Senate Calendar

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Second Reading

Favorable with Recommendation of Amendment

S. 183.

An act relating to home improvement and land improvement fraud.

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

The Committee recommends that the bill be amended as follows:

In Sec. 1, 13 V.S.A. § 2029, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) A person commits the offense of home improvement or land improvement fraud when the person knowingly enters into a contract, ~~or~~ agreement, or change order, written or oral, for $1,000.00 or more, with an owner for home improvement or land improvement, or into several contracts, ~~or~~ agreements, or change orders for $2,500.00 or more in the aggregate, with more than one owner for home improvement or land improvement, and the person knowingly:

(1)~~(A) fails to perform the contract or agreement, in whole or in part; and~~

~~(B) when the owner requests performance, payment, or a refund of payment made, the person fails to either:~~

~~(i) refund the payment;~~

~~(ii) make and comply with a definite plan for completion of the work that is agreed to by the owner; or~~

~~(iii) make the payment~~ promises performance that the person does not intend to perform or knows will not be performed, in whole or in part;

(2) misrepresents a material fact relating to the terms of the contract, ~~or~~ agreement, or change order or to the condition of any portion of the property involved;

(3) uses or employs any unfair or deceptive act or practice in order to induce, encourage, or solicit such person to enter into any contract, ~~or~~

agreement, or change order or to modify the terms of the original contract, ~~or~~ agreement, or change order; or

(4) when there is a declared state of emergency, charges for goods or services related to the emergency a price that exceeds two times the average price for the goods or services and the increase is not attributable to the additional costs incurred in connection with providing those goods or services.

(Committee vote: 5-0-0)

S. 230.

An act relating to flexible working arrangements.

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

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 471 is amended to read:

§ 471. DEFINITIONS

As used in this subchapter:

* * *

(5) "Employee" means a person who, in consideration of direct or indirect gain or profit, has been continuously employed by the same employer for a period of one year for an average of at least 30 hours per week or meets the service requirement set forth in 29 C.F.R. § 825.801 (airline flight crew employees) or 29 C.F.R. § 825.110(c)(3) (full-time teachers, as defined in 29 C.F.R. § 825.102, of an elementary or secondary school system or institution of higher education).

* * *

Sec. 2. 21 V.S.A. § 495d is amended to read:

§ 495d. DEFINITIONS

As used in this subchapter:

* * *

(15) "Crime victim" means any of the following:

(A) a person who has obtained a relief from abuse order issued under 15 V.S.A. § 1103;

(B) a person who has obtained an order against stalking or sexual assault issued under 12 V.S.A. chapter 178;

(C) a person who has obtained an order against abuse of a vulnerable adult issued under 33 V.S.A. chapter 69; ~~or~~

(D)(i) a victim as defined in 13 V.S.A. § 5301, provided that the victim is identified as a crime victim in an affidavit filed by a law enforcement official with a prosecuting attorney of competent state or federal jurisdiction; and

(ii) shall include the victim's child, foster child, parent, spouse, stepchild or ward of the victim who lives with the victim, or a parent of the victim's spouse, provided that the individual is not identified in the affidavit as the defendant~~.~~; or

(E) a person who is a survivor of domestic violence, sexual assault, or stalking and who has supporting documentation from any one of the following sources:

(i) a court or law enforcement or other government agency;

(ii) a domestic violence, sexual assault, or stalking assistance program;

(iii) a legal, clerical, medical, or other professional from whom the person has received counseling or other assistance concerning domestic violence, sexual assault, or stalking; or

(iv) a self-attestation by the person describing the circumstances supporting the person's status as a survivor of domestic violence, sexual assault, and stalking for which no further corroboration shall be required unless otherwise mandated by law. A self-attestation shall include the following language above the person's signature and date: "I declare that the above statement is true and accurate to the best of my knowledge or belief. I understand that if the above statement is false, I will be subject to the penalty of perjury or other sanctions in the discretion of the court."

