Sec. 44. 2022 Acts and Resolves No. 185, Sec. B.907 is amended to read:

Sec. B.907 Transportation - rail

Personal services	4,662,380	4,662,380
Operating expenses	30,650,803	30,650,803
Grants	<u>50,000</u>	<u>50,000</u>
Total	35,363,183	35,363,183
Source of funds		
Transportation fund	14,201,368	10,701,368
Federal funds	18,015,401	21,515,401
Interdepartmental transfers	2,985,206	2,985,206
Local match	<u>161,208</u>	<u>161,208</u>
Total	35,363,183	35,363,183

Sec. 44a. 2022 Acts and Resolves No. 185, Sec. B.922 is amended to read:

Sec. B.922 Total transportation

Source of funds

Transportation fund	298,509,742	291,809,742
TIB fund	19,802,363	23,002,363
Special funds	4,367,498	4,367,498
Federal funds	438,299,601	441,799,601
Internal service funds	22,754,095	22,754,095
Interdepartmental transfers	3,597,177	3,597,177
Local match	<u>4,585,799</u>	<u>4,585,799</u>
Total	791,916,275	791,916,275

Sec. 45. 2022 Acts and Resolves No. 185, Sec. B.1100 is 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:

* * *

(18) ~~\$1,500,000~~ \$3,600,000 to the Department of Disabilities, Aging, and Independent Living (DAIL) to be used for grants to adult day service providers ~~to support operating costs and program infrastructure as specified in subdivisions (A) and (B) of this subdivision.~~

(A) ~~The funds \$1,500,000~~ shall be allocated on a equitable basis per a methodology developed by DAIL. On or before the first day of each quarter of fiscal year 2023 (July 1, 2022, October 1, 2022, January 1, 2023, and April 1, 2023), the Vermont Association of Adult Day Services shall provide a spreadsheet to the Department detailing quarterly expenditures versus the annual budget. DAIL shall work with community partners to seek organizations interested in opening an adult day center in the underserved regions where adult day centers closed during the COVID-19 pandemic. Up to \$50,000 of these funds may be used to support the start-up costs of a new adult day center. Any amount of this appropriation remaining at the end of fiscal year 2023 shall be carried forward and shall be used to support operating costs, and program infrastructure.

(B) \$2,100,000 shall be granted to existing adult day service providers to maintain the existing program infrastructure through fiscal year 2023. The Department shall request that the Vermont Association of Adult Day Services provide a spreadsheet to the Department detailing the amount of grants to be distributed to each adult day program for the remainder of fiscal year 2023.

* * *

(24) \$3,000,000 to the Secretary of Administration to provide funding for municipal technical assistance and related services.

(25) \$3,345,000 to the Secretary of Administration to be used as the 10 percent State match required for FEMA COVID funds starting on July 1, 2022.

(26) \$1,734,000 to the Agency of Digital Services to be used as State match for a U.S. Geological Survey (USGS) Light Detection and Ranging (LIDAR) grant.

(27) \$1,115,000 to the Military Department to be used as State match for the federal Facilities Sustainment, Restoration and Modernization (SRM) funds eligible for receipt in federal fiscal year 2023.

(28) \$30,000,000 to the Public Service Department for the Vermont Community Broadband Board to be used to leverage federal dollars and programs, including the National Telecommunications and Information Administration (NTIA) broadband grant (Middle Mile), to reduce the overall cost of universal broadband access as described in 2021 Acts and Resolves No. 71.

(29) \$350,000 to the State Refugee Office, located within the Agency of Human Services Central Office, to implement Employment Assistance Grants for New Americans. Funds remaining at the end of fiscal year 2025 shall revert to the General Fund.

(30) \$3,000,000 to the Department for Children and Families Office of Economic Opportunity for the CARES Housing Voucher Program.

(31) \$5,000,000 to the Department of Housing and Community Development as additional support for the Vermont Housing Improvement Program (VHIP).

(32) \$350,000 is appropriated to the Agency of Commerce and Community Development in fiscal year 2023 to provide State match for the Northeast Kingdom Build to Scale proposal to be submitted to the U.S. Economic Development Administration for federal funding.

(33) \$18,778,775 to the Department for Children and Families to provide funding for the General Assistance Emergency Housing Program as specified in this subsection as follows:

(A) \$13,778,775 of these funds are for the purpose of providing temporary housing to vulnerable households as defined in this subdivision from April 1, 2023 through June 30, 2023. These funds are in addition any additional expenditures for emergency housing funded through 2022 Acts and Resolves No. 185, § C.102. During this period, eligible households that seek emergency housing shall receive it, regardless of the number of nights previously received or adverse weather conditions. The Department shall use the income and resource eligibility criteria in effect as of June 2021. A household is eligible if it meets one or more of the following:

(i) a household that lost its housing due to a natural disaster, such as a flood, fire, or hurricane;

(ii)(I) a household that has a member who has experienced domestic violence, dating violence, sexual assault, stalking, or human trafficking; or

(II) a household that has a member who has experienced a dangerous or life-threatening incident related to violence against the member that either occurred within the member's home or caused the member to reasonably believe that the member was at risk of further harm if the member remained in the home;

(iii) a household with a child or children who are either under 18 years of age or who are 18 or 19 years of age and attending secondary school on full-time basis or an equivalent level of vocational or technical training;

(iv) a household that has a member who is 60 years of age or older;

(v) a household that has a member who receives SSI or SSDI;

(vi) a household that has a member who is pregnant;

(vii) a household that is pursuing legal resolution of violations of the Rental Housing Health Code through the Department of Health or appropriate local officials; or

(viii) a household that has been physically barred from entering their residence through an intentional act of the landlord.

(B) \$5,000,000 of these funds are for the purpose of providing emergency housing from March 16, 2023 through May 31, 2023 for other households that are not eligible pursuant the criteria in subdivision (A) of this subdivision, but would be eligible for General Assistance emergency housing under the Adverse Weather Conditions policy in effect on January 15, 2023.

(34) \$952,000 to the Department of Mental Health to be granted to the Howard Center to purchase properties located at 71, 73, and 77 Park Street in Rutland, Vermont.

(A) Prior to granting funds greater than an amount required for a refundable purchase deposit, the Commissioners of Mental Health and for Children and Families, with the assistance of the Secretary of Human Services and Commissioner of Buildings and General Services, shall review the accuracy and comprehensiveness of the financial analysis of the Howard Center proposal to purchase these properties for the continued use as a community-based residential and educational program for adolescent males with sexually harming behaviors. The review should include comparative ongoing operational and additional capital investment costs at this site with reasonable alternative relocation rental or purchase options. A status update

on this review and appropriation shall be provided to the General Assembly by the Commissioners of Mental Health and for Children and Families on or before April 1, 2023.

(B) An accounting of the respective State and Howard Center shares of investment in this property shall be maintained in order to refund to the State an appropriate share of any net proceeds resulting from future divestiture of the property.

(35) \$1,550,000 to the Judiciary as follows:

(A) \$750,000 for internal network cabling upgrade.

(B) \$500,000 for courthouses sound system replacement.

(C) \$300,000 for correctional facilities remote hearings improvement.

(36) \$27,500,000 to the Vermont Housing Conservation Board (VHCB):

(A) \$2,500,000 of this funding shall be allocated to provide support and enhance capacity for emergency shelter for those experiencing homelessness. Allocations for emergency shelter for those experiencing homelessness shall be made in consultation with the Secretary of Human Services.

(B) \$25,000,000 is to provide support and enhance capacity for the production and preservation of affordable mixed-income rental housing and homeownership units; including but not limited to improvements to manufactured homes and communities, shelter, and permanent homes for those experiencing homelessness, recovery residences, and housing available to farm workers and refugees.

(37) \$1,200,000 to the Department for Children and Families for a grant to the Lund Center for its Residential Treatment program.

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

(39) \$100,000 to the Office of the State Treasurer for a study and report on Other Postemployment Benefits; Governance Structure.

(40) \$4,626,506 to the Department for Children and Families for a temporary secure youth residential facility. The Department shall provide an update to the House Committees on Appropriations, on Corrections and Institutions, and on Human Services and to the Senate Committees on Appropriations, on Judiciary, and on Health and Welfare on the status of the

facility, including site location, time frame, design, and budget on or before April 15, 2023.

Sec. 46. 2022 Acts and Resolves No. 185, Sec. B.1101 is added to read:

Sec. B.1101 FISCAL YEAR 2023 ONE-TIME ENVIRONMENTAL
CONTINGENCY FUND APPROPRIATIONS

(a) In fiscal year 2023, funds are appropriated from the Environmental Contingency Fund (21275) for new and ongoing initiatives as follows:

(1) \$3,000,000 to the Department of Environmental Conservation for PFAS remediation.

Sec. 47. 2022 Acts and Resolves No. 185, Sec. B.1102 is added to read:

Sec. B.1102 FISCAL YEAR 2023 ONE-TIME TECHNOLOGY
MODERNIZATION SPECIAL FUND APPROPRIATIONS

(a) In fiscal year 2023, funds are appropriated from the Technology Modernization Special Fund (21951) for new and ongoing initiatives as follows:

(1) \$40,010,000 to the Agency of Digital Services to be used as follows:

(A) \$11,800,000 for Enterprise Resource Planning (ERP) system upgrade of core statewide financial accounting system and integration with the Department of Labor and Agency of Transportation financial systems;

(B) \$1,800,000 for continued implementation of the Workplace Information Management System for property management at the Department of Buildings and General Services;

(C) \$960,000 for the Fire Safety System Modernization to replace the current technology with a modern platform to improve records management and public interaction functionalities related to permitting and licensing;

(D) \$2,200,000 for a case management system at the Office of the Attorney General;

(E) \$20,250,000 for the Department of Motor Vehicles (DMV) Core System Modernization Phase II; and

(F) \$3,000,000 for the Department of Labor Unemployment Insurance Modernization project.

