

Journal of the House

Wednesday, February 28, 2024

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

Devotional Exercises

Devotional exercises were conducted by Rep. Saudia LaMont of Morristown.

Message from the Senate No. 25

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 47. Joint resolution providing for a Joint Assembly to vote on the retention of two Superior Judges and one Magistrate.

In the adoption of which the concurrence of the House is requested.

The Senate has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses upon House bill of the following title:

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

And has accepted and adopted the same on its part.

House Bill Introduced

H. 866

By Reps. Elder of Starksboro, Bartley of Fairfax, Cordes of Lincoln, Headrick of Burlington, Hooper of Randolph, Hyman of South Burlington, Labor of Morgan, LaBounty of Lyndon, Masland of Thetford, Ode of Burlington, Parsons of Newbury, Sims of Craftsbury, and Whitman of Bennington,

House bill, entitled

An act relating to adding xylazine to the list of regulated drugs

Was read the first time and referred to the Committee on Judiciary.

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

H. 645

House bill, entitled

An act relating to the expansion of approaches to restorative justice

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

Second Reading; Bill Amended; Third Reading Ordered

H. 629

Rep. Demrow of Corinth, for the Committee on Ways and Means, to which had been referred House bill, entitled

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

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Municipal Tax Abatement * * *

Sec. 1. 24 V.S.A. § 1535 is amended to read:

§ 1535. ABATEMENT

(a) The board may abate in whole or part taxes, water charges, sewer charges, interest, or collection fees, or any combination of those, other than those arising out of a corrected classification of homestead or nonhomestead property, accruing to the town in the following cases:

- (1) taxes or charges of persons who have died insolvent;
- (2) taxes or charges of persons who have moved from the State;
- (3) taxes or charges of persons who are unable to pay their taxes or charges, interest, and collection fees;
- (4) taxes in which there is manifest error or a mistake of the listers;
- (5) taxes or charges upon real or personal property lost or destroyed during the tax year;
- (6) the exemption amount available under 32 V.S.A. § 3802(11) to persons otherwise eligible for exemption who file a claim on or after May 1 but before October 1 due to the claimant's sickness or disability or other good cause as determined by the board of abatement; but that exemption amount shall be reduced by 20 percent of the total exemption for each month or portion of a month the claim is late filed;

(7) [Repealed.]

(8) [Repealed.]

(9) taxes or charges upon a mobile home moved from the town during the tax year as a result of a change in use of the mobile home park land or parts thereof or closure of the mobile home park in which the mobile home was sited, pursuant to 10 V.S.A. § 6237; or

(10) de minimis amounts of taxes for purposes of reconciling municipal accounts according to generally accepted accounting practices.

(b) The board's abatement of an amount of tax or charge shall automatically abate any uncollected interest and fees relating to that amount.

(c) The board shall, in any case in which it abates taxes or charges, interest, or collection fees accruing to the town or denies an application for abatement, state in detail in writing the reasons for its decision. The written decision shall provide sufficient explanation to indicate to the parties what was considered and what was decided. The decision shall address the arguments raised by the applicant.

(d)(1) The board may order that any abatement as to an amount or amounts already paid be in the form of a refund or in the form of a credit against the tax or charge for the next ensuing tax year or charge billing cycle and for succeeding tax years or billing cycles if required to use up the amount of the credit.

(2) Whenever a municipality votes to collect interest on overdue taxes pursuant to 32 V.S.A. § 5136, interest in a like amount shall be paid by the municipality to any person for whom an abatement has been ordered.

(3) Interest on taxes or charges paid and subsequently abated shall accrue from the date payment was due or made, whichever is later. However, abatements issued pursuant to subdivision (a)(5) of this section need not include the payment of interest.

(4) When a refund has been ordered, the board shall draw an order on the town treasurer for payment of the refund.

(e)(1) The board may hear a group of similar requests for abatement as a class, provided that:

(A) the requests shall arise from the same cause or event;

(B) the requests relate to the bases for abatement in subdivision (a)(4), (5), or (9) of this section;

(C) the board shall group requests based on property classification;

(D) the board shall provide notice to each taxpayer of the taxpayer's status as a member of the class; and

(E) a taxpayer shall have the right to decline the taxpayer's status as a member of the class and pursue the taxpayer's request as a separate action before the board.

(2) The board shall provide notice to each taxpayer at minimum 21 days before the scheduled hearing for the class. The notice shall include a description of the class and the board's reasons for grouping the requests, an explanation of the taxpayer's status as a member of the class, the procedure for appealing a board decision, the taxpayer's right to decline class membership and pursue a separate action, and any deadlines that the taxpayer must meet in order to participate as a member of the class or pursue a separate action.

(3) A taxpayer shall notify the board of the taxpayer's intent to pursue a separate action, pursuant to subdivision (1)(E) of this subsection, a minimum of seven days before the board's hearing to consider a class request.

(4) A board may preserve and take notice of any evidence supporting the basis for abatement for a class and use that evidence for purposes of a later, separate action pursued by an individual taxpayer.

(5) In instances where a board abates in part taxes, charges, interest, or collection fees for a class, the board shall not render a decision that results in disproportionate rates of abatement for taxpayers within the class.

(f) A municipality shall provide clear notice to a taxpayer of the ability to request tax abatement, and how to request abatement, at the same time as a municipality attempts to collect a municipal fee or interest for delinquent taxes, water charges, sewer charges, or tax collection.

Sec. 2. 24 V.S.A. § 5144 is amended to read:

§ 5144. UNIFORM NOTICE FORM

The notice form required under section 5143 of this chapter, and defined in section 5142 of this chapter, shall be clearly printed on a pink colored sheet of paper, and shall be according to the following form:

* * *

ABATEMENT AND POSSIBLE REDUCTION IN CHARGES—You may be able to receive a reduction of charges, penalties, or interest through municipal abatement. To seek this reduction in charges from the Board of Abatement, contact the municipal clerk by mail or phone:

(Name of Clerk of Board of Abatement)

(Name of Town, City, or Village)

(Address of Office)

(Mailing Address)

or by calling:

(Telephone Number)

* * * Property Tax Credit * * *

Sec. 3. 32 V.S.A. § 6065 is amended to read:

§ 6065. FORMS; TABLES; NOTICES

(a) In administering this chapter, the Commissioner shall provide suitable claim forms with tables of allowable claims, instructions, and worksheets for claiming a homestead property tax credit.

(b) Prior to June 1, the Commissioner shall also prepare and supply to each town in the State notices describing the homestead property tax credit, for inclusion in property tax bills. The notice shall be in simple, plain language and shall explain how to file for a property tax credit, where to find assistance filing for a credit, and any other related information as determined by the Commissioner. The notice shall direct taxpayers to a resource where they can find versions of the notice translated into the five most common non-English languages in the State. A town shall include such notice in each tax bill and notice of delinquent taxes that it mails to taxpayers who own in that town a residential property that could be a homestead as defined in subdivision 5401(7) of this title, without regard for whether the property was declared a homestead.

(c) Notwithstanding the provisions of subsection (b) of this section, towns that use envelopes or mailers not able to accommodate notices describing the homestead tax credit may distribute such notices in an alternative manner.

