

Journal of the House

Friday, March 22, 2024

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

Devotional Exercises

Devotional exercises were conducted by Rep. Daniel Noyes of Wolcott.

Memorial Service

House members rose as the Speaker placed before the House the following name of the member of past sessions of the Vermont General Assembly who had passed away recently:

Rep. Timothy Hayward of Middlesex	Member of the House, Sessions 1977–1978
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Thereupon, the members of the House held a moment of silence in memory of the deceased member.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred to committee as follows:

S. 55

Senate bill, entitled

An act relating to authorizing public bodies to meet electronically under Vermont's Open Meeting Law

To the Committee on Government Operations and Military Affairs.

S. 186

Senate bill, entitled

An act relating to the systemic evaluation of recovery residences and recovery communities

To the Committee on Human Services.

S. 284

Senate bill, entitled

An act relating to student use of cell phones and other personal electronic devices in schools

To the Committee on Education.

S. 289

Senate bill, entitled

An act relating to age-appropriate design code

To the Committee on Commerce and Economic Development.

Ceremonial Reading

H.C.R. 169

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

Offered by: Representatives Donahue of Northfield, Goslant of Northfield, and Morgan of Milton

Offered by: Senators Cummings, Perchlik, Ram Hinsdale, and Watson

Whereas, Norwich University's first Black Cadet Harold (Doc) Martin's pioneering academic, athletic, and leadership achievements foreshadowed his distinguished academic, coaching, and military career, and

Whereas, as a varsity athlete on the icy hockey surface (probably the first Black collegiate ice hockey player in the nation), on the baseball diamond, on the track, and on the gridiron, where he proudly served as captain, Doc Martin was a valued team member, and

Whereas, Doc Martin rose to the rank of 1st Sergeant in the Corps of Cadets, served on the Norwich University Student Council, and was the athletic editor of the student publication *War Whoop*, and

Whereas, he earned a master's degree from New York University, and held faculty posts at Virginia Union University in Richmond, Virginia, and Shaw University in Raleigh, North Carolina, and

Whereas, starting in 1927, Doc Martin served as Director of Athletics at Virginia State University, and, beginning in 1932, he became Director of Health and Physical Education at Miner College in Washington, DC, and

Whereas, Doc Martin played for a season with the Pittsburgh Keystones of the former Negro Leagues Baseball, and he coached nine of his college teams in various sports to Central Intercollegiate Athletic Association championships, and

Whereas, in 1942, Doc Martin joined the Army Air Force, and, in 1943, was appointed Director of the Ground School at Tuskegee Airfield in Alabama, earned the rank of major, was tragically killed on March 23, 1945 in

a plane crash near Reidsville, North Carolina, and he was buried with full military honors in Arlington National Cemetery, and

Whereas, in 1984, Doc Martin, Class of 1920, was inducted into the Norwich University Athletic Hall of Fame, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly honors Norwich University Athletic Hall of Fame member Harold Martin, in celebration of Black History Month, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Director of Campus and Athletic Communications at Norwich University.

Having been adopted in concurrence on Friday, March 1, 2024 in accord with Joint Rule 16b, was read.

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

S. 189

Rep. Wood of Waterbury moved that the Committee on Human Services be relieved of Senate bill, entitled

An act relating to mental health response service guidelines and social service provider safety

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

Third Reading; Bill Passed

H. 121

House bill, entitled

An act relating to enhancing consumer privacy

Was taken up and read the third time.

Pending the question, Shall the bill pass?, **Rep. Marcotte of Coventry** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill pass?, was decided in the affirmative. Yeas, 139. Nays, 0.

Those who voted in the affirmative are:

Andrews of Westford *
Anthony of Barre City
Arrison of Weathersfield

Donahue of Northfield
Durfee of Shaftsbury
Emmons of Springfield

Morris of Springfield
Morrissey of Bennington
Mrowicki of Putney

Arsenault of Williston *	Farlice-Rubio of Barnet	Nicoll of Ludlow *
Austin of Colchester	Galfetti of Barre Town	Notte of Rutland City
Bartholomew of Hartland	Garofano of Essex	Noyes of Wolcott
Bartley of Fairfax	Goldman of Rockingham	Nugent of South Burlington
Beck of St. Johnsbury	Goslant of Northfield	O'Brien of Tunbridge
Birong of Vergennes	Graham of Williamstown	Oliver of Sheldon
Black of Essex	Graning of Jericho *	Page of Newport City
Bluemle of Burlington	Gregoire of Fairfield	Pajala of Londonderry
Bongartz of Manchester	Harrison of Chittenden	Patt of Worcester
Bos-Lun of Westminster	Headrick of Burlington	Peterson of Clarendon
Boyden of Cambridge	Higley of Lowell	Pouech of Hinesburg
Brady of Williston	Holcombe of Norwich	Priestley of Bradford
Branagan of Georgia	Hooper of Randolph	Quimby of Lyndon
Brennan of Colchester	Hooper of Burlington	Rachelson of Burlington
Brown of Richmond	Houghton of Essex Junction *	Rice of Dorset
Brownell of Pownal	Howard of Rutland City	Roberts of Halifax
Brumsted of Shelburne	James of Manchester	Sammis of Castleton
Burditt of West Rutland	Jerome of Brandon *	Satcowitz of Randolph
Burke of Brattleboro	Kornheiser of Brattleboro	Scheu of Middlebury
Burrows of West Windsor	Krasnow of South	Shaw of Pittsford
Buss of Woodstock	Burlington	Sheldon of Middlebury
Campbell of St. Johnsbury	Labor of Morgan	Sibilia of Dover *
Canfield of Fair Haven	LaBounty of Lyndon	Sims of Craftsbury
Carpenter of Hyde Park	Lalley of Shelburne	Small of Winooski
Carroll of Bennington	LaLonde of South	Smith of Derby
Casey of Montpelier	Burlington	Squirrell of Underhill
Chapin of East Montpelier	LaMont of Morristown	Stebbins of Burlington
Chase of Chester	Lanpher of Vergennes	Stevens of Waterbury
Chase of Colchester	Laroche of Franklin *	Stone of Burlington
Chesnut-Tangerman of	Lipsky of Stowe	Surprenant of Barnard
Middletown Springs	Logan of Burlington	Taylor of Milton
Christie of Hartford	Long of Newfane	Taylor of Colchester
Cina of Burlington *	Maguire of Rutland City	Templeman of Brownington
Clifford of Rutland City	Marcotte of Coventry	Toleno of Brattleboro
Coffey of Guilford	Masland of Thetford	Toof of St. Albans Town
Cole of Hartford	Mattos of Milton	Torre of Moretown
Conlon of Cornwall	McCann of Montpelier	Troiano of Stannard
Corcoran of Bennington	McCarthy of St. Albans	Walker of Swanton
Cordes of Lincoln	City	Waters Evans of Charlotte
Demar of Enosburgh	McCoy of Poultney	White of Bethel
Demrow of Corinth	McFaun of Barre Town	Whitman of Bennington
Dickinson of St. Albans	McGill of Bridport	Williams of Barre City
Town	Mihaly of Calais	Williams of Granby
Dodge of Essex	Minier of South Burlington	Wood of Waterbury
Dolan of Essex Junction	Morgan of Milton	
Dolan of Waitsfield		

Those who voted in the negative are: none

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

Andriano of Orwell	Hyman of South Burlington	Ode of Burlington
Berbeco of Winooski	Leavitt of Grand Isle	Parsons of Newbury
Elder of Starksboro	Mulvaney-Stanak of	Pearl of Danville
Hango of Berkshire	Burlington	

Rep. Andrews of Westford explained her vote as follows:

“Madam Speaker:

As a parent and as a legislator, I stand in unwavering support of this comprehensive data privacy bill, especially its critical provisions aimed at safeguarding our children’s future in the age of big data.”

Rep. Arsenault of Williston explained her vote as followed:

“Madam Speaker:

I voted yes because all Vermonters deserve the protection provided in H.121, but especially our kids. Predatory data-usage causes real harm. This bill works to mitigate that harm.”

Rep. Cina of Burlington explained his vote as follows:

“Madam Speaker:

I vote yes, but we cannot stop here. We must go further and protect neural data as we stand on the brink of the merging of humanity and our machines.”

Rep. Graning of Jericho explained her vote as follows:

“Madam Speaker:

I vote yes to make Vermont the 15th state to protect the data of its citizens. This is a thoughtful bill that delivers a delicate balance providing consumer protections while still allowing a business to thrive in the 21st century.”

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

“Madam Speaker:

I vote yes for Vermonters and appreciate that this bill works with HIPAA, preserves the provision of care, and holds entities handling sensitive information to the same HIPAA-level duty of care they are well versed in.”

Rep. Jerome of Brandon explained her vote as follows:

“Madam Speaker:

H.121 is a strong consumer protection bill! Protecting our personal information – our face, our fingerprints, our gait, address, shopping habits, running routes and travel – our biometrics, and our personally identifying data

– this is important now more than ever and it belongs to us. Fourteen states have passed data privacy legislation to protect consumer privacy. Vermont is poised to be the 15th and a national model. Data privacy is a vitally important topic and rightfully should be a federal law. That is not happening, and it has become each state’s responsibility. The Commerce and Economic Development Committee has built on the work done in states across the country and by national experts to create a data privacy bill that works for Vermonters and Vermont businesses. I am very proud of the work that we have done to create this bill.”

Rep. Laroche of Franklin explained his vote as follows:

“Madam Speaker:

I approve the unity that we express by this vote.”

Rep. Nicoll of Ludlow explained his vote as follows:

“Madam Speaker:

I vote yes. This bill is a significant step forward in protecting Vermonters and their data from predatory companies. I am particularly supportive of this bill because of the Geolocation data provisions in Section 2428, which will enhance protections for people exercising their reproductive rights in Vermont.”

Rep. Sibilia of Dover explained her vote as follows:

“Madam Speaker:

Three transformative forces are pressing on Vermonters: demographic shifts and the aging of the workforce, climate change, and the digitization of our economy and everyday life. I worry that we aren’t responding with the speed and accuracy needed to help Vermonters manage these transformative forces. Today, thanks to the leadership of the HCED committee, and in particular the work of the member from Bradford, I’m relieved that we will take this important step forward to help protect Vermonters in the digital age and I will vote yes.”

**Amendment Offered and Withdrawn; Bill Amended;
Third Reading; Bill Passed**

H. 639

House bill, entitled

An act relating to disclosure of flood history of real property subject to sale

Was taken up and, pending third reading of the bill, **Rep. Higley of Lowell** moved to amend the bill by striking out Sec. 6, 20 V.S.A. chapter 174, and its

reader assistance heading in their entirety and adding a reader assistance heading and a new Sec. 6 to read as follows:

* * * Housing Authority Accessibility Priority * * *

Sec. 6. [Deleted.]

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

Pending third reading of the bill, **Rep. Stevens of Waterbury** moved to amend the bill by adding a reader assistance heading and new sections to be Secs. 8a–d to read as follows:

* * * Recovery Residences * * *

Sec. 8a. 9 V.S.A. § 4452 is amended to read:

§ 4452. EXCLUSIONS

(a) Unless created to avoid the application of this chapter, this chapter does not apply to any of the following:

* * *

(b)(1) Notwithstanding sections 4467 and 4468 of this chapter, a recovery residence that has adopted a written exit and transfer policy approved by the Vermont Alliance for Recovery Residences may immediately exit or transfer a resident in accordance with the policy if:

(A) the exit or transfer is necessary for the resident’s welfare;

(B) the resident’s needs cannot be met at the recovery residence; or

(C) the health and safety of other residents or recovery resident employees would be at risk if the resident continues to reside at the recovery residence.

(2) As used in this subsection, “recovery residence” means a shared living residence supporting persons recovering from a substance use disorder that:

(A) provides tenants with peer support and assistance accessing support services and community resources available to persons recovering from substance use disorders; and

(B) is certified by an organization approved by the Department of Health and that is either a Vermont affiliate of the National Alliance for Recovery Residences or another approved organization or is pending such certification.

Sec. 8b. RECOMMENDATION; RECOVERY RESIDENCE

CERTIFICATION

(a) The Department of Health, in consultation with State agencies and community partners, shall develop and recommend a certification program for recovery residences operating in the State. The certification program shall incorporate those elements of the existing certification program operated by the Vermont Alliance of Recovery Residences. The recommended certification program shall also:

(1) identify an organization to serve as the certifying body for recovery residences in the State;

(2) propose certification fees for recovery residences;

(3) establish a grievance and review process for complaints pertaining to certified recovery residences;

(4) identify certification levels, which may include distinct staffing or administrative requirements, or both, to enable a recovery residence to provide more intensive or extensive services;

(5) identify eligibility requirements for each level of recovery residence certification, including:

(A) staff and administrative requirements for recovery residences, including staff training and supervision;

(B) compliance with industry best practices that support a safe, healthy, and effective recovery requirement; and

(C) data collection requirements related to resident outcomes; and

(6) establish the required policies and procedures regarding the provision of services by recovery residences, including policies and procedures related to:

(A) resident rights;

(B) resident use of legally prescribed medications; and

(C) promoting quality and positive outcomes for residents.

(b) In developing the certification program recommendations required pursuant to this section, the Department shall consider:

(1) available funding streams to sustainably expand recovery residence services throughout the State;

(2) how to eliminate barriers that limit the availability of recovery residences; and

(3) recovery residence models used in other states and their applicability to Vermont.

(c) On or before October 15, 2024, the Department shall submit a written report describing its recommended recovery residence certification program and containing corresponding draft legislation to the House Committee on Human Services and to the Senate Committee on Health and Welfare.

(d) As used in this section, “recovery residence” means a shared living residence supporting persons recovering from a substance use disorder that:

(1) provides tenants with peer support and assistance accessing support services and community resources available to persons recovering from substance use disorders; and

(2) is certified by an organization approved by the Department of Health and that is either a Vermont affiliate of the National Alliance for Recovery Residences or another approved organization or is pending such certification.

Sec. 8c. LEGISLATIVE INTENT; RECOVERY RESIDENCES;

LANDLORD-TENANT EXEMPTION

It is the intent of the General Assembly upon passage of legislation codifying the recovery residence certification program recommended by the Department of Health:

(1) to repeal 9 V.S.A. § 4452(b) (recovery residence exit or transfer exemption from eviction laws); and

(2) to add an exemption from the application of 9 V.S.A., chapter 137 (residential rental agreements) for occupancy in a recovery residence that has been certified by the Vermont Alliance for Recovery Residences according to the requirements of the certification process recommended by the Department of Health.

