

# Journal of the House

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Thursday, May 4, 2023

At ten o'clock in the forenoon, the Speaker called the House to order.

## Devotional Exercises

Devotional exercises were conducted by Reps. Bluemle of Burlington, Cordes of Lincoln, James of Manchester, McCarthy of St. Albans City, and Stebbins of Burlington.

## Bill Referred to Committee on Ways and Means

S. 33

Senate bill, entitled

An act relating to miscellaneous judiciary procedures

Appearing on the Notice Calendar, and pursuant to House Rule 35(a), affecting the revenue of the State, was referred to the Committee on Ways and Means.

## Bill Referred to Committee on Appropriations

S. 137

Senate bill, entitled

An act relating to energy efficiency modernization

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

## Pending Entry on the Notice Calendar

## Bill Referred to Committee on Appropriations

S. 112

Senate bill, entitled

An act relating to miscellaneous subjects related to the Public Utility Commission

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

**Ceremonial Readings****H.C.R. 8**

House concurrent resolution honoring Lisa Byer for her outstanding quarter-century association with Catamount Access Television in Bennington

Offered by: Representatives Morrissey of Bennington, Brownell of Pownal, Carroll of Bennington, Corcoran of Bennington, Durfee of Shaftsbury, and Whitman of Bennington

Offered by: Senators Champion and Sears

Whereas, a major reason for the success of Catamount Access Television (CAT-TV) in Bennington is the dedicated contribution of Lisa Byer, who joined the organization in 1997 and was named executive director in 2003, and

Whereas, the list of CAT-TV's achievements under her stewardship is lengthy and meritorious, and

Whereas, she helped facilitate the restoration of an historic building into a state-of-the-art television production and transmission center, advanced the service into the digital era, tripled the number of channels, and negotiated contracts to cover municipal meetings in several communities, and

Whereas, more broadly, Lisa Byer has served as an effective and unifying advocate for community access television systems before the Public Utility Commission, and has helped ensure that continuity of these services remains an integral requirement in the certificate of public good renewals of large cable systems, and

Whereas, aside from her vital role at CAT-TV, Lisa Byer is a respected civic and cultural leader in Bennington, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly honors Lisa Byer for her outstanding quarter-century association with Catamount Access Television in Bennington, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Lisa Byer and to CAT-TV in Bennington.

Having been adopted in concurrence on Friday, January 20, 2023 in accord with Joint Rule 16b, was read.

**H.C.R. 92**

House concurrent resolution in memory of Vergennes Fire Chief James M. Breur

Offered by: Representatives Lanpher of Vergennes and Birong of Vergennes

Offered by: Senators Bray and Hardy

Whereas, since 2009, the City of Vergennes was most fortunate that Fire Chief Jim Breur was on the job overseeing the protection of property and the response to various incidents within the jurisdiction of the City of Vergennes Fire Department, and

Whereas, the illustrious firefighting career of Jim Breur started in 1978, shortly after his graduation from Vergennes Union High School, and his 45 years of responding to the alarm's call-to-duty represented the gold standard of firefighting service, and

Whereas, he was an enthusiastic departmental advocate, ensuring that his volunteer force remained numerically sufficient and technologically up-to-date, and surrounding municipalities confidently relied on Vergennes for mutual aid support, and

Whereas, the professional and personal admiration Jim Breur engendered extended beyond the city limits of Vergennes to all of Addison County, where he served on the Addison County Firefighters Association Advisory Board for 28 years and as the Association's president in 2005 and 2006, was named the organization's 2021 Chief of the Year, and also served on the executive board of the Vermont State Firefighters' Association, and

Whereas, when not performing firefighting duties, Jim Breur was a regional director at Fluor Industrial Services, and he loved spending time with his family, traveling to the ocean, playing board games, and riding tractors of all sizes, and

Whereas, Jim Breur died on March 24, 2023, and his survivors include his mother; his wife, Sandi; and his children, grandchildren, and great-grandchild, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly extends its sincere condolences to the family of Vergennes Fire Chief James M. Breur, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the family of Jim Breur and the City of Vergennes Fire Department.

Having been adopted in concurrence on Friday, April 21, 2023 in accord with Joint Rule 16b, was read.

### **H.C.R. 105**

House concurrent resolution congratulating the 2023 U-32 Raiders Division II championship boys' ice hockey team

Offered by: Representatives Chapin of East Montpelier, Donahue of Northfield, Goslant of Northfield, LaMont of Morristown, Mihaly of Calais, and Patt of Worcester

Offered by: Senators Cummings, Perchlik, and Watson

Whereas, if any boys' high school ice hockey championship game is remembered for the suspense and surprise it generated at Gutterson Fieldhouse in Burlington, it will be the 2023 Division II final that matched the top-seeded Mt. Mansfield Cougars against the second-ranked U-32 Raiders, and

Whereas, the Cougars scored first, and, from the middle of the second period until halfway into the last regulation period, Mt. Mansfield maintained a 3–1 advantage until, only seconds before the third period ended, U-32 scored two goals, sending the game into two tense overtimes—which U-32 ended with a final goal eight minutes and nineteen seconds into the second overtime—and winning the contest 4–3, and

Whereas, the 20–2–2 Raiders who prevailed at the longest-ever Division II boys' ice hockey championship game were Henry Lumbra, River Sciarrotta, Callum Davis, Eric Burgess, Shane Starr, Andrew Ognibene, Lance Starr, Colton Warren, Tae Rossmassler, Grady Smith, John Widener, Jacob Amones, Brenden Tedeschi, Max Scribner, Andrew Baker, Nolan Lyford, Jackson Jagemann, Camden Tatro, Owen Jones, Maddox Heise, Hazen Stoufer, Joseph Tucker, Duncan Mathies, and Bodi Hollister, and

Whereas, Head Coach Shane Locke and assistant coaches Corey Robbins, Corey Gilander, Mark Sciarrotta, and Roy Schiff were outstanding advisors, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates the 2023 U-32 Raiders Division II championship boys' ice hockey team, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to U-32.

Having been adopted in concurrence on Friday, April 28, 2023 in accord with Joint Rule 16b, was read.

**Third Reading; Bill Passed****H. 469**

House bill, entitled

An act relating to allowing remote witnesses and explainers for a Ulysses clause in an advance directive

Was taken up, read the third time, and passed.

**Second Reading; Bill Amended; Third Reading Ordered****H. 81**

**Rep. Templeman of Brownington**, for the Committee on Agriculture, Food Resiliency, and Forestry, to which had been referred House bill, entitled

An act relating to fair repair of agricultural equipment

Recommended that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

**Sec. 1. SHORT TITLE**

This act may be cited as the Fair Repair Act.

**Sec. 2. 9 V.S.A. chapter 106 is added to read:****CHAPTER 106. AGRICULTURAL EQUIPMENT; FAIR REPAIR****§ 4051. DEFINITIONS**

As used in this chapter:

(1) “Agricultural equipment” means a device, part of a device, or an attachment to a device designed to be used principally for an agricultural purpose, including a tractor, trailer, or combine; implements for tillage, planting, or cultivation; and other equipment associated with livestock or crop production, horticulture, or floriculture.