* * * Tax Sale of Real Property * * *

Sec. 4. 32 V.S.A. § 5252 is amended to read:

§ 5252. LEVY AND NOTICE OF SALE; SECURING PROPERTY

(a) When the collector of taxes of a town or of a municipality within it has for collection a tax assessed against real estate in the town and the taxpayer is delinquent for a period longer than one year, the collector may extend a warrant on such land. However, no warrant shall be extended until a delinquent taxpayer is given an opportunity to enter a written reasonable repayment plan pursuant to subsection (c) of this section. If a collector receives notice from a mobile home park owner pursuant to

10 V.S.A. § 6248(b), the collector shall, within 15 days after the notice, commence tax sale proceedings to hold a tax sale within 60 days after the notice. If the collector fails to initiate such proceedings, the town may initiate tax sale proceedings only after complying with 10 V.S.A. § 6249(f). If the tax collector extends the warrant, the collector shall:

(1) File in the office of the town clerk for record a true and attested copy of the warrant and so much of the tax bill committed to the collector for collection as relates to the tax against the delinquent taxpayer, a sufficient description of the land so levied upon, and a statement in writing that by virtue of the original tax warrant and tax bill committed to the collector for collection, the collector has levied upon the described land.

(2) Advertise forthwith such land for sale at public auction in the town where it lies three weeks successively in a newspaper circulating in the vicinity, the last publication to be at least 10 days before such sale.

(3) Give the delinquent taxpayer written notice by certified mail requiring a return receipt directed to the last known address of the delinquent of the date and place of such sale at least ~~10~~ 30 days prior thereto if the delinquent is a resident of the town and ~~20~~ 30 days prior thereto if the delinquent is a nonresident of the town. If the notice by certified mail is returned unclaimed, notice shall be provided to the taxpayer by resending the notice by first-class mail or by personal service pursuant to Rule 4 of the Vermont Rules of Civil Procedure, except that if the last known address of the delinquent taxpayer is in Vermont, the collector shall resend the notice by first-class mail and make one attempt at personal service pursuant to Rule 4 of the Vermont Rules of Civil Procedure. If the last known address of the delinquent taxpayer is in Vermont, and an attempt at personal service fails, the collector shall affix the notice to the exterior door of the property subject to tax sale.

(4) Give to the mortgagee or lien holder of record written notice of such sale at least ~~10~~ 30 days prior thereto if a resident of the town and, if a nonresident, ~~20~~ 30 days' notice to the mortgagee or lien holder of record or ~~his or her~~ the mortgagee's or lien holder's agent or attorney by certified mail requiring a return receipt directed to the last known address of such person. If the notice by certified mail is returned unclaimed, notice shall be provided by resending the notice by first-class mail or by personal service pursuant to Rule 4 of the Vermont Rules of Civil Procedure.

(5) Post a notice of such sale in some public place in the town.

(6) Enclose the following statement, with directions to a resource translating the notice into the five most common non-English languages used

in this State, with the notices required under subdivisions (3) and (4) of this subsection and with every delinquent tax notice:

Warning: There are unpaid property taxes at (address of property), which you may own, have a legal interest, or may be contiguous to your property. The property will be sold at public auction on (date set for sale) unless the overdue taxes, fees, and interest in the amount of (dollar amount due) is paid. To make payment or receive further information, contact (name of tax collector) immediately at (office address), (mailing address), (e-mail address), or (telephone number).

(7) The resource for translation of the notice required under subdivision (6) of this subsection shall be made available to all municipalities by the Vermont Department of Taxes.

(b) If the warrant and levy for delinquent taxes has been recorded pursuant to subsection (a) of this section, the municipality in which the real estate lies may secure the property against illegal activity and potential fire hazards after giving the mortgagee or lien holder of record written notice at least 10 days prior to such action.

(c)(1) A municipality shall not initiate a tax sale proceeding until it has offered a delinquent taxpayer a written reasonable repayment plan and the taxpayer has either denied the offer, failed to respond within 30 days, or has failed to make a payment under the plan within the time frame established by the collector. When establishing a plan under this subsection, the municipality shall consider the following:

(A) the income and income schedule of the taxpayer, if offered by the taxpayer;

(B) the taxpayer's tax payment history with the municipality;

(C) the amount of tax debt owed to the municipality;

(D) the amount of time tax has been delinquent; and

(E) the taxpayer's reason for the delinquency.

(2) A collector is only required to offer one payment plan per delinquency, without regard for whether it is agreed to by the delinquent taxpayer.

(3) A collector may void a payment plan and proceed to tax sale if a delinquent taxpayer agrees to a payment plan under this subsection and fails to make a timely payment.

Sec. 5. 32 V.S.A. § 5253 is amended to read:

§ 5253. FORM OF ADVERTISEMENT AND NOTICE OF SALE

The form of advertisement and notice of sale provided for in section 5252 of this title shall be substantially in the following form:

The resident and nonresident owners, lien holders, and mortgagees of lands in the town of _____ in the county of _____ are hereby notified that the taxes assessed by such town for the years _____ (insert years the taxes are unpaid) _____ remain, either in whole or in part, unpaid on the following described _____ lands in such town, to wit,

(insert description of lands)

and so much of such lands will be sold at public auction at _____ a public place in such town, on the _____ day of _____ (month), _____ (year) at _____ o'clock _____ (am/pm), as shall be requisite to discharge such taxes with costs and fees, unless previously paid.

Be advised that the owner or mortgagee, or the owner's or mortgagee's representatives or assigns, of lands sold for taxes shall have a right to redemption for a period of one year from the date of sale pursuant to 32 V.S.A. § 5260.

Dated at _____, Vermont, this _____ day of _____ (month), _____ (year).

Collector of Town Taxes

Sec. 6. 32 V.S.A. § 5260 is amended to read:

§ 5260. REDEMPTION

(a) When the owner or mortgagee of lands sold for taxes, ~~his or her~~ the owner's or mortgagee's representatives or assigns, within one year from the day of sale, pays or tenders to the collector who made the sale or in the case of ~~his or her~~ the collector's death or removal from the town where the land lies, to the town clerk of such town, the sum for which the land was sold with interest thereon calculated at a rate of ~~one 0.5~~ one 0.5 percent per month ~~or fraction thereof~~ from the day of sale to the day of payment, a deed of the land shall not be made to the purchaser, but the money paid or tendered by the owner or mortgagee or ~~his or her~~ the owner's or mortgagee's representatives or assigns to the collector or town clerk shall be paid over to such purchaser on demand.

In the event that a municipality purchases contaminated land pursuant to section 5259 of this title, the cost to redeem shall include all costs expended for assessment and remediation, including expenses incurred or authorized by any local, State, or federal government authority.

(b) During the redemption period, the tax collector shall:

(1) Serve the delinquent taxpayer with the written notice required under subsection (c) of this section between 90 and 120 days prior to the end of the redemption period using certified mail requiring a return receipt, directed to the last known address of the delinquent taxpayer. If the notice by certified mail is returned unclaimed, notice shall be provided by resending the notice by first-class mail or by personal service pursuant to Rule 4 of the Vermont Rules of Civil Procedure.

(2) Post the notice in some public place in the municipality between 90 and 120 days prior to the end of redemption period.

(c) The tax collector shall enclose the following statement, with directions to a resource translating the notice into the five most common non-English languages used in this State, with every notice required under this section:

Warning: There are unpaid property taxes at (address of property), which you may own, have a legal interest in, or may be contiguous to your property. The property was sold at public auction on (date). Unless the overdue taxes, fees, and interest are paid by (last day of redemption period), the deed to the property will transfer to purchaser. To redeem the property and avoid losing your legal interest, you must pay (dollar amount due for redemption). The amount you must pay to redeem the property increases every month due to interest, mailing costs, and other costs. To make payment or receive further information, contact (name of tax collector) immediately at (office address), (mailing address), (e-mail address), and (telephone number).