Sec. 8d. 18 V.S.A. § 4812 is added to read:

§ 4812. RECOVERY RESIDENCES; EXIT AND TRANSFER REPORTING

(a) Annually on or before January 1, a recovery residence shall report to the certifying body for the recovery residence any exit or transfer of a resident by the recovery residence in the previous year and the asserted basis for exiting or transferring the resident.

(b) Annually on or before January 15, the certifying body for a recovery residence shall report to the Department of Health the data received under subsection (a).

(c) Annually on or before February 1, the Department of Health shall submit the data received under subsection (b) of this section to the House Committees on General and Housing and on Human Services and the Senate Committees on Economic Development, Housing and General Affairs and on Health and Welfare.

(d) As used in this section, “recovery residence” means a shared living residence supporting persons recovering from a substance use disorder that:

(1) provides tenants with peer support and assistance accessing support services and community resources available to persons recovering from substance use disorders; and

(2) is certified by an organization approved by the Department of Health and that is either a Vermont affiliate of the National Alliance for Recovery Residences or another approved organization or is pending such certification.

and that after passage the title of the bill be amended to read: “An act relating to flood risk disclosure, accessibility standards for State-funded residential construction, housing accountability, and recovery residence evictions”

Rep. Long of Newfane presiding.

Which was agreed to. Thereafter, the bill was read the third time and passed.

Third Reading; Bills Passed

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

H. 706

House bill, entitled

An act relating to banning the use of neonicotinoid pesticides

H. 845

House bill, entitled

An act relating to designating November as Veterans Month

H. 878

House bill, entitled

An act relating to miscellaneous judiciary procedures

Second Reading; Bill Amended; Third Reading Ordered**H. 546**

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

An act relating to administrative and policy changes to tax laws

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

* * * Per Parcel Fee for Property Reappraisal * * *

Sec. 1. 32 V.S.A. § 4041a is amended to read:

§ 4041a. REAPPRAISAL

(a) A municipality shall be paid \$8.50 per grand list parcel per year from the ~~Education~~ General Fund to be used only for reappraisal and costs related to reappraisal of its grand list properties and for maintenance of the grand list.

* * *

Sec. 2. 32 V.S.A. § 5412 is amended to read:

§ 5412. REDUCTION OF LISTED VALUE AND RECALCULATION OF
EDUCATION TAX LIABILITY

(a)(1) If a listed value is reduced as the result of an appeal or court action made pursuant to section 4461 of this title, a municipality may submit a request for the Director of Property Valuation and Review to recalculate its education property tax liability for the education grand list value lost due to a determination, declaratory judgment, or settlement. The Director shall recalculate the municipality's education property tax liability for each year at issue, in accord with the reduced valuation, provided that:

(A) The reduction in valuation is the result of an appeal under chapter 131 of this title to the Director of Property Valuation and Review or to a court, with no further appeal available with regard to that valuation, or any judicial decision with no further right of appeal, or a settlement of either an appeal or court action if the Director determines that the settlement value is the fair market value of the parcel. The Director may waive the requirement of continuing an appeal or court action until there is no further right of appeal if the Director concludes that the value determined by an adjudicated decision is a reasonable representation of the fair market value of the parcel.

(B) The municipality submits the request on or before January 15 for a request involving an appeal or court action resolved within the previous calendar year.

(C) [Repealed.]

(D) The Director determines that the municipality's actions were consistent with best practices published by the Property Valuation and Review in consultation with the Vermont Assessors and Listers Association. The municipality shall have the burden of showing that its actions were consistent with the Director's best practices.

* * *

* * * Annual Link to Federal Income Tax Law * * *

Sec. 3. 32 V.S.A. § 5824 is amended to read:

§ 5824. ADOPTION OF FEDERAL INCOME TAX LAWS

The statutes of the United States relating to the federal income tax, as in effect on December 31, ~~2022~~ 2023, but without regard to federal income tax rates under 26 U.S.C. § 1, are hereby adopted for the purpose of computing the tax liability under this chapter and shall continue in effect as adopted until amended, repealed, or replaced by act of the General Assembly.

Sec. 4. 32 V.S.A. § 7402 is amended to read:

§ 7402. DEFINITIONS

As used in this chapter unless the context requires otherwise:

* * *

(8) "Laws of the United States" means the U.S. Internal Revenue Code of 1986, as amended through December 31, ~~2022~~ 2023. As used in this chapter, "Internal Revenue Code" has the same meaning as "laws of the United States" as defined in this subdivision. The date through which amendments to the U.S. Internal Revenue Code of 1986 are adopted under this subdivision shall continue in effect until amended, repealed, or replaced by act of the General Assembly.

* * *

* * * Expansion of Renter Credit * * *

Sec. 5. 32 V.S.A. § 6061 is amended to read:

§ 6061. DEFINITIONS

As used in this chapter unless the context requires otherwise:

* * *

(20) "Very low-income limit" means an amount of income 1.3 times the amount of the income limit for very low-income families as determined by the

U.S. Department of Housing and Urban Development pursuant to 42 U.S.C. § 1437a as of June 30 of the taxable year, provided that for claimants who reside in Franklin or Grand Isle ~~county~~ County, “very low-income limit” means 1.3 times the average of the very low-income limits for the State as determined by the U.S. Department of Housing and Urban Development.

* * * Repeal of Property Tax Credit Late Fee * * *

Sec. 6. 32 V.S.A. § 6066a is amended as follows:

§ 6066a. DETERMINATION OF PROPERTY TAX CREDIT

(a) Annually, the Commissioner shall determine the property tax credit amount under section 6066 of this title, related to a homestead owned by the claimant, based on the prior taxable year’s income and crediting property taxes paid in the prior year. The Commissioner shall notify the municipality in which the housesite is located of the amount of the property tax credit for the claimant for homestead property tax liabilities on a monthly basis. The tax credit of a claimant who was assessed property tax by a town that revised the dates of its fiscal year, however, is the excess of the property tax that was assessed in the last 12 months of the revised fiscal year, over the adjusted property tax of the claimant for the revised fiscal year, as determined under section 6066 of this title, related to a homestead owned by the claimant.

* * *

~~(d) For late claims filed after April 15, the property tax credit amount shall be reduced by \$15.00 [Repealed.]~~

* * *

Sec. 7. 32 V.S.A. § 6068 is amended to read:

§ 6068. APPLICATION AND TIME FOR FILING

(a) A property tax credit claim or request for allocation of an income tax refund to homestead property tax payment shall be filed with the Commissioner on or before the due date for filing the Vermont income tax return, without extension, and shall describe the school district in which the homestead property is located and shall particularly describe the homestead property for which the credit or allocation is sought, including the school parcel account number prescribed in subsection 5404(b) of this title. A renter credit claim shall be filed with the Commissioner on or before the due date for filing the Vermont income tax return, without extension.

~~(b) If the claimant fails to file a timely claim, the amount of the property tax credit under this chapter shall be reduced by \$15.00, but not below \$0.00, which shall be paid to the municipality for the cost of issuing an adjusted~~

~~homestead property tax bill.~~ If the claimant files a claim after October 15 but on or before March 15 of the following calendar year, the property tax credit under this chapter:

- (1) shall be reduced in amount by \$150.00, but not below \$0.00;
- (2) shall be issued directly to the claimant; and
- (3) shall not require the municipality where the claimant's property is located to issue an adjusted homestead property tax bill.

(c) No request for allocation of an income tax refund or for a renter credit claim may be made after October 15. No property tax credit claim may be made after March 15 of the calendar year following the due date under subsection (a) of this section.

* * * Utility Property Valuation * * *

Sec. 8. 32 V.S.A. § 4452 is amended to read:

§ 4452. VALUATIONS

(a) On or before May 1 of each year, the Division of Property Valuation and Review of the Department of Taxes shall furnish the listers in each town or city with the valuation of all taxable property of any public utility situated therein as reported by such utility to the Division.

(b) Each public utility shall furnish to the Division not later than March 31 in each year a sworn inventory of all its taxable property in such form as will show the valuation of its property in each town, city, or other municipality.

(c) The Division shall prescribe the form of such report and the officer or officers who shall make oath thereto.

(d) The valuations ~~so~~ furnished under this section shall be considered along with any other information as may reasonably be required by ~~such~~ listers in determining and fixing the valuations of ~~such~~ property for the purposes of ~~local~~ property taxation. The Division may require that each municipality use certain valuations furnished under this section.

* * * Property Tax Exemptions * * *

Sec. 9. 32 V.S.A. § 3802(22) is added to read:

(22) Real and personal estate owned by a county of this State, except land and buildings outside of a county's territorial limits shall be subject to municipal property tax by the municipality in which the land or buildings are situated. Notwithstanding the preceding provision, the exemption for public, pious, and charitable uses under subdivision (4) of this section shall be

available for qualifying county land and buildings outside of the county's territorial limits.

* * * Fuel Tax * * *

Sec. 10. 33 V.S.A. § 2503(d) is amended to read:

(d) No tax under this section shall be imposed for any month ending after June 30, ~~2024~~ 2029.

* * * Health IT Fund Sunset Extension * * *

Sec. 11. 2013 Acts and Resolves No. 73, Sec. 60(10), as amended by 2017 Acts and Resolves No. 73, Sec. 14, 2018 Acts and Resolves No. 187, Sec. 5, 2019 Acts and Resolves No. 71, Sec. 21, 2021 Acts and Resolves No. 73, Sec. 14, and 2023 Acts and Resolves No. 78, Sec. E.306.1, is further amended to read:

(10) Secs. 48–51 (health care claims tax) shall take effect on July 1, 2013 and Sec. 52 (Health IT-Fund; sunset) shall take effect on July 1, ~~2025~~ 2026.

Sec. 12. 2019 Acts and Resolves No. 6, Sec. 105, as amended by 2019 Acts and Resolves No. 71, Sec. 19, 2022 Acts and Resolves No. 83, Sec. 75, and 2023 Acts and Resolves No. 78, Sec. E.306.2, is further amended to read:

Sec. 105. EFFECTIVE DATES

* * *

(b) Sec. 73 (further amending 32 V.S.A. § 10402) shall take effect on July 1, ~~2025~~ 2026.

* * *

Sec. 13. LOCAL GOVERNMENT REVENUE; WORKING GROUP; REPORT

(a) Creation. There is created the Local Government Revenue Working Group to evaluate municipal revenue sources and to make recommendations for State authorization of new revenue generation for municipalities.

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

(1) the Commissioner of Housing and Community Development or designee;

(2) the Commissioner of Taxes or designee;

(3) the Secretary of Administration or designee;

(4) two representatives of local government, appointed by the Vermont League of Cities and Towns; and

(5) the State Treasurer or designee.

(c) Powers and duties. The Working Group shall build on the findings of the Joint Fiscal Report of 2024 entitled “Financing Public Infrastructure in Vermont Municipalities” by considering the following topics:

(1) the authorization of new revenue generation tools, including:

(A) the ability for all municipalities to adopt a local option tax by vote;

(B) allocating existing local option tax revenue differently;

(C) a local option tax rate that exceeds one percent; and

(D) applying a local option tax to new tax bases, such as motor vehicle sales, transportation services, property transfers, cannabis sales, sports betting transactions, and vehicle rentals;

(2) how to best implement a municipal revenue sharing program, including:

(A) revenue sharing programs in other states;

(B) existing State grant and aid programs for municipalities; and

(C) new or existing State revenue that could be allocated to a municipal revenue sharing program; and

(3) a formula to distribute dedicated municipal revenue sharing, including a system that is based on municipal characteristics, such as population, the income of residents, and municipal tax capacity.

(d) Report. On or before December 15, 2024, the Working Group shall submit a written report to the House Committees on Ways and Means and on Government Operations and Military Affairs and the Senate Committees on Finance and on Government Operations with its finding on how best to diversify and increase funding for Vermont municipalities and any recommendations for legislative action.

(e) Meetings.

(1) The Secretary of Administration, or designee, shall call the first meeting of the Working Group to occur on or before July 15, 2024.

(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 Working Group shall cease to exist on July 1, 2025.

Sec. 14. WEALTH TAX COMMISSION; REPORT

(a) Creation. There is created the Wealth Tax Commission to study the taxation of wealth and investment gains that currently escape income taxation.

(b) Membership. The Wealth Tax Commission shall be composed of the following members:

(1) one current member of the House of Representatives, who shall be appointed by the Speaker of the House;

(2) one current member of the Senate, who shall be appointed by the President Pro Tempore;

(3) the Commissioner of the Department of Financial Regulation or designee; and

(4) the Commissioner of Taxes or designee.

(c)(1) Assistance. The Wealth Tax Commission shall have the administrative and technical assistance of the Joint Fiscal Office, which shall contract with a facilitator who has knowledge of wealth taxes, mark-to-market income tax reform, or other reforms for taxing wealth and investment gains that currently escape income taxation.

(2) The facilitator contracted pursuant to subdivision (1) of this subsection shall coordinate with the following institutions for participation with the Wealth Tax Commission:

(A) legislative members and staff from other states;

(B) administrators and staff from the revenue agencies of other states;

(C) national academic and legal experts on wealth and income taxation; and

(D) the Multistate Tax Commission.

(d)(1) Powers and duties. The Wealth Tax Commission shall study the policy considerations surrounding the taxation of wealth and investment gains that currently escape taxation, implementation issues, and coordinating with other states to uniformly tax forms of wealth and investment gains.

(2) The Wealth Tax Commission shall report on the following issues relating to the implementation of a wealth tax:

(A) addressing taxpayers who move into and away from a state during a tax year and identifying the best approach for residency criteria for

subjecting individuals to a tax on wealth and investments gains that currently escape income taxation;

(B) valuing nonpublic assets, including a functional mechanism for taxpayers to contest a state's value and alternative mechanisms for valuing difficult-to-value assets;

(C) addressing losses in taxpayers' net worth, including whether losses should be carried over in future tax years;

(D) addressing situations where wealth is primarily held in real estate, such as farmers and other taxpayers who may lack the funds needed to pay the tax without selling real estate;

(E) determining whether legislative changes are needed to require nonpublic information be made public for purposes of asset valuation, such as adding transparency to private business valuations; and

(F) determining the best practices of other states by conducting a survey of other states' experiences with key components of taxing wealth and investment gains that currently escape taxation, including valuing businesses, using financial accounting information, and withholding the income of nonresident individuals.