* * *

(18) "Domestic violence" has the same meaning as in 15 V.S.A. § 1151 and includes the definition of "abuse" in 15 V.S.A. § 1101.

(19) "Sexual assault" has the same meaning as in 12 V.S.A. § 5131.

(20) "Stalking" has the same meaning as in 12 V.S.A. § 5131.

Sec. 3. 21 V.S.A. § 495g is amended to read:

§ 495g. ~~PROVISION APPLICABLE TO COLLEGE PROFESSORS~~

~~Nothing in this subchapter shall be construed to prohibit any institution of higher education as defined by section 1201(a) of the federal Higher Education Act of 1965 from retiring any employee who is serving under a contract of unlimited tenure, who attains 70 years of age. Any employee whose tenure contract is terminated may, in the discretion of the institution, be allowed to continue in the employ of the institution on a nontenured basis.~~ [Repealed.]

Sec. 4. EFFECTIVE DATES

This act shall take effect on July 1, 2026.

and that after passage the title of the bill be amended to read: "An act relating to fair employment practices"

(Committee vote: 5-0-0)

NEW BUSINESS

Third Reading

H. 649.

An act relating to captive insurance companies.

Second Reading

Favorable with Recommendation of Amendment

S. 173.

An act relating to workers' compensation and the Vermont Labor Relations Board.

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

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 641 is amended to read:

§ 641. VOCATIONAL REHABILITATION

(a) When as a result of an injury covered by this chapter, an employee is unable to perform work for which the employee has previous training or experience, the employee shall be entitled to vocational rehabilitation services, including retraining and job placement, as may be reasonably necessary to restore the employee to suitable employment. Vocational rehabilitation services shall be provided as follows:

(1) The employer shall designate a vocational rehabilitation provider from a list provided by the Commissioner to initially provide services. Thereafter, absent good cause, the employee may have only one opportunity to select another vocational rehabilitation provider from a list provided by the Commissioner upon giving the employer written notice of the employee's reasons for dissatisfaction with the designated provider and the name and address of the provider selected by the employee.

(2) The Department shall provide an injured worker with a form that includes information and employee rights. The form shall clearly and simply explain the worker's rights, including the choice of provider, the right to challenge a determination, the right to request vocational rehabilitation services in the future if the work injury affects the worker's ability to earn the worker's preinjury wage, and reimbursement for related expenses. The worker shall sign the form and return it to the Department.

(3) The Commissioner shall adopt rules to ensure that a worker who requests services or who has been out of work for more than 90 days is timely ~~and cost-effectively screened for benefits under this section~~ referred to a vocational rehabilitation counselor. The rules shall:

(A) Provide that all vocational rehabilitation work~~, except for initial screenings,~~ be performed by a Vermont-certified vocational rehabilitation counselor, including counselors currently certified pursuant to the rules of the Department. ~~Initial screenings shall be performed by an individual with sufficient knowledge or experience to perform adequately the vocational rehabilitation screening functions.~~

(B) ~~Provide for an initial screening to determine whether a full assessment is appropriate. An injured worker who is determined to be eligible for a full assessment shall be timely assessed and offered appropriate vocational rehabilitation services.~~ [Repealed.]

(C) ~~Provide a mechanism for a periodic and timely screening of injured workers who are initially found not to be ready or eligible for a full assessment to determine whether a full assessment has become appropriate.~~ [Repealed.]

(D) ~~Protect against potential conflicts of interest in the assignment and performance of initial screenings.~~ [Repealed.]

(E) Ensure the injured worker has a choice of a vocational rehabilitation counselor.

(F) Ensure the injured worker may initiate vocational rehabilitation services with the worker's chosen vocational rehabilitation provider if the

employer fails to assign a vocational rehabilitation provider within 90 days following the worker being out of work.

* * *

Sec. 2. VOCATIONAL REHABILITATION WORKING GROUP; REPORT

(a) Creation. There is created the Vocational Rehabilitation Working Group to provide recommendations to the General Assembly on how to improve the current vocational rehabilitation system to ensure that it meets the needs of eligible injured workers in a timely and cost-effective manner.