(d) The resource for translation of the notice required under subsection (c) of this section shall be made available to all municipalities by the Vermont Department of Taxes.

Sec. 7. WORKING GROUP ON VERMONT'S ABATEMENT AND TAX SALE PROCESSES

(a) Creation. There is created the Working Group on Vermont's Abatement and Tax Sale Processes to assess how Vermont may balance fairness for delinquent taxpayers with the needs of municipalities.

(b) Membership. The Working Group shall be composed of the following members:

- (1) a representative, appointed by Vermont Legal Aid;
- (2) a representative, appointed by the Vermont League of Cities and Towns;
- (3) a representative, appointed by the Vermont Banker's Association;
- (4) a representative, appointed by the Vermont Housing Finance Agency;
- (5) a representative, appointed by the Vermont Municipal Clerk and Treasurer Association;
- (6) a representative, appointed by the Neighborworks Alliance of Vermont;
- (7) a representative, appointed by the Champlain Valley Office of Economic Opportunity Mobile Home Project; and
- (8) a representative, appointed by the Vermont Assessors and Listers Association.

(c) Powers and duties. The Working Group shall offer recommendations relating to the following:

- (1) establishing a process so that delinquent taxpayers whose properties are transferred via tax collector's deed, or a tax-lien foreclosure sale, can fairly recoup equity in their property in excess of the tax debt, fees, and interest for which their property is sold;
- (2) standardizing and ensuring fairness in the abatement process across Vermont municipalities;
- (3) requiring a minimum amount of tax debt before a tax sale can be initiated;
- (4) allowing a tax sale to be initiated for blighted or dilapidated real estate that has been abandoned when taxes are delinquent for less than one year; and
- (5) whether a 0.5 percent rate of monthly interest paid by delinquent taxpayers for purchasers during the redemption period causes a reduction in municipalities' ability to receive bids on properties at tax sales.

(d) Report. On or before December 15, 2024, the Working Group shall submit a written report to the House Committee on Ways and Means with its findings and any recommendations for legislative action, including proposed legislative language.

(e) Meetings.

(1) The representative appointed by Vermont Legal Aid shall call the first meeting of the Working Group to occur on or before August 1, 2024.

(2) The Working Group shall elect a chair from among its members at the first meeting.

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

(4) The Working Group shall cease to exist on June 30, 2025.

Sec. 8. APPLICATION OF CHANGES MADE BY THIS ACT

(a) The amendments to 32 V.S.A. § 5252 made by Sec. 4 of this act (notice of sale) shall not apply to a property that was subject to a notice of sale prior to effective date of this act.

(b) The amendments to 32 V.S.A. § 5260 made by Sec. 6 of this act (redemption) shall not apply to a property that has been sold at tax sale prior to the effective date of this act, except that, notwithstanding any provision of 1 V.S.A. § 214 to the contrary, the provisions of 32 V.S.A. § 5260(b) and (c) shall apply if, on the effective date of this act, 90 days or more remain until the end of the redemption period.

* * * Effective Date * * *

Sec. 9. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Notice Calendar, was taken up and read the second time.

Pending the question, Shall the bill be amended as recommended by the Committee on Ways and Means?, **Rep. McCarthy of St. Albans City** moved to amend the report of the Committee on Ways and Means by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Municipal Tax Abatement * * *

Sec. 1. 24 V.S.A. § 1535 is amended to read:

§ 1535. ABATEMENT

(a) The board may abate in whole or part taxes, water charges, sewer charges, interest, or collection fees, or any combination of those, other than those arising out of a corrected classification of homestead or nonhomestead property, accruing to the town in the following cases:

(1) taxes or charges of persons who have died insolvent;

- (2) taxes or charges of persons who have moved from the State;
 - (3) taxes or charges of persons who are unable to pay their taxes or charges, interest, and collection fees;
 - (4) taxes in which there is manifest error or a mistake of the listers;
 - (5) taxes or charges upon real or personal property lost or destroyed during the tax year;
 - (6) the exemption amount available under 32 V.S.A. § 3802(11) to persons otherwise eligible for exemption who file a claim on or after May 1 but before October 1 due to the claimant's sickness or disability or other good cause as determined by the board of abatement; but that exemption amount shall be reduced by 20 percent of the total exemption for each month or portion of a month the claim is late filed;
 - (7) [Repealed.]
 - (8) [Repealed.]
 - (9) taxes or charges upon a mobile home moved from the town during the tax year as a result of a change in use of the mobile home park land or parts thereof or closure of the mobile home park in which the mobile home was sited, pursuant to 10 V.S.A. § 6237;
- (b) The board's abatement of an amount of tax or charge shall automatically abate any uncollected interest and fees relating to that amount.
- (c) The board shall, in any case in which it abates taxes or charges, interest, or collection fees accruing to the town or denies an application for abatement, state in detail in writing the reasons for its decision. The written decision shall provide sufficient explanation to indicate to the parties what was considered and what was decided. The decision shall address the arguments raised by the applicant.
- (d)(1) The board may order that any abatement as to an amount or amounts already paid be in the form of a refund or in the form of a credit against the tax or charge for the next ensuing tax year or charge billing cycle and for succeeding tax years or billing cycles if required to use up the amount of the credit.
- (2) Whenever a municipality votes to collect interest on overdue taxes pursuant to 32 V.S.A. § 5136, interest in a like amount shall be paid by the municipality to any person for whom an abatement has been ordered.
- (3) Interest on taxes or charges paid and subsequently abated shall accrue from the date payment was due or made, whichever is later. However,

abatements issued pursuant to subdivision (a)(5) of this section need not include the payment of interest.

(4) When a refund has been ordered, the board shall draw an order on the town treasurer for payment of the refund.

(e)(1) The board may hear a group of similar requests for abatement as a class, provided that:

(A) the board has first met and established a class in accordance with this subsection (e);

(B) the requests shall arise from the same cause or event;

(C) the requests relate to the bases for abatement in subdivision (a)(4), (5), or (9) of this section;

(D) the board shall group requests based on property classification;

(E) the board shall provide notice to each taxpayer of the taxpayer's status as a member of the class; and

(F) a taxpayer shall have the right to decline the taxpayer's status as a member of the class and pursue the taxpayer's request as a separate action before the board.

(2) The board shall provide notice to each taxpayer at minimum 21 days before the scheduled hearing for the class. The notice shall include a description of the class and the board's reasons for grouping the requests, an explanation of the taxpayer's status as a member of the class, the procedure for appealing a board decision, the taxpayer's right to decline class membership and pursue a separate action, and any deadlines that the taxpayer must meet in order to participate as a member of the class or pursue a separate action.

(3) A taxpayer shall notify the board of the taxpayer's intent to pursue a separate action, pursuant to subdivision (1)(F) of this subsection, a minimum of seven days before the board's hearing to consider a class request.

(4) A board may preserve and take notice of any evidence supporting the basis for abatement for a class and use that evidence for purposes of a later, separate action pursued by an individual taxpayer.

(5) In instances where a board abates in part taxes, charges, interest, or collection fees for a class, the board shall not render a decision that results in disproportionate rates of abatement for taxpayers within the class.