(2)(A) “Authorized repair provider” means an individual or business that has an arrangement with the original equipment manufacturer under which the original equipment manufacturer grants to the individual or business a license to use a trade name, service mark, or other proprietary identifier for the purposes of offering the services of diagnosis, maintenance, or repair of equipment under the name of the original equipment manufacturer or other arrangement with the original equipment manufacturer to offer such services on behalf of the original equipment manufacturer.

(B) An original equipment manufacturer that offers the services of diagnosis, maintenance, or repair of its own equipment and that does not have

an arrangement described in subdivision (2)(A) of this section with an unaffiliated individual or business shall be considered an authorized repair provider with respect to such equipment.

(3) “Documentation” means any manual, diagram, reporting output, service code description, schematic diagram, security code, password, or other guidance or information used in effecting the services of diagnosis, maintenance, or repair of agricultural or forestry equipment.

(4) “Forestry equipment” means nondivisible equipment, implements, accessories, and contrivances used directly and principally in harvesting timber or for on-site processing of wood forest products, including equipment used to construct, maintain, or install infrastructure necessary to and associated with a logging operation.

(5) “Independent repair provider” means a person operating in this State that does not have an arrangement described in subdivision (2) of this section with an original equipment manufacturer and that is engaged in the services of diagnosis, maintenance, or repair of agricultural or forestry equipment.

(6) “Original equipment manufacturer” means a person engaged in the business of selling, leasing, or otherwise supplying new agricultural or forestry equipment manufactured by or on behalf of itself to any individual or business.

(7) “Owner” means an individual or business that owns or leases agricultural or forestry equipment purchased or used in this State.

(8) “Part” means any replacement part, either new or used, made available by an original equipment manufacturer for purposes of effecting the services of maintenance or repair of agricultural or forestry equipment manufactured by or on behalf of, sold or otherwise supplied by, the original equipment manufacturer.

(9) “Tools” means any software program, hardware implement, or other apparatus used for diagnosis, maintenance, or repair of agricultural or forestry equipment, including software or other mechanisms that provision, program, or pair a new part, calibrate functionality, or perform any other function required to bring the product back to fully functional condition, including any updates.

(10)(A) “Trade secret” means information, including a formula, pattern, compilation, program, device, method, technique, or process, that:

(i) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and

(ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

(B) "Trade secret" does not include a part, tool, or documentation that:

(i) is necessary to perform diagnosis, maintenance, or repair of agricultural or forestry equipment; and

(ii) an original equipment manufacturer sells or otherwise makes available to an authorized repair provider in the ordinary course of business to perform diagnosis, maintenance, or repair of agricultural or forestry equipment.

#### § 4052. AVAILABILITY OF PARTS, TOOLS, AND DOCUMENTATION

(a) Duty to make available parts, tools, and documentation.

(1) An original equipment manufacturer shall offer for sale or otherwise make available to an independent repair provider or owner the parts, tools, and documentation that the original equipment manufacturer offers for sale or otherwise makes available to an authorized repair provider:

(A) subject to subsection (b) of this section, on substantially the same terms; and

(B) subject to subsection (c) of this section, for substantially the same cost.

(2) If agricultural or forestry equipment includes an electronic security lock or other security-related function that must be unlocked or disabled to perform diagnosis, maintenance, or repair of the equipment, an original equipment manufacturer shall make available to an independent repair provider or owner any parts, tools, and documentation necessary to unlock or disable the function and to reset the lock or function after the diagnosis, maintenance, or repair is complete.

(3) An original equipment manufacturer may make parts, tools, and documentation available to an independent repair provider or owner:

(A) directly; or

(B) through an authorized repair provider, if permitted by an agreement between the manufacturer and the dealer or provider.

(b) Terms; limitations. Under the terms governing the sale or provision of parts, tools, and documentation, an original equipment manufacturer shall not impose on an independent repair provider or owner:

(1) a substantial obligation to use, or a restriction on the use of, the parts, tools, or documentation necessary to diagnose, maintain, or repair agricultural or forestry equipment, including:

(i) a condition that the independent repair provider or owner become an authorized repair provider of the original equipment manufacturer; or

(ii) a requirement that a part, tool, or documentation be registered, paired with, or approved by the original equipment manufacturer or an authorized repair provider before the part, tool, or documentation is operational;

(2) an additional cost or burden that is not reasonably necessary or is designed to be an impediment on the independent repair provider or owner; or

(3) an additional burden or material change that adversely affects the timeliness or method of delivering parts, tools, or documentation.

(c) Costs; limitations.

(1) Subject to subdivision (2) of this subsection, an original equipment manufacturer shall offer for sale or otherwise make available parts, tools, and documentation to an independent repair provider or an owner at a cost:

(A) that is fair to both parties, considering the agreed-upon conditions, promised quality, and timeliness of delivery; and

(B) that includes any discount, rebate, or other financial incentive offered to an authorized repair provider in the original equipment manufacturer's normal course of business.

(2) An original equipment manufacturer may impose an additional charge for parts, tools, or documentation:

(A) if, and only to the extent to which, the manufacturer incurs additional costs to make parts, tools, and documentation available for sale, or otherwise available, to an independent repair provider or owner; or

(B) the parties agree to a material change in cost or terms concerning the sale or provision of the parts, tools, or documentation and agree to an additional charge that is reasonably related to the additional costs arising from the material change.

#### § 4053. ENFORCEMENT

(a) A person who violates a provision of this chapter commits an unfair and deceptive act in trade and commerce in violation of section § 2453 of this title.



(b) The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions as provided in chapter 63, subchapter 1 of this title.

§ 4054. APPLICATION; LIMITATIONS

(a) This chapter does not require an original equipment manufacturer to divulge a trade secret to an owner or an independent service provider.

(b) This chapter does not alter the terms of any arrangement described in subdivision 4051(2)(A) of this title in force between an authorized repair provider and an original equipment manufacturer, including the performance or provision of warranty or recall repair work by an authorized repair provider on behalf of an original equipment manufacturer pursuant to such arrangement, except that any provision governing such an arrangement that purports to waive, avoid, restrict, or limit the original equipment manufacturer's obligations to comply with this chapter is void and unenforceable.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

**Rep. Priestley of Bradford**, for the Committee on Commerce and Economic Development, recommended that the report of the Committee on Agriculture, Food Resiliency, and Forestry be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS AND PURPOSE

(a) Findings. The General Assembly finds:

(1) The Vermont food, agriculture, and forest sectors are significant components of the State's economy, its rural heritage, and its identity as a State.

(A) According to the Working Lands Enterprise Initiative, about 20 percent of Vermont's land is used for agriculture, while another 78 percent is forested. In surveys conducted by the Initiative, over 97 percent of Vermonters expressed that they value the working landscape.

(B) The 2023 U.S. Food and Agriculture Industries Economic Impact Study found that the food and agriculture industries in Vermont were associated with nearly 104,000 jobs, \$5.2 billion in wages, and \$19.3 billion in economic output.

