

House Calendar

Friday, May 16, 2025

129th DAY OF THE BIENNIAL SESSION

House Convenes at 9:30 A.M.

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ACTION CALENDAR

Action Postponed Until May 16, 2025

Senate Proposal of Amendment

H. 481

An act relating to stormwater management

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

Sec. 1. 10 V.S.A. § 1264 is amended to read:

§ 1264. STORMWATER MANAGEMENT

* * *

(c) Prohibitions.

* * *

(7) In accordance with the schedule established under subdivision (g)(3) of this section, a person shall not discharge stormwater from impervious surface of three or more acres in size without first obtaining an individual permit or coverage under a general permit issued under this section if the discharge was never previously permitted or was permitted under an individual permit or general permit that did not incorporate the requirements of the 2002 Stormwater Management Manual or any subsequently adopted Stormwater Management Manual. The Secretary shall provide notice to all owners of property subject to the permit required under this subdivision.

(d) Exemptions.

* * *

(2) No permit is required under subdivision (c)(1), (5), or (7) of this section and for which a municipality has assumed full legal responsibility as part of a permit issued to the municipality by the Secretary. As used in this subdivision, “full legal responsibility” means legal control of the stormwater system, including a legal right to access the stormwater system, a legal duty to properly maintain the stormwater system, and a legal duty to repair and replace the stormwater system when it no longer adequately protects waters of the State. Notwithstanding the provisions of 24 V.S.A. § 3254 to the contrary, when a municipality assumes or has assumed full legal responsibility for a stormwater system, the municipality may assess municipal special assessment

fees on users of the stormwater system provided that a majority of the property owners subject to the special assessment fee consented and the fee assessed is a fair apportionment to the user of the cost of the improvement in accordance with the benefits the user received.

* * *

(g) General permits.

* * *

(3) Within 120 days after the adoption by the Secretary of the rules required under subsection (f) of this section, the Secretary shall issue a general permit under this section for discharges of stormwater from impervious surface of three or more acres in size, when the stormwater discharge previously was not permitted or was permitted under an individual permit or general permit that did not incorporate the requirements of the 2002 Stormwater Management Manual or any subsequently adopted Stormwater Management Manual. Under the general permit, the Secretary shall:

(A) Establish a schedule for implementation of the general permit by geographic area of the State. The schedule shall establish the date by which an owner of impervious surface shall apply for coverage under this subdivision (3). The schedule established by the Secretary shall require an owner of impervious surface subject to permitting under this subdivision to obtain coverage by the following dates:

(i) for impervious surface located within the Lake Champlain watershed, the Lake Memphremagog watershed, or the watershed of a stormwater-impaired water on or before October 1, ~~2023~~ 2028; and

(ii) for impervious surface located within all other watersheds of the State, ~~no not~~ not later than October 1, 2033 2038 or not later than five years after a binding stormwater-specific waste-load allocation has been established for that watershed, whichever occurs first.

(B) Establish criteria and technical standards, such as best management practices, for implementation of stormwater improvements for the retrofitting of impervious surface subject to permitting under this subdivision (3).

(C) Require that a discharge of stormwater from impervious surface subject to the requirements of this section comply with the standards of subsection (h) of this section for redevelopment of or renewal of a permit for existing impervious surface.

(D) Allow the use of stormwater impact fees, offsets, and phosphorus credit trading within the watershed of the water to which the stormwater discharges or runs off.

* * *

Sec. 2. REPEALS; SUNSET OF PROPERTY TRANSFER TAX CLEAN WATER SURCHARGE

(a) 2017 Acts and Resolves No. 85, Sec. I.10 (sunset of clean water surcharge), as amended by 2024 Acts and Resolves No. 181, is repealed.

(b) 2017 Acts and Resolves No. 85, Sec. I.11(a)(5) (effective date of sunset of clean water surcharge) is repealed.

Sec. 3. 2017 Acts and Resolves No. 85, Sec. I.1(b) is amended to read:

(b) Purpose and intent.

(1) The purpose of Secs. I.1–I.12 of this act is to promote the development and improvement of housing for Vermonters.

(2) It is the intent of the General Assembly:

(A) to extend the clean water surcharge to provide ~~an interim~~ a source of revenue for addressing water quality issues throughout the State; and

(B) to continue its work on identifying a long-term funding source or sources that are sufficient in scope and targeted in design to address these water quality issues; ~~and~~

~~(C) once one or more long-term funding sources are identified and enacted, but not later than July 1, 2027, to reduce the amount of the clean water surcharge to 0.04 percent.~~

Sec. 4. 2017 Acts and Resolves No. 85, Sec. I.12 is amended to read:

Sec. I.12. EFFECTIVE DATES

(a) Secs. I.1–I.12 shall take effect on July 1, 2017, ~~except that Sec. I.10 (allocating clean water surcharge revenue to Vermont Housing and Conservation Trust Fund) shall take effect on July 1, 2027.~~

Sec. 5. 2017 Acts and Resolves No. 85, Sec. I.7(d) is amended to read:

(d) To compensate for this reduction of available property transfer tax revenue, it is the intent of the General Assembly through this act to provide for the transfer of \$2,500,000.00 to the Vermont Housing and Conservation Trust Fund, as follows:

(1) Sec. D.100 of this act appropriates \$11,304,840.00 in fiscal year 2018 from the Vermont Housing and Conservation Trust Fund to the Vermont Housing and Conservation Board. Upon the effective date of this act, \$1,500,000.00 shall revert to the Fund, resulting in a fiscal year 2018 total appropriation to the Board of \$9,804,840.00. In fiscal year 2018 only, the amount of \$1,500,000.00 from the Vermont Housing and Conservation Trust Fund shall be transferred to the General Fund.

(2) As provided in Sec. I.9 of this act, ~~from July 1, 2017 until July 1, 2027~~, pursuant to 32 V.S.A. § 9602a, the first \$1,000,000.00 in revenue generated by the clean water surcharge of ~~0.2~~ 0.22 percent shall be transferred to the Vermont Housing and Conservation Trust Fund. In fiscal year 2018 only, the Commissioner shall transfer the amount of \$1,000,000.00 from the Vermont Housing and Conservation Trust Fund to the General Fund.

(3) ~~After July 1, 2027, pursuant to 32 V.S.A. § 9602a as amended in Sec. I.10 of this act, \$1,000,000.00 in total revenue generated by the clean water surcharge of 0.04 percent shall be transferred to the Vermont Housing and Conservation Trust Fund. [Repealed.]~~

(4) ~~As provided in Sec. I.11 of this act, the clean water surcharge will be repealed in its entirety on July 1, 2039. [Repealed.]~~

Sec. 6. 10 V.S.A. §§ 927 and 928 are amended to read:

§ 927. DEVELOPED LANDS IMPLEMENTATION GRANT PROGRAM

The Secretary shall administer a Developed Lands Implementation ~~Grant~~ Program to provide ~~grants or financing~~ financial assistance to persons who are required to obtain a permit to implement regulatory requirements that are necessary to achieve water quality standards. ~~The grant or financing program shall only be available in basins where a clean water service provider has met its annual goals or is making sufficient progress, as determined by the Secretary, towards those goals.~~ This grant program shall fund or provide financing for projects related to the permitting of impervious surface of three acres or more under subdivision 1264(g)(3) of this title and for a permit renewal under subdivision 1264(h)(2) of this title for a discharge to a stormwater-impaired water that was permitted under an individual permit or a general permit that did not incorporate the requirements of the 2002 Stormwater Management Manual or any subsequently adopted Stormwater Management Manual. Not more than 15 percent of the total grant amount awarded shall be used for administrative costs.

§ 928. MUNICIPAL STORMWATER IMPLEMENTATION GRANT PROGRAM

The Secretary shall administer a Municipal Stormwater Implementation Grant Program to provide ~~grants~~ financial assistance to any municipality required under section 1264 of this title to obtain or seek coverage under the municipal roads general permit, the municipal separate storm sewer systems permit, a permit for impervious surface of three acres or more, or a permit required by the Secretary to reduce the adverse impacts to water quality of a discharge or stormwater runoff. ~~The grant program shall only be available in basins where a clean water service provider has met its annual goals or is making sufficient progress, as determined by the Secretary, towards those goals.~~ Not more than 15 percent of the total grant amount awarded shall be used for administrative costs. This program also shall be available to a municipality to comply with a permit for impervious surface of three acres or more for a residential subdivision when the municipality assumes or has assumed full legal responsibility for the stormwater system of the residential subdivision under subdivision 1264(c)(7) of this title. Municipalities may receive assistance under this program for design or engineering services necessary for the formation of a municipal stormwater utility.

Sec. 7. 10 V.S.A. § 1389(e) is amended to read:

(e) Priorities. In making recommendations under subsection (d) of this section regarding the appropriate allocation of funds from the Clean Water Fund, the Board shall prioritize as follows:

(1) As a first priority, make recommendations regarding funding for the following grants and programs, which shall each be given equal priority:

(A) grants to clean water service providers to fund the reasonable costs associated with the inspection, verification, operation, and maintenance of clean water projects in a basin;

(B) the Water Quality Restoration Formula Grant under section 925 of this title;

(C) the Agency of Agriculture, Food and Markets' agricultural water quality programs; and

(D) the Water Quality Enhancement Grants under section 926 of this title at a funding level of at least 20 percent of the annual balance of the Clean Water Fund, provided that the maximum amount recommended under this subdivision (D) in any year shall not exceed \$5,000,000.00; and

(E) funding to partners for basin planning, basin water quality council participation, education, and outreach as provided in subdivision 1253(d)(3) of this title, provided funding shall be at least \$500,000.00.

(2) As the next priority after reviewing funding requests for programs identified under subdivision (1) of this subsection:

(A) funding to programs or projects that address or repair riparian conditions that increase the risk of flooding or pose a threat to life or property;

(B) funding for education and outreach regarding the implementation of water quality requirements, including funding for education, outreach, demonstration, and access to tools for the implementation of the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, as adopted by the Commissioner of Forests, Parks and Recreation;

(C) funding for the Municipal Stormwater Implementation ~~Grant~~ Program as provided in section 928 of this title, including at least \$1,000,000.00 annually for costs of complying with permitting requirements under subdivision 1264(c)(7) of this title;

(D) funding for innovative or alternative technologies or practices designed to improve water quality or reduce sources of pollution to surface waters, including funding for innovative nutrient removal technologies and community-based methane digesters that utilize manure, wastewater, and food residuals to produce energy; and

(E) funding to purchase agricultural land in order to take that land out of practice when the State water quality requirements cannot be remediated through agricultural Best Management Practices.

(3) As the next priority after reviewing funding requests under subdivisions (1) and (2) of this subsection, funding for the Developed Lands Implementation ~~Grant~~ Program as provided in section 927 of this title.

Sec. 7a. 10 V.S.A. § 1389a is amended to read:

§ 1389a. CLEAN WATER INVESTMENT REPORT

(a) Beginning on January 15, 2017, and annually thereafter, the Secretary of Administration shall publish the Clean Water Investment Report. The Report shall summarize all investments, including their cost-effectiveness, made by the Clean Water Board and other State agencies for clean water restoration over the prior fiscal year. The Report shall include expenditures from the Clean Water Fund, the General Fund, the Transportation Fund, and any other State expenditures for clean water restoration, regardless of funding source.

(b) The Report shall include:

* * *

(7) Beginning on January 2028 and every four years thereafter, a review of the sufficiency of the Clean Water Surcharge to the Property Transfer Tax under 32 V.S.A. § 9602a, including an assessment of whether the revenue generated by the surcharge remains necessary to fulfill the State's clean water initiatives. The review shall include an assessment of whether the Clean Water Surcharge should be continued, whether the amount of the surcharge should be adjusted, and whether the surcharge should be repealed at a specified date.

* * *

Sec. 8. RECOMMENDED APPROPRIATION; PRIORITIES

(a) Notwithstanding any other provision of law, the Clean Water Board shall recommend \$5,000,000.00 from the Clean Water Fund in fiscal year 2027 to the Municipal Stormwater Implementation Program in 10 V.S.A. § 928 for costs of complying with permitting requirements under 10 V.S.A. § 1264(c)(7), including for residential subdivisions when the municipality assumes full legal responsibility for the stormwater system.

(b) Before January 1, 2032, the Secretary of Natural Resources shall provide properties subject to the three-acre stormwater permit under 10 V.S.A. § 1264(c)(7) additional priority points when awarding financing under the Municipal Stormwater Implementation Program and under the Developed Lands Implementation Program when residential housing used as primary residences are located on the relevant properties.

Sec. 9. STORMWATER MANAGEMENT PUBLIC RESOURCE GUIDE

(a) On or before January 1, 2027, the Secretary of Natural Resources shall publish a Public Resource Guide to Stormwater Management that informs persons subject to stormwater operating permits under 10 V.S.A. § 1264 with information and resources related to complying with and paying for stormwater permitting requirements. The Resource Guide shall be user friendly and designed to encourage the public to engage with the Agency of Natural Resources in finding solutions to stormwater permitting needs.

(b) The Resource Guide shall:

(1) summarize the statutory requirements for stormwater permits, with specific emphasis on the three-acre stormwater permit required under 10 V.S.A. § 1264(c)(7), including why the permits are required;

(2) recommend available, practical, cost-effective measures for how persons subject to stormwater permit requirements can address parcel-based issues, including:

(A) the lack of a homeowner's association to assume permitting responsibility;

(B) lack of available property to implement stormwater management, including whether and how a person subject to stormwater permits can implement an off-site offset project to comply with permitting requirements; and

(C) how to address or manage stormwater runoff from other stormwater systems entering stormwater systems subject to permitting;

(3) recommend resources where funding for compliance with stormwater permitting requirements may be accessed or applied for, including how to apply for financial assistance from the Agency of Natural Resources;

(4) provide a contact at the Agency of Natural Resources that can assist persons subject to stormwater permitting by answering questions, providing referrals to creative or alternative solutions for achieving permit compliance, and recommending available financial resources; and

(5) provide a model bylaw or ordinance for the formation of a municipal stormwater utility.

(c) The Secretary of Natural Resources shall submit a copy of the Resource Guide to the Senate Committee on Natural Resources and Energy and the House Committee on Environment. The Secretary shall also make the Resources available free of cost to the public from the Agency's website.

Sec. 10. 10 V.S.A. § 1389(e)(2)(C) is amended to read:

~~(C) funding for the Municipal Stormwater Implementation Program as provided in section 928 of this title, including at least \$1,000,000.00 annually for costs of complying with permitting requirements under subdivision 1264(e)(7) of this title;~~

Sec. 11. 24 V.S.A. § 3616 is amended to read:

§ 3616. RENTS; RATES

(a) A municipal corporation, through its board may establish rates, rents, or charges to be paid as the board may prescribe. The board may establish annual charges separately for bond repayment, fixed operations and maintenance costs and variable operations and maintenance costs dependent on flow.

(b) The rates, rents, or charges may be based upon:

(1) the metered consumption of water on premises connected with the sewer system, however, the board may determine no user will be billed for fixed operations and maintenance costs and bond payment less than the average single-family charge;

(2) the number of equivalent units connected with or served by the sewage system based upon their estimated flows compared to the estimated flows from a single-family dwelling, however, the board may determine no user will be billed less than the minimum charge determined for the single-family dwelling charge for fixed operations and maintenance costs and bond payment;

* * *

(6) for groundwater, surface, or stormwater an equivalent residential unit based on an average or median of the area of impervious surface on residential property within the municipality; or

(7) any combination of these bases, provided the combination is equitable.

* * *

Sec. 12. STUDY COMMITTEE ON STORMWATER MANAGEMENT AND CREATION OF REGIONAL STORMWATER UTILITY DISTRICTS

(a) Creation. There is created the Study Committee on the Creation of Regional Stormwater Utility Districts to review the feasibility and benefit of creating regional stormwater utility districts to facilitate implementation and compliance with the water quality laws of the State.

(b) Membership. The Study Committee shall be composed of the following members:

(1) the Commissioner of Environmental Conservation or designee;

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

(3) a representative of a municipality subject to the municipal separate storm sewer system (MS4) permit, appointed by the Committee on Committees;

(4) a representative of a municipality with a population under 2,500 persons, appointed by the Speaker of the House;

(5) a representative of the Green Mountain Water Environment Association, appointed by the Speaker of the House;

(6) a commercial or industrial business owner subject to the three-acre stormwater permit or other stormwater requirements, appointed by the Committee on Committees;

(7) a representative of an environmental advocacy organization, appointed by the Speaker of the House;

(8) a representative of a regional planning commission, appointed by the Committee on Committees; and

(9) a representative of a municipality with a designated downtown area served by water and sewer infrastructure that is not subject to a MS4 permit, appointed by the Speaker of the House.

(c) Powers and duties. The Study Committee shall review the feasibility of establishing regional stormwater utility districts in the State. The Study Committee shall:

(1) review current statutory authority for the development of regional stormwater utility districts comprised of multiple municipalities, including identifying any potential disincentives or obstacles to utility formation;

(2) propose an approach the State could use for implementing a regional stormwater utility that would allow the utilities to assume liability and responsibility for compliance with water quality laws, including how a utility could assume responsibility for:

(A) securing the permitting of properties subject to the three-acre stormwater permit; and

(B) achieving the phosphorus reduction targets for the three-acre stormwater permitted properties within the utility district;

(3) review and recommend cost-effective and equitable approaches for regional level revenue raising and distribution of project funding for the purpose of stormwater controls to meet total maximum daily load plans (TMDLs) including:

(A) consider prior revenue-raising recommendations made in the 2017 Clean Water Report from the Office of the State Treasurer;

(B) recommend whether and how to authorize a regional stormwater utility to assess fees or charges to all landowners, residents, and businesses within the regional stormwater utility district for the purpose of stormwater controls to meet TMDLs;

(C) propose how a regional stormwater utility district could be eligible for Clean Water State Revolving Loan Fund awards and access State-

level financial assistance for the design, construction, and operation and maintenance of regulatory and nonregulatory stormwater systems, including from the Clean Water State Revolving Loan Fund;

(D) recommend whether and how a regional stormwater utility can allocate resources and cost-effectively and equitably achieve pollutant reduction measures that are not fully achieved by regulated sites, as might be articulated in a regional stormwater management plan; and

(E) recommend whether and how a regional stormwater utility could improve the management of parcel-based issues in a more cost-effective and equitable manner, such as how a regional utility could address regulation of stormwater systems lacking a homeowners' association or other accountable entity or how a regional utility could improve management of upstream properties that drain into stormwater systems subject to permitting;

(4) recommend whether stormwater permitting for municipalities or others could be streamlined to improve the application process, permit renewal, or fee requirements;

(5) propose how statute should be amended to implement any of the recommendations of the Study Committee, including stormwater management planning for purposes of overall regional phosphorus pollutant reductions; and

(6) estimate a cost to operate proposed regional stormwater utility districts.

(d) Assistance. The Study Committee shall have the administrative, technical, and legal assistance of the Department of Environmental Conservation.

(e) Report. On or before January 15, 2027, the Study Committee shall submit a written report to the House Committees on Environment and on Government Operations and Military Affairs and the Senate Committees on Natural Resources and Energy and on Government Operations with its findings and any recommendations for legislative action.

(f) Meetings.

(1) The Commissioner of Environmental Conservation or designee shall call the first meeting of the Study Committee.

(2) The Commissioner of Environmental Conservation or designee shall be the Chair.

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

(4) The Study Committee shall cease to exist on March 1, 2027.

(g) Compensation and reimbursement. Members of the Study Committee shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than eight meetings. These payments shall be made from monies appropriated to the Agency of Natural Resources.

Sec. 13. EFFECTIVE DATES

This act shall take effect on July 1, 2025, except that Sec. 10 (future Clean Water Fund priorities) shall take effect October 1, 2032.

New Business

Favorable with Amendment

S. 53

An act relating to certification of community-based perinatal doulas and Medicaid coverage for doula services

Rep. Cordes of Bristol, for the Committee on Health Care, recommends that the House propose to the Senate that the bill be amended as follows:

First: By striking out Sec. 7, state plan amendment, in its entirety and inserting in lieu thereof a new Sec. 7 to read as follows:

Sec. 7. STATE PLAN AMENDMENT

Not later than July 1, 2026, the Department of Vermont Health Access shall seek a state plan amendment from the Centers for Medicare and Medicaid Services to allow Vermont's Medicaid program to provide coverage for doula services in accordance with 33 V.S.A. § 1901n, as added by this act.

Second: In Sec. 8, effective dates, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) Sec. 5 (33 V.S.A. § 1901n; Medicaid coverage for doula services) shall take effect on the later of July 1, 2026 or approval of the state plan amendment requested pursuant to Sec. 7 of this act.

(Committee vote: 11-0-0)

Rep. Branagan of Georgia, for the Committee on Health Care, recommends that the bill ought to pass in concurrence with the proposal of amendment recommended by the Committee on Health Care.

(Committee Vote: 10-0-1)

Rep. Mrowicki of Putney, for the Committee on Appropriations, recommends that the bill ought to pass in concurrence with the proposal of amendment recommended by the Committee on Health Care.