(f) A municipality shall provide clear notice to a taxpayer of the ability to request tax abatement, and how to request abatement, at the same time as a municipality attempts to collect a municipal fee or interest for delinquent taxes, water charges, sewer charges, or tax collection.

(g) The legislative body of a municipality by a majority vote may abate de minimis amounts of taxes for purposes of reconciling municipal accounts according to generally accepted accounting principles.

Sec. 2. 24 V.S.A. § 5144 is amended to read:

§ 5144. UNIFORM NOTICE FORM

The notice form required under section 5143 of this chapter, and defined in section 5142 of this chapter, shall be clearly printed on a pink colored sheet of paper; and shall be according to the following form:

* * *

ABATEMENT AND POSSIBLE REDUCTION IN CHARGES—You may be able to receive a reduction of charges, penalties, or interest through municipal abatement. To seek this reduction in charges from the Board of Abatement, contact the municipal clerk by mail or phone:

(Name of Clerk of Board of Abatement)

(Name of Town, City, or Village)

(Address of Office)

(Mailing Address)

or by calling:

(Telephone Number)

* * * Property Tax Credit * * *

Sec. 3. 32 V.S.A. § 6065 is amended to read:

§ 6065. FORMS; TABLES; NOTICES

(a) In administering this chapter, the Commissioner shall provide suitable claim forms with tables of allowable claims, instructions, and worksheets for claiming a homestead property tax credit.

(b) Prior to June 1, the Commissioner shall also prepare and supply to each town in the State notices describing the homestead property tax credit, for inclusion in property tax bills. The notice shall be in simple, plain language and shall explain how to file for a property tax credit, where to find assistance filing for a credit, and any other related information as determined by the Commissioner. The notice shall direct taxpayers to a resource where they can

find versions of the notice translated into the five most common non-English languages in the State. A town shall include such notice in each tax bill and notice of delinquent taxes that it mails to taxpayers who own in that town a residential property that could be a homestead as defined in subdivision 5401(7) of this title, without regard for whether the property was declared a homestead.

(c) Notwithstanding the provisions of subsection (b) of this section, towns that use envelopes or mailers not able to accommodate notices describing the homestead tax credit may distribute such notices in an alternative manner.

* * * Tax Sale of Real Property * * *

Sec. 4. 32 V.S.A. § 5252 is amended to read:

§ 5252. LEVY AND NOTICE OF SALE; SECURING PROPERTY

(a) When the collector of taxes of a town or of a municipality within it has for collection a tax assessed against real estate in the town and the taxpayer is delinquent for a period longer than one year, the collector may extend a warrant on such land. However, no warrant shall be extended until a delinquent taxpayer is given an opportunity to enter a written reasonable repayment plan pursuant to subsection (c) of this section. If a collector receives notice from a mobile home park owner pursuant to 10 V.S.A. § 6248(b), the collector shall, within 15 days after the notice, commence tax sale proceedings to hold a tax sale within 60 days after the notice. If the collector fails to initiate such proceedings, the town may initiate tax sale proceedings only after complying with 10 V.S.A. § 6249(f). If the tax collector extends the warrant, the collector shall:

(1) File in the office of the town clerk for record a true and attested copy of the warrant and so much of the tax bill committed to the collector for collection as relates to the tax against the delinquent taxpayer, a sufficient description of the land so levied upon, and a statement in writing that by virtue of the original tax warrant and tax bill committed to the collector for collection, the collector has levied upon the described land.

(2) Advertise forthwith such land for sale at public auction in the town where it lies three weeks successively in a newspaper circulating in the vicinity, the last publication to be at least 10 days before such sale.

(3) Give the delinquent taxpayer written notice by certified mail requiring a return receipt directed to the last known address of the delinquent of the date and place of such sale at least ~~10~~ 30 days prior thereto if the delinquent is a resident of the town and ~~20~~ 30 days prior thereto if the delinquent is a nonresident of the town. If the notice by certified mail is returned unclaimed, notice shall be provided to the taxpayer by resending the

notice by first-class mail or by personal service pursuant to Rule 4 of the Vermont Rules of Civil Procedure, except that if the last known address of the delinquent taxpayer is in Vermont, the collector shall resend the notice by first-class mail and make one attempt at personal service pursuant to Rule 4 of the Vermont Rules of Civil Procedure. If the last known address of the delinquent taxpayer is in Vermont, and an attempt at personal service fails, the collector shall affix the notice to the exterior door of the property subject to tax sale if the property has a structure.

(4) Give to the mortgagee or lien holder of record written notice of such sale at least ~~10~~ 30 days prior thereto if a resident of the town and, if a nonresident, ~~20~~ 30 days' notice to the mortgagee or lien holder of record or ~~his or her~~ the mortgagee's or lien holder's agent or attorney by certified mail requiring a return receipt directed to the last known address of such person. If the notice by certified mail is returned unclaimed, notice shall be provided by resending the notice by first-class mail or by personal service pursuant to Rule 4 of the Vermont Rules of Civil Procedure.

(5) Post a notice of such sale in some public place in the town.

(6) Enclose the following statement, with directions to a resource translating the notice into the five most common non-English languages used in this State, with the notices required under subdivisions (3) and (4) of this subsection and with every delinquent tax notice:

Warning: There are unpaid property taxes at (address of property), which you may own, have a legal interest, or may be contiguous to your property. The property will be sold at public auction on (date set for sale) unless the overdue taxes, fees, and interest in the amount of (dollar amount due) is paid. To make payment or receive further information, contact (name of tax collector) immediately at (office address), (mailing address), (e-mail address), or (telephone number).

(7) The resource for translation of the notice required under subdivision (6) of this subsection shall be made available to all municipalities by the Vermont Department of Taxes.

(b) If the warrant and levy for delinquent taxes has been recorded pursuant to subsection (a) of this section, the municipality in which the real estate lies may secure the property against illegal activity and potential fire hazards after giving the mortgagee or lien holder of record written notice at least 10 days prior to such action.

(c)(1) A municipality shall not initiate a tax sale proceeding until it has offered a delinquent taxpayer a written reasonable repayment plan and the taxpayer has either denied the offer, failed to respond within 30 days, or has

failed to make a payment under the plan within the time frame established by the collector. When establishing a plan under this subsection, the municipality shall consider the following:

(A) the income and income schedule of the taxpayer, if offered by the taxpayer;

(B) the taxpayer's tax payment history with the municipality;

(C) the amount of tax debt owed to the municipality;

(D) the amount of time tax has been delinquent; and

(E) the taxpayer's reason for the delinquency.

(2) A collector is only required to offer one payment plan per delinquency, without regard for whether it is agreed to by the delinquent taxpayer.

(3) A collector may void a payment plan and proceed to tax sale if a delinquent taxpayer agrees to a payment plan under this subsection and fails to make a timely payment.

Sec. 5. 32 V.S.A. § 5253 is amended to read:

§ 5253. FORM OF ADVERTISEMENT AND NOTICE OF SALE

The form of advertisement and notice of sale provided for in section 5252 of this title shall be substantially in the following form:

The resident and nonresident owners, lien holders, and mortgagees of lands in the town of _____ in the county of _____ are hereby notified that the taxes assessed by such town for the years _____ (insert years the taxes are unpaid) _____ remain, either in whole or in part, unpaid on the following described _____ lands in such town, to wit,

(insert description of lands)

and so much of such lands will be sold at public auction at _____ a public place in such town, on the _____ day of _____ (month), _____ (year) at _____ o'clock _____ (am/pm), as shall be requisite to discharge such taxes with costs and fees, unless previously paid.

