

Senate Calendar

TUESDAY, MAY 13, 2025

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ACTION CALENDAR

NEW BUSINESS

Third Reading

H. 401.

An act relating to exemptions for food manufacturing establishments.

S.R. 11.

Senate resolution supporting warm and cooperative relations on the part of both the United States and the State of Vermont with Canada and urging President Trump to remove all tariffs that he has imposed against Canadian imports and to refrain from subsequently imposing any new tariffs against Canadian imports.

House Proposal of Amendment

S. 56

An act relating to creating an Office of New Americans

The House proposes to the Senate to amend the bill in Sec. 1, Office of New Americans Study Committee; report, in subsection (b), by striking out subdivision (4) in its entirety and inserting in lieu thereof a new subdivision (4) to read as follows:

(4) six members, appointed by the Governor, one who must be a New American with lived experience, who shall include:

(A) one member, nominated by the Association of Africans Living in Vermont;

(B) one member, nominated by the U.S. Committee for Refugees and Immigrants;

(C) one member, nominated by the Vermont Afghan Alliance;

(D) one member, nominated by the Brattleboro Development Credit Corporation;

(E) one member, nominated by Migrant Justice; and

(F) one member, nominated by the Vermont State College System.

Report of Committee of Conference

H. 494.

An act relating to capital construction and State bonding.

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

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

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

* * * Legislative Intent * * *

Sec. 1. LEGISLATIVE INTENT

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

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

Sec. 2. STATE BUILDINGS

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

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

<u>(1) Statewide, major maintenance:</u>	<u>\$6,493,401.00</u>
<u>(2) Statewide, three-acre parcel stormwater compliance:</u>	<u>\$1,500,000.00</u>
<u>(3) Statewide, Art in State Buildings Program:</u>	<u>\$75,000.00</u>
<u>(4) Rutland, Asa Bloomer Building roof repair and sewage system upgrades:</u>	<u>\$1,500,000.00</u>

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

Sec. 3. HUMAN SERVICES

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

(1) <u>Statewide, planning, design, and construction for HVAC system upgrades at correctional facilities:</u>	<u>\$4,000,000.00</u>
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- (2) Statewide, accessibility upgrades at correctional facilities: \$2,000,000.00
- (3) Statewide, correctional facility safety and security upgrades: \$225,000.00
- (4) St. Johnsbury, Northeast Correctional Complex (NECC) door control system replacements: \$1,000,000.00
- (5) St. Albans, Northwest State Regional Correctional Facility (NWSCF) roof replacement: \$1,000,000.00

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

- (1) Statewide, planning, design, and construction for HVAC system upgrades at correctional facilities: \$1,000,000.00
- (2) Statewide, correctional facility safety and security upgrades: \$200,000.00
- (3) Rutland, Marble Valley Regional Correctional Facility (MVRCF) door control system replacements: \$500,000.00
- (4) St. Johnsbury, Northeast Correctional Complex (NECC) door control system replacements: \$2,600,000.00
- (5) Newport, Northern State Correctional Facility (NSCF) sprinkler system upgrades: \$500,000.00

(c) Notwithstanding 29 V.S.A. § 152(a)(20), the Commissioner of Buildings and General Services is authorized to transfer any unexpended project balances between the amount appropriated in subdivision (a)(5) of this section and the amount appropriated in 2023 Acts and Resolves No. 69, Sec. 3(b)(1), as amended by 2024 Acts and Resolves No. 162, Sec. 3 (NWSCF, booking expansion, planning, design, and construction), and the Commissioner of Finance and Management may release the amount notwithstanding 2023 Acts and Resolves No. 69, Sec. 27(a) (NWSCF; funding request for federal detainees).

<u>Appropriation – FY 2026</u>	<u>\$8,225,000.00</u>
<u>Appropriation – FY 2027</u>	<u>\$4,800,000.00</u>
<u>Total Appropriation – Section 3</u>	<u>\$13,025,000.00</u>

Sec. 4. COMMERCE AND COMMUNITY DEVELOPMENT

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

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

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

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

Sec. 5. GRANT PROGRAMS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<u>Appropriation – FY 2026</u>	<u>\$2,100,000.00</u>
<u>Appropriation – FY 2027</u>	<u>\$2,100,000.00</u>
<u>Total Appropriation – Section 5</u>	<u>\$4,200,000.00</u>

Sec. 6. VETERANS' HOME

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

- (1) Replacement of air handlers: \$710,000.00
- (2) Expansion of laundry facilities: \$340,000.00

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

Appropriation – FY 2026 \$1,050,000.00
Total Appropriation – Section 6 \$1,050,000.00

Sec. 7. UNIVERSITY OF VERMONT

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

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

Appropriation – FY 2026 \$1,500,000.00
Appropriation – FY 2027 \$1,500,000.00
Total Appropriation – Section 7 \$3,000,000.00

Sec. 8. VERMONT STATE COLLEGES

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

- (1) Statewide, construction, renovations, and major maintenance: \$1,500,000.00
- (2) Johnson, the central heating plant replacement: \$1,500,000.00

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

- (1) Statewide, construction, renovations, and major maintenance: \$1,500,000.00
- (2) Johnson, central heating plant replacement: \$3,500,000.00

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

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

Sec. 9. NATURAL RESOURCES

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 10. CLEAN WATER INITIATIVES

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

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

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

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

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

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

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

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

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

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

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

Appropriation – FY 2026 \$10,000,000.00

Appropriation – FY 2027 \$10,000,000.00

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

Sec. 11. MILITARY

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

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

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

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

<u>Appropriation – FY 2026</u>	<u>\$2,616,171.00</u>
<u>Appropriation – FY 2027</u>	<u>\$1,310,167.00</u>
<u>Total Appropriation – Section 11</u>	<u>\$3,926,338.00</u>

Sec. 12. AGRICULTURE, FOOD AND MARKETS

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

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

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

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

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

<u>Appropriation – FY 2026</u>	<u>\$5,000,000.00</u>
<u>Appropriation – FY 2027</u>	<u>\$1,500,000.00</u>
<u>Total Appropriation – Section 12</u>	<u>\$6,500,000.00</u>

Sec. 13. PUBLIC SAFETY

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

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

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

Sec. 14. JUDICIARY

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

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

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

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

Sec. 15. VERMONT RURAL FIRE PROTECTION

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

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

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

Sec. 16. VERMONT HISTORICAL SOCIETY

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

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

* * * Funding * * *

Sec. 17. REALLOCATION OF FUNDS; TRANSFER OF FUNDS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<u>Bonded Dollars</u>	<u>\$5,074,938.48</u>
<u>Cash</u>	<u>\$1,700,000.00</u>
<u>Total Reallocations and Transfers – Section 17</u>	<u>\$6,774,938.48</u>

Sec. 18. GENERAL OBLIGATION BONDS AND APPROPRIATIONS

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

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

<u>Total Revenues – Section 18</u>	<u>\$106,890,350.00</u>
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Sec. 19. FY 2026 AND 2027; CAPITAL PROJECTS; FY 2026 APPROPRIATIONS ACT; INTENT; AUTHORIZATIONS

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

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

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

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

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

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

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

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

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

(7) to the Vermont Veterans' Home for the design and construction of the American unit: \$1,500,000.00

(8) to the Agency of Commerce and Community Development for infrastructure improvements that are either municipally leased for a term of at least 30 years or municipally owned and that support the development of new or rehabilitated housing, provided that a grant agreement shall be in place between the State and the municipality prior to the release of funds: \$2,500,000.00

(9) to the Department of Fish and Wildlife for the Lake Champlain Walleye Association, Inc. to upgrade and repair the Walleye rearing, restoration, and stocking infrastructure: \$25,000.00

(10) to the Department of Public Safety for the Vermont Rural Fire Protection Task Force for the dry hydrant program: \$35,000.00

(d) Authorizations; Other Infrastructure, Essential Investments, and Reserves subaccount. In FY 2026, spending authority is authorized from the Other Infrastructure, Essential Investments, and Reserves subaccount of the Cash Fund for Capital and Essential Investments to the Agency of Natural Resources for the Department of Environmental Conservation for the State match to the Infrastructure Investment and Jobs Act Drinking Water State Revolving Fund and Clean Water State Revolving Fund, in accordance with the provisions of 2023 Acts and Resolves No. 78, Sec. C.108(b), in the amount of \$14,500,000.00.

(e) Transfer. Notwithstanding 29 V.S.A. § 152(a)(20), the Commissioner of Buildings and General Services is authorized to transfer any unexpended project balances between the amount appropriated in subdivision (c)(7) of this section and the amounts appropriated in 2023 Acts and Resolves No. 69, Sec. 15(b)(1) (emergency generator and boiler plant replacement).

* * * Policy * * *

* * * Capital Budgeting Process * * *

Sec. 20. 32 V.S.A. § 701a is amended to read:

§ 701a. CAPITAL CONSTRUCTION BILL

* * *

(d)(1) On or before November 15 each year, the Commissioner of Finance and Management shall require each entity to which spending authority has been authorized by a capital construction act enacted in a legislative session that was two or more years prior to the current legislative session to submit a report on the current fund balances of each authorized project with unexpended funds. The report shall include plans for the unexpended funds, any projects or contracts the funds are assigned to, and an anticipated timeline for expending the funds.

(2) On or before ~~December 15 each year~~ the third Tuesday of every annual session, the Commissioner of Finance and Management shall submit in a consolidated format the reports required by subdivision (1) of this subsection to the House Committee on Corrections and Institutions and the Senate Committee on Institutions.

* * *

Sec. 21. 32 V.S.A. § 310 is amended to read:

§ 310. FORM OF ANNUAL CAPITAL BUDGET AND 10-YEAR
CAPITAL PROGRAM PLAN

* * *

(b) The capital budget request for the following biennium shall be presented as the next increment of the 10-year plan. Elements of the plan shall include:

* * *

(2) Comprehensive cost and financing assessment.

(A) Amounts appropriated and expended for the current fiscal year and for the preceding fiscal year shall be indicated for capital programs and for individual projects. For the five fiscal years preceding these, the assessment shall include the aggregate amounts appropriated and expended for individual projects, which amounts shall be categorized by funding type and presented in a format that concisely displays the funding stream and project phases for each individual project over time. The assessment shall indicate further the source of funds for any project that required additional funding and a description of any authorized projects that were delayed.

* * *

Sec. 22. 32 V.S.A. § 1001b is amended to read:

§ 1001b. CASH FUND FOR CAPITAL AND ESSENTIAL INVESTMENTS

* * *

(e) Spending authority. Any entity authorized to make expenditures from the Capital Infrastructure subaccount shall have not more than ~~two~~ three years from the end of the legislative session in which the act authorizing the expenditure was enacted to encumber the funds. Any remaining unencumbered funds shall remain part of the Fund account.

Sec. 22a. CASH FUND; JOINT FISCAL OFFICE; REPORT

On or before December 15, 2025, the Joint Fiscal Office shall submit a report to the Senate Committee on Institutions and the House Committee on Corrections and Institutions on considerations for use of the Cash Fund for Capital and Essential Investments under 32 V.S.A. § 1001b that:

(1) provides the historical context, including the economic rationale, for the Cash Fund;

(2) compares financial management practices for expenditures made through cash and through bonded dollars, including long-term financial impacts;

(3) distinguishes between the intended uses of the Capital Infrastructure subaccount and the Other Infrastructure, Essential Investments, and Reserves subaccount;

(4) describes, for each year since the Cash Fund's inception:

(A) the sources of funds; and

(B) the annual expenditures from the Capital Infrastructure subaccount; and

(5) outlines the current legislative process by which appropriations are made from the Cash Fund.

* * * Buildings and General Services * * *

Sec. 23. TRANSFER OF RANDALL MEADOW PROPERTY IN THE TOWN OF WATERBURY

Notwithstanding 29 V.S.A. § 166(b), the Commissioner of Buildings and General Services is authorized to survey, subdivide, and transfer to the Town of Waterbury the portion of land in the Waterbury State Office Complex (Parcel ID # 69622111909 as designated on the Town of Waterbury's Tax Parcel Maps) that is commonly referred to as the "Randall Meadow," provided that the Commissioner may transfer the Randall Meadow property only once:

(1) the parcel has been subdivided to reflect stormwater management needs of the Waterbury State Office Complex to the satisfaction of the Commissioner;

(2) any permits required for transfer have been obtained; and

(3) the Commissioner and the Town of Waterbury have created a plan to align the transfer with the current lease for the parcel.

Sec. 24. 2024 Acts and Resolves No. 162, Sec. 27 is amended to read:

Sec. 27. CAPITOL COMPLEX FLOOD RECOVERY; SPECIAL COMMITTEE

* * *

(c) The Commissioner of Buildings and General Services shall provide quarterly updates to the Special Committee on the planning process for Capitol Complex flood recovery and shall provide timely notification to the City of Montpelier and the Montpelier Commission for Recovery and Resilience of alterations to proposals and plans for Capitol Complex flood recovery.

* * *

* * * Human Services * * *

Sec. 25. REPEAL

2024 Acts and Resolves No. 162, Sec. 31 (potential reuse of Chittenden Regional Correctional Facility Site; feasibility; report) is repealed.

* * * Vermont Veterans' Home * * *

Sec. 26. USE OF FEDERAL FUNDS; EMERGENCY GENERATOR AND BOILER REPLACEMENT; ELEVATOR UPGRADE

If the Commissioner of Finance and Management offsets any capital funds appropriated in 2023 Acts and Resolves No. 69, Sec. 15 (b)(1)–(2) (emergency generator and boiler plant replacement; elevator upgrade) with federal funds, then any offset amounts shall be reused for future capital construction projects as part of the capital budget process.

* * * Sergeant at Arms * * *

Sec. 27. 2023 Acts and Resolves No. 69, Sec. 15b, as added by 2024 Acts and Resolves No. 162, Sec. 8, is amended to read:

Sec. 15b. SERGEANT AT ARMS

The sum of \$100,000.00 is appropriated in FY 2025 to the Sergeant at Arms for the following projects:

(1) the replacement of State House cafeteria furnishings; and

(2) the purchase and installation at the State House of an X-ray machine designed to screen baggage.

* * * Effective Date * * *

Sec. 28. EFFECTIVE DATE

This act shall take effect on passage.

WENDY K. HARRISON

ROBERT PLUNKETT

RUSSELL H. INGALLS

Committee on the part of the Senate

ALICE M. EMMONS

JAMES A.R. GREGOIRE

TROY HEADRICK

Committee on the part of the House

NOTICE CALENDAR

Second Reading

Favorable

H. 167.

An act relating to establishing the Vermonters Feeding Vermonters Grant at the Agency of Agriculture, Food and Markets.

