House Calendar

Thursday, March 26, 2026

80th DAY OF THE ADJOURNED SESSION

House Convenes at 1:00 P.M.

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Committee Bill for Second Reading

H. 941

An act relating to municipal regulation of agriculture

(Rep. Durfee of Shaftsbury will speak for the Committee on Agriculture, Food Resiliency, and Forestry.**)**

Favorable with Amendment

H. 657

An act relating to enabling unaccompanied homeless youth to obtain certain services without parental consent

Rep. Donahue of Northfield, for the Committee on Human Services, recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Removing Reach Up Asset Limit * * *

Sec. 1. 33 V.S.A. § 1103 is amended to read:

§ 1103. ELIGIBILITY AND BENEFIT LEVELS

* * *

(c) The Commissioner shall adopt rules for the determination of eligibility for the Reach Up program and benefit levels for all participating families that include the following provisions:

* * *

(5)~~(A) The asset limitation shall be $9,000.00 for families for the purposes of determining initial and continuing eligibility for the Reach Up program, and the following savings accounts shall not be considered in the calculation for determining the asset limitation:~~

~~(i) a retirement account, such as an individual retirement arrangement (IRA), a defined contribution plan qualified under 26 U.S.C. § 401(k), or any similar account as defined in 26 U.S.C. § 408; and~~

~~(ii) a qualified child education savings account, such as the Vermont Higher Education Investment Plan, established in 16 V.S.A. § 2877, or any similar plan qualified under 26 U.S.C. § 529.~~

~~(B) The value of assets accumulated from the earnings of adults and children in participating families and from any federal or Vermont earned income tax credit shall be excluded for purposes of determining continuing eligibility for the Reach Up program.~~ The Department shall not impose an asset limit for the purpose of initial and continuing eligibility for the Reach Up program.

* * *

* * * Social Security Benefits for Youth in Foster Care * * *

Sec. 2. 33 V.S.A. § 4902 is amended to read:

§ 4902. DEFINITIONS

As used in this chapter:

(1) "Child" means a person under 18 years of age committed by the Family Division of the Superior Court to the Department for Children and Families.

(2) "Commissioner" means the Commissioner for Children and Families.

(3) "Department" means the Department for Children and Families.

(4) "Foster care" means care of a child, for a valuable consideration, in a child care institution or in a family other than that of the child's parent, guardian, or relative.

(5) "Qualified ABLE account" means an ABLE account, as that term is defined in section 8002 of this title, or an account established pursuant to any qualified state ABLE program created pursuant to 26 U.S.C. § 529A (section 529A of the Internal Revenue Code of 1986).

(6) "Representative payee" means the person appointed by the Social Security Administration to manage Social Security benefits for a child.

(7) "RSDI benefits" means a child's retirement, survivors, or disability insurance benefits under 42 U.S.C. chapter 7, subchapter II (Title II of the Social Security Act).

(8) "Social Security Act" means the Social Security Act, 42 U.S.C. chapter 7, as may be amended.

(9) "Social Security benefits" means a child's RSDI benefits, SSI benefits, or both, as applicable.

(10) "SSI benefits" means a child's Supplemental Security Income benefits under 42 U.S.C. chapter 7, subchapter XVI (Title XVI of the Social Security Act).

Sec. 3. 33 V.S.A. § 4907 is added to read:

§ 4907. FOSTER CARE; SOCIAL SECURITY BENEFITS

(a) The Department shall not use any portion of a child's Social Security benefits to offset the State's costs for the child's maintenance except to maintain the child's eligibility for SSI benefits and to avoid a violation of federal asset or resource limits.

(b) Upon the request of the child or the child's foster care provider, the Department, in its capacity as representative payee for a child, may use the child's Social Security benefits for the child's unmet needs beyond the amount that the State is obligated, required, or agrees to pay for the care of the child.

(c) In its capacity as representative payee for a child and with the assistance of the State Treasurer, the Department shall:

(1) establish a trust account for the child, which shall be a qualified ABLE account for any child receiving SSI benefits;

(2) monitor any federal asset or resource limits for the child's SSI benefits;

(3) ensure that the child's best interests are served by using the child's Social Security benefits for the child's unmet needs or conserving the child's Social Security benefits in a way that avoids violating any federal asset or resource limits that would affect the child's ability to receive SSI benefits;

(4) appeal any denied application for SSI benefits submitted on behalf of a child; and

(5) provide an annual accounting of the use, application, or conservation of the child's Social Security benefits, including any payments made under subsection (b) of this section, to the child; the child's parent, legal guardian, or counsel; the Family Division of the Superior Court; and the Office of the Child, Youth, and Family Advocate.

* * * Enabling Unaccompanied Youth to Obtain Certain Services Without Parental Consent * * *

Sec. 4. 33 V.S.A. § 4908 is added to read:

§ 4908. UNACCOMPANIED YOUTH

(a) Definition. As used in this section:

(1) "Homeless children and youth" means individuals who lack a fixed, regular, and adequate nighttime residence, including:

(A) children and youth sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

(B) children and youth living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;

(C) children and youth living in emergency or transitional shelters;

(D) children and youth abandoned in hospitals;

(E) children and youth living in a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

(F) children and youth living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or

(G) migratory children who qualify as homeless because they are living in circumstances described in this subdivision.

(2) "Unaccompanied homeless youth" means a homeless child or youth not in the physical custody of a parent or guardian.

(3) "School district homeless liaison" means an employee designated by a school district to act as a liaison for homeless children and youth.

(b) Certification. An unaccompanied youth may become certified if the youth is:

(1) found by a school district homeless liaison or other appropriate staff person to be an unaccompanied youth; or

(2) believed to qualify as an unaccompanied youth, by:

(A) the director of an emergency shelter program funded by the State;

(B) the director of a runaway or homeless youth program funded by the U.S. Department of Health and Human Services or the U.S. Department of Housing and Urban Development or designee;

(C) a continuum of care lead agency or designee;

(D) the Chief Juvenile Defender or designee; or

(E) the Vermont Network Against Domestic and Sexual Violence or designee.

(c) Proof of certification.

(1) Elevate Youth Services' Vermont Coalition of Runaway and Homeless Services shall develop a standardized form that shall be used by the entities specified in subdivision (b)(2) of this section to certify qualifying unaccompanied youths. The front of the form shall include the circumstances that qualify the youth; the date the youth was certified; the name, title, and signature of the certifying individual; and confirmation from the certifying individual that they have completed a human trafficking training in the past two years. This section shall be reproduced in its entirety on the back of the form.

(2) Without the consent of a parent or guardian, a certified unaccompanied youth may use the completed form to:

(A) apply at no charge for a nondriver identification card pursuant to 23 V.S.A. § 115, a learner's permit pursuant to 23 V.S.A. § 617, or an operator's license or operator's privilege card pursuant to 23 V.S.A. § 608;

(B) obtain a vital event certificate at no charge pursuant to 18 V.S.A. § 5017;

(C) consent to care by health care professionals licensed or certified in Vermont, including medical care; dental care; mental health care services, including psychological counseling and treatment, psychiatric treatment, and substance use prevention and treatment services; and surgical diagnosis and treatment, including medical diagnosis and treatment, such as preventive care and care provided in a health care facility, as defined in 18 V.S.A. § 9432, for:

(i) themselves; or

(ii) the youth's child, if the certified unaccompanied youth is unmarried, is the parent of the child, and has actual custody of the child;

(D) enter into a contract for housing or obtain admission to a shelter or transitional housing;

(E) obtain employment, pursuant to 21 V.S.A. chapter 5, subchapter 4;

(F) purchase an automobile and obtain an automobile liability policy that meets the requirements of 23 V.S.A. chapter 11;

(G) apply for a student loan;

(H) obtain admission to high school or postsecondary school and participate in school activities, including extracurricular activities and field trips;

(I) open an account at a State- or federally chartered bank or credit union; and

(J) receive services for victims of domestic or sexual violence, as appropriate.

(d) Use of certification form. A health care professional shall accept the completed form as proof of the youth's status as a certified unaccompanied youth. Entities that provide housing, services, or benefits authorized under this section may keep a copy of the form or card in the youth's medical file.

(e) Consent of a parent or guardian.

(1) A certification issued pursuant to subsection (b) of this section shall authorize an unaccompanied youth to obtain benefits and services listed in subsection (c) of this section. A person, provider, or health care professional shall not require the consent of a parent or guardian as a condition of providing a benefit or service authorized under subsection (c) of this section.

(2) For the purposes of implementing subdivision (c)(2)(I) of this section, the Commissioner of Financial Regulation shall ensure that minimum youth certification requirements are met for the purpose of making it legally permissible for a bank, credit union, or insurance company to contract with an unaccompanied youth without the consent of a parent or guardian and with the understanding that the unaccompanied youth may not have a permanent physical address.

(f) Immunity from liability. Any entity, provider, or health care professional who contracts with an unaccompanied youth pursuant to this section shall be immune from liability for the determination to contract with a minor, unless the entity, provider, or health care professional acted with gross negligence.

(g) Nothing in this section shall be construed as altering the Interstate Compact for Juveniles.

Sec. 4a. 13 V.S.A. § 1311 is amended to read:

§ 1311. UNLAWFUL SHELTERING; AIDING A RUNAWAY CHILD

* * *

(b) A person commits the crime of unlawfully sheltering or aiding a runaway child if the person:

(1) knowingly shelters a runaway child;

(2) intentionally aids, helps, or assists a child to become a runaway child; or

(3) knowingly takes, entices, or harbors a runaway child, with the intent of committing a criminal act involving the child or with the intent of enticing or forcing the child to commit a criminal act.

(c) Exempt from the prohibitions of this section are:

(1) a shelter, or the directors, agents, or employees of a shelter, designated by the Commissioner for Children and Families pursuant to 33 V.S.A. § 5304, provided that the requirements of 33 V.S.A. § 5303(b) are satisfied; ~~and~~

(2) a person who has taken the child into custody pursuant to 33 V.S.A § 5251 or 5301; and

(3) a person providing assistance pursuant to 33 V.S.A. § 4908.

* * *

* * * Unaccompanied Youth; Vital Event Certificates * * *

Sec. 5. 18 V.S.A. § 5017 is amended to read:

§ 5017. FEES FOR COPIES

(a) For a certified copy of a vital event certificate, the fee shall be $10.00.

(b) The State Registrar shall waive the fee for certified copies of vital event certificates issued to:

(1) an individual attesting to a lack of fixed, regular, and adequate nighttime residence; ~~and~~

(2) an individual between 18 and 24 years of age who resided in a foster home or residential child care facility between 16 and 18 years of age pursuant to placement by a child-placing agency; and

(3) an unaccompanied youth who has obtained a certification pursuant to 33 V.S.A. § 4908.

* * * Unaccompanied Youth; Nondriver Identification Cards * * *

Sec. 6. 23 V.S.A. § 115 is amended to read:

§ 115. NONDRIVER IDENTIFICATION CARDS

(a)(1) Any Vermont resident may make application to the Commissioner and be issued an identification card that is attested by the Commissioner as to

true name, correct age, residential address unless the listing of another address is requested by the applicant or is otherwise authorized by law, and any other identifying data as the Commissioner may require that shall include, in the case of minor applicants, the written consent of the applicant's parent, guardian, or other person standing in loco parentis.

* * *

(3) The Commissioner shall require payment of a fee of $29.00 at the time application for an identification card is made, except that an initial nondriver identification card shall be issued at no charge to:

(A) an individual who surrenders the individual's license in connection with a suspension or revocation under subsection 636(b) of this title due to a physical or mental condition; or

(B) an individual under 23 years of age who was in the care and custody of the Commissioner for Children and Families pursuant to 33 V.S.A. § 4903(4) in Vermont after attaining 14 years of age; and

(C) an unaccompanied youth who has obtained a certification pursuant to 33 V.S.A. § 4908.

* * *

* * * Unaccompanied Youth; License and Privilege Cards * * *

Sec. 7. 23 V.S.A. § 608 is amended to read:

§ 608. FEES

* * *

(c)(1) Individuals under 23 years of age who were in the care and custody of the Commissioner for Children and Families pursuant to 33 V.S.A. § 4903(4) in Vermont after attaining 14 years of age shall be provided with operator's licenses or operator privilege cards at no charge.

(2) No additional fee shall be due for a motorcycle endorsement for an individual under 23 years of age who was in the care and custody of the Commissioner for Children and Families pursuant to 33 V.S.A. § 4903(4) in Vermont after attaining 14 years of age.

(d) Individuals receiving Supplemental Security Income or Social Security Disability Income and individuals with a disability as defined in 9 V.S.A. § 4501 shall be provided with operator's licenses or operator privilege cards for the following fees:

(1) Original issuance: $20.00.

(2) Renewal every four years: $20.00.

(3) Replacement of lost, destroyed, or mutilated card or a new name is required: $10.00.

(e)(1) An unaccompanied youth who has obtained a certification pursuant to 33 V.S.A. § 4908 shall be provided with operator's licenses or operator privilege cards at no charge.

(2) No additional fee shall be due for a motorcycle endorsement for an unaccompanied youth who has obtained a certification pursuant to 33 V.S.A. § 4908.

* * * Unaccompanied Youth; Learner's Permit * * *

Sec. 8. 23 V.S.A. § 617 is amended to read:

§ 617. LEARNER'S PERMIT

* * *

(b)(1) Notwithstanding the provisions of subsection (a) of this section, any licensed person may apply to the Commissioner of Motor Vehicles for a learner's permit for the operation of a motorcycle in the form prescribed by the Commissioner. The Commissioner shall offer both a motorcycle learner's permit that authorizes the operation of three-wheeled motorcycles only and a motorcycle learner's permit that authorizes the operation of any motorcycle. The Commissioner shall require payment of a fee of $24.00 at the time application is made, except that no fee shall be charged for an unaccompanied youth who has obtained a certification pursuant to 33 V.S.A. § 4908 or for an individual under 23 years of age who was in the care and custody of the Commissioner for Children and Families pursuant to 33 V.S.A. § 4903(4) in Vermont after attaining 14 years of age.

(2) After the applicant has successfully passed all parts of the applicable motorcycle endorsement examination, other than a skill test, the Commissioner may issue to the applicant a learner's permit that entitles the applicant, subject to subsection 615(a) of this title, to operate a three-wheeled motorcycle only, or to operate any motorcycle, upon the public highways for a period of 120 days from the date of issuance. The fee for the examination shall be $11.00, except that no fee shall be charged for an unaccompanied youth who has obtained a certification pursuant to 33 V.S.A. § 4908 or for an individual under 23 years of age who was in the care and custody of the Commissioner for Children and Families pursuant to 33 V.S.A. § 4903(4) in Vermont after attaining 14 years of age.