Be advised that the owner or mortgagee, or the owner's or mortgagee's representatives or assigns, of lands sold for taxes shall have a right to redemption for a period of one year from the date of sale pursuant to 32 V.S.A. § 5260.

Dated at _____, Vermont, this _____ day of _____ (month), _____ (year).

Collector of Town Taxes

Sec. 6. 32 V.S.A. § 5260 is amended to read:

§ 5260. REDEMPTION

(a) When the owner, lien holder, or mortgagee of lands sold for taxes, ~~his or her~~ the owner's, lien holder's, or mortgagee's representatives or assigns, within one year from the day of sale, pays or tenders to the collector who made the sale or in the case of ~~his or her~~ the collector's death or removal from the town where the land lies, to the town clerk of such town, the sum for which the land was sold with interest thereon calculated at a rate of ~~one~~ 0.5 percent per month ~~or fraction thereof~~ from the day of sale to the day of payment, a deed of the land shall not be made to the purchaser, but the money paid or tendered by the owner, lien holder, or mortgagee or ~~his or her~~ the owner's, lien holder's, or mortgagee's representatives or assigns to the collector or town clerk shall be paid over to such purchaser on demand. In the event that a municipality purchases contaminated land pursuant to section 5259 of this title, the cost to redeem shall include all costs expended for assessment and remediation, including expenses incurred or authorized by any local, State, or federal government authority.

(b) During the redemption period, the tax collector shall:

(1) Serve the delinquent taxpayer with the written notice required under subsection (c) of this section between 90 and 120 days prior to the end of the redemption period using certified mail requiring a return receipt, directed to the last known address of the delinquent taxpayer. If the notice by certified mail is returned unclaimed, notice shall be provided by resending the notice by first-class mail or by personal service pursuant to Rule 4 of the Vermont Rules of Civil Procedure.

(2) Post the notice in some public place in the municipality between 90 and 120 days prior to the end of redemption period.

(c) The tax collector shall enclose the following statement, with directions to a resource translating the notice into the five most common non-English languages used in this State, with every notice required under this section:

Warning: There are unpaid property taxes at (address of property), which you may own, have a legal interest in, or may be contiguous to your property. The property was sold at public auction on (date). Unless the overdue taxes, fees, and interest are paid by (last day of redemption period), the deed to the

property will transfer to purchaser. To redeem the property and avoid losing your legal interest, you must pay (dollar amount due for redemption). The amount you must pay to redeem the property increases every month due to interest, mailing costs, and other costs. To make payment or receive further information, contact (name of tax collector) immediately at (office address), (mailing address), (e-mail address), and (telephone number).

(d) The resource for translation of the notice required under subsection (c) of this section shall be made available to all municipalities by the Vermont Department of Taxes.

Sec. 7. WORKING GROUP ON VERMONT'S ABATEMENT AND TAX SALE PROCESSES

(a) Creation. There is created the Working Group on Vermont's Abatement and Tax Sale Processes to assess how Vermont may balance fairness for delinquent taxpayers with the needs of municipalities.

(b) Membership. The Working Group shall be composed of the following members:

(1) a representative, appointed by Vermont Legal Aid;

(2) a representative, appointed by the Vermont League of Cities and Towns;

(3) a representative, appointed by the Vermont Banker's Association;

(4) a representative, appointed by the Vermont Housing Finance Agency;

(5) a representative, appointed by the Vermont Municipal Clerk and Treasurer Association;

(6) a representative, appointed by the Neighborworks Alliance of Vermont;

(7) a representative, appointed by the Champlain Valley Office of Economic Opportunity Mobile Home Project;

(8) a representative, appointed by the Vermont Assessors and Listers Association; and

(9) a representative, appointed by the Vermont Bar Association, with experience practicing real estate law.

(c) Powers and duties. The Working Group shall offer recommendations relating to the following:

(1) establishing a process so that delinquent taxpayers whose properties are transferred via tax collector's deed, or a tax-lien foreclosure sale, can fairly recoup equity in their property in excess of the tax debt, fees, and interest for which their property is sold;

(2) standardizing and ensuring fairness in the abatement process across Vermont municipalities;

(3) requiring a minimum amount of tax debt before a tax sale can be initiated;

(4) allowing a tax sale to be initiated for blighted or dilapidated real estate that has been abandoned when taxes are delinquent for less than one year; and

(5) whether a 0.5 percent rate of monthly interest paid by delinquent taxpayers for purchasers during the redemption period causes a reduction in municipalities' ability to receive bids on properties at tax sales.

(d) Report. On or before December 15, 2024, the Working Group shall submit a written report to the House Committee on Ways and Means, House Committee on Government Operations and Military Affairs, Senate Committee on Finance, and Senate Committee on Government Operations with its findings and any recommendations for legislative action, including proposed legislative language.

(e) Meetings.

(1) The representative appointed by Vermont Legal Aid shall call the first meeting of the Working Group to occur on or before August 1, 2024.

(2) The Working Group shall elect a chair from among its members at the first meeting.

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

(4) The Working Group shall cease to exist on June 30, 2025.

Sec. 8. APPLICATION OF CHANGES MADE BY THIS ACT

(a) The amendments to 32 V.S.A. § 5252 made by Sec. 4 of this act (notice of sale) shall not apply to a property that was subject to a notice of sale prior to the effective date of this act.

(b) The amendments to 32 V.S.A. § 5260 made by Sec. 6 of this act (redemption) shall not apply to a property that has been sold at tax sale prior to the effective date of this act, except that, notwithstanding any provision of

1 V.S.A. § 214 to the contrary, the provisions of 32 V.S.A. § 5260(b) and (c) shall apply if, on the effective date of this act, 90 days or more remain until the end of the redemption period.

* * * Effective Date * * *

Sec. 9. EFFECTIVE DATE

This act shall take effect on passage.

Pending the question, Shall the report of the Committee on Ways and Means be amended as offered by Rep. McCarthy of St. Albans City?, **Rep. Morrissey of Bennington** 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 report of the Committee on Ways and Means be amended as offered by Rep. McCarthy of St. Albans City?, was decided in the affirmative. Yeas, 92. Nays, 44.