(C) The Vermont Sustainable Jobs Fund estimates that Vermont's forest products industry generates an annual economic output of \$1.4 billion and supports 10,500 jobs.

(2) Agricultural and forestry activity varies by season, is weather-dependent, and is heavily reliant on having access to increasingly sophisticated agricultural and forestry equipment. Vermont farmers' and foresters' access to safe and reliable equipment is essential to timely planting, cultivating, tilling, and harvesting of produce, protein, grain, timber, and other wood forest products.

(3) The COVID-19 pandemic further highlighted the increased and ongoing need for functional agricultural and forestry equipment as individuals in Vermont increasingly rely on the equipment to guarantee access to food and wood products during periods of supply chain disruption, raw material and commodities shortages, and heightened food insecurity.

(4) Authorized repair providers are important Vermont businesses that play a critical role for farmers and foresters by offering access to diagnosis, maintenance, and repair services for agricultural and forestry equipment.

(5) In general, original equipment manufacturers and authorized repair providers are able to provide independent repair providers and owners with adequate access to necessary parts for agricultural and forestry equipment. However, the continued movement toward computerized agricultural and forestry equipment means that independent repair providers and owners do not have full access to the software, codes, and other information necessary to perform all of the diagnosis, maintenance, and repair services required to ensure equipment remains operational.

(6) Due to workforce and geographic constraints, authorized repair providers are not always able to meet the demand for timely diagnosis, maintenance, or repair services to farmers and foresters in this State.

(7) As for many Vermont employers, critical workforce shortages prevent authorized repair providers from operating at full staff capacity, which can contribute to costly delays in performing diagnosis, maintenance, and repair services.

(8) The need for more accessible and affordable repair options is felt more acutely among specific sectors of the population, notably Vermont residents in more rural and remote areas.

(9) Original equipment manufacturer shops or authorized repair providers are often located in a small number of locations found in larger communities, which may require technicians and users to travel long distances for repair or be without functioning agricultural or forestry equipment for long periods of time.

(10) Many owners are capable of performing diagnosis, maintenance, and repair services for their equipment, but often lack sufficient access to

information necessary to perform repairs. Limits placed on software and operating systems, including capping the number of users and employing proprietary diagnostic and repair programs, have resulted in the pirating of agricultural and forestry equipment software and the hacking of equipment, endangering farmers and foresters in the conduct of their work and potentially causing additional air pollution and environmental harm.

(11) Independent repair providers play a vital role in Vermont's economy. Providing access to information, parts, and diagnostic and repair tools is essential in contributing to a competitive repair market and allowing independent repair shop employees to fix equipment safely.

(12) In addition to providing better access for timely repair, extending the useful life and efficient operation of equipment can ensure additional benefits for farmers, foresters, and the environment.

(A) Computerized components of modern agricultural and forestry equipment include precious metals that are finite, and unnecessary early disposal can be avoided with greater accessibility to proper and affordable repair.

(B) Emissions of agricultural and forestry equipment are better regulated and limited by functional software and hardware computer elements, thereby increasing the need for access to timely and effective repairs to ensure optimal functionality.

(13) Broader distribution of the information, tools, and parts necessary to repair modern agricultural and forestry equipment will shorten repair times, lengthen the useful lives of the equipment, lower costs for users, and benefit the environment.

(b) Purpose. The purpose of this act is to ensure equitable access to the parts, tools, and documentation that are necessary for independent repair providers and owners to perform timely repair of agricultural and forestry equipment in a safe, secure, reliable, and sustainable manner.

## Sec. 2. SHORT TITLE

This act may be cited as the Fair Repair Act.

## Sec. 3. 9 V.S.A. chapter 106 is added to read:

### CHAPTER 106. AGRICULTURAL AND FORESTRY EQUIPMENT;

#### FAIR REPAIR

#### § 4051. DEFINITIONS

As used in this chapter:

(1) “Agricultural equipment” means a device, part of a device, or an attachment to a device designed to be used principally off road for an agricultural purpose, including a tractor, trailer, or combine; implements for tillage, planting, or cultivation; and other equipment principally associated with livestock or crop production, horticulture, or floriculture.

(2)(A) “Authorized repair provider” means an individual or business that has an arrangement with the original equipment manufacturer under which the original equipment manufacturer grants to the individual or business a license to use a trade name, service mark, or other proprietary identifier for the purposes of offering the services of diagnosis, maintenance, or repair of equipment under the name of the original equipment manufacturer or other arrangement with the original equipment manufacturer to offer such services on behalf of the original equipment manufacturer.

(B) An original equipment manufacturer that offers the services of diagnosis, maintenance, or repair of its own equipment and that does not have an arrangement described in subdivision (A) of this subdivision (2) with an unaffiliated individual or business shall be considered an authorized repair provider with respect to such equipment.

(3) “Documentation” means any manual, diagram, reporting output, service code description, schematic diagram, security code, password, or other guidance or information, whether in an electronic or tangible format, that an original equipment manufacturer provides to an authorized repair provider to assist with the services of diagnosis, maintenance, or repair of agricultural or forestry equipment.

(4) “Forestry equipment” means nondivisible equipment, implements, accessories, and contrivances used directly and principally off road in harvesting timber or for on-site processing of wood forest products, including equipment used to construct, maintain, or install infrastructure necessary to and associated with a logging operation.

(5) “Independent repair provider” means a person operating in this State that does not have an arrangement described in subdivision (2) of this section with an original equipment manufacturer and that is engaged in the services of diagnosis, maintenance, or repair of agricultural or forestry equipment.

(6) “Original equipment manufacturer” means a person engaged in the business of selling, leasing, or otherwise supplying new agricultural or forestry equipment manufactured by or on behalf of itself to any individual or business.

(7) “Owner” means an individual or business that owns or leases agricultural or forestry equipment purchased or used in this State.

(8) “Part” means any replacement part, either new or used, made available by an original equipment manufacturer for purposes of effecting the services of maintenance or repair of agricultural or forestry equipment manufactured by or on behalf of, sold or otherwise supplied by, the original equipment manufacturer.

(9) “Tools” means any software program, hardware implement, or other apparatus used for diagnosis, maintenance, or repair of agricultural or forestry equipment, including software or other mechanisms that provision, program, or pair a new part, calibrate functionality, or perform any other function required to bring the product back to fully functional condition, including any updates.

(10) “Trade secret” means information, including a formula, pattern, compilation, program, device, method, technique, or process, that:

(A) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and

(B) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

#### § 4052. AVAILABILITY OF PARTS, TOOLS, AND DOCUMENTATION

(a) Duty to make available parts, tools, and documentation.

(1) An original equipment manufacturer shall offer for sale or otherwise make available to an independent repair provider or owner the parts, tools, and documentation that the original equipment manufacturer offers for sale or otherwise makes available to an authorized repair provider.

(2) If agricultural or forestry equipment includes an electronic security lock or other security-related function that must be unlocked or disabled to perform diagnosis, maintenance, or repair of the equipment, an original equipment manufacturer shall make available to an independent repair provider or owner any parts, tools, and documentation necessary to unlock or disable the function and to reset the lock or function after the diagnosis, maintenance, or repair is complete.