(Committee Vote: 10-0-1)

S. 109

An act relating to miscellaneous judiciary procedures

Rep. Rachelson of Burlington, for the Committee on Judiciary, recommends that the House propose to the Senate that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 3 V.S.A. § 164 is amended to read:

§ 164. ADULT COURT DIVERSION PROGRAM

(a) Purpose.

(1) The Attorney General shall develop and administer an adult court diversion program, for both pre-charge and post-charge referrals, available in all counties.

(2) The program shall be designed to provide a restorative option for persons alleged to have caused harm in violation of a criminal statute or who have been charged with violating a criminal statute as well as for victims or those acting on a victim's behalf who have been allegedly harmed by the ~~responsible party~~ person referred to the program. The diversion program can accept referrals to the program as follows:

* * *

(c) Adult diversion program policy and referral requirements.

* * *

(3) Adult post-charge diversion requirements. Each State's Attorney, in cooperation with the Office of the Attorney General and the adult post-charge diversion program, shall develop clear criteria for deciding what types of offenses and offenders will be eligible for diversion; however, the State's Attorney shall retain final discretion over the referral of each case for diversion. All adult post-charge diversion programs receiving financial assistance from the Attorney General shall adhere to the following:

(A) The post-charge diversion program for adults shall only accept persons against whom charges have been filed and the court has found probable cause, but are not adjudicated.

(B) A prosecutor may refer a person to diversion either before or after arraignment and shall notify in writing the diversion program and the court of the prosecutor's ~~of the~~ referral to diversion.

* * *

Sec. 2. 4 V.S.A. § 71 is amended to read:

§ 71. APPOINTMENT AND TERM OF SUPERIOR JUDGES

(a) ~~There shall be 34 Superior judges, whose term of office shall,~~ The number of Superior Judges shall be as determined by the General Assembly. The term of office of a Superior Judge shall, except in the case of an appointment to fill a vacancy or unexpired term, begin on April 1 in the year of their appointment or retention and continue for six years.

* * *

Sec. 3. 4 V.S.A. § 1102 is amended to read:

§ 1102. JUDICIAL BUREAU; JURISDICTION

(a) The Judicial Bureau is created within the Judicial Branch under the supervision of the Supreme Court.

(b) The Judicial Bureau shall have jurisdiction of the following matters:

* * *

(4) Violations of 7 V.S.A. § 1005, relating to possession and procurement of tobacco products by a person under 21 years of age.

* * *

Sec. 4. 4 V.S.A. § 1106 is amended to read:

§ 1106. HEARING

* * *

(d) ~~A~~ Unless otherwise provided by law, a law enforcement officer may void or amend a complaint issued by that officer by so marking the complaint and returning it to the Bureau, regardless of whether the amended complaint is a lesser included violation. At the hearing, a law enforcement officer may, unless otherwise provided by law, void or amend a complaint issued by that officer in the discretion of that officer.

* * *

Sec. 5. 7 V.S.A. § 1005(c) is amended to read:

(c) A person under 21 years of age who misrepresents ~~his or her~~ the person's age by presenting false identification to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia shall be ~~fin~~ subject to a civil penalty of not more than \$50.00 or provide up to 10 hours of community service, or both.

Sec. 6. 12 V.S.A. § 5 is amended to read:

§ 5. DISSEMINATION OF ELECTRONIC CASE RECORDS

(a) The Court shall not permit public access via the ~~Internet~~ internet to criminal, family, or probate case records. The Court may permit criminal justice agencies, as defined in 20 V.S.A. § 2056a, ~~Internet~~ internet access to criminal case records for criminal justice purposes, as defined in 20 V.S.A. § 2056a.

(b) Notwithstanding subsection (a) of this section, the Court shall provide licensed Vermont attorneys in good standing with access via the internet, through the Judiciary's public portal website or otherwise, to nonconfidential criminal, family, and probate case records.

(c) This section shall not be construed to prohibit the Court from providing electronic access to:

(1) court schedules of the Superior Court or opinions of the Criminal Division of the Superior Court;

(2) State agencies in accordance with data dissemination contracts entered into under Rule 12 of the Vermont Rules for Public Access to Court Records; or

(3) decisions, recordings of oral arguments, briefs, and printed cases of the Supreme Court.

Sec. 7. 12 V.S.A. § 4937 is amended to read:

§ 4937. ATTORNEY'S FEES

When a mortgage contains an agreement on the part of the mortgagor to pay the mortgagee, in the event of foreclosure, the attorney's fees incident thereto, and claim is made therefor in the complaint, ~~upon hearing~~, the court in which the complaint is brought shall allow such fee as in its judgment is just.

Sec. 8. 13 V.S.A. § 4013 is amended to read:

§ 4013. ZIP GUNS; ~~SWITCHBLADE KNIVES~~

A person who possesses, sells, or offers for sale a weapon commonly known as a "zip" gun, ~~or a weapon commonly known as a switchblade knife, the blade of which is three inches or more in length~~, shall be imprisoned not more than 90 days or fined not more than \$100.00, or both.

Sec. 9. EXPUNGEMENT OF CRIMINAL HISTORY RECORDS

The court shall order the expungement of criminal history records of convictions of 13 V.S.A. § 4013 for possessing, selling, or offering for sale a

switchblade knife that occurred prior to July 1, 2025. The process and effect for expungement of these records shall be as provided for in 13 V.S.A. § 7606 and shall be completed by the court and all entities subject to the order not later than July 1, 2026.

Sec. 10. 13 V.S.A. § 5351(7) is amended to read:

(7) “Victim” means:

(A) a person who sustains injury or death as a direct result of the commission or attempted commission of a crime;

(B) an intervenor who is physically injured or killed in an attempt to assist the person described in subdivision (A) of this subdivision (7) or ~~the police~~ a protected professional as defined in subdivision 1028(d)(1) of this title;

(C) a surviving immediate family member of a homicide victim, including a spouse, domestic partner, parent, sibling, child, grandparent, or other survivor who may suffer severe emotional harm as a result of the victim’s death as determined on a case-by-case basis in the discretion of the Board; or

(D) a resident of this State who is injured or killed as the result of a crime committed outside the United States.

Sec. 11. 13 V.S.A. § 7282 is amended to read:

§ 7282. SURCHARGE

* * *

(c) ~~SIU surcharge.~~ In addition to any penalty or fine imposed by the court for a criminal offense committed after July 1, 2009, the clerk of the court shall levy an additional surcharge of \$100.00 to be deposited in the General Fund, in support of the Specialized Investigative Unit Grants Board created in 24 V.S.A. § 1940(c), and used to pay for the costs of Specialized Investigative Units.

Sec. 12. 14 V.S.A. § 2 is amended to read:

§ 2. DEPOSIT OF WILL FOR SAFEKEEPING; DELIVERY; FINAL
DISPOSITION

(a) A will may be deposited for safekeeping in the Probate Division of the Superior Court for the district in which the testator resides on payment to the court of the applicable fee required by ~~32 V.S.A. § 1434(a)(17)~~ 32 V.S.A.

§ 1434(a)(18). The register shall give to the testator a receipt, shall safely keep each will so deposited, and shall keep an index of the wills so deposited.

* * *

Sec. 13. 14 V.S.A. § 3068 is amended to read:

§ 3068. HEARING

* * *

(e)(1) If upon completion of the hearing and consideration of the record the court finds that the respondent is not a person in need of guardianship, it shall dismiss the petition and seal the records of the proceeding.

(2) If a motion to withdraw the petition is made before the final hearing, the court shall dismiss the petition and seal the records of the proceeding.

(f) If upon completion of the hearing and consideration of the record the court finds that the petitioner has proved by clear and convincing evidence that the respondent is a person in need of guardianship or will be a person in need of guardianship on attaining 18 years of age, it shall enter judgment specifying the powers of the guardian pursuant to sections 3069 and 3070 of this title and the duties of the guardian pursuant to section 3071 of this title.

(g) Any party to the proceeding before the court may appeal the court's decision in the manner provided in section 3080 of this title.

Sec. 14. 14 V.S.A. § 4051 is amended to read:

§ 4051. STATUTORY FORM POWER OF ATTORNEY

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

VERMONT STATUTORY FORM POWER OF ATTORNEY IMPORTANT
INFORMATION

* * *

GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

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

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

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

() Create, amend, revoke, or terminate an inter vivos, family, living, irrevocable, or revocable trust

() Consent to the modification or termination of a noncharitable irrevocable trust under 14A V.S.A. § 411

() Make a gift, subject to the limitations of 14 V.S.A. § 4047 (gifts) and any special instructions in this power of attorney

~~() Consent to the modification or termination of a noncharitable irrevocable trust under 14A V.S.A. § 411~~

() Create, amend, or change rights of survivorship

() Create, amend, or change a beneficiary designation

() Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan

() Exercise fiduciary powers that the principal has authority to delegate

() Authorize another person to exercise the authority granted under this power of attorney

() Disclaim or refuse an interest in property, including a power of appointment

() Exercise authority with respect to elective share under 14 V.S.A. § 319

() Exercise waiver rights under 14 V.S.A. § 323

() Exercise authority over the content and catalogue of electronic communications and digital assets under 14 V.S.A. chapter 125 (Vermont Revised Uniform Fiduciary Access to Digital Assets Act)

() Exercise authority with respect to intellectual property, including, without limitation, copyrights, contracts for payment of royalties, and trademarks

() Convey, or revoke or revise a grantee designation, by enhanced life estate deed pursuant to 27 V.S.A. chapter 6 or under common law.

* * *

Sec. 15. 14A V.S.A. § 1316 is amended to read:

§ 1316. OFFICE OF TRUST DIRECTOR

Unless the terms of a trust provide otherwise, the rules applicable to a trustee apply to a trust director regarding the following matters:

- (1) acceptance under section 701 of this title;
- (2) giving of bond to secure performance under section 702 of this title;
- (3) reasonable compensation under section 708 of this title;
- (4) resignation under section 705 of this title;
- (5) removal under section 706 of this title; and
- (6) vacancy and appointment of successor under section 704 of this title.

Sec. 16. 33 V.S.A. § 5204(b)(2)(A) is amended to read:

(2)(A)(i) The Family Division of the Superior Court shall hold a hearing under subsection (c) of this section to determine whether jurisdiction should be transferred to the Criminal Division under subsection (a) of this section if the delinquent act set forth in the petition is:

(I) [Repealed.]

(II) human trafficking or aggravated human trafficking in violation of 13 V.S.A. § 2652 or 2653;

(III) defacing a firearm's serial number in violation of ~~13 V.S.A. § 4024~~ 13 V.S.A. § 4026; or

(IV) straw purchasing of firearm in violation of 13 V.S.A. § 4025; and

(ii) the child had attained 16 years of age but not 19 years of age at the time the act was alleged to have occurred.

Sec. 17. 33 V.S.A. § 5225 is amended to read:

§ 5225. PRELIMINARY HEARING; RISK ASSESSMENT

(a) Preliminary hearing. A preliminary hearing shall be held at the time and date specified on the citation or as otherwise ordered by the court. If a child is taken into custody prior to the preliminary hearing, the preliminary hearing shall be at the time of the temporary care hearing. Counsel for the child shall be assigned prior to the preliminary hearing.

(b) Risk and needs screening.

(1) Prior to the preliminary hearing, the child shall be afforded an opportunity to undergo a risk and needs screening, which shall be conducted by the Department or by a community provider that has contracted with the

Department to provide risk and need screenings for children alleged to have committed delinquent acts.

(2) If the child participates in such a screening, the Department or the community provider shall report the risk level result of the screening, the number and source of the collateral contacts made, and the recommendation for charging or other alternatives to the State's Attorney. The State's Attorney shall consider the results of the risk and needs screening in determining whether to file a charge. In lieu of filing a charge, the State's Attorney may refer a child directly to a youth-appropriate community-based provider that has been approved by the Department, which may include pre-charge diversion pursuant to 3 V.S.A. § 163, a community justice center, or a balanced and restorative justice program. Referral to a community-based provider pursuant to this subsection shall not require the State's Attorney to file a charge. If the community-based provider does not accept the case or if the child fails to complete the program in a manner deemed satisfactory and timely by the provider, the child's case shall return to the State's Attorney for charging consideration.

* * *

Sec. 18. 27 V.S.A. § 348 is amended to read:

§ 348. INSTRUMENTS CONCERNING REAL PROPERTY VALIDATED

(a) When an instrument of writing shall have been on record in the office of the clerk in the proper town for a period of 15 years, and there is a defect in the instrument because it omitted to state any consideration or was not sealed, witnessed, acknowledged, validly acknowledged, or because a license to sell was not issued or is defective, the instrument shall, from and after the expiration of 15 years from the filing thereof for record, be valid. Nothing in this section shall be construed to affect any rights acquired by grantees, assignees, or encumbrancers under the instruments described in the preceding sentence, nor shall this section apply to conveyances or other instruments of writing, the validity of which is brought in question in any suit now pending in any courts of the State.

* * *

(d) A release, discharge, or assignment of mortgage interest executed by a commercial lender with respect to a one- to four-family residential real property, including a residential unit in a condominium or in a common interest community as defined in Title 27A, that recites authority to act on behalf of the record holder of the mortgage under a power of attorney but where the power of attorney is not of record shall have the same effect as if

executed by the record holder of the mortgage unless, within three years after the instrument is recorded, an action challenging the release, discharge, or assignment is commenced and a copy of the complaint is recorded in the land records of the town where the release, discharge, or assignment is recorded. This subsection shall not apply to releases, discharges, or assignments obtained by fraud or forgery.

(e) A power of attorney made for the purpose of conveying, leasing, mortgaging, or affecting any interest in real property that has been acknowledged and signed in the presence of at least one witness shall be valid, notwithstanding its failure to comply with 14 V.S.A. § 3503 or the requirements of the Emergency Administrative Rules for Remote Notarial Acts adopted by the Vermont Secretary of State, unless within three years after recording, an action challenging its validity is commenced and a copy of the complaint is recorded in the land records of the town where the power of attorney is recorded. This subsection shall not apply to a power of attorney obtained by fraud or forgery.

(f) Notwithstanding section 305 of this title, a deed, mortgage, lease, or other instrument executed for the purpose of conveying or encumbering real property executed by a person purporting to act as the agent or attorney-in-fact for the party named in the deed, mortgage, lease, or other instrument that has been recorded for at least 15 years in the land records where the real property is located shall be valid even if no power of attorney authorizing and empowering an agent or attorney-in-fact appears of record, unless, within 15 years after recording, an action challenging the validity of the deed, mortgage, lease, or other instrument is commenced and a copy of the complaint is recorded in the land records of the town where the property is located. This subsection shall not apply to an instrument obtained by fraud or forgery.

Sec. 19. 32 V.S.A. § 1003 is amended to read:

§ 1003. STATE OFFICERS

* * *

(c) The officers of the Judicial Branch named in this subsection shall be entitled to annual salaries as follows:

Annual	Annual
Salary	Salary
as of	as of
July 14,	July 13,
2024	2025

(1) Chief Justice of Supreme Court	\$214,024	\$225,581
(2) Each Associate Justice	\$204,264	\$215,294
(3) Administrative Chief Superior Judge	\$204,264	\$215,294
(4) Each Superior Judge	\$194,185	\$204,671
(5) [Repealed.]		
(6) Each Magistrate	\$146,413	\$154,319
(7) Each Judicial Bureau hearing officer	\$146,413	\$154,319

* * *

Sec. 20. 2023 Acts and Resolves No. 27, Sec. 5 (forensic facility report) is amended to read:

Sec. 5. [Deleted.]

Sec. 21. 2023 Acts and Resolves No. 40, Sec. 4 is amended to read:

Sec. 4. REPEALS

* * *

(c) 28 V.S.A. § 126 (Coordinated Justice Reform Advisory Council) is repealed on ~~July 1, 2028~~ July 1, 2025.

Sec. 22. REPEAL

2019 Acts and Resolves No. 6, Secs. 99 and 100 (amendments to 18 V.S.A. §§ 4810(d)-(j) and 4811 that prohibited public inebriates from being incarcerated in a Department of Corrections' facility) are repealed.

Sec 23. 2019 Acts and Resolves No. 6, Sec. 105 is amended to read:

Sec. 105. EFFECTIVE DATES

* * *

(c) ~~Secs. 99 and 100 (amending 18 V.S.A. §§ 4910 and 4811) shall take effect on July 1, 2025.~~ [Deleted.]

* * *

Sec. 24. FIREARM SURRENDER ORDER COMPLIANCE WORKING GROUP; REPORT

(a) Creation. The Office of the Attorney General shall convene a Firearm Surrender Order Compliance Working Group to develop a uniform process to

ensure compliance with court orders to surrender firearms. The Working Group shall examine the statutory or policy changes necessary to create a uniform process to monitor compliance, support entities charged with storing and returning surrendered firearms pursuant to court orders, and identify a stable and reliable funding source for any additional resources needed to monitor compliance.

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

(1) the Attorney General or designee, who shall be the chair;

(2) the Chief Superior Court Judge or designee;

(3) the Defender General or designee;

(4) one State's Attorney or designee, appointed by the Department of State's Attorneys and Sheriffs;

(5) a member, appointed by the Vermont Network Against Domestic and Sexual Violence;

(6) a member of the Vermont State Police, appointed by the Commissioner of Public Safety;

(7) a police chief, appointed by the Vermont Association of Chiefs of Police; and

(8) a federal firearms licensee, appointed by the Attorney General.

(c) Consultation. The Working Group shall consult with stakeholders including:

(1) the Commissioner of Corrections;

(2) family law practitioners;

(3) victim advocates;

(4) advocates from culturally specific advocacy organizations that work with domestic violence victims;

(5) the Vermont Federation of Sportsmen's Clubs;

(6) the Vermont Office of the Bureau of Alcohol Tobacco and Firearms;

(7) the Vermont Medical Society;

(8) the Commissioner of Mental Health;

(9) the Vermont Center for Crime Victim Services; and

(10) the Vermont Council on Domestic Violence.

(d) Report. On or before November 15, 2025, the Working Group shall report its recommendations to the House and Senate Committees on Judiciary and to the Joint Legislative Justice Oversight Committee. The report shall include:

(1) a workable statewide compliance model that is adaptable to both the Family and Criminal Divisions of the Superior Courts and that ensures:

(A) accountability of respondents and defendants while addressing safety needs of the plaintiffs and victims; and

(B) proper storage and return of firearms surrendered pursuant to court orders; and

(2) recommendations for any legislative changes necessary to support the model.

(e) Meetings. The Task Force shall meet not more than six times.

(f) Compensation and reimbursement. Members of the Task Force who are not employees of the State of Vermont or who are not otherwise compensated or reimbursed for their attendance shall be entitled to compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than six meetings.

Sec. 25. 15A V.S.A. § 3-504 is amended to read:

§ 3-504. GROUNDS FOR TERMINATING RELATIONSHIP OF PARENT
AND CHILD

(a) If a respondent answers or appears at the hearing and asserts parental rights, the court shall proceed with the hearing expeditiously. If the court finds, upon clear and convincing evidence, that any one of the following grounds exists and that termination is in the best interests of the minor, the court shall order the termination of any parental relationship of the respondent to the minor:

* * *

(2) In the case of a minor over six months of age at the time the petition is filed, the respondent did not exercise parental responsibility for a period of at least six months immediately preceding the filing of the petition. In making a determination under this subdivision, the court shall consider all relevant factors, which may include the respondent's failure to:

(A) make reasonable and consistent payments, in accordance with the respondent's financial means, for the support of the minor, although legally obligated to do so;

(B) regularly communicate or visit with the minor; or

(C) during any time the minor was not in the physical custody of the other parent, manifest an ability and willingness to assume legal and physical custody of the minor.

* * *

Sec. 26. Sec. 1. 15 V.S.A. § 202 is amended to read:

§ 202. PENALTY FOR DESERTION OR NONSUPPORT

A married person who, without just cause, shall desert or willfully neglect or refuse to provide for the support and maintenance of ~~his or her~~ the person's spouse and children, leaving them in destitute or necessitous circumstances or a parent who, without lawful excuse, shall desert or willfully neglect or refuse to provide for the support and maintenance of ~~his or her~~ the child ~~or an adult child possessed of sufficient pecuniary or physical ability to support his or her parents, who unreasonably neglects or refuses to provide such support when the parent is destitute, unable to support himself or herself, and resident in this State,~~ shall be imprisoned not more than two years or fined not more than \$300.00, or both. Should a fine be imposed, the court may order the same to be paid in whole or in part to the needy spouse, ~~parent,~~ or to the guardian, custodian, or trustee of the child. The Office of Child Support attorneys, in addition to any other duly authorized person, may prosecute cases under this section in Vermont Superior Court.

Sec. 27. 2023 Acts and Resolves No. 19, Sec. 5 is amended to read:

Sec. 5. [Deleted.]

Sec. 28. 2023 Acts and Resolves No. 19, Sec. 6 is amended to read:

Sec. 6. EFFECTIVE DATES

* * *

(b) ~~Sec. 5 (marriage licenses; 32 V.S.A. § 1712) shall take effect on July 1, 2025.~~ [Deleted.]