Those who voted in the affirmative are:

Andrews of Westford	Elder of Starksboro	Mulvaney-Stanak of
Anthony of Barre City	Emmons of Springfield	Burlington
Arsenault of Williston	Farlice-Rubio of Barnet	Nicoll of Ludlow
Austin of Colchester	Garofano of Essex	Notte of Rutland City
Bartholomew of Hartland	Goldman of Rockingham	Noyes of Wolcott
Berbeco of Winooski	Graning of Jericho	Nugent of South Burlington
Birong of Vergennes	Headrick of Burlington	O'Brien of Tunbridge
Black of Essex	Holcombe of Norwich	Ode of Burlington
Bluemle of Burlington	Hooper of Burlington	Patt of Worcester
Bongartz of Manchester	Houghton of Essex Junction	Pouech of Hinesburg
Bos-Lun of Westminster	Hyman of South Burlington	Priestley of Bradford
Boyden of Cambridge	James of Manchester	Rachelson of Burlington
Brady of Williston	Jerome of Brandon	Rice of Dorset
Brown of Richmond	Kornheiser of Brattleboro	Satcowitz of Randolph
Brumsted of Shelburne	Krasnow of South	Scheu of Middlebury
Burke of Brattleboro	Burlington	Sheldon of Middlebury
Burrows of West Windsor	LaBounty of Lyndon	Sims of Craftsbury
Buss of Woodstock	Lalley of Shelburne	Small of Winooski
Campbell of St. Johnsbury	LaLonde of South	Squirrell of Underhill
Carpenter of Hyde Park	Burlington	Stebbins of Burlington
Casey of Montpelier	LaMont of Morristown	Stevens of Waterbury
Chase of Chester	Lanpher of Vergennes	Stone of Burlington
Chase of Colchester	Leavitt of Grand Isle	Surprenant of Barnard
Chesnut-Tangerman of	Logan of Burlington	Templeman of Brownington
Middletown Springs	Long of Newfane	Toleno of Brattleboro
Cina of Burlington	Masland of Thetford	Torre of Moretown
Coffey of Guilford	McCarthy of St. Albans	Troiano of Stannard
Cole of Hartford	City	Waters Evans of Charlotte
Conlon of Cornwall	McGill of Bridport	White of Bethel
Demrow of Corinth	Mihaly of Calais	Whitman of Bennington
Dolan of Essex Junction	Minier of South Burlington	Williams of Barre City *

Dolan of Waitsfield
Durfee of Shaftsbury

Mrowicki of Putney

Wood of Waterbury

Those who voted in the negative are:

Arrison of Weathersfield
Bartley of Fairfax
Beck of St. Johnsbury
Branagan of Georgia
Brennan of Colchester
Brownell of Pownal
Burditt of West Rutland
Canfield of Fair Haven
Clifford of Rutland City
Corcoran of Bennington
Demar of Enosburgh
Dickinson of St. Albans
Town
Donahue of Northfield
Galfetti of Barre Town

Goslant of Northfield
Gregoire of Fairfield
Hango of Berkshire
Harrison of Chittenden
Higley of Lowell
Labor of Morgan
Laroche of Franklin
Lipsky of Stowe
Maguire of Rutland City
Marcotte of Coventry
Mattos of Milton
McCoy of Poultney *
McFaun of Barre Town
Morgan of Milton
Morris of Springfield

Morrissey of Bennington
Oliver of Sheldon
Page of Newport City
Pajala of Londonderry
Parsons of Newbury
Peterson of Clarendon
Roberts of Halifax
Shaw of Pittsford
Sibilia of Dover
Smith of Derby
Taylor of Milton
Taylor of Colchester
Toof of St. Albans Town
Walker of Swanton
Williams of Granby

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

Andriano of Orwell
Carroll of Bennington
Chapin of East Montpelier
Christie of Hartford
Cordes of Lincoln

Dodge of Essex
Graham of Williamstown
Hooper of Randolph
Howard of Rutland City
McCann of Montpelier

Pearl of Danville
Sammis of Castleton
Wilson of Lyndon

Rep. McCoy of Poultney explained her vote as follows:

“Madam Speaker:

Our municipalities are looking at a 20% increase in property taxes this year. And now, our communities’ hands will be tied by lowering the interest rates they can charge on delinquent taxes and mandating they wait more than one year to collect delinquent taxes. My vote is no.”

Rep. Williams of Barre City explained his vote as follows:

“Madam Speaker:

The ability for communities to hold abatement hearings in a class is a much-needed tool to address bottlenecks created by natural disasters. This bill will aid communities so affected and allow them to recover.”

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

Third Reading; Bill Passed**H. 780**

House bill, entitled

An act relating to judicial nominations and appointments

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

Second Reading; Bill Amended; Third Reading Ordered**H. 694**

Rep. Oliver of Sheldon, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to sexual exploitation

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 3257 is amended to read:

§ 3257. SEXUAL EXPLOITATION OF A PERSON UNDER THE

SUPERVISION OF THE DEPARTMENT OF CORRECTIONS

(a) A correctional employee, contractor, or other person providing services to offenders on behalf of the Department of Corrections or pursuant to a court order or in accordance with a condition of parole, probation, supervised community sentence, or furlough shall not engage in a sexual act as defined in section 3251 of this title or sexual conduct as defined in section 2821 of this title with:

(1) a person who the employee, contractor, or other person providing services knows is confined to a correctional facility; or

(2) any offender being supervised by the Department of Corrections while on parole, probation, supervised community sentence, or furlough, where the employee, contractor, or other service provider knows or reasonably should have known that the offender is being supervised by the Department, unless the offender and the employee, contractor, or person providing services were married, parties to a civil union, or engaged in a consensual sexual relationship at the time of sentencing for the offense for which the offender is being supervised by the Department.

(b) A person who violates subsection (a) of this section shall be imprisoned for not more than five years or fined not more than \$10,000.00, or both.

Sec. 2. 13 V.S.A. § 3258 is amended to read:

§ 3258. SEXUAL EXPLOITATION OF A MINOR

(a) No person shall engage in a sexual act as defined in section 3251 of this title or sexual conduct as defined in section 2821 of this title with a minor if:

(1) the actor is at least 48 months older than the minor; and

(2) the actor is in a position of power, authority, or supervision over the minor by virtue of the actor's undertaking the responsibility, professionally or voluntarily, to provide for the health or welfare of minors, or guidance, leadership, instruction, or organized recreational activities for minors.

(b) A person who violates subsection (a) of this section shall be imprisoned for not more than one year or fined not more than \$2,000.00, or both.

(c) A person who violates subsection (a) of this section and who abuses ~~his or her~~ the person's position of power, authority, or supervision over the minor in order to engage in a sexual act as defined in section 3251 of this title or sexual conduct as defined in section 2821 of this title shall be imprisoned for not more than five years or fined not more than \$10,000.00, or both.

Sec. 3. 13 V.S.A. § 3259 is amended to read:

§ 3259. SEXUAL EXPLOITATION OF A PERSON WHO IS BEING
INVESTIGATED, DETAINED, ARRESTED, OR IS IN THE
CUSTODY OF A LAW ENFORCEMENT OFFICER

(a) No law enforcement officer shall engage in a sexual act as defined in section 3251 of this title or sexual conduct as defined in section 2821 of this title with a person whom the officer is detaining, arresting, or otherwise holding in custody or who the officer knows is being detained, arrested, or otherwise held in custody by another law enforcement officer. For purposes of this section, "detaining" and "detained" include a traffic stop or questioning pursuant to an investigation of a crime.

(b)(1) No law enforcement officer shall engage in a sexual act as defined in section 3251 of this title or sexual conduct as defined in section 2821 of this title with a person whom the officer:

(A) is investigating pursuant to an open investigation;

(B) knows is being investigated by another law enforcement officer pursuant to an open investigation; or

(C) knows is a victim or confidential informant in any open investigation.

(2) This subsection shall not apply if the law enforcement officer was engaged in a consensual sexual relationship with the person prior to the officer's knowledge that the person was a suspect, victim, or confidential informant in an open investigation.

(c) A person who violates subsection (a) or (b) of this section shall be imprisoned for not more than five years or fined not more than \$10,000.00, or both.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on Judiciary agreed to, and third reading ordered.

Action on Bill Postponed

S. 18

Senate bill, entitled

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

Was taken up and pending second reading, on motion of **Rep. Brumsted of Shelburne**, action on the bill was postponed until March 13, 2024.