(3) An original equipment manufacturer may make parts, tools, and documentation available to an independent repair provider or owner through an authorized repair provider that consents to sell or make available parts, tools, or documentation on behalf of the manufacturer.

(b) Terms; limitations. Under the terms governing the sale or provision of parts, tools, and documentation, an original equipment manufacturer shall not

impose on an independent repair provider or owner an additional cost or burden that is not reasonably necessary within the ordinary course of business or is designed to be an impediment on the independent repair provider or owner, including:

(1) a substantial obligation to use, or a restriction on the use of, the parts, tools, or documentation necessary to diagnose, maintain, or repair agricultural or forestry equipment;

(2) a condition that the independent repair provider or owner become an authorized repair provider of the original equipment manufacturer;

(3) a requirement that a part, tool, or documentation be registered, paired with, or approved by the original equipment manufacturer or an authorized repair provider before the part, tool, or documentation is operational; or

(4) an additional burden or material change that adversely affects the timeliness or method of delivering parts, tools, or documentation.

(c) Costs; limitations. An original equipment manufacturer shall offer for sale or otherwise make available parts, tools, and documentation to an independent repair provider or an owner at a cost:

(1) that is fair to both parties, considering the agreed-upon conditions, promised quality, and timeliness of delivery; and

(2) that does not discourage or disincentivize repairs to be made by an owner or an independent repair provider.

#### § 4053. ENFORCEMENT

(a) A person who violates a provision of this chapter commits an unfair and deceptive act in trade and commerce in violation of section 2453 of this title.

(b) The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions as provided in chapter 63, subchapter 1 of this title.

#### § 4054. APPLICATION; LIMITATIONS

(a) This chapter does not require an original equipment manufacturer to divulge a trade secret to an owner or an independent service provider.

(b) This chapter does not alter the terms of any arrangement described in subdivision 4051(2)(A) of this title in force between an authorized repair provider and an original equipment manufacturer, including the performance or provision of warranty or recall repair work by an authorized repair provider

on behalf of an original equipment manufacturer pursuant to such arrangement, except that any provision governing such an arrangement that purports to waive, avoid, restrict, or limit the original equipment manufacturer's obligations to comply with this chapter is void and unenforceable.

(c) An independent repair provider or owner shall not:

(1) modify agricultural or forestry equipment to deactivate a safety notification system, except as necessary to provide diagnosis, maintenance, or repair services;

(2) access any function of a tool that enables the independent repair provider or owner to change the settings for a piece of agricultural or forestry equipment in a manner that brings the equipment out of compliance with any applicable federal, State, or local safety or emissions law, except as necessary to provide diagnosis, maintenance, or repair services; or

(3) obtain or use parts, tools, or documentation to evade or violate emissions, copyright, trademark, or patent laws or to engage in any other illegal activity.

#### Sec. 4. EFFECTIVE DATE

This act shall take effect on January 1, 2025.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Agriculture, Food Resiliency, and Forestry was amended as recommended by the Committee on Commerce and Economic Development. Report of the Committee on Agriculture, Food Resiliency, and Forestry, as amended, agreed to and third reading ordered.

#### **Senate Proposal of Amendment Concurred in**

#### **H. 110**

The Senate proposed to the House to amend House bill, entitled

An act relating to extending the sunset under 30 V.S.A. § 248a

The Senate proposed to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 30 V.S.A. § 248a is amended to read:

§ 248a. CERTIFICATE OF PUBLIC GOOD FOR COMMUNICATIONS  
FACILITIES

\* \* \*

(i) Sunset of Commission authority. Effective on July 1, ~~2023~~ 2026, no new applications for certificates of public good under this section may be considered by the Commission.

\* \* \*

## Sec. 2. SECTION 248a REPORT

On or before January 15, 2024, the Commissioner of Public Service in consultation with the Public Utility Commission shall report to the Senate Committee on Finance and the House Committee on Environment and Energy on the process of siting telecommunications facilities under 30 V.S.A. § 248a. The report shall address how to make the process easier to participate in for municipalities and individuals, how to encourage municipal participation, and recommend any necessary updates to 30 V.S.A. § 248a. The Commissioner shall hear from the Vermont League of Cities and Towns, the utilities, and any other interested parties.

## Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Which proposal of amendment was considered and concurred in.

### **Senate Proposal of Amendment to House Proposal of Amendment Concurred in**

#### **S. 36**

The Senate concurred in the House proposal of amendment with further amendment thereto on Senate bill, entitled

An act relating to permitting an arrest without a warrant for assaults and threats against health care workers and disorderly conduct at health care facilities

The Senate concurred in the House proposal of amendment with the following proposal of amendment thereto:

In Sec.1, Rule 3 of the Vermont Rules of Criminal Procedure, in subsection (c), by striking out subdivision (20) in its entirety and inserting in lieu thereof a new subdivision 20 to read as follows:

(20) The person has committed a violation of 13 V.S.A. § 1026(a)(1) (disorderly conduct for engaging in fighting or in violent, tumultuous, or threatening behavior) that interfered with the provision of medically necessary health care services:

(A) in a hospital as defined in 18 V.S.A. § 1902(1); or



(B) by a person providing emergency medical treatment as defined in 24 V.S.A. § 2651(9).

Which proposal of amendment was considered and concurred in.

### **Recess**

At eleven o'clock and one minute in the forenoon, the Speaker declared a recess until the fall of the gavel.

At three o'clock and thirteen minutes in the afternoon, the Speaker called the House to order.

### **Message from the Senate No. 51**

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 considered a bill originating in the House of the following title:

**H. 495.** An act relating to the approval of the amendment to the charter of the Town of Middlebury.

And has passed the same in concurrence.

The Senate has considered bills originating in the House of the following titles:

**H. 94.** An act relating to removing the Reach Up ratable reduction.

**H. 127.** An act relating to sports wagering.

**H. 481.** An act relating to public health initiatives to address death by suicide.

**H. 482.** An act relating to Vermont Criminal Justice Council recommendations for law enforcement officer training.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

The Senate has considered House proposal of amendment to Senate bill of the following title:

**S. 73.** An act relating to workers' compensation coverage for firefighters with cancer.

And has concurred therein.

The Senate has considered House proposal of amendment to Senate bill of the following title:

**S. 48.** An act relating to regulating the sale of catalytic converters.

And has concurred therein with an amendment in the passage of which the concurrence of the House is requested.

Pursuant to the request of the House for a Committee of Conference on the disagreeing votes of the two Houses on House bill entitled:

**H. 479.** An act relating to the Transportation Program and miscellaneous changes to laws related to transportation.

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Mazza  
Senator Chittenden  
Senator Ingalls

**Second Reading; Proposal of Amendment Agreed to;  
Third Reading Ordered**

**S. 94**

**Rep. Anthony of Barre City**, for the Committee on Ways and Means, to which had been referred Senate bill, entitled

An act relating to the City of Barre tax increment financing district

Recommended that the House propose to the Senate that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Vermont Economic Progress Council \* \* \*

Sec. 1. 32 V.S.A. § 3325 is amended to read:

§ 3325. VERMONT ECONOMIC PROGRESS COUNCIL

(a) Creation. The Vermont Economic Progress Council is created to exercise the authority and perform the duties assigned to it, including its authority and duties relating to:

(1) the Vermont Employment Growth Incentive Program pursuant to subchapter 2 of this chapter; and

(2) tax increment financing districts pursuant to 24 V.S.A. chapter 53, subchapter 5 and section 5404a of this title.