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

(1) the Director of Workers' Compensation and Safety or designee;

(2) two representatives on behalf of workers' compensation claimants, one of whom shall be appointed by the Speaker of the House and one of whom shall be appointed by the Committee on Committees;

(3) two representatives on behalf of employers and workers' compensation insurance carriers, one of whom shall be appointed by the Speaker of the House and one of whom shall be appointed by the Committee on Committees; and

(4) two vocational rehabilitation counselors currently certified in Vermont, one of whom shall be appointed by the Speaker of the House and one of whom shall be appointed by the Committee on Committees.

(c) Powers and Duties. The Working Group shall meet over the summer and fall to discuss and develop recommendations on how to improve the current vocational rehabilitation system and prepare recommendations for consideration by the General Assembly. The Working Group shall consider the following questions:

(1) What mechanisms could better identify which claimants are likely to require vocational rehabilitation services?

(2) Could utilization of vocational services be improved by enabling claimants to access vocational rehabilitation benefits while receiving wage replacement benefits?

(3) Could the workers' compensation system take into account the diminished earning capacity of those claimants who are unable to earn a preinjury wage but are not eligible to receive permanent total disability benefits?

(4) Should the average weekly wage be indexed to the cost of living for vocational rehabilitation purposes?

(5) What improvements could be made to ensure that vocational rehabilitation providers who provide services to workers' compensation claimants are familiar with Vermont's workers' compensation system?

(6) Are some of the current requirements for providing vocational rehabilitation services too onerous and administratively unnecessary?

(7) How could the Department of Labor's oversight of vocational rehabilitation be improved?

(8) How could vocational rehabilitation services be provided in a way that is more cost-effective for the workers' compensation system?

(d) Meetings. The Director of Workers' Compensation and Safety shall call the first meeting of the Working Group to occur on or before August 14, 2026.

(e) Assistance. The Working Group shall have the administrative, technical, and legal assistance of the Department of Labor.

(f) Report. On or before December 15, 2026, the Working Group shall submit a written report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs with its findings and any recommendations for legislative action. The Working Group shall cease to exist upon submission of the report.

(g) Compensation and reimbursement. Except for those members regularly employed by the State, members of the Working Group shall be entitled to reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than five meetings. These payments shall be made from monies appropriated to the Department of Labor.

and that after passage the title of the bill be amended to read: "An act relating to vocational rehabilitation"

(Committee vote: 5-0-0)

Reported favorably by Senator Watson for the Committee on Appropriations.

The Committee recommends that the bill ought to pass when amended as recommended by the Committee on Economic Development, Housing and General Affairs.

(Committee vote: 5-0-2)

S. 179.

An act relating to the Uniform Disclaimer of Property Interests Act.

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

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 14 V.S.A. chapter 129 is added to read:

CHAPTER 129. VERMONT DISCLAIMER OF PROPERTY INTERESTS ACT

§ 4101. SHORT TITLE

This chapter may be cited as the "Vermont Uniform Disclaimer of Property Interests Act."

§ 4102. DEFINITIONS

As used in this chapter:

(1) "Disclaimant" means the person to whom a disclaimed interest or power would have passed had the disclaimer not been made.

(2) "Disclaimed interest" means the interest that would have passed to the disclaimant had the disclaimer not been made.

(3) "Disclaimer" means the refusal to accept an interest in or power over property.

(4) "Fiduciary" means a personal representative, trustee, agent acting under a power of attorney, or other person authorized to act as a fiduciary with respect to the property of another person.

(5) "Jointly held property" means property held in the name of two or more persons under an arrangement in which all holders have concurrent interests and under which the last surviving holder is entitled to the whole of the property.

(6) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, governmental agency, governmental instrumentality, public corporation, or any other legal or commercial entity.

(7) "Personal representative" means a duly appointed representative of a probate estate, such as an executor or administrator.