(3) The Wealth Tax Commission shall report on the following issues relating to coordinating with other states to enact a wealth tax:

(A) identifying and addressing legal considerations across states, such as federal preemption, the ability to form an interstate compact for state taxation, constitutional differences between states that could affect the coordination of enacting uniform tax laws, and the plausibility of developing a uniform approach or provisions for taxation of wealth and investment gains that currently escape income taxation;

(B) identifying the best approach for multiple states to enact a wealth tax contingent on passage or enactment in other states;

(C) identifying the components of a wealth tax that are most desirable to be uniform across and the components that can be left to the discretion of individual states;

(D) addressing how to best coordinate residency requirements, basis adjustments, crediting taxes paid in other states on wealth and investment gains that currently escape income taxation, enforcement, and information reporting across states; and

(E) determining whether interstate cooperation or a compact requires wealth tax categories to be uniform across states, including an examination of

the differences between mark-to-market taxation and other forms of wealth taxation.

(e) Report. On or before November 1, 2025, the Wealth Tax Commission shall submit a written report to the House Committee on Ways and Means and the Senate Committee on Finance with its findings and recommendations.

(f) Meetings.

(1) The facilitator shall call the first meeting of the Commission to occur on or before September 15, 2024.

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

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

(4) The Commission shall cease to exist on July 1, 2026.

(g) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Commission shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than 12 meetings. These payments shall be made from monies appropriated to the General Assembly.

(h) Appropriation. The sum of \$125,000.00 is appropriated to the Joint Fiscal Office from the General Fund in fiscal year 2025 to contract with a facilitator pursuant to subdivision (c)(1) of this section and for other resources relating to the work of the Commission.

* * * Effective Dates * * *

Sec. 15. EFFECTIVE DATES

(a) This section, Secs. 1 (reappraisals), 2 (property valuation and review waiver), 9 (exemption for county-owned property), 10 (fuel tax extension), 11 and 12 (extension of Health IT Fund), 13 (Local Government Revenue Working Group), and 14 (Wealth Tax Commission) shall take effect on passage.

(b) Notwithstanding 1 V.S.A. § 214, Secs. 3–4 (link to federal income tax laws) shall take effect retroactively on January 1, 2024 and apply to taxable years beginning on and after January 1, 2023.

(c) Sec. 5 (renter credit expansion) shall take effect on passage and apply to claim years 2025 and after.

(d) Secs. 6–7 (repeal of property tax credit late fee) shall take effect on passage and apply to claim years 2024 and after.

(e) Sec. 8 (utility property valuation) shall take effect on passage and apply to grand lists filed on or after April 1, 2025.

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

First: In Sec. 13, local government revenue; working group; report, in subdivision (c)(1)(D), by striking out “sports betting transactions.”

Second: In Sec. 14, Wealth Tax Commission; report, in subsection (h), by striking out “The” and inserting in lieu thereof “To the extent funds are available, the”

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 amended as recommended by the Committee on Appropriations. Report of the Committee on Ways and Means, as amended, agreed to and third reading ordered.

Action on Bill Postponed

H. 612

House bill, entitled

An act relating to miscellaneous cannabis amendments

Was taken up and, pending second reading of the bill, on motion of **Rep. Birong of Vergennes**, action on the bill was postponed until March 26, 2024.

Second Reading; Recess; Bill Amended; Third Reading Ordered

H. 622

Rep. Boyden of Cambridge, for the Committee on Government Operations and Military Affairs, to which had been referred House bill, entitled

An act relating to emergency medical services

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. 18 V.S.A. § 901 is amended to read:

§ 901. PURPOSE, FINDINGS, POLICY

(a) Purpose. It is the purpose of this chapter to promote and provide for a comprehensive and effective emergency medical services system to ensure optimum patient care.

(b) Findings. The General Assembly finds that:

(1) Emergency medical services provided by an ambulance service are essential services.

(2) The provision of medical assistance in an emergency is a matter of vital concern affecting the health, safety, and welfare of the public.

(3) Key elements of an emergency medical services system include:

(A) the provision of prompt, efficient, and effective emergency medical dispatch and emergency medical care;

(B) a well-coordinated trauma care system;

(C) effective communication between prehospital care providers and hospitals; and

(D) the safe handling and transportation, and the treatment and transportation under appropriate medical guidance, of individuals who are sick or injured.

(c) Policy. It is the policy of the State of Vermont that all persons who suffer sudden and unexpected illness or injury should have access to the emergency medical services system in order to prevent loss of life or the aggravation of the illness or injury, and to alleviate suffering.

(1) The system should include competent emergency medical treatment provided by adequately trained, licensed, and equipped personnel acting under appropriate medical control.

(2) Persons involved in the delivery of emergency medical care should be encouraged to maintain and advance their levels of training and licensure, and to upgrade the quality of their vehicles and equipment.

Sec. 2. 18 V.S.A. § 908 is amended to read:

§ 908. EMERGENCY MEDICAL SERVICES SPECIAL FUND

(a)(1) The Emergency Medical Services Special Fund is established pursuant to 32 V.S.A. chapter 7, subchapter 5 comprising revenues received by the Department from the Fire Safety Special Fund, pursuant to 32 V.S.A. § 8557(a), that are designated for this Special Fund and public and private sources as gifts, grants, and donations together with additions and interest accruing to the Fund.

(2)(A) The Commissioner of Health shall administer the Fund to the extent funds are available to support online and regional training programs, data collection and analysis, and other activities relating to the training of emergency medical personnel and delivery of emergency medical services and

ambulance services in Vermont, as determined by the Commissioner, after consulting with the EMS Advisory Committee established under section 909 of this title. The Commissioner shall prioritize the use of funds to provide grants to programs that offer basic emergency medical services training at low cost or no cost to participants.

(B) The Commissioner shall make reasonable efforts to award grants in a manner that supports geographic equity among the emergency medical services districts. The Commissioner shall also provide technical assistance to emergency medical services districts to ensure that grants are available to support emergency medical services training in districts that have historically experienced challenges in receiving grants from the Fund.

(3) Any balance at the end of the fiscal year shall be carried forward in the Fund.

(b) From the funds in the Emergency Medical Services Special Fund, the Commissioner of Health shall develop and implement by September 1, 2012 online training opportunities and offer regional classes to enable individuals to comply with the requirements of subdivision 906(10)(C) of this title.

Sec. 3. 33 V.S.A. § 1901m is added to read:

§ 1901m. REIMBURSEMENT FOR EMERGENCY MEDICAL SERVICES

(a) To the extent permitted under federal law or waivers of federal law, the Agency of Human Services shall reimburse a provider of emergency medical services for delivering emergency medical services to a Medicaid beneficiary who was not transported to a different location during the period of the emergency. The reimbursement shall be in an amount equal to the Medicare basic life support rate.

(b) Annually as part of its budget presentation, the Agency of Human Services shall report the amount of additional funds that would be necessary to reimburse emergency medical service providers at a level equal to the Medicare basic life support rate for all emergency medical services delivered to Medicaid beneficiaries.

Sec. 4. 24 V.S.A. § 2689 is amended to read:

§ 2689. REIMBURSEMENT FOR AMBULANCE SERVICE PROVIDERS

* * *

(d) Reimbursement for ambulance services provided to Medicaid beneficiaries shall be in accordance with 33 V.S.A. § 1901m.

Sec. 5. 18 V.S.A. § 909 is amended to read:

§ 909. EMS ADVISORY COMMITTEE; EMS EDUCATION
COUNCIL

(a) ~~The Commissioner shall establish the~~ Emergency Medical Services Advisory Committee ~~to~~ shall advise the Department of Health on matters relating to the delivery of emergency medical services (EMS) in Vermont.

(b) The Committee shall ~~include~~ comprise the following members:

(1) ~~One~~ one representative from each EMS district in the State, with each representative being appointed by the EMS Board in his or her that individual's district;

(2) A a representative from the Vermont Ambulance Association or designee;

(3) A a representative from the Initiative for Rural Emergency Medical Services program at the University of Vermont or designee;

(4) A a representative from the Professional Firefighters of Vermont or designee;

(5) A a representative from the Vermont Career Fire Chiefs Association or designee;

(6) A a representative from the Vermont State Firefighters' Association or designee;

(7) ~~An~~ an emergency department nurse manager or emergency department director of a Vermont hospital appointed by the Vermont Association of Hospitals and Health Systems;

(8) ~~The~~ the Commissioner of Health or designee; and

(9) A a local government member not affiliated with emergency medical services, firefighter services, or hospital services, appointed by the Vermont League of Cities and Towns.

(c)(1) The Committee shall select from among its members a chair who is not an employee of the State.

(2) The Committee shall have the administrative, technical, and legal assistance of the Agency of Human Services.

(d) The Committee shall meet not less than quarterly and may be convened at any time by the Chair or at the request of 11 Committee members. Not more than two meetings each year shall be held in the same EMS district. One meeting each year shall be held at a Vermont EMS conference.

~~(e) Annually, on or before January 1, the Committee shall report on the EMS system to the House Committees on Government Operations, on Commerce and Economic Development, and on Human Services and to the Senate Committees on Government Operations, on Economic Development, Housing and General Affairs, and on Health and Welfare. The Committee's reports shall include information on the following:~~

~~(1) whether every Vermont municipality should be required to have in effect an emergency medical services plan providing for timely and competent emergency responses;~~

~~(2) whether the State should establish directives addressing when an agency can respond to a nonemergency request for transportation of a patient if doing so will leave the service area unattended or unable to respond to an emergency call in a timely fashion;~~

~~(3) how the EMS system is functioning statewide and the current state of recruitment and workforce development;~~

~~(4) each EMS district's response times to 911 emergencies in the previous year, based on information collected from the Vermont Department of Health's Division of Emergency Medical Services;~~

~~(5) funding mechanisms and funding gaps for EMS personnel and providers across the State, including for the funding of infrastructure, equipment, and operations and costs associated with initial and continuing training and licensure of personnel;~~

~~(6) the nature and costs of dispatch services for EMS providers throughout the State, including the annual number of mutual aid calls to an emergency medical service area that come from outside that area, and suggestions for improvement;~~

~~(7) legal, financial, or other limitations on the ability of EMS personnel with various levels of training and licensure to engage in lifesaving or health-preserving procedures;~~

~~(8) how the current system of preparing and licensing EMS personnel could be improved, including the role of Vermont Technical College's EMS program; whether the State should create an EMS academy; and how such an EMS academy should be structured; and~~

~~(9) how EMS instructor training and licensing could be improved. The Committee shall develop and maintain a five-year statewide plan for the coordinated delivery of emergency medical services in Vermont. The plan, which shall be updated at least annually, shall include:~~

(A) specific goals for the delivery of emergency medical services in this State;

(B) a time frame for achieving the stated goals;

(C) cost data and alternative funding sources for achieving the stated goals; and

(D) performance standards for evaluating the stated goals.

(2) Annually, on or before December 15, the Committee shall deliver to the Commissioner of Health and the General Assembly a report reviewing progress toward achieving the goals in the five-year plan and the goals set by the Committee for the coming year.

(f) In addition to its plan and report set forth in subsection (e) of this section, the Committee shall identify EMS resources and needs in each EMS district and provide that information to the Green Mountain Care Board to inform the Board's periodic revisions to the Health Resource Allocation Plan developed pursuant to subsection 9405(b) of this title.

(g) The Committee shall establish from among its members the EMS Education Council, which may:

(1) sponsor training and education programs required for emergency medical personnel licensure in accordance with the Department of Health's required standards for that training and education; and

(2) provide advice to the Department of Health regarding the standards for emergency medical personnel licensure and any recommendations for changes to those standards.

Sec. 6. EMS ADVISORY COMMITTEE STATEWIDE EMS SYSTEM

DESIGN

(a) The EMS Advisory Committee shall collect data necessary to conduct a complete inventory and assessment of the EMS services currently available in Vermont, including:

(1) the number of full-time and part-time personnel currently performing emergency medical services;

(2) the current total spending on emergency medical services in Vermont, with itemized information for each emergency medical service regarding all applicable federal, State, and municipal appropriations and revenue sources; each contract for emergency medical services; and the projected budget for each emergency medical service; and

(3) information regarding all identified gaps in services and overlapping service areas.

(b) The EMS Advisory Committee shall provide recommendations for the design of a statewide EMS system, including recommendations relating to:

(1) EMS district structure and authority, which may include recommendations on the number and configuration of EMS districts and their powers, duties, and scope of authority;

(2) workforce training standards and other staffing best practices that support the retention and well-being of EMS personnel;

(3) a resource allocation plan that ensures emergency medical services are available in all regions of the State;

(4) a process for annually reviewing EMS providers' budgets;

(5) a governance model that provides for effective State and regional oversight, management, and continuous improvement of the EMS system, including identifying staffing and other operational needs to support the oversight and management of the system;

(6) cost estimates for implementing the recommended EMS system in Vermont, including operational and capital costs;

(7) facilitation and coordination of EMS training, including mobile EMS training opportunities; and

(8) any other areas the EMS Advisory Committee deems necessary or appropriate.

(c) The EMS Advisory Committee shall facilitate stakeholder conversations in order to receive information and recommendations about ways to achieve a coordinated, statewide EMS system, including proposals regarding EMS district structure and authority, system costs, and funding options.

(d) Assistance.

(1) The EMS Advisory Committee may hire a project manager and one or more additional consultants with relevant expertise in emergency medical services design and financing to assist the Committee in its work under this section.

(2) The EMS Advisory Committee shall have the administrative, technical, and legal assistance of the Department of Health, and the Department shall contract on the Committee's behalf with the project manager

and any other consultants selected by the Committee pursuant to subdivision (1) of this subsection.

(e) Reports.

(1) On or before December 15, 2025, the EMS Advisory Committee shall submit its inventory and assessment to the Commissioner of Health and the General Assembly.

(2) On or before December 15, 2026, the EMS Advisory Committee shall submit its design recommendations to the Commissioner of Health and the General Assembly.

(f) Appropriation. The sum of \$370,000.00 is appropriated to the Department of Health from the General Fund in fiscal year 2025 to support the EMS Advisory Committee in accomplishing the work set forth in this section.