(b) Membership.

(1) The Council shall have 11 voting members:

(A) nine residents of the State appointed by the Governor with the advice and consent of the Senate who are knowledgeable and experienced in the subjects of community development and planning, education funding requirements, economic development, State fiscal affairs, property taxation, or entrepreneurial ventures and represent diverse geographical areas of the State and municipalities of various sizes;

(B) one member of the Vermont House of Representatives appointed by the Speaker of the House; and

(C) one member of the Vermont Senate appointed by the Senate Committee on Committees.

(2)(A) The Council shall have two regional members from each region of the State, one appointed by the regional development corporation of the region and one appointed by the regional planning commission of the region.

(B) A regional member shall be a nonvoting member and shall serve during consideration by the Council of an application from ~~his or her~~ the member's region.

(3) The Council shall provide not less than 30 days' notice of a vacancy to the relevant appointing authority, which shall appoint a replacement not later than 30 days after receiving notice.

\* \* \*

(e) Operation.

(1) The Governor shall appoint a chair from the Council's members.

(2) The Council shall receive administrative support from the Agency of Commerce and Community Development and the Department of Taxes.

(3) The Council shall have:

(A) an executive director appointed by the Governor with the advice and consent of the Senate who is knowledgeable in subject areas of the Council's jurisdiction and who is an exempt State employee; and

(B) administrative staff.

(4) The Council shall adopt and make publicly available a policy governing conflicts of interest that meets or exceeds the requirements of the State Code of Ethics and shall include:

(A) clear standards for when a member of the Council may participate or must be recused when an actual or perceived conflict of interest exists; and

(B) a provision that requires a witness who is an officer of the State or its political subdivision or instrumentality to disclose a conflict of interest related to an application.

(5) Notwithstanding any provision of law to the contrary, the Council shall not enter an executive session to discuss applications or other matters pertaining to the Vermont Employment Growth Incentive Program under subchapter 2 of this chapter unless the Executive Branch State economist is present and has been provided all relevant materials concerning the session.

\* \* \*

Sec. 2. 32 V.S.A. § 3326 is amended to read:

§ 3326. COST-BENEFIT MODEL

(a) The Council shall adopt and maintain a cost-benefit model for assessing and measuring the projected net fiscal cost and benefit to the State of proposed economic development activities.

(b) The Council shall not modify the cost-benefit model without the prior approval of the Joint Fiscal Committee.

(c)(1) The Council shall contract with the Executive Branch State economist to perform the cost-benefit analysis using the cost-benefit model when considering an application for incentives under subchapter 2 of this chapter.

(2) The Executive Branch State economist shall consult with the Joint Fiscal Office or its agent concerning the performance of the cost-benefit analysis and the operation of the cost-benefit model for an application:

(A) in which the value of potential incentives an applicant may earn equals or exceeds \$1,000,000.00; or

(B) that qualifies for an enhanced incentive pursuant to section 3334 of this title for a business that is located in a qualifying labor market area.

Sec. 3. 32 V.S.A. § 3340 is amended to read:

§ 3340. REPORTING

(a) On or before September 1 of each year, the Vermont Economic Progress Council and the Department of Taxes shall submit a joint report on the incentives authorized in this subchapter to the House Committees on Ways and Means, on Commerce and Economic Development, and on

Appropriations, to the Senate Committees on Finance, on Economic Development, Housing and General Affairs, and on Appropriations, and to the Joint Fiscal Committee.

(b) The Council and the Department shall include in the joint report:

(1) the total amount of incentives authorized during the preceding year;

(2) ~~with respect to~~ for each business with an approved application:

(A) the date and amount of authorization;

(B) the calendar year or years in which the authorization is expected to be exercised;

(C) whether the authorization is active; ~~and~~

(D) the date the authorization will expire; ~~and~~

(E) the number of new qualifying jobs anticipated to be created and the anticipated Vermont gross wages and salaries for each new qualifying job, sorted by the following annualized amounts:

(i) less than \$38,380.00;

(ii) \$38,380.00–\$43,863.00;

(iii) \$43,864.00–\$50,000.00;

(iv) \$50,001.00–\$60,000.00;

(v) \$60,001.00–\$75,000.00;

(vi) \$75,001.00–\$100,000.00; and

(vii) more than \$100,000.00;

(F) the amount of new full-time payroll anticipated to be created; and

(G) NAICS code; and

(3) the following ~~aggregate~~ information:

(A) the number of claims and incentive payments made in the current and prior claim years and the amount of the incentive payment made to each business with an approved claim;

(B) for each approved claim, the number of qualifying jobs and the Vermont gross wages and salaries for each new qualifying job, sorted by the following annualized amounts:

(i) less than \$38,380.00;

(ii) \$38,380.00–\$43,863.00;

(iii) \$43,864.00–\$50,000.00;

(iv) \$50,001.00–\$60,000.00;

(v) \$60,001.00–\$75,000.00;

(vi) \$75,001.00–\$100,000.00; and

(vii) more than \$100,000.00; and

(C) for each approved claim, the amount of new payroll and capital investment.

(c)(1) The Council and the Department shall present data and information in the joint report in a searchable format.

(2) Notwithstanding a provision of this section to the contrary, when reporting data and information pursuant to this section, the Council and Department shall take steps necessary to avoid disclosing any information that would enable the identification of an individual employee or the employee's compensation.

(d) Notwithstanding any provision of law to the contrary, an incentive awarded pursuant to this subchapter shall be treated as a tax expenditure for purposes of chapter 5 of this title.

Sec. 4. 32 V.S.A. § 3341 is amended to read:

#### § 3341. CONFIDENTIALITY OF PROPRIETARY BUSINESS

##### INFORMATION

(a) The Vermont Economic Progress Council and the Department of Taxes shall use measures to protect proprietary financial information, including reporting information in an aggregate form.

(b) Information and materials submitted by a business concerning its application, income taxes, and other confidential financial information shall not be subject to public disclosure under the State's public records law in 1 V.S.A. chapter 5, but shall be available to the Joint Fiscal Office or its agent upon authorization of the Joint Fiscal Committee or a standing committee of the General Assembly, and shall also be available to the Auditor of Accounts in connection with the performance of duties under section 163 of this title; provided, however, that the Joint Fiscal Office or its agent and the Auditor of Accounts shall not disclose, directly or indirectly, to any person any proprietary business information or any information that would identify a business except in accordance with a judicial order or as otherwise specifically provided by law.

(c) Nothing in this section shall be construed to prohibit the publication of statistical information, rulings, determinations, reports, opinions, policies, or other information so long as the data are disclosed in a form that cannot identify or be associated with a particular business.