Sec. 48. 2022 Acts and Resolves No. 185, Sec. D.101 is amended to read:

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

(a) Notwithstanding any other provision of law, the following amounts are transferred from the funds indicated:

* * *

(8) From the General Fund to the Emergency Relief and Assistance Fund (21555): \$2,100,000.

(9) From the General Fund to the Environmental Contingency Fund (21275): \$3,000,000.

(10) From the General Fund to the Cannabis Regulation Fund (21998): \$1,390,311.

(11) From the Transportation Infrastructure Bond Debt Service Fund to the Transportation Infrastructure Bond Fund (20191): \$721,240.62.

(b) Notwithstanding any provision of law to the contrary, in fiscal year 2023:

(1) The following amounts shall be transferred to the General Fund from the funds indicated:

<u>21220</u> <u>Mental Health Risk Pool</u>	<u>\$449.17</u>
<u>21910</u> <u>Counselor Regulatory Fee Fund</u>	<u>\$2,125.00</u>
<u>21945</u> <u>DOC - Corrections Donations</u>	<u>\$4.52</u>
22005 AHS Central Office earned federal receipts	\$4,641,960
50300 Liquor Control Fund	\$20,400,000
Caledonia Fair	\$5,000
North Country Hospital Loan	\$24,047
Springfield Hospital promissory note repayment	\$121,416
<u>50400</u> <u>Vermont Life Magazine Fund</u>	<u>\$374,000.26</u>

(2) The Notwithstanding any other laws related to these special fund balances, the following estimated amounts, which may be all or a portion of unencumbered fund balances, shall may be transferred from the following funds to the General Fund. The upon determination of the Commissioner of Finance and Management that such transfers are integral for the financial closure of the fiscal year. The Commissioner 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 & reimbursement – Court order		\$2,000,000
21928	Secretary of State Services Funds		\$1,200,000
62100	Unclaimed Property Fund	<u>\$1,773,425</u>	<u>\$4,442,485</u>
	<u>Combined estimate for 21075 Insurance Regulatory and Supervision Fund, 21805 Captive Insurance Regulatory and Supervision Fund, 21080 Regulatory and Supervision Fund</u>		<u>\$58,564,476</u>

(3) ~~Notwithstanding 2016 Acts and Resolves No. 172, Sec. E. 228, \$45,664,476 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.~~

(4) Notwithstanding any provision of law to the contrary, in fiscal year 2023, the following amounts shall revert to the General Fund from the accounts indicated:

1210002000	Legislature		\$205,000
1100030000	Executive Branch Pay Act	\$4,450,000	<u>\$4,559,966.09</u>
1100010000	<u>Secretary of Administration</u>		<u>\$261,019.35</u>
1110003000	<u>Budget & Management</u>		<u>\$46,983.65</u>
1140040000	<u>Homeowner Rebates</u>		<u>\$2,593,580.53</u>
1140070000	<u>Use Tax Reimbursement Program</u>		<u>\$103,001.75</u>
1140330000	<u>Renter Rebates</u>		<u>\$4,374,661.25</u>
1260010000	<u>Office of the Treasurer</u>		<u>\$206,201.60</u>
2100001000	<u>Attorney General</u>		<u>\$1,181.15</u>
2140010000	<u>Department of Public Safety - State Police</u>		<u>\$329,311.26</u>
2140090000	<u>Forensic Laboratory</u>		<u>\$60,701.18</u>
2150010000	<u>Military Administration/TAGO</u>		<u>\$347,364.99</u>
3330892202	<u>GMCB - Benchmarking Analyses</u>		<u>\$80,443.00</u>
3400891804	<u>Medicaid Financial Requirements</u>		<u>\$40,341.34</u>
3400892109	<u>St Match - Act 155 4(a),5(a)</u>		<u>\$277,500.00</u>
3400892112	<u>AHS - VT Food Bank-Food Box</u>		<u>\$1,376,000.00</u>
3420892203	<u>VDH - Recovery Centers</u>		<u>\$1.09</u>
3440892203	<u>DCF - Parent Child Ctrs Cap Imp</u>		<u>\$10.00</u>

<u>5100010000</u>	<u>Administration</u>	<u>\$282.00</u>
<u>5100060000</u>	<u>Adult Basic Education</u>	<u>\$7,192.22</u>
<u>5100070000</u>	<u>Education Services</u>	<u>\$3,870.00</u>
<u>5100210000</u>	<u>Education - Flexible Pathways</u>	<u>\$182,072.00</u>
<u>5100400000</u>	<u>State Board of Education</u>	<u>\$54,755.46</u>
<u>5100892216</u>	<u>AOE Vaccine Incentive Program</u>	<u>\$50,000.00</u>
<u>6100040000</u>	<u>Property Tax Assessment Appropriation</u>	<u>\$4,263.13</u>
<u>6130030000</u>	<u>Parks</u>	<u>\$504.96</u>

* * *

(d) Notwithstanding any provision of law to the contrary, in fiscal year 2023, the following amounts shall revert to the Education Fund from the accounts indicated:

<u>5100010000</u>	<u>Administration</u>	<u>\$1,607,144.76</u>
<u>5100040000</u>	<u>Special Education Formula</u>	<u>\$27,333,400.07</u>
<u>5100050000</u>	<u>State-Placed Students</u>	<u>\$1,443,542.45</u>
<u>5100090000</u>	<u>Education Grant</u>	<u>\$11,754,133.93</u>
<u>5100110000</u>	<u>Small School Grant</u>	<u>\$34,348.00</u>
<u>5100200000</u>	<u>Education - Technical Education</u>	<u>\$1,497,300.35</u>
<u>5100210000</u>	<u>Education - Flexible Pathways</u>	<u>\$1,843,900.61</u>

(e) Notwithstanding any provision of law to the contrary, in fiscal year 2023, the following amounts shall revert to the Transportation Fund from the accounts indicated:

<u>8100000100</u>	<u>Finance and Administration</u>	<u>\$100,000</u>
<u>8100000300</u>	<u>Town Highway Structures</u>	<u>\$8,734,480</u>
<u>8100000800</u>	<u>Transportation Board</u>	<u>\$25,398</u>
<u>8100001000</u>	<u>Town Highway State Aid Federal Disasters</u>	<u>\$18,247</u>
<u>8100001100</u>	<u>Program Development</u>	<u>\$3,288,991</u>
<u>8100001400</u>	<u>Town Highway State Aid</u>	<u>\$533,098</u>
	<u>Non-Federal Disasters</u>	
<u>8100001700</u>	<u>Rest Areas</u>	<u>\$135,990</u>
<u>8100001900</u>	<u>Town Highway VT Local Roads</u>	<u>\$101,089</u>

<u>8100002000</u>	<u>Maintenance & Operations Bureau</u>	<u>\$1,817,000</u>
<u>8100002100</u>	<u>Department of Motor Vehicles</u>	<u>\$261,000</u>
<u>8100002200</u>	<u>Policy and Planning</u>	<u>\$893,611</u>
<u>8100002600</u>	<u>Town Highway Class 2 Roadway</u>	<u>\$4,818,108</u>

Sec. 49. 2022 Acts and Resolves No. 185, Sec. D.102(a) is amended to read:

(a) \$3,020,000 from the General Fund shall be reserved in the 27/53 reserve in fiscal year ~~2022~~ 2023. This action is the fiscal year 2023 contribution to the reserve for the 53rd week of Medicaid as required by 32 V.S.A. § 308e and the 27th payroll reserve as required by 32 V.S.A. § 308e.

Sec. 50. 2022 Acts and Resolves No. 185, Sec. E.100 is amended to read:

Sec. E.100 EXECUTIVE BRANCH POSITIONS

(a) The establishment of the following new positions is authorized in fiscal year 2023:

(1) Permanent classified positions:

* * *

(F) Cannabis Control Board:

(i) two enforcement officers; ~~and~~

(ii) one data analyst;

(iii) two chemists; and

(iv) one Cannabis Quality Assurance Program and Laboratory

Director.

* * *

(2) Permanent Exempt Positions:

(A) Vermont Pension Investment Commission: one Principal Assistant.

(B) Office of Child, Youth and Family Advocate:

(i) One Child, Youth and Family Advocate; and

(ii) One Deputy Child, Youth and Family Advocate.

* * *

(g) The establishment of the following exempt limited-service positions is authorized in the fiscal year beginning on July 1, 2022 through June 30, 2026.

(1) Truth and Reconciliation Commission

(A) Three Commissioners.