(8) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band, or Alaskan native village, recognized by federal law or formally acknowledged by a state.

(9) "Trust" means:

(A) an express trust, charitable or noncharitable, with additions thereto, whenever and however created; or

(B) a trust created pursuant to a statute, judgment, or decree that requires the trust to be administered in the manner of an express trust.

§ 4103. SCOPE

This chapter applies to disclaimers of any interest in or power over property, whenever created.

§ 4104. SUPPLEMENTED BY OTHER LAW

(a) Unless displaced by a provision of this chapter, the principles of law and equity supplement this chapter.

(b) This chapter does not limit any right of a person to waive, release, disclaim, or renounce an interest in or power over property under a law other than this chapter.

§ 4105. POWER TO DISCLAIM; GENERAL REQUIREMENTS; WHEN IRREVOCABLE

(a) A person may disclaim, in whole or in part, any interest in or power over property, including a power of appointment. A person may disclaim the interest or power even if its creator imposed a spendthrift provision or similar restriction on transfer or a restriction or limitation on the right to disclaim.

(b) Except to the extent a fiduciary's right to disclaim is expressly restricted or limited by another statute of this State or by the instrument creating the fiduciary relationship, a fiduciary may disclaim, in whole or in part, any interest in or power over property, including a power of appointment, whether acting in a personal or representative capacity. A fiduciary may disclaim the interest or power even if its creator imposed a spendthrift provision or similar restriction on transfer or a restriction or limitation on the right to disclaim, or an instrument other than the instrument that created the fiduciary relationship imposed a restriction or limitation on the right to disclaim.

(c) To the extent that there is no material conflict of interest, a parent, as defined in 15C V.S.A. § 102(16), can disclaim on behalf of the parent's minor, if a guardian has not been or is not required to be appointed for the child.

(d) To be effective, a disclaimer shall be in a writing or other record, declare the disclaimer, describe the interest or power disclaimed, be signed, and be delivered or filed in the manner provided in section 4112 of this title. As used in this subsection:

(1) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(2) "Signed" means:

(A) by the person making the disclaimer, or by another individual directed by the person making the disclaimer to sign the name of the person making the disclaimer in the presence of the person making the disclaimer and two credible witnesses who shall also sign the record in the presence of all parties hereto; and

(B) with present intent to authenticate or adopt a record to:

(i) execute or adopt a tangible symbol; or

(ii) attach to or logically associate with the record an electronic sound, symbol, or process.

(e) A partial disclaimer may be expressed as a fraction, percentage, monetary amount, term of years, limitation of a power, or any other interest or estate in the property.

(f) A disclaimer becomes irrevocable when it is delivered or filed pursuant to section 4112 of this title or when it becomes effective as provided in sections 4107–4111 of this title, whichever occurs later.

(g) A disclaimer made under this chapter is not a transfer, assignment, or release.

§ 4106. DISCLAIMER OF INTEREST IN PROPERTY

(a) As used in this section:

(1) "Future interest" means an interest that takes effect in possession or enjoyment, if at all, later than the time of its creation.

(2) "Time of distribution" means the time when a disclaimed interest would have taken effect in possession or enjoyment.

(b) Except for a disclaimer governed by section 4107 or 4108 of this title, the following rules apply to a disclaimer of an interest in property:

(1) The disclaimer takes effect as of the time the instrument creating the interest becomes irrevocable, or, if the interest arose under the law of intestate succession, as of the time of the intestate's death.

(2) The disclaimed interest passes according to any provision in the instrument creating the interest providing for the disposition of the interest, should it be disclaimed, or of disclaimed interests in general.

(3) If the instrument does not contain a provision described in subdivision (2) of this subsection, the following rules apply:

(A) If the disclaimant is not an individual, the disclaimed interest passes as if the disclaimant did not exist.

(B) If the disclaimant is an individual, except as otherwise provided in subdivisions (C) and (D) of this subdivision (3), the disclaimed interest passes as if the disclaimant had died immediately before the time of distribution.