(3) A motorcycle learner's permit may be renewed only twice upon payment of a $24.00 fee. An unaccompanied youth who has obtained a certification pursuant to 33 V.S.A. § 4908 and an individual under 23 years of age who was in the care and custody of the Commissioner for Children and Families pursuant to 33 V.S.A. § 4903(4) in Vermont after attaining 14 years of age shall not be charged a fee for the renewal of a motorcycle learner's permit.

* * *

(d)(1) An applicant shall pay $24.00 to the Commissioner for each learner's permit or a duplicate or renewal thereof.

(2) An unaccompanied youth who has obtained a certification pursuant to 33 V.S.A. § 4908 and an applicant under 23 years of age who was in the care and custody of the Commissioner for Children and Families pursuant to 33 V.S.A. § 4903(4) in Vermont after attaining 14 years of age shall not be charged a fee for a learner's permit or a duplicate or renewal thereof.

* * *

* * * Transportation of Children * * *

Sec. 9. 33 V.S.A. § 5123 is amended to read:

§ 5123. TRANSPORTATION OF A CHILD

(a) As used in this section:

(1) "Least restrictive" has the same meaning as in section 5130 of this chapter.

(2) "Mechanical restraint" has the same meaning as in section 5130 of this chapter.

(3) "Physical restraint" has the same meaning as in section 5130 of this chapter.

(4) "Secure transport" means transport in a vehicle with disabled internal controls for rear door handles and window switches, requiring the driver to open them from the outside, or with a safety partition installed to separate the driver from the passenger compartment. "Secure transport" includes any vehicle being driven by a law enforcement officer.

(5) "Soft restraint" has the same meaning as in section 5130 of this chapter.

(6) "Waist shackles" means a mechanical restraint device, typically a chain, used around the waist and to which the child's wrists may be chained or cuffed.

(b) The Commissioner for Children and Families shall ensure that all reasonable and appropriate measures consistent with public safety are made to transport or escort a child subject to this chapter in a manner that:

(1) ~~reasonably avoids~~ prevents physical and psychological trauma;

(2) respects the privacy of the child; and

(3) represents the least restrictive means necessary for the safety of the child.

~~(b)~~(c) The Commissioner for Children and Families shall have the authority to ~~select the person or persons who may transport a child under the Commissioner's care and custody~~ designate the professional or law enforcement officers transporting children and shall authorize the method of transport. A contract for transportation services shall include the requirements in this section. Transportation services with noncontracted law enforcement officers shall only be authorized in emergency situations or by court order.

~~(c)~~(d) The Commissioner shall ~~ensure supervisory review of every decision to transport a child using mechanical restraints. When transportation with restraints for a particular child is approved, the reasons for the approval shall be documented in writing~~ provide education materials complying with this section that outline the legal requirements for the secure transportation of children to individuals designated pursuant to subsection (c) of this section and shall obtain verification that all designated individuals have reviewed the education materials.

~~(d)~~(e) Secure transport shall only be used when the Department determines and documents why it is necessary to prevent the risk of serious physical harm to the child or others, based upon an individualized risk assessment.

~~(e)~~(f) It is the policy of the State of Vermont that mechanical restraints are not routinely used on children subject to this chapter unless circumstances dictate that such methods are necessary. Soft mechanical restraints shall be the first option for restraint, and other mechanical restraints shall not be utilized as a substitute for soft restraints if the soft restraints are deemed adequate for safety.

(g) An entity contracted pursuant to subsection (c) of this section shall provide documentation to the Department for the use of restraints when:

(1) the entity believes that the risk of serious physical harm to the child or others requires the use of soft restraints before or during the transport, including a description as to why less restrictive interventions could not reasonably be attempted or why the attempted use of less restrictive interventions was unsuccessful;

(2) the entity believes that the risk of serious physical harm to the child or others was such that soft restraints were not adequate for safety and shall include a description as to which restraint was used and why soft restraints were deemed inadequate for preventing the risk of serious physical harm to the child or others; or

(3) the use of waist shackles was determined to be the sole means of preventing serious physical harm to the child or others and shall include a description as to why waist shackles were the sole means of preventing the risk of serious physical harm to the child or others.

(h) Documentation for the use of restraints shall be completed prior to transport unless the circumstances that required their use occurred during the course of the transport, in which case the documentation shall occur after completion of the transport.

(i) The use of waist shackles shall be prohibited on children 12 years of age or younger. The use of waist shackles on children 13 years of age or older shall be assessed and determined to be the sole means of preventing serious physical harm to the child or others and documented accordingly. Only designated law enforcement agencies shall use waist shackles on a child transported pursuant to this section.

(j) The Commissioner shall ensure supervisory review by the Department of all documentation required by this section.

(k)(1) Annually, on or before January 15, the Department for Children and Families shall submit a written report to the House Committee on Human Services; the Senate Committee on Health and Welfare; and the Office of the Child, Youth, and Family Advocate addressing the number of secure transports of children during the previous year, including, for those transported with restraints:

(A) the age, gender, and racial background of the children transported;

(B) the number of children transported using mechanical restraints;

(C) whether the transport was conducted by law enforcement or a private agency;

(D) when applicable, the type of mechanical restraint;

(E) the type of custody children were in when transport occurred; and

(F) the purpose of the transport.

(2) Once the Department has upgraded its technological capacity in a manner that enables it to collect responsive data, information specific to subdivisions (1)(B), (C), (E), and (F) of this subsection shall be collected and included in the annual report with regard to all secure transports.

(l) Annually, on or before January 15, the Department of State's Attorneys and Sheriffs shall submit a written report to the House Committee on Human Services; the Senate Committee on Health and Welfare; the Department for Children and Families; and the Office of the Child, Youth, and Family Advocate addressing the number of secure transports of minors during the previous year:

(1) the age, gender, and racial background of the minors transported;

(2) the number of minors transported using mechanical restraints;

(3) when applicable, the type of mechanical restraint;

(4) the type of custody minors were in when transport occurred; and

(5) the purpose of the transport.

Sec. 10. REPORT; RESTRAINT IN TRANSPORTATION OF CHILDREN

(a) On or before December 15, 2027, the Department for Children and Families shall submit a written report to the House Committee on Human Services and to the Senate Committee on Health and Welfare addressing how the Department is effectuating the policies set forth in 33 V.S.A. § 5123(d) and 2017 Acts and Resolves No. 85, Sec. E.314, including:

(1) contracting with law enforcement or private agencies for the transport of children;

(2) Departmental oversight and supervisory review of the secure transport of children, including transport provided by private agencies or law enforcement officers;

(3) the mechanism used by the Department to collect and review data on the application of mechanical restraints during the transport of children in compliance with 33 V.S.A. § 5123(c);

(4) materials and requirements for designated contractors;

(5) written policies used to effectuate the law; and

(6) other information the Department deems relevant.

(b) As used in this section, "restraint" has the same meaning as in 33 V.S.A. §5130.

Sec. 11. USE OF FORCE POLICY

The Vermont Criminal Justice Council, in consultation with the Department of Vermont State's Attorneys and Sheriffs; the Office of the Child, Youth, and Family Advocate; Disability Rights Vermont; and the Departments for Children and Families and of Disabilities, Aging, and Independent Living shall conduct a formal review to determine whether its use of force policy should include an appendix to adequately address the transportation by law enforcement of children under 18 years of age that is in alignment with the public policy considerations for the transport of children in the custody of the Department for Children and Families pursuant to 33 V.S.A. § 5123.

* * * Restraint and Seclusion * * *

Sec. 12. 33 V.S.A. § 5130 is added to read:

§ 5130. NON-TRANSPORT RELATED RESTRAINT AND SECLUSION

(a) As used in this section:

(1) "Chemical restraint" means any medication used to manage behavior or restrict freedom of movement that is not a standard treatment or dosage for the individual's condition.

(2) "Child" or "children" means a child or children in the Department's custody or receiving care or services in a program regulated or licensed by the Department.

(3) "Mechanical restraint" means a type of restraint using a mechanical device, material, or equipment, or garment attached to the child's body, that restricts freedom of movement or immobilizes or reduces the ability of a child to move the child's arms, legs, body, or head freely.

(4) "Physical restraint" means a type of restraint using a manual or physical hold that restricts freedom of movement or immobilizes or reduces the ability of a child to move the child's arms, legs, body, or head freely. A physical restraint shall not include a light touch to encourage a response or to provide direction or guidance, provided the child is able to move away freely.

(5) "Prone restraint" means a physical intervention technique where an individual is held face down on the individual's stomach. "Prone restraint" does not include a physical restraint that involves a momentary initial hold in a

prone position while transitioning to an evidence-based, safer form of restraint that is not considered to be a prohibited form of physical restraint.

(6) "Seclusion" means involuntary confinement of a child in a segregated room or area from which the child is prevented or from which the child reasonably believes that the child is prevented from leaving, whether the door is locked or not. "Seclusion" does not include a voluntary time out under staff supervision for a short period of time in an unlocked room at the child's request.

(7) "Strip search" means a search that requires a child to remove or arrange some clothing so as to permit a visual inspection of the child's breasts, buttocks, or genitalia. "Strip search" does not include a pat down through the child's clothing to determine whether contraband is present.

(8) "Least restrictive" means the minimum intervention necessary to prevent harm to the child or to another, maximizing a child's autonomy, ensuring that restrictions are proportionate to the risk of harm, and ensuring involuntary measures are only permitted as a last resort when less intrusive methods have failed.

(9) "Soft restraint" means a mechanical restraint device that uses soft material or fabric that is padded and designed to safely fit around the limbs of an individual to limit mobility in order to prevent self-harm or harm to others.

(10) "Secure residential program" means a secure residential treatment program that employs locked or inoperable doors and windows to prevent a child from leaving the building.

(b) The Department shall not use or authorize the use of prone restraints, mechanical restraints, chemical restraints, or strip searches on a child.

(c) Seclusion or physical restraint shall not be used for punishment, disciplinary purposes, the protection of property, or any other reason other than as a safety measure of last resort to prevent a serious and immediate risk of harm to the child or others.

(d) A staff member shall use other less restrictive interventions, unless less restrictive interventions have failed or would be ineffective in stopping imminent danger of physical injury or property damage.

(e) After attempting to use less restrictive interventions, a staff member trained in accordance with rule may physically restrain a child or place a child in seclusion if the staff member:

(1) determines that the child's behavior poses a serious and immediate risk of physical harm to the child or others;

(2) conducts the physical restraint or seclusion in a manner that respects the child's privacy and limits physical and psychological trauma; and

(3) after initiation of the intervention, explains to the child the reasons for the physical restraint or seclusion and informs the child of the circumstances that allow release from the physical restraint or seclusion.

(f) If a child is placed in physical restraint or seclusion pursuant to subsection (e) of this section, the child shall be released immediately when there is no longer a serious and immediate risk of physical harm to the child or others.

(g)(1) Restraint or seclusion lasting more than 10 minutes shall require supervisory approval and oversight. Restraint or seclusion lasting more than 30 minutes require clinical and administrative consultation, approval, and oversight. A child shall not be held for more than one hour in restraint or seclusion without an in-person assessment by a clinician and authorization by the administrator on duty.

(2) A child in seclusion shall be provided constant uninterrupted supervision by a qualified staff employed by the program who is familiar to the child.

(h) Nothing in this section shall be construed to:

(1) include a locked bedroom during regular sleeping hours in a secure residence as seclusion; or

(2) conflict with any law providing greater or additional protections to minors.

(i) Notice of the use of restraint or seclusion on a child in the Department's custody shall be provided to the Department; the child's parent or guardian; the child's guardian ad litem; and the child's attorney, if applicable, within 24 hours.

(j) The program or staff member using seclusion or restraint shall document its use and provide a copy of each recorded use of seclusion or restraint, including a copy of any audio or visual recording, to the Commissioner. Upon request, the audio or video shall be provided through secure means of transmission and shall include blurring to protect the identity of any other children in the program who are not in custody of the Department. The documentation shall include a description of the child's specific behaviors justifying the use of the intervention. The Department shall forward complete documentation of each use of restraint or seclusion to the Office of the Child, Youth, and Family Advocate within two business days.

(k) The Department shall collect the following data on the use of seclusion and physical restraint, by placement type; program name; and the age, gender, and racial background of the child:

(1) the specific types of the seclusion or physical restraint used; and

(2) the length of time a child was secluded or physically restrained, as applicable.

(l)(1) Prior to contracting with any program for the care of a child in the Department's custody, the Department shall conduct a review of any records, from the prior five years regarding the safety of children in the program's care, including any violations of the program's licensing status and any resulting remediation.

(2) The Department shall remove any Vermont child from risk of harm and shall initiate a search for alternative providers if an out-of-state residential provider is determined to be in violation of the standards in the contract regarding restraint and seclusion or in violation of its state's licensing entity.

(m) Notwithstanding subsection (b) of this section, a child detained in a secure residential program may be restrained with mechanical restraints for a momentary initial hold to enable relocation of the child to a less restrictive method of intervention if necessitated to prevent serious and immediate harm to the child or others, except that under no circumstances shall a garment adjacent to the child's body that restricts freedom of movement or immobilizes or reduces the ability of a child to move the child's arms, legs, body, or head freely be utilized. The procedures and standards established under this section, including notice and reporting requirements, shall apply.

(n) Notwithstanding subsection (b) of this section, a child detained in a secure residential program may be subjected to a strip search if a pat search has led to probable cause to believe that the child has possession of contraband that poses a threat of serious bodily harm to the child or others and the child has refused to voluntarily turn over the contraband. The child shall be given the opportunity before and at any time after the commencement of a search to voluntarily relinquish the suspected contraband, whereupon the search will be discontinued. Notice and reporting requirements shall be the same as for use of restraint or seclusion under this section. Body cavity searches shall not be permitted under any circumstances.

(o) The Department shall post on the Family Division's scorecard or another prominent location on its website the rates of restraint and seclusion used on children in licensed programs and the number of uses of secure

transport and of restraint used during transport. The Department shall update this information at least annually.

(p) The Department shall develop and adopt rules pursuant to 3 V.S.A. chapter 25, in collaboration with the Office of the Child, Youth, and Family Advocate and in consultation with stakeholders implementing this section, including requirements for staff training; standards for supervisory oversight, recordkeeping, and reporting by residential programs; oversight responsibilities of the Department; and any other necessary standards.

Sec. 13. 33 V.S.A. § 5130(l) is amended to read:

(l)(1) Prior to contracting with any program for the care of a child in the Department's custody, the Department shall conduct a review of any records, from the prior five years regarding the safety of children in the program's care, including any violations of the program's licensing status and any resulting remediation.