* * *

Sec. 29. 13 V.S.A. § 7556 is amended to read:

§ 7556. APPEAL FROM CONDITIONS OF RELEASE OR BAIL

REVOCATION DENIAL

(a) A person who is detained, or whose release on a condition requiring ~~him or her~~ the person to return to custody after specified hours is continued, after review of ~~his or her~~ the person's application pursuant to subsection

7554(d) or (e) of this title by a judicial officer, other than a judge of the court having original jurisdiction over the offense with which ~~he or she~~ the person is charged or a Justice of the Supreme Court, may move the court having original jurisdiction over the offense with which ~~he or she~~ the person is charged to amend the order. The motion shall be determined promptly.

(b) When a person is detained after a court denies a motion under subsection (a) of this section or when conditions of release have been imposed or amended by the judge of the court having original jurisdiction over the offense charged, an appeal may be taken to a single Justice of the Supreme Court who may hear the matter or at ~~his or her~~ the Justice's discretion refer it to the entire Supreme Court for hearing. No further appeal may lie from the ruling of a single Justice in matters to which this subsection applies. Any order so appealed shall be affirmed if it is supported by the proceedings below. If the order is not supported, the Supreme Court or single Justice hearing the matter may remand the case for a further hearing or may, with or without additional evidence, order the person released. The appeal shall be determined forthwith.

(c)(1) When a person is released, with or without bail or other conditions of release, an appeal may be taken by the State to a single Justice of the Supreme Court who may hear the matter or at ~~his or her~~ the Justice's discretion refer it to the entire Supreme Court for hearing. No further appeal may lie from the ruling of a single Justice in matters to which this subsection applies. Any order so appealed shall be affirmed if it is supported by the proceedings below. If the order is not supported, the Supreme Court or single Justice hearing the matter may remand the case for a further hearing or may, with or without additional evidence, modify or vacate the order. The appeal shall be determined ~~forthwith~~ promptly.

(2) When a request to revoke bail pursuant to section 7575 of this title is denied, a prosecutor may appeal the court's order in accordance with the procedure outlined in subdivision (1) of this subsection.

(d) A person held without bail under section 7553a of this title prior to trial shall be entitled to an independent, second evidentiary hearing on the merits of the denial of bail, which shall be a hearing de novo by a single Justice of the Supreme Court forthwith. Pursuant to 4 V.S.A. § 22 the Chief Justice may appoint and assign a retired justice or judge with ~~his or her~~ the retired justice's or judge's consent or a Superior judge or District judge to a special assignment on the Supreme Court to conduct that de novo hearing. Such hearing de novo shall be an entirely new evidentiary hearing without regard to the record compiled before the trial court; except, the parties may stipulate to the admission of portions of the trial court record.

(e) A person held without bail prior to trial shall be entitled to review of that determination by a panel of three Supreme Court Justices within seven business days after bail is denied.

Sec. 30. 28 V.S.A. § 818 is amended to read:

§ 818. EARNED TIME; REDUCTION OF TERM

* * *

(b) The earned time program implemented pursuant to this section shall comply with the following standards:

* * *

(4) The Department shall:

(A) ensure that all victims of record are notified of the earned time program at its outset and made aware of the option to receive notifications from the Department pursuant to this subdivision;

(B) provide timely notice not less frequently than every 90 days to the offender, and to any victim who opts to receive the notice, any time the offender receives a reduction in ~~his or her~~ the offender's term of supervision pursuant to this section;

(C) maintain a system that documents and records all such reductions in each offender's permanent record; and

(D) record any reduction in an offender's term of supervision pursuant to this section on a monthly basis and ensure that victims who want information regarding changes in ~~scheduled~~ an offender's minimum release dates have access to such information.

* * *

Sec. 31. VICTIM NOTIFICATION SYSTEM TASK FORCE; REPORT

(a) Creation. There is created the Victim Notification System Task Force to review and improve the responsiveness of Vermont's victim notification system.

(b) Membership. The Task Force shall be composed of the following members:

(1) the Commissioner of Corrections or designee;

(2) the Executive Director of the Center for Crime Victim Services or designee;

(3) the Executive Director of the Department of State's Attorneys and Sheriffs or designee;

(4) a member, appointed by the Vermont Network Against Domestic and Sexual Violence;

(5) the Victims Service Director of the Vermont State Police; and

(6) two persons who are either victims or survivors of crimes, appointed by the Center for Crime Victim Services.

(c) Powers and duties. The Task Force shall study the current state of Vermont's victim notification system, including:

(1) improving victims' accessibility to information;

(2) ensuring that the entire notification process is trauma-informed, including all notifications, communications, and informational materials;

(3) expanding the use of automated notification systems in order to increase options and maximize communication choices for victims and survivors; and

(4) recommendations for necessary training and resources.

(d) Assistance. The Task Force shall have the administrative, technical, and legal assistance of the Department of Corrections.

(e) Report. On or before November 15, 2025, the Task Force shall submit its findings and recommendations as a written report in the form of proposed legislation to the Joint Legislative Justice Oversight Committee, the House Committees on Corrections and Institutions and on Judiciary, and the Senate Committees on Institutions and on Judiciary.

(f) Meetings.

(1) The Commissioner of Corrections or designee shall call the first meeting of the Task Force to occur on or before August 1, 2025.

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

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

(4) The Task Force shall cease to exist on February 15, 2026.

Sec. 32. ADULT INVOLUNTARY GUARDIANSHIP WORKING GROUP; REPORT

(a) Creation. There is created the Adult Involuntary Guardianship Working Group to study jurisdiction of proceedings involving the involuntary

guardianship of adults. The Working Group shall examine the advisability of consolidating adult involuntary guardianships under 14 V.S.A. chapter 111, subchapter 12 (“Title 14 involuntary guardianships”) with guardianships for persons with developmental disabilities under 18 V.S.A. chapter 215 (“Title 18 guardianships”), or otherwise amending the statutes to ensure that respondents under Title 18 guardianships have access to voluntary guardianships that is equal to the access to voluntary guardianships available under Title 14.

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

(1) the Commissioner of Disabilities, Aging, and Independent Living or designee;

(2) the Chief Superior Court Judge or designee;

(3) the Court Administrator or designee;

(4) a superior judge with experience in Title 18 guardianships, appointed by the Chief Justice;

(5) a probate judge, appointed by the Chief Justice;

(6) a guardian ad litem, appointed by the Court Administrator;

(7) an attorney with experience in adult guardianships, appointed by the Vermont Bar Association;

(8) an attorney with experience in adult guardianships, appointed by Vermont Legal Aid;

(9) an independent mental health evaluator, appointed by the Commissioner of Disabilities, Aging, and Independent Living; and

(10) a member, appointed by the Vermont Center for Independent Living.

(c) Meetings.

(1) The Commissioner of Disabilities, Aging, and Independent Living shall call the first meeting of the Working Group to occur on or before August 1, 2025.

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

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

(d) Report.

(1)(A) On or before December 15, 2025, the Working Group shall report its recommendations, including any proposed legislative changes, to the House and Senate Committees on Judiciary, the House Committee on Human Services, and the Senate Committee on Health and Welfare.

(B) The report shall recommend whether:

(i) Title 14 involuntary guardianship proceedings and Title 18 guardianship proceedings should be consolidated in one division of the Superior Court; or

(ii) Title 14 involuntary guardianship proceedings and Title 18 guardianship proceedings should remain in separate divisions of the Superior Court as provided for in existing law.

(2) With respect to subdivisions (d)(1)(B)(i) and (ii) of this section, the report shall address:

(A) the judicial resources and oversight that would be required;

(B) whether, notwithstanding 12 V.S.A. §2553 or 2555, the Vermont Supreme Court should have appellate jurisdiction over guardianship proceedings;

(C) the relationship between guardianships under subdivisions (d)(1)(B)(i) and (ii) of this section and voluntary guardianships under 14 V.S.A. § 2671; and

(D) any other matters deemed relevant by the Working Group, including any matters not currently under the jurisdiction of Title 14 guardianships or Title 18 guardianships.

Sec. 33. 4 V.S.A. § 39 is amended to read:

§ 39. CAPITAL BUDGET REQUESTS; COUNTY COURTHOUSES

(a) On or before October 1 each year, any county requesting capital funds for its courthouse, or court operations, shall submit a request to the Court Administrator. As used in this subsection, “court operations” does not include operating expenses.

(b) The Court Administrator shall evaluate requests based on the following criteria:

(1) whether the funding request is consistent with a capital program developed pursuant to 24 V.S.A. § 133(e)(3);

(2) whether the project that is the subject of the request has been included in the list of capital projects in the county’s budget pursuant to 24

V.S.A. § 133(e)(1), and, if so, the description of the project included in the budget;

(3) whether the county has established a capital reserve fund pursuant to 24 V.S.A. § 133(e)(3), and, if so, the amount of annual contributions the county has made to the fund;

(4) whether the funding request relates to an emergency that will affect the court operations and the administration of justice;

(2)(5) whether there is a State-owned courthouse in the county that could absorb court activities in lieu of this capital investment;

(3)(6) whether the county consistently has invested in major maintenance in the courthouse;

(4)(7) whether the request relates to a State-mandated function;

(5)(8) whether the request diverts resources of other current Judiciary capital priorities;

(6)(9) whether the request is consistent with the long-term capital needs of the Judiciary, including providing court services adapted to modern needs and requirements; and

(7)(10) any other criteria as deemed appropriate by the Court Administrator.

(c) Based on the criteria described in subsection (b) of this section, the Court Administrator shall make a recommendation to the Commissioner of Buildings and General Services regarding whether the county's request should be included as part of the Judiciary's request for capital funding in the Governor's annual proposed capital budget request.

(d) On or before January 15 of each year, the Court Administrator shall advise the House Committee on Corrections and Institutions and the Senate Committee on Institutions of all county requests received and the Court Administrator's recommendations for the proposed capital budget request.

Sec. 34. REPORT

On or before January 15, 2026, the Court Administrator and a representative of the Association of County Judges appointed by the President of that Association shall jointly report to the House Committee on Corrections and Institutions and the Senate Committee on Institutions on the progress made to implement the provisions of Sec. 33 of this act. The report shall include a description of the steps taken and processes considered, and any

proposed legislative changes necessary, to ensure that capital budget requests for county courthouses include the information required by Sec. 33 of this act.

Sec. 35. 23 V.S.A. § 1210(c) is amended to read:

(c) Second offense. A person convicted of violating section 1201 of this title who has been convicted of another violation of that section within the last 20 years shall be fined not more than \$1,500.00 or imprisoned not more than two years, or both. At least ~~200~~ 80 hours of community service shall be performed, or 60 consecutive hours of the sentence of imprisonment shall be served and may not be suspended or deferred or served as a supervised sentence, except that credit for a sentence of imprisonment may be received for time served in a residential alcohol facility pursuant to sentence if the program is successfully completed.

Sec. 36. REPEAL

Sec. 35 of this act shall be repealed on July 1, 2028.

Sec. 37. FAMILY FORENSIC EVALUATOR RECOMMENDATIONS

(a) The General Assembly requests that the Chief Superior Judge, the Director of the Office of Professional Regulation, and the Executive Director of the Vermont Psychological Association work collaboratively to examine the following:

(1) the extent of the need for and geographic distribution of family forensic evaluators in complex parental rights and responsibilities cases heard in the Family Division;

(2) barriers to increasing the availability of family forensic evaluators in Vermont and whether protections regarding ethical complaints are warranted; and

(3) strategies for increasing the number of family forensic evaluators in Vermont.

(b) The General Assembly requests that the parties listed in subsection (a) of this section submit their recommendations to the General Assembly on or before November 1, 2025.

Sec. 38. CHILD AND PARENT LEGAL REPRESENTATION; TASK
FORCE; REPORT

(a) Creation. There is created the Child and Parent Legal Representation Task Force to study the need and viability of an improved legal representation system for children and families who are involved in judicial or administrative proceedings concerning Children in Need of Care or

Supervision (CHINS), relief from abuse petitions, or substantiations of abuse or neglect.

(b) Membership. The Task Force shall be composed of the following members:

- (1) the Chief Justice of the Vermont Supreme Court or designee;
- (2) the Court Administrator or designee;
- (3) the Commissioner of the Department for Children and Families or designee;
- (4) the Defender General or designee;
- (5) the Child, Youth, and Family Advocate or designee;
- (6) the Executive Director of Voices for Vermont's Children or designee; and
- (7) the Executive Director of the Vermont Parent Representation Center, Inc.

(c) Powers and duties. The Task Force shall assess and determine whether reform of Vermont's legal representation for children and families is necessary by exploring the following topics:

- (1) standards recommended by the American Bar Association, U.S. Children's Bureau, and the *Study of CHINS Case Processing in Vermont* authored by the National Center for State Courts and published in May of 2021;
- (2) compliance with funding and reporting requirements in order for Vermont to leverage funding under Title IV-E of the Social Security Act;
- (3) identifying the processes and amounts of Title IV-E funds and other funding sources to support any reformed system;
- (4) using an interdisciplinary model of representation, including pay scales, performance measures, supervision and evaluation processes, and recommended caseloads for attorneys, social workers, and other child and family representatives; and
- (5) other topics relevant to creating a reformed child and parent representation system.

(d) Assistance. The Task Force shall have administrative, technical, and legal assistance of the Court Administrator's Office.

(e) Report. On or before December 15, 2025, the Task Force shall submit a report that proposes any necessary reforms to the legal representation system

for children and families who are involved in CHINS proceedings, relief from abuse petitions, or substantiations of abuse or neglect, along with proposed legislation to implement such reforms to the Senate Committees on Judiciary and on Health and Welfare and the House Committees on Judiciary and on Human Services.

(f) Meetings.

(1) The Chief Justice of the Supreme Court or designee shall call the first meeting of the Task Force to occur on or before August 1, 2025.

(2) The Chief Justice of the Supreme Court or designee shall be the chair.

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

(4) The Task Force shall cease to exist on May 15, 2026.

Sec. 39. EFFECTIVE DATES

This act shall take effect on passage, except that Sec. 1 shall take effect on July 2, 2025 and Sec. 33 shall take effect on July 1, 2026.

(Committee vote: 11-0-0)

Rep. Burkhardt of South Burlington, for the Committee on Ways and Means, recommends that the bill ought to pass in concurrence with the proposal of amendment recommended by the Committee on Judiciary.

(Committee Vote: 11-0-0)

Rep. Squirrell of Underhill, for the Committee on Appropriations, recommends that the bill ought to pass in concurrence with the proposal of amendment recommended by the Committee on Judiciary.

(Committee Vote: 10-0-1)

Amendment to be offered by Rep. Rachelson of Burlington to the report of the Committee on Judiciary on S. 109

That the report of the Committee on Judiciary be amended as follows:

First: By striking out Secs. 22 and 23 in their entirety and inserting in lieu thereof the following:

Sec. 22. [Deleted.]

Sec. 23. [Deleted.]

Second: In Sec. 24, Firearm Surrender Order Compliance Working Group, in subsection (c), by striking out subdivisions (9) and (10) in their entirety and inserting in lieu thereof the following:

(9) the Vermont Center for Crime Victim Services;

(10) the Vermont Council on Domestic Violence; and

(11) the Commissioner of Fish and Wildlife.

Third: In Sec. 24, Firearm Surrender Order Compliance Working Group, in subsections (e) and (f), by striking out “Task Force” and inserting in lieu thereof “Working Group”

Fourth: By adding two new sections to be Secs. 25a and 25b to read as follows:

Sec. 25a. 33 V.S.A. § 5231(d) is amended to read:

(d) Termination of parental rights. If the Commissioner or the attorney for the child seeks an order terminating parental rights of one or both parents and transfer of custody to the Commissioner without limitation as to adoption, the court shall consider the best interests of the child in accordance with section 5114 of this title. The Department’s Family Services Division shall not consider payment of child support to the Family Services Division to offset the cost of foster care as a factor in a petition to terminate parental rights.

Sec. 25b. 33 V.S.A. § 5317(d) is amended to read:

(d) Termination of parental rights. If the Commissioner or the attorney for the child seeks an order at disposition terminating the parental rights of one or both parents and transfer of legal custody to the Commissioner without limitation as to adoption, the court shall consider the best interests of the child in accordance with section 5114 of this title. The Department’s Family Services Division shall not consider payment of child support to the Family Services Division to offset the cost of foster care as a factor in a petition to terminate parental rights.

Fifth: In Sec. 30, 28 V.S.A. § 818, in subdivision (b)(4)(D), by striking out “dates” and inserting in lieu thereof “dates date”

Sixth: In Sec. 31, Victim Notification System Task Force, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) Membership. The Task Force shall be composed of the following members:

(1) the Commissioner of Corrections or designee;

(2) the Executive Director of the Center for Crime Victim Services or designee;

- (3) the Executive Director of State's Attorneys and Sheriffs or designee;
- (4) a member, appointed by the Vermont Network Against Domestic and Sexual Violence;
- (5) the Victims Service Director of the Vermont State Police;
- (6) two persons who are either victims or survivors of crimes, appointed by the Center for Crime Victim Services; and
- (7) a member, appointed by the Commissioner of Corrections, who is familiar with the capability and technical operations of the VINE system.

Seventh: In Sec. 32, Adult Involuntary Guardianship Working Group, in subsection (d), by striking out subdivision (2) in its entirety and inserting in lieu thereof a new subdivision (2) to read as follows:

(2) With respect to subdivisions (1)(B)(i) and (ii) of this subsection (d), the report shall address:

- (A) the judicial resources and oversight that would be required;
- (B) whether, notwithstanding 12 V.S.A. § 2553 or 2555, the Vermont Supreme Court should have appellate jurisdiction over guardianship proceedings;
- (C) the relationship between guardianships under subdivisions (1)(B)(i) and (ii) of this subsection (d) and voluntary guardianships under 14 V.S.A. § 2671;
- (D) any legislative changes that would need to be made under either recommendation to ensure that respondents under Title 18 guardianships have access to voluntary guardianships that is equal to the access to voluntary guardianships available under Title 14; and
- (E) any other matters deemed relevant by the Working Group, including any matters not currently under the jurisdiction of Title 14 guardianships or Title 18 guardianships.

Eighth: By striking out Sec. 38, Child and Parent Legal Representation Task Force, in its entirety and inserting in lieu thereof a new Sec. 38 to read as follows:

**Sec. 38. CHILD AND PARENT LEGAL REPRESENTATION; TASK
FORCE; REPORT**

(a) Creation. There is created the Child and Parent Legal Representation Task Force to study the need and viability of an improved legal representation system for children and families who are involved in judicial

or administrative proceedings concerning Children in Need of Care or Supervision (CHINS) or substantiations of abuse or neglect.

(b) Membership. The Task Force shall be composed of the following members:

(1) the Chief Justice of the Vermont Supreme Court or designee, who shall be the chair;

(2) the Court Administrator or designee;

(3) the Commissioner for Children and Families or designee;

(4) the Defender General or designee;

(5) the Child, Youth, and Family Advocate or designee;

(6) the Executive Director of Voices for Vermont's Children or designee;

(7) the Executive Director of the Vermont Parent Representation Center, Inc.;

(8) the Attorney General or designee; and

(9) the Executive Director of State's Attorneys and Sheriffs or designee.

(c) Powers and duties. The Task Force shall assess and determine whether reform of Vermont's legal representation for children and families is necessary by exploring the following topics:

(1) standards recommended by the American Bar Association, U.S. Children's Bureau, and the *Study of CHINS Case Processing in Vermont* authored by the National Center for State Courts and published in May of 2021;

(2) compliance with funding and reporting requirements in order for Vermont to leverage funding under Title IV-E of the Social Security Act;

(3) identifying the processes and amounts of Title IV-E funds and other funding sources to support any reformed system;

(4) using an interdisciplinary model of representation, including pay scales, performance measures, supervision and evaluation processes, and recommended caseloads for attorneys, social workers, and other child and family representatives; and

(5) other topics relevant to creating a reformed child and parent representation system.

(d) Assistance. The Task Force shall have administrative, technical, and legal assistance of the Court Administrator's Office.

(e) Report. On or before December 15, 2025, the Task Force shall submit a report that proposes any necessary reforms to the legal representation system for children and families who are involved in CHINS proceedings or substantiations of abuse or neglect, along with proposed legislation to implement such reforms to the Senate Committees on Judiciary and on Health and Welfare and the House Committees on Judiciary and on Human Services.

(f) Meetings.

(1) The Chief Justice of the Supreme Court or designee shall call the first meeting of the Task Force to occur on or before August 1, 2025.

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

(3) The Task Force shall cease to exist on May 15, 2026.

Senate Proposal of Amendment

H. 401

An act relating to exemptions for food manufacturing establishments

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

Sec. 1. LEGISLATIVE INTENT

It is the intent of the General Assembly that:

(1) Vermont enhance its food resiliency through increased supply and distribution of locally produced food products;

(2) Vermonters have more access to the local food marketplace as both producers and consumers;

(3) local food producers are able to meet the demand for Vermont-made food products from visitors to the State;

(4) small-scale food producers, new business start-ups, and sole proprietors benefit from raising the limit of the existing licensing exemption for at-home bakery products to adjust for inflationary cost changes occurring since the initial statutory enactment; and

(5) supply-chain costs and inflationary considerations be addressed to bring risk management thresholds more in line with the economic conditions at the time of initial statutory enactment.