Sec. 51. 2022 Acts and Resolves No. 185, Sec. E.105.2 is amended to read:

Sec. E.105.2 FISCAL YEAR 2023; TECHNOLOGY MODERNIZATION
SPECIAL FUND; AUTHORIZATIONS

(a) ~~In fiscal 2023, the following expenditures are authorized from the Technology Modernization Special Fund to the projects described in this section:~~

~~(1) the sum of \$11,800,000 for Enterprise Resource Planning (ERP) system upgrade of core statewide financial accounting system and integration with the Vermont Department of Labor and the Agency of Transportation financial systems;~~

~~(2) the sum of \$1,800,000 for continued implementation of the Workplace Information Management System for property management at the Department of Buildings and General Services;~~

~~(3) the sum of \$960,000 for the Fire Safety System Modernization to replace the current technology with a modern platform to improve records management and public interaction functionalities related to permitting and licensing; and~~

~~(4) the sum of \$2,200,000 for a case management system at the Office of the Attorney General.~~

~~(b) The expenditures authorized in subdivision (a)(1) of this section Sec. B.1102 of this act shall only be released following approval by the Joint Information Technology Oversight Committee upon a review of the following documentation as provided by the Agency of Digital Services, the Agency of Administration, and the Joint Fiscal Office's IT consultant:~~

- ~~(1) adequacy of departmental readiness;~~
- ~~(2) the responsiveness of requests for proposals; and~~
- ~~(3) results of the independent review.~~

~~(e)(b) In fiscal year ~~2023~~ 2024, if funds are available per section C.102(b) of this act, the following expenditures are authorized from the Technology Modernization Special Fund to the projects described in this section:~~

~~(1) The sum of \$20,250,000 for the Department of Motor Vehicles (DMV) Core System Modernization Phase II.~~

~~(2) The sum of up to ~~\$30,000,000~~ \$27,000,000 for the Department of Labor Unemployment Insurance Modernization project. These funds shall be released as follows:~~

(A) ~~the sum of \$3,000,000 on July 1, 2022;~~

(B) the sum of \$10,000,000 on July 1, 2023 upon approval by the Joint Information Technology Oversight Committee of the actions outlined in a Project Schedule; and

(C)(B) remaining funds shall be released upon request as needed by the Agency of Digital Services and approval of the Joint Information Technology Oversight Committee in accordance with actions outlined in a Project Schedule.

* * *

(3) For the amounts released in subdivisions ~~(2)(B)-(C)~~ ~~(1)(A)-(B)~~ of this subsection, the Joint Information Technology Oversight Committee shall consider the Project Schedule developed between the Department of Labor and the Agency of Digital Services, as approved by the Agency of Administration. The Joint Information Technology Oversight Committee shall also consider any actions proposed by the U.S. Department of Labor that may impact current or future plans developed by the State's Department of Labor.

Sec. 52. 2022 Acts and Resolves No. 185, Sec. E.233.2(a) is amended to read:

(a) In fiscal year 2023 there is appropriated to the Vermont Community Broadband Board a total of ~~\$1,500,000~~ \$1,435,531 from special funds and \$684,127 from federal funds to operate the Board. ~~The intent of this section is to provide the necessary spending authority to the Board to operate in fiscal year 2023 until a new line-item budget is included in the budget adjustment for fiscal year 2023 pursuant to Sec. 233.1. of this act.~~

Sec. 53. EMPLOYMENT SUPPORTS FOR NEW AMERICANS

(a) Employment Assistance Grants. The State Refugee Office, in consultation with the Vermont Department of Labor, shall administer a grant program to support the development of coordinated community-based systems, with consideration of regional networks and resources, to assist in achieving economic self-sufficiency for New Americans, including refugees, humanitarian parolees, special immigrant visa holders, asylees, asylum-seekers and other immigrants with low income who are or intend to become residents of Vermont.

(b) Grant funds may be allocated to:

(1) assess the current ability of a municipality or region supporting the resettlement of New Americans, including the availability of English language learning services, transportation, housing, employment supports and economic and health services:

(2) provide employment and related support services for refugees, asylum seekers and other New Americans including technical support, employment training before or during employment, English language learning, employment-related case management, job placement, transportation or other related services; and

(3) provide staff support for the coordination of local and State resources to secure partnerships with organizations employing refugees, development of sustainable New American support systems for regions where New Americans are being settled, creation of employer partnerships to serve multiple refugees, identification of cultural barriers for individual or groups of refugees, and facilitation with necessary stakeholders to remove barriers and prepare for successful employment.

(c) The funding for this grant program is provided in 2022 Acts and Resolves No. 185, Sec. B.1100, as amended by Sec. 45 of this act.

Sec. 54. 2022 Acts and Resolves No. 185, Sec. E.301 is amended to read:

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

* * *

(b) In addition to the State funds appropriated in this section, a total estimated sum of \$25,231,144 \$22,682,952 is anticipated to be certified as State matching funds under the Global Commitment as follows:

(1) ~~\$22,230,100~~ \$19,881,850 certified State match available from local education agencies for eligible special education school-based Medicaid services under the Global Commitment. This amount combined with ~~\$28,269,900~~ \$30,618,150 of federal funds appropriated in Sec. B.301 of this act equals a total estimated expenditure of \$50,500,000. An amount equal to the amount of the federal matching funds for eligible special education school-based Medicaid services under Global Commitment shall be transferred from the Global Commitment Fund to the Medicaid Reimbursement Special Fund created in 16 V.S.A. § 2959a.

(2) ~~\$3,001,544~~ \$2,801,102 certified State match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

(c) Up to ~~\$4,034,170~~ \$3,515,959 is transferred from the AHS Federal Receipts Holding Account to the Interdepartmental Transfer Fund consistent with the amount appropriated in Sec. B.301 of this act – Secretary's Office – Global Commitment.

Sec. 55. DEPARTMENT OF MENTAL HEALTH: REIMBURSEMENT RATES FOR PRIVATE NONMEDICAL INSTITUTIONS

(a) Of the amounts appropriated to the Department of Mental Health in fiscal year 2023, \$420,000 is for the purposes of increasing reimbursement rates for Private Nonmedical Institutions that have rates set according to the Department of Vermont Health Access, Division of Rate Setting's Methods, Standards and Principles for Establishing Payment Rates for Private Nonmedical Institutions Providing Residential Child Care Services. This amount shall be distributed by increasing the per diem rates set by the Department of Vermont Health Access, Division of Rate Setting for each Private Nonmedical Institution. The Division of Rate Setting shall increase the treatment and room and board portions of the final per diem rate for each Private Nonmedical Institution whose rate is set by the Division of Rate Setting by an amount sufficient to ensure the appropriation in this section is fully utilized from January 1, 2023 through June 30, 2023.

Sec. 56. DEPARTMENT FOR CHILDREN AND FAMILIES:
REIMBURSEMENT RATES FOR PRIVATE NONMEDICAL INSTITUTIONS

(a) Of the amounts appropriated to the Department for Children and Families in fiscal year 2023, \$1,900,000 is for the purposes of increasing reimbursement rates for Private Nonmedical Institutions that have rates set according to the Department of Vermont Health Access, Division of Rate Setting's Methods, Standards and Principles for Establishing Payment Rates for Private Nonmedical Institutions Providing Residential Child Care Services. This amount shall be distributed by increasing the per diem rates set by the Department of Vermont Health Access, Division of Rate Setting for each Private Nonmedical Institution. The Division of Rate Setting shall increase the treatment and room and board portions of the final per diem rate for each Private Nonmedical Institution whose rate is set by the Division of Rate Setting by an amount sufficient to ensure the appropriation in this section is fully utilized from January 1, 2023 through June 30, 2023.

Sec. 57. ESSER: EDUCATION RECOVERY AND REVITALIZATION

(a) The Agency of Education may adjust any of the allocations concerning ESSER II and ARP ESSER state set aside funds made in 2021 Acts and Resolves Nos. 9, 67, 72, and 74 and 2022 Acts and Resolves Nos. 28, 83, 112, 166, and 185 during the final reconciliation process to ensure the entirety of the federal awards are expended. The Agency of Education shall provide a final reconciliation report to the Joint Fiscal Committee on the reallocation of these funds in October 2023 and October 2024.

Sec. 58. 2022 Acts and Resolves No. 185, Sec. E.514 is amended to read:

Sec. E.514 STATE TEACHERS' RETIREMENT SYSTEM

(a) In accordance with 16 V.S.A. § 1944(g)(2), and consistent with system changes enacted for fiscal year 2023 in the 2022 session, the annual contribution to the State Teachers' Retirement System (STRS) shall be ~~\$194,161,651~~ \$194,961,651 of which ~~\$187,273,782~~ \$188,073,782 shall be the State's contribution and \$6,887,869 shall be contributed from local school systems or educational entities pursuant to 16 V.S.A. § 1944c.

(b) In accordance with 16 V.S.A. § 1944(c)(2), of the annual contribution, ~~\$34,342,965~~ \$34,842,965 is the "normal contribution," and ~~\$159,818,686~~ \$160,118,686 is the "accrued liability contribution."

Sec. 59. 1 V.S.A. § 317(c) is amended to read:

(c) The following public records are exempt from public inspection and copying:

* * *

~~(21) Lists of names compiled or obtained by Vermont Life magazine for the purpose of developing and maintaining a subscription list, which list may be sold or rented in the sole discretion of Vermont Life magazine, provided that such discretion is exercised in furtherance of that magazine's continued financial viability and is exercised pursuant to specific guidelines adopted by the editor of the magazine [Repealed].~~

* * *

Sec. 60. 3 V.S.A. § 2042 is amended to read:

§ 2402. COMMERCE AND COMMUNITY DEVELOPMENT

(a) An Agency of Commerce and Community Development is created consisting of the following:

* * *

~~(4) Vermont Life magazine [Repealed].~~

* * *

Sec. 61. REPEAL OF VERMONT LIFE MAGAZINE

3 V.S.A. § 2473a (Vermont Life magazine) is repealed.

Sec. 62. CLOSURE OF VERMONT LIFE MAGAZINE FUND

The Vermont Life Magazine Fund (50400) is closed. Any residual balance remaining at or after the close of fiscal year 2023 shall also be transferred to

the General Fund to bring the Vermont Life Magazine Fund to a \$0.00 balance for closure.

Sec. 63. FISCAL YEAR 2022 TRANSPORTATION FUND BUDGET
STABILIZATION RESERVE

For the purpose of calculating the fiscal year 2022 Transportation Fund stabilization requirement of five percent of prior year appropriations, reversions of \$1,360,563 are excluded from the fiscal year 2021 total appropriations amount.