(C) If by law or under the instrument, the descendants of the disclaimant would share in the disclaimed interest by any method of representation had the disclaimant died before the time of distribution, the disclaimed interest passes only to the descendants of the disclaimant who survive the time of distribution.

(D) If the disclaimed interest would pass to the disclaimant's estate had the disclaimant died before the time of distribution, the disclaimed interest instead passes by representation to the descendants of the disclaimant who survive the time of distribution. If no descendant of the disclaimant survives the time of distribution, the disclaimed interest passes to those persons, including the state but excluding the disclaimant, and in such shares as would succeed to the transferor's intestate estate under the intestate succession law of the transferor's domicile had the transferor died at the time of distribution. However, if the transferor's surviving spouse is living but is remarried at the time of distribution, the transferor is deemed to have died unmarried at the time of distribution.

(4) Upon the disclaimer of a preceding interest, a future interest held by a person other than the disclaimant takes effect as if the disclaimant had died or ceased to exist immediately before the time of distribution, but a future interest held by the disclaimant is not accelerated in possession or enjoyment.

§ 4107. DISCLAIMER OF RIGHTS OF SURVIVORSHIP IN JOINTLY HELD PROPERTY

(a) Upon the death of a holder of jointly held property, a surviving holder may disclaim, in whole or part, the greater of:

(1) a fractional share of the property determined by dividing the number one by the number of joint holders alive immediately before the death of the holder to whose death the disclaimer relates; or

(2) all of the property except that part of the value of the entire interest attributable to the contribution furnished by the disclaimant.

(b) A disclaimer under subsection (a) of this section takes effect as of the death of the holder of jointly held property to whose death the disclaimer relates.

(c) An interest in jointly held property disclaimed by a surviving holder of the property passes as if the disclaimant predeceased the holder to whose death the disclaimer relates.

§ 4108. DISCLAIMER OF INTEREST BY TRUSTEE

If a trustee disclaims an interest in property that otherwise would have become trust property, the interest does not become trust property.

§ 4109. DISCLAIMER OF POWER OF APPOINTMENT OR OTHER POWER NOT HELD IN FIDUCIARY CAPACITY

If a holder disclaims a power of appointment or other power not held in a fiduciary capacity, the following rules apply:

(1) If the holder has not exercised the power, the disclaimer takes effect as of the time the instrument creating the power becomes irrevocable.

(2) If the holder has exercised the power and the disclaimer is of a power other than a presently exercisable general power of appointment, the disclaimer takes effect immediately after the last exercise of the power.

(3) The instrument creating the power is construed as if the power expired when the disclaimer became effective.

§ 4110. DISCLAIMER BY APPOINTEE, OBJECT, OR TAKER IN DEFAULT OF EXERCISE OF POWER OF APPOINTMENT

(a) A disclaimer of an interest in property by an appointee of a power of appointment takes effect as of the time the instrument by which the holder exercises the power becomes irrevocable.

(b) A disclaimer of an interest in property by a permissible appointee or taker in default of an exercise of a power of appointment takes effect as of the time the instrument creating the power becomes irrevocable.

§ 4111. DISCLAIMER OF POWER HELD IN FIDUCIARY CAPACITY

(a) If a fiduciary disclaims a power held in a fiduciary capacity that has not been exercised, the disclaimer takes effect as of the time the instrument creating the power becomes irrevocable.

(b) If a fiduciary disclaims a power held in a fiduciary capacity that has been exercised, the disclaimer takes effect immediately after the last exercise of the power.

(c) A disclaimer under this section is effective as to another fiduciary if the disclaimer so provides and the fiduciary disclaiming has the authority to bind the estate, trust, or other person for whom the fiduciary is acting.