Sec. 2. 18 V.S.A. § 4301 is amended to read:

§ 4301. DEFINITIONS

(a) As used in this chapter:

* * *

(4) “Cottage food operation” means a food manufacturing establishment where a cottage food product is produced.

(5) “Cottage food operator” means any person who produces or packages cottage food products solely in the home kitchen of the person’s private residential dwelling or a kitchen on the person’s personal property.

(6) “Cottage food product” means food sold by a cottage food operator that does not require refrigeration or time or temperature control for safety, such as:

(A) nonpotentially hazardous baked goods;

(B) candy;

(C) jams and jellies;

(D) dry herbs;

(E) trail mix;

(F) granola;

(G) cereal;

(H) mixed nuts;

(I) flavored vinegar;

(J) popcorn;

(K) coffee beans;

(L) dry tea;

(M) home-canned pickles, vegetables, or fruits having an equilibrium pH value of 4.6 or lower or a water activity value of 0.85 or less that are made using recipes:

(i) approved by the National Center for Home Food Preservation;

or

(ii) reviewed by a food processing authority for safety; and

(N) any other good defined by the Commissioner in rule or policy.

(7) “Department” means the Department of Health.

(5)(8) “Establishment” means food manufacturing establishments, food service establishments, lodging establishments, children’s camps, seafood vending facilities, and shellfish reshippers and repackers.

(6)(9) “Food” means articles of food, drink, confectionery, or condiment for human consumption, whether simple, mixed, or compound, and all substances and ingredients used in the preparation thereof.

(7)(10) “Food manufacturing establishment” or “food processor” means all buildings, rooms, basements, cellars, lofts, or other premises or part thereof used, occupied, or maintained for the purpose of manufacturing, preparing, packing, canning, bottling, keeping, storing, handling, serving, or distributing food for sale. A food manufacturing establishment ~~shall include~~ includes food processors, bakeries, cottage food operations, distributors, and warehouses. A food manufacturing establishment ~~shall~~ does not include a place where only maple syrup or maple products, as defined in 6 V.S.A. § 481, are prepared for human consumption.

(8)(11) “Food service establishment” means entities that prepare, serve, and sell food to the public, including restaurants, temporary food vendors, caterers, mobile food units, and limited operations as defined in rule.

(9)(12) “Lodging establishment” means a place where overnight accommodations are regularly provided to the transient, traveling, or vacationing public, including hotels, motels, inns, and bed and breakfasts. “Lodging establishment” ~~shall~~ does not include short-term rentals.

(10)(13) “Salvage food” means any food product from which the label on the packaging has been lost or destroyed or that has been subjected to possible damage as the result of an accident, fire, flood, or other cause that prevents the product from meeting the specifications of the manufacturer or the packer but is otherwise suitable for human consumption.

(11)(14) “Salvage food facility” means any food vendor for which salvage food comprises 50 percent or more of gross sales.

(12)(15) “Seafood vending facility” means a store, motor vehicle, retail stand, or similar place from which a person sells seafood for human consumption.

(13)(16) “Shellfish reshipper and repacker” means an establishment engaging in interstate commerce of molluscan shellfish.

(14)(17) “Short-term rental” means a furnished house, condominium, or other dwelling room or self-contained dwelling unit rented to the transient, traveling, or vacationing public for a period of fewer than 30 consecutive days and for more than 14 days per calendar year.

* * *

Sec. 3. 18 V.S.A. § 4303 is amended to read:

§ 4303. RULEMAKING

(a) The Commissioner shall adopt rules pursuant to 3 V.S.A. chapter 25 to establish minimum standards for the safe and sanitary operation of food or lodging establishments or children's camps or any combination thereof and for their administration and enforcement. The rules shall require that an establishment be constructed, maintained, and operated with strict regard for the health of the employees and the public pursuant to the following general requirements:

* * *

(7) There shall be training requirements for food manufacturing establishment operators and employees to ensure cleanliness, sanitation, and healthfulness.

(8) The Commissioner may adopt any other minimum conditions deemed necessary for the operation and maintenance of a food or lodging establishment in a safe and sanitary manner.

* * *

Sec. 4. 18 V.S.A. § 4353 is amended to read:

§ 4353. FEES

(a) The Commissioner may establish by rule any requirement the Department needs to determine the applicable categories or exemptions for licenses. The following license fees shall be paid annually to the Department at the time of making the application according to the following schedules:

* * *

(3) Food manufacturing establishment — a fee for any person or persons that process food for resale to restaurants, stores, or individuals according to the following schedule:

(A) Food manufacturing establishments; nonbakeries

I — Gross receipts of \$10,001.00 to \$50,000.00; \$175.00

II — Gross receipts of over \$50,000.00; \$275.00

III — Gross receipts of \$10,000.00 or less are exempt pursuant to section 4358 of this title

(B) Food manufacturing ~~establishment~~ establishments; bakeries

I — Home bakery;	\$100.00
II — Small commercial;	\$200.00
III — Large commercial;	\$350.00

(C) Food manufacturing establishments; cottage food operations — Gross receipts of \$30,000.00 or less from the sale of cottage food products are exempt pursuant to section 4358 of this title.

* * *

Sec. 5. 18 V.S.A. § 4358 is amended to read:

§ 4358. EXEMPTIONS

* * *

(b) The provisions of obligation to obtain a license and the associated licensure fees in this subchapter shall not apply to an individual manufacturing and selling bakery products from his or her own home kitchen whose a cottage food operation or other food manufacturing establishment that is exempt due to its average gross retail sales do not exceed \$125.00 per week being below the listed thresholds in section 4353 of this title.

(c) Any Annually, a food manufacturing establishment claiming a licensing exemption pursuant to this title shall provide documentation submit to the Department a licensing exemption filing as required by rule. The licensing exemption filing shall require the food manufacturing establishment to attest to the completion of any training required by rule pursuant to section 4303 of this title.

* * *

Sec. 6. RULEMAKING

Pending the adoption of permanent rules pursuant to 3 V.S.A. chapter 25 to implement the provisions of this act, the Commissioner of Health shall adopt emergency rules pursuant to 3 V.S.A. § 844, which shall be deemed to meet the emergency rulemaking standard in 3 V.S.A. § 844(a).

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2025.

Committee of Conference Report

H. 488

An act relating to the fiscal year 2026 Transportation Program and miscellaneous changes to laws related to transportation.

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

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

H.488. An act relating to the fiscal year 2026 Transportation Program and miscellaneous changes to laws related to transportation.

Respectfully reports that it has met and considered the same and recommends that the House accede to the Senate's proposals of amendment and that the bill be further amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Transportation Program Adopted as Amended; Definitions * * *

Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

(a) Adoption. The Agency of Transportation's Proposed Fiscal Year 2026 Transportation Program appended to the Agency of Transportation's proposed fiscal year 2026 budget, as amended by this act, is adopted to the extent federal, State, and local funds are available.

(b) Definitions. As used in this act, unless otherwise indicated:

(1) "Agency" means the Agency of Transportation.

(2) "Candidate project" means a project approved by the General Assembly that is not anticipated to have significant expenditures for preliminary engineering or right-of-way expenditures, or both, during the budget year and funding for construction is not anticipated within a predictable time frame.

(3) "Development and evaluation (D&E) project" means a project approved by the General Assembly that is anticipated to have preliminary engineering expenditures or right-of-way expenditures, or both, during the budget year and that the Agency is committed to delivering to construction on a timeline driven by priority and available funding.

(4) "Electric vehicle supply equipment (EVSE)" and "electric vehicle supply equipment available to the public" have the same meanings as in 30 V.S.A. § 201.

(5) "Front-of-book project" means a project approved by the General Assembly that is anticipated to have construction expenditures during the budget year or the following three years, or both, with expected expenditures shown over four years.

(6) "Mileage-based user fee" or "MBUF" means a fee for vehicle use of the public road system with distance, stated in miles, as the measure of use.

(7) “Plug-in electric vehicle (PEV),” “plug-in hybrid electric vehicle (PHEV),” and “battery electric vehicle (BEV)” have the same meanings as in 23 V.S.A. § 4(85).

(8) “Secretary” means the Secretary of Transportation.

(9) “TIB funds” means monies deposited in the Transportation Infrastructure Bond Fund in accordance with 19 V.S.A. § 11f.

(10) The table heading “As Proposed” means the Proposed Transportation Program referenced in subsection (a) of this section; the table heading “As Amended” means the amendments as made by this act; the table heading “Change” means the difference obtained by subtracting the “As Proposed” figure from the “As Amended” figure; the terms “change” or “changes” in the text refer to the project- and program-specific amendments, the aggregate sum of which equals the net “Change” in the applicable table heading; and “State” in any tables amending authorizations indicates that the source of funds is State monies in the Transportation Fund, unless otherwise specified.

*** * * Summary of Transportation Investments * * ***

**Sec. 2. FISCAL YEAR 2026 TRANSPORTATION INVESTMENTS
INTENDED TO REDUCE TRANSPORTATION-RELATED
GREENHOUSE GAS EMISSIONS, REDUCE FOSSIL FUEL
USE, AND SAVE VERMONT HOUSEHOLDS MONEY**

This act includes the State’s fiscal year 2026 transportation investments intended to reduce transportation-related greenhouse gas emissions, reduce fossil fuel use, and save Vermont households money in furtherance of the policies articulated in 19 V.S.A. § 10b and the goals of the Comprehensive Energy Plan and the Vermont Climate Action Plan and to satisfy the Executive and Legislative Branches’ commitments to the Paris Agreement climate goals. In fiscal year 2026, these efforts will include the following:

(1) Park and Ride Program. This act provides for a fiscal year expenditure of \$2,435,740.00, which will fund two construction projects to create new park-and-ride facilities, the construction of improvements to two existing park-and-ride facilities, funding for a municipal park-and-ride grant program, and paving projects for existing park-and-ride facilities. This year’s Park and Ride Program will create 60 new State-owned spaces. Specific additions and improvements include:

(A) Manchester—construction of 50 new spaces; and

(B) Sharon—design and construction of 10 new spaces.

(2) Bike and Pedestrian Facilities Program. This act provides for a fiscal year expenditure, including local match, of \$21,879,965.00, which will fund 33 bike and pedestrian construction projects; 17 bike and pedestrian design, right-of-way, or design and right-of way projects for construction in future fiscal years; and 10 scoping studies. The construction projects include the creation, improvement, or rehabilitation of walkways, sidewalks, shared-use paths, bike paths, and cycling lanes. Projects are funded in Arlington, Bakersfield, Bennington, Bethel, Brattleboro, Bristol, Burke, Burlington, Castleton, Chester, Danville, Enosburg Falls, Fairfax, Greensboro, Hardwick, Hartford, Highgate, Hinesburg, Huntington, Hyde Park, Irasburg, Jericho, Lyndonville, Middlebury, Montpelier, Moretown, Newfane, Newport City, Northfield, Pawlet, Randolph, Royalton, Rutland City, Rutland Town, Sheffield, Shelburne, Sheldon, South Burlington, Springfield, St. Albans City, St. Albans Town, Swanton, Wallingford, Waterbury, West Rutland, Williston, Wilmington, and Windsor. This act also provides funding for:

(A) some of Local Motion's operation costs to run the bike ferry on the Colchester Causeway, which is part of the Island Line Trail;

(B) a small-scale municipal bicycle and pedestrian grant program for projects to be selected during the fiscal year;

(C) projects funded through the Safe Routes to School Program; and

(D) community grants along the Lamoille Valley Rail Trail (LVRT).

(3) Transportation Alternatives Program. This act provides for a fiscal year expenditure of \$6,471,054.00, including local funds, which will fund 17 transportation alternatives construction projects; 26 transportation alternatives design, right-of-way, or design and right-of-way projects; and eight scoping studies. Of these 51 projects, 20 involve environmental mitigation related to clean water or stormwater concerns, or both clean water and stormwater concerns, and 32 involve bicycle and pedestrian facilities. Projects are funded in Athens, Barre City, Bennington, Brandon, Brattleboro, Bridgewater, Bristol, Burke, Burlington, Castleton, Derby, Enosburg Falls, Fairfax, Fairlee, Ferrisburgh, Grafton, Guilford, Hartford, Hinesburg, Hyde Park, Jericho, Londonderry, Lyndon, Montgomery, Newark, Proctor, Rockingham, Rutland City, Shoreham, South Burlington, Springfield, St. Albans Town, Swanton, Tinmouth, Warren, Williston, and Wilmington.

(4) Public Transit Program. This act provides for a fiscal year expenditure of \$52,695,234.00 for public transit uses throughout the State. Included in the authorization are:

(A) Go! Vermont, with an authorization of \$380,000.00. This authorization supports transportation demand management (TDM) strategies, including the State's Trip Planner and commuter services, to promote the use of carpools and vanpools.

(B) Mobility and Transportation Innovations (MTI) Grant Program, with an authorization of \$340,000.00, which includes \$315,000.00 in federal funds. This authorization continues to support projects that improve both mobility and access to services for transit-dependent Vermonters, reduce the use of single-occupancy vehicles, and reduce greenhouse gas emissions.

(5) Rail Program. This act provides for a fiscal year expenditure of \$61,887,348.00, including local funds and \$31,894,436.00 in federal funds, for intercity passenger rail service, including funding for the Ethan Allen Express and Vermonter Amtrak services, and rail infrastructure that supports freight rail as well. Moving freight by rail instead of trucks lowers greenhouse gas emissions by up to 75 percent, on average.

* * * Rail Program; Technical Correction * * *

Sec. 3. RAIL PROGRAM

(a) Within the Agency of Transportation's Proposed Fiscal Year 2026 Transportation Program for Rail the following project is deleted: Barre–Berlin–Montpelier 04-9038–WACR Subsidy.

(b) Within the Agency of Transportation's Proposed Fiscal Year 2026 Transportation Program for Rail, the following project is added: Hartford HRRD(1) 25G002–White River Junction Depot Repairs.

(c) Within the Agency of Transportation's Proposed Fiscal Year 2026 Transportation Program for Rail, spending authority for Hartford HRRD(1) 25G002–White River Junction Depot Repairs is authorized as follows:

<u>FY26</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	0	260,000	260,000
Total	0	260,000	260,000
<u>Sources of funds</u>			
State	0	260,000	260,000
Total	0	260,000	260,000

* * * Town Highway Non-Federal Disasters * * *

Sec. 4. TOWN HIGHWAY NON-FEDERAL DISASTERS

(a) Within the Agency of Transportation's Proposed Fiscal Year 2026 Transportation Program for Town Highway Non-Federal Disasters, spending is authorized as follows:

<u>FY26</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Grants	1,150,000	1,150,000	0
Total	1,150,000	1,150,000	0
<u>Sources of funds</u>			
State	1,150,000	0	-1,150,000
Other	0	1,150,000	1,150,000
Total	1,150,000	1,150,000	0

(b) Within the Agency of Transportation's Proposed Fiscal Year 2026 Transportation Program for Town Highway Non-Federal Disasters, the following footnote is added: "Other funds of \$1,150,000 are amounts appropriated from the PILOT Special Fund established pursuant to 32 V.S.A. § 3709."

* * * State and Federal Funding Updates * * *

Sec. 5. STATE AND FEDERAL FUNDING; MILEAGE BASED USER FEE; UPDATES

(a) On or before September 30, 2025 and December 15, 2025, the Secretary of Transportation shall provide the Joint Transportation Oversight Committee with a briefing on the status of State Transportation Fund revenues and federal funding for the fiscal year 2026 Transportation Program, funding-related impacts on the fiscal year 2026 Transportation Program, and the Agency's progress in designing the mileage-based user fee. The briefing shall include:

(1) a summary of federal funding that has been received to date, federal funding that is anticipated later in the State fiscal year, federal funding that is delayed, and federal funding that has been reduced or subject to rescission;

(2) a summary of the Transportation Fund revenues to date in State fiscal year 2026;

(3) a summary of the impacts on the fiscal year 2026 Transportation Program that are caused by changes in State Transportation Fund revenues from the consensus forecast or delays or reductions in federal funding;

(4) a summary of any legislative action that may be necessary to address reductions in State revenues or federal funding;

(5) a summary of the status of State and federal funding for the design of the mileage-based user fee pursuant to the provisions of 2023 Acts and Resolves No. 62, Secs. 27–29, as amended by Sec. 17 of this act; and

(6) the Agency’s progress in designing the mileage-based user fee.

(b) Upon becoming aware of a significant change in State revenues or a reduction in federal funding, rescission of federal grants, or delay of anticipated federal funding that will impact the Agency’s ability to carry out significant portions of the fiscal year 2026 Transportation Program, the Secretary of Transportation may request that the Joint Transportation Oversight Committee meet within 14 days to review the Agency’s plan to address the reduction in funding.

(c) In the event of a decrease in overall State or federal funding for the fiscal year 2026 Transportation Program that is in excess of four percent, the Secretary shall submit to the Joint Transportation Oversight Committee a written report detailing the impact of the decrease on projects that are in the 2026 Transportation Program.

* * * Relinquishment of Vermont Route 36 in the Town of St. Albans * * *

Sec. 6. RELINQUISHMENT OF VERMONT ROUTE 36 IN THE TOWN OF ST. ALBANS

Pursuant to 19 V.S.A. § 15(a)(2), the General Assembly authorizes the Secretary of Transportation to enter into an agreement with the Town of St. Albans to relinquish a segment of the State highway in the Town of St. Albans known as Vermont Route 36. The segment authorized to be relinquished begins at mile marker 0.00, just east of the “Black Bridge” (B2), and continues 14,963 feet (approximately 2.834 miles) easterly to mile marker 2.834, where Vermont Route 36 meets the boundary of the City of St. Albans, and includes the 0.106-mile westbound section of Vermont Route 36 and approaches at the entrance to the St. Albans Bay Town Park.

* * * State-Owned Railroads; Rail Trails * * *

Sec. 7. 5 V.S.A. chapter 58 is redesignated to read:

CHAPTER 58. STATE ACQUISITION OF STATE-OWNED RAILROADS AND RAIL TRAILS

Sec. 8. 5 V.S.A. § 3408 is amended to read:

§ 3408. RAILBANKING; NOTIFICATION

(a) If the Secretary finds that the continued operation of any State-owned railroad property is not economically feasible under present conditions, ~~he or she~~ the Secretary may place the line in railbanked status after giving advance notice of ~~such~~ the planned railbanking to the House and Senate Committees on Transportation when the General Assembly is in session, and when the General Assembly is not in session, to the Joint Transportation Oversight Committee. The Agency, on behalf of the State, shall continue to hold the right-of-way of a railbanked line for reactivation of railroad service or for other public purposes not inconsistent with future reactivation of railroad service. ~~Such~~ The railbanking shall not be treated, for purposes of any law or rule of law, as an abandonment of the use of the rights-of-way for railroad purposes.

* * *

(c)(1) The Secretary may, after consulting with municipalities, adopt rules consistent with the provisions of section 3408a of this chapter governing the interim trail use of State-owned railroad rights-of-way that have been placed in railbanked status.

(2) Signs indicating the rules shall be conspicuously posted in or near all areas affected.

(3) Any person who violates these rules adopted pursuant to this subsection shall be subject to a penalty of not more than \$300.00.

Sec. 9. 5 V.S.A. § 3408a is added to read:

§ 3408a. USE OF RAIL TRAILS

(a) Definitions. As used in this section:

(1) “Rail trail” means the right-of-way of a State-owned railroad line that has been authorized for railbanking and interim trail use pursuant to 16 U.S.C. § 1247(d) or section 3408 of this chapter.

(2) “Trail sponsor” means the Agency of Transportation in the case of a rail trail maintained by the Agency or the municipality in the case of a rail trail maintained by a municipality.

(b) Use of rail trails. The following acts are prohibited within a rail trail right-of-way:

(1) Throwing, dropping, or discarding bottles, cans, paper, garbage, rubbish, sewage, or other material of any kind.

(2) Cutting, mutilating, or removing any tree, shrub, flower, plant, top soil, or sod or attempting to do so.

(3) Injury, defacement, removal, or destruction of the surface of the rail trail or a rail trail's structures, appurtenances, recreation facilities, or property.

(4) Except as authorized by the trail sponsor, erecting, placing, or displaying any advertising materials, posters, or placards of any kind. This prohibition shall not apply to official signs erected by the trail sponsor.

(5) Except as authorized by the trail sponsor, entering or remaining on the rail trail for the purpose of:

(A) selling, hiring, or leasing any goods or services; or

(B) distributing samples, pamphlets, or advertising materials, except for official information authorized by the trail sponsor.

(6) Parades, demonstrations, picnics, games, entertainment, or organizations, except at times and locations approved by the trail sponsor.

(7) Harassing or molesting wildlife, except for fishing.

(8) Using or discharging any firearms or other weapons or fireworks, except by a person authorized by the trail sponsor or as otherwise permitted by law.

(9) Igniting fires for any purpose, except in fireplaces or firepits at locations designated by the trail sponsor or for trail maintenance purposes.