Reported favorably by Senator Heffernan for the Committee on Agriculture.

(Committee vote: 5-0-0)

(For House amendments, see House Journal of March 26, 2025, pages 721-723)

Reported favorably by Senator Watson for the Committee on Appropriations.

(Committee vote: 4-0-3)

Favorable with Proposal of Amendment

H. 1.

An act relating to accepting and referring complaints by the State Ethics Commission.

Reported favorably with recommendation of proposal of amendment by Senator Collamore for the Committee on Government Operations.

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

Sec. 1. 3 V.S.A. § 1223 is amended to read:

§ 1223. PROCEDURE FOR ACCEPTING AND REFERRING
COMPLAINTS

(a) Accepting complaints.

(1) On behalf of the Commission, the Executive Director shall accept complaints from any source regarding governmental ethics in any of the three branches of State government or of the State's campaign finance law set forth in 17 V.S.A. chapter 61.

* * *

(b) Preliminary review by Executive Director. The Executive Director shall conduct a preliminary review of complaints made to the Commission in order to take action as set forth in this subsection ~~and section 1223a of this title, which shall include referring complaints to all relevant entities, including the Commission itself.~~

(1) Governmental conduct regulated by law.

* * *

(2) Department of Human Resources, Personnel Policy and Procedure Manual.

* * *

(3) Campaign finance.

* * *

(4) Legislative and Judicial Branches; attorneys.

* * *

(5) Municipal Code of Ethics. If the complaint alleges a violation of the Municipal Code of Ethics, the Executive Director shall refer the complaint to the designated ethics liaison of the appropriate municipality.

(6) The Executive Director shall close any complaint that the Executive Director does not refer as set forth in subdivisions (1)–(5) of this subsection.

(c) ~~Consultation on unethical conduct~~ Commission advice on the application of the State Code of Ethics on referred complaints.

(1) If the Executive Director refers a complaint under subsection (b) of this section, the Executive Director shall signify any likely unethical conduct described in the complaint. ~~Any entity receiving a referred complaint and, except those for complaints alleging a violation of the Municipal Code of Ethics as set forth in subdivision (b)(5) of this section, shall consult with the Commission regarding the specify any application of the State Code of Ethics to facts the allegations presented in the complaint and include a recommended action. The consultation shall be in writing and occur within 60 days after an entity receives a referred complaint and prior to the entity making a determination on the complaint, meaning either closing a complaint without further investigation or issuing findings following an investigation.~~

(2) Any advice the Commission provides to the referred entity under this subsection shall be confidential and nonbinding on the entity.

(d) Confidentiality. Complaints and related documents in the custody of the Commission shall be exempt from public inspection and copying under the Public Records Act and kept confidential, ~~except as provided for in section 1231 of this title.~~

Sec. 2. 3 V.S.A. § 1223 is amended to read:

§ 1223. PROCEDURE FOR ACCEPTING AND REFERRING
COMPLAINTS

* * *

(b) Preliminary review by Executive Director. The Executive Director shall conduct a preliminary review of complaints made to the Commission in order to take action as set forth in this subsection, which shall include referring complaints to all relevant entities, including the Commission itself.

* * *

(d) Confidentiality. Complaints and related documents in the custody of the Commission shall be exempt from public inspection and copying under the Public Records Act and kept confidential, except as provided for in section 1231 of this title.

Sec. 3. 3 V.S.A. § 1231 is amended to read:

§ 1231. RECORDS; CONFIDENTIALITY

(a) Intent. It is the intent of this section both to protect the reputation of public servants from public disclosure of frivolous complaints against them and to fulfill the public's right to know any unethical conduct committed by a public servant that results in issued warnings, reprimands, or recommended actions.

(b) Public records. Except as where otherwise provided in this chapter, public records relating to the Commission's handling of complaints, alleged unethical conduct, investigations, proceedings, and executed resolution agreements are exempt from public inspection and copying under the Public Records Act and shall be kept confidential, except those public records required or permitted to be released under this chapter. Records subject to public inspection and copying under the Public Records Act shall include:

* * *

(6) any records, as determined by the Commission, that support a warning, reprimand, recommendation, or summary of an executed resolution agreement, ~~including consultations created pursuant to subsection 1223(e) of this title and~~ investigation reports in accordance with subdivisions (1) and (2) of this subsection.

* * *

Sec. 4. 2024, Acts and Resolves No. 171 (2024 Ethics Act), Sec. 24 is amended to read:

Sec. 24. EFFECTIVE DATES

This act shall take effect on passage, except that:

(1) Sec. 13 (adding 3 V.S.A. § 1230, Commission procedure, rulemaking) shall take effect on July 1, ~~2025~~ 2027;

(2) Sec. 22 (creating Municipal Code of Ethics) shall take effect on January 1, 2025;

(3) Secs. 7 (amending 3 V.S.A. § 1221(a), describing expansion of Commission powers); shall take effect on September 1, ~~2027~~;

(4) Sec. 8 (amending 3 V.S.A. § 1222; title redesignation); shall take effect on July 1, 2025;

(5) Sec. 9 (amending 3 V.S.A. § 1223, Commission procedure for accepting and referring complaints); shall take effect on September 1, 2025.

(6) Secs. 10 (adding 3 V.S.A. § 1227, Commission investigations), 11 (adding 3 V.S.A. § 1228, Commission hearings), 12 (adding 3 V.S.A. § 1229, Commission warnings, reprimands, recommended actions, and agreements), and 14 (adding 3 V.S.A. § 1231, Commission public records regarding complaints) shall take effect on September 1, ~~2025~~ 2027; and

(7) Sec. 1 (amending 17 V.S.A. § 2414, candidate disclosures) shall take effect on January 1, 2026.

Sec. 5. EFFECTIVE DATES

This act shall take effect on passage, except that:

(1) Sec. 1 (amending 3 V.S.A. § 1223, Commission procedure for accepting and referring complaints) shall take effect on September 1, 2025 and shall supersede those provisions of 2024 Acts and Resolves No. 171, Sec. 9 that amended 3 V.S.A. § 1223 and that conflict with the language in this act;

(2) Sec. 2 (amending future version of 3 V.S.A. § 1223) shall take effect on September 1, 2027; and

(3) Sec. 3 (amending 3 V.S.A. § 1231, Commission public records regarding complaints) shall take effect on September 1, 2027 and shall supersede those provisions of 2024 Acts and Resolves No. 171, Sec. 14 that amended 3 V.S.A. § 1231 and that conflict with the language in this act.

(Committee vote: 4-1-0)

(For House amendments, see House Journal of March 13, 2025, pages 393 to 395)

H. 34.

An act relating to workforce leadership in Vermont.

Reported favorably with recommendation of proposal of amendment by Senator Clarkson for the Committee on Economic Development, Housing and General Affairs.

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

Sec. 1. PURPOSE AND INTENT

(a) Vermont faces workforce shortages in construction, health care, and manufacturing, fields where veterans' skills are a strong match. Specifically, the McClure Foundation, in partnership with the Department of Labor, released Vermont's Most Promising Jobs resource in November of 2024, identifying jobs projected to pay a median wage above \$30.00 an hour and that will have at least 300 openings in the State between 2022–2032. By eliminating military retirement pension taxation and simultaneously implementing strategic workforce training and incentives, Vermont can capitalize on military retirees and their spouses to supply valuable labor for various in-demand industries, addressing labor shortages and stimulating economic development.

(b) In 2024, Vermont created the Office of Workforce Strategy and Development to help coordinate and strengthen workforce development across the State. The Commissioner of Labor and the Executive Director of Workforce Strategy and Development will work together on workforce development and, through this act, be provided specific duties and responsibilities ensuring successful workforce leadership in the State.

Sec. 2. 32 V.S.A. § 5811 is amended to read:

§ 5811. DEFINITIONS

As used in this chapter unless the context requires otherwise:

* * *

(21) "Taxable income" means, in the case of an individual, federal adjusted gross income determined without regard to 26 U.S.C. § 168(k) and:

* * *

(B) decreased by the following items of income (to the extent such income is included in federal adjusted gross income):

(i) income from U.S. government obligations;

(ii) with respect to adjusted net capital gain income as defined in 26 U.S.C. § 1(h) reduced by the total amount of any qualified dividend income: either the first \$5,000.00 of such adjusted net capital gain income or 40 percent of adjusted net capital gain income from the sale of assets held by the taxpayer for more than three years, except not adjusted net capital gain income from:

(I) the sale of any real estate or portion of real estate used by the taxpayer as a primary or nonprimary residence; or

(II) the sale of depreciable personal property other than farm property and standing timber; or stocks or bonds publicly traded or traded on an exchange, or any other financial instruments; regardless of whether sold by an individual or business; and provided that the total amount of decrease under this subdivision (21)(B)(ii) shall not exceed 40 percent of federal taxable income or \$350,000.00, whichever is less;

(iii) recapture of State and local income tax deductions not taken against Vermont income tax;

(iv) the portion of certain retirement income and federally taxable benefits received under the federal Social Security Act that is required to be excluded under section 5830e of this chapter;

(v) the amount of any federal deduction or credit that the taxpayer would have been allowed for the cultivation, testing, processing, or sale of cannabis or cannabis products as authorized under 7 V.S.A. chapter 33 or 37, but for 26 U.S.C. § 280E; ~~and~~

(vi) the amount of interest paid by a qualified resident taxpayer during the taxable year on a qualified education loan for the costs of attendance at an eligible educational institution; and

(vii) U.S. military retirement income and U.S. military survivor benefit income received by the surviving spouse or dependent of the deceased service member; and

* * *

Sec. 3. 32 V.S.A. § 5830e is amended to read:

§ 5830e. RETIREMENT INCOME; SOCIAL SECURITY INCOME

* * *

(c) Other contributory retirement systems; earnings not covered by Social Security. Other retirement income, ~~except U.S. military retirement income pursuant to subsection (d) of this section,~~ received by a taxpayer of this State shall be excluded pursuant to subsection (b) of this section as though the income were received from the Civil Service Retirement System and shall be subject to the limitations under subsection (e) of this section, provided that:

(1) the income is received from a contributory annuity, pension, endowment, or retirement system of:

(A) the U.S. government or a political subdivision or instrumentality of the U.S. government;

(B) this State or a political subdivision or instrumentality of this State; or

(C) another state or a political subdivision or instrumentality of another state; and

(2) the contributory system from which the income is received was based on earnings that were not covered by the Social Security Act.

~~(d) U.S. military retirement income. U.S. military retirement income received by a taxpayer of this State shall be excluded pursuant to subsection (b) of this section as though the income were received from the Civil Service Retirement System and shall be subject to the limitations under subsection (e) of this section. [Repealed.]~~

(e) Requirement to elect one exclusion. A taxpayer of this State who is eligible during the taxable year for the Social Security income exclusion under subsection (a) of this section and ~~any~~ one or both of the exclusions under subsections (b) ~~and (d)~~ and (c) of this section shall elect either one of the exclusions for which the taxpayer is eligible under subsections (b) ~~and (d)~~ and (c) of this section or the Social Security income exclusion under subsection (a) of this section, but not both, for the taxable year. A taxpayer of this State who is eligible during the taxable year for ~~more than one of the~~ both exclusions under subsections (b) ~~and (d)~~ and (c) of this section shall elect only one of the exclusions for which the taxpayer is eligible for the taxable year.

Sec. 4. 10 V.S.A. § 540 is amended to read:

§ 540. WORKFORCE EDUCATION AND EMPLOYMENT AND TRAINING LEADER LEADERS

(a) The Commissioner of Labor ~~and the Executive Director of the Office of Workforce Strategy and Development~~ shall be the ~~leader~~ leaders of workforce education and employment and training in the State; and shall have the

authority and responsibility for the coordination of ~~workforce education and training within State government, including the following duties: the State's workforce system as provided in this section.~~

(b) The powers and duties provided in this section shall not limit, restrict, or suspend any similar powers the Commissioner of Labor or the Executive Director of the Office of Workforce Strategy and Development may have under other provisions of law.

(c) For purposes of the federal Workforce Innovation and Opportunity Act (WIOA), the Department of Labor shall be designated as the State Workforce Agency and the Commissioner of Labor shall serve as the State Workforce Administrator.