§ 4112. DELIVERY OR FILING

(a) As used in this section, "beneficiary designation" means an instrument, other than an instrument creating a trust, naming the beneficiary of:

(1) an annuity or insurance policy;

(2) an account with a designation for payment on death;

(3) a security registered in beneficiary form;

(4) a pension, profit-sharing, retirement, or other employment-related benefit plan; or

(5) any other nonprobate transfer at death, including an enhanced life estate deed created pursuant to 27 V.S.A. chapter 6.

(b) Subject to subsections (c)–(m) of this section, delivery of a disclaimer may be effected by personal delivery, first-class mail, or any other method likely to result in its receipt.

(c) In the case of an interest created under the law of intestate succession or an interest created by will, other than an interest in a testamentary trust:

(1) the disclaimer shall be delivered to the personal representative of the decedent's estate; or

(2) if no personal representative is then serving, the disclaimer shall be filed with a court having jurisdiction to appoint the personal representative.

(d) In the case of an interest in a testamentary trust:

(1) the disclaimer shall be delivered to the trustee then serving, or if no trustee is then serving, to the personal representative of the decedent's estate; or

(2) if no personal representative is then serving, the disclaimer shall be filed with a court having jurisdiction to enforce the trust.

(e) In the case of an interest in an inter vivos trust:

(1) the disclaimer must be delivered to the trustee then serving;

(2) if no trustee is then serving, the disclaimer shall be filed with a court having jurisdiction to enforce the trust; or

(3) if the disclaimer is made before the time the instrument creating the trust becomes irrevocable, the disclaimer shall be delivered to the settlor of a revocable trust or the transferor of the interest.

(f) In the case of an interest created by a beneficiary designation that is disclaimed before the designation becomes irrevocable, the disclaimer shall be delivered to the person making the beneficiary designation.

(g) In the case of an interest in personal property created by a beneficiary designation that is disclaimed after the designation becomes irrevocable, the disclaimer shall be delivered to the person obligated to distribute the interest.

(h) If real property or an interest in real property is disclaimed, a copy of the disclaimer shall be recorded in the land records of the town in which the property or interest disclaimed is located.

(i) In the case of a disclaimer by a surviving holder of jointly held property, the disclaimer shall be delivered to the person to whom the disclaimed interest passes.

(j) In the case of a disclaimer by a permissible appointee or taker in default of exercise of a power of appointment at any time after the power was created:

(1) the disclaimer shall be delivered to the holder of the power or to the fiduciary acting under the instrument that created the power; or

(2) if no fiduciary is then serving, the disclaimer shall be filed with a court having authority to appoint the fiduciary.

(k) In the case of a disclaimer by an appointee of a nonfiduciary power of appointment:

(1) the disclaimer shall be delivered to the holder, the personal representative of the holder's estate or to the fiduciary under the instrument that created the power; or

(2) if no fiduciary is then serving, the disclaimer shall be filed with a court having authority to appoint the fiduciary.

(l) In the case of a disclaimer by a fiduciary of a power over a trust or estate, the disclaimer shall be delivered as provided in subsection (c), (d), or (e) of this section, as if the power disclaimed were an interest in property.

(m) In the case of a disclaimer of a power by an agent, the disclaimer shall be delivered to the principal or the principal's representative.

§ 4113. WHEN DISCLAIMER BARRED OR LIMITED

(a) A disclaimer is barred by a written waiver of the right to disclaim.

(b) A disclaimer of an interest in property is barred if any of the following events occur before the disclaimer becomes effective:

(1) the disclaimant accepts the interest sought to be disclaimed;

(2) the disclaimant voluntarily assigns, conveys, encumbers, pledges, or transfers the interest sought to be disclaimed or contracts to do so; or

(3) a judicial sale of the interest sought to be disclaimed occurs.

(c) A disclaimer, in whole or part, of the future exercise of a power held in a fiduciary capacity is not barred by its previous exercise.

(d) A disclaimer, in whole or part, of the future exercise of a power not held in a fiduciary capacity is not barred by its previous exercise unless the power is exercisable in favor of the disclaimant.

(e) A disclaimer is barred or limited if so provided by law other than this chapter.