Sec. 64. FISCAL YEAR 2023 TRANSPORTATION FUND
BUDGET STABILIZATION RESERVE:

For the purpose of calculating the fiscal year 2023 Transportation Fund stabilization requirement of five percent of prior year appropriations, reversions of \$3,933,027 are excluded from fiscal year 2022 total appropriations.

Sec. 65. 2022 Acts and Resolves No. 185, Sec. G.300(c)(2) is amended to read:

(2) \$6,000,000 to the Department of Economic Development for the remediation and redevelopment of brownfield sites to be used in the same manner as the Brownfields Revitalization Fund established by 10 V.S.A. § 6654, except notwithstanding the grant limitations in 10 V.S.A. § 6654, projects supported by this appropriation shall not be limited to \$200,000 grants per parcel. The Agency of Commerce and Community Development shall award the amount of \$1,000,000.00 in fiscal year 2023 to regional planning commissions for the purposes of brownfields assessment. In awarding funds under this section, the Secretary, in consultation with Vermont Association of Planning and Development Agencies, shall select one regional planning commission to administer these funds. To ensure statewide availability, the selected regional planning commission shall subgrant to regional planning commissions with brownfield programs, with not more than 10 percent of the funds being used for administrative purposes.

Sec. 66. 2022 Acts and Resolves No. 185, Sec. G. 500(a) is amended to read:

(a) \$95,000,000 is appropriated in fiscal year 2023 to the Department of Public Service, Vermont Community Broadband Board from the American Rescue Plan Act - Coronavirus Capital Projects Fund in order to support the State's goal of achieving universal access to reliable, high-quality, affordable broadband. This appropriation shall be transferred to the Vermont Community Broadband Fund used to make grants through the Broadband Construction Grant Program. The Board may use monies appropriated in this subsection to

fund any match requirements applicable to broadband grants funded by the federal ~~Infrastructure~~ Infrastructure Investment and Jobs Act.

Sec. 67. 2022 Acts and Resolves No. 185, Sec. G. 600(a)(2) is amended to read:

(2) \$35,000,000 to the Department of Public Service to grant to Efficiency Vermont for the purpose of weatherization incentives to Vermonters with a moderate income. These funds shall be deposited in the Electric Efficiency Fund established under 30 V.S.A. § 209(d)(3) and shall be available for use by Efficiency Vermont through December 31, ~~2024~~2026. Households approved for assistance in this section will also be offered services outlined in subdivision (4) of this subsection.

Sec. 68. 2022 Acts and Resolves No. 185, Sec. G. 800(a) is amended to read:

(a) The establishment of the following ~~23~~ 32 new classified limited-service positions is authorized in fiscal year 2023.

Sec. 69. 2021 Acts and Resolves No. 74, Sec. E.127.1(d) is amended to read:

(d) ~~To fund this work for fiscal year 2022 and fiscal year 2023, notwithstanding 32 V.S.A. § 706, at the close of fiscal year 2021, \$250,000.00 in carryforward from the legislative budget shall be transferred to the JFO [Repealed].~~

Sec. 70. 2021 Acts and Resolves No. 74, Sec. D.101, as amended by 2022 Acts and Resolves No. 83, Sec. 48 is further amended to read:

Sec. D.101 FUND TRANSFERS, REVERSIONS AND RESERVES

* * *

(d) Notwithstanding any provision of law to the contrary, in fiscal year 2022, the following amounts shall revert to the General Fund from the accounts indicated:

* * *

1225001000	Legislative IT	\$60,000.00	<u>\$120,000.00</u>
<u>1230001000</u>	<u>Sergeant-at-Arms</u>		<u>\$60,000.00</u>

* * *

Sec. 71. 2021 Acts and Resolves No. 74, Sec. G.300, as amended by 2022 Acts and Resolves No. 83, Sec. 68 is further amended to read:

Sec. G.300 INVESTMENTS IN VERMONT'S ECONOMY,
WORKFORCE, AND COMMUNITIES

* * *

(28) ~~\$12,803,996~~ \$12,803,993 to the Department of Labor to cover pandemic related operating costs in the Unemployment system and other programs.

* * *

Sec. 72. 2021 Acts and Resolves No. 74, Sec. G.600(a)(4) is amended to read:

(4) \$2,000,000 to the Department of Public Service to grant to Efficiency Vermont for the purpose of workforce development initiatives and to support the expansion of NeighborWorks of Western Vermont's Heat Squad program. These funds shall be deposited in the Electric Efficiency Fund established under 30 V.S.A. § 209(d)(3) and shall be available for use by Efficiency Vermont through December 31, ~~2023~~ 2024.

Sec. 73. 2022 Acts and Resolves No. 83, Sec. 72 is amended to read:

Sec. 72. WORKFORCE RECRUITMENT AND RETENTION
INCENTIVE GRANT FUNDING FOR EMPLOYEES OF
ELIGIBLE HEALTH CARE AND SOCIAL SERVICE
EMPLOYERS

(a)(1) Program established. The Secretary of Human Services shall establish a workforce recruitment and retention incentive grant program for employees of eligible employers, as defined in this section. Eligible employers may apply for a grant within the grant application period determined by the Secretary.

(2) ~~The~~ For all eligible employers except for home health agencies, the total grant award amount for each eligible employer shall be calculated at a rate of \$2,000 per full-time equivalent employee (FTE) based on the number of FTEs identified by the eligible employer in its grant application. For home health agencies, the total grant award amount for each eligible employer shall be calculated at a rate of \$3,000 per full-time equivalent employee (FTE) based on the number of FTEs identified by the eligible employer in its grant application.

* * *

~~(4) Eligible employers shall distribute the full amount of their awards within 12 months following receipt of the grant funds.~~

* * *

(f) Allocations.

(1) Of the funds made available in subsection (e) of this section, \$45,000,000 shall be allocated for a first round of funding, to be made available to the eligible employers identified in subsection (b) of this section.

The remaining \$15,000,000 shall be reserved for a second round of funding pending identification of a set of additional health care and social service provider employers with a demonstrated need for the recruitment and retention incentive grant funding, as recommended by the Agency of Human Services and accepted by the General Assembly, or by the Joint Fiscal Committee if the General Assembly is not in session, except that the Agency is authorized to access all or a portion of the reserved funding to the extent that a funding deficiency is identified when meeting the needs of the first round of eligible employers.

(2) Any remaining funds following a second round of funding may be used for one or more of the following workforce recruitment and retention purposes:

(A)(i) Incentive grants to nurses employed by health care employers in Vermont for serving as preceptors for nursing students enrolled in Vermont nursing schools. The Agency shall distribute all or a portion of the remaining funds to health care employers employing nurses who provide student preceptor supervision based on the number of preceptor hours to be provided, at a rate of \$5.00 per preceptor hour, or a lesser hourly rate if the need exceeds the available funds. The Agency shall prioritize funding for health care employers that provide matching funds for additional preceptor compensation or that commit to providing future compensation and support to expanding the number of preceptors.

(ii) If nurse preceptors receiving compensation pursuant to a grant awarded to a health care employer under this section are subject to a collective bargaining agreement, the use of the grant funds provided to the health care employer for the nurse preceptors shall be subject to bargaining between the health care employer and the collective bargaining representative of the nurses to the extent required by the collective bargaining agreement.

(B) Grants to health care employers, including hospitals, long-term care facilities, designated and specialized service agencies, federally qualified health centers, and other health care providers, to establish or expand partnerships with Vermont nursing schools to create nursing pipeline or apprenticeship programs, or both, that will train members of the health care employers' existing staff, including personal care attendants, licensed nursing assistants, and licensed practical nurses, to become higher-level nursing professionals. Through a combination of scholarship awards; grants awarded to health care employers pursuant to this section; grants awarded to health care employers pursuant to 2022 Acts and Resolves No. 183, Sec. 22; and the health care employer's contributions, there will be no out-of-pocket costs toward tuition and fees incurred by the trainees. Trainees may also receive

assistance in meeting their living costs, such as housing and child care, while attending the program as allocated funding allows.

Sec. 74. 2022 Acts and Resolves No. 183, Sec. 21 is amended to read:

Sec. 21. NURSE PRECEPTOR INCENTIVE GRANTS; HOSPITALS;
WORKING GROUP; REPORT

(a)(1) In fiscal year 2023, the amount of \$400,000.00 is appropriated from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the Agency of Human Services to provide incentive grants to nurses employed by critical access hospitals in Vermont for serving as preceptors for nursing students enrolled in Vermont nursing school programs. The Agency shall distribute the funds to critical access hospitals employing nurses who provide student preceptor supervision based on the number of preceptor hours to be provided, at a rate of \$5.00 per preceptor hour, or a lesser hourly rate if the need exceeds the available funds. The Agency shall prioritize funding for hospitals that provide matching funds for additional preceptor compensation or that commit to providing future compensation and support to expanding the number of preceptors. If funding is not fully obligated after offering an initial grant opportunity to critical access hospitals, the Agency may open the grant opportunity to other health care employers, including non-critical access hospitals, long-term care facilities, designated and specialized service agencies, federally qualified health centers, and other health care providers.

(2) If nurse preceptors receiving compensation pursuant to a grant awarded to a hospital or other health care employer under this section are subject to a collective bargaining agreement, the use of the grant funds provided to the hospital or other health care employer for the nurse preceptors shall be subject to impact bargaining between the hospital or other health care employer and the collective bargaining representative of the nurses to the extent required by the collective bargaining agreement.