(2) When contracting with an out-of-state program, the Department shall include a requirement that the program adhere to the provisions of this section.

(3) The Department shall remove any Vermont child from risk of harm and shall initiate a search for alternative providers if an out-of-state residential provider is determined to be in violation of the standards in the contract regarding restraint and seclusion or in violation of its state's licensing entity.

Sec. 14. REPORT; CHILDREN IN CORRECTIONAL FACILITIES

(a) On or before January 1, 2027, the Departments for Children and Families and of Corrections shall submit a written report to the House Committees on Human Services and on Corrections and Institutions and to the Senate Committees on Health and Welfare and on Institutions regarding the use of restraint and seclusion on minors detained in Department of Corrections' facilities and potential means for reducing physical and psychological trauma from restraint and seclusion. In preparing the required report, the Departments shall consult with a work group composed of the Office of the Child, Youth, and Family Advocate; the Office of the Defender General, Juvenile Division; Voices for Vermont's Children; the Vermont Federation of Families for Children's Mental Health; Disability Rights Vermont; and a young adult with lived experience of being detained in a Department of Corrections facility, appointed by the Office of the Child, Youth, and Family Advocate.

(b) Members of the work group who are not participating in their professional capacity shall be entitled to per diem compensation and

reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than five meetings. These payments shall be made from monies appropriated to the Office of the Child, Youth, and Family Advocate.

* * * Judicial Review of Placements for Children Previously Under the Custody of the Department for Children and Families * * *

Sec. 15. PROPOSAL TO EXTEND SUPPORTS FOR CHILDREN OVER 17 YEARS OF AGE

On or before November 1, 2026, the Department for Children and Families shall submit a written report, in consultation with the Judicial Branch, to the House Committee on Human Services and to the Senate Committee on Health and Welfare with recommendations for court oversight processes that meet federal requirements to allow access to federal funds for programs that may support youth up to 21 years of age and that ensures sustainable use of judicial resources. The report shall include any recommendations for legislative action.

* * * Prenatal Engagement and Family Support Working Group * * *

Sec. 16. PRENATAL ENGAGEMENT AND FAMILY SUPPORT WORKING GROUP

(a) Creation. There is created the Prenatal Engagement and Family Support Working Group to examine the Department for Children and Families' current practice of using a pregnancy calendar to monitor and track certain pregnant individuals in Vermont and provide recommendations on alternatives to a pregnancy calendar and ways to support pregnant individuals in need of services.

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

(1) the Deputy Commissioner of the Family Services Division of the Department for Children and Families;

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

(3) the Executive Director of Vermont Family Network or designee;

(4) the Executive Director of Vermont Legal Aid or designee;

(5) the President of Planned Parenthood of Northern New England or designee;

(6) the Executive Director of the Vermont Parent Representation Center or designee;

(7) the Executive Director of Recovery Partners Vermont or designee;

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

(9) the Director of the Department of Health's Maternal and Child Health Division or designee;

(10) a representative, appointed by Children of Recovering Mothers' Team at the Kidsafe Collaborative;

(11) the Director of the Office of the Defender General's Juvenile Division or designee;

(12) an individual with lived experience of being monitored by the Department while pregnant, appointed by the Speaker of the House; and

(13) an individual with lived experience of being monitored by the Department while pregnant, appointed by the Senate Committee on Committees.

(c) Powers and duties. The Working Group shall study the Department for Children and Families' current practice of using a pregnancy calendar to monitor and track certain pregnant individuals in Vermont and provide recommendations on alternatives to a pregnancy calendar and ways to support pregnant individuals in need of services.

(d) Assistance. For the purposes of scheduling meetings and providing administrative assistance, the Working Group shall have the assistance of the Department for Children and Families.

(e) Report. On or before November 15, 2026, the Working Group shall submit a written report to the House Committee on Human Services, the Senate Committee on Health and Welfare, and the House and Senate Committees on Judiciary with its findings and any recommendations for legislative action.

(f) Meetings.

(1) The Vermont Child, Youth, and Family Advocate or designee shall call the first meeting of the Working Group to occur on or before August 1, 2026.

(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.

(4) The Working Group shall cease to exist on February 1, 2027.

(g)(1) Compensation and reimbursement. Members of the Working Group who are not otherwise compensated for attendance at meetings shall be entitled to per diem compensation and expenses as permitted under 32 V.S.A. § 1010 for not more than five meetings.

(2) Members of the Working Group who are not participating in their professional capacity shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than five meetings. These payments shall be made from monies appropriated to the Department for Children and Families.

* * * Effective Dates * * *

Sec. 17. EFFECTIVE DATES

(a) This section and Sec. 10 (report; restraint in transportation), Sec. 11 (use of force policy), Sec. 14 (report; children in correctional facilities), and Sec. 15 (proposal to extend supports for children over 17 years of age) shall take effect on passage.

(b) Sec. 9 (transportation of a child) and Sec. 12 (restraint and seclusion) shall take effect on January 1, 2027.

(c) Sec. 2 (33 V.S.A. § 4902) and Sec. 3 (33 V.S.A. § 4907) shall take effect on July 1, 2027.

(d) Sec. 13 (33 V.S.A. § 5130(l)) shall take effect on July 1, 2028.

(e) All remaining sections shall take effect on July 1, 2026.

and that after passage the title of the bill be amended to read: "An act relating to various programming and requirements within the Department for Children and Families"

(Committee Vote: 10-1-0)

Rep. Waszazak of Barre City, for the Committee on Ways and Means, recommends that the bill ought to pass when amended as recommended by the Committee on Human Services.

(Committee Vote: 10-0-1)

Rep. Bluemle of Burlington, for the Committee on Appropriations, recommends that the bill ought to pass when amended as recommended by the Committee on Human Services.

(Committee Vote: 11-0-0)

Amendment to be offered by Reps. McGill of Bridport, Bishop of Colchester, Cole of Hartford, Donahue of Northfield, Eastes of Guilford, Garofano of Essex, Maguire of Rutland City, Noyes of Wolcott, and Wood of Waterbury to the report of the Committee on Human Services on H. 657

That the report of the Committee on Human Services be amended as follows:

First: By striking out Sec. 4, 33 V.S.A. § 4908, in its entirety and inserting in lieu thereof a new Sec. 4 to read as follows:

Sec. 4. 33 V.S.A. § 4908 is added to read:

§ 4908. UNACCOMPANIED YOUTH

(a) Legislative intent. In instances in which severe family dysfunction such as abuse, neglect, child abandonment, or lack of financial support has left a youth who is 16 or 17 years of age homeless, and other supports such as foster care are deemed inappropriate, it is the intent of the General Assembly to provide an unaccompanied youth with the resources necessary to obtain services and benefits that the unaccompanied youth's peers can obtain with the consent of a parent or guardian.

(b) Definitions. As used in this section:

(1) "Homeless child or youth" means an individual who lacks a fixed, regular, and adequate nighttime residence, including:

(A) a child or youth sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

(B) a child or youth living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;

(C) a child or youth living in emergency or transitional shelters;

(D) a child or youth abandoned in hospitals;

(E) a child or youth living in a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

(F) a child or youth living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or

(G) a migratory child who qualifies as homeless because the child is living in the circumstances described in this subdivision (1).

(2) "School district homeless liaison" means an employee designated by a school district to act as a liaison for homeless children and youths.

(3) "Unaccompanied youth" means a homeless child or youth 16 or 17 years of age who is not in the physical custody of a parent or guardian.

(c) Certification. An unaccompanied youth may become certified if the youth is:

(1) found by a school district homeless liaison or other appropriate staff person to be an unaccompanied youth; or

(2) believed to qualify as an unaccompanied youth, by:

(A) the director of an emergency shelter program funded by the State;

(B) the director of a runaway or homeless youth program funded by the U.S. Department of Health and Human Services or the U.S. Department of Housing and Urban Development or designee;

(C) a continuum of care lead agency or designee;

(D) the Chief Juvenile Defender or designee; or

(E) the Vermont Network Against Domestic and Sexual Violence or designee.

(d) Proof of certification.

(1)(A) Elevate Youth Services' Vermont Coalition of Runaway and Homeless Services shall develop a standardized form that shall be used by the entities specified in subsection (c) of this section to certify qualifying unaccompanied youths. The front of the form shall include the circumstances that qualify the youth; the date the youth was certified; the name, title, and signature of the certifying individual; and confirmation from the certifying individual that the individual has completed a human trafficking training in the past two years. This section shall be reproduced in its entirety on the back of the form.

(B) The Department shall post the certification form and information about this section on its website, including who is eligible for certification and which individuals and entities can complete the certification form pursuant to this section.

(2) Without the consent of a parent or guardian, a certified unaccompanied youth may use the completed form to:

(A) apply at no charge for a nondriver identification card pursuant to 23 V.S.A. § 115, a learner's permit pursuant to 23 V.S.A. § 617, or an operator's license or operator's privilege card pursuant to 23 V.S.A. § 608;

(B) obtain a vital event certificate at no charge pursuant to 18 V.S.A. § 5017;

(C) consent to care by health care professionals licensed or certified in Vermont, including medical care; dental care; mental health care services, including psychological counseling and treatment, psychiatric treatment, and substance use prevention and treatment services; and surgical diagnosis and treatment, including medical diagnosis and treatment, such as preventive care and care provided in a health care facility, as defined in 18 V.S.A. § 9432, for:

(i) the youth; or

(ii) the youth's child, if the certified unaccompanied youth is unmarried, is the parent of the child, and has actual custody of the child;

(D) enter into a contract for housing or obtain admission to a shelter or transitional housing;

(E) obtain employment, pursuant to 21 V.S.A. chapter 5, subchapter 4;

(F) purchase an automobile and obtain an automobile liability policy that meets the requirements of 23 V.S.A. chapter 11;

(G) apply for a student loan;

(H) obtain admission to high school or postsecondary school and participate in school activities, including extracurricular activities and field trips;

(I) open an account at a State- or federally chartered bank or credit union; and

(J) receive services for victims of domestic or sexual violence, as appropriate.

(e) Use of certification form. A health care professional shall accept the completed form as proof of the youth's status as a certified unaccompanied youth. Entities that provide housing, services, or benefits authorized under this section may keep a copy of the form or card in the youth's medical file.

(f) Consent of a parent or guardian.

(1) A certification issued pursuant to subsection (c) of this section shall authorize an unaccompanied youth to obtain benefits and services listed in

subsection (d) of this section. A person, provider, or health care professional shall not require the consent of a parent or guardian as a condition of providing a benefit or service authorized under subsection (d) of this section.

(2) For the purposes of implementing subdivision (d)(2)(I) of this section, the Commissioner of Financial Regulation shall ensure that minimum youth certification requirements are met for the purpose of making it legally permissible for a bank, credit union, or insurance company to contract with an unaccompanied youth without the consent of a parent or guardian and with the understanding that the unaccompanied youth may not have a permanent physical address.

(g) Immunity from liability. Any entity, provider, or health care professional who contracts with an unaccompanied youth pursuant to this section shall be immune from liability for the determination to contract with a minor, unless the entity, provider, or health care professional acted with gross negligence.

(h) Applicability of Compact. Nothing in this section shall be construed as altering the Interstate Compact for Juveniles.

Second: In Sec. 4a, 13 V.S.A. § 1311, in subsection (c), by striking out subdivision (3) in its entirety and inserting in lieu thereof a new subdivision (3) to read as follows:

(3) actions authorized under 33 V.S.A. § 4908.

Third: In Sec. 9, 33 V.S.A. § 5123, in subsection (f), in the second sentence, by striking out the phrase "Soft mechanical restraints" and inserting in lieu thereof "Soft restraints"

Fourth: In Sec. 9, 33 V.S.A. § 5123, by striking out subsection (l) in its entirety and inserting in lieu thereof a new subsection (l) to read as follows:

(l) Annually, on or before January 15, the Department of State's Attorneys and Sheriffs shall submit a written report to the House Committee on Human Services; the Senate Committee on Health and Welfare; the Department for Children and Families; and the Office of the Child, Youth, and Family Advocate addressing the number of court-ordered transports of minors conducted by the State transport deputies pursuant to 24 V.S.A. § 290(b) during the previous year, including:

(1) the date of birth of transported minors;

(2) whether restraint was used during transport;

(3) if restraint was used, the type of restraint;

(4) whether the minor's case was a delinquency, youthful offender, or criminal proceeding; and

(5) the purpose of the transport.

H. 727

An act relating to sustainable data center deployment

Rep. Sibilia of Dover, for the Committee on Energy and Digital Infrastructure, recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 30 V.S.A. chapter 5, subchapter 3 is added to read:

Subchapter 3. Data Centers

§ 281. SHORT TITLE

This subchapter shall be known and may be cited as the "Vermont Sustainable Data Centers Act."

§ 282. PURPOSE

The purpose of this subchapter is to establish a regulatory framework that ensures responsible growth of an emerging industry in a manner that protects existing electric ratepayers from unwarranted costs and promotes sustainable climate, environmental, community, and equity outcomes consistent with State policies.

§ 283. DEFINITIONS

As used in this subchapter:

(1) "Data center" means a facility that uses or is able to use 20 megawatts or more of power and is engaged in providing data processing, hosting, and related services as described under code 518210 of the 2022 North American Industry Classification System.

(2) "Facility" means all buildings, equipment, structures, and other stationary items that are located on a single site or on contiguous or adjacent sites and that are owned or operated by the same person or by any person that controls, is controlled by, or is under common control with such person.

§ 284. LARGE LOAD SERVICE EQUITY CONTRACT; APPROVAL

(a) For the purpose of ensuring just and reasonable rates for all ratepayer classes and mitigating the risk of financial exposure to electric distribution companies and their existing ratepayers, a data center shall be served by an electric company pursuant to a large load service equity contract approved by the Public Utility Commission.

(b) The large load service equity contract shall:

(1) include a method for allocating costs that is equal or proportional to the costs of providing electric service to the data center, including providing for equitable contributions to the embedded costs and the efficiency, reliability, and resiliency of the electricity network;

(2) mitigate the risk of other ratepayer classes paying unwarranted costs, including any electric generation, distribution, and transmission infrastructure costs incurred to meet the load requirements of a data center or the energy capacity, transmission, or resource adequacy costs incurred as a result of the data center's load;

(3) specify the duration of the contract and the date or the estimated date that the electric company will begin to provide electric service to the data center;

(4) obligate the data center to pay a minimum amount or percentage based on the data center's projected electricity usage for the duration of the contract to ensure compliance with subdivision (1) of this subsection;

(5) include a reasonable charge for demand in excess of the data center's projected electricity demand at the time the contract is entered into;

(6) include a collateral requirement sufficient to mitigate the risk of stranded costs;

(7) include provisions requiring implementation of demand-side management operational measures for the purpose of maintaining grid stability and efficiency, including demand response and flexible load management practices, such as load shifting, peak shaving, and the use of distributed energy resources;

(8) include provisions for the collection of gross receipts taxes, energy efficiency charges, and any other fees or charges that may be applicable to electricity revenues; and

(9) meet any other terms or conditions required by the Commission that are consistent with the purpose of this section and in the public interest.