(d) As co-leader of workforce education and employment and training in the State, the Commissioner of Labor, in consultation with the Executive Director of the Office of Workforce Strategy and Development where appropriate, shall:

(1) Perform the following duties in consultation with the State Workforce Development Board: ensure the coordination and administration of workforce education and employment and training programs operated by the Department of Labor;

(A) advise the Governor on the establishment of an integrated system of workforce education and training for Vermont;

(B) create and maintain an inventory of all existing workforce education and training programs and activities in the State;

(C) use data to ensure that State workforce education and training activities are aligned with the needs of the available workforce, the current and future job opportunities in the State, and the specific credentials needed to achieve employment in those jobs;

(D) develop a State plan, as required by federal law, to ensure that workforce education and training programs and activities in the State serve Vermont citizens and businesses to the maximum extent possible;

(E) ensure coordination and nonduplication of workforce education and training activities;

(F) identify best practices and gaps in the delivery of workforce education and training programs;

(G) design and implement criteria and performance measures for workforce education and training activities;

~~(H) establish goals for the integrated workforce education and training system; and~~

~~(I) with the assistance of the Secretaries of Commerce and Community Development, of Human Services, of Education, of Agriculture, Food and Markets, and of Transportation and of the Commissioner of Public Safety, develop and implement a coordinated system to recruit, relocate, and train workers to ensure the labor force needs of Vermont's businesses are met.~~

~~(2) Require from each business, training provider, or program that receives State funding to conduct workforce education and training a report that evaluates the results of the training. Each recipient shall submit its report on a schedule determined by the Commissioner and shall include at least the following information: enter into agreements, to the extent necessary, with other State agencies and departments for services to improve the employment and economic outcomes for individuals receiving public assistance, including agreements to provide customized or specialized services that are beyond the basic services required by federal law;~~

~~(A) name of the person who receives funding;~~

~~(B) amount of funding;~~

~~(C) activities and training provided;~~

~~(D) number of trainees and their general description;~~

~~(E) employment status of trainees; and~~

~~(F) future needs for resources.~~

~~(3) Review reports submitted by each recipient of workforce education and training funding. develop strategies and provide support to entities responsible for federal investments in the State's workforce system;~~

~~(4)(A) Issue an annual report to the Governor, the House Committees on Appropriations and on Commerce and Economic Development, and the Senate Committees on Appropriations and on Economic Development, Housing and General Affairs on or before December 1 that includes a systematic evaluation of the accomplishments of the State workforce investment system and the performance of participating agencies and institutions. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision. develop strategies designed to reduce employee layoffs and business closures; and~~

~~(B) provide reemployment services to employees affected by layoffs and closures;~~

~~(5) Coordinate public and private workforce programs to ensure that information is easily accessible to students, employees, and employers, and that all information and necessary counseling is available through one contact. administer a system where employment and training resources are provided to individuals and businesses through both physical and virtual service delivery methods;~~

~~(6) Facilitate effective communication between the business community and public and private educational institutions. establish job centers in such parts of the State as the Commissioner deems necessary and evaluate such centers on an as-needed basis;~~

~~(7) maintain a free and secure electronic job board that, to the extent practicable, compiles all available job, registered apprenticeship, education and training, and credentialing opportunities that support job seekers and career advancers;~~

~~(7)(8) Notwithstanding any provision of State law to the contrary, and to the fullest extent allowed under federal law, ensure that in each State and State-funded workforce education and training program, the program administrator collects and reports data and results at the individual level by Social Security number or an equivalent. use data to ensure that State workforce education and employment and training activities are aligned with the needs of the:~~

~~(A) available workforce;~~

~~(B) employers to fill their current and future job openings; and~~

~~(C) specific credentials required by employers;~~

~~(8)(9) Coordinate intentional outreach and connections between students graduating from Vermont's colleges and universities and employment opportunities in Vermont. require that each business, training provider, or other entity receiving State funding to conduct workforce training submit a report that evaluates the results of the training; and~~

~~(10) notwithstanding any provision of State law to the contrary, and to the fullest extent allowed under federal law, ensure that the program administrator in each State and State-funded workforce education and employment and training program collects and reports data and results at the individual level by Social Security number or equivalent.~~

~~(e) As co-leader of workforce education and employment and training in the State, the Executive Director of the Office of Workforce Strategy and Development, in consultation with the Commissioner of Labor and the State Workforce Development Board where appropriate, shall:~~

(1) advise the Governor and members of the Governor's cabinet on the establishment and management of an integrated system of workforce education and training in Vermont;

(2) coordinate across public and private sectors to identify and address labor force needs and ensure that workforce development program information is easily accessible to students, employees, and businesses;

(3) develop a comprehensive workforce strategy that contains measurable statewide workforce goals along with a biennial operational plan to achieve those goals that shall:

(A) be developed in collaboration with, and representative of, workforce system partners, including public, private, nonprofit, and educational sectors and the State Workforce Development Board;

(B) include a set of metrics, designed in consultation with the Agency of Administration's Chief Performance Office, used to evaluate the effectiveness of, to the extent practicable, all workforce development programs;

(C) align with and build upon other required strategic planning efforts, including the WIOA State Plan;

(D) be informed by the inventory system as set forth in subdivision (4) of this subsection (e); and

(E) be reviewed and updated as necessary, but at least once every two years;

(4) create, maintain, and update a publicly accessible inventory of all known workforce education and employment and training programs and activities in the State in order to:

(A) annually assess the investments and effectiveness of the workforce development system;

(B) ensure coordination and nonduplication of workforce education and employment and training activities; and

(C) identify best practices and gaps in the delivery of workforce education and employment and training programs;

(5) identify and manage priority projects specific to regional workforce needs;

(6) facilitate effective communication between the business community, State and local government, and public and private educational institutions, for the purpose of workforce pipeline development and job placement;

(7) coordinate intentional outreach and connections between students and employment opportunities in the State; and

(8) ensure the State Workforce Development Board is carrying out its duties and responsibilities as set forth in section 541a of this chapter.

(f)(1) The Executive Director of the Office of Workforce Strategy and Development shall, once every two years, issue a comprehensive biennial workforce report to the Governor, the House Committees on Appropriations and on Commerce and Economic Development, and the Senate Committees on Appropriations and on Economic Development, Housing and General Affairs, on or before December 1, that includes an evaluation of the accomplishments of the State workforce investment system and the performance of participating agencies and institutions covering the previous two calendar years. The report shall include identification of system priorities, need for future funding requests, identification of proposed legislative and administrative changes, and any other information relevant to the performance and future needs of the workforce investment system. The report shall summarize performance and outcome information submitted by federally and State-funded workforce development and investment programs for all public and nonpublic programs.

(2) To the extent practicable, workforce reports required of the Department of Labor, including the apprenticeship report required by 21 V.S.A. § 1113(e)(2), shall be incorporated into the comprehensive report required by subdivision (1) of this subsection.

(3) The Executive Director of the Office of Workforce Strategy and Development shall have the support and coordination of the Department of Labor in developing and submitting the biennial report required by subdivision (1) of this subsection.

(4) The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under subdivision (1) of this subsection.

Sec. 5. ACCD REPORTING ON MILITARY WORKFORCE RECRUITMENT

The Agency of Commerce and Community Development, in consultation with the Office of Workforce Strategy and Development, shall, on or before December 1 of each year and ending on January 1, 2029, issue a report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs that provides a summary of the marketing efforts being utilized by the Agency and if applicable, other State agencies or departments, to recruit military personnel

to fill workforce needs of the State. The report shall include data indicating the results of these efforts.

Sec. 6. EFFECTIVE DATES

(a) This section shall take effect on passage.

(b) Notwithstanding 1 V.S.A. § 214, Secs. 2 and 3 shall take effect retroactively on January 1, 2025 and apply to taxable years on and after January 1, 2025.

(c) Secs. 1, 4, and 5 shall take effect on July 1, 2025.

and that after passage the title of the bill be amended to read: “An act relating to workforce development”

(Committee vote: 4-0-1)

(No House amendments)

H. 44.

An act relating to miscellaneous amendments to the laws governing impaired driving.

Reported favorably with recommendation of proposal of amendment by Senator Norris for the Committee on Judiciary.

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

Sec. 1. 4 V.S.A. § 33 is amended to read:

§ 33. JURISDICTION; FAMILY DIVISION

(a) Notwithstanding any other provision of law to the contrary, the Family Division shall have exclusive jurisdiction to hear and dispose of the following proceedings filed or pending on or after October 1, 1990:

* * *

(8) All ~~juvenile~~ proceedings filed pursuant to 33 V.S.A. chapters 51, 52, ~~52A~~, and 53, including proceedings involving “youthful offenders” pursuant to 33 V.S.A. § 5281 whether the matter originated in the Criminal or Family Division of the Superior Court, except for a proceeding charging the holder of a commercial driver’s license or commercial learner’s permit as defined in 23 V.S.A. § 4103 ~~with an offense or violation listed in 23 V.S.A. § 4116 that would result in the license holder being disqualified from driving a commercial motor vehicle if convicted or operating a commercial motor~~

vehicle with any offense or violation of any traffic control law other than parking, vehicle weight, or vehicle defect violations.

* * *

(b) The Family Division of the Superior Court has jurisdiction to hear and dispose of proceedings involving ~~misdemeanor~~ motor vehicle offenses filed ~~or pending on or after July 1, 2016,~~ pursuant to 33 V.S.A. §§ 5201, 5203, ~~and 5280, and 5281.~~ The Family Division of the Superior Court shall forward a record of any conviction or adjudication for violation of a law related to motor vehicle traffic control, other than a parking violation, to the Commissioner of Motor Vehicles pursuant to 23 V.S.A. § 1709. As used in this subsection, “conviction” has the same meaning as in 23 V.S.A. § 4(60).

Sec. 2. 23 V.S.A. chapter 13, subchapter 13 is amended to read:

Subchapter 13. Drunken Driving

§ 1200. DEFINITIONS

As used in this subchapter:

* * *

(11) “Serious bodily injury” has the same meaning as in 13 V.S.A. § 1021(a)(2)(A).

§ 1201. OPERATING VEHICLE UNDER THE INFLUENCE OF
ALCOHOL OR OTHER SUBSTANCE; CRIMINAL REFUSAL;
ENHANCED PENALTY FOR BAC OF 0.16 OR MORE

(a) A person shall not operate, attempt to operate, or be in actual physical control of any vehicle on a highway:

(1) when the person’s alcohol concentration is:

(A) 0.08 or more; or

(B) 0.02 or more if the person is operating a school bus as defined in subdivision 4(34) of this title; or

(C) 0.04 or more if the person is operating a commercial vehicle as defined in subdivision 4103(4) of this title; or

(2) when the person is under the influence of alcohol; or

(3) when the person is under the influence of any other drug or under the combined influence of alcohol and any other drug.

(b) A person who has previously been convicted of a violation of this section shall not operate, attempt to operate, or be in actual physical control of

any vehicle on a highway and refuse a law enforcement officer's reasonable request under the circumstances for an evidentiary test where the officer had reasonable grounds to believe the person was in violation of subsection (a) of this section.

(c) A person shall not operate, attempt to operate, or be in actual physical control of any vehicle on a highway and be involved in a crash or collision resulting in serious bodily injury or death to another and refuse a law enforcement officer's reasonable request under the circumstances for an evidentiary test where the officer has reasonable grounds to believe the person has any amount of alcohol or drugs in ~~his or her~~ the person's system.

(d)(1) A person who is convicted of a second or subsequent violation of subsection (a), (b), or (c) of this section when the person's alcohol concentration is proven to be 0.16 or more shall not, for three years from the date of the conviction for which the person's alcohol concentration is 0.16 or more, operate, attempt to operate, or be in actual physical control of any vehicle on a highway when the person's alcohol concentration is 0.02 or more. The prohibition imposed by this subsection shall be in addition to any other penalties imposed by law.

(2) A person shall not operate, attempt to operate, or be in actual physical control of any vehicle on a highway when the person's alcohol concentration is 0.02 or more if the person has previously been convicted of a second or subsequent violation of subsection (a), (b), or (c) of this section within the preceding three years and the person's alcohol concentration for the second or subsequent violation was proven to be 0.16 or greater. A violation of this subsection shall be considered a third or subsequent violation of this section and shall be subject to the penalties of subsection 1210(d) of this title.

(e) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this State shall not constitute a defense against any charge of violating this section.

(f) A person may not be convicted of more than one violation of subsection (a) or (j) of this section arising out of the same incident.

(g) For purposes of this section and section 1205 of this title, the defendant may assert as an affirmative defense that the person was not operating, attempting to operate, or in actual physical control of the vehicle because the person:

- (1) had no intention of placing the vehicle in motion; and
- (2) had not placed the vehicle in motion while under the influence.

(h) As used in subdivision (a)(3) of this section, “under the influence of a drug” means that a person’s ability to operate a motor vehicle safely is diminished or impaired in the slightest degree. This subsection shall not be construed to affect the meaning of the term “under the influence of alcohol.”

(i) Evidence of the results of a standardized field sobriety test conducted by a law enforcement officer trained in Advanced Roadside Impaired Driving Enforcement or a certified Drug Recognition Expert’s systematic evaluation of observable signs and symptoms of a person charged with a violation of this section shall be presumptively admissible at trial to demonstrate whether or not the person was operating under the influence in violation of this section.

(j) A person suspected of violating this section shall submit to the collection of an evidentiary blood sample when a warrant for that person’s blood is issued pursuant to subdivision 1202(f)(1) of this title. This subsection shall not be construed as impairing a person’s right to challenge the validity of a search warrant in any subsequent legal proceedings.

* * *

§ 1202. CONSENT TO TAKING OF TESTS TO DETERMINE BLOOD ALCOHOL CONTENT OR PRESENCE OF OTHER DRUG

(a)(1) Implied consent. Every person who operates, attempts to operate, or is in actual physical control of any vehicle on a highway in this State is deemed to have given consent to an evidentiary test of that person’s breath for the purpose of determining the person’s alcohol concentration or the presence of other drug in the blood. The test shall be administered at the direction of a law enforcement officer.

(2) Blood test. If breath testing equipment is not reasonably available or if the officer has reason to believe that the person is unable to give a sufficient sample of breath for testing or if the law enforcement officer has reasonable grounds to believe that the person is under the influence of a drug other than alcohol, the person is deemed to have given consent to the taking of an evidentiary sample of blood. If in the officer’s opinion the person is incapable of decision or unconscious or dead, it is deemed that the person’s consent is given and a sample of blood shall be taken. A blood test sought pursuant to this subdivision shall be obtained pursuant to subsection (f) of this section.

(3) Saliva test. If the law enforcement officer has reasonable grounds to believe that the person is under the influence of a drug other than alcohol, or under the combined influence of alcohol and a drug, the person is deemed to have given consent to providing of an evidentiary sample of saliva. A saliva test sought pursuant to this subdivision shall be obtained pursuant to

subsection (f) of this section. Any saliva test administered under this section shall be used only for the limited purpose of detecting the presence of a drug in the person's body and shall not be used to extract DNA information.

(4) Evidentiary test. The evidentiary test shall be required of a person when a law enforcement officer has reasonable grounds to believe that the person was operating, attempting to operate, or in actual physical control of a vehicle in violation of section 1201 of this title.

(5) Fatal collision or incident resulting in serious bodily injury. The evidentiary test shall also be required if the person is the surviving operator of a motor vehicle involved in a fatal incident or collision or an incident or collision resulting in serious bodily injury and the law enforcement officer has reasonable grounds to believe that the person has any amount of alcohol or other drug in ~~his or her~~ the person's system.

* * *

(d) At the time a test is requested, the person shall be informed of the following statutory information:

(1) Vermont law authorizes a law enforcement officer to request a test to determine whether the person is under the influence of alcohol or other drug.

(2) If the officer's request is reasonable and testing is refused, the person's license or privilege to operate will be suspended for at least six months.

(3) If a test is taken and the results indicate that the person is under the influence of alcohol or other drug, the person will be subject to criminal charges and the person's license or privilege to operate will be suspended for at least 90 days.

(4) A person who is requested by a law enforcement officer to submit to an evidentiary test or tests has the limited right to consult an attorney before deciding whether or not to submit to such a test or tests. The person must decide whether or not to submit to the evidentiary test or tests within a reasonable time and not later than 30 minutes from the time of the initial attempt to contact the attorney, regardless of whether a consultation took place. The person also has the right to have additional tests made by someone of the person's own choosing at the person's own expense. The person shall also be informed of the location of one or more facilities available for drawing blood.