Sec. 75. 2022 Acts and Resolves No. 182, Sec. 3 is amended to read:

Sec. 3. MANUFACTURED HOME IMPROVEMENT AND
REPLACEMENT PROGRAM

Of the amounts available from ~~federal COVID-19 relief~~ the American Rescue Plan Act (ARPA) recovery funds, the following amounts are appropriated to the Department of Housing and Community Development for the purposes specified:

* * *

Sec. 76. 2022 Acts and Resolves No. 182, Sec. 28 is amended to read:

Sec. 28. APPROPRIATION ALLOCATION

~~To the extent that increased funding is provided in fiscal year 2023 to the Municipal and Regional Planning Fund, \$650,000.00 shall be used for Municipal Bylaw Modernization Grants established in 24 V.S.A. § 4307. An amount not to exceed \$650,000 of Municipal and Regional Planning Funds, as appropriated to the Department of Housing and Community Development per 2022 Acts and Resolves No. 185, Sec. B.802, may be used to provide Municipal Bylaw Modernization Grants in accordance with 24 V.S.A § 4307.~~

Sec. 77. 2022 Acts and Resolves No. 178, Sec. 3 is amended to read:

Sec. 3. DISBURSEMENT PLAN; POLYCHLORINATED
BIPHENYLS (PCBs); REMEDIATION; SIGNIFICANT
HEALTH THREAT

* * *

(c) Expenditures made pursuant to this section shall be authorized notwithstanding 16 V.S.A. § 4025(d).

Sec. 78. 2022 Acts and Resolves No. 183, Sec. 16(b)(1) is amended to read:

(1) ~~In Notwithstanding 16 V.S.A. § 4025(d);~~ in fiscal year 2023, the amount of \$15,000,000.00 is appropriated from the Education Fund to the Vermont Housing and Conservation Board to create and administer the CTE Construction and Rehabilitation Experiential Learning Program and Revolving Loan Fund pursuant to this section

Sec. 79. 2022 Acts and Resolves No. 183, Sec. 25 is amended to read:

Sec. 25. VERMONT NURSING FORGIVABLE LOAN INCENTIVE
PROGRAM; APPROPRIATION

(a) In fiscal year 2023, the amount of \$227,169.00 in Global Commitment funds is appropriated to the Department of Health for forgivable loans for nursing students under the Vermont Nursing Forgivable Loan Incentive Program established in 18 V.S.A. § 34 by Sec. 23 of this act.

(b) In fiscal year 2023, the amount of \$100,000.00 is appropriated from the General Fund to the Agency of Human Services, Global Commitment ~~appropriation~~ Program for the State match for the Vermont Nursing Forgivable Loan Incentive Program established in 18 V.S.A. § 34 by Sec. 23 of this act.

(c) In fiscal year 2023, \$127,169.00 in federal funds is appropriated to the Agency of Human Services, Global Commitment ~~appropriation~~ Program for

the Vermont Nursing Forgivable Loan Incentive Program established in 18 V.S.A. § 34 by Sec. 23 of this act.

Sec. 80. 2022 Acts and Resolves No. 183, Sec. 47(d)(3) is amended to read:

(3) the amount of the cumulative decline in adjusted net operating income during the COVID-19 public health emergency in 2020 and 2021, or other appropriate basis of comparison used to determine eligibility under subdivision (c)(4) of this section.

Sec. 81. 2022 Acts and Resolves No. 183, Sec. 53(a) is amended to read:

(a) Reversion. In fiscal year ~~2022~~ 2023, of the amounts appropriated in 2021 Acts and Resolves No. 74, Sec. G. 300(a)(13), 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, ~~\$25,500,000.00~~ \$25,042,000.00 shall revert to the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds.

Sec. 82. 2022 Acts and Resolves No. 183, Sec. 54 is amended to read:

Sec. 54. ~~APPROPRIATION;~~ DOWNTOWN AND VILLAGE CENTER
TAX CREDIT PROGRAM: ONE-TIME SUPPLEMENTAL
CAPACITY

~~There is appropriated the sum of \$2,450,000.00 from the General Fund to the Vermont Downtown and Village Center Tax Credit Program to be used in fiscal years 2023 and 2024. Notwithstanding 32 V.S.A. § 5930ee, the funds shall be used in the period from July 1, 2022 through June 30, 2024, the tax credit capacity for the Downtown and Village Center Tax Credit program shall be increased by a cumulative total of \$2,450,000 to increase the amount of tax credits that may be awarded to qualified projects. Of those the supplemental tax credits awarded in fiscal years 2023 and 2024, up to \$2,000,000.00 may be awarded to qualified projects located in designated neighborhood development areas.~~

Sec. 83. 2022 Acts and Resolves No. 184, Sec. 2(8)(C) and (D) are amended to read:

(C) Replace Your Ride Program. Sec. 5(c) of this act authorizes ~~\$3,000,000.00~~ \$2,900,000.00 for incentives under Replace Your Ride, which will be the State's program to incentivize Vermonters to remove older low-efficiency vehicles from operation and switch to modes of transportation that produce fewer greenhouse gas emissions, and capped administrative costs.

(D) eBike Incentives. Sec. 5(d) of this act authorizes ~~\$50,000.00~~ \$150,000.00 for eBike incentives and capped administrative costs.

Sec. 84. 2022 Acts and Resolves No. 184, Sec. 5(c) and (d) are amended to read:

(c) Replace Your Ride Program. The Agency is authorized to spend up to ~~\$3,000,000.00~~ \$2,900,000.00 as appropriated in the fiscal year 2023 budget on the Replace Your Ride Program established in 2021 Acts and Resolves No. 55, Sec. 27, as amended.

(d) eBike Incentives. The Agency is authorized to spend up to ~~\$50,000.00~~ \$150,000.00 as appropriated in the fiscal year 2023 budget on an eBike incentive program.

Sec. 85. 2022 Acts and Resolves No. 185, Sec. G.600(b) is 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:

* * *

(5) ~~\$3,000,000.00~~ \$2,900,000.00 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 general funds and \$550,000 Transportation funds to the Agency of Transportation for the following:

* * *

(C) \$50,000 Transportation funds and \$100,000 general funds to the Agency of Transportation for electric bicycle incentives.

Sec. 86. 2022 Acts and Resolves No. 186, Sec. 4(b) is amended to read:

(b) In fiscal year 2023, \$102,000.00 is ~~appropriated~~ allocated to the Department of Disabilities, Aging, and Independent Living from the Global Commitment Federal Medical Assistance Percentage (FMAP) home- and community-based services monies appropriated in 2022 Acts and Resolves No. 83, Sec. 72a, as amended by 2022 Acts and Resolves No. 185, Sec. 105, to fund the Residential Program Developer position established in subsection (a) of this section.

Sec. 87. 2022 Acts and Resolves No. 186, Sec. 5(b)(1) is amended to read:

(b)(1) In fiscal year 2023, \$500,000.00 is ~~appropriated~~ allocated to the Department of Disabilities, Aging, and Independent Living from the Global Commitment Federal Medical Assistance Percentage (FMAP) home- and community-based services monies appropriated in 2022 Acts and Resolves

No. 83, Sec. 72a, as amended by 2022 Acts and Resolves No. 185, Sec. 105, to develop housing and residential service pilot planning grants in at least three regions of the State, in partnership with designated and specialized service agencies, for individuals with developmental disabilities and their families. The Department shall issue a request for proposals seeking entities to develop regional pilot planning grants with not more than one grant per designated agency catchment area.

Sec. 88. 33 V.S.A. § 3543 is amended to read:

§ 3543. STUDENT LOAN REPAYMENT ASSISTANCE

(a)(1) There is established a need-based student loan repayment assistance program for the purpose of providing student loan repayment assistance to any individual employed by a regulated, privately operated center-based child care program or family child care home.

(2) An eligible individual shall:

(A)(i) work in a privately operated center-based child care program or in a family child care home that is regulated by the Division for at least an average of 30 hours per week for 48 weeks of the year; or

(ii) if the individual is an employee of a Vermont Head Start program that operates fewer than 48 weeks per year, work a minimum of nine months of the year, inclusive of any employer-approved time off; or

(B) receive an annual salary of not more than \$50,000.00 \$60,000.00 through the individual's work in regulated childcare; and

(C)(i) have earned an associate's, ~~or~~ bachelor's, or master's degree with a major or concentration in early childhood, child and human development, elementary education, special education with a birth to age eight focus, or child and family services within the preceding five years; or

(ii) have earned an associate's, bachelor's, or master's degree that contributes to an Early Childhood Career Ladder Certificate Level IIIB or higher through Northern Lights at the Community College of Vermont.

(3) To participate in the program set forth in this section, an eligible individual shall submit to the Department for Children and Families documentation expressing the individual's intent to work in a regulated, privately operated center-based child care program or family child care home for at least the 12 months following the annual loan repayment award notification. A participant may receive up to \$4,000.00 annually in student loan repayment assistance, which shall be distributed by the Department in four allotments. The Department shall distribute at least one-quarter of the individual's total annual benefit after the individual has completed three

months of employment in accordance with the program. The remainder of an individual's total annual benefit shall be distributed by the Department every three months after the initial payment.

Sec. 88a. RETROACTIVE STUDENT LOAN REPAYMENT ASSISTANCE

(a) In recognition that many long-serving child care providers had student loan debt that is now retired, the Department for Children and Families shall provide to an eligible applicant a one-time retroactive payment of up to \$4,000.00. An eligible applicant shall:

(1) have not previously received student loan repayment assistance pursuant to 33 V.S.A. section 3543;

(2) have met all eligibility requirements listed in 33 V.S.A. section 3543 within the 12 months preceding the date of application; and

Sec. 89. TRANSITION OF SCHOLARSHIPS FOR PROSPECTIVE EARLY CHILDHOOD PROVIDERS PROGRAM

(a) As a result of timing constraints on the American Rescue Plan Act–Child Care Development Block Grant funds (ARPA–CCDBG), utilization of the Scholarships for Prospective Early Childhood Providers program established in 33 V.S.A. § 3542 has been limited requiring funding and program transition.