(10) Soliciting alms or contributions.

(11) Use of motorized vehicles, except for:

(A) maintenance purposes;

(B) snowmobiles, subject to applicable State rules, when the Vermont Association of Snow Travelers, Inc. has declared the Statewide Snowmobile Trail System officially open;

(C) Other Power-Driven Mobility Devices (OPDMD) utilized by an individual with a disability as permitted by the Agency's Rail Trail Accessibility Policy;

(D) electric bicycles as permitted pursuant to applicable State rules; and

(E) other circumstances that the trail sponsor determines are appropriate.

(12) Overnight camping, except at areas designated for that purpose by the trail sponsor.

(c) Penalty. Any person who violates the provisions of subsection (b) of this section shall be subject to a civil penalty pursuant to subdivision 3408(c)(3) of this chapter.

* * * Transportation Board * * *

Sec. 10. 19 V.S.A. § 3 is amended to read:

§ 3. TRANSPORTATION BOARD; CREATION; MEMBERS

~~A transportation board~~ The Transportation Board is formed to be attached to the Agency of Transportation. There shall be seven members of the Board, appointed by the Governor with the advice and consent of the Senate. The Governor shall so far as is possible appoint Board members whose interests and expertise lie in various areas of the transportation field. The Governor shall appoint the ~~chair~~ Chair, and the Board may vote to appoint other officers. The members of the Board shall be appointed for terms of three years. Board members may be appointed for two additional three-year terms but shall not be eligible for further reappointment. ~~No~~ Not more than four members of the Board shall belong to the same political party. No member of the Board shall:

* * *

Sec. 11. 19 V.S.A. § 5 is amended to read:

§ 5. TRANSPORTATION BOARD; POWERS AND DUTIES

* * *

(d) Specific duties and responsibilities. The Board shall:

* * *

(4) provide appellate review, when requested in writing, regarding legal disputes in the execution of contracts awarded by the Agency or by municipalities cooperating with the Agency to advance projects in the State's Transportation Program, except that the Agency shall provide appellate review relating to bids and the competitive negotiation process under 19 V.S.A. § 10a;

(5) provide appellate review, when requested in writing, of decisions of the Secretary in administering the provisions of Title 24, relating to ~~junkyards~~ salvage yards;

* * *

* * * Green Mountain Transit Authority * * *

Sec. 12. 24 App. V.S.A. chapter 801 is amended to read:

CHAPTER 801. GREEN MOUNTAIN TRANSIT AUTHORITY

* * *

§ 2. AREA OF OPERATION

(a) ~~The area of operation shall be the urbanized area of Chittenden, Franklin, Grand Isle, and Washington Counties and the Towns of Orange, Washington, and Williamstown. The area of operation shall include Addison and Caledonia Counties and the Towns of Orange County other than Orange, Washington, and Williamstown, but only for the provision of commuter services. The area of operation shall include Lamoille County, but only for the provision of published scheduled services~~ County as established by the U.S. Census Bureau. The Green Mountain Transit Authority may operate service outside the urbanized area of Chittenden County with approval from the Agency of Transportation. Nothing in this section shall be construed to prevent other transit providers from offering transit connecting to the urbanized area of Chittenden County, or providing on demand services in that area, with the approval of the Agency of Transportation.

* * *

§ 10. IMPLEMENTATION

* * *

~~(e) Immediately upon joining the Authority, the municipality shall appoint two commissioners as provided herein. The initial terms of the commissioners of the initial members shall be arranged by the Chittenden County Regional Planning Commission so that the terms of approximately one-third of the commissioners shall expire in each year. The initial terms of commissioners from municipalities joining after March 7, 1973, shall be set by the Board of Commissioners.~~

* * *

* * * Town Highways * * *

Sec. 13. 19 V.S.A. § 306 is amended to read:

§ 306. APPROPRIATION; STATE AID FOR TOWN HIGHWAYS

(a) General State aid to town highways.

(1) An annual appropriation to class 1, 2, and 3 town highways shall be made. This appropriation shall increase over the previous fiscal year's appropriation by the same percentage change as the following, whichever is less, or shall remain at the previous fiscal year's appropriation if either of the following are negative or zero:

(A) the percentage change of the Agency's total appropriations funded by Transportation Fund revenues, excluding appropriations ~~for town highways~~ under this subsection (a) and subsections (e) and (h) of this section, for the most recently closed fiscal year as compared to the fiscal year immediately preceding the most recently closed fiscal year; or

* * *

(e) State aid for town highway structures.

(1) There shall be an annual appropriation for grants to municipalities for maintenance (including actions to extend life expectancy) and for construction of bridges and culverts; for maintenance and construction of other structures, including causeways and retaining walls, intended to preserve the integrity of the traveled portion of class 1, 2, and 3 town highways; and for alternatives that eliminate the need for a bridge, culvert, or other structure, such as the construction or reconstruction of a highway, the purchase of parcels of land that would be landlocked by closure of a bridge, the payment of damages for loss of highway access, and the substitution of other means of access. This appropriation shall increase over the previous fiscal year's appropriation by the same percentage change as the following, whichever is less, or shall remain at the previous fiscal year's appropriation if either of the following are negative or zero:

(A) the percentage change in the Agency's total appropriations funded by Transportation Fund revenues, excluding appropriations under this subsection (e) and subsections (a) and (h) of this section, for the most recently closed fiscal year as compared to the fiscal year immediately preceding the most recently closed fiscal year; or

(B) the percentage change in the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U).

(2) For purposes of subdivision (1)(B) of this subsection, the percentage change in the CPI-U is calculated by determining the increase or decrease, to the nearest one-tenth of a percent, in the CPI-U for the month ending on June 30 in the calendar year one year prior to the first day of the fiscal year for which the appropriation will be made compared to the CPI-U for the month ending on June 30 in the calendar year two years prior to the first day of the fiscal year for which the appropriation will be made.

(3) Each fiscal year, the Agency shall approve qualifying projects with a total estimated State share cost of \$7,200,000.00 at a minimum as new grants. The Agency's proposed appropriation for the Program shall take into account the estimated amount of qualifying invoices submitted to the Agency with

~~respect to project grants approved in prior years but not yet completed as well as with respect to new project grants to be approved in the fiscal year~~
Beginning with State fiscal year 2027, the minimum total estimated State share cost for the approved grants shall increase over the prior fiscal year's minimum total estimated State share cost by the same percentage as the appropriation for State aid for town highway structures is increased pursuant to subdivision (1) of this subsection.

(4) In a given fiscal year, should expenditures in the Town Highway Structures Program exceed the amount appropriated, the Agency shall advise the Governor of the need to request a supplemental appropriation from the General Assembly to fund the additional project cost, provided that the Agency has previously committed to completing those projects.

~~(3)~~(5) Funds received as grants for State aid for town highway structures may be used by a municipality to satisfy a portion of the matching requirements for federal earmarks, subject to subsection 309b(c) of this title.

* * *

(h) Class 2 Town Highway Roadway Program.

(1) There shall be an annual appropriation for grants to municipalities for resurfacing, rehabilitation, or reconstruction of paved or unpaved class 2 town highways. ~~However, municipalities~~ Municipalities that have no State highways or class 1 town highways within their borders may use the grants for such activities with respect to both class 2 and class 3 town highways. ~~Each fiscal year, the Agency shall approve qualifying projects with a total estimated State share cost of \$8,600,000.00 at a minimum as new grants. The Agency's proposed appropriation for the Program shall take into account the estimated amount of qualifying invoices submitted to the Agency with respect to project grants approved in prior years but not yet completed as well as with respect to new project grants to be approved in the fiscal year. This appropriation shall increase over the previous fiscal year's appropriation by the same percentage change as the following, whichever is less, or shall remain at the previous fiscal year's appropriation if either of the following are negative or zero:~~

(A) the percentage change in the Agency's total appropriations funded by Transportation Fund revenues, excluding appropriations under this subsection (h) and subsections (a) and (e) of this section, for the most recently closed fiscal year as compared to the fiscal year immediately preceding the most recently closed fiscal year; or

(B) the percentage change in the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U).

(2) For purposes of subdivision (1)(B) of this subsection, the percentage change in the CPI-U is calculated by determining the increase or decrease, to the nearest one-tenth of a percent, in the CPI-U for the month ending on June 30 in the calendar year one year prior to the first day of the fiscal year for which the appropriation will be made compared to the CPI-U for the month ending on June 30 in the calendar year two years prior to the first day of the fiscal year for which the appropriation will be made.

(3) Each fiscal year, the Agency shall approve qualifying projects with a total estimated State share cost of \$8,600,000.00 at a minimum as new grants. Beginning with State fiscal year 2027, the minimum total estimated State share cost for the approved grants shall increase over the prior fiscal year's minimum total estimated State share cost by the same percentage as the appropriation for the Class 2 Town Highway Roadway Program is increased pursuant to subdivision (1) of this subsection.

(4) In a given fiscal year, should expenditures in the Class 2 Town Highway Roadway Program exceed the amount appropriated, the Agency shall advise the Governor of the need to request a supplemental appropriation from the General Assembly to fund the additional project cost, provided that the Agency has previously committed to completing those projects. Funds received as grants for State aid under the Class 2 Town Highway Roadway Program may be used by a municipality to satisfy a portion of the matching requirements for federal earmarks, subject to subsection 309b(c) of this title.

* * *

Sec. 14. CANCELLATION OF LOCALLY MANAGED PROJECTS; PROCESS; IMPROVEMENTS; REPORT

The Agency of Transportation, in consultation with the Transportation Board, the Vermont League of Cities and Towns, and the Vermont Association of Planning and Development Agencies, shall engage a consultant to examine the requirements of 19 V.S.A. § 309c, cancellation of locally managed projects, to evaluate the obligations, risks, and benefits imposed by the provisions of that section on the State and the local sponsor of a locally managed project and to identify potential changes to the provisions of that section to ensure that State and federal transportation funding resources are appropriately administered. The Agency shall, on or before January 15, 2026, submit a written report to the House and Senate Committees on Transportation regarding the consultant's findings and any recommendations for legislative action.

Sec. 15. MUNICIPAL TRANSPORTATION ASSETS; ASSESSMENT; FUNDING NEEDS; REPORT

(a) The Agency of Transportation, in consultation with the Vermont League of Cities and Towns and the Vermont Association of Planning and Development Agencies, shall engage a consultant to:

(1) review current municipal practices relating to planning for ongoing maintenance, upgrades, and replacement of municipal transportation assets, including roads, pavement, bridges, culverts, signals, signage, highway equipment, and highway facilities;

(2) develop a framework for a system to assess the current condition of municipal highway networks and the potential impacts of improvements to or degradation of those networks on the State's transportation system;

(3) develop a prioritization process to direct State funding to the repair, upgrade, or replacement of specific municipal transportation assets based on the need for such work in the context of the asset's role in the State and regional highway networks; and

(4) identify and recommend potential statutory changes to implement the assessment framework developed pursuant to subdivision (2) of this subsection and the prioritization process developed pursuant to subdivision (3) of this subsection.

(b) The Agency of Transportation shall, not later than January 15, 2027, submit a written report to the House and Senate Committees on Transportation regarding the consultant's findings and recommendations for legislative action.

Sec. 16. STATE TOWN HIGHWAY AID; MUNICIPAL GRANT
PROGRAMS; EFFICIENCIES; IMPROVEMENTS; REPORT

(a) The Agency of Transportation, in consultation with the Vermont League of Cities and Towns and the Vermont Association of Planning and Development Agencies, shall engage a consultant to evaluate the State's Town Highway Aid and municipal grant programs administered by the Agency to identify potential efficiencies and improvements related to the administration of Town Highway Aid and municipal grant programs. The consultant shall evaluate the various funding streams authorized pursuant to 19 V.S.A. § 306 as well as programs administered through the Agency's Municipal Assistance Bureau, including the Bicycle and Pedestrian Grant Program, Transportation Alternatives Program, Municipal Mitigation Program, Municipal Park and Ride Program, Better Roads Program, Municipal Highway and Stormwater Mitigation Program, and Grants in Aid.

(b) On or before January 15, 2026, the Agency shall submit a written report to the House and Senate Committees on Transportation regarding the consultant's findings and any recommendations for legislative or

administrative actions to improve or increase the efficiency of the Town Highway Aid and municipal grant programs.

* * * Mileage-Based User Fee * * *

Sec. 17. 2023 Acts and Resolves No. 62, Secs. 27–29 are amended to read:

Sec. 27. MILEAGE-BASED USER FEE LEGISLATIVE INTENT

It is the intent of the General Assembly for the State:

(1) to start collecting a mileage-based user fee from all battery-electric vehicles registered in Vermont starting on July 1, 2025, which is expected to be the first day of the first fiscal year when more than 15 percent of new pleasure car registrations in the State are plug-in electric vehicles (PEVs) or before January 1, 2027 subject to sufficient funding being available for implementation;

(2) to ~~start subjecting~~ subject plug-in hybrid electric vehicles (PHEVs) that are a pleasure car to an ~~increased~~ annual or a biennial ~~registration electric vehicle infrastructure~~ fee starting on July January 1, 2025, and that PHEVs shall not be subject to a mileage-based user fee;

(3) to ~~work towards~~ examine collecting a fee on ~~kWhs~~ electricity that are is dispensed through certain electric vehicle supply equipment available to the public so as to supplant lost gas fuel tax revenue from out-of-state PEVs traveling in Vermont; and

(4) to not commence collecting a mileage-based user fee until ~~such~~ the General Assembly has enacted legislation that establishes the amount of the fee and codifies any necessary authorizing language ~~is codified~~ in statute and that legislation becomes effective.

Sec. 28. MILEAGE-BASED USER FEE AUTHORIZATION

(a) Within the Agency of Transportation's Proposed Fiscal Year 2024 Transportation Program for Environmental Policy and Sustainability, the Agency of Transportation, including the Department of Motor Vehicles, is authorized to apply for and accept a competitive federal Strategic Innovation for Revenue Collection grant established pursuant to the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58 (IIJA), Sec. 13001, with up to \$350,000.00 in Transportation Fund monies authorized for the nonfederal match in fiscal year 2024 and ~~a to-be-determined amount for the nonfederal match in subsequent fiscal years~~ up to \$350,000.00 in Transportation Fund monies authorized for the nonfederal match in fiscal year 2025.

(b) ~~As permitted under federal regulations and grant terms, the~~ The Agency shall utilize ~~grant monies to design~~ State or federal funding, or both,

authorized to be used for the purpose of designing a mileage-based user fee that is consistent with Secs. 27 and 29 of this act.

(c) Subject to State procurement requirements and the availability of sufficient funding, the Agency may retain one or more contractors or consultants, or both, to assist with the design of a process to commence collecting a mileage-based user fee on ~~July 1, 2025~~ January 1, 2027.

Sec. 29. MILEAGE-BASED USER FEE DESIGN

(a) Definitions. As used in Secs. 27–30 of this act:

(1) “Account manager” means a person under contract with the Agency of Transportation or Department of Motor Vehicles to administer and manage the mileage-based user fee.

(2) “Annual vehicle miles traveled” means the total number of miles that a BEV is driven between annual inspections as reported ~~by an inspection mechanic~~ to the Department of Motor Vehicles.

(3) “Mileage-based user fee” means the total amount that an owner or lessee of a BEV registered in Vermont owes the State and is calculated by:

(A) multiplying the mileage-based user fee rate by the annual vehicle miles traveled ~~or~~;

(B) in the case of a terminating event, by multiplying the mileage-based user fee rate by the vehicle miles traveled between the last Vermont annual inspection and the terminating event; or

(C) in the absence of a recorded odometer reading during the mileage reporting period, by multiplying the mileage-based user fee by the 98th percentile of estimated annual vehicle miles traveled for a pleasure car in Vermont.

(4) “Mileage-based user fee rate” means the per-mile usage fee charged to the owner or lessee of a BEV registered in Vermont.

(5) “Mileage reporting period” means the time between annual inspections or the time between ~~an~~ the most recent annual inspection and a terminating event.

(6) “Pleasure car” has the same meaning as in 23 V.S.A. § 4(28).

(7) “Plug-in electric vehicle (PEV)” has the same meaning as in 23 V.S.A. § 4(85) and includes battery electric vehicles (BEVs) and plug-in hybrid electric vehicles (PHEVs), which have the same meaning as in 23 V.S.A. § 4(85)(A) and (B).

(8) “Terminating event” means either the registering of a BEV that had been registered in Vermont in a different state or a change in ownership or lesseeship of the BEV, or both.

(b) Commencement date. The Agency shall design a process to collect a mileage-based user fee for miles driven by a BEV registered in Vermont to commence collecting revenue on ~~July 1, 2025~~ January 1, 2027.

(c) Covered vehicles. The Agency shall design a process to collect a mileage-based user fee based on the annual vehicle miles traveled by BEVs registered in the State.

(d) Imposition of a mileage-based user fee. The Agency shall design a process to collect a mileage-based user fee from the owner or lessee of a BEV registered in Vermont for each mileage reporting period ~~within 60 days after the Vermont annual inspection~~ on an annual, quarterly, or monthly basis selected by the owner or lessee and reconciled upon renewal of the vehicle registration or within 60 days after a terminating event that closes the mileage reporting period.

Sec. 18. INTENT

It is the intent of the General Assembly that:

(1) the mileage-based user fee for a BEV pleasure car be approximately equivalent to the average amount collected by the State in fuel tax revenue from the use of a non-PEV pleasure car registered in Vermont and the average amount collected by the State in fuel tax revenue and Electric Vehicle Infrastructure fee from the use of a PHEV pleasure car; and

(2) that the mileage-based user fee for BEV pleasure cars will be an interim step towards gradually expanding the mileage-based user fee to all motor vehicles upon elimination of the State fuel taxes for motor vehicles.

* * * Authority to Transfer Monies in State Fiscal Year 2026 * * *

Sec. 19. AUTHORIZATION TO USE MONIES TO CONTINUE PARTNERSHIP WITH DRIVE ELECTRIC VERMONT IN STATE FISCAL YEAR 2026

In State fiscal year 2026, the Secretary of Transportation is authorized to spend up to \$325,000.00 in remaining monies appropriated to the Electrify Your Fleet Program in State Fiscal Year 2024 to continue the Agency of Transportation’s partnership with Drive Electric Vermont. The monies shall be used for programs and activities that support increased ownership and use of PEVs in the State through:

(1) stakeholder coordination;

- (2) consumer education and outreach;
- (3) infrastructure development; and
- (4) the provision of technical assistance and support to Vermont municipalities and Vermont businesses desiring to electrify their vehicle fleets.

* * * Consideration of Vehicle Miles Traveled in Project Planning * * *

Sec. 20. 19 V.S.A. § 1 is amended to read:

§ 1. DEFINITIONS

As used in this title:

* * *

(26) “Vehicle miles traveled” means the estimated sum of the miles traveled by all motor vehicle trips within a specific area during a calendar year.

Sec. 21. 19 V.S.A. § 10b is amended to read:

§ 10b. STATEMENT OF POLICY; GENERAL

(a) The Agency shall be the responsible agency of the State for the development of transportation policy. It shall develop a mission statement to reflect:

(1) that State transportation policy shall be to encompass, coordinate, and integrate all modes of transportation and to consider complete streets, as defined in section 2401 of this title, principles; and

(2) the need for transportation projects that will improve the State’s economic infrastructure; ~~as well as the use of resources in efficient, coordinated, integrated, cost-effective, and environmentally sound ways;~~ reduce vehicle miles traveled within the State when feasible; and that will be consistent with the recommendations of the Comprehensive Energy Plan (CEP) issued under 30 V.S.A. § 202b.

* * *

Sec. 22. 19 V.S.A. § 10c is amended to read:

§ 10c. STATEMENT OF POLICY; HIGHWAYS AND BRIDGES

* * *

(c) In choosing between the improvement of an existing highway and complete reconstruction, the Agency shall weigh the following factors:

* * *

(9) the impact on the historic, scenic, and aesthetic values of the municipality, as interpreted by the municipality, in which the highway is located; ~~and~~

(10) if it is a forest highway under federal jurisdiction; and

(11) opportunities to reduce vehicle miles traveled or otherwise reduce greenhouse gas emissions related to the highway.

* * *

Sec. 23. 19 V.S.A. § 10i is amended to read:

§ 10i. TRANSPORTATION PLANNING PROCESS

* * *

(c) Transportation Program. The Transportation Program shall be developed in a fiscally responsible manner to accomplish the following objectives:

* * *

(3) strengthening the economy, protecting the quality of the natural environment, and improving Vermonters' quality of life; ~~and~~

(4) achieving the recommendations of the CEP; and

(5) striving to reduce vehicle miles traveled and greenhouse gas emissions.

* * *

* * * Medical Transports * * *

Sec. 24. PUBLIC TRANSIT DEMAND RESPONSE VOLUNTEER
COORDINATORS; GRANTS; APPROPRIATION

(a) The Agency of Transportation is authorized to utilize up to \$600,000.00 in one-time funds appropriated from the Transportation Fund to the Agency of Transportation in fiscal year 2026 for the purpose of providing grants to public transit agencies to hire volunteer coordinators. Volunteer coordinators hired with grants provided pursuant to this section shall be responsible for the identification, recruitment, and retention of volunteers to provide transportation services to individuals enrolled in the State's demand response transportation programs.