(f) A disclaimer of a power over property that is barred by this section is ineffective. A disclaimer of an interest in property that is barred by this section takes effect as a transfer of the interest disclaimed to the persons who would have taken the interest under this chapter had the disclaimer not been barred.

§ 4114. TAX QUALIFIED DISCLAIMER

Notwithstanding any other provision of this chapter, if as a result of a disclaimer or transfer the disclaimed or transferred interest is treated pursuant to the provisions of the Internal Revenue Code, as may be amended, or any regulations promulgated under it, as never having been transferred to the disclaimant, then the disclaimer or transfer is effective as a disclaimer under this chapter.

§ 4115. RECORDING OF DISCLAIMER

If an instrument transferring an interest in or power over property subject to a disclaimer is required or permitted by law to be filed, recorded, or registered, then the disclaimer may be so filed, recorded, or registered. Failure to file, record, or register the disclaimer does not affect its validity as between the disclaimant and persons to whom the property interest or power passes by reason of the disclaimer.

§ 4116. APPLICATION TO EXISTING RELATIONSHIPS

Except as otherwise provided in section 4113 of this title, an interest in or power over property existing on the effective date of this chapter as to which the time for delivering or filing a disclaimer under law superseded by this chapter has not expired may be disclaimed after the effective date of this chapter.

§ 4117. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001, et seq., but does not modify, limit, or supersede Section 101(c) of that act (15 U.S.C. § 7001(c)) or authorize electronic delivery of any of the notices described in Section 103(b) of that act (15 U.S.C. § 7003(b)).

§ 4118. UNIFORMITY OF APPLICATION AND CONSTRUCTION

In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Sec. 2. REPEAL

14 V.S.A. chapter 83 (Uniform Disclaimer of Property Interests Act) is repealed.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 4-0-1)

S. 213.

An act relating to the use of smart meters by public water systems.

Reported favorably with recommendation of amendment by Senator Hardy for the Committee on Natural Resources and Energy.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. § 1671 is amended to read:

§ 1671. DEFINITIONS

As used in this chapter:

(1) "Drinking water" means noncarbonated water that is intended for human consumption or other consumer uses whether provided by a public water system or in a container, bottle, or package, or in bulk, including water used for production of ice, foodstuffs, or other products designed for human consumption.

(2) "Department" means the Department of Environmental Conservation.

(3) "Person" means any individual~~,~~; partnership~~,~~; company~~,~~; corporation~~,~~; cooperative~~,~~; association~~,~~; unincorporated association~~,~~; joint venture~~,~~; trust~~,~~; the State of Vermont or any department, agency, subdivision, or municipality~~,~~; the U.S. government or any department, agency, or subdivision~~,~~; or any other legal or commercial entity.

(4) "Public water source" means any surface water or groundwater supply used as a source of drinking water for a public water system.

(5)(A) "Public water system" means any system, or combination of systems owned or controlled by a person, that provides drinking water through pipes or other constructed conveyances to the public and that:

(i) has at least 15 service connections; or

(ii) serves an average of at least 25 individuals for at least 60 days a year.

(B) "Public water system" ~~shall~~ also ~~mean~~ means any part of a piped system that does not provide drinking water, if use of such a part could affect the quality or quantity of the drinking water supplied by the system. "Public water system" ~~shall~~ also ~~mean~~ means a system that bottles drinking water for public distribution and sale.

(6) "Secretary" means the Secretary of Natural Resources or the Secretary's designee.

* * *

(14) "Advanced metering infrastructure device" means a meter or related communications equipment that is part of an advanced metering

infrastructure system and enables measurement of utility usage and two-way communication between the meter and the utility, and includes both wired and wireless devices.

(15) "Advanced metering infrastructure" or "AMI" means an integrated system of meters, including communications and data management systems that measure, record, and transmit utility usage data at regular intervals and enable two-way communication between the utility and the customer.