Sec. 7. 32 V.S.A. § 8557 is amended to read:

§ 8557. VERMONT FIRE SERVICE TRAINING COUNCIL

(a)(1) Sums for the expenses of the operation of training facilities and curriculum of the Vermont Fire Service Training Council not to exceed ~~\$1,200,000.00~~ \$1,500,000.00 per year shall be paid to the Fire Safety Special Fund created by 20 V.S.A. § 3157 by insurance companies, writing fire, homeowners multiple peril, allied lines, farm owners multiple peril, commercial multiple peril (fire and allied lines), private passenger and commercial auto, and inland marine policies on property and persons situated within the State of Vermont within 30 days after notice from the Commissioner of Financial Regulation of such estimated expenses. Captive companies shall be excluded from the effect of this section.

(2) The Commissioner shall annually, on or before July 1, apportion such charges among all such companies and shall assess them for the charges on a fair and reasonable basis as a percentage of their gross direct written premiums on such insurance written during the second prior calendar year on property situated in the State. The Department of Taxes shall collect all assessments under this section.

(3) An amount not less than \$100,000.00 shall be specifically allocated to the provision of what are now or formerly referred to as Level I, units I, II, and III (basic) courses for entry-level firefighters.

(4) An amount not less than ~~\$150,000.00~~ \$450,000.00 shall be specifically allocated to the Emergency Medical Services Special Fund established under 18 V.S.A. § 908 for the provision of training programs for certified Vermont EMS first responders and licensed emergency medical

responders, emergency medical technicians, advanced emergency medical technicians, and paramedics.

(5) The Department of Health shall present a plan to the Joint Fiscal Committee that shall review the plan prior to the release of any funds.

(b) All administrative provisions of chapter 151 of this title, including those relating to the collection and enforcement of the income tax by the Commissioner, shall apply to this section.

Sec. 8. MEDICAID EMERGENCY MEDICAL SERVICES;

TREATMENT WITHOUT TRANSPORT; APPROPRIATION

(a) In fiscal year 2025, the sum of \$74,000.00 in Global Commitment funds is appropriated to the Department of Vermont Health Access for the increased reimbursement rate for emergency medical service providers set forth in Sec. 3 (33 V.S.A. § 1901m) of this act for delivering emergency medical services to Medicaid beneficiaries who are not transported to a different location during the period of their emergency.

(b) In fiscal year 2025, the sum of \$31,206.00 is appropriated from the General Fund to the Agency of Human Services, Global Commitment appropriation for the State match for the increased reimbursement rate set forth in Sec. 3 (33 V.S.A. § 1901m) of this act.

(c) In fiscal year 2025, the sum of \$42,794.00 in federal funds is appropriated to the Agency of Human Services, Global Commitment appropriation for the State match for the increased reimbursement rate set forth in Sec. 3 (33 V.S.A. § 1901m) of this act.

Sec. 9. EFFECTIVE DATES

This act shall take effect on passage, except that Sec. 6(f) (EMS Advisory Committee appropriation) and Sec. 8 (Medicaid emergency medical services; treatment without transport; appropriation) shall take effect on July 1, 2024.

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

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

At eleven o'clock and forty-five minutes in the forenoon, the Speaker called the House to order.

Rep. Harrison of Chittenden, for the Committee on Appropriations, recommended that the report of the Committee on Government Operations and Military Affairs be amended as follows:

First: In Sec. 6, EMS Advisory Committee statewide EMS system design, by striking out subsection (f) in its entirety

Second: By striking out Sec. 9, effective dates, in its entirety and adding in lieu thereof two new sections to be Secs. 9 and 10 to read as follows:

Sec. 9. EMS ADVISORY COMMITTEE; APPROPRIATION

Notwithstanding any provision of 18 V.S.A. § 908 or 32 V.S.A. § 8557 to the contrary, of the funds allocated to the Emergency Medical Services Special Fund pursuant to 32 V.S.A. § 8557(a)(4), the sum of \$150,000.00 is appropriated to the Department of Health in fiscal year 2025 to support the EMS Advisory Committee in accomplishing the work set forth in Sec. 6 of this act. To the extent that there are unobligated funds in the Emergency Medical Services Special Fund in fiscal year 2025, up to an additional \$220,000.00 is appropriated and shall be made available to the Department of Health to support the EMS Advisory Committee's work pursuant to Sec. 6 of this act, provided that total expenditures from the Fund to support that work shall not exceed \$370,000.00.

Sec. 10. EFFECTIVE DATES

This act shall take effect on passage, except that Secs. 8 (Medicaid emergency medical services; treatment without transport; appropriation) and 9 (EMS Advisory Committee; appropriation) shall take effect on July 1, 2024.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Government Operations and Military Affairs amended as recommended by the Committee on Appropriations. Report of the Committee on Government Operations and Military Affairs, as amended, agreed to and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 655

Rep. Dolan of Essex Junction, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to qualifying offenses for sealing criminal history records and access to sealed criminal history records

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. chapter 230 is amended to read:

CHAPTER 230. EXPUNGEMENT AND SEALING OF CRIMINAL HISTORY RECORDS

§ 7601. DEFINITIONS

As used in this chapter:

(1) “Court” means the Criminal Division of the Superior Court.

(2) “Criminal history record” means all information documenting an individual’s contact with the criminal justice system, including data regarding identification, arrest or citation, arraignment, judicial disposition, custody, and supervision.

~~(3) “Predicate offense” means a criminal offense that can be used to enhance a sentence levied for a later conviction and includes operating a vehicle under the influence of alcohol or other substance in violation of 23 V.S.A. § 1201, domestic assault in violation of section 1042 of this title, and stalking in violation of section 1062 of this title. “Predicate offense” shall not include misdemeanor possession of cannabis, a disorderly conduct offense under section 1026 of this title, or possession of a controlled substance in violation of 18 V.S.A. § 4230(a), 4231(a), 4232(a), 4233(a), 4234(a), 4234a(a), 4234b(a), 4235(b), or 4235a(a). [Repealed.]~~

(4) “Qualifying crime” means:

~~(A) a misdemeanor offense that is not:~~

~~(i) a listed crime as defined in subdivision 5301(7) of this title;~~

~~(ii) an offense involving sexual exploitation of children in violation of chapter 64 of this title;~~

~~(iii) an offense involving violation of a protection order in violation of section 1030 of this title;~~

~~(iv) prostitution as defined in section 2632 of this title, or prohibited conduct under section 2601a of this title; or~~

~~(v) a predicate offense;~~

~~(B) a violation of subsection 3701(a) of this title related to criminal mischief;~~

~~(C) a violation of section 2501 of this title related to grand larceny;~~

~~(D) a violation of section 1201 of this title related to burglary, excluding any burglary into an occupied dwelling, as defined in subdivision 1201(b)(2) of this title;~~

- ~~(E) a violation of 18 V.S.A. § 4223 related to fraud or deceit;~~
 - ~~(F) a violation of section 1802 of this title related to uttering a forged or counterfeited instrument;~~
 - ~~(G) a violation of 18 V.S.A. § 4230(a) related to possession and cultivation of cannabis;~~
 - ~~(H) a violation of 18 V.S.A. § 4231(a) related to possession of cocaine;~~
 - ~~(I) a violation of 18 V.S.A. § 4232(a) related to possession of LSD;~~
 - ~~(J) a violation of 18 V.S.A. § 4233(a) related to possession of heroin;~~
 - ~~(K) a violation of 18 V.S.A. § 4234(a) related to possession of depressant, stimulant, and narcotic drugs;~~
 - ~~(L) a violation of 18 V.S.A. § 4234a(a) related to possession of methamphetamine;~~
 - ~~(M) a violation of 18 V.S.A. § 4234b(a) related to possession of ephedrine and pseudoephedrine;~~
 - ~~(N) a violation of 18 V.S.A. § 4235(b) related to possession of hallucinogenic drugs;~~
 - ~~(O) a violation of 18 V.S.A. § 4235a(a) related to possession of ecstasy; or~~
 - ~~(P) any offense for which a person has been granted an unconditional pardon from the Governor.~~
- (A) all misdemeanor offenses except:
- (i) a listed crime as defined in subdivision 5301(7) of this title;
 - (ii) a violation of chapter 64 of this title relating to sexual exploitation of children;
 - (iii) a violation of section 1030 of this title relating to a violation of an abuse prevention order, an order against stalking or sexual assault, or a protective order concerning contact with a child;
 - (iv) a violation of chapter 28 of this title related to abuse, neglect, and exploitation of a vulnerable adult;
 - (v) a violation of subsection 2605(b) or (c) of this title related to voyeurism;
 - (vi) a violation of subdivisions 352(1)–(10) of this title related to cruelty to animals;

(vii) a violation of section 5409 of this title related to failure to comply with sex offender registry requirements;

(viii) a violation of section 1455 of this title related to hate motivated crimes;

(ix) a violation of subsection 1304(a) related to cruelty to a child;

(x) a violation of section 1305 related to cruelty by person having custody of another;

(xi) a violation of section 1306 related to mistreatment of persons with impaired cognitive function;

(xii) a violation of section 3151 of this title related to female genital mutilation;

(xiii) a violation of subsection 3252(b) related to sexual exploitation of a minor;

(xiv) a violation of subdivision 4058(b)(1) of this title related to violation of an extreme risk protection order; and

(xv) an offense committed in a motor vehicle as defined in 23 V.S.A. § 4 by a person who is the holder of a commercial driver's license or commercial driver's permit pursuant to 23 V.S.A. chapter 39.

(B) the following felonies:

(i) a violation of section 1201 of this title related to burglary, excluding any burglary into an occupied dwelling, unless the person was 25 years of age or younger at the time of the offense and did not carry a dangerous or deadly weapon during the commission of the offense;

(ii) designated felony property offenses as defined in subdivision (5) of this section;

(iii) offenses relating to possessing, cultivating, selling, dispensing, or transporting regulated drugs, including violations of 18 V.S.A. § 4230(a) and (b), 4231(a) and (b), 4232(a) and (b), 4233(a) and (b), 4233a(a), 4234(a) and (b), 4234a(a) and (b), 4234b(a) and (b), 4235(b) and (c), or 4235a(a) and (b); and

(iv) any offense for which a person has been granted an unconditional pardon from the Governor.

(5) "Designated felony property offense" means:

(A) a felony violation of 9 V.S.A. § 4043 related to fraudulent use of a credit card;

- (B) section 1801 of this title related to forgery and counterfeiting;
- (C) section 1802 of this title related to uttering a forged or counterfeited instrument;
- (D) section 1804 of this title related to counterfeiting paper money;
- (E) section 1816 of this title related to possession or use of credit card skimming devices;
- (F) section 2001 of this title related to false personation;
- (G) section 2002 of this title related to false pretenses or tokens;
- (H) section 2029 of this title related to home improvement fraud;
- (I) section 2030 of this title related to identity theft;
- (J) section 2501 of this title related to grand larceny;
- (K) section 2531 of this title related to embezzlement;
- (L) section 2532 of this title related to embezzlement by officers or servants of an incorporated bank;
- (M) section 2533 of this title related to embezzlement by a receiver or trustee;
- (N) section 2561 of this title related to receiving stolen property;
- (O) section 2575 of this title related to retail theft;
- (P) section 2582 of this title related to theft of services;
- (Q) section 2591 of this title related to theft of rented property;
- (R) section 2592 of this title related to failure to return a rented or leased motor vehicle;
- (S) section 3016 of this title related to false claims;
- (T) section 3701 of this title related to unlawful mischief;
- (U) section 3705 of this title related to unlawful trespass;
- (V) section 3733 of this title related to mills, dams, or bridges;
- (W) section 3761 of this title related to unauthorized removal of human remains;
- (X) section 3766 of this title related to grave markers and ornaments;
- (Y) chapter 87 of this title related to computer crimes; and
- (Z) 18 V.S.A. § 4223 related to fraud or deceit in obtaining a regulated drug.

§ 7602. ~~EXPUNGEMENT AND SEALING OF RECORD,~~
~~POSTCONVICTION; PROCEDURE~~

~~(a)(1) A person may file a petition with the court requesting expungement or sealing of the criminal history record related to the conviction if:~~

~~(A) the person was convicted of a qualifying crime or qualifying crimes arising out of the same incident or occurrence;~~

~~(B) the person was convicted of an offense for which the underlying conduct is no longer prohibited by law or designated as a criminal offense;~~

~~(C) pursuant to the conditions set forth in subsection (g) of this section, the person was convicted of a violation of 23 V.S.A. § 1201(a) or § 1091 related to operating under the influence of alcohol or other substance, excluding a violation of those sections resulting in serious bodily injury or death to any person other than the operator, or related to operating a school bus with a blood alcohol concentration of 0.02 or more or operating a commercial vehicle with a blood alcohol concentration of 0.04 or more; or~~

~~(D) pursuant to the conditions set forth in subsection (h) of this section, the person was convicted under 1201(c)(3)(A) of a violation of subdivision 1201(a) of this title related to burglary when the person was 25 years of age or younger, and the person did not carry a dangerous or deadly weapon during commission of the offense.~~

~~(2) The State's Attorney or Attorney General shall be the respondent in the matter.~~

~~(3) The court shall grant the petition without hearing if the petitioner and the respondent stipulate to the granting of the petition. The respondent shall file the stipulation with the court, and the court shall issue the petitioner an order of expungement and provide notice of the order in accordance with this section.~~

~~(4) This section shall not apply to an individual licensed as a commercial driver pursuant to 23 V.S.A. chapter 39 seeking to seal or expunge a record of a conviction for a felony offense committed in a motor vehicle as defined in 23 V.S.A. § 4.~~

~~(b)(1) The court shall grant the petition and order that the criminal history record be expunged pursuant to section of this title if the following conditions are met:~~

~~(A) At least five years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction, or if the person has successfully completed the terms and~~

conditions of an indeterminate term of probation that commenced at least five years previously.