(5) A person who is requested by a law enforcement officer to submit to an evidentiary test administered with an infrared breath-testing instrument may elect to have a second infrared test administered immediately after receiving the results of the first test.

(6) If the person refuses to take an evidentiary test, the refusal may be offered into evidence against the person at trial, whether or not a search warrant is sought. The person may be charged with the crime of criminal refusal if the person:

(A) has previously been convicted of a violation of section 1201 of this title; ~~or~~

(B) is involved in a crash or collision resulting in serious bodily injury or death to another, in which case the court may issue a search warrant and order the person to submit to a blood test, the results of which may be offered into evidence against the person at trial; or

(C) knowingly hinders the collection of an evidentiary blood sample when a warrant for that person's blood is issued pursuant to subdivision (f)(1) of this section.

(e) In any proceeding under this subchapter, a law enforcement officer's testimony that ~~he or she~~ the officer is certified pursuant to section 20 V.S.A. § 2358 shall be prima facie evidence of that fact.

(f)(1) If a blood test is sought from a person pursuant to subdivision (a)(2) of this section, or if a person who has been involved in a crash or collision resulting in serious bodily injury or death to another refuses an evidentiary test, a law enforcement officer may apply for a search warrant pursuant to Rule 41 of the Vermont Rules of Criminal Procedure to obtain a sample of blood for an evidentiary test. Pursuant to subdivision (d)(6) of this section, if a blood sample is obtained by search warrant, the fact of the refusal may still be introduced in evidence, in addition to the results of the evidentiary test. Once a law enforcement official begins the application process for a search warrant, the law enforcement official is not obligated to discontinue the process even if the person later agrees to provide an evidentiary sample. The limitation created by Rule 41(g) of the Vermont Rules of Criminal Procedure regarding blood specimens shall not apply to search warrants authorized by this section.

(2) If an evidentiary saliva test is sought from a person pursuant to subdivision (a)(3) of this section, a law enforcement officer may apply for a search warrant pursuant to Rule 41 of the Vermont Rules of Criminal Procedure to obtain a sample of saliva for the evidentiary test. Pursuant to subdivision (d)(6) of this section, if a saliva sample is obtained by search warrant, the fact of the refusal may still be introduced in evidence, in addition to the results of the evidentiary test.

(g) The Defender General shall provide statewide 24-hour coverage seven days a week to ensure that adequate legal services are available to persons entitled to consult an attorney under this section.

* * *

§ 1205. CIVIL SUSPENSION; SUMMARY PROCEDURE

(a) Refusal; alcohol concentration at or above legal limits; suspension periods.

* * *

(2) Upon affidavit of a law enforcement officer that the officer had reasonable grounds to believe that the person was operating, attempting to operate, or in actual physical control of a vehicle in violation of section 1201 of this title and that the person submitted to a test and the test results indicated that the person's alcohol concentration was at or above a limit specified in subsection 1201(a) of this title, at the time of operating, attempting to operate, or being in actual physical control, the Commissioner shall suspend the person's operating license or nonresident operating privilege or the privilege of an unlicensed operator to operate a vehicle for a period of 90 days and until the person complies with section 1209a of this title. However, during the suspension, an eligible person may operate under the terms of an ignition interlock RDL or ignition interlock certificate issued pursuant to section 1213 of this title.

* * *

(b) Form of officer's affidavit. A law enforcement officer's affidavit in support of a suspension under this section shall be in a standardized form for use throughout the State and shall be sufficient if it contains the following statements:

(1) The officer is a certified law enforcement officer.

(2) The officer who administered the test was certified to operate the testing equipment.

(3) The officer had reasonable grounds to believe the person was operating, attempting to operate, or in actual physical control of a vehicle in violation of section 1201 of this title (noting the time and date of operating, attempting to operate, or being in actual physical control).

(4) The officer informed the person of ~~his or her~~ the person's rights under subsection 1202(d) of this title.

(5) The officer obtained an evidentiary test (noting the time and date the test was taken) and the test indicated that the person's alcohol concentration was at or above a legal limit specified in subsection 1201(a) or (d) of this title, or the person refused to submit to an evidentiary test.

(6) The officer complied with the Servicemembers Civil Relief Act, codified at 50 U.S.C. chapter 50.

(7) The officer confirmed the person's correct mailing address.

(c) Notice of suspension. On behalf of the Commissioner of Motor Vehicles, a law enforcement officer requesting or directing the administration of an evidentiary test shall serve notice of intention to suspend and of suspension on a person who refuses to submit to an evidentiary test or on a person who submits to a test the results of which indicate that the person's alcohol concentration was at or above a legal limit specified in subsection 1201(a) or (d) of this title, at the time of operating, attempting to operate, or being in actual physical control of a vehicle in violation of section 1201 of this title. The notice shall be signed by the law enforcement officer requesting the test. A copy of the notice shall be sent to the Commissioner of Motor Vehicles, and a copy shall be mailed or given to the defendant within three business days after the date the officer receives the results of the test. If mailed, the notice is deemed received three days after mailing to the address provided by the defendant to the law enforcement officer. A copy of the affidavit of the law enforcement officer shall also be mailed by first-class mail or given to the defendant and the Commissioner of Motor Vehicles within seven days after the date of notice.

* * *

(f) Review by Superior Court. Within seven days following receipt of a notice of intention to suspend and of suspension, a person may make a request for a hearing before the Superior Court by mailing or delivering the form provided with the notice. The request shall be mailed or delivered to the Commissioner of Motor Vehicles, who shall then notify the Criminal Division of the Superior Court that a hearing has been requested and provide the Criminal Division and the State's Attorney with a copy of the notice of intention to suspend and of suspension and the officer's affidavit.

* * *

(h) Final hearing.

(1) If the defendant requests a hearing on the merits, the court shall schedule a final hearing on the merits to be held within 21 days after the date of the preliminary hearing. In no event may a final hearing occur more than

42 days after the date of the alleged offense without the consent of the defendant or for good cause shown. The final hearing may only be continued by the consent of the defendant or for good cause shown. The issues at the final hearing shall be limited to the following:

(A) Whether the law enforcement officer had reasonable grounds to believe the person was operating, attempting to operate, or in actual physical control of a vehicle in violation of section 1201 of this title.

(B) Whether at the time of the request for the evidentiary test the officer informed the person of the person's rights and the consequences of taking and refusing the test substantially as set out in subsection 1202(d) of this title.

(C) Whether the person refused to permit the test.

(D) Whether the test was taken and the test results indicated that the person's alcohol concentration was at or above a legal limit specified in subsection 1201(a) or (d) of this title, at the time of operating, attempting to operate, or being in actual physical control of a vehicle in violation of section 1201 of this title, whether the testing methods used were valid and reliable, and whether the test results were accurate and accurately evaluated. Evidence that the test was taken and evaluated in compliance with rules adopted by the Department of Public Safety shall be prima facie evidence that the testing methods used were valid and reliable and that the test results are accurate and were accurately evaluated.

(E) Whether the requirements of section 1202 of this title were complied with.

(2) No less than seven days before the final hearing, and subject to the requirements of Vermont Rule of Civil Procedure 11, the defendant shall provide to the State and file with the court a list of the issues (limited to the issues set forth in this subsection) that the defendant intends to raise. Only evidence that is relevant to an issue listed by the defendant may be raised by the defendant at the final hearing. The defendant shall not be permitted to raise any other evidence at the final hearing, and all other evidence shall be inadmissible.

(i) Finding by the court. The court shall electronically forward a report of the hearing to the Commissioner. Upon a finding by the court that the law enforcement officer had reasonable grounds to believe that the person was operating, attempting to operate, or in actual physical control of a vehicle in violation of section 1201 of this title and that the person refused to submit to a test, or upon a finding by the court that the law enforcement officer had

reasonable grounds to believe that the person was operating, attempting to operate, or in actual physical control of a vehicle in violation of section 1201 of this title and that the person submitted to a test and the test results indicated that the person's alcohol concentration was at or above a legal limit specified in subsection 1201(a) or (d) of this title, at the time the person was operating, attempting to operate, or in actual physical control, the person's operating license, or nonresident operating privilege, or the privilege of an unlicensed operator to operate a vehicle shall be suspended or shall remain suspended for the required term and until the person complies with section 1209a of this title. Upon a finding in favor of the person, the Commissioner shall cause the suspension to be canceled and removed from the record, without payment of any fee.

* * *

(n) Presumption. In a proceeding under this section, if at any time within two hours of operating, attempting to operate, or being in actual physical control of a vehicle a person had an alcohol concentration of at or above a legal limit specified in subsection 1201(a) or (d) of this title, it shall be a rebuttable presumption that the person's alcohol concentration was above the applicable limit at the time of operating, attempting to operate, or being in actual physical control.

* * *

§ 1210. PENALTIES

* * *

(f) Death resulting.

(1) If the death of any person results from a violation of section 1201 of this title, the person convicted of the violation shall be fined not more than \$10,000.00 or imprisoned not less than one year nor more than 15 years, or both. The provisions of this subsection do not limit or restrict prosecutions for manslaughter.

(2) If the death or serious bodily injury of more than one person results from a violation of section 1201 of this title, the operator may be convicted of a separate violation of this subdivision for each decedent or person injured.

(3)(A) If the death of any person results from a violation of section 1201 of this title and the person convicted of the violation previously has been convicted two or more times of a violation of that section, a sentence ordered pursuant to this subsection shall, except as provided in subdivision (B) of this subdivision (3), include at least a five-year term of imprisonment. The five-year minimum term of imprisonment required by this subdivision (3)(A) shall

be served and may not be suspended, deferred, or served as a supervised sentence. The defendant shall not be eligible for probation, parole, furlough, or any other type of early release until the expiration of the five-year term of imprisonment.

(B) Notwithstanding subdivision (A) of this subdivision (3), if the death or serious bodily injury of any person results from a violation of section 1201 of this title and the person convicted of the violation previously has been convicted two or more times of a violation of that section, the court may impose a sentence that does not include a term of imprisonment or that includes a term of imprisonment of less than five years if the court makes written findings on the record that such a sentence will serve the interests of justice and public safety.

(g) Injury resulting.

(1) If serious bodily injury, ~~as defined in 13 V.S.A. § 1021(2)~~, results to any person other than the operator from a violation of section 1201 of this title, the person convicted of the violation shall be fined not more than \$5,000.00 or imprisoned not more than 15 years, or both.

(2) If serious bodily injury ~~as defined in 13 V.S.A. § 1021(2)~~ or death results to more than one person other than the operator from a violation of section 1201 of this title, the operator may be convicted of a separate violation of this subdivision for each person injured or decedent.

(3)(A) If serious bodily injury ~~as defined in 13 V.S.A. § 1021(2)~~ results to any person other than the operator from a violation of section 1201 of this title and the person convicted of the violation previously has been convicted two or more times of a violation of section 1201, a sentence ordered pursuant to this subsection shall, except as provided in subdivision (B) of this subdivision (3), include at least a five-year term of imprisonment. The five-year minimum term of imprisonment required by this subdivision (3)(A) shall be served and may not be suspended, deferred, or served as a supervised sentence. The defendant shall not be eligible for probation, parole, furlough, or any other type of early release until the expiration of the five-year term of imprisonment.

(B) Notwithstanding subdivision (A) of this subdivision (3), if serious bodily injury ~~as defined in 13 V.S.A. § 1021(2)~~ results to any person other than the operator from a violation of section 1201 of this title and the person convicted of the violation previously has been convicted two or more times of a violation of section 1201, the court may impose a sentence that does not include a term of imprisonment or that includes a term of imprisonment of

less than five years if the court makes written findings on the record that such a sentence will serve the interests of justice and public safety.

* * *

Sec. 3. 33 V.S.A. § 5202 is amended to read:

§ 5202. ORDER OF ADJUDICATION; NONCRIMINAL

(a)(1) An order of the Family Division of the Superior Court in proceedings under this chapter shall not:

(A) be deemed a conviction of crime;

(B) impose any civil disabilities sanctions ordinarily resulting from a conviction; or

(C) operate to disqualify the child in any civil service application or appointment.

(2) Notwithstanding subdivision (1) of this subsection, ~~an order of delinquency in proceedings~~ a merits adjudication order issued pursuant to section 5229 of this title in proceedings concerning a child or youthful offender who is alleged to have committed a violation of those sections specified in 23 V.S.A. § 801(a)(1) shall be an event in addition to those specified therein, enabling the Commissioner of Motor Vehicles to require proof of financial responsibility under 23 V.S.A. chapter 11.

(3) Notwithstanding subdivision (1) of this subsection, a merits adjudication order issued pursuant to section 5229 of this title in proceedings concerning a child or youthful offender who is alleged to have committed a violation of 23 V.S.A. chapter 13, subchapter 13 shall be reported to the Commissioner of Motor Vehicles in accordance with the provisions of 23 V.S.A. § 1709.

* * *

Sec. 4. 33 V.S.A. § 5229 is amended to read:

§ 5229. MERITS ADJUDICATION

* * *

(g) If, based on the child's admission or the evidence presented, the court finds beyond a reasonable doubt that the child has committed a delinquent act, the court shall order the Department to prepare a disposition case plan not later than seven business days before the disposition hearing and shall send a record of the adjudication to the Commissioner of Motor Vehicles within 10 days

following its issuance. In no event shall a disposition hearing be held later than 35 days after a finding that a child is delinquent.

* * *

Sec. 5. IMPAIRED DRIVING; IMPLIED CONSENT; PROCESSING; TASK FORCE; REPORT

(a) Creation. There is created the Impaired Driving Processing Task Force to study the concept of implied consent during impaired driving investigations with the objective to recommend approaches that minimize the duration for which impaired driving suspects are held during investigations and to streamline the processing and paperwork associated with such investigations.

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

(1) the Chief Judge of the Superior Court or designee;

(2) the Defender General or designee;

(3) the Commissioner of Public Safety or designee;

(4) the Commissioner of Motor Vehicles or designee;

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

(6) the President of the Vermont Sheriffs' Association or designee; and

(7) a representative from the Vermont Police Association.

(c) Powers and duties. The Task Force shall study impaired driving investigations in Vermont, including the following issues:

(1) the constitutional and statutory requirements of implied consent;

(2) how constitutional and statutory requirements related to implied consent affect the duration for which suspected impaired drivers are held by law enforcement;

(3) methods to minimize statutory requirements related to implied consent that pass constitutional muster; and

(4) any other relevant issues in accordance with subsection (a) of this section.