(b) The Agency shall, to the extent possible, seek to provide grants to public transit providers in a manner that is geographically balanced and ensures the distribution of volunteer coordinators throughout the State.

(c) Not later than December 15, 2026, the Agency, in consultation with public transit agencies that receive grants pursuant to this section, shall submit a written report the House and Senate Committees on Transportation regarding the extent to which grants issued pursuant to this section resulted in an increase in volunteer capacity in the State.

Sec. 25. MEDICAID NON-EMERGENCY TRANSPORTATION

(a) In fiscal year 2026, prior to executing a contract to provide Medicaid Non-Emergency Transportation services, the Department of Vermont Health Access shall provide to the Joint Fiscal Committee a detailed analysis outlining:

(1) any potential degradation or expansion of service to eligible individuals under a new contract to provide Medicaid Non-Emergency Transportation services;

(2) any federal requirements contained in the request for proposals for the new contract; and

(3) the outcome of the consultation between the Department and the Agency of Transportation pursuant to subsection (b) of this section.

(b) The Department shall consult with the Agency of Transportation prior to developing the request for proposals for a new contract to provide Medicaid Non-Emergency Transportation services.

Sec. 26. VOLUNTEERS PROVIDING TRANSPORTATION SERVICES; BACKGROUND CHECKS; EXPANSION OF VOLUNTEER POOL; REPORT

(a) On or before July 15, 2025, the Department of Vermont Health Access shall commence meeting with the Vermont Public Transit Association, the Agency of Transportation, and, in the discretion of the Commissioner of Vermont Health Access, other stakeholders to identify potential, federally permissible opportunities to expand the Medicaid Non-Emergency Transportation program's pool of volunteer drivers. As part of this work, the Department and Association shall collaborate to determine if there are specific classes of offenses that currently prevent volunteer drivers from providing transportation services through the Medicaid Non-Emergency Transportation program.

(1) The Vermont Public Transit Association shall, to the extent possible, gather and provide to the Department anonymized information from its members regarding:

(A) the number of potential volunteers who were barred from providing transportation services through the Medicaid Non-Emergency Transportation program due to a background check during the past year;

(B) which of the background checks currently required by the Medicaid Non-Emergency Transportation program resulted in potential volunteers being barred from providing transportation services, broken out by percentage; and

(C) a summary of the offenses that resulted in potential volunteers being barred from providing transportation services through the Medicaid Non-Emergency Transportation program, broken out by:

(i) the type of offense;

(ii) whether the offense was a felony or misdemeanor;

(iii) whether the offense was under State or federal law;

(iv) the percentage of potential volunteers who were barred from providing transportation services through the Medicaid Non-Emergency Transportation program for each type of offense; and

(v) to the extent that it is possible to determine, the number of rides that could have been provided by the individuals barred under each type of offense.

(2) The Department shall utilize the information provided by the Association pursuant to subdivision (1) of this subsection to determine, to the extent possible, whether the identified offenses are:

(A) fraud-based or otherwise implicate potential Medicaid fraud, waste, and abuse;

(B) an offense that otherwise bars an individual from providing transportation services through the Medicaid Non-Emergency Transportation program; or

(C) an offense that caused harm to an individual other than the offender, or otherwise negatively impacted the safety of the general public.

(b) The Department of Vermont Health Access and the Vermont Public Transit Association shall, on or before January 30, 2026, make themselves available to provide an update to the House Committees on Transportation and on Health Care and to the Senate Committees on Transportation and on Health and Welfare regarding the work performed pursuant to this section and opportunities that were identified to expand the Medicaid Non-Emergency Transportation program's pool of volunteer drivers.

Sec. 27. VOLUNTEER DRIVERS; PUBLICITY; OUTREACH

(a) The Commissioner of Motor Vehicles, in consultation with the Vermont Public Transit Association, shall identify and pursue opportunities to communicate with the Vermont driving public regarding volunteer and community driver participation in the State's demand response transportation programs, including the Older Adults and Persons with Disabilities program and the Medicaid Non-Emergency Transportation program. Outreach conducted pursuant to this section may include:

(1) invitations for individuals to voluntarily indicate their interest through the operator licensing and vehicle registration processes, subject to any data privacy requirements under State or federal law;

(2) notices or other public outreach placed on the Department's website or other internet-based platforms; and

(3) messaging by the Agency of Transportation on social media platforms, including providing links to informational resources provided by the Vermont Public Transit Association.

(b) The Department of Vermont Health Access shall develop informational materials related to eligibility for the Medicaid Non-Emergency Transportation program. The Department shall, in consultation with the Agency of Transportation and other relevant stakeholders, make the materials available to the public on the Department's website and other internet-based platforms.

Sec. 28. COORDINATION OF HEALTH CARE AND TRANSPORTATION SERVICES; WORKING GROUP; REPORT

(a) The Secretary of Transportation, in consultation with the Commissioner of Vermont Health Access, shall convene a working group to improve the coordination of health care and transportation services in relation to individuals enrolled in the State's demand response transportation programs. The working group shall be composed of stakeholders identified by the Secretary in consultation with the Commissioner of Vermont Health Access, including representatives of the Vermont Association of Hospitals and Health Systems, independent dialysis and methadone facilities, and the Vermont Public Transportation Association.

(b) The working group shall examine various options for improving the coordination of health care and transportation services, including:

(1) opportunities to coordinate the scheduling of health care appointments and treatments to maximize the use of shared rides; and

(2) opportunities to improve communication between the public transit agencies and health care providers to facilitate coordination of health care and transportation services for individuals enrolled in the State's demand response transportation programs.

(c) On or before January 15, 2026, the Secretary and Commissioner shall submit a written report to the House Committees on Transportation and on Health Care and the Senate Committees on Transportation and on Health and Welfare with the working group's findings and any recommendations for legislative action.

* * * Vehicle Identification Numbers for Certain Vehicles * * *

Sec. 29. ULTRA-LOW VOLUME VEHICLE MANUFACTURING; KIT-CARS; HOMEBUILT MOTOR VEHICLES; VEHICLE IDENTIFICATION NUMBER; REPORT

(a)(1) The Commissioner of Motor Vehicles, in consultation with the Secretary of Natural Resources and representatives of the ultra-low volume vehicle manufacturing industry in Vermont, shall examine processes for issuing vehicle identification numbers to ultra-low volume motor vehicles, kit-cars, and homebuilt motor vehicles and opportunities to facilitate the registration of such vehicles.

(2) As used in this section:

(A) "Homebuilt motor vehicle" means a motor vehicle that is constructed or assembled by an individual from new or used parts, or both, and is not a kit-car.

(B) "Kit-car" means a motor vehicle that is constructed by an individual from a manufactured kit that includes some or all parts and components necessary to construct the motor vehicle.

(C) "Ultra-low volume motor vehicle" means a vehicle that is manufactured for sale by a manufacturer whose annual worldwide production is not more than 325 motor vehicles.

(b) In preparing the report, the Commissioner shall:

(1) examine how other states address motor vehicle emissions requirements for ultra-low volume motor vehicles, kit-cars, and homebuilt motor vehicles;

(2) identify a cost-effective process for certifying the safety of ultra-low volume motor vehicles, kit-cars, and homebuilt motor vehicles; and

(3) develop a streamlined process to provide State Vehicle Identification Numbers to ultra-low volume motor vehicles, kit-cars, and homebuilt motor vehicles.

(c) On or before January 15, 2026, the Commissioner shall submit a written report to the House and Senate Committees on Transportation regarding the Commissioner's findings and identifying any legislative action necessary to enable the issuance of vehicle identification numbers to and registration of ultra-low volume motor vehicles, kit-cars, and homebuilt motor vehicles.

* * * Railroad Rights-of-Way * * *

Sec. 30. 5 V.S.A. § 3410 is added to read:

§ 3410. RAILROAD RIGHTS-OF-WAY; COMMUNICATIONS LEASES;
ANNUAL REPORT

Annually, on or before December 15, the Secretary shall report to the House and Senate Committees on Transportation regarding the most recent fiscal year's lease revenues for State-owned railroad rights-of-way related to:

(1) wired or wireless telephone infrastructure located in the rights-of-way;

(2) broadband infrastructure located in the rights-of-way; and

(3) leases of the rights-of-way for purposes other than the operation of the railroads within the rights-of-way.

Sec. 31. AVAILABILITY OF STATE-OWNED RAILROAD RIGHT-OF-WAY FOR COMMUNICATIONS LEASES

In order to expand the use of State-owned railroad rights-of-way, the Secretary of Transportation, in consultation with the Commissioner of Public Service, shall provide information to communications companies regarding the availability for lease of property located in State-owned railroad rights-of-way.

* * * Dig Safe * * *

Sec. 32. 30 V.S.A. § 7006 is amended to read:

§ 7006. MARKING OF UNDERGROUND UTILITY FACILITIES

A company notified in accordance with section 7005 of this title shall, within 48 ~~72~~ hours, exclusive of Saturdays, Sundays, and legal holidays, ~~of~~ after the receipt of the notice, mark the approximate location of its underground utility facilities in the area of the proposed excavation activities; provided, however, if the company advises the person that the proposed

excavation area is of such length or size that the company cannot reasonably mark all of the underground utility facilities within 48 72 hours, the person shall notify the company of the specific locations in which the excavation activities will first occur and the company shall mark facilities in those locations within 48 72 hours and the remaining facilities within a reasonable time thereafter. A company and an excavator may by agreement fix a later time for the company's marking of the facilities, provided the marking is made prior to excavation activities. For the purposes of this chapter, the approximate location of underground facilities shall be marked with stakes, paint, or other physical means as designated by the Commission.

Sec. 33. 30 V.S.A. § 7006a is amended to read:

§ 7006a. MAINTENANCE OF UNDERGROUND UTILITY FACILITY
MARKINGS

After a company has marked its underground facilities in accordance with section 7006 of this title, the excavator shall be responsible for maintenance of the designated markings. In the event said markings are obliterated, destroyed, or removed, the person engaged in excavation activities shall notify the System referred to in section 7002 of this title that remarking is needed. The System shall then notify all member companies whose facilities may be affected. The Each applicable company shall within 48 72 hours, exclusive of Saturdays, Sundays, and legal holidays, following receipt of the notice, remark the location of its underground utility facilities.

* * * Effective Dates * * *

Sec. 34. EFFECTIVE DATES

- (a) This section and Secs. 32 and 33 (dig safe) shall take effect on passage.
- (b) The remaining sections shall take effect on July 1, 2025.

RICHARD A. WESTMAN

ANDREW J. PERCHLIK

REBECCA E. WHITE

Committee on the part of the Senate

MATTHEW E. WALKER

TIMOTHY R. CORCORAN

MOLLIE SULLIVAN BURKE

Committee on the part of the House

H. 494

An act relating to capital construction and State bonding.

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

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

H.494. An act relating to capital construction and State bonding.

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

* * * Legislative Intent * * *

Sec. 1. LEGISLATIVE INTENT

(a) It is the intent of the General Assembly that of the \$111,965,288.44 authorized in this act, not more than \$61,969,761.44 shall be appropriated in the first year of the biennium, and the remainder shall be appropriated in the second year.

(b) It is the intent of the General Assembly that in the second year of the biennium, any amendments to the appropriations or authorities granted in this act shall take the form of the Capital Construction and State Bonding Adjustment Bill. It is the intent of the General Assembly that unless otherwise indicated, all appropriations in this act are subject to capital budget adjustment.

Sec. 2. STATE BUILDINGS

(a) The following sums are appropriated to the Department of Buildings and General Services, and the Commissioner is authorized to direct funds appropriated in this section to the projects contained in this section; however, no project shall be canceled unless the Chairs of the Senate Committee on Institutions and the House Committee on Corrections and Institutions are notified before that action is taken.

(b) The following sums are appropriated in FY 2026:

(1) Statewide, major maintenance: \$6,493,401.00

(2) Statewide, three-acre parcel stormwater compliance: \$1,500,000.00

(3) Statewide, Art in State Buildings Program: \$75,000.00

(4) Rutland, Asa Bloomer Building roof repair and sewage system upgrades: \$1,500,000.00

(5) Rutland, multimodal garage renovation:	<u>\$600,000.00</u>
(6) Middlesex, Print and Postal uninterruptable power supply upgrade:	<u>\$58,279.44</u>
(7) Waterbury, State Office Complex historic core roof replacement:	<u>\$2,000,000.00</u>
(8) Burlington, 32 Cherry St. parking garage repairs:	<u>\$1,500,000.00</u>
(c) The following sums are appropriated in FY 2027:	
(1) Statewide, major maintenance:	<u>\$8,500,000.00</u>
(2) Statewide, planning, reuse, and contingency:	<u>\$250,000.00</u>
(3) Statewide, physical security enhancements:	<u>\$250,000.00</u>
(4) Statewide, three-acre parcel stormwater compliance:	<u>\$1,100,000.00</u>
(5) Statewide, Art in State Buildings Program:	<u>\$75,000.00</u>
(6) Pittsford, Academy firing range upgrades	<u>\$200,000.00</u>
(7) Montpelier, State House replacement of historic interior finishes:	<u>\$50,000.00</u>
(8) Montpelier, 120 State Street HVAC – steam lines interior renovation:	<u>\$2,000,000.00</u>
(9) Middlesex, Vermont State Archives roof replacement, main building:	<u>\$1,000,000.00</u>
(10) Waterbury, State Office Complex historic core roof replacement:	<u>\$2,000,000.00</u>
(11) Burlington, 32 Cherry St. parking garage repairs:	<u>\$500,000.00</u>
<u>Appropriation – FY 2026</u>	<u>\$13,726,680.44</u>
<u>Appropriation – FY 2027</u>	<u>\$15,925,000.00</u>
<u>Total Appropriation – Section 2</u>	<u>\$28,951,680.44</u>

Sec. 3. HUMAN SERVICES

(a) The following sums are appropriated in FY 2026 to the Department of Buildings and General Services for the Agency of Human Services for the following projects:

(1) Statewide, planning, design, and construction for HVAC system upgrades at correctional facilities:	<u>\$4,000,000.00</u>
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(2) <u>Statewide, accessibility upgrades at correctional facilities:</u>	<u>\$2,000,000.00</u>
(3) <u>Statewide, correctional facility safety and security upgrades:</u>	<u>\$225,000.00</u>
(4) <u>St. Johnsbury, Northeast Correctional Complex (NECC) door control system replacements:</u>	<u>\$1,000,000.00</u>
(5) <u>St. Albans, Northwest State Regional Correctional Facility (NWSCF) roof replacement:</u>	<u>\$1,000,000.00</u>
(b) <u>The following sums are appropriated in FY 2027 to the Department of Buildings and General Services for the Agency of Human Services for the following projects:</u>	
(1) <u>Statewide, planning, design, and construction for HVAC system upgrades at correctional facilities:</u>	<u>\$1,000,000.00</u>
(2) <u>Statewide, correctional facility safety and security upgrades:</u>	<u>\$200,000.00</u>
(3) <u>Rutland, Marble Valley Regional Correctional Facility (MVRCF) door control system replacements:</u>	<u>\$500,000.00</u>
(4) <u>St. Johnsbury, Northeast Correctional Complex (NECC) door control system replacements:</u>	<u>\$2,600,000.00</u>
(5) <u>Newport, Northern State Correctional Facility (NSCF) sprinkler system upgrades:</u>	<u>\$500,000.00</u>
(c) <u>Notwithstanding 29 V.S.A. § 152(a)(20), the Commissioner of Buildings and General Services is authorized to transfer any unexpended project balances between the amount appropriated in subdivision (a)(5) of this section and the amount appropriated in 2023 Acts and Resolves No. 69, Sec. 3(b)(1), as amended by 2024 Acts and Resolves No. 162, Sec. 3 (NWSCF, booking expansion, planning, design, and construction), and the Commissioner of Finance and Management may release the amount notwithstanding 2023 Acts and Resolves No. 69, Sec. 27(a) (NWSCF; funding request for federal detainees).</u>	
<u>Appropriation – FY 2026</u>	<u>\$8,225,000.00</u>
<u>Appropriation – FY 2027</u>	<u>\$4,800,000.00</u>
<u>Total Appropriation – Section 3</u>	<u>\$13,025,000.00</u>

Sec. 4. COMMERCE AND COMMUNITY DEVELOPMENT

(a) The following sums are appropriated in FY 2026 to the Agency of Commerce and Community Development for the following projects:

<u>(1) Major maintenance at statewide historic sites:</u>	<u>\$550,000.00</u>
<u>(2) Vermont Underwater Historic Preserves:</u>	<u>\$46,000.00</u>
<u>(3) Roadside historic site markers:</u>	<u>\$25,000.00</u>
<u>(4) Bennington, Battle Monument, maintenance of safety fencing, restoration, planning, and design:</u>	<u>\$425,000.00</u>

(b) The following sums are appropriated in FY 2027 to the Agency of Commerce and Community Development for the following projects:

<u>(1) Major maintenance at statewide historic sites:</u>	<u>\$550,000.00</u>
<u>(2) Vermont Underwater Historic Preserves:</u>	<u>\$46,000.00</u>
<u>(3) Roadside historic site markers:</u>	<u>\$25,000.00</u>
<u>Appropriation – FY 2026</u>	<u>\$1,046,000.00</u>
<u>Appropriation – FY 2027</u>	<u>\$621,000.00</u>
<u>Total Appropriation – Section 4</u>	<u>\$1,667,000.00</u>

Sec. 5. GRANT PROGRAMS

(a) The following sums are appropriated in FY 2026 for the Building Communities Grants established in 24 V.S.A. chapter 137:

(1) To the Agency of Commerce and Community Development, Division for Historic Preservation, for the Historic Preservation Grant Program: \$300,000.00

(2) To the Agency of Commerce and Community Development, Division for Historic Preservation, for the Historic Barns Preservation Grant Program: \$300,000.00

(3) To the Vermont Council on the Arts for the Cultural Facilities Grant Program, the sum of which may be used to match funds that may be made available from the National Endowment for the Arts, provided that all capital funds are made available to the Cultural Facilities Grant Program: \$300,000.00

(4) To the Department of Buildings and General Services for the Recreational Facilities Grant Program: \$300,000.00

(5) To the Department of Buildings and General Services for the Human Services and Educational Facilities Competitive Grant Program: \$300,000.00

(6) To the Department of Buildings and General Services for the Regional Economic Development Grant Program: \$300,000.00

(7) To the Agency of Agriculture, Food and Markets for the Agricultural Fairs and Field Days Capital Projects Competitive Grant Program: \$300,000.00

(b) The following sums are appropriated in FY 2027 for the Building Communities Grants established in 24 V.S.A. chapter 137:

(1) To the Agency of Commerce and Community Development, Division for Historic Preservation, for the Historic Preservation Grant Program: \$300,000.00

(2) To the Agency of Commerce and Community Development, Division for Historic Preservation, for the Historic Barns Preservation Grant Program: \$300,000.00

(3) To the Vermont Council on the Arts for the Cultural Facilities Grant Program, the sum of which may be used to match funds that may be made available from the National Endowment for the Arts, provided that all capital funds are made available to the Cultural Facilities Grant Program: \$300,000.00

(4) To the Department of Buildings and General Services for the Recreational Facilities Grant Program: \$300,000.00

(5) To the Department of Buildings and General Services for the Human Services and Educational Facilities Competitive Grant Program: \$300,000.00

(6) To the Department of Buildings and General Services for the Regional Economic Development Grant Program: \$300,000.00

(7) To the Agency of Agriculture, Food and Markets for the Agricultural Fairs and Field Days Capital Projects Competitive Grant Program: \$300,000.00

(c) It is the intent of the General Assembly that the sums appropriated in subdivisions (a)(5) and (b)(5) of this section be equally allocated between grants for human services and grants for educational facilities.

Appropriation – FY 2026 \$2,100,000.00

Appropriation – FY 2027 \$2,100,000.00

Total Appropriation – Section 5 \$4,200,000.00

Sec. 6. VETERANS' HOME

(a) The following sums are appropriated in FY 2026 to the Vermont Veterans' Home for the following projects:

(1) Replacement of air handlers: \$710,000.00

(2) Expansion of laundry facilities: \$340,000.00

(b) The Chief Executive Officer of the Vermont Veterans' Home is authorized to transfer any unexpended project balances between the amounts appropriated in subdivisions (a)(1)–(2) of this section.

Appropriation – FY 2026 \$1,050,000.00

Total Appropriation – Section 6 \$1,050,000.00

Sec. 7. UNIVERSITY OF VERMONT

(a) The sum of \$1,500,000.00 is appropriated in FY 2026 to the University of Vermont for construction, renovations, and major maintenance.

(b) The sum of \$1,500,000.00 is appropriated in FY 2027 to the University of Vermont for the projects described in subsection (a) of this section.