(1) Notwithstanding subdivisions E.318.3(a)(1) and (2) of 2021 Acts and Resolves No. 74 or other ARPA–CCDBG funding allocations to the Prospective Early Childhood Providers established in 33 V.S.A. § 3542, the Department for Children and Families may allocate any unexpended and unobligated ARPA–CCDBG funding to any of the initiatives listed in 2021 Acts and Resolves No. 45 to the extent allowed by ARPA–CCDBG.

(2) Notwithstanding Sec. E.318.3(a)(1) and (2) of 2021 Acts and Resolves No. 74, the Department for Children and Families shall transition the program in coordination with the Vermont Student Assistance Corporation for the existing participants including the release of participants from work requirements. The Department for Children and Families shall fund any transition costs associated with the current participants enrolled in the Scholarships for Prospective Early Childhood Providers established in 33 V.S.A. § 3542 from the existing allocation of ARPA–CCDBG monies.

Sec. 90. 2020 Acts and Resolves No. 164, Sec. 6d. is amended to read:

Sec. 6d. AUDITOR OF ACCOUNTS REPORT

On or before November 15, ~~2023~~ 2025, the Auditor of Accounts shall report to the General Assembly regarding the organizational structure and

membership of the Cannabis Control Board and whether the structure continues to be the most efficient for carrying out the statutory duties of the Board.

Sec. 91. 32 V.S.A. § 7811 is amended to read:

§ 7811. IMPOSITION OF TOBACCO PRODUCTS TAX

* * *

(b) The tax established in this section shall not be imposed on:

(1) cannabis-related supplies sold by a dispensary registered under ~~18 V.S.A. chapter 86~~ 7 V.S.A. chapter 37 to registered patients and registered caregivers, as those terms are defined in ~~18 V.S.A. § 4472~~ 7 V.S.A. § 972;

(2) cannabis products, as defined in 7 V.S.A. § 831, that do not contain tobacco; or

(3) hemp or hemp products, as defined in 6 V.S.A. § 562, that do not contain tobacco.

* * *

Sec. 92. REPEALS; MENTAL HEALTH RISK POOL

1998 Acts and Resolves No. 147, Sec. 138a is repealed.

Sec. 93. JUDICIARY NETWORK REPLACEMENT REVIEW

(a) On or before April 15, 2023, the Judiciary shall obtain an independent expert review for their proposed Network Replacement project. The review shall include:

(1) an acquisition cost assessment;

(2) a technology architecture and standards review;

(3) an implementation plan assessment, including a review of the staffing plan for the ongoing operation of the network;

(4) a cost analysis and a model for benefit analysis;

(5) an analysis of alternatives;

(6) an impact analysis on the Judiciary's net operating costs; and

(7) a security assessment.

(b) The Judiciary shall submit a copy of the review described in subsection (a) of this section to the House Committees on Appropriations and on Government Operations and Military Affairs and the Senate Committees on Appropriations and on Government Operations. No funds shall be

appropriated for the Judiciary's Network Replacement project until the results of the review are assessed by the General Assembly.

(c) Any costs associated with the review described in subsection (a) of this section shall be paid for from the Judiciary's fiscal year 2023 operating budget.

Sec. 94. [DELETED].

Sec. 95. MUNICIPAL TECHNICAL ASSISTANCE TO ACCESS STATE
AND FEDERAL FUNDING

(a) Expanding municipal access to State and federal funding. The Agency of Administration, consistent with the provisions of this section, shall design and implement a process to provide expanded technical and administrative assistance to municipalities with high need that may be eligible for State or federal funding for the following activities:

(1) Community needs assessment. Conducting a review of community assets and needs, strategic planning, and identifying potential eligible projects, including in the following categories:

(A) water supply and wastewater infrastructure;

(B) housing;

(C) community recovery, workforce development, and business support;

(D) climate change mitigation and resilience; and

(E) other community economic development projects identified by a municipality and approved by the Agency of Administration.

(2) Opportunity assessment. Assessing the technical assistance and funding available from State, federal, and private sources; evaluating eligibility and compliance requirements; and conducting a feasibility analysis of whether the municipality has, or can develop, the capacity to complete a project and meet applicable requirements.

(3) Application and permit assistance. Providing technical and administrative assistance with completing funding applications, permit applications, and satisfying initial regulatory requirements.

(4) Project management and implementation. Providing ongoing support to successful grant recipients with project management, funding program implementation, funding program compliance, and administrative and regulatory compliance through project completion.

(5) Other capacity-building activities. Providing additional assistance, subject to approval by the Agency, to advance priority projects identified by municipalities.

(b) Eligible service providers; service delivery.

(1) Eligibility.

(A) The Agency shall develop eligibility criteria, issue a request for proposals, and implement an approval process for service providers within each region to provide the technical assistance and services specified in subsection (a) of this section.

(B) The Agency may exercise its discretion in structuring the terms of service and payments, provided that the Agency shall adopt a set of minimum standards, duties, and performance requirements applicable to all service providers.

(2) Providers; mode of delivery. The Agency may:

(A) award a grant or contract for services to a regional planning commission, regional development corporation, or other similar instrumentality; to a private for-profit or nonprofit contractor; or to a combination of these;

(B) award funding to two or more municipalities to create a shared full-time, part-time, or limited-service position; or

(C) authorize an eligible municipality to directly contract for services from one or more providers approved by the Agency, subject to terms approved by the Agency.

(3) Regional collaboration. In approving service providers, the Agency shall give priority to applicants that demonstrate a commitment and ability to promote regional collaboration and maximize the efficient use of resources.

(c) Eligible municipalities; communities index.

(1) The Agency shall develop an index that ranks Vermont municipalities based on their relative administrative capacity to access and maximize the benefits of technical assistance and funding that is available from State, federal, and other sources.

(2) In developing the index, for each municipality in this State, the Agency shall consider its demographic profile, geographic location, and economic resources; the current size and administrative capacity of the municipal government; the availability of regional partners and supports; and other factors the Agency determines to be relevant in assessing the municipality's capacity to fully access available funding and related assistance.

(d) Eligible municipalities; priority.

(1) The Agency shall approve funding on a first-come, first-served basis to municipalities that rank in the top 25th percentile on the index developed pursuant to subsection (c) of this section.

(2) Notwithstanding subdivision (1) of this subsection, the Agency may adopt a process to consider and approve funding for a municipality that ranks below the top 25th percentile but demonstrates exceptional circumstances.

(3) If funds remain available after meeting the funding requirements of municipalities that qualify under subdivisions (1)–(2) of this subsection, the Agency may award funding to other municipalities according to index ranking.

(e) Outreach; implementation.

(1) The Agency, in coordination with the Vermont League of Cities and Towns, shall conduct a general public engagement campaign to make municipalities aware of the potential opportunity for services and funding pursuant to this section.

(2) The Agency, the Vermont League of Cities and Towns, and each regional planning commission and regional development corporation that serves a municipality that is eligible for funding priority under subdivision (d)(1) of this section shall work collaboratively to ensure that individual outreach to each eligible municipality occurs:

(A) to inform the municipality that it is eligible for funding for technical assistance and related services based on its index ranking;

(B) to educate the municipality on the process for identifying the types of services and assistance available, identifying eligible service providers, and accessing funding pursuant to this section; and

(C) to determine whether the municipality intends to further pursue funding for technical assistance and related services or waives its priority for funding.

(f) Reporting.

(1) The Agency shall report to the House and Senate Committees on Appropriations, the Senate Committee on Government Operations, the House Committee on Government Operations and Military Affairs, the House Committee on Commerce and Economic Development, and the Senate Committee on Economic Development, Housing and General Affairs on or before the following dates:

(A) April 1, 2023;

(B) July 1, 2023; and

(C) January 15, 2024.

(2) The Agency shall address in its reports the design and implementation of the process for providing municipal technical assistance pursuant to this section, including information addressing:

(A) the activities specified in subsection (a) of this section for which the Agency provided funding and the type and amount of State, federal, or other funds that were leveraged for each activity;

(B) the eligibility criteria, request for proposals, and approval process for service providers; the standards, duties, and performance requirements applicable to service providers; and the identity and scope of services performed by approved service providers;

(C) the mode of delivery, amount, and purpose of funding awarded to municipalities;

(D) the design, methodology, and efficacy of the index; the effectiveness of the index in identifying relative priority and capacity of municipalities; and, if applicable, the basis of any funding awards made due to exceptional circumstances pursuant to subdivision (d)(3) of this section; and

(E) the design, implementation, and effectiveness of outreach efforts undertaken pursuant to subsection (e) of this section.

(g) Funding. The funding is provided in 2022 Acts and Resolves No. 185, Sec. B.1100 as amended by Sec. 45 of this act.

Sec. 96. 3 V.S.A. § 455 is amended to read:

§ 455. DEFINITIONS

(a) As used in this subchapter:

* * *

(11) “Member” means any employee included in the membership of the Retirement System under section 457 of this title.

* * *

(F) “Group G member” means the following employees who are first employed in the positions listed in this subdivision (F) on or after ~~July 1, 2022~~ July 1, 2023, or who are members of the System as of June 30, 2022 and make an irrevocable election to prospectively join Group G on or before June 30, 2023, pursuant to the terms set by the Board: facility employees of the Department of Corrections, as Department of Corrections employees who provide direct security and treatment services to offenders under supervision in

the community, as employees of a facility for justice-involved youth, or as Vermont State Hospital employees or as employees of its successor in interest, who provide direct patient care.

(12) “Membership service” shall ~~mean~~ means service rendered while a member of the Retirement System.