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

(e) Report. On or before November 15, 2025, the Task Force shall submit a written report in the form of proposed legislation to the House and Senate Committees on Judiciary with any recommendations for legislative action.

(f) Meetings.

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

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

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

(4) A majority of the Task Force's membership shall constitute a quorum.

(5) The Task Force shall cease to exist on February 1, 2026.

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

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2025.

(Committee vote: 5-0-0)

(For House amendments, see House Journal of February 18, 2025, pages 180-193)

Reported favorably by Senator Norris for the Committee on Appropriations.

The Committee recommends that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Judiciary.

(Committee vote: 4-0-3)

H. 50.

An act relating to identifying underutilized State buildings and land.

Reported favorably with recommendation of proposal of amendment by Senator Douglass for the Committee on Institutions.

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

Sec. 1. 29 V.S.A. § 165 is amended to read:

§ 165. SPACE ALLOCATION, INVENTORY, AND USE; LEASING
PROPERTY; COMMISSIONER'S PREAPPROVAL REQUIRED

* * *

(e) The Commissioner of Buildings and General Services shall maintain an inventory of all State-owned or State-leased buildings and land and shall biannually compile and update the information received under subsection (g) of this section, which shall be considered once available in making spacing allocations and designating uses under subsection (c) of this section.

* * *

(g) The head of each agency shall prepare and forward to the Commissioner of Buildings and General Services ~~when requested by the Commissioner~~ annually in a format prescribed by the Commissioner an inventory of: square footage available for use; square footage in actual use; square footage not in use; square footage used for storage; square footage that is unfinished; cost per square foot for rent; cost per square foot for operation and maintenance; and the source of funds for rent, operation, and maintenance, including the act and section numbers of a legislative directive if applicable. The head of each agency shall additionally indicate in its inventory in a format prescribed by the Commissioner whether any building is vacant and whether any land is unnecessary for State purposes.

* * *

(j) On or before January 15 of each new legislative biennium, the Commissioner shall submit to the House Committee on Corrections and Institutions and the Senate Committee on Institutions the inventory maintained under subsection (e) of this section.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 4-0-1)

(For House amendments, see House Journal of March 12, 2025, pages 328 and 329)

H. 266.

An act relating to the 340B prescription drug pricing program.

Reported favorably with recommendation of proposal of amendment by Senator Cummings for the Committee on Health and Welfare.

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

Sec. 1. 18 V.S.A. chapter 91, subchapter 6 is added to read:

Subchapter 6. 340B Drug Pricing Program

§ 4681. DEFINITIONS

As used in this subchapter:

(1) “340B contract pharmacy” means a pharmacy that has a contract with a 340B covered entity to receive and dispense 340B drugs to the 340B covered entity’s patients on the covered entity’s behalf.

(2) “340B covered entity” means an entity participating or authorized to participate in the federal 340B drug pricing program, as described in 42 U.S.C. § 256b. The term includes a 340B covered entity’s pharmacy.

(3) “340B drug” means a drug that has been subject to any offer for reduced prices by a manufacturer pursuant to 42 U.S.C. § 256b and is purchased by a 340B covered entity.

(4) “Discount” means a reduction in the amount a 340B covered entity is charged for a 340B drug at the time of purchase.

(5) “Manufacturer” has the same meaning as in 26 V.S.A. § 2022.

(6) “Pharmacy” means a place licensed by the Vermont Board of Pharmacy at which drugs, chemicals, medicines, prescriptions, and poisons are compounded, dispensed, or sold at retail.

(7) “Pharmacy benefit manager” has the same meaning as in section 3602 of this title.

(8) “Rebate” means a discount in which the terms are fixed and are disclosed in writing to a 340B covered entity at the time of the initial purchase of the 340B drug to which the discount applies, but which discount is not applied at the time of purchase.

§ 4682. DISCRIMINATION AGAINST 340B ENTITIES PROHIBITED

(a) A manufacturer or its agent shall not deny, restrict, prohibit, or otherwise interfere with, directly or indirectly, the acquisition of a 340B drug by or delivery of a 340B drug to a 340B contract pharmacy on behalf of a 340B covered entity unless receipt by the 340B contract pharmacy is prohibited by the U.S. Department of Health and Human Services.

(b) A manufacturer or its agent shall not directly or indirectly require a

340B covered entity to submit any claims, utilization, encounter, purchase, or other data as a condition for allowing the acquisition of a 340B drug by or delivery of a 340B drug to a 340B contract pharmacy unless the claims or utilization data sharing is required by the U.S. Department of Health and Human Services.

(c) A manufacturer or its agent shall not interfere with the ability of a pharmacy contracted with a 340B covered entity to dispense 340B drugs to eligible patients of the 340B covered entity.

(d) A manufacturer or its agent shall offer or otherwise make available 340B drug pricing to a 340B covered entity or 340B contract pharmacy in the form of a discount at the time of purchase and shall not offer or otherwise make available 340B drug pricing in the form of a rebate.

§ 4683. MEDICAID UNAFFECTED

Nothing in this subchapter shall be deemed to apply to the Vermont Medicaid program as payor.

§ 4684. VIOLATIONS

(a) A 340B covered entity, 340B contract pharmacy, or other person injured by a manufacturer's or its agent's violation of this subchapter may bring an action in Superior Court for injunctive relief, compensatory and punitive damages, costs and reasonable attorney's fees, and other appropriate relief.

(b) A violation occurs each time a prohibited act is committed. For purposes of section 4682 of this subchapter, a prohibited act is defined as each package of 340B drugs that is subject to a discriminatory action by a manufacturer or its agent.

§ 4685. NO CONFLICT WITH FEDERAL LAW

Nothing in this subchapter shall be construed or applied to conflict with or to be less restrictive than federal law for a person regulated by this subchapter.

Sec. 2. 18 V.S.A. § 9406 is added to read:

§ 9406. REPORTING ON PARTICIPATION IN 340B DRUG PRICING PROGRAM

(a) Annually on or before January 31, each hospital participating in the federal 340B drug pricing program established by 42 U.S.C. § 256b shall submit to the Green Mountain Care Board, in a form and manner prescribed by the Board, a report detailing the hospital's participation in the program during the previous hospital fiscal year, which report shall be posted on the Green

Mountain Care Board's website and which shall contain at least the following information:

(1)(A) For prescription drugs that the hospital or any entity acting on behalf of the hospital obtained through the 340B program and dispensed or administered to patients during the previous calendar year:

(i) the aggregated acquisition cost for all such prescription drugs;
and

(ii) the aggregated payment amount that the hospital received for all such prescription drugs, with information reported separately for each of the following distribution channels:

(I) dispensed drugs from an in-house pharmacy;

(II) dispensed drugs from a contract pharmacy;

(III) administered drugs paid separately; and

(IV) administered drugs paid by bundled payments.

(B) For administered drugs for which payment was bundled with payment for other services, as set forth in subdivision (A)(ii)(IV) of this subdivision (1), the hospital shall estimate the payment amount by comparing the actual acquisition cost for a drug to the wholesale acquisition cost for that drug.

(2) The aggregated payment amount that the hospital made to pharmacies with which the hospital contracted to dispense drugs to its patients under the 340B program during the previous hospital fiscal year.

(3) The aggregated payment amount that the hospital made to any other outside vendor for managing, administering, or facilitating any aspect of the hospital's 340B drug program during the previous hospital fiscal year.

(4) A description of the ways in which the hospital uses revenue from its participation in the 340B program to benefit its community through programs and services funded in whole or in part by revenue from the 340B program, including services that support community access to care that the hospital could not continue without this revenue.

(5) A description of the hospital's internal review and oversight of its participation in the 340B program in compliance with the U.S. Department of Health and Human Services, Health Resources and Services Administration's 340B program rules and guidance.

(b) In addition to the vendor information required pursuant to subdivision (a)(3) of this section, each hospital shall also provide to the Board a list of the

names of all vendors that managed, administered, or facilitated any aspect of the hospital's 340B program during the previous calendar year, along with a brief description of the work performed by each vendor. The vendor information reported pursuant to this subsection shall be exempt from public inspection and copying under the Public Records Act and shall be kept confidential, except that the Board shall provide the information to the Office of the Health Care Advocate, which shall not further disclose this confidential information.

Sec. 3. REPEAL

Sec. 2 (18 V.S.A. § 9406; reporting on participation in 340B drug pricing program) is repealed on January 1, 2031.

Sec. 4. 8 V.S.A. § 4089j is amended to read:

§ 4089j. RETAIL PHARMACIES; FILLING OF PRESCRIPTIONS

* * *

(d)(1) A health insurer or pharmacy benefit manager shall permit a participating network pharmacy to perform all pharmacy services within the lawful scope of the profession of pharmacy as set forth in 26 V.S.A. chapter 36.

* * *

~~(4) A health insurer or pharmacy benefit manager shall not, by contract, written policy, or written procedure, require that a pharmacy designated by the health insurer or pharmacy benefit manager dispense a medication directly to a health care setting for a health care professional to administer to a patient. [Repealed.]~~

* * *

Sec. 5. 8 V.S.A. § 4089j is amended to read:

§ 4089j. RETAIL PHARMACIES; FILLING OF PRESCRIPTIONS

* * *

(d)(1) A health insurer or pharmacy benefit manager shall permit a participating network pharmacy to perform all pharmacy services within the lawful scope of the profession of pharmacy as set forth in 26 V.S.A. chapter 36.

* * *

~~(4) [Repealed.] A health insurer or pharmacy benefit manager shall not, by contract, written policy, or written procedure, require that a pharmacy~~

designated by the health insurer or pharmacy benefit manager dispense a medication directly to a health care setting for a health care professional to administer to a patient.

* * *

Sec. 6. GREEN MOUNTAIN CARE BOARD; WHITE BAGGING;
REPORT

On or before January 15, 2029, the Green Mountain Care Board, in consultation with the Department of Financial Regulation, shall report to the House Committee on Health Care and the Senate Committee on Health and Welfare regarding the impact of the repeal of 8 V.S.A. § 4089j(d)(4) on hospital budgets, on health insurance premiums, and on health insurer solvency.

Sec. 7. EFFECTIVE DATES

(a) Sec. 5 (restoring language in 8 V.S.A. § 4089j(d)(4)) shall take effect on January 1, 2030.

(b) The remainder of this act shall take effect on passage, with the first report under Sec. 2 (18 V.S.A. § 9406) due on or before January 31, 2026.

(Committee vote: 5-0-0)

(For House amendments, see House Journal of March 14, 2025, pages 428 to 431)

H. 482.

An act relating to Green Mountain Care Board authority to adjust a hospital's reimbursement rates and to appoint a hospital observer.

Reported favorably with recommendation of proposal of amendment by Senator Lyons for the Committee on Health and Welfare.

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

Sec. 1. 18 V.S.A. § 9384 is added to read:

§ 9384. REDUCTION OR REALLOCATION OF REIMBURSEMENT RATES; RISKS TO HEALTH INSURER SOLVENCY

(a) As used in this section:

(1) "Hospital" has the same meaning as in section 9451 of this title.

(2) "Hospital network" means a system comprising two or more affiliated hospitals, and may include other health care professionals and

facilities, that derives 50 percent or more of its operating revenue, at the consolidated network level, from Vermont hospitals and in which the affiliated hospitals deliver health care services in a coordinated manner using an integrated financial and governance structure.

(b) If the Green Mountain Care Board determines, after consultation with the Commissioner of Financial Regulation, that a domestic health insurer faces an acute and immediate threat to its solvency because its risk-based capital level has triggered a regulatory action level event pursuant to 8 V.S.A. § 8304, the Board may order a reduction of the insurer's reimbursement rates to one or more Vermont hospitals as set forth in subsection (c) of this section until such time as the amount of the insurer's risk-based capital exceeds the company action level risk-based capital threshold defined in 8 V.S.A. § 8301. Notwithstanding any provision of 3 V.S.A. chapter 25 to the contrary, the Board's activities under this section shall not be construed to be a contested case. Any person aggrieved by a final Board action, order, or determination under this section may appeal as set forth in section 9381 of this title.

(c)(1) The Board shall only order a reduction in the reimbursement rates to a hospital that meets one or both of the following criteria:

(A) the hospital has more than 135 days' cash on hand and had a positive operating margin in the previous fiscal year; or

(B) the hospital is a member of a hospital network that, at the consolidated network level, has more than 135 days' cash on hand or had a positive operating margin in the previous fiscal year, or both.

(2) The Board shall order a reduction in reimbursement rates to a hospital pursuant to this section only to the extent necessary to remediate the threat to the domestic health insurer's solvency. In determining whether and to what extent to reduce a hospital's reimbursement rates pursuant to this section, the Board shall consider the competing financial obligations of the hospital and of the domestic health insurer.

(3) The Board shall provide a hospital with the opportunity to request relief from a rate reduction ordered pursuant to this section.

(4) In no event shall a reduction ordered by the Board pursuant to this section result in a decrease to a hospital's or hospital network's projected days' cash on hand to below 125 days.

Sec. 2. 18 V.S.A. § 9456 is amended to read:

§ 9456. BUDGET REVIEW

* * *

(c) Individual hospital budgets established under this section shall:

* * *

(4) reflect budget performances for prior years and, if not already addressed pursuant to subsection (h) of this section, account for any significant deviation in revenue during the most recently completed fiscal year in excess of the budget established for the hospital pursuant to this section;

* * *

(f)(1) The Board may, upon application, adjust a budget established under this section upon a showing of need based upon exceptional or unforeseen circumstances in accordance with the criteria and processes established under section 9405 of this title.

(2) The Board may, on its own initiative, adjust the commercial health insurance reimbursement rates payable to a hospital at any time during the hospital's fiscal year in order to ensure that the hospital operates within the budget established under this section.

(g)(1) The Board may request, and a hospital shall provide, information determined by the Board to be necessary to determine whether the hospital is operating within a budget established under this section. For purposes of this subsection, subsection (h) of this section, and subdivision 9454(a)(7) of this title, the Board's authority shall extend to an affiliated corporation or other person in the control of or controlled by the hospital to the extent that such authority is necessary to carry out the purposes of this subsection, subsection (h) of this section, or subdivision 9454(a)(7) of this title. As used in this subsection, a rebuttable presumption of "control" is created if the entity, hospital, or other person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing 20 percent or more of the voting securities or membership interest or other governing interest of the hospital or other controlled entity.