(c) The Commission shall not approve a large load service equity contract unless the Commission first finds that the same will promote the general good of the State.

(d) Before the Commission approves a large load service equity contract as required under this section, the Commission shall find that the terms of the contract:

(1) will not adversely affect the efficiency, reliability, and resilience of the electric power system;

(2) will result in an economic benefit to the State and its residents;

(3) are consistent with the principles for resource selection expressed in the applicable electric distribution company's approved least-cost integrated plan;

(4) are consistent with the Electrical Energy Plan approved by the Department under section 202 of this title, or that there exists good cause to permit a variance;

(5) will ensure that the data center will be served economically by existing or planned transmission facilities without undue adverse effect on Vermont utilities or other retail ratepayer classes; and

(6) are consistent with environmental justice and equity policy as established pursuant to 3 V.S.A. chapter 72.

(e) A data center shall not be eligible to participate in an energy savings account or a customer credit program pursuant to subdivision 209(d)(3)(C) of this title, or a self-managed energy efficiency program pursuant to subsection 209(j) of this title.

§ 285. ENERGY EFFICIENCY DESIGN

Early in the design development phase of a data center, the owner or operator of a data center shall consult with the efficiency utility appointed by the Public Utility Commission under subdivision 209(d)(2)(A) of this title to ensure compliance with State energy efficiency requirements and best practices.

§ 286. QUARTERLY AND ANNUAL REPORTS

(a) Data center. Within three months after a data center becomes operational, and in a form and manner determined by the Commission, the data center shall begin submitting quarterly reports to the Commission and the Department of Public Service. Each quarterly report shall include the data center's water and energy usage, including its peak usage per day, and an itemization of the data center's payments toward shared infrastructure constructed to support the data center.

(b) Department. Annually, beginning on or before January 15, 2028, and provided at least one data center has entered into a large load service equity contract pursuant to this subchapter, the Commissioner of Public Service shall include in the Department's annual report published pursuant to subsection 202b(e) of this title findings and recommendations related to the energy,

environmental, and economic impacts of data center construction and operation in Vermont, as well as any impactful developments within the region, including any benefits to all ratepayers from electric infrastructure projects undertaken to provide power to one or more data centers.

§ 287. RULES

In addition to the rules required by this subchapter, the Commission may adopt any other rules it deems necessary to implement and enforce the provisions of this subchapter consistent with its purpose and in the public interest.

Sec. 2. APPLICATION

30 V.S.A. chapter 5, subchapter 3 (established in Sec. 1 of this act) shall apply to any data center not operational on the effective date of this act and to any smaller, traditional data center operational on the effective date of this act to the extent such data center seeks to expand its capacity and meet the threshold requirements of Sec. 1, 30 V.S.A. § 283(1).

Sec. 3. 10 V.S.A. § 6001 is to read:

§ 6001. Definitions

As used in this chapter:

* * *

(3)(A) "Development" means each of the following:

* * *

(xiv) The construction of improvements on a tract or tracts of land for a data center as defined in 30 V.S.A. § 283(1).

Sec. 4. 10 V.S.A. § 6086a is added to read:

§ 6086a. WATER USE; COOLING; PERMITTING; QUALITY

(a) As used in this section:

(1) "Closed-loop cooling system" means a sealed cooling process in which the same water or coolant circulates continuously within a data center's cooling system without withdrawal of water from municipal public water supplies, groundwater, or surface water and without discharge of wastewater to municipal wastewater systems, groundwater, or surface waters, except for de minimis discharges authorized under a discharge permit issued by the Agency of Natural Resources.

(2) "Data center" has the same meaning as in 30 V.S.A. § 283(1).

(3) "Per- and polyfluoroalkyl substances" or "PFAS" means any chemical substance or mixture containing a chemical substance that structurally contains at least one of the following three substructures:

(A) R-(CF2)-CF(R′)R″, where both the CF2 and CF moieties are saturated carbons;

(B) R-CF2OCF2-R′, where R and R′ can either be F, O, or saturated carbons; or

(C) CF3C(CF3)R′R″, where R′ and R″ can either be F or saturated carbons.

(b)(1) A data center shall identify to the District Commission reviewing the data center's application for a permit under 10 V.S.A. chapter 151 how the data center will cool the facility.

(2) If water is used to cool a data center, the data center shall use a closed-loop cooling system to minimize impacts to the quality and quantity of surface water and groundwater unless a District Commission, during review of a permit application under 10 V.S.A. chapter 151, determines that the use of a closed-loop cooling system is not feasible at the proposed data center.

(3) If water is used to cool a data center through a closed-loop cooling system or through another type of cooling system, a data center shall identify where the data center will obtain water to cool the facility and where the cooling water will be discharged.

(c) If a data center proposes to use groundwater to cool the data center, the data center shall obtain a groundwater withdrawal permit under 10 V.S.A. § 1418 for any withdrawal of groundwater by the data center notwithstanding the permitting threshold of withdrawal of more than 57,600 gallons of groundwater a day. A closed-loop cooling system is not exempt from the groundwater withdrawal permit under 10 V.S.A. § 1418(b)(6).

(d) If a data center proposes to use surface water to cool the facility, the data center shall obtain a surface water withdrawal permit pursuant to 10 V.S.A. § 1043. The rules adopted by the Secretary to implement 10 V.S.A. § 1043 shall require a data center to cease withdrawals under drought conditions.

(e)(1) A data center shall obtain all applicable water quality and water resource protection permits from the Agency of Natural Resources, including stormwater, shoreland, stream alteration, direct discharge, surface water withdrawal, groundwater withdrawal, wetland, and river corridor development permits.

(2) A data center shall obtain from the Agency of Natural Resources a water quality certificate that meets the same criteria that the Agency requires to be met to obtain a federal Clean Water Act Section 401 water quality certification as those criteria existed under the Act, 33 U.S.C. §§ 1251–1388, and any regulations adopted thereunder on January 1, 2026.

(f) A data center that discharges wastewater into a surface water of the State shall identify PFAS that may be used in the operation and submit a plan to the Agency of Natural Resources establishing a program that monitors the wastewater discharge from the data center, including monitoring for the presence of PFAS. The monitoring plan shall be approved by the Agency upon a determination that it meets the Vermont water quality standards.

(g) The addition of PFAS to water discharged from a data center shall be prohibited in Vermont.

Sec. 5. REPORT ON REGIONAL RENEWABLE ENERGY MARKET CONDITIONS; PUBLIC UTILITY COMMISSION

(a) On or before January 15, 2027, the Public Utility Commission shall prepare a written report on projected regional renewable electric generation market conditions. In developing the report, the Commission shall examine the cost and availability of new regional renewable electric generation resources during the years 2027 through 2035.

(b) In preparing the report, the Commission shall provide an opportunity for written input from interested stakeholders, including retail electricity providers, renewable energy developers, regional transmission organizations, consumer advocates, and any other members of the public. In addition, the Commission may consult with the Department of Public Service and other relevant state, regional, or federal entities, as the Commission deems appropriate. Preparation of the report is not subject to the contested case procedures established under 3 V.S.A. chapter 25.

(c) The Commission shall submit the report to the House Committee on Energy and Digital Infrastructure and the Senate Committees on Finance and on Natural Resources and Energy.

Sec. 6. RECOMMENDATION ON DATA CENTER DECOMMISSIONING

(a) The Commissioner of Public Service, in consultation with the Secretary of Natural Resources, the Chair of the Land Use Review Board, and any other interested stakeholders deemed appropriate by the Commissioner, shall recommend a regulatory model for data center decommissioning. As used in this section, "data center" has the same meaning as in Sec. 1, 30 V.S.A. § 283(1), of this act.

(b) The recommended regulatory model developed pursuant to this section shall ensure responsible data center decommissioning in a manner that protects and preserves the environment and the public health and welfare. The model shall include standards and procedures that address:

(1) approval of a decommissioning plan by the appropriate regulatory entity;

(2) regulatory oversight of the decommissioning process, including through site visits and inspections;

(3) a bond requirement or other financial assurance to ensure a data center is solely responsible for the costs associated with implementation of an approved decommissioning plan;

(4) guidelines for data sanitization, the physical destruction of highly sensitive storage devices, and a documented chain of custody for information technology assets;

(5) guidelines for environmental compliance, hazardous material handling, environmental remediation, and site restoration;

(6) a timeline for commencing and completing the decommissioning process after the abandonment, closure, destruction, or permanent cessation of operations of a data center; and

(7) any other matters deemed appropriate by the Commissioner.

(c) On or before December 15, 2026, the Commissioner shall submit recommendations for a data center decommissioning regulatory model in the form of draft legislation to the House Committees on Energy and Digital Infrastructure and on Environment and the Senate Committees on Finance and on Natural Resources and Energy.

Sec. 7. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 9-0-0)

Rep. Ode of Burlington, for the Committee on Ways and Means, recommends that the bill ought to pass when amended as recommended by the Committee on Energy and Digital Infrastructure.

(Committee Vote: 10-0-1)

An act relating to emergency management

(Rep. Hango of Berkshire will speak for the Committee on Government Operations and Military Affairs.**)**

Rep. Feltus of Lyndon, for the Committee on Appropriations, recommends that the bill be amended as follows:

First: By striking out Sec. 12, Department of Public Safety; Public Safety Communications Task Force; authorization for ongoing expenditure of funds, in its entirety and inserting in lieu thereof a new Sec. 12 to read as follows:

Sec. 12. DEPARTMENT OF PUBLIC SAFETY; PUBLIC SAFETY COMMUNICATIONS TASK FORCE; AUTHORIZATION FOR ONGOING EXPENDITURE OF FUNDS

(a) The General Assembly authorizes the use of monies appropriated or held in reserve pursuant 2022 Acts and Resolves No. 185, Sec. B.1100, as amended by 2023 Acts and Resolves No. 78, Sec. C.115 and 2023 Acts and Resolves No. 87, Sec. 49, for the Department of Public Safety to procure and implement a multidisciplinary computer-aided dispatch system for public safety communications, subject to the following:

(1) $2,250,000.00 shall be available for immediate costs associated with establishing the multidisciplinary computer-aided dispatch system and five years of software licensing fees, provided that the Department issues requests for proposal and signs contracts for services on or before January 1, 2027;

(2) $190,000.00 shall be immediately available for cybersecurity, expanded use of Rapid SOS, and geographic information systems; and

(3) $4,500,000.00 shall be available incrementally over three years to:

(A) implement and expand the Land Mobile Radio network to include a Statewide conceptual design;

(B) detail designs for one or more proof of concept projects and initially implement pilot projects; and

(C) build out or improve 10 or more Land Mobile Radio sites, including equipment and antenna deployment at existing chosen sites.

(b) Notwithstanding any provisions of 2023 Acts and Resolves No. 78, Sec. C.114 to the contrary, the Public Safety Communications Task Force shall continue in existence until February 15, 2027. The Task Force shall meet as necessary to advise the Department of Public Safety on executing the Task

Force recommendations and final design plan. Notwithstanding 2023 Acts and Resolves No. 78, Sec. C.114(d)(3), members of the Task Force shall be entitled to per diem compensation and reimbursement of expenses permitted under 32 V.S.A. § 1010. These payments shall be made from monies appropriated to the Department of Public Safety.

(c) The Department of Public Safety shall submit written reports to the House Committees on Appropriations and on Government Operations and Military Affairs and the Senate Committees on Appropriations and Government Operations concerning the expenditure of monies pursuant to this section. The Department shall submit the written reports on or before May 1, 2027, January 15, 2028, and January 15, 2029, concerning the expenditures made during each respective reporting period.

(d) After the end of the three-year period described in subdivision (a)(3) of this section, the Department of Public Safety may submit a request to the General Assembly to authorize the use of any remaining monies from the appropriations appropriated or held in reserve pursuant 2022 Acts and Resolves No. 185, Sec. B.1100, as amended by 2023 Acts and Resolves No. 78, Sec. C.115 and 2023 Acts and Resolves No. 87, Sec. 49. Any remaining monies shall not be used by the Department unless authorized by the General Assembly.

Second: By striking out Sec. 13, appropriations, and its reader assistance heading, in their entireties and inserting in lieu thereof new reader assistance headings and three new sections to be Secs. 13, 13a, and 13b to read as follows:

* * * Vermont Language Justice Project;
Emergency and All-Hazards Media * * *

Sec. 13. EMERGENCY AND ALL HAZARDS MEDIA; LANGUAGE ACCESS

The Agency of Administration shall support the creation of State emergency and all-hazards response and preparedness media in 15 languages, including English and American Sign Language, through the Vermont Language Justice Project.

* * * Programs Contingent on Availability of Agency Funds * * *

Sec. 13a. PROGRAMS CONTINGENT ON AVAILABILITY OF AGENCY FUNDS

The duty to implement Secs. 2 (Technical Rescue Grant Program) and 13 (emergency and all hazards media; language access) of this act is contingent

upon the availability of sufficient funds within the Department of Public Safety and the Agency of Administration to support the programs.

* * * Appropriation * * *

Sec. 13b. APPROPRIATION

The sum of $500,000.00 is appropriated from the General Fund to the Department of Public Safety in fiscal year 2027 for the Ready Response Grant Program administered by the Division of Emergency Management.

(Committee Vote: 11-0-0)

H. 944

An act relating to the fiscal year 2027 Transportation Program and miscellaneous changes to laws related to transportation

(Rep. Walker of Swanton will speak for the Committee on Transportation.**)**

Rep. Canfield of Fair Haven, for the Committee on Ways and Means, recommends that the bill be amended as follows:

First: By striking out Sec. 14, 32 V.S.A. § 3709, PILOT Special Fund, and Sec. 15, 19 V.S.A. § 306, appropriation; State aid for town highways, and the associated reader assistance heading in their entireties and inserting in lieu thereof two new Secs. 14 and 15 to read as follows:

Sec. 14. [Deleted.]

Sec. 15. [Deleted.]