\* \* \* Tax Increment Financing Districts \* \* \*

Sec. 5. 24 V.S.A. § 1891 is amended to read:

§ 1891. DEFINITIONS

~~When~~ As used in this subchapter:

\* \* \*

(4) “Improvements” means the installation, new construction, or reconstruction of infrastructure that will serve a public purpose and fulfill the purpose of tax increment financing districts as stated in section 1893 of this subchapter, including utilities, transportation, public facilities and amenities, land and property acquisition and demolition, and site preparation. “Improvements” also means the funding of debt service interest payments for a period of up to two years, beginning on the date on which the first debt is incurred.

\* \* \*

(7) “Financing” means debt incurred, including principal, interest, and any fees or charges directly related to that debt, or other instruments or borrowing used by a municipality to pay for improvements in a tax increment financing district, only if authorized by the legal voters of the municipality in accordance with section 1894 of this subchapter. Payment for the cost of district improvements may also include direct payment by the municipality using the district increment. However, such payment is also subject to a vote by the legal voters of the municipality in accordance with section 1894 of this subchapter and, if not included in the tax increment financing plan approved under subsection 1894(d) of this subchapter, is also considered a substantial change and subject to the review process provided by subdivision 1901(2)(B) of this subchapter. If interfund loans within the municipality are used as the method of financing, no interest shall be charged. Bond anticipation notes may be used as a method of financing; provided, however, that bond anticipation notes shall not be considered a first incurrence of debt pursuant to subsection 1894(a) of this subchapter.

\* \* \*

(9) “Active district” means a district that has been created pursuant to subsection 1892(a) of this subchapter, has not been terminated pursuant to

subsection 1894(a) of this subchapter, and has not retired all district financing or related costs.

Sec. 6. 24 V.S.A. 1892 is amended to read:

§ 1892. CREATION OF DISTRICT

\* \* \*

~~(d) The following municipalities have been authorized to use education tax increment financing for a tax increment financing district:~~

- ~~(1) the City of Burlington, Downtown;~~
- ~~(2) the City of Burlington, Waterfront;~~
- ~~(3) the Town of Milton, North and South;~~
- ~~(4) the City of Newport;~~
- ~~(5) the City of Winooski;~~
- ~~(6) the Town of Colchester;~~
- ~~(7) the Town of Hartford;~~
- ~~(8) the City of St. Albans;~~
- ~~(9) the City of Barre;~~
- ~~(10) the Town of Milton, Town Core; and~~

~~(11) the City of South Burlington~~ There shall be not more than 14 active districts in the State at any time.

\* \* \*

(h) Annually, based on the analysis and recommendations included in the reports required in this section, the General Assembly shall consider the amount of new long-term net debt that prudently may be authorized for TIF districts in the next fiscal year and determine whether to expand the number of active TIF districts or similar economic development tools ~~in addition to the previously approved districts referenced in subsection (d) of this section and the six additional districts authorized by 32 V.S.A. § 5404a(f) in subsection (d) of this section.~~

Sec. 7. 24 V.S.A. § 1895 is amended to read:

§ 1895. ORIGINAL TAXABLE VALUE

(a) Certification. As of the date the district is created, the lister or assessor for the municipality shall certify the original taxable value and shall certify to the legislative body in each year thereafter during the life of the district the



amount by which the total valuation as determined in accordance with 32 V.S.A. chapter 129 of all taxable real property located within the tax increment financing district has increased or decreased relative to the original taxable value.

(b) Boundary of the district. No adjustments to the physical boundary lines of a district shall be made after the approval of a tax increment financing district plan.

Sec. 8. 24 V.S.A. § 1896 is amended to read:

§ 1896. TAX INCREMENTS

(a) In each year following the creation of the district, the listers or assessor shall include ~~no~~ not more than the original taxable value of the real property in the assessed valuation upon which the treasurer computes the rates of all taxes levied by the municipality and every other taxing district in which the tax increment financing district is situated; but the treasurer shall extend all rates so determined against the entire assessed valuation of real property for that year. In each year ~~for which the assessed valuation exceeds the original taxable value~~, the municipality shall hold apart, rather than remit to the taxing districts, that proportion of all taxes paid that year on the real property in the district ~~which~~ that the excess valuation bears to the total assessed valuation. The amount held apart each year is the “tax increment” for that year. ~~No~~ Not more than the percentages established pursuant to section 1894 of this subchapter of the municipal and State education tax increments received with respect to the district and committed for the payment for financing for improvements and related costs shall be segregated by the municipality in a special tax increment financing account and in its official books and records until all capital indebtedness of the district has been fully paid. The final payment shall be reported to the treasurer, who shall thereafter include the entire assessed valuation of the district in the assessed valuations upon which municipal and other tax rates are computed and extended and thereafter no taxes from the district shall be deposited in the district’s tax increment financing account.

\* \* \*

(e) In each year, a municipality shall remit not less than the aggregate tax due on the original taxable value to the Education Fund.

Sec. 9. 32 V.S.A. § 5404a is amended to read:

§ 5404a. TAX STABILIZATION AGREEMENTS; TAX INCREMENT  
FINANCING DISTRICTS

(a) A tax agreement or exemption shall affect the education property tax grand list of the municipality in which the property subject to the agreement is located if the agreement or exemption is:

\* \* \*

(b)(1) An agreement affecting the education property tax grand list defined under subsection (a) of this section shall reduce the municipality's education property tax liability under this chapter for the duration of the agreement or exemption without extension or renewal, and for a maximum of 10 years. A municipality's property tax liability under this chapter shall be reduced by any difference between the amount of the education property taxes collected on the subject property and the amount of education property taxes that would have been collected on such property if its fair market value were taxed at the equalized nonhomestead rate for the tax year.

(2) Notwithstanding any other provision of law, if a municipality has entered into an agreement that reduces the municipality's education property tax liability under this chapter and the municipality establishes a tax increment financing district under 24 V.S.A. chapter 53, subchapter 5, the municipality's municipal and education tax increment shall be calculated based on the assessed value of the properties in the municipality's grand list and not on the stabilized value.

\* \* \*

(f) A municipality that establishes a tax increment financing district under 24 V.S.A. chapter 53, subchapter 5 shall collect all property taxes on properties contained within the district and apply not more than 70 percent of the State education property tax increment, and not less than 85 percent of the municipal property tax increment, to repayment of financing of the improvements and related costs for up to 20 years pursuant to 24 V.S.A. § 1894, if approved by the Vermont Economic Progress Council pursuant to this section, subject to the following:

(1) In a municipality with one or more approved districts, the Council shall not approve an additional district until the municipality retires the debt incurred for all of the districts in the municipality.

(2) The Council shall not approve ~~more than six districts in the State,~~ and not a district if it will result in the total number of active districts, as

defined in 24 V.S.A. § 1891(9), exceeding the limit set forth in 24 V.S.A. § 1892(d) and shall not approve more than two per county, provided:

~~(A) The districts listed in 24 V.S.A. § 1892(d) shall not be counted against the limits imposed in this subdivision (2).~~

(B) The Council shall consider complete applications in the order they are submitted, except that if during any calendar month the Council receives applications for more districts than are actually available in a county, the Council shall evaluate each application and shall approve the application that, in the Council's discretion, best meets the economic development needs of the county.