Appropriation – FY 2026 \$1,500,000.00

Appropriation – FY 2027 \$1,500,000.00

Total Appropriation – Section 7 \$3,000,000.00

Sec. 8. VERMONT STATE COLLEGES

(a) The following sums are appropriated in FY 2026 to the Vermont State Colleges for the following projects:

(1) Statewide, construction, renovations, and major maintenance:
\$1,500,000.00

(2) Johnson, the central heating plant replacement: \$1,500,000.00

(b) The following sums are appropriated in FY 2027 to the Vermont State Colleges for the following projects:

(1) Statewide, construction, renovations, and major maintenance:
\$1,500,000.00

(2) Johnson, central heating plant replacement: \$3,500,000.00

(c) For the amounts appropriated in subdivisions (a)(2) and (b)(2) of this section, the Vermont State Colleges shall work with Efficiency Vermont to develop a central heating plant replacement.

<u>Appropriation – FY 2026</u>	<u>\$3,000,000.00</u>
<u>Appropriation – FY 2027</u>	<u>\$5,000,000.00</u>
<u>Total Appropriation – Section 8</u>	<u>\$8,000,000.00</u>

Sec. 9. NATURAL RESOURCES

(a) The sum of \$500,000.00 is appropriated in FY 2026 to the Agency of Natural Resources for the Department of Environmental Conservation for dam safety and hydrology projects.

(b) The following sums are appropriated in FY 2026 to the Agency of Natural Resources for the Department of Forests, Parks and Recreation for the following projects:

(1) Park infrastructure and rehabilitation, improvement, and three-acre rule compliance: \$3,500,000.00

(2) Public lands access infrastructure: \$700,000.00

(c) The sum of \$1,105,000.00 is appropriated in FY 2026 to the Agency of Natural Resources for the Department of Fish and Wildlife for major maintenance and infrastructure projects.

(d) The following sums are appropriated in FY 2027 to the Agency of Natural Resources for the Department of Environmental Conservation for the following projects:

(1) State match, drinking water supply, Drinking Water State Revolving Fund: \$590,000.00

(2) Dam safety and hydrology projects: \$500,000.00

(e) The following sums are appropriated in FY 2027 to the Agency of Natural Resources for the Department of Forests, Parks and Recreation for the following projects:

(1) Park infrastructure and rehabilitation, improvement, and three-acre rule compliance: \$2,500,000.00

(2) Public lands access infrastructure: \$700,000.00

(f) The sum of \$1,029,360.00 is appropriated in FY 2027 to the Agency of Natural Resources for the Department of Fish and Wildlife for major maintenance and infrastructure projects.

<u>Appropriation – FY 2026</u>	<u>\$5,805,000.00</u>
<u>Appropriation – FY 2027</u>	<u>\$5,319,360.00</u>
<u>Total Appropriation – Section 9</u>	<u>\$11,124,360.00</u>

Sec. 10. CLEAN WATER INITIATIVES

(a) The sum of \$3,000,000.00 is appropriated in FY 2026 to the Agency of Agriculture, Food and Markets for water quality grants and contracts.

(b) The sum of \$4,000,000.00 is appropriated in FY 2026 to the Agency of Natural Resources for the Department of Environmental Conservation for municipal pollution control grants.

(c) The sum of \$200,000.00 is appropriated in FY 2026 to the Agency of Natural Resources for the Department of Forests, Parks and Recreation for water quality improvements to forest access roads.

(d)(1) The following sums are appropriated in FY 2026 to the Vermont Housing and Conservation Board for the following projects:

(A) Agricultural water quality projects: \$800,000.00

(B) Land conservation and water quality projects: \$2,000,000.00

(2) A grant issued under subdivision (1)(A) of this subsection:

(A) shall not be considered a State grant under 6 V.S.A. chapter 215, subchapter 3 for purposes of calculating the maximum amount of a State water quality assistance award under 6 V.S.A. § 4824 or 4826; and

(B) may be used to satisfy a grant recipient's cost-share requirements.

(e) The sum of \$10,000,000.00 is appropriated in FY 2027 to the Agency of Natural Resources for the Department of Environmental Conservation for clean water implementation projects.

(f) In FY 2026 and FY 2027, any agency that receives funding from this section shall consult with the State Treasurer to ensure that the projects are capital eligible.

Appropriation – FY 2026 \$10,000,000.00

Appropriation – FY 2027 \$10,000,000.00

Total Appropriation – Section 10 \$20,000,000.00

Sec. 11. MILITARY

(a) The following sums are appropriated in FY 2026 to the Military Department for the following projects:

(1) Major maintenance, renovations, and ADA compliance at State armories: \$1,272,838.00

(2) Northwest Regional Readiness Center, planning and design:
\$1,343,333.00

(b) The sum of \$1,310,167.00 is appropriated in FY 2027 to the Military Department for major maintenance, renovations, and ADA compliance at State armories.

Appropriation – FY 2026 \$2,616,171.00

Appropriation – FY 2027 \$1,310,167.00

Total Appropriation – Section 11 \$3,926,338.00

Sec. 12. AGRICULTURE, FOOD AND MARKETS

(a) The following sums are appropriated in FY 2026 to the Department of Buildings and General Services for the Agency of Agriculture, Food and Markets for the following projects:

(1) Renovations to the Vermont Building at the Eastern States Exposition: \$1,500,000.00

(2) Upgrades to the heat systems serving the Vermont State University Randolph Campus and the Vermont Agricultural and Environmental Laboratory: \$3,500,000.00

(b) The sum of \$1,500,000.00 is appropriated in FY 2027 to the Department of Buildings and General Services for the Agency of Agriculture, Food and Markets for renovations to the Vermont Building at the Eastern States Exposition.

(c) For the amount appropriated in subdivision (a)(2) of this section, the Commissioner of Buildings and General Services shall negotiate the maintenance of propane summer boilers and update the memorandum of understanding with Vermont State University. The Commissioner of Buildings and General Services is additionally authorized to transfer any unexpended project balances between the amount appropriated in subdivision (a)(2) of this section and the amounts appropriated in 2023 Acts and Resolves No. 69, Sec. 12(b)(1) (Vermont Agriculture and Environmental Laboratory Heat Plant, construction).

Appropriation – FY 2026 \$5,000,000.00

Appropriation – FY 2027 \$1,500,000.00

Total Appropriation – Section 12 \$6,500,000.00

Sec. 13. PUBLIC SAFETY

(a) The sum of \$2,000,000.00 is appropriated in FY 2026 to the Department of Buildings and General Services for the Department of Public Safety for Rutland Field Station.

(b) The following sums are appropriated in FY 2027 to the Department of Buildings and General Services for the Department of Public Safety for the following projects:

<u>(1) Shaftsbury Field Station, land acquisition, planning, and design:</u>	<u>\$150,000.00</u>
<u>(2) Rutland Field Station:</u>	<u>\$1,645,000.00</u>
<u>Appropriation – FY 2026</u>	<u>\$2,000,000.00</u>
<u>Appropriation – FY 2027</u>	<u>\$1,795,000.00</u>
<u>Total Appropriation – Section 13</u>	<u>\$3,795,000.00</u>

Sec. 14. JUDICIARY

(a) The following sums are appropriated in FY 2026 to the Judiciary for the following projects:

<u>(1) Woodstock Courthouse, purchase and installation of backup power system:</u>	<u>\$100,000.00</u>
<u>(2) Essex County Courthouse, connector and security upgrades:</u>	<u>\$3,685,910.00</u>
<u>(3) Lamoille County Courthouse, purchase and installation of backup power system:</u>	<u>\$190,000.00</u>

(b) The sum of \$1,100,000.00 is appropriated in FY 2026 to the Department of Buildings and General Services for the Judiciary for renovations at the Windsor County Courthouse in White River Junction.

<u>Appropriation – FY 2026</u>	<u>\$5,075,910.00</u>
<u>Total Appropriation – Section 14</u>	<u>\$5,075,910.00</u>

Sec. 15. VERMONT RURAL FIRE PROTECTION

(a) The sum of \$125,000.00 is appropriated in FY 2026 to the Department of Public Safety for the Vermont Rural Fire Protection Task Force for the dry hydrant program.

(b) The sum of \$125,000.00 is appropriated in FY 2027 to the Department of Public Safety for the Vermont Rural Fire Protection Task Force for the project described in subsection (a) of this section.

<u>Appropriation – FY 2026</u>	<u>\$125,000.00</u>
<u>Appropriation – FY 2027</u>	<u>\$125,000.00</u>
<u>Total Appropriation – Section 15</u>	<u>\$250,000.00</u>

Sec. 16. VERMONT HISTORICAL SOCIETY

The sum of \$700,000.00 is appropriated in FY 2026 to the Vermont Historical Society to mitigate water infiltration at the roof, foundation, and basement of the Spaulding Building in Barre.

<u>Appropriation – FY 2026</u>	<u>\$700,000.00</u>
<u>Total Appropriation – Section 16</u>	<u>\$700,000.00</u>

* * * Funding * * *

Sec. 17. REALLOCATION OF FUNDS; TRANSFER OF FUNDS

(a) The following sums are reallocated to the Department of Buildings and General Services from prior capital appropriations to defray expenditures authorized in Secs. 2–16 of this act:

(1) of the amount appropriated in 2019 Acts and Resolves No. 42, Sec. 2(c)(5), as amended by 2020 Acts and Resolves No. 139, Sec. 1 (108 Cherry Street, parking garage repairs): \$399,803.36

(2) of the amount appropriated in 2021 Acts and Resolves No. 50, Sec. 2(c)(18), as amended by 2022 Acts and Resolves No. 180, Sec. 2 (108 Cherry Street, parking garage repairs): \$37,519.86

(3) of the amount appropriated in in 2019 Acts and Resolves No. 42, Sec. 13(a), as amended by 2020 Acts and Resolves No. 139, Sec. 9 (Middlesex Field Station): \$371.89

(4) of the amount appropriated in 2021 Acts and Resolves No. 50, Sec. 12(a)(2) (Middlesex Field Station): \$18,309.45

(5) of the amount appropriated in 2021 Acts and Resolves No. 50, Sec. 12(c), as amended by 2022 Acts and Resolves No. 180, Sec. 10, as further amended by 2023 Acts and Resolves No. 69, Sec. 35 (Williston Public Safety Field Station): \$2,220,099.10

(6) of the amount appropriated in 2023 Acts and Resolves No. 69, Sec. 2(b)(3) (statewide, planning, reuse, and contingency): \$425,000.00

(7) of the amount appropriated in 2023 Acts and Resolves No. 69, Sec. 2(c)(7) (Northern State Correctional Facility, planning and construction for the boiler replacement): \$1,000,000.00

(8) of the amount appropriated in 2023 Acts and Resolves No. 69, Sec. 3(b)(5), as added by 2024 Acts and Resolves No. 162, Sec. 3 (South Burlington, justice-involved men, feasibility study for reentry facility):
\$125,000.00

(9) of the amounts appropriated in 2015 Acts and Resolves No. 26, Sec. 2(b) (various projects):
\$58,279.44

(10) of the amounts appropriated in 2017 Acts and Resolves No. 84, Sec. 2(b) (various projects):
\$23,237.47

(11) of the amounts appropriated in 2019 Acts and Resolves No. 42, Sec. 2(b) (various projects):
\$73,784.44

(b) The following sums appropriated to the Agency of Commerce and Community Development from prior capital appropriations are reallocated to defray expenditures authorized in Secs. 2–16 of this act:

(1) of the amount appropriated in 2019 Acts and Resolves No. 42, Sec. 5(c)(3), as amended by 2020 Acts & Resolves No. 139, Sec. 3 (Highgate Native American Cemetery):
\$12,042.00

(2) of the amount appropriated in 2017 Acts & Resolves No. 84, Sec. 11(m), as added by 2018 Acts and Resolves No. 190, Sec. 8 (Downtown Transportation Fund pilot project):
\$67,000.00

(c) The following sums appropriated to the Agency of Transportation from prior capital appropriations are reallocated to defray expenditures authorized in Secs. 2–16 of this act:

(1) of the amount appropriated in 2020 Acts and Resolves No. 139, Sec. 12(b)(1) (Lamoille Valley Rail Trail):
\$112.31

(2) of the amount appropriated in 2017 Acts and Resolves No. 84, Sec. 11(c) (Municipal Mitigation Program):
\$19,342.69

(3) of the amount appropriated in 2017 Acts and Resolves No. 84, Sec. 11(l)(2), as added by 2018 Acts and Resolves No. 190, Sec. 8 (Better Roads Grant Program):
\$41,238.46

(d) Of the amount appropriated to the Department of Buildings and General Services in 2023 Acts and Resolves No. 69, Sec. 2(b)(4) (Bennington, Battle Monument, construction of safety fencing), \$419,000.00 is reallocated to defray expenditures authorized in Sec. 4 of this act.

(e) Of the amount appropriated to the Agency of Agriculture, Food and Markets in 2017 Acts and Resolves No. 84, Sec. 11(e)(1)(B), as added by 2018 Acts and Resolves No. 190, Sec. 8 (phosphorus removal equipment),

\$115,000.00 is reallocated to defray expenditures authorized in Secs. 2–16 of this act.

(f) Of the amount appropriated to the Agency of Education in 2021 Acts and Resolves No. 50, Sec. 6(a) (funding emergency projects), \$19,549.00 is reallocated to defray expenditures authorized in Secs. 2–16 of this act.

(g) Of the amount appropriated to the Agency of Natural Resources for the Department of Environmental Conservation in 2017 Acts and Resolves No. 84, Sec. 11(b)(2) (ecosystem restoration and protection), \$249.01 is reallocated to defray expenditures authorized in Secs. 2–16 of this act.

(h) Of the amount appropriated from the Capital Infrastructure subaccount of the Cash Fund for Capital and Essential Investments to the Vermont Veterans' Home in 2024 Acts and Resolves No. 113, Sec. B.1103(a)(7) and authorized in 2023 Acts and Resolves No. 69, Sec. 18(d)(7) (design for the renovation of the Brandon and Cardinal units), \$1,500,000.00 is reallocated to defray expenditures authorized in Sec. 19 of this act.

(i) Of the amount appropriated from the Capital Infrastructure subaccount of the Cash Fund for Capital and Essential Investments to the Department of Buildings and General Services in 2024 Acts and Resolves No. 113, Sec. B.1103(a)(9) and authorized in 2023 Acts and Resolves No. 69, Sec. 18(d)(10) (111 State Street; renovation of the stack area), \$200,000.00 is reallocated to defray expenditures authorized in Sec. 19 of this act.

(j) Notwithstanding 32 V.S.A. § 701a(c)(2), the Department of Buildings and General Services may retain for the same purposes the unexpended amounts not reallocated in this act that were appropriated in the following capital construction acts:

(1) 2017 Acts and Resolves No. 84, Sec. 13(b)(2), as added by 2018 Acts and Resolves No. 190, Sec. 10 (East Cottage); and

(2) 2019 Acts and Resolves No. 42, Sec. 2(b) (various projects).

(k) Notwithstanding 32 V.S.A. § 701a(c)(2), the Agency of Agriculture, Food and Markets may retain for the same purposes the unexpended amount not reallocated in this act appropriated in 2017 Acts and Resolves No. 84, Sec. 11(e)(1)(B), as added by 2018 Acts and Resolves No. 190, Sec. 8 (phosphorus removal equipment).

(l) Notwithstanding 32 V.S.A. § 701a(c)(2), the Department of Environmental Conservation may retain for the same purposes the unexpended amounts not reallocated in this act that were appropriated in the following capital construction acts:

(1) 2017 Acts and Resolves No. 84, Sec. 11(f)(2)(A), as added by 2018 Acts and Resolves No. 190, Sec. 8 (Standard EcoSystem Restoration and Protection programs);

(2) 2019 Acts and Resolves No. 42, Sec. 11(b) (pollution control); and

(3) 2019 Acts and Resolves No. 42, Sec. 10(a)(2) (dam safety and hydrology projects).

(m) Notwithstanding 32 V.S.A. § 701a(c)(2), the Agency of Transportation may retain for the same purposes the unexpended amounts not reallocated in this act that were appropriated in the following capital construction acts:

(1) 2017 Acts and Resolves No. 84, Sec. 11(c) (Municipal Mitigation Program); and

(2) 2017 Acts and Resolves No. 84, Sec. 11(l), as added by 2018 Acts and Resolves No. 190, Sec. 8 (Municipal Mitigation Program).

Bonded Dollars \$5,074,938.48

Cash \$1,700,000.00

Total Reallocations and Transfers – Section 17 \$6,774,938.48

Sec. 18. GENERAL OBLIGATION BONDS AND APPROPRIATIONS

(a) The State Treasurer is authorized to issue general obligation bonds in the amount of \$100,000,000.00 for the purpose of funding the appropriations made in Secs. 2–16 of this act. The State Treasurer, with the approval of the Governor, shall determine the appropriate form and maturity of the bonds authorized by this section consistent with the underlying nature of the appropriation to be funded.

(b) The State Treasurer is authorized to issue additional general obligation bonds in the amount of \$6,890,350.00 that were previously appropriated but unissued under 2023 Acts and Resolves No. 69, as amended by 2024 Acts and Resolves No. 162, for the purpose of funding the appropriations in this act.

Total Revenues – Section 18 \$106,890,350.00

Sec. 19. FY 2026 AND 2027; CAPITAL PROJECTS; FY 2026

APPROPRIATIONS ACT; INTENT; AUTHORIZATIONS

(a) Findings. The General Assembly finds that in addition to the issuance of general obligation bonds, eligible capital projects may be funded from the Fund established in 32 V.S.A. § 1001b.

(b) Intent. It is the intent of the General Assembly to authorize certain capital projects eligible for funding by 32 V.S.A. § 1001b in this act but appropriate the funds for these projects in the FY 2026 Appropriations Act. It is also the intent of the General Assembly that the FY 2026 Appropriations Act appropriate funds to the Fund established in 32 V.S.A. § 1001b for projects in FY 2027.

(c) Authorizations; Capital Infrastructure subaccount. In FY 2026, spending authority for the following capital projects from the Capital Infrastructure subaccount of the Cash Fund for Capital and Essential Investments are authorized as follows:

(1) to the Department of Buildings and General Services for statewide major maintenance: \$1,506,599.00

(2) to the Department of Buildings and General Services for statewide planning, reuse, and contingency: \$250,000.00

(3) to the Department of Buildings and General Services for statewide physical security enhancements: \$250,000.00

(4) to the Department of Buildings and General Services for State House repointing: \$219,500.00

(5) to the Department of Buildings and General Services for an uninterruptable power supply system for the Middlesex print and postal facility: \$250,000.00

(6) to the Department of Buildings and General Services for the Judiciary for renovations at the Windsor County Courthouse in White River Junction: \$6,900,000.00

(7) to the Vermont Veterans' Home for the design and construction of the American unit: \$1,500,000.00

(8) to the Agency of Commerce and Community Development for infrastructure improvements that are either municipally leased for a term of at least 30 years or municipally owned and that support the development of new or rehabilitated housing, provided that a grant agreement shall be in place between the State and the municipality prior to the release of funds: \$2,500,000.00

(9) to the Department of Fish and Wildlife for the Lake Champlain Walleye Association, Inc. to upgrade and repair the Walleye rearing, restoration, and stocking infrastructure: \$25,000.00

(10) to the Department of Public Safety for the Vermont Rural Fire Protection Task Force for the dry hydrant program: \$35,000.00

(d) Authorizations; Other Infrastructure, Essential Investments, and Reserves subaccount. In FY 2026, spending authority is authorized from the Other Infrastructure, Essential Investments, and Reserves subaccount of the Cash Fund for Capital and Essential Investments to the Agency of Natural Resources for the Department of Environmental Conservation for the State match to the Infrastructure Investment and Jobs Act Drinking Water State Revolving Fund and Clean Water State Revolving Fund, in accordance with the provisions of 2023 Acts and Resolves No. 78, Sec. C.108(b), in the amount of \$14,500,000.00.

(e) Transfer. Notwithstanding 29 V.S.A. § 152(a)(20), the Commissioner of Buildings and General Services is authorized to transfer any unexpended project balances between the amount appropriated in subdivision (c)(7) of this section and the amounts appropriated in 2023 Acts and Resolves No. 69, Sec. 15(b)(1) (emergency generator and boiler plant replacement).

* * * Policy * * *

* * * Capital Budgeting Process * * *

Sec. 20. 32 V.S.A. § 701a is amended to read:

§ 701a. CAPITAL CONSTRUCTION BILL

* * *

(d)(1) On or before November 15 each year, the Commissioner of Finance and Management shall require each entity to which spending authority has been authorized by a capital construction act enacted in a legislative session that was two or more years prior to the current legislative session to submit a report on the current fund balances of each authorized project with unexpended funds. The report shall include plans for the unexpended funds, any projects or contracts the funds are assigned to, and an anticipated timeline for expending the funds.

(2) On or before ~~December 15 each year~~ the third Tuesday of every annual session, the Commissioner of Finance and Management shall submit in a consolidated format the reports required by subdivision (1) of this subsection to the House Committee on Corrections and Institutions and the Senate Committee on Institutions.