Second: By striking out Sec. 19, 23 V.S.A. chapter 43, mileage-based user fee, and inserting in lieu thereof a new Sec. 19 to read as follows:

Sec. 19. 23 V.S.A. chapter 43 is added to read:

CHAPTER 43. ROAD USAGE CHARGES

Subchapter 1. Mileage-Based User Fee

§ 4301. PURPOSE

The purpose of this chapter is to impose a mileage-based user fee for battery electric vehicle pleasure cars to ensure that battery electric vehicles contribute to the Transportation Fund in an amount that reflects the annual miles traveled by each vehicle.

§ 4302. DEFINITIONS

As used in this chapter:

(1) "Account manager" means a person that the Agency of Transportation or Department of Motor Vehicles contracts with 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 during the mileage reporting period.

(3) "BEV" means a battery electric vehicle pleasure car.

(4) "Mileage-based user fee" means the fee charged for the annual vehicle miles traveled by a BEV pursuant to section 4303 of this chapter.

(5) "Mileage-based user fee rate" means the per-mile usage fee charged to the owner or lessee of a BEV pursuant to section 4303 of this chapter.

(6) "Mileage reporting period" means:

(A) the time period between annual inspections; or

(B) the time period between the most recent annual inspection and a terminating event.

(7) "Terminating event" means any of the following:

(A) the registering of a BEV that had been registered in Vermont in a different state;

(B) a change in ownership or lesseeship of a BEV; or

(C) the termination of a BEV's registration.

§ 4303. MILEAGE-BASED USER FEE; ASSESSMENT; CALCULATION; PAYMENT; EXEMPTIONS

(a) Annual mileage-based user fee.

(1) The Commissioner shall, for each BEV registered in Vermont, calculate pursuant to subsection (b) of this section a mileage-based user fee within 14 days after the conclusion of the BEV's mileage reporting period.

(2) As soon as practicable after calculating the amount of the mileage-based user fee due for a BEV, the Commissioner shall mail to the registered owner or lessee of the BEV a statement of the amount of the mileage-based user fee assessed pursuant to this section.

(3) Not more than 45 days after a mileage-based user fee assessment is mailed pursuant to subdivision (2) of this subsection, the owner or lessee of the BEV shall:

(A) remit the full amount of the mileage-based user fee to the Commissioner; or

(B) enter into an agreement with the Commissioner to pay the amount of the mileage-based user fee in quarterly or monthly installments.

(b) Calculation of the mileage-based user fee. The Commissioner shall calculate the mileage-based user fee of each BEV by multiplying the miles traveled by the BEV during the applicable period by the rate established pursuant to subsection (c) of this section. The number of miles traveled for a mileage reporting period shall be equal to the difference between the mileage

shown on the BEV's odometer at the end of the mileage reporting period and the mileage shown on the BEV's odometer at the beginning of the mileage reporting period.

(c) Mileage-based user fee rate. The mileage-based user fee rate shall be $0.014 per mile traveled by a BEV during its mileage reporting period.

(d) Exemptions. The mileage-based user fee assessed pursuant to this section shall not apply to:

(1) BEVs owned or operated by the government of the United States;

(2) BEVs that are owned or operated by the State; and

(3) BEVs that are used in short-term rentals.

(e) Fee in addition to other fees and taxes. A mileage-based user fee assessed pursuant to this section shall be in addition to any other fees and taxes imposed by this title.

(f) Review of amount assessed. A person may, within 45 days after an assessment is mailed pursuant to subsection (a) of this section, appeal the amount of the assessment to the Commissioner. The Commissioner shall establish procedures for filing and hearing appeals pursuant to this subsection that are consistent with the provisions of sections 105–107 of this title. The procedures shall include a process by which an appellant can resolve the dispute prior to the issuance of a final administrative decision on the appeal.

(g) Refunds. Upon occurrence of a terminating event, the Commissioner shall issue a refund to the owner or lessee of a BEV for any amounts paid by the owner or lessee that are in excess of the amount due pursuant to this chapter.

§ 4304. REPORTS

(a) Upon completion of an inspection of a BEV pursuant to section 1222 of this title, an inspection mechanic shall report the mileage shown on the BEV's odometer to the Department in the manner required by the Commissioner.

(b) Upon the occurrence of a terminating event, the owner or lessee of a BEV shall report the mileage shown on the BEV's odometer at the time of the terminating event to the Department in the time and manner required by the Commissioner.

§ 4305. FAILURE TO PAY FEE WHEN DUE; INTEREST

(a) Any person who fails to pay the mileage-based user fee when due shall owe, in addition to the mileage-based user fee, interest calculated at one and one-half percent per month on the amount of the mileage-based user fee that remains unpaid. The maximum amount of interest that may accrue pursuant to this subsection shall not exceed 18 percent of the amount of the unpaid fee.

(b)(1) An individual may request at any time that the Commissioner waive some or all of the amount of the overdue fee or interest due, or both, pursuant to subsection (a) of this section.

(2) The Commissioner may, upon receiving a request pursuant to subdivision (1) of this subsection or on the Commissioner's own motion, waive some or all of the amount of the overdue fee and interest required pursuant to subsection (a) of this section if the Commissioner determines that good cause existed for the delay in payment or that requiring repayment would constitute an economic hardship.

§ 4306. FAILURE TO FILE REPORT; PENALTY RATE

If the Commissioner is unable to determine the annual vehicle miles traveled for a BEV because a person failed to file a report required by section 4304 of this chapter or failed to have the BEV inspected as required pursuant to section 1222 of this title within a reasonable period of time after the report or inspection is due, the Commissioner shall calculate the mileage-based user fee for the BEV based on the 98th percentile of the miles traveled by BEVs registered in Vermont during mileage reporting periods ending in the preceding calendar year.

§ 4307. REGISTRATION; SUSPENSION OR REFUSAL

(a) Suspension of registration. The Commissioner may suspend or refuse to renew the registration of a BEV if the Commissioner determines, following notice and an opportunity for a hearing as provided pursuant to subsection (b) of this section, that the owner or lessee of the BEV:

(1) failed to file a report required pursuant to section 4304 of this chapter;

(2) filed a report containing an intentional misrepresentation, misstatement, or omission of material information required by this chapter; or

(3) is delinquent at the time of renewal in the payment amount due pursuant to the provisions of this chapter.

(b) Notice and opportunity for hearing. The Commissioner shall provide the owner or lessee of a BEV with not less than 15 days' notice of the intent to suspend or not to renew the registration of the BEV pursuant to the provisions of this section. The owner or lessee shall be provided with the opportunity for a hearing and shall be permitted to be represented by counsel at the hearing.

§ 4308. POWERS OF THE COMMISSIONER

(a) General authority. The Commissioner shall have the authority to administer and enforce the provisions of this chapter.

(b) Additional powers. In addition to any powers or authority specifically granted to the Commissioner pursuant to the provisions of this chapter, the Commissioner may do the following:

(1) Adopt rules pursuant to 3 V.S.A. chapter 25 as the Commissioner determines necessary to administer and enforce the provisions of this chapter.

(2) Prescribe forms appropriate to the purposes of this chapter.

(3) Contract with an account manager to administer and manage the mileage-based user fee.

§ 4309. APPEALS; JUDICIAL REVIEW

(a) Administrative appeal. An aggrieved person may appeal any final decision, order, or finding of the Commissioner under this chapter within not more than 45 days after the decision is issued or the order or finding is made. The Commissioner shall establish procedures for filing and hearing appeals pursuant to this subsection that are consistent with the provisions of sections 105–107 of this title.

(b) Appeal to superior court. Following a final decision on an appeal pursuant to subsection (a) of this section or subsection 4303(f) of this chapter, the appellant may appeal the decision pursuant to Rule 74 of the Vermont Rules of Civil Procedure. The appeal shall be to the Washington Superior Court or, in the discretion of the appellant, to the Superior Court in the county where the appellant resides or has a principal place of business.

(c) Exclusivity of remedies. The appeals provided by this section and subsection 4303(f) of this chapter shall be the exclusive remedies available to any person for review of an assessment, decision, or order or finding of the Commissioner under this chapter.

Subchapter 2. BEV Rental Vehicle Road Usage Charge

§ 4321. BEV RENTAL VEHICLE ROAD USAGE CHARGE

(a) For any BEV pleasure car subject to use tax imposed pursuant to 32 V.S.A. § 8903(d), there is imposed on each rental transaction for a BEV a road usage charge equal to one percent of the rental charge, which shall be collected by the rental company from the renter and remitted to the Commissioner. Amounts collected pursuant to this section shall be deposited in the Transportation Fund.

(b) As used in this section, rental charge has the same meaning as in 32 V.S.A. § 8903(d).

Third: By striking out Sec. 21, mileage-based user fee; transition, in its entirety and inserting in lieu thereof a new Sec. 21 to read as follows:

Sec. 21. MILEAGE BASED USER FEE; TRANSITION

BEV pleasure cars that are registered in Vermont on December 31, 2026, shall transition to the mileage-based user fee established pursuant to 23 V.S.A. chapter 43, subchapter 1 as follows:

(1) The initial mileage reporting period for each BEV shall commence on its first annual inspection occurring on or after January 1, 2027.

(2) If the initial mileage reporting period for a BEV begins before the BEV is required to renew its registration, the BEV shall receive a credit equal to $89.00 towards the amount of the mileage-based user fee due pursuant to 23 V.S.A. § 4303 for the initial mileage reporting period.

Fourth: By striking out Sec. 22, allocation of fiscal year 2027 mileage-based user fee revenues, in its entirety and inserting in lieu thereof two new sections to be Secs. 22 and 23 to read as follows:

Sec. 22. MILEAGE-BASED USER FEE; PAY-AS-YOU-GO OPTION;

IMPLEMENTATION PLAN; REPORT

On or before February 15, 2027, the Secretary of Transportation shall submit a written report to the House Committees on Transportation and on Ways and Means and the Senate Committees on Transportation and on Finance regarding the potential for offering a pay-as-you-go option for the mileage-based user fee established pursuant to 23 V.S.A. chapter 43, subchapter 1. The report shall provide a plan for implementation of a pay-as-you-go program as well as detailed information regarding:

(1) anticipated staffing, administration, and information technology necessary to implement and operate a pay-as-you-go program;

(2) anticipated costs related to the implementation and operation of a pay-as-you-go program; and

(3) legislative language necessary to enable a pay-as-you-go program.

Sec. 23. TRANSFER

(a) Notwithstanding any provision of 19 V.S.A. § 11f to the contrary, in State fiscal year 2027, the amount of $2,200,000.00 is transferred from the Transportation Infrastructure Bond Fund to the Transportation Fund.

(b) Of the amount transferred, $1,700,000.00 shall be allocated in State fiscal year 2027 to general State aid for town highways pursuant to 19 V.S.A. § 306(a). The amount allocated pursuant to this subsection shall be appropriated for class 1, 2, and 3 town highways and shall be apportioned, distributed, and used in the same manner as provided pursuant to 19 V.S.A. § 306(a)(3). The amount allocated pursuant to this subsection shall not decrease the amount appropriated pursuant to 19 V.S.A. § 306(a)(1) or be subject to the annual inflationary adjustment provided for in 19 V.S.A. § 306(a)(1) and (2).

and by renumbering the remaining sections to be numerically correct.

(Committee Vote: 9-1-1)

Rep. Kascenska of Burke, for the Committee on Appropriations, recommends that the bill ought to pass when amended as recommended by the Committee on Ways and Means.

(Committee Vote: 11-0-0)

Favorable

H. 933

An act relating to miscellaneous administrative and policy changes to the tax laws

(Rep. Kimbell of Woodstock will speak for the Committee on Ways and Means.**)**

Rep. Nigro of Bennington, for the Committee on Appropriations, recommends that the bill ought to pass.

(Committee Vote: 11-0-0)

Amendment to be offered by Rep. Tagliavia of Corinth to H. 933

That the bill be amended by striking out Secs. 18 and 19 (federal tax credit for SGO contributions) in their entireties and inserting in lieu thereof new Secs. 18 and 19 to read as follows:

Sec. 18. 3 V.S.A. § 24 is added to read:

§ 24. GOVERNOR'S LIST OF SCHOLARSHIP GRANTING ORGANIZATIONS

Annually on December 1, the Governor, or designee, may elect to provide a list of organizations to the U.S. Secretary of the Treasury for purposes of making the federal qualified elementary and secondary education scholarship tax credit available for Vermont taxpayer contributions to Vermont scholarship granting organizations under 26 U.S.C. § 25F. It shall be presumed that an organization listed in the previous year will be listed in the subsequent year unless the Governor finds that the organization has failed to meet the requirements of 26 U.S.C. § 25F.

Sec. 19. [Deleted.]