~~(C) If, while the General Assembly is not in session, the Council receives applications for districts that would otherwise qualify for approval but, if approved, would exceed the six-district limit in the State, the Council shall make one or more presentations to the Emergency Board concerning the applications, and the Emergency Board may, in its discretion, increase the six-district limit.~~

\* \* \*

(j)(1) Authority to adopt rules. The Vermont Economic Progress Council is hereby granted authority to adopt rules in accordance with 3 V.S.A. chapter 25 for the purpose of providing clarification and detail for administering the provisions of 24 V.S.A. chapter 53, subchapter 5 and the tax increment financing district provisions of this section. A single rule shall be adopted for all tax increment financing districts that will provide further clarification for statutory construction and include a process whereby a municipality may distribute excess increment to the Education Fund as allowed under 24 V.S.A. § 1900. The rule shall not permit the Council to approve any substantial change request that results in a municipality needing to extend the period to incur debt or retain education property tax increment. From the date the rules are adopted, the municipalities with districts in existence prior to 2006 are required to abide by the governing rule and any other provisions of the law in force; provided, however, that the rule shall indicate which specific provisions are not applicable to those districts in existence prior to January 2006.

\* \* \*

#### Sec. 10. VERMONT ECONOMIC PROGRESS COUNCIL; TAX INCREMENT FINANCING DISTRICTS; RULE

(a) Pursuant to 32 V.S.A. § 5405(j), on or before October 1, 2024, the Vermont Economic Progress Council shall adopt an amended rule (Vermont Economic Progress Council, Tax Increment Financing Districts Rule (CVR 11-030-022)) to require that the Council shall only approve a municipality's

substantial change request if approval does not result in the municipality needing to extend the period to incur debt or retain education property tax increment for its tax increment financing district.

(b) Prior to the amendment of the rule described in subsection (a) of this section, the Vermont Economic Progress Council shall not approve a municipality's substantial change request if approval results in the municipality needing to extend the period to incur debt or retain education property tax increment for its tax increment financing district.

\* \* \* Study of Vermont Economic Growth Incentives \* \* \*

Sec. 11. ECONOMIC DEVELOPMENT INCENTIVES; STUDY

(a) Creation. There is created the Task Force on Economic Development Incentives composed of the following five members:

(1) one member of the House Committee on Commerce and Economic Development and one at-large member with experience in business and economic development appointed by the Speaker of the House of Representatives;

(2) one member of the Senate Committee on Economic Development, Housing and General Affairs and one at-large member with experience in business and economic development appointed by the Senate Committee on Committees; and

(3) one at-large member appointed jointly by the Speaker of the House of Representatives and the Senate Committee on Committees.

(b) Powers and duties. The Task Force shall conduct hearings, receive testimony, and review and consider:

(1) the purpose and performance of current State-funded economic development incentive programs; and

(2) models and features of economic development incentive programs from other jurisdictions, including:

(A) the structure, management, and oversight features of the program;

(B) the articulated purpose, goals, and benefits of the program, and the basis of measuring success; and

(C) the mechanism for providing an economic incentive, whether through a loan, grant, equity investment, or other approach.

(c) Assistance.

(1) The Task Force shall have the administrative, fiscal, and legal assistance of the Office of Legislative Operations, the Joint Fiscal Office, and the Office of Legislative Counsel.

(2) The Task Force may direct the Joint Fiscal Office to issue a request for proposals and enter into one or more agreements for consulting services.

(d) Report. On or before January 15, 2024, the Task Force shall submit a report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs with its findings and any recommendations for legislative action, including whether and how any proposed program addition, revision, or other legislative action would:

(1) integrate with and further advance the current workforce development and economic development systems in this State; and

(2) advance the four principles of economic development articulated in 10 V.S.A. § 3.

(e) Meetings.

(1) The member of the House Committee on Commerce and Economic Development shall call the first meeting of the Task Force to occur on or before September 1, 2023.

(2) The Committee shall select a chair from among its members at the first meeting.

(3) A majority of the membership shall constitute a quorum.

(4) The Task Force shall cease to exist on January 15, 2024.

(f) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Task Force serving in the member's capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than six meetings.

(2) Other members of the Task Force shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than six meetings.

(g) Appropriation. The amount of \$250,000.00 is appropriated from the General Fund in fiscal year 2024 for per diem compensation and

reimbursement of expenses for members of the Task Force and for consulting services approved by the Task Force pursuant to this section.

\* \* \* Study of Financing Public Infrastructure Improvements \* \* \*

Sec. 12. FINANCING PUBLIC INFRASTRUCTURE IMPROVEMENTS;  
STUDY COMMITTEE; REPORT

(a) Creation. There is created the Study Committee on Financing Public Infrastructure Improvements to study and make recommendations for new long-term programs or methods to finance infrastructure improvements that will serve a public purpose, incentivize community development, facilitate development of housing, and reverse declining grand list values in Vermont municipalities.

(b) Membership. The Committee is composed of the following members:

(1) two current members of the House of Representatives, appointed by the Speaker of the House;

(2) two current members of the Senate, appointed by the President Pro Tempore;

(3) the Secretary of Administration or designee;

(4) the Secretary of Natural Resources or designee;

(5) the Secretary of Commerce and Community Development or designee;

(6) the Commissioner of Taxes or designee;

(7) the State Executive Economist;

(8) a member, appointed by the Vermont League of Cities and Towns;

(9) a member, appointed by the Vermont Economic Development Authority;

(10) a member, appointed by the Municipal Bond Bank;

(11) the State Treasurer or designee;

(12) one member appointed by the Vermont Association of Planning and Development Agencies;

(13) one member appointed by vote of the regional development corporations; and

(14) one member appointed by the Vermont Council on Rural Development.

(c) Powers and duties.

(1) The Committee shall solicit testimony from a wide range of stakeholders, including representatives from municipalities of a variety of sizes; persons with expertise in planning, rural economic development, and successful infrastructure programs in other parts of the country; persons with expertise in implementing infrastructure projects; and persons with expertise in related incentive programs.

(2) The Committee shall review and consider:

(A) how to align various State and federal funding sources into one streamlined rural infrastructure assistance program or fund; and

(B) the harmonization or expansion of existing infrastructure improvement programs and the best method for distributing funding, including whether to use a formula-based distribution model, a competitive grant program, or another process identified by the Committee.

(d) Report. On or before December 15, 2023, the Committee shall submit a report to the General Assembly and the Governor with its findings and any recommendations for action concerning the following:

(1) program design;

(2) eligible uses of funding;

(3) sources of revenue to fund the program;

(4) strategies to combine or leverage existing funding sources for infrastructure improvements;

(5) a streamlined and minimal application that is easily accessible to municipalities of all sizes;

(6) selection criteria to ensure funds are targeted to the geographic communities or regions with the most pressing infrastructure needs; and

(7) outreach, technical assistance, and education methods to raise awareness about the program.

(e) Meetings.