* * *

Sec. 21. 32 V.S.A. § 310 is amended to read:

§ 310. FORM OF ANNUAL CAPITAL BUDGET AND 10-YEAR
CAPITAL PROGRAM PLAN

* * *

(b) The capital budget request for the following biennium shall be presented as the next increment of the 10-year plan. Elements of the plan shall include:

* * *

(2) Comprehensive cost and financing assessment.

(A) Amounts appropriated and expended for the current fiscal year and for the preceding fiscal year shall be indicated for capital programs and for individual projects. For the five fiscal years preceding these, the assessment shall include the aggregate amounts appropriated and expended for individual projects, which amounts shall be categorized by funding type and presented in a format that concisely displays the funding stream and project phases for each individual project over time. The assessment shall indicate further the source of funds for any project that required additional funding and a description of any authorized projects that were delayed.

* * *

Sec. 22. 32 V.S.A. § 1001b is amended to read:

§ 1001b. CASH FUND FOR CAPITAL AND ESSENTIAL INVESTMENTS

* * *

(e) Spending authority. Any entity authorized to make expenditures from the Capital Infrastructure subaccount shall have not more than ~~two~~ three years from the end of the legislative session in which the act authorizing the expenditure was enacted to encumber the funds. Any remaining unencumbered funds shall remain part of the Fund account.

Sec. 22a. CASH FUND; JOINT FISCAL OFFICE; REPORT

On or before December 15, 2025, the Joint Fiscal Office shall submit a report to the Senate Committee on Institutions and the House Committee on Corrections and Institutions on considerations for use of the Cash Fund for Capital and Essential Investments under 32 V.S.A. § 1001b that:

(1) provides the historical context, including the economic rationale, for the Cash Fund;

(2) compares financial management practices for expenditures made through cash and through bonded dollars, including long-term financial impacts;

(3) distinguishes between the intended uses of the Capital Infrastructure subaccount and the Other Infrastructure, Essential Investments, and Reserves subaccount;

(4) describes, for each year since the Cash Fund's inception:

(A) the sources of funds; and

(B) the annual expenditures from the Capital Infrastructure subaccount; and

(5) outlines the current legislative process by which appropriations are made from the Cash Fund.

* * * Buildings and General Services * * *

Sec. 23. TRANSFER OF RANDALL MEADOW PROPERTY IN THE TOWN OF WATERBURY

Notwithstanding 29 V.S.A. § 166(b), the Commissioner of Buildings and General Services is authorized to survey, subdivide, and transfer to the Town of Waterbury the portion of land in the Waterbury State Office Complex (Parcel ID # 69622111909 as designated on the Town of Waterbury's Tax Parcel Maps) that is commonly referred to as the "Randall Meadow," provided that the Commissioner may transfer the Randall Meadow property only once:

(1) the parcel has been subdivided to reflect stormwater management needs of the Waterbury State Office Complex to the satisfaction of the Commissioner;

(2) any permits required for transfer have been obtained; and

(3) the Commissioner and the Town of Waterbury have created a plan to align the transfer with the current lease for the parcel.

Sec. 24. 2024 Acts and Resolves No. 162, Sec. 27 is amended to read:

Sec. 27. CAPITOL COMPLEX FLOOD RECOVERY; SPECIAL COMMITTEE

* * *

(c) The Commissioner of Buildings and General Services shall provide quarterly updates to the Special Committee on the planning process for Capitol Complex flood recovery and shall provide timely notification to the City of Montpelier and the Montpelier Commission for Recovery and Resilience of alterations to proposals and plans for Capitol Complex flood recovery.

* * *

* * * Human Services * * *

Sec. 25. REPEAL

2024 Acts and Resolves No. 162, Sec. 31 (potential reuse of Chittenden Regional Correctional Facility Site; feasibility; report) is repealed.

* * * Vermont Veterans' Home * * *

Sec. 26. USE OF FEDERAL FUNDS; EMERGENCY GENERATOR AND
BOILER REPLACEMENT; ELEVATOR UPGRADE

If the Commissioner of Finance and Management offsets any capital funds appropriated in 2023 Acts and Resolves No. 69, Sec. 15 (b)(1)–(2) (emergency generator and boiler plant replacement; elevator upgrade) with federal funds, then any offset amounts shall be reused for future capital construction projects as part of the capital budget process.

* * * Sergeant at Arms * * *

Sec. 27. 2023 Acts and Resolves No. 69, Sec. 15b, as added by 2024 Acts and Resolves No. 162, Sec. 8, is amended to read:

Sec. 15b. SERGEANT AT ARMS

The sum of \$100,000.00 is appropriated in FY 2025 to the Sergeant at Arms for the following projects:

(1) the replacement of State House cafeteria furnishings; and

(2) the purchase and installation at the State House of an X-ray machine designed to screen baggage.

* * * Effective Date * * *

Sec. 28. EFFECTIVE DATE

This act shall take effect on passage.

WENDY K. HARRISON

ROBERT PLUNKETT

RUSSELL H. INGALLS

Committee on the part of the Senate

ALICE M. EMMONS

JAMES A.R. GREGOIRE

TROY HEADRICK

Committee on the part of the House

Action Under Rule 52

J.R.H. 5

Joint resolution authorizing limited remote joint committee voting through the remainder of calendar year 2025

(For text, see House Journal of May 15, 2025)

NOTICE CALENDAR

Favorable with Amendment

S. 59

An act relating to amendments to Vermont's Open Meeting Law

Rep. Waters Evans of Charlotte, for the Committee on Government Operations and Military Affairs, recommends that the House propose to the Senate that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 1 V.S.A. § 310 is amended to read:

§ 310. DEFINITIONS

As used in this subchapter:

* * *

(9) "Undue hardship" means an action ~~required to achieve compliance would require~~ requiring significant difficulty or expense ~~to the unit of government to which a public body belongs,~~ considered in light of factors including the overall size of the entity, ~~sufficient~~ the availability of necessary personnel and ~~staffing availability~~ staff, the entity's ~~budget~~ available resources, and the costs associated with compliance.

Sec. 2. 1 V.S.A. § 312 is amended to read:

§ 312. RIGHT TO ATTEND MEETINGS OF PUBLIC AGENCIES BODIES

(a)(1) All meetings of a public body are declared to be open to the public at all times, except as provided in section 313 of this title. No resolution, rule, regulation, appointment, or formal action shall be considered binding except as taken or made at such open meeting, except as provided under subdivision 313(a)(2) of this title. A meeting of a public body is subject to the public accommodation requirements of 9 V.S.A. chapter 139. A public body shall electronically record all public hearings held to provide a forum for public comment on a proposed rule, pursuant to 3 V.S.A. § 840. The public shall

have access to copies of such electronic recordings as described in section 316 of this title.

* * *

(3)(A) ~~State nonadvisory~~ public bodies; hybrid meeting requirement; exception for advisory bodies. Any public body of the State, except advisory bodies, shall:

(A)(i) hold all regular and special meetings in a hybrid fashion, which shall include both a designated physical meeting location and a designated electronic meeting platform;

(B)(ii) electronically record all meetings; and

(C)(iii) for a minimum of 30 days following the approval and posting of the official minutes for a meeting, retain the audiovisual recording and post the recording in a designated electronic location.

(B) Exception; site inspections and field visits. This subdivision (3) shall not apply to gatherings of a State public body for purposes of a site inspection or field visit.

(C) Application of subdivision; State public bodies only. This subdivision (3) applies exclusively to State public bodies.

* * *

(5) ~~State nonadvisory~~ public bodies; State and local advisory bodies; designating electronic platforms. ~~State nonadvisory A public bodies body meeting in a hybrid fashion pursuant to subdivision (3) of this subsection and State and local advisory bodies meeting without a physical meeting location or advisory body meeting pursuant to subdivision (4) of this subsection shall designate and use an electronic platform that allows the direct access, attendance, and participation of the public, including access by telephone. The public body shall post information that enables the public to directly access the designated electronic platform and include this information in the published agenda or public notice for the meeting.~~

(6) Local ~~nonadvisory~~ public bodies; meeting recordings.

(A) A public body of a municipality or political subdivision, except advisory bodies, shall record or cause to record, in audio or video form, any meeting of the public body and post a copy of the recording in a designated electronic location for a minimum of 30 days following the ~~approval and posting of the official minutes for a meeting.~~ This subdivision (A) shall not apply to gatherings of a public body for purposes of a site inspection or field visit.

* * *

(c)(1) The time and place of all regular meetings subject to this section shall be clearly designated by statute, charter, regulation, ordinance, bylaw, resolution, or other determining authority of the public body, and this information shall be available to any person upon request. The time and place of all public hearings and meetings scheduled by all Executive Branch State agencies, departments, boards, or commissions shall be available to the public as required under 3 V.S.A. § 2222(c).

(2) The time, place, and purpose of a special meeting subject to this section shall be publicly announced at least 24 hours before the meeting. Municipal public bodies shall post notices of special meetings in or near the municipal clerk's office and in at least two other designated public places in the municipality or a neighboring municipality, at least 24 hours before the meeting. In addition, notice shall be given, either orally or in writing, to each member of the public body at least 24 hours before the meeting, except that a member may waive notice of a special meeting.

* * *

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

* * *

(B) in the case of a municipal public body, posted in or near the municipal office and in at least two other designated public places in the municipality or a neighboring municipality.

* * *

(3) A meeting agenda shall contain sufficient details concerning the specific matters to be discussed by the public body. Whenever a public body includes an executive session as an item on a posted meeting agenda, the public body shall list the agenda item as "proposed executive session" and indicate the nature of the business of the executive session.

(4)(A) Any addition to or deletion from the agenda shall be made as the first act of business at the meeting.

* * *

(k) Training.

(1) Annually, the following officers shall participate in a professional training that addresses the procedures and requirements of this subchapter:

(A) for municipalities and political subdivisions, the chair of the legislative body, town manager, and mayor; ~~and~~

(B) for the State, the chair of any public body that is not an advisory body; ~~and~~

(C) the members of a State advisory body, provided that the advisory body is composed entirely of members who are not government officers or employees.

* * *

Sec. 3. 1 V.S.A. § 313 is amended to read:

§ 313. EXECUTIVE SESSIONS

(a) No public body may hold or conclude an executive session from which the public is excluded, except by the affirmative vote of two-thirds of its members present in the case of any public body of State government or of a majority of its members present in the case of any public body of a municipality or other political subdivision. A motion to go into executive session shall indicate the nature of the business of the executive session, and no other matter may be considered in the executive session. ~~Such~~ The vote to enter executive session shall be taken in the course of an open meeting and the result of the vote recorded in the minutes. No formal or binding action shall be taken in executive session except for actions relating to the securing of real estate options under subdivision (2) of this subsection. Minutes of an executive session need not be taken, but if they are, the minutes shall, notwithstanding subsection 312(b) of this title, be exempt from public copying and inspection under the Public Records Act. A public body may not hold an executive session except to consider one or more of the following:

* * *

(10) security, cybersecurity, or emergency response measures, the disclosure of which could jeopardize public safety; or

(11) confidential business information relating to the interest rates for publicly financed loans, provided that the public body is a State public body and the creditor for the loan.

* * *

Sec. 4. LEGISLATIVE INTENT

It is the intent of the General Assembly that section 5 of this act amend 13 V.S.A. § 1026 to conform subdivision (a)(4) of that section with the

constitutional requirements articulated in the Supreme Court of Vermont decision *State v. Colby*, 185 Vt. 464 (2009).

Sec. 5. 13 V.S.A. § 1026 is amended to read:

§ 1026. DISORDERLY CONDUCT

(a) A person is guilty of disorderly conduct if ~~he or she~~ the person, with intent to cause public inconvenience or annoyance, or recklessly creates a risk thereof:

* * *

(4) without lawful authority, disturbs any lawful assembly or meeting of persons; or

* * *

(c) As used in this section:

(1) “Disturbs any lawful assembly or meeting of persons” means conduct that substantially impairs the effective conduct of an assembly or meeting, including conduct that:

(A) causes an assembly or meeting to terminate prematurely; or

(B) consists of numerous and sustained efforts to disrupt an assembly or meeting after being asked to desist.

(2) “Meeting” includes a meeting of a public body, as those terms are defined in 1 V.S.A. § 310.

Sec. 6. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 10-0-1)

Governor's Veto

H. 219

An act relating to establishing the Department of Corrections’ Family Support Program

Text of Veto Message

The text of the communication from His Excellency, the Governor, whereby he vetoed and returned unsigned **House Bill No. H. 219** to the House is as follows:

May 15, 2025

The Honorable BetsyAnn Wrask
Clerk of the Vermont House of Representatives
State House
Montpelier, VT 05633

Dear Ms. Wrask:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I'm returning H.219, *An act relating to establishing the Department of Corrections' Family Support Program*, without my signature because of my objections described herein:

I have no objection to providing family support programs for incarcerated parents and guardians, however, this bill violates the constitutionally mandated, separation of powers by attempting to obligate the Governor to include funding in the annual budget submission to the Legislature.

The Vermont Constitution Chapter II, Section 20 is clear. The Legislature has no authority to direct the Governor on how to establish funding and policy priorities in the Governor's budget submission. For this reason, I cannot allow this bill to go into law.

I met with several lawmakers to notify them of my intent to veto the bill and provided assurances that, because this program was also included in the budget (H.493, Sec E.338.1), it will move forward in FY26 as planned. I would also welcome the Legislature to send me the bill again with the change, if preferred, or address it next session.

Sincerely,

Philip B. Scott
Governor
PBS/kp

CONSENT CALENDAR FOR ACTION

Concurrent Resolutions for Adoption Under Joint Rules 16a - 16d

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration in that member's chamber before today's adjournment. Requests for floor consideration in either chamber should be communicated to the Senate Secretary's Office or the House Clerk's Office, as applicable. For text of resolutions, see Addendum to House Calendar of May 15, 2025.

H.C.R. 141

House concurrent resolution in memory of U.S. Environmental Protection Agency (EPA) engineer Edward M. Hathaway

H.C.R. 142

House concurrent resolution honoring Steven D. Faccio of Strafford for his inspiring leadership as a conservation biologist

H.C.R. 143

House concurrent resolution honoring former Pawlet First Constable David Ricard Sr. for his outstanding municipal public service

H.C.R. 144

House concurrent resolution commemorating the 250th anniversary of the U.S. Marine Corps

H.C.R. 145

House concurrent resolution celebrating the 35th anniversary of the installation of the first piece of art for the Art in State Buildings Program

H.C.R. 146

House concurrent resolution commemorating the 60th anniversary of the Bennington Fire Department's management of the annual Bennington Battle Day Weekend Parade and festivities

H.C.R. 147

House concurrent resolution commemorating the 250th anniversary of the establishment of the U.S. Navy

H.C.R. 148

House concurrent resolution in memory of distinguished Vermont attorney Richard T. Cassidy of Burlington

H.C.R. 149

House concurrent resolution commemorating the 175th anniversary of the Bennington Fire Department

H.C.R. 150

House concurrent resolution congratulating Bennington Lodge No. 567 of the Benevolent and Protective Order of Elks on 125 years of community service and good fellowship

For Informational Purposes

H.C.R. Approval Deadline

To guarantee that any 2025 House Concurrent Resolution that has been drafted is printed in a 2025 House Calendar and Addendum, the sponsor of the H.C.R. must return approval of the draft, along with the final list of any cosponsors, to Michael Chernick in the Office of Legislative Counsel by **5:00 p.m. on Wednesday, May 14, 2025**.

CROSSOVER DATES

The Joint Rules Committee established the following crossover dates:

(1) All **Senate/House** bills must be reported out of the last committee of reference (including the Committees on Appropriations and Finance/Ways and Means, except as provided below in (2) and the exceptions listed below) on or before **Friday, March 14, 2025**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day – Committee bills must be voted out of Committee by **Friday, March 14, 2025**.

(2) All **Senate/House** bills referred pursuant to Senate Rule 31 or House Rule 35(a) to the Committees on Appropriations and Finance/Ways and Means must be reported out by the last of those committees on or before **Friday, March 21, 2025**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day.

Exceptions to the foregoing deadlines include the major money bills (the general Appropriations bill (“The Big Bill”), the Transportation Capital bill, the Capital Construction bill, and the Fee/Revenue bills).

HOUSE CONCURRENT RESOLUTION (H.C.R.) PROCESS

Joint Rules 16a–16d provide the procedure for the General Assembly to adopt concurrent resolutions pursuant to the Consent Calendar. Here are the steps for Representatives to introduce an H.C.R. and to have it ceremonially read during a House session:

1. Meet with Legislative Counselor Michael Chernick regarding your H.C.R. draft request. Come prepared with an idea and any relevant supporting documents.
2. Have a date in mind if you want a ceremonial reading. You should meet with Counselor Chernick at least two weeks prior to the week you want your ceremonial reading to happen.

3. Counselor Chernick will draft your H.C.R., and Resolutions Editor and Coordinator Jill Pralle will edit it. Upon completion of this process, a paper or electronic copy will be released to you. If a paper copy is released to you, a sponsor signout sheet will also be included.
4. Please submit the sponsor list to Counselor Chernick by paper *or* electronically, but not both.
5. The final list of sponsors needs to be submitted to Counselor Chernick not later than 12:00 noon the Thursday of the week prior to the H.C.R.'s appearance on the Consent Calendar.
6. The Office of Legislative Counsel will then send your H.C.R. to the House Clerk's Office for incorporation into the Consent Calendar and House Calendar Addendum for the following week.
7. The week that your H.C.R. is on the Consent Calendar, any presentation copies that you requested will be mailed or available for pickup on Friday, after the House and Senate adjourn, which is when your H.C.R. is adopted pursuant to Joint Rules.
8. Your H.C.R. can be ceremonially read during a House session once it is adopted. If you would like to schedule a ceremonial reading, contact Second Assistant Clerk Courtney Reckord to confirm your requested ceremonial reading date.

JOINT FISCAL COMMITTEE NOTICES

Grants and Positions that have been submitted to the Joint Fiscal Committee by the Administration, under 32 V.S.A. §5(b)(3)(D):

JFO #3244: \$2,335,401.00 to the Agency of Human Services, Department of Health from the Substance Abuse and Mental Health Services Administration. Funds support continued crisis counseling assistance and training in response to the July 2024 flood event. *[Received February 7, 2025]*

JFO #3245: \$250,000.00 to the Agency of Human Services, Department of Health from the National Association of State Mental Health Program Directors. Funds used to provide trainings for crisis staff and to make improvements to the State's crisis system dispatch platform. *[Received February 7, 2025]*

JFO #3246: 125+ acre land donation valued at \$184,830.00 from Pieter Van Schaik of Cavendish, VT to the Agency of Natural Resources,

Department of Forests, Parks and Recreation. The acreage will become part of the Lord State Forest. *[Received March 24, 2025]*

JFO #3247: \$2,875,419.00 to the Agency of Human Services, Department for Children and Families to support families affected by the July 2024 flood event. The request includes three (3) limited-service positions. Two (2) Emergency Management Specialists to the AHS central office and one (1) Grants and Contract Manager to the Department of Children and Families Positions funded through June 30, 2027. *[Received 04/10/2025, expedited review requested 04/10/2025]*

JFO #3248: \$35,603.00 to the Vermont Department of Libraries from the Vermont Community Foundation and the dissolution of the VT Public Library Foundation. The grant will provide modest grants to VT libraries with a preference for smaller libraries and for programs and projects that support children and diversity. *[Received April 10, 2025]*

JFO #3249: \$22,117.00 to the Agency of Human Services, Department of Corrections to ensure compliance with the Prison Rape Elimination Act (PREA). *[Received April 10, 2025]*

JFO #3250: \$391,666.00 to the Vermont Agency of Natural Resources, Department of Forests, Parks and Recreation from the Northern Border Regional Commission. Funds will support the Vermont Outdoor Recreation Economic Collaboration (VOREC) Program Director as well as VOREC initiatives. *[Received April 11, 2025]*

JFO #3251: \$50,000.00 to the Agency of Human Services, Central Office from the National Governor's Association. The funds will support state-side improvements of service-to-career pathways, with a focus on emergency responders. *[Received April 11, 2025]*

JFO #3252: \$10,000,000.00 to the Vermont Department of Libraries from the U.S. Department of Housing and Urban Development. The Public Facilities Preservation Initiative grant will provide smaller grants to rural libraries for the completion of necessary capital improvement projects. *[Received April 11, 2025]*

JFO #3253: \$20,000.00 to the Vermont Department of Public Safety, Vermont State Police. Funds will be used by the Vermont Boating Law Administrator, with the support of the Vermont Department of Health, to create a comprehensive boating injury data tracking system. *[Received May 6, 2025]*

JFO #3254: \$994,435.00 to the Vermont Department Public Safety, Vermont Emergency Management from the Federal Emergency

Management Agency. Funds for emergency work and repair/replacement of disaster damaged facilities during the severe storm and flooding event in Lamoille County from June 22-24, 2024.
[Received May 6, 2025]

JFO #3255: \$41,000.00 to the Vermont Agency of Commerce and Community Development, Department of Housing and Community Development. Funds will be used to restore the Baldwin Model K piano, once played by First Lady Grace Coolidge, which now resides in the President Calvin Coolidge State Historic Site in Plymouth, VT.
[Received May 6, 2025]