Amendment to be offered by Reps. Priestley of Bradford and Cole of Hartford to H. 933

That the bill be amended as follows:

First: By adding a reader assistance heading and a new section to be Sec. 61a to read as follows:

* * * Income Tax Brackets * * *

Sec. 61a. 32 V.S.A. § 5822 is amended to read:

§ 5822. TAX ON INCOME OF INDIVIDUALS, ESTATES, AND TRUSTS

(a) A tax is imposed for each taxable year upon the taxable income earned or received in that year by every individual, estate, and trust, subject to income taxation under the laws of the United States, in an amount determined by the following tables, and adjusted as required under this section:

(1) Married individuals filing joint returns and surviving spouses:

If taxable income is:	The tax is:
Not over ~~$64,600.00~~ $84,700.00	3.35% of taxable income
Over ~~$64,600.00~~ $84,700.00 but not over ~~$156,150.00~~ $204,750.00	~~$2,164.00~~ $2,837.00 plus 6.6% of the amount of taxable income over ~~$64,600.00~~ $84,700.00
Over ~~$156,150.00~~ $204,750.00 but not over ~~$237,950.00~~ $312,050.00	~~$8,206.00~~ $10,761.00 plus 7.6% of the amount of taxable income over ~~$156,150.00~~ $204,750.00
Over ~~$237,950.00~~ $312,050.00 but not over $500,000.00	~~$14,423.00~~ $18,916.00 plus 8.75% of the amount of taxable income over ~~$237,950.00~~ $312,050.00
Over $500,000.00 but not over $1,000,000.00	$35,361.00 plus 11.75% of the amount of taxable income over $500,000.00
Over $1,000,000.00	$94,111.00 plus 13.75% of the amount of taxable income over $1,000,000.00

(2) Heads of households:

If taxable income is:	The tax is:
Not over ~~$51,850.00~~ $68,000.00	3.35% of taxable income
Over ~~$51,850.00~~ $68,000.00 but not over ~~$133,850.00~~ $175,500.00	~~$1,737.00~~ $2,278.00 plus 6.6% of the amount of taxable income over

	~~$51,850.00~~ $68,000.00
Over ~~$133,850.00~~ $175,500.00 but not over ~~$216,700.00~~ $284,150.00	~~$7,149.00~~ $9,373.00 plus 7.60% of the amount of taxable income over ~~$133,850.00~~ $175,500.00
Over ~~$216,700.00~~ $284,150.00 but not over $455,300.00	~~$13,446.00~~ $17,630.00 plus 8.75% of the amount of taxable income over ~~$216,700.00~~ $284,150.00
Over $455,300.00 but not over $910,600.00	$32,606.00 plus 11.75% of the amount of taxable income over $455,300.00
Over $910,600.00	$86,103.00 plus 13.75% of the amount of taxable income over $910,600.00

(3) Unmarried individuals (other than surviving spouse or head of household):

If taxable income is:	The tax is:
Not over ~~$38,700.00~~ $50,750.00	3.35% of taxable income
Over ~~$38,700.00~~ $50,750.00 but not over ~~$93,700.00~~ $122,850.00	~~$1,296.00~~ $1,700.00 plus 6.6% of the amount of taxable income over ~~$38,700.00~~ $50,750.00
Over ~~$93,700.00~~ $122,850.00 but not over ~~$195,450.00~~ $256,300.00	~~$4,926.00~~ $6,459.00 plus 7.6% of the amount of taxable income over ~~$93,700.00~~ $122,850.00
Over ~~$195,450.00~~ $256,300.00 but not over $410,650.00	~~$12,659.00~~ $16,601.00 plus 8.75% of the amount of taxable income over ~~$195,450.00~~ $256,300.00
Over $410,650.00 but not over	$30,108.00 plus 11.75% of the

$821,350.00	amount of taxable income over $410,650.00
Over $821,350.00	$78,362.00 plus 13.75% of the amount of taxable income over $821,350.00

(4) Married individuals filing separate returns:

If taxable income is:	The tax is:
Not over ~~$32,300.00~~ $42,350.00	3.35% of taxable income
Over ~~$32,300.00~~ $42,350.00 but not over ~~$78,075.00~~ $102,375.00	~~$1,082.00~~ $1,419.00 plus 6.6% of the amount of taxable income over ~~$32,300.00~~ $42,350.00
Over ~~$78,075.00~~ $102,375.00 but not over ~~$118,975.00~~ $156,025.00	~~$4,103.00~~ $5,380.00 plus 7.6% of the amount of taxable income over ~~$78,075.00~~ $102,375.00
Over ~~$118,975.00~~ $156,025.00 but not over $250,000.00	~~$7,212.00~~ $9,458.00 plus 8.75% of the amount of taxable income over ~~$118,975.00~~ $156,025.00
Over $250,000.00 but not over $500,000.00	$17,681.00 plus 11.75% of the amount of taxable income over $250,000.00
Over $500,000.00	$47,056.00 plus 13.75% of the amount of taxable income over $500,000.00

(5) Estates and trusts:

If taxable income is:	The tax is:
~~$2,600.00~~ $3,400.00 or less	3.35% of taxable income
Over ~~$2,600.00~~ $3,400.00 but not over ~~$6,100.00~~ $8,000.00	~~$87.00~~ $114.00 plus 6.6% of the amount of taxable income over ~~$2,600.00~~ $3,400.00

Over ~~$6,100.00~~ $8,000.00 but not over ~~$9,350.00~~ $12,250.00	~~$318.00~~ $418.00 plus 7.6% of the amount of taxable income over ~~$6,100.00~~ $8,000.00
Over ~~$9,350.00~~ $12,250.00	~~$565.00~~ $741.00 plus 8.75% of the amount of taxable income over ~~$9,350.00~~ $12,250.00

(6) If the federal adjusted gross income of the taxpayer exceeds $150,000.00, then the tax calculated under this subsection shall be the greater of the tax calculated under subdivisions (1)–(5) of this subsection or three percent of the taxpayer's federal adjusted gross income.

(b) As used in this section:

(1) "Married individuals," "surviving spouse," "head of household," "unmarried individual," "estate," and "trust" have the same meaning as under the Internal Revenue Code.

(2) The amounts of taxable income shown in the tables in this section shall be adjusted annually for inflation by the Commissioner of Taxes using the Consumer Price Index adjustment percentage, in the manner prescribed for inflation adjustment of federal income tax tables for the taxable year by the Commissioner of Internal Revenue, beginning with taxable year ~~2003~~ 2026; provided, however, notwithstanding 26 U.S.C. § 1(f)(3), that as used in this subdivision, "consumer price index" means the last Consumer Price Index for All Urban Consumers published by the U.S. Department of Labor.

* * *

Second: By striking out Sec. 64, effective dates, in its entirety and inserting in lieu thereof a new Sec. 64 to read as follows:

Sec. 64. EFFECTIVE DATES

This act shall take effect on passage except:

(1) Notwithstanding 1 V.S.A. § 214, Sec. 1 (credit for taxes paid in another state by an S corporation) shall take effect retroactively on January 1, 2025, and shall apply to taxable years beginning on and after January 1, 2025.

(2) Secs. 3 and 4 (current use; land use change tax) shall take effect on October 1, 2026.

(3) Sec. 20 (grand list definition of parcel) shall take effect on April 1, 2027, and shall apply to grand lists lodged on and after that date.

(4) Sec. 22 (Department of Fish and Wildlife rule on fees) shall take effect on July 1, 2027.

(5) Secs. 24–48 (grand list assessment date) shall take effect on July 1, 2031, and shall apply to grand lists lodged after that date.

(6) Sec. 56 (Vermont research and development tax credit) shall take effect on January 1, 2027, and shall apply to taxable years beginning on and after January 1, 2027.

(7) Notwithstanding 1 V.S.A. § 214, Sec. 61a (income tax brackets) shall take effect retroactively on January 1, 2026, and shall apply to taxable years beginning on and after January 1, 2026.

(8) Notwithstanding 1 V.S.A. § 214, Secs. 55–57 (decoupling from select provisions of IRC), and Secs. 60 and 61 (annual link-up) shall take effect retroactively on January 1, 2026, and shall apply to taxable years beginning on and after January 1, 2025.

Amendment to be offered by Reps. Kimbell of Woodstock and Kornheiser of Brattleboro to H. 933

That the bill be amended as follows:

First: In Sec. 55, 32 V.S.A. § 5811, in subdivision (21)(B)(ii), following "as defined in 26 U.S.C. § 1(h)" by striking out ", but excluding any gain specifically included in taxable income under subdivision (A)(v) of this subdivision (21),"

Second: In Sec. 55, 32 V.S.A. § 5811, in subdivision (28)(B)(ii), following "as defined in 26 U.S.C. § 1(h)" by striking out ", but excluding any gain specifically included in taxable income as described in subdivision (A)(vi) of this subdivision (28),"

Third: By striking out Sec. 64, effective dates, in its entirety and inserting in lieu thereof a new Sec. 64 to read as follows:

Sec. 64. EFFECTIVE DATES

This act shall take effect on passage except:

(1) Notwithstanding 1 V.S.A. § 214, Sec. 1 (credit for taxes paid in another state by an S corporation) shall take effect retroactively on January 1, 2025, and shall apply to taxable years beginning on and after January 1, 2025.

(2) Secs. 3 and 4 (current use; land use change tax) shall take effect on October 1, 2026.

(3) Sec. 20 (grand list definition of parcel) shall take effect on April 1, 2027, and shall apply to grand lists lodged on and after that date.

(4) Sec. 22 (Department of Fish and Wildlife rule on fees) shall take effect on July 1, 2027.

(5) Secs. 24–48 (grand list assessment date) shall take effect on July 1, 2031, and shall apply to grand lists lodged after that date.

(6) Sec. 58 (Vermont research and development tax credit) shall take effect on January 1, 2027, and shall apply to taxable years beginning on and after January 1, 2027.

(7) Notwithstanding 1 V.S.A. § 214, Secs. 55–57 (decoupling from select provisions of IRC) and Secs. 60 and 61 (annual link-up) shall take effect retroactively on January 1, 2026, and shall apply to taxable years beginning on and after January 1, 2025.

H. 938

An act relating to establishing the Vermont Homelessness Response Continuum

(Rep. Maguire of Rutland City will speak for the Committee on Human Services.**)**

Rep. Bluemle of Burlington, for the Committee on Appropriations, recommends that the bill ought to pass.

(Committee Vote: 10-1-0)

New Business

Third Reading

H. 67

An act relating to legislative operations and government accountability

H. 567

An act relating to unclaimed property, State retirement systems, and capital debt

H. 650

An act relating to educational technology products

H. 772

An act relating to residential rental agreements, eviction procedures, and the creation of the positive rental payment credit reporting pilot program

H. 949

An act relating to homestead property tax yields, the nonhomestead property tax rate, and technical changes to education finance

Amendment to be offered by Reps. Logan of Burlington, Cina of Burlington, and Tomlinson of Winooski to H. 949

That the bill be amended as follows:

First: By adding a reader assistance heading and two new sections to be Secs. 5a and 5b to read as follows:

* * * Wealth Proceeds Tax * * *

Sec. 5a. 32 V.S.A. chapter 149 is added to read:

CHAPTER 149. WEALTH PROCEEDS TAX

§ 5701. DEFINITIONS

As used in this chapter:

(1) "Federal modified adjusted gross income" means modified adjusted gross income as defined in 26 U.S.C. § 1411(d).

(2) "Threshold amount" has the same meaning as in 26 U.S.C. § 1411(b).

(3) "Wealth proceeds" has the same meaning as net investment income in 26 U.S.C. § 1411(c) as adjusted by section 5703 of this chapter.

§ 5702. IMPOSITION OF VERMONT WEALTH PROCEEDS TAX

(a) A Vermont wealth proceeds tax is imposed for each taxable year on individuals, estates, and trusts subject to the personal income tax under chapter 151 of this title as follows:

(1) individuals filing as single or head of household with federal modified adjusted gross income exceeding $200,000.00;

(2) married individuals filing jointly with federal modified adjusted gross income exceeding $250,000.00;

(3) individuals filing as married filing separately with federal modified adjusted gross income exceeding $125,000.00; and

(4) estates and trusts with adjusted gross income, as defined in 26 U.S.C. § 67(e), exceeding the dollar amount at which the highest tax bracket begins for the taxable year under 26 U.S.C. § 1(e).

(b)(1) For individuals, tax is imposed at the rate of four percent of the lesser of:

(A) wealth proceeds for the taxable year; or

(B) federal modified adjusted gross income for the taxable year, reduced by the threshold amount.

(2) For estates and trusts, tax is imposed at the rate of four percent of the lesser of:

(A) undistributed wealth proceeds for the taxable year; or

(B) the dollar amount at which the highest tax bracket begins for the taxable year under 26 U.S.C. § 1(e).

(c) The tax imposed under this section shall be in addition to any other tax imposed under this title.

(d) For part-year and nonresident individuals, estates, and trusts, the tax imposed by this section shall be calculated by multiplying a taxpayer's total amount of wealth proceeds for the taxable year by the percentage of wealth proceeds allocable to Vermont under section 5823 of this title.

§ 5703. DETERMINATION OF VERMONT WEALTH PROCEEDS

The wealth proceeds of an individual, estate, or trust means net investment income, as defined in 26 U.S.C. § 1411(c), and:

(1) increased by the following to the extent they are excluded from net investment income:

(A) income from state and local obligations outside Vermont;

(B) net gain excluded under 26 U.S.C. § 1202;

(C) net gain excluded under 26 U.S.C. § 1400Z-2;

(D) net gain attributable to disposition of property held in trade or business not described under 26 U.S.C. § 1411(c)(2);

(E) net gain described under the exception in 26 U.S.C. § 1411(c)(4);

(F) net gain excluded under 26 U.S.C. § 1411(c)(5), provided it is attributable to net unrealized appreciation within the meaning of 26 U.S.C. § 402(e)(4); and

(G) for a taxpayer who transferred property to an incomplete gift nongrantor trust, any amounts recognized as wealth proceeds under this section held by the trust, but reduced by any deductions of the trust, to the extent the wealth proceeds and deductions of the trust would be taken into account in

computing the taxpayer's federal taxable income if the trust in its entirety were treated as a grantor trust for federal tax purposes; and

(2) decreased by the following to the extent they are included in net investment income:

(A) income from U.S. government obligations; and

(B) any amount exempted from state taxation under the laws of the United States.

§ 5704. ADMINISTRATION

The tax imposed under this chapter shall be administered and enforced under this chapter in the same manner as the income tax imposed under section 5822 of this title, including all provisions relating to deficiencies, assessments, refunds, appeals, enforcement, and collection under chapter 151, subchapters 8 and 9 of this title.

Sec. 5b. 16 V.S.A. § 4025 is amended to read:

§ 4025. EDUCATION FUND

(a) The Education Fund is established to comprise the following:

* * *

(10) wind-powered electric generating facilities tax deposited pursuant to 32 V.S.A. § 5402c; ~~and~~

(11) revenues from the short-term rental surcharge under 32 V.S.A. § 9301; and

(12) revenues raised by the wealth proceeds tax imposed by 32 V.S.A. chapter 149.

* * *

Second: By striking out Sec. 6, effective dates, in its entirety and inserting in lieu thereof a new Sec. 6 to read as follows:

Sec. 6. EFFECTIVE DATES

This act shall take effect on July 1, 2026, except Secs. 5a and 5b (wealth proceeds tax) shall take effect on January 1, 2027, and shall apply to taxable years beginning on and after January 1, 2027.

Favorable

H. 951

An act relating to making appropriations for the support of the government

(Rep. Scheu of Middlebury will speak for the Committee on Appropriations.**)**

Rep. Kornheiser of Brattleboro, for the Committee on Ways and Means, recommends that the bill ought to pass.

(Committee Vote: 11-0-0)

Action Postponed Until Friday, March 27, 2026

Third Reading

H. 937

An act relating to miscellaneous judiciary procedures

Amendment to be offered by Rep. Winter of Ludlow to H. 937

That the bill be amended by adding a new section to be Sec. 31 to read as follows:

Sec. 31. REPEAL

28 V.S.A. § 818 (earned time; reduction of term) is repealed.

and by renumbering the remaining section to be numerically correct.