(2)(A) The Board may, upon finding that a hospital has made a material misrepresentation in information or documents provided to the Board or that a hospital is materially noncompliant with the budget established by the Board pursuant to this section, appoint an independent observer with respect to any matter related to the Board's review or enforcement under this section if the Board believes that doing so is in the public interest. The independent observer shall be a person with experience and expertise relevant to the specific circumstances. At the direction of the Board, the independent observer may monitor the hospital's operations, obtain information from the hospital, and report findings and recommendations to the Board.

(B) An independent observer appointed pursuant to this subdivision (2) shall have the right to receive copies of all materials related to the Board's review under this section and the hospital shall provide any information requested by the independent observer, including any information regarding the hospital's participation in a hospital network. The independent observer shall share information provided by the hospital with the Board and with the Office of the Health Care Advocate in accordance with subdivision (d)(3) of this section but shall not otherwise disclose any confidential or proprietary information that the independent observer obtained from the hospital.

(C) The Board may order a hospital to pay for all or a portion of the costs of an independent observer appointed for the hospital pursuant to this subdivision (2).

* * *

Sec. 3. INDEPENDENT HOSPITAL OBSERVER AUTHORITY;
PROSPECTIVE REPEAL

18 V.S.A. § 9456(g)(2) (authority to appoint independent hospital observer) is repealed on January 1, 2030.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 3-2-0)

(For House amendments, see House Journal of March 20, 2025, pages 622)

H. 484.

An act relating to miscellaneous agricultural subjects.

Reported favorably with recommendation of proposal of amendment by Senator Ingalls for the Committee on Agriculture.

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

* * * Beneficial Substances * * *

Sec. 1. 6 V.S.A. chapter 28 is amended to read:

CHAPTER 28. FERTILIZER AND, LIME, AND BENEFICIAL
SUBSTANCES

§ 361. TITLE

This chapter shall be known as the “Fertilizer, Lime, ~~Plant Amendment, Plant Biostimulant, and Soil Amendment~~ and Beneficial Substances Law.”

§ 362. ENFORCING OFFICIAL

This chapter shall be administered by the Secretary of Agriculture, Food and Markets or designee, hereafter referred to as the Secretary.

§ 363. DEFINITIONS

As used in this chapter:

(1) “Agricultural lime” or “agricultural liming material” or “lime” means one or more of the following:

(A) All products with calcium and magnesium compounds that are capable of neutralizing soil acidity and that are intended, sold, or offered for sale for agricultural or plant propagation purposes.

(B) Limestone consisting essentially of calcium carbonate or a combination of calcium carbonate with magnesium carbonate capable of neutralizing soil acidity.

(C) Industrial waste or industrial ~~by-products~~ byproducts that contain calcium; calcium and magnesium; or calcium, magnesium, and potassium in forms that are capable of neutralizing soil acidity and that are intended, sold, or offered for sale for agricultural purposes. For the purposes of this chapter, the terms “agricultural lime,” “lime,” and “agricultural liming material” shall have the same meaning.

(2) “Beneficial substance” means any substance or compound, other than primary, secondary, and micro plant nutrients (fertilizers), and excluding pesticides, that can be demonstrated by scientific research to be beneficial to one or more species of plants, soil, or media. Beneficial substances include plant amendments, plant biostimulants, plant inoculants, soil amendments, soil inoculants, and other chemical or biological substances beneficial to plants or their growing environment.

(3) “Brand” means a term, design, or trademark used in connection with one or more grades or formulas of fertilizer, ~~plant amendment, plant biostimulant, soil amendment~~ beneficial substance, or lime.

(3)(4) “Distribute” means to import, consign, manufacture, produce, compound, mix, blend, offer for sale, sell, barter, or supply a fertilizer, ~~a plant amendment, a plant biostimulant, a soil amendment~~ a beneficial substance, or lime in this State through any means, including sales outlets, catalogues, the telephone, the internet, or any electronic means.

~~(4)~~(5) “Distributor” means any person who distributes fertilizer, ~~plant amendment, plant biostimulant, soil amendments~~ beneficial substance, or lime.

~~(5)~~(6) “Exceptional quality biosolid” means a product derived in whole or in part from domestic wastes that have been subjected to and meet the requirements of the following:

(A) a pathogen reduction process established in 40 C.F.R. § 503.32(a)(3), (4), (7), or (8);

(B) one of the vector attraction reduction standards established in 40 C.F.R. § 503.33;

(C) the contaminant concentration limits in Vermont Solid Waste Rules § 6-1303(a)(1); and

(D) if derived from a composting process, Vermont Solid Waste Rules § 6-1303(a)(5).

~~(6)~~(7) “Fertilizer” means any substance containing one or more recognized plant nutrients that is used for its plant nutrient content and that is designed for use or claimed to have value in promoting plant growth or health, except unprocessed animal or vegetable manures and other products exempted by the Secretary.

(A) A fertilizer material is a substance that either:

(i) contains important quantities of at least one of the primary plant nutrients: nitrogen, phosphorus, or potassium;

(ii) has 85 percent or more of its plant nutrient content present in the form of a single chemical compound; or

(iii) is derived from a plant or chemical residue or ~~by-product~~ byproduct or natural material deposit that has been processed in such a way that its content of plant nutrients has not been materially changed except by purification and concentration.

(B) A mixed fertilizer is a fertilizer containing any combination or mixture of fertilizer materials.

(C) A specialty fertilizer is a fertilizer distributed for nonfarm use.

(D) A bulk fertilizer is a fertilizer distributed in a nonpackaged form.

~~(7)~~(8) “Formulation” means a material or mixture of materials prepared according to a particular formula.

~~(8)~~(9) “Grade” means the percentage of total nitrogen, available phosphorus or phosphoric acid, and soluble potassium or potash stated in

whole numbers in the same terms, order, or percentages as in the guaranteed analysis. Specialty fertilizers and fertilizer materials may be guaranteed in fractional terms. Any grade expressed in fractional terms that is not preceded by a whole number shall be preceded by zero.

(9)(10) “Guaranteed analysis” means:

(A) in reference to fertilizer, the minimum percentages of plant nutrients claimed by the manufacturer or producer of the product in the following order and form: nitrogen, phosphorus, and potash; and

(B) in reference to agricultural lime or agricultural liming material, the minimum percentages of calcium oxide and magnesium oxide or calcium carbonate and the calcium carbonate equivalent, or both, as claimed by the manufacturer or producer of the product.

(10)(11) “Label” means the display of all written, printed, or graphic matter upon the immediate container or a statement accompanying a fertilizer, ~~plant amendment, plant biostimulant, soil amendment~~ beneficial substance, or lime.

(11)(12) “Labeling” means all written, printed, or graphic material upon or accompanying any fertilizer, ~~plant amendment, plant biostimulant, soil amendment~~ beneficial substance, or lime, including advertisements, brochures, posters, and television and radio announcements used in promoting the sale of the fertilizer, ~~plant amendment, plant biostimulant, soil amendment~~ beneficial substance, or lime.

(12)(13) “Official sample” means any sample of fertilizer, ~~plant amendment, plant biostimulant, soil amendment~~ beneficial substance, or lime taken by the Secretary.

(13)(14) “Plant amendment” means any substance applied to plants or seeds that is intended to improve growth, yield, product quality, reproduction, flavor, or other favorable characteristics of plants, except for fertilizer, soil amendments, agricultural liming materials, animal and vegetable manures, pesticides, plant regulators, and other materials exempted by rule adopted under this chapter.

(14)(15) “Plant biostimulant” means a substance ~~or~~ microorganism, or mixtures thereof that, when applied to seeds, plants, ~~or~~ the rhizosphere, stimulates soil, or other growth media act to support a plant’s natural nutrition processes to enhance or benefit nutrient uptake, nutrient efficiency, tolerance to abiotic stress, or crop quality and yield, except for fertilizers, soil amendments, plant amendments, or pesticides independently of the biostimulant’s nutrient content. The plant biostimulant thereby improves

nutrient availability, uptake, or use efficiency; tolerance to abiotic stress; and consequent growth development, quality, or yield. The Secretary may modify the definition of “plant biostimulant” by rule or procedure in order to maintain consistency with U.S. Department of Agriculture requirements.

(16) “Plant inoculant” means a product consisting of microorganisms to be applied to the plant or soil for the purpose of enhancing the availability or uptake of plant nutrients through the root system.

(15)(17) “Percent” or “percentage” means the percentage by weight.

(16)(18) “Primary nutrient” includes nitrogen, available phosphoric acid or phosphorus, and soluble potash or potassium.

(17)(19) “Product” means the name of the fertilizer, ~~plant amendment, plant biostimulant, soil amendment~~ beneficial substance, or lime that identifies it as to kind, class, or specific use.

(18)(20) “Registrant” means the person who registers a fertilizer, ~~plant amendment, plant biostimulant, soil amendment~~ beneficial substance, or lime under the provisions of this chapter.

(19)(21) “Soil amendment” means a substance or mixture of substance that is intended to improve the physical, chemical, biochemical, biological, or other characteristics of the soil or a distinct form of horticultural growing media used in lieu of soil. “Soil amendment” does not mean fertilizers, agricultural liming materials, unprocessed animal manures, unprocessed vegetable manures, pesticides, ~~plant biostimulants~~, and other materials exempted by rule. A compost product from a facility under the jurisdiction of the Agency of Natural Resources’ Solid Waste Management Rules or exceptional quality biosolids shall not be regulated as a soil amendment under this chapter, unless marketed and distributed for the use in the production of an agricultural commodity.

(22) “Soil inoculant” means a microbial product that is applied to colonize the soil to benefit the soil chemistry, biology, or structure.

(20)(23) “Ton” means a net weight of 2,000 pounds avoirdupois.

(21)(24) “Use” includes all purposes for which a fertilizer, ~~plant amendment, plant biostimulant, soil amendment~~ beneficial substance, or lime is applied.

(22)(25) “Weight” means the weight of undried material as offered for sale.

§ 364. REGISTRATION

(a) Each brand or grade or formula of fertilizer, ~~plant amendment, plant biostimulant, or soil amendment~~ beneficial substance shall be registered in the name of the person whose name appears upon the label before being distributed in this State. The application for registration shall be submitted to the Secretary on a form furnished by the Agency of Agriculture, Food and Markets and shall be accompanied by a fee of \$85.00 per grade or formulation registered. Upon approval by the Secretary, a copy of the registration shall be furnished to the applicant. All registrations expire on December 31 of each year. The application shall include the following information:

- (1) the brand and grade or formulation;
- (2) the guaranteed analysis if applicable; and
- (3) the name and address of the registrant.

(b) A distributor shall not be required to register any fertilizer, ~~plant amendment, plant biostimulant, or soil amendment~~ or beneficial substance that is already registered under this chapter by another person, provided there is no change in the label for the fertilizer, ~~plant amendment, plant biostimulant, or soil amendment~~ or beneficial substance.

(c) Each beneficial substance brand shall refer to a specific formulation. Different brands may refer to the same specific formulation. Products for which formulations change, such as changes in the "Contains Beneficial Substances" analysis, statement of composition, or anything that implies a different product, must obtain a new registration with a brand that distinguishes it from the previous formulation.

(d) A distributor shall not be required to register each grade of fertilizer formulated or each formulation of soil amendment according to specifications that are furnished by a consumer prior to mixing but shall be required to label the fertilizer or soil amendment as provided in subsection 365(b) of this title.

~~(d)~~(e) The Secretary may request additional proof of testing of products prior to registration for guaranteed analyses or adulterants.

~~(e)~~(f) Each separately identified agricultural lime product shall be registered before being distributed in this State. Registration shall be performed in the same manner as fertilizer registration except that each application shall be accompanied by a fee of \$50.00 per product.

~~(f)~~(g) The registration and tonnage fees, along with any deficiency penalties collected pursuant to sections 331 and 372 of this title, shall be deposited in a special fund. Funds deposited in this fund shall be restricted to

implementing and administering the provisions of this title and any other provisions of law relating to feeds and seeds.

§ 365. LABELS

(a)(1) Any fertilizer or agricultural lime distributed in this State in containers shall have placed on or affixed to the container a label setting forth in clearly legible and conspicuous form the following information:

(A) net weight;

(B) brand and grade, provided that grade shall not be required when no primary nutrients are claimed;

(C) guaranteed analysis; and

(D) name and address of the registrant.

(2) For bulk shipments, this information in written or printed form shall accompany delivery and be supplied to the purchaser at the time of delivery.

(b) A fertilizer or lime formulated according to specifications furnished by a consumer prior to mixing shall be labeled to show the net weight, the guaranteed analysis or name, analysis and weight of each ingredient used in the mixture, and the name and address of the distributor and purchaser.

(c) If the Secretary finds that a requirement for expressing calcium and magnesium in elemental form would not impose an economic hardship on distributors and users of agricultural liming materials by reason of conflicting label requirements among states, the Secretary may require by rule that the minimum percent of calcium oxide and magnesium oxide or calcium carbonate and magnesium carbonate, or both, shall be expressed in the following terms:

Total Calcium (Ca) percent

Total Magnesium (Mg) percent

(d)(1) Any ~~plant amendment, plant biostimulant, or soil amendment~~ beneficial substance distributed in this State in containers shall have placed on or affixed to the container a label setting forth in clearly legible and conspicuous form the following information:

(A) net weight or volume;

(B) brand name;

(C) purpose statement identifying the purpose of the product;

(D) directions for application or use;

(E) ~~guaranteed analysis; and~~

~~(F)~~ name and address of the registrant; and

(F) a statement of composition showing the amount of each ingredient, which is the agent in a product primarily responsible for the intended effects using the following format:

CONTAINS BENEFICIAL SUBSTANCE(S)

Name of beneficial substance _____ % (or acceptable units)

Genus and species of microorganism _____ % viable CFU/cm³, /ml, /g, or other acceptable units

(Identify and list all beneficial substances. Substances shall include ingredient source, if applicable. Ex. "humic acid from leonardite or saponin from Yucca schidigera").

(2) For products that claim microorganisms, labels shall also include:

(A) the expiration date for use; and

(B) storage conditions.

(3) For bulk shipments of fertilizer, ~~plant amendment, plant biostimulant, soil amendment~~ beneficial substances, or lime, the information required under this subsection shall accompany delivery in written or printed form and shall be supplied to the purchaser at the time of delivery.

(4) Efficacy data may be required to support beneficial substance ingredient claims if the ingredient is not presently defined by the Association of American Plant Food Control Officials' Official Publication for the particular claim.

~~(3)~~(5) Under a rule adopted under this subsection, an affected person shall be given a reasonable time to come into compliance.