(13) “Normal retirement date” means:

* * *

(E) with respect to a Group G member:

(i) for facility employees of the Department of Corrections, Department of Corrections employees who provide direct security and treatment services to offenders under supervision in the community, employees of a facility for justice-involved youth, or employees of the Vermont State Hospital or its successor in interest, who provide direct patient care, who were first included in the membership of the System on or before June 30, 2008, who were employed as of June 30, 2022, and who made an irrevocable election to prospectively join Group G on or before July 1, 2023, pursuant to the terms set by the Board, the first day of the calendar month next following the earlier of:

(I) 62 years of age and following completion of five years of creditable service;₂

(II) completion of 30 years of creditable service;₂ or

(III) 55 years of age and following completion of 20 years of creditable service; or

(ii) for facility employees of the Department of Corrections, Department of Corrections employees who provide direct security and treatment services to offenders under supervision in the community, as employees of a facility for justice-involved youth, or employees of the Vermont State Hospital or its successor in interest, who provide direct patient care, who were first included in the membership of the System on or after July 1, 2008, who were employed as of June 30, 2022, and who made an irrevocable election to prospectively join Group G on or before July 1, 2023, pursuant to the terms set by the Board, the first day of the calendar month next following the earlier of:

(I) 65 years of age and following completion of five years of creditable service;₂

(II) attainment of 87 points reflecting a combination of the age of the member and number of years of service;₂ or

(III) 55 years of age and following completion of 20 years of creditable service; or

(iii) for facility employees of the Department of Corrections, Department of Corrections employees who provide direct security and treatment services to offenders under supervision in the community, employees of a facility for justice-involved youth, or employees of the Vermont State Hospital or its successor in interest, who provide direct patient care, who first become a Group G member on or after July 1, 2023, the first day of the calendar month next following the earlier of:

(I) attainment of 55 years of age and following completion of 20 years of creditable service; or

(II) 65 years of age and following completion of five years of creditable service.

* * *

Sec. 97. 3 V.S.A. § 470 is amended to read:

§ 470. POSTRETIREMENT ADJUSTMENTS TO RETIREMENT ALLOWANCES

* * *

(b) Calculation of net percentage increase.

(1) Consumer Price Index; maximum and minimum amounts. Prior to October 1 of 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 said index for the month ending on June 30 of the previous year. 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:

* * *

(E) For Group F and Group G members who are first eligible for normal retirement or unreduced early retirement on or before June 30, 2022, or who are vested deferred members as of June 30, 2022, the maximum amount of any increase or decrease used to determine the net percentage increase shall be five percent. In the event that there is an increase or decrease of less than one percent, the net percentage increase shall be assigned a value of one percent and shall not be subject to further adjustment pursuant to subsection (d) of this section.

* * *

(c) Eligibility for postretirement adjustment. In order for a beneficiary to receive a postretirement adjustment to the beneficiary's retirement allowance, the beneficiary must meet the following eligibility requirements:

* * *

(2) In service on or before June 30, 2022. For all Group A, C, ~~and F,~~ and G members who are first eligible for normal retirement or unreduced early retirement on or before June 30, 2022, and for Group D members first appointed or elected 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.

* * *

Sec. 98. 3 V.S.A. § 473 is amended to read:

§ 473. FUNDS

(a) Assets. All of the assets of the Retirement System shall be credited to the Vermont State Retirement Fund.

(b) Member contributions.

* * *

(2)(A) Group A members. Commencing on July 1, 2016, contributions shall be 6.55 percent of compensation for Group A members.

* * *

(C) Group D members. Commencing on July 1, 2022, the contribution rate for Group D members shall be based on the highest quartile in which a member's hourly rate of pay falls. Quartiles shall be determined annually in the first full pay period of each fiscal year by the Department of Human Resources based on the hourly rate of pay by all Group D members. The contribution rates shall be based on the schedule set forth below:

* * *

(D) Group F members. Commencing on July 1, 2022, the contribution rate for Group F members shall be based on the quartile in which a member's hourly rate of pay falls. Quartiles shall be determined annually in the first full pay period of each fiscal year by the Department of Human Resources based on the combined hourly rate of pay of all Group F and Group G members. The contribution rates shall be based on the schedule set forth below:

(i) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who

have an hourly rate of pay in any pay period below the 25th percentile of Group F and Group G member hourly rates of pay, the contribution rate shall be 6.55 percent of compensation.

(ii) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at the 25th percentile and below the 50th percentile of Group F and Group G member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2023, 7.05 percent of compensation;

(II) commencing in fiscal year 2024, 7.55 percent of compensation; and

(III) commencing in fiscal year 2025 and annually thereafter, 8.05 percent of compensation.

(iii) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at the 50th percentile and below the 75th percentile of Group F and Group G member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2023, 7.05 percent of compensation;

(II) commencing in fiscal year 2024, 7.55 percent of compensation;

(III) commencing in fiscal year 2025, 8.05 percent of compensation; and

(IV) commencing in fiscal year 2026 and annually thereafter, 8.55 percent of compensation.

(iv) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at or above the 75th percentile of Group F and Group G member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2023, 7.05 percent of compensation;

(II) commencing in fiscal year 2024, 7.55 percent of compensation;

(III) commencing in fiscal year 2025, 8.05 percent of compensation;

(IV) commencing in fiscal year 2026, 8.55 percent of compensation; and

(V) commencing in fiscal year 2027 and annually thereafter, 9.05 percent of compensation.

(E) Group G members. Commencing on July 1, 2023, the contribution rate for Group G members shall be based on the quartile in which a member's hourly rate of pay falls. Quartiles shall be determined annually in the first full pay period of each fiscal year by the Department of Human Resources based on the combined hourly rate of pay of all Group F and Group G members. The contribution rates shall be based on the schedule set forth below:

(i) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period below the 25th percentile of Group F and Group G member hourly rates of pay, the contribution rate shall be 11.23 percent of compensation.

(ii) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at the 25th percentile and below the 50th percentile of Group F and Group G member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2024, 12.23 percent of compensation; and

(II) commencing in fiscal year 2025 and annually thereafter, 12.73 percent of compensation.

(iii) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at the 50th percentile and below the 75th percentile of Group F and Group G member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2024, 12.23 percent of compensation;

(II) commencing in fiscal year 2025, 12.73 percent of compensation; and

(III) commencing in fiscal year 2026 and annually thereafter, 13.23 percent of compensation.

(iv) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at or above the 75th percentile of Group F and Group G member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2024, 12.23 percent of compensation;

(II) commencing in fiscal year 2025, 12.73 percent of compensation;

(III) commencing in fiscal year 2026, 13.23 percent of compensation; and

(IV) commencing in fiscal year 2027 and annually thereafter, 13.73 percent of compensation.

Sec. 99. 3 V.S.A. § 500 is amended to read:

§ 500. DEFINED CONTRIBUTION RETIREMENT PLAN

* * *

(b) Employees who are not members of the classified system who are first employed by the State on and after January 1, 1999, and would otherwise be members of Group A, B, C, D, ~~F~~, or G of the Vermont State Retirement System shall be eligible to participate in the Defined Contribution Retirement Plan.

* * *

Sec. 100. 2022 Acts and Resolves No. 114, Sec. 14 is amended to read:

Sec. 14. ONE-TIME IRREVOCABLE ELECTION FOR CERTAIN
CORRECTIONS WORKERS

(a) On or before September 15, 2022, the Department of Human Resources, in consultation with the State Treasurer's office, shall establish a list of positions eligible for Group G of the Vermont State Employees' Retirement System. The list of Group G-eligible positions shall be limited to the following State employees:

(1) facility employees of the Department of Corrections;

(2) Department of Corrections employees who provide direct security and treatment services to offenders under supervision in the community;

- (3) employees of a facility for justice-involved youth; and
- (4) employees of the Vermont State Hospital or its successor in interest, who provide direct patient care.

* * *

(c) In establishing any new ~~corrections~~ classified Department of Corrections or Department of Mental Health position on and after July 1, 2023, the Department of Human Resources shall identify that position as eligible for either Group G, pursuant to the criteria set forth in subsection (a) of this section, or Group F.

* * *

Sec. 101. OTHER POSTEMPLOYMENT BENEFITS; GOVERNANCE
STRUCTURE; REPORT

(a) The Office of the State Treasurer, in consultation with the Vermont Pension Investment Commission and the Agency of Administration, shall produce a report that examines and makes recommendations on the governance structure of the two OPEB funds, other possible governance structures, and whether changes should be made to better align the governance structure with nature of the OPEB funds. In reviewing the governance structure, the report shall evaluate both the manner in which the funds are overseen as well as the underlying section 115 trusts in which they are held. Specifically, the report shall address the following:

(1) the advantages and disadvantages of retaining the existing governance structure of the OPEB funds with the State Treasurer as sole trustee;

(2) alternative governance structures for the OPEB funds, the advantages and disadvantages of each alternative examined, and the steps and timeline required to implement each alternative; and

(3) to the extent possible, other issues relating to the OPEB funds identified as warranting study.

(b) Assistance. The Office of the State Treasurer shall have the administrative support of the Vermont Pension Investment Commission as well as the Agency of Administration in producing the report.

(c) Funding. \$100,000 is provided in 2022 Acts and Resolves No. 185, Sec. B.1100, as amended by Sec. 45 of this act for the purpose of subsection (a) of this section.

(d) Report. On or before January 15, 2024, the Treasurer shall submit a written report to the General Assembly with findings and recommendations.