Amendment to be offered by Rep. Galfetti of Barre Town to H. 937

That the bill be amended by adding two new sections to be Sec. 31 and Sec. 32 to read as follows:

Sec. 31. 13 V.S.A. § 7551 is amended to read:

§ 7551. IMPOSITION OF BAIL, SECURED APPEARANCE BONDS, AND APPEARANCE BONDS

(a) Bonds; generally. A bond given by a person charged with a criminal offense or by a witness in a criminal prosecution under section 6605 of this title, conditioned for the appearance of the person or witness before the court in cases where the offense is punishable by fine or imprisonment, and in appealed cases, shall be taken to the Criminal Division of the Superior Court where the prosecution is pending and shall remain binding upon parties until discharged by the court or until sentencing. The person or witness shall appear at all required court proceedings.

(b) ~~Limitation on imposition~~ Imposition of bail, secured appearance bonds, and appearance bonds.

(1) ~~Except as provided in subdivision (2) of this subsection, no bail, secured appearance bond, or appearance bond may be imposed:~~

~~(A) at the initial appearance of a person charged with a misdemeanor if the person was cited for the offense in accordance with Rule 3 of the Vermont Rules of Criminal Procedure; or~~

~~(B) at the initial appearance or upon the temporary release pursuant to Rule 5(b) of the Vermont Rules of Criminal Procedure of a person charged with a violation of a misdemeanor offense that is eligible for expungement pursuant to subdivision 7601(4)(A) of this title.~~

~~(2) In the event the court finds that imposing bail is necessary to mitigate the risk of flight from prosecution for~~ In the case of a ~~person~~ defendant charged with a violation of a misdemeanor offense that is eligible for ~~expungement~~ sealing pursuant to subdivision 7601(4)(A) of this title, the court may impose bail in a maximum amount of ~~$200.00~~ $1,000.00 if the court finds that imposing bail is necessary for one or more of the following purposes:

(A) to mitigate risk of flight from prosecution;

(B) to reasonably ensure protection of the public;

(C) to reasonably ensure protection of a victim or witness; or

(D) to address concerns identified in the release recommendation of the law enforcement officer who arrested or cited the defendant for the offense. ~~The $200.00 limit shall not apply to an offense allegedly committed by a defendant who has been released on personal recognizance or conditions of release pending trial for another offense.~~

~~(3)~~(2) This subsection shall not be construed to restrict the court's ability to impose conditions on such ~~persons to reasonably mitigate the risk of flight from prosecution or to reasonably protect the public in accordance with section 7554 of this title~~ defendants for the purposes set forth in subdivisions (1)(A)–(D) of this subsection.

(c) Mandatory detention and enhanced bail for repeat offenders.

(1) Notwithstanding subsections (a) and (b) of this section and except as provided in subdivision (2) of this subsection, the following defendants shall be held without bail:

(A) a defendant who has failed to appear at a court proceeding two or more times in the previous five years;

(B) a defendant who was previously convicted of three or more offenses in the previous five years;

(C) a defendant who has four or more pending charges, including the offense charged;

(D) a defendant who was arrested for the offense charged while released on bail in another pending case;

(E) a defendant who was previously convicted of five or more misdemeanor offenses in the previous three years;

(F) a defendant who was previously convicted of two or more felony offenses in the previous five years;

(G) a defendant charged with a crime involving domestic violence who was previously convicted of or charged with one or more crimes involving domestic violence in the previous seven years;

(H) a defendant who was previously convicted of three or more alcohol-related or drug-related offenses in the previous five years;

(I) a defendant charged with a felony offense while on release after being charged with a felony offense;

(J) a defendant charged with a violent offense while on release after being charged with any other offense;

(K) a defendant charged with a drug trafficking or drug distribution offense while on release after being charged with any other offense; and

(L) a defendant in subdivisions (A)–(K) of this subdivision (1) who is released on bail, on personal recognizance, or subject to conditions of release and who is charged with any new offense.

(2) For persons identified in subdivisions (1)(A)–(L) of this subsection, the judicial officer may set bail in the following amounts for the purposes set forth in subdivisions (b)(1)(A)–(D) of this section:

(A) for a defendant who failed to appear at a court proceeding two or more times in the previous five years, an amount not less than:

(i) $1,000.00 if the defendant previously failed to appear at a court proceeding two times in the previous five years;

(ii) $2,000.00 if the defendant previously failed to appear at a court proceeding three times in the previous five years; and

(iii) $3,000.00 if the defendant previously failed to appear at a court proceeding four or more times in the previous five years;

(B) for a defendant who was previously convicted of three or more offenses in the previous five years, an amount not less than:

(i) $2,500.00 if the defendant was previously convicted of three offenses in the previous five years;

(ii) $5,000.00 if the defendant was previously convicted of four offenses in the previous five years; and

(iii) $7,500.00 if the defendant was previously convicted of five or more offenses in the previous five years;

(C) for a defendant who has four or more pending charges, including the charged offense, an amount not less than:

(i) $5,000.00 if the defendant has four pending charges, including the charged offense;

(ii) $10,000.00 if the defendant has five pending charges, including the charged offense; and

(iii) $15,000.00 if the defendant has six or more pending charges, including the charged offense;

(D) for a defendant who was arrested for the charged offense while released on bail in another pending case, an amount not less than:

(i) $5,000.00 if the defendant was arrested one time for a new offense while released on bail in a pending case;

(ii) $10,000.00 if the defendant was arrested two times for a new offense while released on bail in a pending case; and

(iii) $15,000.00 if the defendant was arrested three or more times for a new offense while released on bail in a pending case;

(E) for a defendant who was previously convicted of five or more misdemeanor offenses in the previous three years, an amount not less than:

(i) $7,500.00 if the defendant was previously convicted of five misdemeanor offenses in the previous three years;

(ii) $15,000.00 if the defendant was previously convicted of six misdemeanor offenses in the previous three years; and

(iii) $22,500.00 if the defendant was previously convicted of seven or more misdemeanor offenses in the previous three years;

(F) for a defendant who was previously convicted of two or more felony offenses in the previous five years, an amount not less than:

(i) $10,000.00 if the defendant was previously convicted of two felony offenses in the previous five years;

(ii) $20,000.00 if the defendant was previously convicted of three felony offenses in the previous five years; and

(iii) $30,000.00 if the defendant was previously convicted of four or more felony offenses in the previous five years;

(G) for a defendant charged with an offense involving domestic violence who was previously convicted of or charged with one or more offenses involving domestic violence in the previous seven years, an amount not less than:

(i) $5,000.00 if the defendant was previously charged with or convicted of one offense involving domestic violence in the previous seven years;

(ii) $10,000.00 if the defendant was previously charged with or convicted of two offenses involving domestic violence in the previous seven years; and

(iii) $20,000.00 if the defendant was previously charged with or convicted of three or more offenses involving domestic violence in the previous seven years;

(H) for a defendant who was previously convicted of three or more alcohol-related or drug-related offenses in the previous five years, an amount not less than:

(i) $3,000.00 if the defendant was previously convicted of three alcohol-related or drug-related offenses in the previous five years;

(ii) $6,000.00 if the defendant was previously convicted of four alcohol-related or drug-related offenses in the previous five years; and

(iii) $12,000.00 if the defendant was previously convicted of five or more alcohol-related or drug-related offenses in the previous five years;

(I) for a defendant charged with a felony offense while on release after being charged with a felony offense, an amount not less than:

(i) $15,000.00 if the defendant was not previously convicted of a felony offense;

(ii) $30,000.00 if the defendant was previously convicted of one felony offense; and

(iii) $50,000.00 if the defendant was previously convicted of two or more felony offenses;

(J) for a defendant charged with a violent offense while on release after being charged with any other offense, an amount not less than:

(i) $20,000.00 if the defendant was not previously charged with a violent offense while on release after being charged with another offense;

(ii) $40,000.00 if the defendant was previously convicted of one violent offense; and

(iii) $50,000.00 if the defendant was previously convicted of two or more violent offenses;

(K) for a defendant charged with a drug trafficking or drug distribution offense while on release after being charged with any other offense, an amount not less than:

(i) $25,000.00 if the defendant was not previously charged with a drug trafficking or drug distribution offense while on release after being charged with another offense;

(ii) $50,000.00 if the defendant was previously convicted of one drug trafficking or drug distribution offense; and

(iii) $100,000.00 if the defendant was previously convicted of two or more drug trafficking or drug distribution offenses; and

(L) for a defendant identified in subdivisions (1)(A)–(K) of this subsection (c) who is charged with any new criminal offense while on bail, personal recognizance, or subject to conditions of release, an amount not less than twice the amount specified in subdivisions (A)–(K) of this subdivision (c)(2).

(d) Judicial determination that detention without bail is not warranted; factors, written justification.

(1) In determining whether to impose mandatory detention without bail or enhanced bail amounts, the judicial officer shall consider the following:

(A) the number and frequency of prior offenses of which the defendant was previously convicted and with which the defendant is charged, including all of the following:

(i) the number of the defendant's prior convictions;

(ii) the number of the defendant's pending charges;

(iii) the number of times the defendant failed to appear at a court proceeding;

(iv) the number of offenses the defendant committed per year; and

(v) any pattern of escalating or de-escalating criminal behavior by the defendant;

(B) the nature and circumstances of the offenses of which the defendant was previously convicted and with which the defendant is charged, including all of the following:

(i) whether the charged offense is a felony or misdemeanor;

(ii) whether each offense of which the defendant was previously convicted is a felony or misdemeanor;

(iii) whether the offenses of which the defendant was previously convicted and with which the defendant is charged involve violence committed by the defendant;

(iv) whether the offenses of which the defendant was previously convicted and with which the defendant is charged are against persons or property;

(v) whether a weapon was used in the commission of the offenses of which the defendant was previously convicted and with which the defendant is charged;

(vi) whether the offenses of which the defendant was previously convicted and with which the defendant is charged involve bodily injury to victims; and

(vii) the level of threat to public safety posed by the offenses of which the defendant was previously convicted and with which the defendant is charged;

(C) the risk assessment and recommendation of the law enforcement officer who arrested or cited the defendant for the offense, including all of the following:

(i) the recommendation of the law enforcement officer who arrested or cited the defendant for the offense that the defendant be detained without bail or that a certain bail amount should be imposed;

(ii) the risk assessment of the law enforcement officer who arrested or cited the defendant for the offense, including whether the defendant

cooperated with law enforcement, was under the influence of alcohol or another substance at the time of the offense, or poses a risk to the public;

(iii) any flight risk indicators observed by the law enforcement officer who arrested or cited the defendant for the offense;

(iv) any threats made by the defendant during the arrest;

(v) the defendant's history of which the law enforcement officer who arrested or cited the defendant for the offense has knowledge; and

(vi) the risk factors identified in the affidavit of the law enforcement officer who arrested or cited the defendant for the offense; and

(D) the defendant's circumstances, the protection of the public, and the protection of a victim or witness, including all of the following:

(i) whether the defendant complied with prior conditions of release;

(ii) the defendant's ties to the community, including the defendant's employment status and family;

(iii) the defendant's history of substance abuse;

(iv) the defendant's mental health status;

(v) the protection of a victim or witness;

(vi) the protection of the public; and

(vii) the risk of nonappearance at future court proceedings.

(2) If the judicial officer sets an enhanced bail amount instead of holding the defendant without bail, the judicial officer shall make written findings on the record explaining:

(A) the factors the judicial officer considered;

(B) why detention without bail is not necessary even though the defendant committed one or more prior offenses;

(C) how the bail amount and conditions of release will mitigate flight risk and protect the public; and

(D) if the judicial officer's determination is not consistent with the release recommendation of the law enforcement officer who arrested or cited the defendant for the offense, why the judicial officer's determination is not consistent with the release recommendation of the law enforcement officer.

(e) Advisory bail by law enforcement officer who arrested or cited the defendant for the offense binding on judicial officer in certain circumstances.

The law enforcement officer who arrested or cited the defendant for the offense may provide a release recommendation to the judicial officer based on the law enforcement officer's observations of the defendant's behavior, flight risk indicators, and history.

(1) Notwithstanding subdivision (c)(2) of this section, if the law enforcement officer who arrested or cited the defendant for the offense recommends that the defendant be held without bail, the judicial officer shall hold the defendant without bail.

(2) Notwithstanding subsection (c) of this section, if the law enforcement officer who arrested or cited the defendant for the offense recommends that bail should be imposed, the judicial officer shall impose bail in the amount recommended by the law enforcement officer, provided the law enforcement officer submits an affidavit that details the defendant's risk factors and the judicial officer finds the law enforcement officer's recommendation supported by the evidence. The law enforcement officer who arrested or cited the defendant for the offense shall not recommend and the judicial officer shall not impose bail in an amount greater than $25,000.00 for a misdemeanor offense or greater than $100,000.00 for a felony offense.

(f) Expedited hearing for defendant to present evidence. At the initial bail hearing, a defendant held without bail under subsection (c) of this section may request an expedited hearing at which the defendant may present evidence regarding the factors listed in subsection (d) of this section. If the defendant requests a hearing, a hearing shall be held within 72 hours after the initial bail determination, excluding weekends and holidays. At the hearing, a judicial officer shall hear the defendant's evidence and review whether the defendant should be held without bail as provided in subsection (c).

(g) Automatic forfeiture of bail upon arrest for new offense. A defendant who has been released pursuant to subdivision (c)(2) of this section who is charged with a new offense while on release shall automatically forfeit all bail posted for the defendant's previous charges. The defendant shall be subject to the provisions of subdivisions (c)(2)(A)–(L) of this section for the new offense and all pending charges.

Sec. 32. 13 V.S.A. § 7554 is amended to read:

§ 7554. RELEASE PRIOR TO TRIAL

(a) Release; conditions of release. Any person charged with an offense, other than a person held without bail under section 7553 or 7553a of this title, ~~shall~~ may at the person's appearance before a judicial officer be ordered released pending trial in accordance with this section.

(1) The defendant ~~shall~~ may only be ordered released on personal recognizance or upon the execution of ~~an unsecured~~ a secured appearance bond in an amount specified by the judicial officer ~~unless~~ if the judicial officer determines that such a release will ~~not~~ reasonably ~~mitigate the risk of flight from prosecution as required~~ achieve the purposes set forth in subdivisions 7551(b)(1)(A)–(D) of this title. In ~~determining whether the defendant presents a risk of flight from prosecution~~ making this determination, the judicial officer shall consider, in addition to any other factors, the seriousness of the offense charged; the number of offenses with which the person is charged; whether, at the time of the current offense or arrest, the defendant was released on conditions or personal recognizance, on probation, furlough, parole, or other release pending trial, sentencing, appeal, or completion of a sentence for an offense under federal or state law; ~~and~~ whether, in connection with a criminal prosecution, the defendant is compliant with court orders or has failed to appear at a court hearing; the protection of the public; the protection of a victim or witness; and the concerns identified in the release recommendation of the law enforcement officer who arrested or cited the defendant for the offense. If the judicial officer determines that the defendant presents a risk of flight from prosecution, a risk to the public, a risk to a victim or witness, or a concern identified in the release recommendation of the law enforcement officer who arrested or cited the defendant for the offense, the officer shall~~,~~ ~~either in lieu of or in addition to the methods of release in this section,~~ impose ~~the least restrictive of~~ the following conditions or ~~the least restrictive~~ a combination of the following conditions that will reasonably ~~mitigate the risk of flight of the defendant as required~~ achieve the purposes set forth in subdivisions 7551(b)(1)(A)–(D) of this title:

(A) Place the defendant in the custody of a designated person or organization agreeing to supervise the defendant if the defendant is charged with an offense that is not a nonviolent misdemeanor or nonviolent felony as defined in 28 V.S.A. § 301.