§ 366. TONNAGE FEES

(a) A person distributing fertilizer to a nonregistrant consumer in the State annually shall pay the following fees to the Secretary:

(1) a \$150.00 minimum tonnage fee;

(2) \$0.50 per ton of agricultural fertilizer distributed; and

(3) \$30.00 per ton of nonagricultural fertilizer distributed.

(b) Persons distributing fertilizer shall report annually on or before January 15 for the previous year ending December 31 to the Secretary revealing the amounts of each grade of fertilizer and the form in which the fertilizer was

distributed within this State. Each report shall be accompanied with payment and written permission allowing the Secretary to examine the person's books for the purpose of verifying tonnage reports.

(c) No information concerning tonnage sales furnished to the Secretary under this section shall be disclosed in such a way as to divulge the details of the business operation to any person unless it is necessary for the enforcement of the provisions of this chapter.

(d) Persons distributing a ~~plant amendment, plant biostimulant, or soil amendment~~ beneficial substance in the State shall report annually on or before January 15 for the previous year ending December 31 to the Secretary revealing the amounts of each formulation of ~~plant amendment, plant biostimulant, or soil amendment~~ beneficial substance and the form in which the ~~plant amendment, plant biostimulant, or soil amendment~~ beneficial substance was distributed within this State. Each report shall include a written authorization allowing the Secretary to examine the person's books for the purpose of verifying tonnage reports. ~~Plant amendments, plant biostimulants, and soil amendments are~~ A beneficial substance is exempt from tonnage fees.

(e) Agricultural limes, including agricultural lime mixed with wood ash, are exempt from the tonnage fees required in this section.

(f) Lime and wood ash mixtures may be registered as agricultural liming materials and guaranteed for potassium or potash, provided that the wood ash totals less than 50 percent of the mixture.

(g)(1) All fees collected under subdivisions (a)(1) and (2) of this section shall be deposited in the special fund created by subsection 364(f) of this title and used in accordance with its provisions.

(2) All fees collected under subdivision (a)(3) of this section shall be deposited in the Agricultural Water Quality Special Fund created under section 4803 of this title.

(h) [Repealed.]

§ 367. INSPECTION; SAMPLING; ANALYSIS

For the purpose of enforcing this chapter and determining whether ~~or not~~ fertilizers, ~~plant amendment, plant biostimulant, soil amendments~~ beneficial substances, and lime distributed in this State endanger the health and safety of Vermont citizens, the Secretary upon presenting appropriate credentials is authorized:

(1) To enter any public or private premises except domiciles during regular business hours and stop and enter any vehicle being used to transport

or hold fertilizer, ~~a plant amendment, a plant biostimulant, a soil amendment~~ beneficial substances, or lime.

(2) To inspect blending plants, warehouses, establishments, vehicles, equipment, finished or unfinished materials, containers, labeling, and records relating to distribution, storage, or use.

(3) To sample and analyze any fertilizer, ~~plant amendment, plant biostimulant, soil amendment~~ beneficial substance, or lime. The methods of sampling and analysis shall be those adopted by the Association of Official Analytical Chemists. In cases not covered by this method or in cases where methods are available in which improved applicability has been demonstrated, the Secretary may authorize and adopt methods that reflect sound analytical procedures.

(4) To develop any reasonable means necessary to monitor and adopt rules for the use of fertilizers, ~~plant amendments, plant biostimulants, soil amendments~~ beneficial substances, and lime on Vermont soils where monitoring indicates environmental or health problems. In addition, the Secretary may develop and adopt rules for the proper storage of fertilizers, ~~plant amendments, plant biostimulants, soil amendments~~ beneficial substances, and lime held for distribution or sale.

§ 368. MISBRANDING

(a) No person shall distribute a misbranded fertilizer, ~~plant amendment, plant biostimulant, soil amendment~~ beneficial substance, or agricultural lime. A fertilizer, ~~plant amendment, plant biostimulant, or soil amendment~~ beneficial substance shall be deemed to be misbranded if the Secretary determines one or more of the following:

(1) The labeling is false or misleading in any particular.

(2) It is distributed under the name of another fertilizer product, ~~plant amendment, plant biostimulant, or soil amendment~~ beneficial substance.

(3) It contains unsubstantiated claims.

(4) It is not labeled as required in section 365 of this title and in accordance with rules adopted under this chapter.

(5) It is labeled, or represented, to contain a plant nutrient that does not conform to the standard of identity established by rule. In adopting rules under this chapter, the Secretary shall ~~give consideration to~~ consider definitions recommended by the Association of American Plant Food Control Officials.

(b) An agricultural lime shall be deemed to be misbranded if:

- (1) its labeling is false or misleading in any particular; or
- (2) it is not labeled as required by section 365 of this title and in accordance with rules adopted under this chapter.

§ 369. ADULTERATION

No person shall distribute an adulterated lime, ~~plant amendment, plant biostimulant, soil amendment~~ beneficial substance, or fertilizer product. A fertilizer, ~~plant amendment, plant biostimulant, soil amendment~~ beneficial substance, or lime shall be deemed to be adulterated if:

- (1) it contains any deleterious or harmful ingredient in an amount sufficient to render it injurious to beneficial plant life, animals, humans, aquatic life, soil, or water when applied in accordance with directions for use on the label, or if uses of the product may result in contamination or condemnation of a raw agricultural commodity by use, or if adequate warning statements or directions for use that may be necessary to protect plant life, animals, humans, aquatic life, soil, or water are not shown on the label;

- (2) its composition falls below or differs from that which it is purported to possess by its labeling;

- (3) it contains crop seed or weed seed; or

- (4) it contains heavy metals, radioactive substances, or synthetic organics in amounts sufficient to render it injurious to livestock or human health when applied in accordance with directions for use on the label, or if adequate warning statements or directions for use that may be necessary to protect livestock or human health are not shown on the label.

§ 370. PUBLICATION; CONSUMER INFORMATION REGARDING USE ON NONAGRICULTURAL TURF OF FERTILIZER, ~~PLANT AMENDMENTS, PLANT BIOSTIMULANTS, AND SOIL AMENDMENTS~~ BENEFICIAL SUBSTANCES

(a) The Secretary shall publish on an annual basis:

- (1) information concerning the distribution of fertilizers, ~~plant amendments, plant biostimulants, soil amendments~~ beneficial substances, and limes; and

- (2) results of analyses based on official samples of fertilizers, ~~plant amendments, plant biostimulants, soil amendments~~ beneficial substances, and lime distributed within the State as compared with guaranteed analyses required pursuant to the terms of this chapter.

(b)(1) The Secretary, in consultation with the University of Vermont Extension, fertilizer industry representatives, lake groups, and other interested or affected parties, shall produce information for distribution to the general public with respect to the following:

(A) problems faced by the waters of the State because of discharges of phosphorus;

(B) an explanation of the extent to which phosphorus exists naturally in the soil;

(C) voluntary best management practices for the use of fertilizers containing phosphorus on nonagricultural turf; and

(D) best management practices for residential sources of phosphorus.

(2) The Secretary shall develop the information required under this subsection and make it available to the general public in the manner deemed most effective, which may include:

(A) conspicuous posting at the point of retail sale of fertilizer containing phosphorus, according to recommendations for how that conspicuous posting may best take place;

(B) public service announcements by means of electronic media; or

(C) other methods deemed by the Secretary to be likely to be effective.

* * *

§ 371. RULES

The Secretary is authorized to adopt rules pursuant to 3 V.S.A. chapter 25 as may be necessary to implement the intent of this chapter and to enforce those rules.

* * *

§ 374. SHORT WEIGHT

(a) If any fertilizer, ~~plant amendment, plant biostimulant, soil amendment~~ beneficial substance, or agricultural liming material is found to be short in net weight, the registrant of the fertilizer, ~~plant amendment, plant biostimulant, soil amendment~~ beneficial substance, or lime shall pay a penalty of three times the value of the actual shortage to the affected party.

(b) Each registrant shall be offered an opportunity for a hearing before the Secretary. Penalty payments shall be made within 30 days after notice of the

Secretary's decision to assess a penalty. Proof of payment to the consumer shall be promptly forwarded to the Secretary by the registrant.

(c) If the consumer cannot be found, the amount of the penalty payments shall be paid to the Secretary who shall deposit the payment into the revolving account established by subsection 364(f) of this title.

(d) This section is not an exclusive cause of action, and persons affected may utilize any other right of action available under law.

§ 375. CANCELLATION OF REGISTRATION

The Secretary is authorized to cancel or suspend the registration of any fertilizer, ~~plant amendment, plant biostimulant, soil amendment~~ beneficial substance, or lime or refuse a registration application if the provisions of this chapter or the rules adopted under this chapter have been violated, provided that no registration shall be revoked or refused without a hearing before the Secretary.

§ 376. DETAINED FERTILIZER, BENEFICIAL SUBSTANCE, AND LIME

(a) Withdrawal from distribution orders. When the Secretary has reasonable cause to believe any lot of fertilizer, ~~plant amendment, plant biostimulant, soil amendment~~ beneficial substance, or lime is being distributed in violation of any of the provisions of this chapter or any of the rules under this chapter, the Secretary may issue and enforce a written or printed "withdrawal from distribution" order, warning the distributor not to dispose of the lot of fertilizer, ~~plant amendment, plant biostimulant, soil amendment~~ beneficial substance, or lime in any manner until written permission is given by the Secretary or the court. The Secretary shall release the lot of fertilizer, ~~plant amendment, plant biostimulant, soil amendment~~ beneficial substance, or lime withdrawn when this chapter and rules have been complied with. If compliance is not obtained within 30 days, the Secretary may begin, or upon request of the distributor or registrant shall begin, proceedings for condemnation.

(b) Condemnation and confiscation. Any lot of fertilizer, ~~plant amendment, plant biostimulant, soil amendment~~ beneficial substance, or lime not in compliance with this chapter and rules shall be subject to seizure on complaint of the Secretary to a court of competent jurisdiction in the area in which the fertilizer, ~~plant amendment, plant biostimulant, soil amendment~~ beneficial substance, or lime is located. In the event the court finds the fertilizer, ~~plant amendment, plant biostimulant, soil amendment~~ beneficial substance, or lime to be in violation of this chapter and orders the condemnation of the fertilizer, ~~plant amendment, plant biostimulant, soil~~

~~amendment~~ beneficial substance, or lime, it shall be disposed of in any manner consistent with the quality of the fertilizer, ~~plant amendment~~, ~~plant biostimulant~~, ~~soil amendment~~ beneficial substance, or lime and the laws of the State, provided that in no instance shall disposition of the fertilizer, ~~plant amendment~~, ~~plant biostimulant~~, ~~soil amendment~~ beneficial substance, or lime be ordered by the court without first giving the claimant an opportunity to apply to the court for release of the fertilizer, ~~plant amendment~~, ~~plant biostimulant~~, ~~soil amendment~~ beneficial substance, or lime or for permission to process or relabel the fertilizer, ~~plant amendment~~, ~~plant biostimulant~~, ~~soil amendment~~ beneficial substance, or lime to bring it into compliance with this chapter.

* * *

§ 379. EXCHANGES BETWEEN MANUFACTURERS

Nothing in this chapter shall be construed to restrict or impair sales or exchanges of fertilizers, ~~plant amendments~~, ~~plant biostimulants~~, or ~~soil amendments~~ or beneficial substances to each other by importers, manufacturers, or manipulators who mix fertilizer materials, ~~plant amendments~~, ~~plant biostimulants~~, or ~~soil amendments~~ or beneficial substances for sale or to prevent the free and unrestricted shipments of fertilizer, ~~plant amendments~~, ~~plant biostimulant~~, or ~~soil amendments~~ or beneficial substances to manufacturers or manipulators who have registered their brands as required by provisions of this chapter.

§ 380. ADMINISTRATIVE PENALTY

Consistent with chapter 1 of this title, the Secretary may assess an administrative penalty upon determining that a person has violated a rule issued under this chapter or has violated this chapter in the following manner:

- (1) distributed a specialty fertilizer, ~~plant amendment~~, ~~plant biostimulant~~, ~~soil amendment~~ beneficial substance, or lime without first obtaining the appropriate product registration;
- (2) distributed a fertilizer, ~~plant amendment~~, ~~plant biostimulant~~, ~~soil amendment~~ beneficial substance, or lime without appropriate and accurate labeling, including when a beneficial substance label does not reflect its composition;
- (3) distributed any adulterated fertilizer, beneficial substance, or lime;
- (4) failed to disclose on the label sources of potentially deleterious components;

(5) failed to report or to accurately report the amount and form of each grade of fertilizer distributed in Vermont on an annual basis;

(4)(6) failed to report or to accurately report the amount and form of each formulation of plant amendment, plant biostimulant, or soil amendment beneficial substance;

(5)(7) failed to pay the appropriate tonnage fee; or

(6)(8) violated a cease and desist order.

* * *

* * * Pesticides; Disposal * * *

Sec. 2. 6 V.S.A. § 918 is amended to read:

§ 918. REGISTRATION

* * *

(b)(1) The registrant shall pay an annual fee of \$200.00 for each product registered, and \$185.00 of that amount shall be deposited in the special fund created in section 929 of this title. Of the registration fees collected under this subsection, \$15.00 of the amount collected shall be deposited in the Agricultural Water Quality Special Fund under section 4803 of this title. Of the registration fees collected under this subsection, \$25.00 of the amount collected shall be used to offset the additional costs of inspection of economic poison products and to provide educational services, training, and technical assistance to pesticide applicators, beekeepers, and the general public regarding the effects of pesticides on pollinators and the methods or best management practices to reduce the impacts of pesticides on pollinators. The annual registration year shall be from December 1 to November 30 of the following year.

(2) In addition to the fee required under subdivision (1) of this subsection, a registrant shall pay a fee of \$50.00 per product registration that shall be deposited in the special fund created in section 929 of this title and used to meet the requirements of subdivision 929(a)(6) of this title. This additional fee shall be collected from registrants until such time as an extended producer responsibility program is implemented in the State that fully funds the collection of obsolete and unwanted pesticides.

* * *

Sec. 3. PESTICIDE DISPOSAL FUNDING STUDY

(a)(1) The Secretary of Agriculture, Food and Markets, in consultation with the Commissioner of Environmental Conservation, shall study options for

sustainable funding sources to reimburse solid waste management entities for all costs associated with the collection and disposal of unwanted or obsolete pesticides at municipal hazardous waste collection programs and events.