~~(B) The person has not been convicted of a crime arising out of a new incident or occurrence since the person was convicted for the qualifying crime.~~

~~(C) Any restitution and surcharges ordered by the court have been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.~~

~~(D) The court finds that expungement of the criminal history record serves the interests of justice.~~

~~(2) The court shall grant the petition and order that all or part of the criminal history record be sealed pursuant to section 7607 of this title if the conditions of subdivisions (1)(A), (B), and (C) of this subsection are met and the court finds that:~~

~~(A) sealing the criminal history record better serves the interests of justice than expungement; and~~

~~(B) the person committed the qualifying crime after reaching 19 years of age.~~

~~(e)(1) The court shall grant the petition and order that the criminal history record be expunged pursuant to section 7606 of this title if the following conditions are met:~~

~~(A) At least 10 years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction.~~

~~(B) The person has not been convicted of a felony arising out of a new incident or occurrence in the last seven years.~~

~~(C) The person has not been convicted of a misdemeanor during the past five years.~~

~~(D) Any restitution and surcharges ordered by the court for any crime of which the person has been convicted has been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.~~

~~(E) After considering the particular nature of any subsequent offense, the court finds that expungement of the criminal history record for the qualifying crime serves the interests of justice.~~

~~(2) The court shall grant the petition and order that all or part of the criminal history record be sealed pursuant to section 7607 of this title if the conditions of subdivisions (1)(A), (B), (C), and (D) of this subsection are met and the court finds that:~~

~~(A) sealing the criminal history record better serves the interests of justice than expungement; and~~

~~(B) the person committed the qualifying crime after reaching 19 years of age.~~

~~(d) For petitions filed pursuant to subdivision (a)(1)(B) of this section, unless the court finds that expungement would not be in the interests of justice, the court shall grant the petition and order that the criminal history record be expunged in accordance with section 7606 of this title if the following conditions are met:~~

~~(1) The petitioner has completed any sentence or supervision for the offense.~~

~~(2) Any restitution and surcharges ordered by the court have been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.~~

~~(e) For petitions filed pursuant to subdivision (a)(1)(B) of this section for a conviction for possession of a regulated drug under 18 V.S.A. chapter 84, subchapter 1 in an amount that is no longer prohibited by law or for which criminal sanctions have been removed:~~

~~(1) The petitioner shall bear the burden of establishing that his or her conviction was based on possessing an amount of regulated drug that is no longer prohibited by law or for which criminal sanctions have been removed.~~

~~(2) There shall be a rebuttable presumption that the amount of the regulated drug specified in the affidavit of probable cause associated with the petitioner's conviction was the amount possessed by the petitioner.~~

~~(f) Prior to granting an expungement or sealing under this section for petitions filed pursuant to subdivision 7601(4)(D) of this title, the court shall make a finding that the conduct underlying the conviction under section 1201 of this title did not constitute a burglary into an occupied dwelling, as defined in subdivision 1201(b)(2) of this title. The petitioner shall bear the burden of establishing this fact.~~

~~(g) For petitions filed pursuant to subdivision (a)(1)(C) of this section, only petitions to seal may be considered or granted by the court. This subsection shall not apply to an individual licensed as a commercial driver pursuant to 23 V.S.A. chapter 39. Unless the court finds that sealing would not be in the~~

~~interests of justice, the court shall grant the petition and order that the criminal history record be sealed in accordance with section 7607 of this title if the following conditions are met:~~

~~(1) At least 10 years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction, or if the person has successfully completed the terms and conditions of an indeterminate term of probation that commenced at least 10 years previously.~~

~~(2) At the time of the filing of the petition:~~

~~(A) the person has only one conviction of a violation of 23 V.S.A. § 1201, which shall be construed in accordance with 23 V.S.A. § 1211; and~~

~~(B) the person has not been convicted of a crime arising out of a new incident or occurrence since the person was convicted of a violation of 23 V.S.A. § 1201(a).~~

~~(3) Any restitution ordered by the court has been paid in full.~~

~~(4) The court finds that sealing of the criminal history record serves the interests of justice.~~

~~(h) For petitions filed pursuant to subdivision (a)(1)(D) of this section, unless the court finds that expungement or sealing would not be in the interests of justice, the court shall grant the petition and order that the criminal history record be expunged or sealed in accordance with section 7606 or 7607 of this title if the following conditions are met:~~

~~(1) At least 15 years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction, or the person has successfully completed the terms and conditions of an indeterminate term of probation that commenced at least 15 years previously.~~

~~(2) The person has not been convicted of a crime arising out of a new incident or occurrence since the person was convicted of a violation of subdivision 1201(c)(3)(A) of this title.~~

~~(3) Any restitution ordered by the court has been paid in full.~~

~~(4) The court finds that expungement or sealing of the criminal history record serves the interests of justice.~~

(a) Petition:

(1) A person may file a petition with the court requesting sealing of a criminal history record related to a conviction under the following circumstances:

(A) The person was convicted of an offense for which the underlying conduct is no longer prohibited by law or designated as a criminal offense.

(B) The person was convicted of a qualifying crime or qualifying crimes arising out of the same incident or occurrence.

(2) Whichever office prosecuted the offense resulting in the conviction, the State's Attorney or Attorney General, shall be the respondent in the matter unless the prosecuting office authorizes the other to act as the respondent.

(3) The court shall grant the petition without hearing if the petitioner and the respondent stipulate to the granting of the petition. The respondent shall file the stipulation with the court, and the court shall issue the petitioner an order of sealing and provide notice of the order in accordance with this section.

(4) This section shall not apply to an individual who is the holder of a commercial driver's license or commercial driver's permit pursuant to 23 V.S.A. chapter 39 seeking to seal a record of a conviction for a misdemeanor or felony offense committed in a motor vehicle as defined in 23 V.S.A. § 4.

(b) Offenses that are no longer prohibited by law.

For petitions filed pursuant to subdivision (a)(1)(A) of this section, the court shall grant the petition and order that the criminal history record be sealed if the following conditions are met:

(1) The petitioner has completed any sentence or supervision for the offense.

(2) Any restitution and surcharges ordered by the court have been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.

(c) Qualifying misdemeanors. For petitions filed to seal a qualifying misdemeanor pursuant to subdivision (a)(1)(B) of this section, the court shall grant the petition and order that the criminal history record be sealed if the following conditions are met:

(1) At least three years have elapsed since the date on which the person completed the terms and conditions of the sentence.

(2) Any restitution and surcharges ordered by the court for any crime of which the person has been convicted has been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.

(3) The respondent has failed to show that sealing would be contrary to the interest of justice.

(d) Qualifying felony offenses. For petitions filed to seal a qualifying felony pursuant to subdivision (a)(1)(B) of this section, the court shall grant the petition and order that the criminal history record be sealed if the following conditions are met:

(1) At least seven years have elapsed since the date on which the person completed the terms and conditions of the sentence.

(2) Any restitution and surcharges ordered by the court for any crime of which the person has been convicted has been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.

(3) The respondent has failed to show that sealing would be contrary to the interest of justice.

(e) Qualifying DUI misdemeanor. For petitions filed to seal a qualifying DUI misdemeanor pursuant to subdivision (a)(1)(B) of this section, the court shall grant the petition and order that the criminal history record be sealed if the following conditions are met:

(1) At least 10 years have elapsed since the date on which the person completed the terms and conditions of the sentence.

(2) Any restitution and surcharges ordered by the court for any crime of which the person has been convicted has been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.

(3) The person is not the holder of a commercial driver's license or commercial driver's permit pursuant to 23 V.S.A. chapter 39.

(4) The respondent has failed to show that sealing would be contrary to the interest of justice.

(f) Sealing a criminal history record related to a fish and wildlife offense shall not void any fish and wildlife license suspension or revocation imposed pursuant to the accumulation of points related to the sealed offense. Points accumulated by a person shall remain on the person's license and, if

applicable, completion of the remedial course shall be required, as set forth in title 10 V.S.A. § 4502.

§ 7603. EXPUNGEMENT AND SEALING OF RECORD, NO
CONVICTION; PROCEDURE

(a) Unless either party objects in the interests of justice, the court shall issue an order sealing the criminal history record related to the citation or arrest of a person:

(1) within 60 days after the final disposition of the case if:

(A) the court does not make a determination of probable cause at the time of arraignment; ~~or~~

(B) the charge is dismissed before trial with or without prejudice; or

(C) the defendant is acquitted of the charges; or

(2) at any time if the prosecuting attorney and the defendant stipulate that the court may grant the petition to seal the record.

(b) If a party objects to sealing ~~or expunging~~ a record pursuant to this section, the court shall schedule a hearing to determine if sealing ~~or expunging~~ the record serves the interests of justice. The defendant and the prosecuting attorney shall be the only parties in the matter.

(c), (d) [Repealed.]

~~(e) Unless either party objects in the interests of justice, the court shall issue an order expunging a criminal history record related to the citation or arrest of a person:~~

~~(1) within 60 days after the final disposition of the case if:~~

~~(A) the defendant is acquitted of the charges; or~~

~~(B) the charge is dismissed with prejudice;~~

~~(2) at any time if the prosecuting attorney and the defendant stipulate that the court may grant the petition to expunge the record. [Repealed.]~~

~~(f) Unless either party objects in the interests of justice, the court shall issue an order to expunge a record sealed pursuant to subsection (a) or (g) of this section eight years after the date on which the record was sealed. [Repealed.]~~

(g) A person may file a petition with the court requesting sealing ~~or expungement~~ of a criminal history record related to the citation or arrest of the person at any time. The court shall grant the petition and issue an order sealing ~~or expunging~~ the record if it finds that sealing ~~or expunging~~ the record serves

the interests of justice, or if the parties stipulate to sealing or expungement of the record.

~~(h) The court may expunge any records that were sealed pursuant to this section prior to July 1, 2018 unless the State's Attorney's office that prosecuted the case objects. Thirty days prior to expunging a record pursuant to this subsection, the court shall provide to the State's Attorney's office that prosecuted the case written notice of its intent to expunge the record. [Repealed.]~~

§ 7604. NEW CHARGE

If a person is ~~charged with a criminal offense after he or she has filed a petition for expungement pursuant to this chapter~~ has a criminal charge pending at the time the petition for expungement is before the court, the court shall not act on the petition until disposition of the new charge.

§ 7605. DENIAL OF PETITION

If a petition for expungement or sealing is denied by the court pursuant to this chapter, no further petition shall be brought for at least two years, unless a shorter duration is authorized by the court.

§ 7606. EFFECT OF EXPUNGEMENT

(a) Order and notice. Upon finding that the requirements for expungement have been met, the court shall issue an order that shall include provisions that its effect is to annul the record of the arrest, conviction, and sentence and that such person shall be treated in all respects as if the person had never been arrested, convicted, or sentenced for the offense. The court shall provide notice of the expungement to the respondent, Vermont Crime Information Center (VCIC), the arresting agency, the Restitution Unit of the Vermont Center for Crime Victim Services, and any other entity that may have a record related to the order to expunge. The VCIC shall provide notice of the expungement to the Federal Bureau of Investigation's National Crime Information Center.

(b) Effect.

(1) Upon entry of an expungement order, the order shall be legally effective immediately and the person whose record is expunged shall be treated in all respects as if ~~he or she~~ the person had never been arrested, convicted, or sentenced for the offense.

(2) In any application for employment, license, or civil right or privilege or in an appearance as a witness in any proceeding or hearing, a person may be required to answer questions about a previous criminal history record only with respect to arrests or convictions that have not been expunged.

(3) The response to an inquiry from any person regarding an expunged record shall be that “NO CRIMINAL RECORD EXISTS.”

(4) Nothing in this section shall affect any right of the person whose record has been expunged to rely on it as a bar to any subsequent proceedings for the same offense.

(c) Process.

(1) The court shall remove the expunged offense from any accessible database that it maintains.

(2) Until all charges on a docket are expunged, the case file shall remain publicly accessible.

(3) When all charges on a docket have been expunged, the case file shall be destroyed pursuant to policies established by the Court Administrator.

(d) Special index.

(1) The court shall keep a special index of cases that have been expunged together with the expungement order. The index shall list only the name of the person convicted of the offense, ~~his or her~~ the person's date of birth, the docket number, and the criminal offense that was the subject of the expungement.

(2) The special index and related documents specified in subdivision (1) of this subsection shall be confidential and shall be physically and electronically segregated in a manner that ensures confidentiality and that limits access to authorized persons.

(3) Inspection of the expungement order may be permitted only upon petition by the person who is the subject of the case. The Chief Superior Judge may permit special access to the index and the documents for research purposes pursuant to the rules for public access to court records.

(4) ~~[Repealed].~~ [Repealed.]

(5) The Court Administrator shall establish policies for implementing this subsection.

§ 7607. EFFECT OF SEALING

(a) Order and notice. ~~Upon entry of an order to seal, the order shall be legally effective immediately and the person whose record is sealed shall be treated in all respects as if the person had never been arrested, convicted, or sentenced for the offense and that its effect is to annul the record of arrest, conviction, and sentence. The court shall provide notice of the sealing to the respondent, Vermont Crime Information Center (VCIC), the arresting agency,~~

~~the Restitution Unit of the Vermont Center for Crime Victim Services, and any other entity that may have a record related to the order to seal send a copy of any order sealing a criminal history record to all of the parties and attorneys representing the parties, including to the prosecuting agency that prosecuted the offense, the Vermont Crime Information Center (VCIC), the arresting agency, and any other entity that may have a record subject to the sealing order. VCIC shall provide notice of the sealing order to the Federal Bureau of Investigation's National Crime Information Center. The VCIC shall provide notice of the sealing to the Federal Bureau of Investigation's National Crime Information Center.~~

(b) Effect.

(1) Except as provided in ~~subdivision~~ subsection (c) of this section, upon entry of a sealing order, the order shall be legally effective immediately and the person whose record is sealed shall be treated in all respects as if ~~he or she~~ the person had never been arrested, convicted, or sentenced for the offense.

(2) In any application for employment, license, or civil right or privilege or in an appearance as a witness in any proceeding or hearing, a person may be required to answer questions about a previous criminal history record only with respect to arrests or convictions that have not been sealed.

(3) The response to an inquiry from any member of the public regarding a sealed record shall be that "NO CRIMINAL RECORD EXISTS."

(4) Nothing in this section shall affect any right of the person whose record has been sealed to rely on it as a bar to any subsequent proceeding for the same offense.

(c) Exceptions. A party seeking to use a sealed criminal history record in a court proceeding shall, prior to any use of the record in open court or in a public filing, notify the court of the party's intent to do so. The court shall thereafter determine whether the record may be used prior its disclosure in the proceeding. This shall not apply to the use of a sealed record pursuant to subdivision (2), (3), (4), or (7) of this subsection. Use of a sealed document pursuant to an exception shall not change the effect of sealing under subsection (b) of this section. Notwithstanding any other provision of law or a sealing order, entities may access and use sealed records for a period of 10 years only in the following circumstances, and the sealed record shall remain otherwise confidential:

(1) An entity or person that possesses a sealed record may continue to use it for any litigation or claim arising out of the same incident or occurrence ~~or involving the same defendant.~~

(2) A criminal justice agency as defined in 20 V.S.A. § 2056a and the Attorney General may use the criminal history record sealed in accordance with section 7602 or 7603 of this title without limitation for criminal justice purposes as defined in 20 V.S.A. § 2056a.