(1) The Speaker of the House and the President Pro Tempore shall jointly appoint from among the legislative members of the Committee a person to serve as Chair, who shall call the first meeting of the Committee to occur on or before September 1, 2023.

(2) A majority of the membership shall constitute a quorum.

(3) The Committee shall cease to exist on January 15, 2024.

(f) Assistance. The Committee shall have the administrative, fiscal, and legal assistance of the Office of Legislative Operations, the Joint Fiscal Office, and the Office of Legislative Counsel.

(g) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Committee serving in the member's capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than five meetings. These payments shall be made from monies appropriated to the General Assembly.

(2) Other members of the Committee shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than five meeting. These payments shall be made from monies appropriated to the Agency of Commerce and Community Development.

\* \* \* City of Barre Tax Increment Financing District \* \* \*

Sec. 13. TAX INCREMENT FINANCING DISTRICT; CITY OF BARRE;  
EXTENSION; INCREMENT

(a) Notwithstanding 2021 Acts and Resolves No. 73, Sec. 26a, amending 2020 Acts and Resolves No. 175, Sec. 29, or any other provision of law, the authority of the City of Barre to incur indebtedness is hereby extended to March 31, 2026.

(b) Notwithstanding any other provision of law, the authority of the City of Barre to retain municipal and education tax increment is hereby extended until December 31, 2039.

\* \* \* Town of Hartford Tax Increment Financing District \* \* \*

Sec. 14. 2020 Acts and Resolves No. 111, Sec. 1 is amended to read:

Sec. 1. TAX INCREMENT FINANCING DISTRICT; TOWN OF  
HARTFORD

Notwithstanding any other provision of law, the authority of the Town of Hartford to:

(1) incur indebtedness for its tax increment financing district is hereby extended for three years beginning on March 31, 2021. This extension does not extend any period that municipal or education tax increment may be retained until March 31, 2026; and



(2) retain municipal and education tax increment is hereby extended until December 31, 2036.

\* \* \* Vermont Economic Growth Incentive; Sunset \* \* \*

Sec. 15. 2016 Acts and Resolves No. 157, Sec. H.12, as amended by 2022 Acts and Resolves No. 164, Sec. 5, is further amended to read:

Sec. H.12. VEGI; REPEAL OF AUTHORITY TO AWARD  
INCENTIVES

Notwithstanding any provision of law to the contrary, the Vermont Economic Progress Council shall not accept or approve an application for a Vermont Employment Growth Incentive under 32 V.S.A. chapter 105, subchapter 2 on or after January 1, ~~2024~~ 2025.

\* \* \* Effective Date \* \* \*

Sec. 16. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: “An act relating to miscellaneous changes to the Vermont Economic Progress Council, the Vermont Employment Growth Incentive Program, and tax increment financing district provisions”

**Rep. Toleno of Brattleboro**, for the Committee on Appropriations, recommended that the report of the Committee on Ways and Means be amended as follows:

First: In Sec. 11, Economic Development Incentives; Study, by striking out subsection (g), appropriations, in its entirety

Second: By adding a Sec.11a to read as follows:

Sec. 11a. TASK FORCE ON ECONOMIC DEVELOPMENT  
INCENTIVES; IMPLEMENTATION

The work of the Task Force on Economic Development Incentives described in Sec. 11 of this act shall be subject to a general fund appropriation in FY 2024 for per diem compensation and reimbursement of expenses for members of the Task Force and for consulting services approved by the Task Force.

The bill, having appeared on the Notice Calendar was taken up, read the second time, and the report of the Committee on Ways and Means was amended as recommended by the Committee on Appropriations.

Thereafter, **Rep. Marcotte of Coventry** moved that the report of the Committee on Ways and Means, as amended, be further amended as follows:

By adding a reader assistance heading and a new Sec. 16 to read as follows:

\* \* \* Open Meeting Law; Notice of Executive Session \* \* \*

Sec. 16. 1 V.S.A. § 312 is amended to read:

§ 312. RIGHT TO ATTEND MEETINGS OF PUBLIC AGENCIES

\* \* \*

(d)(1) At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda shall be:

\* \* \*

(4) When a public body knows or reasonably anticipates that the public body will hold an executive session during a meeting, the executive session shall be included in the agenda posted pursuant to subdivision (1) of this subsection.

\* \* \*

and by renumbering the remaining section to be numerically correct.

Which was agreed to. Thereupon, the report of the Committee on Ways and Means, as amended, was agreed to and third reading was ordered.

**Pending Entry on the Notice Calendar  
Bill Referred to Committee on Appropriations**

**S. 135**

Senate bill, entitled

An act relating to the establishment of VT Saves

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

**House Resolution Referred to Committee**

**H.R. 11**

House resolution, entitled

House resolution relating to establishing the Special Committee on Impeachment Inquiry and granting it investigatory powers

Offered by: Representatives LaLonde of South Burlington and McCarthy of St. Albans City

Whereas, the results of an independent investigation completed in April 2023 substantiated allegations that Franklin County State's Attorney John Lavoie has engaged in a pattern of harassment and discriminatory conduct toward his employees and others, and

Whereas, recent concerns regarding financial improprieties in office have been raised regarding Franklin County Sheriff John Grismore, who was previously captured on video while a captain in the Franklin County Sheriff's Department kicking a handcuffed prisoner who was being held by the Department, now therefore be it

Resolved by the House of Representatives:

That the Special Committee on Impeachment Inquiry is established to investigate whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach Franklin County State's Attorney John Lavoie or Franklin County Sheriff John Grismore, or both, and be it further

Resolved: That the Special Committee shall be composed of seven members of the House of Representatives, not all from the same political party, who shall be appointed by the Speaker of the House, and be it further

Resolved: That the Special Committee is authorized to meet during the 2023-2024 biennium, including during adjournment thereof, and shall report to the House of Representatives such resolutions, articles of impeachment, or other recommendations as the Special Committee deems proper, and be it further

Resolved: That the Special Committee is authorized to require, by subpoena or otherwise, the attendance and testimony of any person and the production of documents and other items of any kind, and be it further

Resolved: That the Special Committee or any member so designated by the Special Committee may administer oaths or affirmations to any witness, and be it further

Resolved: That the Special Committee may hire investigators and may request assistance from other governmental entities as needed to assist the Special Committee in conducting its investigations.

Was read by title, treated as a bill, and referred to the Committee on Government Operations and Military Affairs pursuant to Rule 52.

**Committee Relieved of Consideration and  
Bill Committed to Other Committee**

**H. 452**

**Rep. Toleno of Brattleboro** moved that the Committee on Appropriations be relieved of House bill, entitled

An act relating to expanding apprenticeship and other workforce opportunities

And that the bill be committed to the Committee on Education, which was agreed to.

**Message from the Governor**

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 4th day of May 2023, he signed bills originating in the House of the following titles:

**H. 271 An act relating to approval of amendments to the charter of the Town of Springfield**

**H. 418 An act relating to approval of an amendment to the charter of the Town of Barre**

**Adjournment**

At three o'clock and thirty-nine minutes in the afternoon, on motion of **Rep. Toof of St. Albans Town**, the House adjourned until tomorrow at ten o'clock in the forenoon.