(2) The costs to be reimbursed shall include the prorated costs related to facilities, equipment, labor, supplies, maintenance, and collection events. Prorated costs associated with collection events shall include collection event setup fees, environmental service fees, insurance fees, and shipping containers and materials related to the collection and disposal of unwanted or obsolete pesticides.

(3) The study shall include consideration of the viability of an extended producer responsibility program for pesticides among other options.

(4) The Secretary shall consult with stakeholders.

(b) On or before December 15, 2025, the Secretary of Agriculture, Food and Markets shall submit a written report on its findings to the House Committees on Agriculture, Food Resiliency, and Forestry and on Environment and the Senate Committees on Agriculture and on Natural Resources and Energy. The report shall include a recommended funding mechanism that will cover all costs associated with collecting unwanted pesticides through municipal collection programs.

* * * Stormwater Permits * * *

Sec. 4. STORMWATER PERMITTING; RUTLAND COUNTY AGRICULTURAL SOCIETY, INC.

No stormwater impact fee or completion of an offset shall be required for the Rutland County Agricultural Society, Inc. under the three-acre stormwater permit required by 10 V.S.A. § 1264, provided that the Society is registered with the Agency of Agriculture, Food and Markets.

* * * Use Value Appraisal * * *

Sec. 5. 32 V.S.A. § 3752(1) is amended to read:

(1) “Agricultural land” means any land, exclusive of any housesite, in active use to grow hay or cultivated crops, pasture livestock, cultivate trees bearing edible fruit, or produce an annual maple product, and that is 25 acres or more in size, except as provided in this subdivision (1). Agricultural land shall include buffer zones as defined and required in the Agency of Agriculture, Food and Markets’ Required Agricultural Practices rule adopted under 6 V.S.A. chapter 215. There shall be a presumption that the land is used for agricultural purposes if:

(A) it is owned by a farmer and is part of the overall farm unit;

(B) it is used by a farmer as part of the farmer's operation under written lease for at least three years; or

(C) it has produced an annual gross income from the sale of farm crops or the equivalent value of donated farm crops in one of two, or three of the five, calendar years preceding of at least:

(i) \$2,000.00 for parcels of up to 25 acres; ~~and~~

(ii) \$75.00 per acre for each acre over 25, with the total income required not to exceed \$5,000.00.

(iii) Exceptions to these income requirements may be made in cases of orchard lands planted to fruit-producing trees, bushes, or vines that are not yet of bearing age. As used in this section, the term "farm crops" also includes animal fiber, cider, wine, and cheese, produced on the enrolled land or on a housesite adjoining the enrolled land, from agricultural products grown on the enrolled land.

* * * Vermont Income Tax * * *

Sec. 6. 32 V.S.A. § 5811(21) is amended to read:

(21) "Taxable income" means, in the case of an individual, federal adjusted gross income determined without regard to 26 U.S.C. § 168(k) and:

* * *

(B) decreased by the following items of income (to the extent such income is included in federal adjusted gross income):

* * *

(ii) with respect to adjusted net capital gain income as defined in 26 U.S.C. § 1(h) reduced by the total amount of any qualified dividend income: either the first \$5,000.00 of such adjusted net capital gain income or 40 percent of adjusted net capital gain income from the sale of assets held by the taxpayer for more than three years, except not adjusted net capital gain income from:

(I) the sale of any real estate or portion of real estate used by the taxpayer as a primary or nonprimary residence; or

(II) the sale of depreciable personal property other than farm property and standing timber; or stocks or bonds publicly traded or traded on an exchange, or any other financial instruments; regardless of whether sold by an individual or business; and provided that the total amount of decrease under this subdivision (21)(B)(ii) shall not exceed 40 percent of federal taxable income or \$350,000.00, whichever is less;

* * *

(v) the amount of any federal deduction or credit that the taxpayer would have been allowed for the cultivation, testing, processing, or sale of cannabis or cannabis products as authorized under 7 V.S.A. chapter 33 or 37, but for 26 U.S.C. § 280E; ~~and~~

(vi) the amount of interest paid by a qualified resident taxpayer during the taxable year on a qualified education loan for the costs of attendance at an eligible educational institution; ~~and~~

(vii) the amount of any net farm profit, provided the taxpayer's net farm profit during the taxable year did not exceed \$10,000.00; and

(viii) notwithstanding subdivision (ii) of this subdivision (21)(B), adjusted net capital gain income from the sale of real estate that is part of a farming operation, provided the buyer continued using the real estate as part of a farming operation and:

(I) is related to the seller by blood, marriage, civil union, or adoption; or

(II) the buyer was an employee of the farming operation for a minimum of 10 years prior to the sale; and

* * *

* * * Effective Date * * *

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2025.

(Committee vote: 5-0-0)

(For House amendments, see House Journal of March 21, 2025, page 686)

House Proposal of Amendment

S. 87.

An act relating to extradition procedures.

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

Sec. 1. 13 V.S.A. § 4955 is amended to read:

§ 4955. COMMITMENT TO AWAIT EXTRADITION; BAIL

If upon examination it appears that the person held is the person charged with having committed the crime alleged and that the person probably

committed the crime, and, except in cases arising under section 4946 of this title, that the person has fled from justice, the judge or magistrate shall commit the person to jail by a warrant, reciting the accusation, for such a time, not exceeding ~~30~~ 90 days, to be specified in the warrant as will enable the arrest of the accused to be made under a warrant of the Governor on a requisition of the executive authority of the state having jurisdiction of the offense, unless the accused give bail as provided in section 4956 of this title, or until the person shall be legally discharged. On request of the state, the hearing may be continued for up to three ~~working~~ business days, only for the purpose of determining whether the person probably committed the crime. Findings under this section may be based upon hearsay evidence or upon copies of affidavits, whether certified or not, made outside this State. It shall be sufficient for a finding that a person probably committed the crime that there is a current grand jury indictment from another state.

Sec. 2. 13 V.S.A. § 4957 is amended to read:

§ 4957. EXTENDING TIME OF COMMITMENT

If the accused is not arrested under warrant of the Governor by the expiration of the time specified in the warrant, bond, or undertaking, such judge may discharge ~~him or her~~ or may recommit ~~him or her~~ the accused for a further period not to exceed ~~60~~ 30 days, or may again take bail for ~~his or her~~ the accused's appearance and surrender as provided in section 4956 of this title, but within a period not to exceed ~~60~~ 30 days after the date of such new bond.

Sec. 3. 13 V.S.A. § 4967 is amended to read:

§ 4967. WRITTEN WAIVER OF EXTRADITION PROCEEDINGS

(a)(1) Any person arrested in this State charged with having committed any crime in another state or alleged to have escaped from confinement, or broken the terms of ~~his or her~~ bail, probation, or parole may waive the issuance and service of the warrant provided for in sections 4947 and 4948 of this title and all other procedure incidental to extradition proceedings, by executing or subscribing in the presence of a judge of any court of record within this State a writing that states that ~~he or she~~ the person consents to return to the demanding state; provided, however, before ~~such~~ the waiver ~~shall be~~ is executed or subscribed by ~~such~~ the person it shall be the duty of ~~such~~, the judge to ~~shall~~ inform ~~such~~ the person of ~~his or her~~ the rights right to the issuance and service of a warrant of extradition and the right to obtain a writ of habeas corpus as provided for in section 4950 of this title.

(2) If the person previously signed an authenticated waiver of extradition to the demanding state, the waiver shall be presumed valid. If the person contests the validity of the previously signed waiver, the person bears the burden of proving that the waiver is not valid. If the court finds that the waiver is valid, it may proceed as if the person had consented to return to the demanding state in accordance with subdivision (1) of this subsection.

(b) If and when such consent has been duly executed, it shall forthwith be forwarded to the office of the Governor of this State and filed therein. The judge shall direct the officer having such person in custody to deliver forthwith such person to the duly accredited agent or agents of the demanding state, and shall deliver or cause to be delivered to such agent or agents a copy of such consent; provided, however, that nothing in this section shall be deemed to limit the rights of the accused person to return voluntarily and without formality to the demanding state, nor shall this waiver procedure be deemed to be an exclusive procedure or to limit the powers, rights, or duties of the officers of the demanding state or of this State.

Sec. 4. 13 V.S.A. § 5043 is amended to read:

§ 5043. HEARING, COMMITMENT, DISCHARGE

(a) If an arrest is made in this State by an officer of another state in accordance with the provisions of section 5042 of this title, ~~he or she shall~~ the officer, without unnecessary delay, shall take the person arrested before a Superior judge of the unit in which the arrest was made, who shall conduct a hearing for the purpose of determining the lawfulness of the arrest.

(b) If the judge determines that the arrest was lawful, ~~he or she~~ the judge shall commit the person arrested to await for ~~a reasonable time~~ the issuance of an extradition warrant by the Governor of this State within 90 days or admit such person to bail pending the issuance of such warrant. The judge shall consider the issuance of a judicial warrant for the arrest of the person who has fled justice to Vermont from another state when determining the risk of flight from prosecution.

(c) If the judge determines that the arrest was unlawful, ~~he or she~~ the judge shall discharge the person arrested.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage and shall apply prospectively and not affect extraditions in process at the time of enactment.

Report of Committee of Conference

H. 488.

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

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

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

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

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

Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

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

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

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

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

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

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

(5) "Front-of-book project" means a project approved by the General Assembly that is anticipated to have construction expenditures during the

budget year or the following three years, or both, with expected expenditures shown over four years.

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

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

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

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

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

* * * Summary of Transportation Investments * * *

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

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

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

Park and Ride Program will create 60 new State-owned spaces. Specific additions and improvements include:

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

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

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

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

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

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

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

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

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

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

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

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

* * * Rail Program; Technical Correction * * *

Sec. 3. RAIL PROGRAM

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

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

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

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

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

Sec. 4. TOWN HIGHWAY NON-FEDERAL DISASTERS

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

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

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

* * * State and Federal Funding Updates * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 3408. RAILBANKING; NOTIFICATION

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

* * *

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

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

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

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

§ 3408a. USE OF RAIL TRAILS

(a) Definitions. As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) Soliciting alms or contributions.

(11) Use of motorized vehicles, except for:

(A) maintenance purposes;

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

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

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

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

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

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

* * * Transportation Board * * *

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

§ 3. TRANSPORTATION BOARD; CREATION; MEMBERS

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

* * *

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

§ 5. TRANSPORTATION BOARD; POWERS AND DUTIES

* * *

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

* * *

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

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

* * *

* * * Green Mountain Transit Authority * * *

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

CHAPTER 801. GREEN MOUNTAIN TRANSIT AUTHORITY

* * *

§ 2. AREA OF OPERATION

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

* * *

§ 10. IMPLEMENTATION

* * *

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

* * *

* * * Town Highways * * *

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

§ 306. APPROPRIATION; STATE AID FOR TOWN HIGHWAYS

(a) General State aid to town highways.

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

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

* * *

(e) State aid for town highway structures.

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

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

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

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

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

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

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

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

* * *

(h) Class 2 Town Highway Roadway Program.

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

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

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

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

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

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

* * *

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

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

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

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

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

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

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

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

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

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

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

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

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

* * * Mileage-Based User Fee * * *

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

Sec. 27. MILEAGE-BASED USER FEE LEGISLATIVE INTENT

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

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

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

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

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

Sec. 28. MILEAGE-BASED USER FEE AUTHORIZATION

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

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

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

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

Sec. 29. MILEAGE-BASED USER FEE DESIGN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 18. INTENT

It is the intent of the General Assembly that:

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

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

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

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

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

(1) stakeholder coordination;

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

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

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

§ 1. DEFINITIONS

As used in this title:

* * *

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

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

§ 10b. STATEMENT OF POLICY; GENERAL

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

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

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

* * *

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

§ 10c. STATEMENT OF POLICY; HIGHWAYS AND BRIDGES

* * *

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

* * *

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

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

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

* * *

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

§ 10i. TRANSPORTATION PLANNING PROCESS

* * *

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

* * *

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

(4) achieving the recommendations of the CEP; and

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

* * *

* * * Medical Transports * * *

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

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

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

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

Sec. 25. MEDICAID NON-EMERGENCY TRANSPORTATION

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

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

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

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

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

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

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

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

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

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

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

(i) the type of offense;

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

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

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

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

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

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

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

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

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

Sec. 27. VOLUNTEER DRIVERS; PUBLICITY; OUTREACH

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

* * * Dig Safe * * *

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

§ 7006. MARKING OF UNDERGROUND UTILITY FACILITIES

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

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

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

§ 7006a. MAINTENANCE OF UNDERGROUND UTILITY FACILITY
MARKINGS

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

* * * Effective Dates * * *

Sec. 34. EFFECTIVE DATES

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

*RICHARD A. WESTMAN
ANDREW J. PERCHLIK
REBECCA E. WHITE*

Committee on the part of the Senate

*MATTHEW E. WALKER
TIMOTHY R. CORCORAN
MOLLIE SULLIVAN BURKE*

Committee on the part of the House

H. 493.

An act relating to making appropriations for the support of the government.
(For text of the Report of the Committee of Conference, see Addendum to Senate Calendar for May 13, 2025)

CONFIRMATIONS

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Utility Commission, underlined below, shall be fully and separately acted upon.

Jason Maulucci of Essex - Trustee of the University of Vermont Board of Trustees - By Senator Weeks for the Committee on Education (May 13, 2025)

Patricia Boucher of South Burlington - Member of the Parole Board - By Senator Harrison of the Committee on Institutions (May 14, 2025)

Katie Aiken of Bennington - Member of the Parole Board - By Senator Harrison for the Committee on Institutions (May 14, 2025)

Samantha K. Drake of Waterbury Center - Alternate Member of the Parole Board - By Senator Harrison for the Committee on Institutions (May 14, 2025)

FOR INFORMATION ONLY

CROSSOVER DATES

The Joint Rules Committee established the following crossover deadlines:

(1) All **Senate/House** bills must be reported out of the last committee of reference (including the Committees on Appropriations and Finance/Ways and Means, except as provided below in (2) and the exceptions listed below) on or before **Friday, March 14, 2025**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day – Committee bills must be voted out of Committee by **Friday, March 14, 2025**.

(2) All **Senate/House** bills referred pursuant to Senate Rule 31 or House Rule 35(a) to the Committees on Appropriations and Finance/Ways and Means must be reported out by the last of those committees on or before **Friday**,

March 21, 2025, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day.

Note: The Senate will not act on bills that do not meet these crossover deadlines, without the consent of the Senate Rules Committee.

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).