(B) Place restrictions on the travel or association of the defendant during the period of release.

(C) Require the defendant to participate in an alcohol or drug treatment program. The judicial officer shall take into consideration the defendant's ability to comply with an order of treatment and the availability of treatment resources.

(D) ~~Upon consideration of the defendant's financial means, require~~ Require the execution of a secured appearance bond in a specified amount and the deposit with the clerk of the court, in cash or other security as directed, of

a sum not to exceed 10 percent of the amount of the bond, such deposit to be returned upon the appearance of the defendant as required.

(E) ~~Upon consideration of the defendant's financial means, require~~ Require the execution of a surety bond with sufficient solvent sureties, or the deposit of cash in lieu thereof.

(F) Impose any other condition found reasonably necessary to ~~mitigate the risk of flight~~ achieve the purposes set forth in subdivisions 7551(b)(1)(A)–(D) of this title as required, including a condition requiring that the defendant return to custody after specified hours.

(G) [Repealed.]

(H) Place the defendant in the ~~pretrial supervision program~~ Pretrial Supervision Program pursuant to section 7555 of this title, provided that the defendant meets the criteria identified in subdivisions ~~7555(d)(2) (3)~~ 7555(d)(2) and (3) of this title.

(I) Place the defendant in the ~~home detention program~~ Home Detention Program pursuant to section 7554b of this title.

(2) If the judicial officer determines that conditions of release imposed to mitigate the risk of flight will not reasonably protect the public or address concerns identified in the release recommendation of the law enforcement officer who arrested or cited the defendant for the offense, the judicial officer may impose, in addition, ~~the least restrictive of~~ the following conditions or ~~the least restrictive~~ a combination of the following conditions that will reasonably ensure protection of the public and address concerns identified in the release recommendation of the law enforcement officer who arrested or cited the defendant for the offense:

(A) Place the defendant in the custody of a designated person or organization agreeing to supervise the defendant if the defendant is charged with an offense that is not a nonviolent misdemeanor or nonviolent felony as defined in 28 V.S.A. § 301.

(B) Place restrictions on the travel, association, or place of abode of the defendant during the period of release.

(C) Require the defendant to participate in an alcohol or drug treatment program. The judicial officer shall take into consideration the defendant's ability to comply with an order of treatment and the availability of treatment resources.

(D) Impose any other condition found reasonably necessary to protect the public~~, except that a physically restrictive condition may only be~~

~~imposed in extraordinary circumstances~~ and address concerns identified in the release recommendation of the law enforcement officer who arrested or cited the defendant for the offense.

(E) Suspend the officer's duties in whole or in part if the defendant is a State, county, or municipal officer charged with violating section 2537 of this title and the court finds that it is necessary to protect the public.

(F) [Repealed.]

(G) Place the defendant in the ~~pretrial supervision program~~ Pretrial Supervision Program pursuant to section 7555 of this title, provided that the defendant meets the criteria identified in subdivisions ~~7555(d)(2) (3)~~ 7555(d)(2) and (3) of this title.

(H) Place the defendant in the ~~home detention program~~ Home Detention Program pursuant to section 7554b of this title.

(3) If the defendant satisfies the criteria in subdivisions (A)–(H) of this subdivision, a judicial officer shall impose the conditions as required in subdivisions (A)–(H) of this subdivision.

(A) If a defendant failed to appear at a court proceeding two or more times in the previous five years, the judicial officer shall:

(i) place the defendant under surveillance and electronic monitoring by the Department of Corrections, including the use of passive electronic monitoring;

(ii) place the defendant in the Pretrial Supervision Program pursuant to section 7555 of this title, provided that the defendant meets the criteria identified in subdivisions 7555(d)(2) and (3) of this title, and require the defendant to report on a daily basis to the Department of Corrections; and

(iii) require the defendant to participate in an alcohol or drug treatment program.

(B) If the defendant was previously convicted of three or more offenses in the previous five years, the judicial officer shall:

(i) place the defendant under surveillance and electronic monitoring by the Department of Corrections, including the use of passive electronic monitoring, or place the defendant in the Home Detention Program pursuant to section 7554b of this title;

(ii) place the defendant in the Pretrial Supervision Program pursuant to section 7555 of this title, provided that the defendant meets the criteria identified in subdivisions 7555(d)(2) and (3) of this title, and require

the defendant to report on a weekly basis to the Department of Corrections; and

(iii) require the defendant to participate in an alcohol or drug treatment program.

(C) If the defendant has four or more pending criminal charges, including the charged offense, the judicial officer shall:

(i) place the defendant under surveillance and electronic monitoring by the Department of Corrections, including the use of passive electronic monitoring;

(ii) place the defendant in the Pretrial Supervision Program pursuant to section 7555 of this title, provided that the defendant meets the criteria identified in subdivisions 7555(d)(2) and (3) of this title;

(iii) require the defendant to participate in an alcohol or drug treatment program; and

(iv) place restrictions on the travel of the defendant during the period of release to the county of the defendant's residence.

(D) If the defendant violated release conditions in the previous three years, the judicial officer shall:

(i) place the defendant in the Home Detention Program pursuant to section 7554b of this title;

(ii) place the defendant in the Pretrial Supervision Program pursuant to section 7555 of this title, provided that the defendant meets the criteria identified in subdivisions 7555(d)(2) and (3) of this title;

(iii) require the defendant to participate in an alcohol or drug treatment program; and

(iv) require the defendant to abstain from consuming alcohol, which the Department of Corrections may enforce through random testing.

(E) If the defendant is charged with an offense involving domestic violence and was charged with or convicted of an offense involving domestic violence in the previous seven years, the judicial officer shall:

(i) require that the defendant not contact the victim or victims;

(ii) place the defendant under surveillance and electronic monitoring by the Department of Corrections, including the use of passive electronic monitoring, with designated exclusion zones;

(iii) require the defendant to participate in a domestic violence treatment program; and

(iv) require the defendant to participate in an alcohol or drug treatment program.

(F) If the defendant was previously convicted of five or more misdemeanor offenses in the previous three years, the judicial officer shall:

(i) place the defendant in the Pretrial Supervision Program pursuant to section 7555 of this title, provided that the defendant meets the criteria identified in subdivisions 7555(d)(2) and (3) of this title;

(ii) require the defendant to participate in an alcohol or drug treatment program;

(iii) require the defendant to report in person each week to the Department of Corrections; and

(iv) require the defendant comply with a curfew between 10:00 p.m. and 6:00 a.m.

(G) If the defendant was charged with a felony while on release after being charged with a felony offense, the judicial officer shall:

(i) place the defendant under surveillance and electronic monitoring by the Department of Corrections, including the use of passive electronic monitoring;

(ii) require the defendant to participate in an alcohol or drug treatment program; and

(iii) place restrictions on the association of the defendant with any co-defendants during the period of release.

(H) If the defendant was previously convicted of three or more alcohol-related or drug-related offenses in the previous five years, the judicial officer shall:

(i) require the defendant to participate in an alcohol or drug treatment program;

(ii) require the defendant to submit to random drug and alcohol testing at least two times each week;

(iii) place the defendant under surveillance and electronic monitoring by the Department of Corrections, including the use of passive electronic monitoring, or place the defendant in the Home Detention Program pursuant to section 7554b of this title; and

(iv) require the defendant to abstain from consuming alcohol or visiting establishments that primarily serve alcohol.

(4) A judicial officer ~~may~~ shall order that a defendant not harass or contact or cause to be harassed or contacted a victim or potential witness. This order shall take effect immediately, regardless of whether the defendant is incarcerated or released.

(b) Judicial considerations in imposing conditions of release. In determining which conditions of release to impose:

(1) In subdivision (a)(1) of this section, the judicial officer, on the basis of available information, shall take into account the nature and circumstances of the offense charged; the weight of the evidence against the ~~accused~~ defendant; the ~~accused's~~ defendant's employment; ~~financial resources, including the accused's ability to post bail;~~ the ~~accused's~~ defendant's character and mental condition; the ~~accused's~~ defendant's length of residence in the community; ~~and~~ the ~~accused's~~ defendant's record of appearance at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings; and the protection of the public.

(2) In subdivision (a)(2) of this section, the judicial officer, on the basis of available information, shall take into account the nature and circumstances of the offense charged; the weight of the evidence against the ~~accused~~ defendant; the ~~accused's~~ defendant's family ties, employment, character and mental condition, length of residence in the community, record of convictions, and record of appearance at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings; whether, at the time of the current offense or arrest, the defendant was released on conditions or personal recognizance, on probation, furlough, parole, or other release pending trial, sentencing, appeal, or completion of a sentence for an offense under federal or state law; ~~and~~ whether, in connection with a criminal prosecution, the defendant is compliant with court orders or has failed to appear at a court hearing; and the protection of the public. Recent history of actual violence or threats of violence may be considered by the judicial officer as bearing on the character and mental condition of the ~~accused~~ defendant.

(3) In subdivision (a)(2) of this section, the judicial officer, on the basis of available information, shall take into account whether the defendant is a repeat or chronic offender and the protection of the public and public resources. The judicial officer may impose enhanced conditions based on whether the defendant was previously convicted of three or more misdemeanor offenses in the previous two years, whether the defendant was previously convicted of five or more misdemeanor offenses in the previous five years,

whether the defendant was previously convicted of two or more felony offenses in the previous five years, whether the defendant has four or more pending charges, whether the defendant previously failed to appear at a court proceeding two or more times in the previous five years, and whether the defendant has a pattern of committing similar offenses, defined as being convicted of three or more offenses of the same type in the previous three years.

* * *

and by renumbering the remaining section to be numerically correct.

CONSENT CALENDAR FOR NOTICE

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 prior to adjournment of the next legislative day. 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.

H.C.R. 230

House concurrent resolution recognizing April 2026 as National Child Abuse Prevention Month in Vermont and honoring Prevent Child Abuse Vermont for a half century of outstanding community leadership and service

H.C.R. 231

House concurrent resolution honoring the outstanding achievements of the federal TRIO programs in Vermont

H.C.R. 232

House concurrent resolution congratulating Malik Hines on his being named a National Afterschool Association's 2026 Next Generation of Afterschool Leader

H.C.R. 233

House concurrent resolution honoring the 2026 nominees for the Boys & Girls Clubs of America's Vermont Youth of the Year award

H.C.R. 234

House concurrent resolution designating April 9, 2026, as Alzheimer's Awareness Day at the State House

H.C.R. 235

House concurrent resolution congratulating Sophia Parker of Addison on her selection as the 80th Miss Vermont

H.C.R. 236

House concurrent resolution celebrating the importance of the manufacturing industry in the Vermont economy and designating April 2, 2026, as Manufacturing Day at the State House

H.C.R. 237

House concurrent resolution congratulating the Vermont-associated 2026 Winter Olympics medal winners

H.C.R. 238

House concurrent resolution congratulating the Vermont Association for the Blind and Visually Impaired on a century of advocating for and facilitating the realization of outstanding support services

For Informational Purposes

PUBLIC HEARING ON COMMUNITY SAFETY CONCERNS

The House and Senate Committees on Judiciary will hold a **public hearing on March 31 from 5:00 p.m. to 7:00 p.m.** in the House chamber of the State House. Those interested in testifying may attend the hearing in person or virtually.

The Committees will take testimony on community safety concerns arising from the March 11, 2026, protest and immigration enforcement action in South Burlington. **Anyone interested in testifying must sign up in advance of the hearing through the following online form no later than 5:00 p.m. on March 30.** For those planning to testify, instructions on how to access and participate in the hearing will be sent the morning of the hearing. Each participant will be given 2 minutes to testify.

Online sign-up form: https://legislature.vermont.gov/links/public-hearing-on-community-safety-concerns

For those not planning to testify, the hearing will be available to watch live on YouTube using the following link: https://legislature.vermont.gov/committee/streaming/house-judiciary

Written testimony is encouraged and can be submitted through email to testimony@leg.state.vt.us or mailed to the House/Senate Committee on Judiciary, c/o Megan Cannella, 115 State Street, Montpelier, VT 05633. For more information about the format of this event, contact Megan Cannella at Megan.Cannella@vtleg.gov.

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 13, 2026**, 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 13, 2026**.

(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 20, 2026**, 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 or email 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 communicate 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 sign-out sheet will also be included.

4. Please submit a final sponsor list (with all sponsors listed) to Counselor Chernick by paper *or* electronically, but not both.

5. The final list of sponsors needs to be submitted, by email *or* on a paper sign-out sheet, to Counselor Chernick **not later than 1:00 p.m. the Wednesday 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, meaning it must have been adopted through the House Consent Calendar not later than the week prior to your requested ceremonial reading date. Contact Second Assistant Clerk Courtney Reckord to confirm your requested ceremonial reading date.

9. A Note: If there is a **specific date, week, or month that your resolution must be read** (e.g. to designate a specified period of time or to recognize a group on a certain day), please inform Second Assistant Clerk Courtney Reckord as soon as possible, so she can reserve that date in advance. You do not need to have the resolution drafted by then.

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 #3273: $29,303,666.00 to the Public Service Department, Office of Economic Opportunity from the U.S. Department of Energy. The Home Energy Rebate Program funds will be used to weatherize low-

income homes. The first-year distribution is $14,133.00 with subsequent yearly awards through May 31, 2029, for a total of $29,303,666.00. *[Received March 9, 2026]*

JFO #3274: $50,000.00 to the Vermont Secretary of State's office from the Vermont Community Foundation. Funds are for the Local Civic Journalism program to support the State of Vermont Local Journalism Awards. This award expands the Local Journalism grants in the FY26 Secretary of State's budget. *[Received March 16, 2026]*

JFO #3275: $250,000.00 to the Vermont Police Academy, Criminal Justice Training Council from the U.S. Department of Justice, Office of Community Oriented Policing Services. Funds to support curriculum development of de-escalation of volatile and high-risk situations. *[Received March 16, 2026]*