Sec. 102. 32 V.S.A. § 3102 is amended to read:

§ 3102. CONFIDENTIALITY OF TAX RECORDS

* * *

(e) The Commissioner may, in the Commissioner's discretion and subject to such conditions and requirements as the Commissioner may provide, including any confidentiality requirements of the Internal Revenue Service, disclose a return or return information:

* * *

(22) to the Agency of Natural Resources and the Department of Public Service, provided that the disclosure relates to the sales and use tax for aviation jet fuel and natural gas under chapter 233 of this title or to the fuel tax under 33 V.S.A. chapter 25 and is subject to any confidentiality requirements of the Internal Revenue Service and the disclosure exemption provisions of 1 V.S.A. § 317.

Sec. 103. DEPARTMENT OF TAXES; FORM OF RETURNS

(a) On or before July 1, 2023, the Commissioner of Taxes shall update the form of returns required by 32 V.S.A. § 9775, including the Sales and Use Tax Return for Aviation Jet Fuel and Natural Gas, known as Form SUT-458, and the Fuel Tax and Petroleum Distributor Licensing Fee Return, known as Form FGR-615, in consultation with the Secretary of Natural Resources to provide further information necessary to understand the volume of each fuel product type sold or consumed.

Sec. 104. 2022 Acts and Resolves No. 182, Sec. 11 is amended to read:

Sec. 11. MISSING MIDDLE-INCOME HOMEOWNERSHIP
DEVELOPMENT PILOT PROGRAM

(a) The following amounts are appropriated ~~from the America Rescue Plan Act (ARPA) Coronavirus State Fiscal Recovery Funds~~ to the Department of Housing and Community Development to grant to the Vermont Housing Finance Agency to establish the Missing Middle-Income Homeownership Development Pilot Program:

(1) from the America Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds: \$5,000,000.00 in fiscal year 2022; and

(2) from the America Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds: \$10,000,000.00 in fiscal year 2023; and

(3) from the General Fund \$9,000,000 in fiscal year 2023.

* * *

Sec. 105. SUPPLEMENTAL NON-EMERGENCY MEDICAID
TRANSPORTATION FUNDING

It is the intent of the General Assembly that supplemental fiscal year 2023 Global Commitment funding of \$1,700,000 provided to DVHA for the Non-Emergency Medicaid Transportation program in this act be applied only prospectively as soon as reasonably possible to provide services to Vermont Medicaid members through the existing contract #41132 with the Vermont Public Transportation Association. The Association shall allocate the funds to address financial deficits incurred by its members in providing NEMT services.

Sec. 106. DEPARTMENT OF CORRECTIONS FISCAL YEAR 2022 OUT
OF STATE BEDS CARRYFORWARD FUNDS AND JUSTICE
REINVESTMENT II FUNDING

(a) Notwithstanding 2021 Acts and Resolves No. 74, Sec. E.335, as amended by 2022 Acts and Resolves No. 83, Sec. 62, and by 2022 Acts and Resolves No. 185, Sec. C.111, \$1,982,247 of Department of Corrections Out of State Bed General Fund appropriation carried forward from fiscal year 2022 shall revert to the General Fund in fiscal year 2023 for appropriation to Justice Reinvestment II in fiscal year 2023.

(b) \$290,000 of the funds appropriated to the Justice Reinvestment II in fiscal year 2023 are for the Department's Offender Management System (OMS) intelligence layer consistent with the actions of the Joint Legislative Justice Oversight Committee.

(c) \$350,000 of the funds appropriated to the Justice Reinvestment II in fiscal year 2023 shall be granted by the Department to VT Network Against Sexual Violence consistent with the actions of the Joint Legislative Justice Oversight Committee.

(d) \$342,247 of the funds appropriated to the Justice Reinvestment II in fiscal year 2023 for Community Justice Centers (CJCs) whose work is focused on services and programs that enhance community safety and include best-practice and cost-effective approaches to reducing recidivism.

(e) \$1,000,000 of the funds appropriated to the Justice Reinvestment II in fiscal year 2023 shall be left unallocated. Any allocation shall be subject to review by the House Committees on Judiciary and on Corrections and Institutions, Senate Committees on Judiciary and on Institutions and the Joint Legislative Justice Oversight Committee and approval by the General Assembly.

Sec. 106a. 2022 Acts and Resolves No. 185, Sec. E.134.2 is amended to read:

Sec. E.134.2 3 V.S.A. § 524 is added to read:

§ 524. VERMONT PENSION INVESTMENT COMMISSION SPECIAL FUND

(a) Creation. There is hereby created the Vermont Pension Investment Commission Special Fund, administered by the Vermont Pension Investment Commission, for the purpose of receiving funds transferred to the Commission pursuant to subsection ~~523~~ 522(i) of this title. Monies in the Fund shall be used to pay expenses associated with carrying out the Commission's duties.

* * *

Sec. 106b. 2022 Acts and Resolves No. 185, Sec. E.134.3 is amended to read:

Sec. E.134.3 VERMONT RETIREMENT SYSTEMS AND VERMONT PENSION INVESTMENT COMMISSION; SOURCE OF FUNDS

~~(a) The funds appropriated in Sec. B.134.1 of this act are costs to the State's pension funds and have been considered in each pension systems' actuarial valuations, but have not been included in the funds appropriated in Secs. B.133, B.134, and B.514.1 of this act.~~

~~(b)~~(a) The funds appropriated from the pension systems for administrative costs in Secs. B.133, B.134, and B.514.1 of this act are intended to provide spending authority needed to ~~transfer~~ cover the operating costs of the State's pensions systems, including transferring funds from the State's pension systems to the Treasurers Retirement Admin Costs fund (21520) and to the Vermont Pension Investment Commission Special Fund (21521) to cover the portion of the Treasurer's budget attributable to the State's pension systems and the Vermont Pension Investment Commission's budget.

(1) Of the \$2,456,934 appropriated in Section B.133 of this act, \$1,580,466 constitutes the Vermont State Employees' Retirement System operating budget, and \$876,468 constitutes the portion of the Vermont Pension Investment Commission's budget attributable to Vermont State Employees' Retirement System.

(2) Of the 1,420,006 appropriated in Section B.134 of this act, \$1,088,606 constitutes the Vermont Municipal Employees' Retirement System operating budget, and \$331,400 constitutes the portion of the Vermont Pension Investment Commission's budget attributable to Vermont Municipal Employees' Retirement System.

(3) Of the 2,774,880 appropriated in Section B.514.1 of this act, \$1,846,063 constitutes the Vermont State Teachers' Retirement System operating budget, and \$928,817 constitutes the portion of the Vermont Pension Investment Commission's budget attributable to Vermont State Teachers' Retirement System.

Sec. 107. [DELETED].

Sec. 108. [DELETED].

Sec. 109. 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, 2023 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, 2023 in the Legislative and Judicial Branches shall be carried forward and shall be designated for expenditure.

Sec. 110. EFFECTIVE DATES

This act shall take effect upon passage except that, notwithstanding 1 V.S.A. § 214:

(1) Sec. 63 of this act (regarding the calculation of the fiscal year 2022 transportation fund stabilization reserve requirement) shall take effect retroactively on June 30, 2022;

(2) Sec. 70 of this act (amending 2021 Acts and Resolves No. 74, Sec. D.101(d)) shall take effect retroactively on June 30, 2022;

(3) Sec. 80 (amending 2022 Acts and Resolves No. 183, Sec. 47(d)(3)) shall take effect retroactively on July 1, 2022 and shall apply to applications received on or after that date; and

(4) Sec. 91 (amending 32 V.S.A. § 7811; imposition of tobacco products tax) shall take effect on July 1, 2023, except that 32 V.S.A. § 7811(b)(1) (exemption for cannabis sold by dispensaries) shall take effect retroactively on March 1, 2022.

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*

Committee on the part of the House

Which was considered and adopted on the part of the House.

On motion of **Rep. McCoy of Poultney**, the bill was ordered delivered to the Governor forthwith.

Message from the Senate No. 25

A message was received from the Senate by Ms. Kucserik, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 42. House concurrent resolution honoring Laura and Lewis Sumner of Halifax for their exemplary municipal public service.

H.C.R. 43. House concurrent resolution honoring Ludlow Selectboard Chair Bruce Schmidt for his distinguished civic leadership.

H.C.R. 44. House concurrent resolution honoring Philip Carter for his exemplary community service in the Town of Ludlow.

H.C.R. 45. House concurrent resolution congratulating the Vermont medal winners at the 2022 National Senior Games and designating March 15, 2023 as Senior Physical Fitness Day at the State House.

H.C.R. 46. House concurrent resolution congratulating Tillie Walden of Norwich on her selection as the fifth Vermont Cartoonist Laureate.

H.C.R. 47. House concurrent resolution honoring Rotary International for its continuing good works and congratulating the Burlington, Bellows Falls, Montpelier, St. Johnsbury, and Windsor Rotary Clubs on their centennial.

Adjournment

At eleven o'clock and forty-four minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, March 14, 2023, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 4.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Rule 16b of the Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House:

H.C.R. 42

House concurrent resolution honoring Laura and Lewis Sumner of Halifax for their exemplary municipal public service

H.C.R. 43

House concurrent resolution honoring Ludlow Selectboard Chair Bruce Schmidt for his distinguished civic leadership

H.C.R. 44

House concurrent resolution honoring Philip Carter for his exemplary community service in the Town of Ludlow

H.C.R. 45

House concurrent resolution congratulating the Vermont medal winners at the 2022 National Senior Games and designating March 15, 2023 as Senior Physical Fitness Day at the State House

H.C.R. 46

House concurrent resolution congratulating Tillie Walden of Norwich on her selection as the fifth Vermont Cartoonist Laureate

H.C.R. 47

House concurrent resolution honoring Rotary International for its continuing good works and congratulating the Burlington, Bellows Falls, Montpelier, St. Johnsbury, and Windsor Rotary Clubs on their centennial

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2023 Biennial Session.]