Recess

At four o'clock and eight minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

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

Bill Committed to Other Committee Pending Second Reading

H. 657

House bill, entitled

An act relating to the modernization of Vermont's communications taxes and fees

Was taken up and pending second reading, **Rep. Kornheiser of Brattleboro** moved that the bill be committed to the Committee on Environment and Energy, which was agreed to.

Amendment Offered; Third Reading; Bill Passed**H. 847**

House bill, entitled

An act relating to peer support provider and recovery support specialist certification

Was taken up and, pending third reading of the bill, **Reps. Gregoire of Fairfield, Donahue of Northfield, Small of Winooski, and Whitman of Bennington** moved that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 3 V.S.A. § 122 is amended to read:

§ 122. OFFICE OF PROFESSIONAL REGULATION

The Office of Professional Regulation is created within the Office of the Secretary of State. The Office shall have a director who shall be qualified by education and professional experience to perform the duties of the position. The Director of the Office of Professional Regulation shall be a classified position with the Office of the Secretary of State. The following boards or professions are attached to the Office of Professional Regulation:

* * *

(52) Peer support providers

(53) Peer recovery coaches

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

§ 123. DUTIES OF OFFICE

* * *

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

* * *

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

(J) peer support providers and peer recovery coaches certified under 26 V.S.A. chapter 60; and

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

* * *

Sec. 3. 3 V.S.A. § 125 is amended to read:

§ 125. FEES

* * *

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

* * *

(2) Application for licensure or certification, \$115.00, except application for:

* * *

(Q) Peer support providers or peer recovery coaches, \$50.00.

* * *

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

* * *

(V) Peer support provider or peer recovery coach, \$50.00.

* * *

Sec. 3a. 3 V.S.A. § 125 is amended to read:

§ 125. FEES

* * *

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

* * *

(2) Application for licensure or certification, \$115.00, except application for:

* * *

(Q) Peer support providers or peer recovery coaches, ~~\$50.00~~ \$75.00.

* * *

Sec. 4. 26 V.S.A. chapter 60 is added to read:

CHAPTER 60. PEER SUPPORT PROVIDERS AND PEER RECOVERY
COACHES

§ 3191. DEFINITIONS

As used in this chapter:

(1) “Certified peer support provider” means an individual who holds a certificate to engage in the practice of peer support services under this chapter.

(2) “Certified peer recovery coach” means an individual who holds a certificate to engage in the practice of recovery support services under this chapter.

(3) “Code of Ethics for Certified Peer Support Providers” means the code of ethics for certified peer support providers approved and adopted by the Department of Mental Health.

(4) “Code of Ethics for Certified Peer Recovery Coaches” means the code of ethics for certified peer recovery coaches approved and adopted by the Department of Health.

(5) “Office” means the Office of Professional Regulation.

(6) “Peer support provider credentialing body” means the entity authorized by the Department of Mental Health to, in addition to other duties:

(A) issue credentials to peer support providers to demonstrate that a peer support provider has met the qualifications for certification under the chapter; and

(B) approve acceptable continuing education courses.

(7) “Peer support” means the provision of those services that address mutually agreeable issues or areas of life consistent with the Code of Ethics for Certified Peer Support Providers that are reasonably related to increasing an individual’s capacity to live a self-determined life of their own choosing and that are provided in a mutual relationship between individuals with a lived experience of trauma, mental health, or substance use challenges. “Peer support” emphasizes a nonjudgmental, values-driven approach that promotes multiple perspectives, advocates for human rights and dignity, and focuses on genuine, mutual relationships that enrich the lives of those involved. “Peer support” includes providing health and wellness supports; supporting individuals in accessing community-based resources and navigating State and local systems; providing employment supports, including transitioning into and staying in the workforce; and promoting empowerment and a sense of

hope through self-advocacy. “Peer support” does not include the provision of psychotherapy as defined in section 4082 of this title.

(8) “Practice of peer support” means the provision of peer support in a manner consistent with the Code of Ethics for Certified Peer Support Providers.

(9) “Practice of recovery support services” means the practice of recovery support services.

(10) “Recovery support services” means a set of culturally competent, nonclinical, evidence-based activities provided by an individual or family member with a lived experience of alcohol or substance use disorder and consistent with the Code of Ethics for Peer Recovery Coaches, which shall be coordinated through a written individualized recovery plan of care that documents a substance use disorder and reflects the need and preferences of the individual in achieving the specific, individualized, measurable goals specified in the plan. “Recovery support services” include a range of social and other services that facilitate recovery from substance use disorder, support health and wellness, and link individuals with service providers and other supports shown to improve quality of life for persons, and their families, in and seeking recovery from substance use. “Recovery support services” do not include the provision of psychotherapy as defined in section 4082 of this title.

(11) “Peer recovery coach credentialing body” means the entity authorized by the Department of Health to, in addition to other duties:

(A) issue credentials to peer recovery coaches to demonstrate that a peer recovery coach has met qualifications for certification under this chapter; and

(B) approve acceptable continuing education courses.

§ 3192. PROHIBITIONS; PENALTIES

(a) Nothing in this chapter shall be construed to prohibit the practice of peer support by a noncertified provider. However, a person shall not use in connection with the person’s name any letters, words, or insignia indicating or implying that the person is a certified peer support provider unless that person is certified in accordance with this chapter.

(b) Nothing in this chapter shall be construed to prohibit the practice of recovery support services by a noncertified provider. However, a person shall not use in connection with person’s name any letters, words, or insignia indicating or implying that the person is a certified peer recovery coach unless that person is certified in accordance with this chapter.

(c) A person who violates this section shall be subject to the penalties provided in 3 V.S.A. § 127(c).

§ 3193. DUTIES OF THE DIRECTOR

(a) The Director shall:

(1) provide general information to applicants for certification as certified peer support providers or certified peer recovery coaches, or both;

(2) receive applicants for certification; grant and renew certifications in accordance with this chapter; and deny, revoke, suspend, reinstate, or condition certifications as directed by an administrative law officer;

(3) explain appeal procedures to certified peer support providers, certified peer recovery coaches, and applicants;

(4) explain complaint procedures to the public;

(5) administer fees collected in accordance with this chapter and 3 V.S.A. § 125; and

(6) refer all disciplinary matters to an administrative law officer established under 3 V.S.A. § 129(j).

(b) After consultation with the Commissioners of Health and of Mental Health, the Director shall adopt and amend rules as necessary pursuant to 3 V.S.A. chapter 25 to perform the Director's duties under this chapter.

§ 3194. ADVISOR APPOINTEES

(a)(1) After consultation with the Commissioners of Health and of Mental Health, the Secretary of State shall appoint two certified peer support providers, two certified peer recovery coaches, one representative from the Department of Health, and one representative from the Department of Mental Health to serve as advisors to the Director in matters relating to peer support and recovery support. Advisors shall be appointed to five-year staggered terms to serve as advisors in matters related to the administration of this chapter. At least one of the initial appointments shall be less than a five-year term.

(2) A certified peer support provider serving as an advisor shall:

(A) have at least three years' experience as a peer support provider immediately preceding appointment;

(B) be certified as a peer support provider in Vermont at the time of appointment and during incumbency; and

(C) remain actively engaged in the practice of peer support in this State during incumbency.