(3) A sealed record of a prior violation of 23 V.S.A. § 1201(a) shall be admissible as a predicate offense for the purpose of imposing an enhanced penalty for a subsequent violation of that section, in accordance with the provisions of 23 V.S.A. § 1210.

(4) A person or a court in possession of an order issued by a court regarding a matter that was subsequently sealed may file or cite to that decision in any subsequent proceeding. The party or court filing or citing to that decision shall ensure that information regarding the identity of the defendant in the sealed record is redacted.

(5) The Vermont Crime Information Center and Criminal Justice Information Services Division of the Federal Bureau of Investigations shall have access to sealed criminal history records without limitation for the purpose of responding to queries to the National Instant Criminal Background Check System regarding firearms transfers and attempted transfers.

(6) The State's Attorney and Attorney General may disclose information contained in a sealed criminal history record when required to meet their otherwise legally required discovery obligations.

(7) The person whose criminal history records have been sealed pursuant to this chapter and the person's attorney may access and use the sealed records in perpetuity and shall not be subject to the 10-year limitation.

(8) A law enforcement agency may inspect and receive copies of the sealed criminal history records of any applicant who applies to the agency to be a law enforcement officer or a current employee for the purpose of internal investigation.

(9) Persons or entities conducting research shall have access to a sealed criminal history record to carry out research pursuant to 20 V.S.A. § 2056b in perpetuity and shall not be subject to the 10-year limitation.

(10) Upon adopting rules outlining a process for handling sealed records and maintaining confidentiality and the standards for determining when information contained in a sealed record may be used for the purpose of licensing decisions, the Vermont Criminal Justice Council may inspect and receive copies of sealed criminal history records. Access to such records shall not be permitted if the Legislative Committee on Administrative Rules objects to some or all of the rules pursuant to 3 V.S.A. § 842(b) and files the objection or objections in certified form pursuant to 3 V.S.A. § 842(c). Sealed records

shall remain confidential and not be available for inspection and copying unless and until the Council relies on such records in a public licensing decision.

(11) Upon adopting rules outlining a process for handling sealed records and maintaining confidentiality and the standards for determining when information contained in a sealed record may be used for the purpose of licensing decisions, the Vermont Office of Professional Regulation may inspect and receive copies of sealed criminal history records. Access to such records shall not be permitted if the Legislative Committee on Administrative Rules objects to some or all of the rules pursuant to 3 V.S.A. § 842(b) and files the objection or objections in certified form pursuant to 3 V.S.A. § 842(c). Sealed records shall remain confidential and not be available for inspection and copying unless and until the Office relies on such records in a public licensing decision.

(12) Upon adopting rules outlining a process for handling sealed records and maintaining confidentiality and the standards for determining when information contained in a sealed record may be used for the purpose of licensing decisions, the Vermont Board of Medical Practice may inspect and receive copies of sealed criminal history records. Access to such records shall not be permitted if the Legislative Committee on Administrative Rules objects to some or all of the rules pursuant to 3 V.S.A. § 842(b) and files the objection or objections in certified form pursuant to 3 V.S.A. § 842(c). Sealed records shall remain confidential and not be available for inspection and copying unless and until the Board relies on such records in a public licensing decision.

(d) Process.

(1) The court shall bar viewing of the sealed offense in any accessible database that it maintains.

(2) Until all charges on a docket have been sealed, the case file shall remain publicly accessible.

(3) When all charges on a docket have been sealed, the case file shall become exempt from public access.

(4) When a sealing order is issued by the court, any person or entity, except the court, that possesses criminal history records shall:

(A) bar viewing of the sealed offense in any accessible database that it maintains or remove information pertaining to the sealed records from any publicly accessible database that the person or entity maintains; and

(B) clearly label the criminal history record as “SEALED” to ensure compliance with this section.

(e) Special index.

(1) The court shall keep a special index of cases that have been sealed together with the sealing order. The index shall list only the name of the person convicted of the offense, ~~his or her~~ the person's date of birth, the docket number, and the criminal offense that was the subject of the sealing.

(2) The special index and related documents specified in subdivision (1) of this subsection shall be confidential and shall be physically and electronically segregated in a manner that ensures confidentiality and that limits access to authorized persons.

(3) Except as provided in subsection (c) of this section, inspection of the sealing order may be permitted only upon petition by the person who is the subject of the case. The Chief Superior Judge may permit special access to the index and the documents for research purposes pursuant to the rules for public access to court records.

~~(4) The Court Administrator shall establish policies for implementing this subsection.~~

(f) Victims Compensation Program. Upon request, the ~~Victim's~~ Victims Compensation Program shall be provided with a copy, redacted of all information identifying the offender, of the affidavit for the sole purpose of verifying the expenses in a victim's compensation application submitted pursuant to section 5353 of this title.

(g) Restitution. The sealing of a criminal record shall not affect the authority of the Restitution Unit to enforce a restitution order in the same manner as a civil judgment pursuant to subdivision 5362(c)(2) of this title.

§ 7608. VICTIMS

(a) At the time a petition is filed pursuant to this chapter, the respondent shall give notice of the petition to any victim of the offense who is known to the respondent. The victim shall have the right to offer the respondent a statement prior to any stipulation or to offer the court a statement. The disposition of the petition shall not be unnecessarily delayed pending receipt of a victim's statement. The respondent's inability to locate a victim after a reasonable effort has been made shall not be a bar to granting a petition.

(b) As used in this section, "reasonable effort" means attempting to contact the victim by first-class mail at the victim's last known address, ~~and~~ by telephone at the victim's last known phone number, and by e-mail at the victim's last known e-mail address.

§ 7609. EXPUNGEMENT OF CRIMINAL HISTORY RECORDS OF AN
INDIVIDUAL 18–21 YEARS OF AGE

(a) Procedure. Except as provided in subsection (b) of this section, the record of the criminal proceedings for an individual who was 18–21 years of age at the time the individual committed a qualifying crime shall be expunged within 30 days after the date on which the individual successfully completed the terms and conditions of the sentence for the conviction of the qualifying crime, absent a finding of good cause by the court. The court shall issue an order to expunge all records and files related to the arrest, citation, investigation, charge, adjudication of guilt, criminal proceedings, and probation related to the sentence. A copy of the order shall be sent to each agency, department, or official named in the order. Thereafter, the court, law enforcement officers, agencies, and departments shall reply to any request for information that no record exists with respect to such individual. Notwithstanding this subsection, the record shall not be expunged until restitution and surcharges have been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title.

(b) Exceptions.

(1) A criminal record that includes both qualifying and nonqualifying offenses shall not be eligible for expungement pursuant to this section.

(2) The Vermont Crime Information Center shall retain a special index of sentences for sex offenses that require registration pursuant to chapter 167, subchapter 3 of this title. This index shall only list the name and date of birth of the subject of the expunged files and records, the offense for which the subject was convicted, and the docket number of the proceeding that was the subject of the expungement. The special index shall be confidential and shall be accessed only by the Director of the Vermont Crime Information Center and an individual designated for the purpose of providing information to the Department of Corrections in the preparation of a presentence investigation in accordance with 28 V.S.A. §§ 204 and 204a.

(c) Petitions. An individual who was 18–21 years of age at the time the individual committed a qualifying crime may file a petition with the court requesting expungement of the criminal history record related to the qualifying crime after 30 days have elapsed since the individual completed the terms and conditions for the sentence for the qualifying crime. The court shall grant the petition and issue an order sealing or expunging the record if it finds that sealing or expunging the record serves the interests of justice.

§ 7610. CRIMINAL HISTORY RECORD SEALING SPECIAL FUND

There is established the Criminal History Record Sealing Special Fund, which shall be managed in accordance with 32 V.S.A. chapter 7, subchapter 5. Fees collected pursuant to 32 V.S.A. § 1431(e) for the filing of a petition to seal a criminal history record of a violation of 23 V.S.A. § 1201(a) shall be deposited into and credited to this Fund. This Fund shall be available to the

Office of the Court Administrator, the Department of State's Attorneys and Sheriffs, the Department of Motor Vehicles, and the Vermont Crime Information Center to offset the administrative costs of sealing such records. Balances in the Fund at the end of the fiscal year shall be carried forward and remain in the Fund.

§ 7611. UNAUTHORIZED DISCLOSURE

A State or municipal employee or contractor or any agent of the court, including an attorney and an employee or contractor of the attorney, who knowingly accesses or discloses sealed criminal history record information without authorization shall be assessed a civil penalty of not more than \$1,000.00. Each unauthorized disclosure shall constitute a separate civil violation.

Sec. 2. 13 V.S.A. § 7041 is amended to read:

§ 7041. DEFERRED SENTENCE

(a) Upon an adjudication of guilt and after the filing of a presentence investigation report, the court may defer sentencing and place the respondent on probation upon such terms and conditions as it may require if a written agreement concerning the deferring of sentence is entered into between the State's Attorney and the respondent and filed with the clerk of the court.

(b) Notwithstanding subsection (a) of this section, the court may defer sentencing and place the respondent on probation without a written agreement between the State's Attorney and the respondent if the following conditions are met:

(1) [Repealed.]

(2) the crime for which the respondent is being sentenced is not a listed crime as defined in subdivision 5301(7) of this title;

(3) the court orders a presentence investigation in accordance with the procedures set forth in V.R.C.P. Rule 32, unless the State's Attorney agrees to waive the presentence investigation;

(4) the court permits the victim to submit a written or oral statement concerning the consideration of deferment of sentence;

(5) the court reviews the presentence investigation and the victim's impact statement with the parties; and

(6) the court determines that deferring sentence is in the interests of justice.

(c) Notwithstanding subsections (a) and (b) of this section, the court may not defer a sentence for a violation of section 3253a (aggravated sexual assault of a child), section 2602 (lewd and lascivious conduct with a child unless the victim and the defendant were within five years of age and the act was consensual), 3252(c) (sexual assault of a child under 16 unless the victim and the defendant were within five years of age and the act was consensual), 3252(d) or (e) (sexual assault of a child), 3253(a)(8) (aggravated sexual assault), or 3253a (aggravated sexual assault of a child) of this title.

(d) Entry of deferment of sentence shall constitute an appealable judgment for purposes of appeal in accordance with 12 V.S.A. § 2383 and V.R.A.P. Rule 3. Except as otherwise provided, entry of deferment of sentence shall constitute imposition of sentence solely for the purpose of sentence review in accordance with section 7042 of this title. The court may impose sentence at any time if the respondent violates the conditions of the deferred sentence during the period of deferment.

(e) Upon violation of the terms of probation or of the deferred sentence agreement, the court shall impose sentence. Upon fulfillment of the terms of probation and of the deferred sentence agreement, the court shall strike the adjudication of guilt and discharge the respondent. Except as provided in subsection (h) of this section, the record of the criminal proceedings shall be ~~expunged~~ sealed upon the discharge of the respondent from probation, absent a finding of good cause by the court. The court shall issue an order to ~~expunge~~ seal all records and files related to the arrest, citation, investigation, charge, adjudication of guilt, criminal proceedings, and probation related to the deferred sentence. Copies of the order shall be sent to each agency, department, or official named therein. Thereafter, the court, law enforcement officers, agencies, and departments shall reply to any request for information that no record exists with respect to such person upon inquiry in the matter. Notwithstanding this subsection, the record shall not be ~~expunged~~ sealed until restitution has been paid in full.

(f) A deferred sentence imposed under subsection (a) or (b) of this section may include a restitution order issued pursuant to section 7043 of this title. Nonpayment of restitution shall not constitute grounds for imposition of the underlying sentence.

(g) [Repealed.]

(h) The Vermont Crime Information Center shall retain a special index of deferred sentences for sex offenses that require registration pursuant to subchapter 3 of chapter 167 of this title. This index shall only list the name and date of birth of the subject of the ~~expunged~~ sealed files and records, the offense for which the subject was convicted, and the docket number of the proceeding that was the subject of the ~~expungement~~ sealing. The special index shall be confidential and may be accessed only by the director of the Vermont Crime Information Center and a designated clerical staffperson for the purpose of providing information to the Department of Corrections in the preparation of a presentence investigation in accordance with 28 V.S.A. §§ 204 and 204a.

Sec. 3. 24 V.S.A. § 2002 is added to read:

§ 2002. EXPUNGEMENT OF MUNICIPAL VIOLATION RECORDS

(a) Expungement. Two years following the satisfaction of a judgment resulting from an adjudication of a municipal violation, the Judicial Bureau shall make an entry of “expunged” and notify the municipality of such action, provided the person has not been adjudicated for any subsequent municipal violations during that time. The data transfer to the municipality shall include the name, date of birth, ticket number, and offense. Violations of offenses adopted pursuant to chapter 117 of this title shall not be eligible for expungement under this section.

(b) Effect of expungement.

(1) Upon entry of an expungement order, the order shall be legally effective immediately and the individual whose record is expunged shall be treated in all respects as if the individual had never been adjudicated of the violation.

(2) Upon an entry of expunged, the case will be accessible only by the Clerk of the Court for the Judicial Bureau or the Clerk’s designee. Adjudications that have been expunged shall not appear in the results of any Judicial Bureau database search by name, date of birth, or any other data identifying the defendant. Except as provided in subsection (c) of this section, any documents or other records related to an expunged adjudication that are maintained outside the Judicial Bureau’s case management system shall be destroyed.

(3) Upon receiving an inquiry from any person regarding an expunged record, the Judicial Bureau and the municipality shall respond that “NO RECORD EXISTS.”

(c) Exception for research entities. Research entities that maintain adjudication records for purposes of collecting, analyzing, and disseminating criminal justice data shall not be subject to the expungement requirements

established in this section. Research entities shall abide by the policies established by the Court Administrator and shall not disclose any identifying information from the records they maintain.

(d) Policies for implementation. The Court Administrator shall establish policies for implementing this section.

(e) Application. This section shall apply to municipal violations that occur on and after July 1, 2024.

Sec. 4. 23 V.S.A. § 2303 is amended to read:

§ 2303. EXPUNGEMENT OF VIOLATION RECORDS

* * *

(e) Application. This section shall apply to motor vehicle violations that occur on and after July 1, 2021.