(3) A certified peer recovery coach serving as an advisor shall:

(A) be certified as a peer recovery coach in Vermont at the time of appointment and during incumbency; and

(B) remain actively engaged in the practice of recovery support services in this State during incumbency.

(b) The Director shall seek the advice of the advisor appointees in carrying out the provisions of this chapter. Advisors who are not employed by the State shall be entitled to compensation and necessary expenses in the amount provided in 32 V.S.A. § 1010 for attendance at any meeting called by the Director for this purpose.

§ 3195. ELIGIBILITY

(a) To be eligible for certification as a certified peer support provider, an applicant shall complete and submit an application in the manner as the Director prescribes in rule, accompanied by the applicable fees, and evidence satisfactory to the Director that the applicant:

(1) is at least 18 years of age;

(2) has received a credential from the peer support provider credentialing body; and

(3) has passed criminal history and registry checks as described in rule.

(b) To be eligible for certification as a peer recovery coach, an applicant shall complete and submit an application in the manner as the Director prescribes by the rule, accompanied by the applicable fees, and evidence satisfactory to the Director that the applicant:

(1) is at least 18 years of age;

(2) has received a credential from the peer recovery coach credentialing body; and

(3) has passed criminal history and registry checks as described in rule.

§ 3196. CERTIFICATE RENEWAL

A peer support provider certification and a peer recovery coach certification shall be renewed every two years upon application, payment of the required fee in accordance with 3 V.S.A. § 125, and proof of compliance with such continuing education or periodic reexamination requirements established in rule. The fee shall be paid biennially upon renewal.

§ 3197. UNPROFESSIONAL CONDUCT

(a) Unprofessional conduct means misusing a title in professional activity and any of the conduct listed in 3 V.S.A. § 129a, whether committed by a certified peer support provider, a certified peer recovery coach, or an applicant.

(b) The Office may discipline a certified peer support provider or a certified peer recovery coach for unprofessional conduct as provided in 3 V.S.A. § 129a.

Sec. 5. RULEMAKING; PEER SUPPORT PROVIDERS AND PEER
RECOVERY COACHES

On or before September 1, 2024, the Director of Professional Regulation shall file an initial proposed rule with the Secretary of State pursuant to 3 V.S.A. § 836(a)(2) for the purposes of carrying out the provisions of 26 V.S.A. chapter 60.

Sec. 6. EFFECTIVE DATES

This act shall take effect on July 1, 2025, except:

(1) this section and Sec. 5 (rulemaking; peer support providers and peer recovery coaches) shall take effect on passage; and

(2) Sec. 3a (fees) shall take effect on July 1, 2027.

and that after passage the title of the bill be amended to read: “An act relating to peer support providers and peer recovery coaches”

Pending the question, Shall the bill be amended as offered by Rep. Gregoire of Fairfield and others?, **Rep. Labor of Morgan** 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 be amended as offered by Rep. Gregoire of Fairfield and others?, was decided in the negative. Yeas, 48. Nays, 87.

Those who voted in the affirmative are:

Arrison of Weathersfield	Hango of Berkshire	Oliver of Sheldon
Bartley of Fairfax	Harrison of Chittenden	Page of Newport City
Beck of St. Johnsbury	Headrick of Burlington	Pajala of Londonderry
Branagan of Georgia	Higley of Lowell	Parsons of Newbury
Brennan of Colchester	Labor of Morgan	Peterson of Clarendon
Brownell of Pownal	LaBounty of Lyndon	Shaw of Pittsford
Burrows of West Windsor	Laroche of Franklin	Sims of Craftsbury
Buss of Woodstock	Logan of Burlington	Small of Winooski *
Clifford of Rutland City	Maguire of Rutland City	Smith of Derby
Corcoran of Bennington	Marcotte of Coventry	Taylor of Milton

Dickinson of St. Albans Town	Mattos of Milton	Templeman of Brownington
Donahue of Northfield *	McCoy of Poultney	Toof of St. Albans Town
Elder of Starksboro	McGill of Bridport	Walker of Swanton
Galfetti of Barre Town	Morgan of Milton	Whitman of Bennington
Goslant of Northfield	Morris of Springfield	Williams of Granby
Gregoire of Fairfield	Morrissey of Bennington	
	Mulvaney-Stanak of Burlington	

Those who voted in the negative are:

Andrews of Westford	Dolan of Essex Junction	Nicoll of Ludlow
Anthony of Barre City	Dolan of Waitsfield	Notte of Rutland City
Arsenault of Williston	Durfee of Shaftsbury	Noyes of Wolcott
Austin of Colchester	Emmons of Springfield	Nugent of South Burlington
Bartholomew of Hartland	Farlice-Rubio of Barnet	O'Brien of Tunbridge
Berbeco of Winooski	Garofano of Essex	Ode of Burlington
Birong of Vergennes	Goldman of Rockingham	Patt of Worcester
Black of Essex	Graning of Jericho	Pouech of Hinesburg
Bluemle of Burlington	Holcombe of Norwich	Priestley of Bradford
Bongartz of Manchester	Hooper of Burlington	Rachelson of Burlington
Bos-Lun of Westminster	Houghton of Essex Junction	Rice of Dorset
Boyden of Cambridge	Hyman of South Burlington	Roberts of Halifax
Brady of Williston	James of Manchester	Satcowitz of Randolph
Brown of Richmond	Jerome of Brandon	Scheu of Middlebury
Brumsted of Shelburne	Kornheiser of Brattleboro	Sheldon of Middlebury
Burditt of West Rutland	Krasnow of South Burlington	Sibilia of Dover
Burke of Brattleboro	Lalley of Shelburne	Squirrell of Underhill
Campbell of St. Johnsbury	LaLonde of South Burlington	Stebbins of Burlington
Canfield of Fair Haven	LaMont of Morristown	Stevens of Waterbury
Carpenter of Hyde Park	Lanpher of Vergennes	Stone of Burlington
Casey of Montpelier	Leavitt of Grand Isle	Surprenant of Barnard
Chase of Chester	Long of Newfane	Taylor of Colchester
Chase of Colchester	Masland of Thetford	Toleno of Brattleboro
Chesnut-Tangerman of Middletown Springs	McCarthy of St. Albans City	Torre of Moretown
Cina of Burlington	McFaun of Barre Town	Troiano of Stannard
Coffey of Guilford	Mihaly of Calais	Waters Evans of Charlotte
Cole of Hartford	Minier of South Burlington	White of Bethel
Conlon of Cornwall	Mrowicki of Putney	Williams of Barre City
Demar of Enosburgh		Wood of Waterbury
Demrow of Corinth		

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

Andriano of Orwell	Dodge of Essex	McCann of Montpelier
Carroll of Bennington	Graham of Williamstown	Pearl of Danville
Chapin of East Montpelier	Hooper of Randolph	Sammis of Castleton
Christie of Hartford	Howard of Rutland City	Wilson of Lyndon
Cordes of Lincoln	Lipsky of Stowe	

Rep. Donahue of Northfield explained her vote as follows:

“Madam Speaker:

Nothing about us without us. Fundamental to peer support. Yet the ‘us’ is missing from the very definition of the professional role this bill is creating. On behalf of my peers in the disability world, I vote no to the bill unamended.”

Rep. Small of Winooski explained her vote as follows:

“Madam Speaker:

The lack of due process means that we will not be using the language that Vermonters know and is undermining the very nature of peer-delivered services.”

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

Adjournment

At four o'clock and forty-two minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.