Sec. 5. PETITIONLESS SEALING

On or before December 2, 2024, the Chief Superior Judge, in consultation with the Attorney General, the Department of State's Attorneys and Sheriffs, the Office of the Defender General, and the Department of Corrections, shall submit to the House and Senate Committees on Judiciary a recommendation to establish a mechanism for petitionless sealing and any resources required for the recommendation to be implemented.

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

Rep. Squirrell of Underhill, for the Committee on Appropriations, recommended the bill ought to pass when amended as recommended by the Committee on Judiciary.

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

Second Reading; Bill Amended; Third Reading Ordered

H. 702

Rep. Boyden of Cambridge, for the Committee on Government Operations and Military Affairs, to which had been referred House bill, entitled

An act relating to legislative operations and government accountability

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

* * * Purpose and Findings * * *

Sec. 1. PURPOSE

(a) The purpose of this act is to actuate the principle of government accountability by focusing on how evidence is used to inform policy, how our State laws are carried out, and how legislation can best be formed to achieve its intended outcomes. This act strives to systematize government accountability efforts as much as possible with simple, clear, independent, objective, and fact-based processes rather than rely upon individual legislators or individual committees to be effective.

(b) Government accountability means the principle of demanding that legislation succeeds in achieving its stated policy goals through the provision of means by which to measure whether the policy goals have been met. The metrics for determining whether success has been achieved are as important as the goals themselves.

(c) Government oversight means the mechanisms put into place to ensure that the bodies of government tasked with executing legislative intent are properly doing so. Oversight by the Legislature is the examination of the processes followed and the information produced by government officials executing the law to determine whether those officials are properly and adequately achieving the policy goals established by the General Assembly.

* * * Creation of the Joint Government Oversight and Accountability Committee * * *

Sec. 2. 2 V.S.A. chapter 28 is added to read:

CHAPTER 28. JOINT GOVERNMENT OVERSIGHT AND
ACCOUNTABILITY COMMITTEE

§ 971. CREATION OF COMMITTEE

(a) There is created the Joint Government Oversight and Accountability Committee, whose membership shall be appointed each biennial session of the General Assembly. The Committee shall work independently and with other legislative committees to assist with matters related to issues of significant public concern.

(b) The Committee shall be composed of eight members: four members of the House of Representatives, not more than two shall be from the same party, appointed by the Speaker of the House; and four members of the Senate, not more than two shall be from the same party, appointed by the Committee on Committees. In addition to two members-at-large appointed from each chamber, one appointment shall be made from each of the House Committee on Government Operations and Military Affairs, the Senate Committee on

Government Operations, and the House and Senate Committees on Appropriations.

(c) The Committee shall elect a chair, vice chair, and clerk from among its members and shall adopt rules of procedure. The position of chair shall rotate biennially between the House and the Senate members. The Committee shall keep minutes of its meetings and maintain a file thereof. A quorum shall consist of five members.

(d) The Committee shall meet as necessary for the prompt discharge of its duties but shall meet at least every other week.

(e) For attendance at a meeting when the General Assembly is not in session, members of the Committee shall be entitled to compensation for services and reimbursement of expenses as provided under subsection 23(a) of this title.

(f) The professional and clerical services of the Joint Fiscal Office, the Office of Legislative Operations, and the Office of Legislative Counsel shall be available to the Committee.

§ 972. DUTIES AND POWERS

(a) Duties. The Committee shall have duties as described in this section and elsewhere in law.

(1)(A) The Committee shall exercise government oversight by examining and investigating matters of significant public concern relating to State government performance. The Committee shall examine the possible reasons for any failure of government oversight and provide findings and tangible recommendations to standing committees of jurisdiction to prevent future failures.

(B) The Committee will select issues of significant public concern to examine and investigate by a majority of the current Committee members who have not recused themselves from the matter.

(C) As used in this section, an “issue of significant public concern” means any issue that:

(i) affects the State as a whole;

(ii) affects a vulnerable population;

(iii) costs the State more than \$100,000,000.00;

(iv) implicates a serious failure of State government oversight or accountability;

(v) arises from previously enacted legislation; or

(vi) constitutes a failure to adequately respond to State or federal audits.

(2) The Committee shall, with coordination from the Legislative Committee on Administrative Rules, evaluate executive entities directed to adopt rules to ensure consistency and accountability in the rulemaking process.

(3) The Committee shall review performance notes issued pursuant to section 523 of this title and monitor performance measures for legislation requiring any performance note.

(4) The Committee shall, on an annual basis, issue a report that includes:

(A) which issues of significant public concern the Committee has examined and investigated, including relevant information and data;

(B) the Committee's current objectives for review of issues of significant public concern and which objectives, to date, have and have not been met;

(C) the Committee's objectives for review of issues of significant public concern for the upcoming two years; and

(D) any additional resources required by the Committee to adequately conduct its work.

(b) Powers. The Committee shall have powers as described in this section and elsewhere in law.

(1) Subpoenas and oaths. The Committee shall have the power to issue subpoenas and administer oaths in connection with the examination and investigation of matters of government oversight and accountability related to issues of significant public concern. The Commission may take or cause depositions to be taken as needed in any investigation or hearing.

(2) Direction of Joint Fiscal Office Division of Performance Accountability. The Committee may use the staff and services of the Division of Performance Accountability for carrying out the purposes of this chapter.

* * * Reports * * *

Sec. 3. 2 V.S.A. § 20 is amended to read:

§ 20. LIMITATION ON DISTRIBUTION AND DURATION OF AGENCY
REPORTS

(a) Unless otherwise provided by law, whenever it is required by statute, rule, or otherwise that an agency, department, or other entity submit an annual, biennial, or other periodic report to the General Assembly, that requirement

shall be met by submission by ~~January~~ November 15 of copies of the report for activities in the preceding fiscal year to the Clerk of the House, the Secretary of the Senate, the Office of Legislative ~~Counsel~~ Operations, chairs of legislative standing committees of jurisdiction, and such individual members of the General Assembly or committees that specifically request a copy of the report. ~~To the extent practicable, reports~~ Reports shall also be ~~placed~~ published on the agency's ~~Internet~~ website. No general distribution or mailing of such reports shall be made to members of the General Assembly.

* * *

(e) If it becomes apparent to any agency, department, or other entity directed by the General Assembly to report on a matter that the agency, department, or entity will be unable to do so within the required time, the reporting agency, department, or entity shall inform, if applicable, the relevant legislative committee's current chair, the committee assistant, and the Office of Legislative Operations of which report will be late, why, and when it will be delivered.

Sec. 4. MANAGEMENT OF REPORTS AND DATA; APPROPRIATION

(a) The Office of Legislative Operations, in coordination with the Office of Legislative Counsel and Legislative Office of Information Technology, shall review the systems involved in publishing the current publicly available legislative reports database to ensure that legislatively mandated reports are being efficiently tracked, submitted, and published in an accessible manner.

(b) The sum of \$100,000.00 is appropriated from the General Fund to the Legislative Office of Information Technology in fiscal year 2025 for the purpose of upgrading the General Assembly's report management system.

(c) On or before January 31, 2025, the directors of the Office of Legislative Operations, the Office of Legislative Counsel, and the Legislative Office of Information Technology, or their designees, will together report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations on the status of the publicly available legislative reports database and with any recommendations for legislative action.

* * * Joint Fiscal Office * * *

Sec. 5. 2 V.S.A. § 527 is added to read:

§ 527. DIVISION OF PERFORMANCE ACCOUNTABILITY

(a) There is hereby created within Joint Fiscal Office a division to be known as the Division of Performance Accountability.

(b) The Division shall provide nonpartisan services as described in this section and elsewhere in law.

(c) At the direction of the Joint Government Oversight and Accountability Committee, and with the approval of the Speaker of the House and the President Pro Tempore of the Senate, the Division shall produce performance notes regarding certain proposed or enacted legislation for the use of the Committee. Performance notes shall include information regarding legislative intent, policy goals, metrics to measure results and evaluate whether the goals are being accomplished, and estimates of any savings, return on investment, or quantifiable benefit resulting from the adoption of the legislation.

Sec. 6. CREATION OF POSITION IN DIVISION OF PERFORMANCE
ACCOUNTABILITY; APPROPRIATION

(a) One new, permanent, full-time, exempt position is created in the Joint Fiscal Office's Division of Performance Accountability.

(b) The sum of \$160,000.00 is appropriated from the General Fund to the Joint Fiscal Office in fiscal year 2025 for the purpose of creating a position in the Division of Performance Accountability.

* * * Effective Date * * *

Sec. 7. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Bluemle of Burlington, for the Committee on Appropriations, recommended that the report of the Committee on Government Operations and Military Affairs be amended as follows:

First: In Sec. 4, management of reports and data; appropriation, by striking out subsection (b) in its entirety and by relettering the remaining subsection to be alphabetically correct

Second: In Sec. 6, creation of position in Division of Performance Accountability; appropriation, in subsection (b), before "sum of \$160,000.00" by striking out "The" and inserting in lieu thereof "To the extent funds are available, the", and after "for the purpose of creating a," adding "new, permanent, full-time, exempt"

Third: In Sec. 6, creation of position in Division of Performance Accountability; appropriation, by striking out subsection (a) in its entirety and by relettering the remaining subsection to be alphabetically correct

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Government Operations and Military Affairs was amended as recommended by the Committee on Appropriations. Report of the Committee on Government Operations and Military Affairs, as amended, agreed to and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 707

Rep. Graning of Jericho, for the Committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to revising the delivery and governance of the Vermont workforce system

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. 10 V.S.A. chapter 22A is amended to read:

CHAPTER 22A. WORKFORCE EDUCATION AND TRAINING

* * *

§ 541. OFFICE OF WORKFORCE EXPANSION AND DEVELOPMENT

(a) There is created within the Executive Branch the Office of the Workforce Expansion and Development.

(b) The Office of Workforce Expansion and Development shall have the administrative, legal, and technical support of the Department of Labor.

(c) There shall be at least two full-time staff to accomplish the duties of the Office. One of these staff positions shall be the Executive Director of the Office of Workforce Expansion and Development, who shall be an exempt employee and who shall report to and be under the general supervision of the Governor. Another position shall be a staff member, who shall be a classified employee, who shall support the work of the Executive Director, and who shall report to and be under the general supervision of the Executive Director.

(d) The Executive Director of the Office of Workforce Expansion and Development shall:

- (1) coordinate the efforts of workforce development in the State;
- (2) oversee the affairs of the State Workforce Development Board;
- (3) work with State agencies and private partners to:

(A) develop strategies for comprehensive and integrated workforce education and training;

(B) manage the collection of outcome information; and

(C) align workforce efforts with other State strategies; and

(4) perform other workforce development duties as directed by the Governor.

(e) The Executive Committee of the State Workforce Development Board shall, in consultation with the Department of Human Resources, suggest a set of recommended qualifications to the Governor for consideration for the position of Executive Director of the Office of Workforce Expansion and Development.

(f) The Governor shall appoint the Executive Director with the advice and consent of the Senate, and the Executive Committee of the State Workforce Development Board may provide a list to the Governor of recommended candidates for Executive Director.

§ 541a. STATE WORKFORCE DEVELOPMENT BOARD; EXECUTIVE COMMITTEE

(a) Board established; duties. Pursuant to the requirements of 29 U.S.C. § 3111, the Governor shall establish the State Workforce Development Board to assist the Governor in the execution of his or her duties under the Workforce Innovation and Opportunity Act of 2014 and to assist the Commissioner of Labor as specified in section 540 of this title.

* * *

(c) Membership. The Board shall consist of the Governor and the following members who are appointed by the Governor and serve at the Governor's pleasure unless otherwise indicated, in conformance with the federal Workforce Innovation and Opportunity Act ~~and who serve at his or her pleasure, unless otherwise indicated (WIOA), and who shall be selected from diverse backgrounds to represent the interests of ethnic and diverse communities and represent diverse regions of the State, including urban, rural, and suburban areas:~~

(1) ~~the Commissioner of Labor;~~

~~(2) two members~~ one member of the Vermont House of Representatives, who shall serve for the duration of the biennium, appointed by the Speaker of the House;

~~(3)~~(2) ~~two members~~ one member of the Vermont Senate, who shall serve for the duration of the biennium, appointed by the Senate Committee on Committees;

- ~~(4) the President of the University of Vermont;~~
- ~~(5) the Chancellor of the Vermont State Colleges;~~
- ~~(6) the President of the Vermont Student Assistance Corporation;~~
- ~~(7) a representative of an independent Vermont college or university;~~
- ~~(8) a director of a regional technical center;~~
- ~~(9) a principal of a Vermont high school;~~
- ~~(10) two representatives of labor organizations who have been nominated by a State labor federation;~~

~~(11)(3) two four members who are core program representatives of individuals and organizations who have experience with respect to youth activities, as defined in 29 U.S.C. § 3102(71), as follows:~~

~~(A) the Commissioner of Labor, or designee, for the Adult, Dislocated Worker, and Youth program and Wagner-Peyser;~~

~~(B) the Secretary of Education, or designee, for the Adult Education and Family Literacy Act program;~~

~~(C) the Secretary of Human Services, or designee, for the Vocational Rehabilitation program; and~~

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

~~(12)(4) two six workforce representatives of individuals and organizations who have experience in the delivery of workforce investment activities, as defined in 29 U.S.C. § 3102(68), as follows:~~

~~(A) two representatives from labor organizations operating in this State who are nominated by a State labor federation;~~

~~(B) one representative from a State-registered apprenticeship program; and~~

~~(C) three representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, which may include:~~

~~(i) organizations that serve veterans;~~

~~(ii) organizations that provide or support competitive, integrated employment for individuals with disabilities;~~

~~(iii) organizations that support the training or education needs of eligible youth as described in 20 CFR § 681.200, including representatives of~~

organizations that serve out-of-school youth as described in 20 CFR § 681.210; and

(iv) organizations that connect volunteers in national or State service programs to the workforce;

~~(13) the lead State agency officials with responsibility for the programs and activities carried out by one-stop partners, as described in 29 U.S.C. § 3151(b), or if no official has that responsibility, representatives in the State with responsibility relating to these programs and activities;~~

~~(14) the Commissioner of Economic Development;~~

~~(15) the Secretary of Commerce and Community Development;~~

~~(16) the Secretary of Human Services;~~

~~(17) the Secretary of Education;~~

~~(18) two individuals who have experience in, and can speak for, the training needs of underemployed and unemployed Vermonters; and~~

(5) two elected local government officials who represent a city or town within different regions of the State; and

~~(19)(6) a number of appointees sufficient to constitute a majority of the Board~~ 13 business representatives who:

~~(A) are owners, chief executives, or operating officers of businesses, and including nonprofits, or other business executives or employers with optimum policymaking or hiring authority, with at least one member representing a small business as defined by the U.S. Small Business Administration;~~

~~(B) represent businesses with employment opportunities that reflect in-demand sectors and employment opportunities in the State; and~~

~~(C) are appointed from among individuals nominated by State business organizations and business trade associations.~~

~~(d) Operation of Board.~~

~~(1) Executive Committee.~~

~~(A) Creation. There is created an Executive Committee that shall manage the affairs of the Board.~~

~~(B) Members. The members of the Executive Committee shall comprise the following:~~

~~(i) the Chair of the Board;~~

- (ii) the Commissioner of Labor or designee;
- (iii) the Secretary of Education or designee;
- (iv) the Secretary of Human Services or designee;
- (v) the Secretary of Commerce and Community Development or designee;
- (vi) two business representatives, appointed by the Chair of the Board, who serve on the Board; and
- (vii) two workforce representatives, appointed by the Chair of the Board, who serve on the Board.

(C) Meetings. The Chair of the Board shall chair the Executive Committee. The Executive Committee shall meet at least once monthly and shall hold additional meetings upon call of the Chair.

(D) Duties. The Executive Committee shall have the following duties and responsibilities:

- (i) recommend to the Board changes to the Board's rules or bylaws;
- (ii) establish one or more subcommittees as it determines necessary and appropriate to perform its work; and
- (iii) other duties as provided in the Board's bylaws.

(2) Member representation and vacancies.

(A) A member of the State Board may send a designee that who meets the requirements of subdivision (B) of this subdivision ~~(1)~~(2) to any State Board meeting, who shall count toward a quorum, and who shall be allowed to vote on behalf of the Board member for whom ~~he or she~~ the individual serves as a designee.

(B) Members of the State Board or their designees who represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority or relevant subject matter expertise within the organizations, agencies, or entities.

(C) ~~The members of the Board shall represent diverse regions of the State, including urban, rural, and suburban areas~~ The Chair of the Board shall provide notice within 30 days after a vacancy on the Board to the relevant appointing authority, which shall appoint a replacement within 90 days after receiving notice.

(2)(3) Chair. The Governor shall select a chair for the Board from among the business representatives appointed pursuant to subdivision (c)(18)(6) of this section.

(3)(4) Meetings. The Board shall meet at least three times annually and shall hold additional meetings upon call of the Chair.

(4)(5) Committees; work groups; ad hoc committees. The Chair, in consultation with the Commissioner of Labor, may:

(A) assign one or more members or their designees to standing committees, ad hoc committees, or work groups to carry out the work of the Board; and

(B) appoint one or more nonmembers of the Board to a standing committee, ad hoc committee, or work group and determine whether the individual serves as an advisory or voting member, provided that the number of voting nonmembers on a standing committee shall not exceed the number of Board members or their designees.

* * *

§ 541b. WORKFORCE EDUCATION AND TRAINING; DUTIES OF
OTHER STATE AGENCIES, DEPARTMENTS, AND PRIVATE
PARTNERS

(a) To ensure the State Workforce Development Board, ~~and~~ the Commissioner of Labor, and the Executive Director of the Office of Workforce Expansion and Development are able to fully perform their duties under this chapter, each agency and department within State government, and each person who receives funding from the State, shall comply within a reasonable period of time with a request for data and information made by the Board, ~~or~~ the Commissioner, or the Executive Director in furtherance of their duties under this chapter.

(b) The Agency of Commerce and Community Development shall coordinate its work in adopting a statewide economic development plan with the activities of the Board, ~~and~~ the Commissioner of Labor, and the Executive Director.

Sec. 2. 2022 Acts and Resolves No. 183, Sec. 5a is amended to read:

Sec. 5a. REGIONAL WORKFORCE EXPANSION SYSTEM

* * *

(c) System infrastructure. The Department shall make investments that improve and expand regional capacity to strengthen networks who assist jobseekers, workers, and employers in connecting.

(1) The Department is authorized to create up to four classified, ~~two-~~ year limited-service positions, with funding allocated to perform the work described in this section, who shall report to the Workforce Development Division and of whom:

* * *

(e) Interim report. On or before ~~January 15, 2023~~ July 15, 2025, the Department shall provide a narrative update on the progress made in hiring staff, establishing interagency agreements, developing regional information exchange systems, and supporting State-level work to expand the labor force to the House and Senate committees of jurisdiction.

(f) Implementation. The Department of Labor shall begin implementing the Regional Workforce Expansion System on or before ~~July 1, 2022~~ September 1, 2024.

Sec. 3. TASK FORCE TO STUDY DATA MANAGEMENT MODELS

On or before December 15, 2025, the Executive Director of the Office of Workforce Development, in consultation with the Executive Committee of the State Workforce Development Board and the Agency of Digital Services, shall issue a written report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs regarding the development of a data trust as outlined in model three of the final report of the State Oversight Committee on Workforce Expansion and Development pursuant to 2022 Acts and Resolves No. 183, Sec. 5. The report shall include:

(1) a recommendation on audience, partners, use cases, outcomes, and data required for future workforce, education, and training programs;

(2) a detailed review of the current availability of public and private workforce development and training data, education data, and demographic data, including the integration of data between the State's workforce development and training programs and private programs funded through State funding dollars;

(3) a summary of the progress made in the development of data-sharing relationships with the stewards of identified data sets;

(4) draft legislative language for the creation of a data tool;

(5) the amount of funding necessary to establish and maintain the use of a data tool; and

(6) a summary of other efforts across State government and through the Agency of Digital Services regarding the development of data trusts, along with best practices identified through those efforts.

Sec. 4. WORKFORCE EDUCATION AND TRAINING LEADERSHIP

WORKING GROUP

(a) Creation. There is created a working group to review and propose changes to the leadership and duties set forth in 10 V.S.A. § 540.

(b) Membership. The working group shall be composed of the following:

(1) the Executive Committee of the State Workforce Development Board; and

(2) the Executive Director of the Office Workforce Expansion and Development.

(c) Meetings.

(1) Chair. The Chair of the State Workforce Development Board shall initially chair the working group and shall call the first meeting of the working group to occur on or before October 1, 2024. The Executive Director of the Office of Workforce Expansion and Development shall, upon hire, solely chair the working group.

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

(3) The working group shall meet not more than eight times.

(d) Powers and duties. The working group shall review 10 V.S.A. § 540 and engage with workforce development stakeholders to:

(1) evaluate the effectiveness of the current language in statute; and

(2) determine, due to changes in the State Workforce Board as set forth in this act, how the authorities and responsibilities for the coordination of workforce education and training set forth in 10 V.S.A. § 540 should be modified to ensure there is effective and comprehensive leadership in workforce development, education, and training between the Commissioner of Labor, the Executive Director of the Office of Workforce Expansion and Development, and any other relevant authorities.

(e) Reporting.

(1) Progress report. The working group shall submit a written progress report to the House Committee on Commerce and Economic Development and

the Senate Committee on Economic Development, Housing and General Affairs updating the committees on its progress on the work set forth in this section on or before April 1, 2025.

(2) Final report. The working group shall submit a written report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs with its final recommendations based on the analysis conducted pursuant to this section on or before November 1, 2025. The final report shall also include alternatives that were seriously considered but not listed in the final recommendations, along with the names and affiliations of the stakeholders consulted during the working group's meetings

(f) Compensation and reimbursement.

(1) Unless otherwise compensated by the member's employer for performance of the member's duties on the working group, a nonlegislative member of the working group shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010.

(2) Payments to members of the working group authorized under this subsection shall be made from monies appropriated to the Department of Labor.

(g) Expiration. The working group shall cease to exist on December 31, 2025.

Sec. 5. STATE WORKFORCE DEVELOPMENT BOARD TRANSITION PERIOD

(a) An appointing authority for the State Workforce Development Board pursuant to 10 V.S.A. § 541a(c) shall make all appointments as required to the Board on or before September 1, 2024.

(b) A member of the State Workforce Development Board on June 30, 2024, except for the Governor, and unless appointed or placed on the Board after the passage of this act pursuant to 10 V.S.A. § 541a(c), shall cease being a member of the Board on July 1, 2024.

(c) Notwithstanding subsection (b) of this section, an appointing authority pursuant to 10 V.S.A. § 541a(c) may reappoint the same individual as a member to the Board after passage of this act.

(d) Members of the Board appointed by the Governor shall serve initial staggered terms with eight members serving three-year terms, eight members serving two-year terms, and seven members serving one-year terms.

(e) The Governor shall appoint a chair of the Board pursuant to 10 V.S.A. § 541a(d)(3) on or before August 1, 2024.

(f) The Board shall amend the Board's WIOA Governance Document to align it pursuant to the terms of this act on or before February 1, 2025.

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

Rep. Toleno of Brattleboro, for the Committee on Appropriations, recommended the bill ought to pass when amended as recommended by the Committee on Commerce and Economic Development.

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

Committee Bill; Second Reading; Bill Amended; Third Reading Ordered

H. 877

Rep. Graham of Williamstown spoke for the Committee on Agriculture, Food Resiliency, and Forestry.

House bill, entitled

An act relating to miscellaneous agricultural subjects

Rep. Masland of Thetford, for the Committee on Ways and Means, recommended that the bill ought to pass when amended as follows:

First: In Sec. 4, 6 V.S.A. § 1112, by striking out subsection (d) in its entirety and inserting in lieu thereof the following:

(d) The Secretary may charge a fee of up to \$75.00 to applicants who prefer to utilize an electronic or alternate testing service for their pesticide certification or licensing examinations. The Secretary may contract with a vendor to administer examinations. The Secretary shall continue to administer in-person examinations that do not include any additional fee for an electronic or alternate testing service.

Second: By adding a new section to be Sec. 4a to read as follows:

Sec. 4a. REPORT ON FEE FOR ELECTRONIC PESTICIDE CERTIFICATION

On or before December 15, 2024, the Secretary of Agriculture, Food and Markets shall submit to the House Committee on Ways and Means and the Senate Committee on Finance a proposed fee for the electronic administration

of pesticide certification examinations based on the costs of the contract that the Secretary enters with a vendor for the administration of the examinations.

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

Action on Bill Postponed

H. 659

House bill, entitled

An act relating to captive insurance

Was taken up and, pending second reading of the bill, on motion of **Rep. White of Bethel**, action on the bill was postponed until March 27, 2024.

Message from the Senate No. 35

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

S. 18. An act relating to banning flavored tobacco products and e-liquids.

And has concurred therein.

The Senate has on its part passed Senate bills of the following titles:

S. 150. An act relating to automobile insurance.

S. 183. An act relating to reenvisioning the Agency of Human Services.

S. 213. An act relating to the regulation of wetlands, river corridor development, and dam safety.

S. 246. An act relating to amending the Vermont basic needs budget and livable wage.

S. 305. An act relating to miscellaneous changes related to the Public Utility Commission.

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

The Senate has considered a bill originating in the House of the following title:

H. 801. An act relating to approval of the adoption of the charter of the Town of Waterbury.

And has passed the same in concurrence.

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

H.C.R. 181. House concurrent resolution recognizing June 24, 2024 as Saint-Jean-Baptiste Day in Vermont.

H.C.R. 182. House concurrent resolution congratulating the 2024 Fair Haven Union High School Slaters Division II championship girls' basketball team.

H.C.R. 183. House concurrent resolution designating March 28, 2024 as Alzheimer's Awareness Day at the State House.

H.C.R. 184. House concurrent resolution congratulating the Desorcie family on 60 years of wonderful and continuous family ownership of Desorcie's Market in Highgate Center.

H.C.R. 185. House concurrent resolution congratulating the 2024 Thetford Academy Panthers Division III championship boys' basketball team.

H.C.R. 186. House concurrent resolution celebrating the centennial of diplomatic relations between the Republic of Ireland and the United States and the continuing enthusiastic and warm friendship between the two nations.

H.C.R. 187. House concurrent resolution congratulating the 2024 Mt. Anthony Union High School Patriots wrestling team on winning the school's 35th consecutive State championship.

H.C.R. 188. House concurrent resolution congratulating Milton High School junior Olivia Thomas on her individual track and field achievements.

H.C.R. 189. House concurrent resolution recognizing March 2024 as National Senior Nutrition Program Month in Vermont and celebrating over a half century of the federal Senior Nutrition Program.

H.C.R. 190. House concurrent resolution designating March 26, 2024 as Robert Frost Day in Vermont.

H.C.R. 191. House concurrent resolution recognizing March 25, 2024 as National Medal of Honor Day in Vermont.

Adjournment

At one o'clock and seven minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, March 26, 2024, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 49.

Concurrent Resolutions Adopted

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

H.C.R. 181

House concurrent resolution recognizing June 24, 2024 as Saint-Jean-Baptiste Day in Vermont

H.C.R. 182

House concurrent resolution congratulating the 2024 Fair Haven Union High School Slaters Division II championship girls' basketball team

H.C.R. 183

House concurrent resolution designating March 28, 2024 as Alzheimer's Awareness Day at the State House

H.C.R. 184

House concurrent resolution congratulating the Desorcie family on 60 years of wonderful and continuous family ownership of Desorcie's Market in Highgate Center

H.C.R. 185

House concurrent resolution congratulating the 2024 Thetford Academy Panthers Division III championship boys' basketball team

H.C.R. 186

House concurrent resolution celebrating the centennial of diplomatic relations between the Republic of Ireland and the United States and the continuing enthusiastic and warm friendship between the two nations

H.C.R. 187

House concurrent resolution congratulating the 2024 Mt. Anthony Union High School Patriots wrestling team on winning the school's 35th consecutive State championship

H.C.R. 188

House concurrent resolution congratulating Milton High School junior Olivia Thomas on her individual track and field achievements

H.C.R. 189

House concurrent resolution recognizing March 2024 as National Senior Nutrition Program Month in Vermont and celebrating over a half century of the federal Senior Nutrition Program

H.C.R. 190

House concurrent resolution designating March 26, 2024 as Robert Frost Day in Vermont

H.C.R. 191

House concurrent resolution recognizing March 25, 2024 as National Medal of Honor Day in Vermont

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2024 Adjourned Session.]