Sec. 2. 10 V.S.A. § 1672 is amended to read:

§ 1672. AUTHORITY OF THE AGENCY OF NATURAL RESOURCES

(a) Except as provided in subsections (c) through (f) of this section, to prevent and minimize public health hazards, the Secretary shall have authority over and shall regulate the purity of drinking water; the adequacy, construction, and operation of public water systems; public water sources; and public water source protection areas.

* * *

(h) Upon request of the Secretary, the Cybersecurity Advisory Council shall develop nonbinding guidance for public water systems regarding generally accepted cybersecurity practices, including information relevant to metering systems and customer data. On its own motion, the Cybersecurity Advisory Council may at any time issue guidance for public water systems regarding generally accepted cybersecurity practices. The Council may issue guidance under this subsection as part of its annual report and in any other outreach method utilized by the Council specific to public water systems or other critical infrastructure systems.

Sec. 3. 10 V.S.A. § 1675 is amended to read:

§ 1675. PERMITS; CONDITIONS; DURATION; SUSPENSION OF REVOCATION

(a) Authority to issue, renew, or deny permit. The Secretary may issue, renew, or deny a public water system permit required by this chapter. As part of this authority, the Secretary may issue general operating permits for the operation of transient noncommunity water systems.

* * *

(j) Advanced metering infrastructure device; customer rights. If a public water system requires a user of the system to install a meter to measure usage, the public water system may install an advanced metering infrastructure device on a user's premises, provided that the public water system:

(1) provides prior written notice to the user indicating that the advanced metering infrastructure device will use radio or other wireless means for two-way communication between the device and the public water system and informing the user of the user's rights under subdivisions (2) and (3) of this subsection;

(2) allows a user to choose not to have an advanced metering infrastructure device installed, provided that the public water system may charge the user for the cost of the alternative device and any additional service charge required for the public water system to operate the alternative device; and

(3) allows a user to require removal of a previously installed advanced metering infrastructure device for any reason and at an agreed-upon time, without incurring any charge for such removal.

Sec. 4. 30 V.S.A. § 2811 is amended to read:

§ 2811. ~~SMART METERS~~ ADVANCED METERING INFRASTRUCTURE DEVICES; CUSTOMER RIGHTS; REPORTS

(a) Definitions. As used in this section, the following terms shall have the following meanings:

(1) ~~"Smart meter" means a wired smart meter or a wireless smart meter~~ "Advanced metering infrastructure device" means a meter or related communications equipment that is part of an advanced metering infrastructure system and enables measurement of utility usage and two-way communication between the meter and the utility, and includes both wired and wireless devices.

(2) ~~"Wired smart meter" means an advanced metering infrastructure device using a fixed wire for two-way communication between the device and an electric company~~ "Advanced metering infrastructure" or "AMI" means an integrated system of meters, including communications and data management systems that measure, record, and transmit utility usage data at regular intervals and enable two-way communication between the utility and the customer.

(3) ~~"Wireless smart meter" means an advanced metering infrastructure device using radio or other wireless means for two-way communication between the device and an electric company.~~ [Repealed.]

(b) Customer rights. Notwithstanding any law, order, or agreement to the contrary, an electric company may install a wireless ~~smart meter~~ advanced metering infrastructure device on a customer's premises, provided the company:

(1) provides prior written notice to the customer indicating that the ~~meter~~ device will use radio or other wireless means for two-way communication ~~between the meter and the company~~ and informing the customer of ~~his or her~~ the customer's rights under subdivisions (2) and (3) of this subsection;

(2) allows a customer to choose not to have ~~a wireless smart meter~~ an advanced metering infrastructure device installed, ~~at no additional monthly or other charge~~ provided that the electric company may charge the customer for the cost of the alternative device and any additional service charge required for the electric company to operate the alternative device; and

(3) allows a customer to require removal of a previously installed wireless ~~smart meter~~ advanced metering infrastructure device for any reason and at an agreed-upon time, without incurring any charge for such removal.

~~(c) Reports. On January 1, 2014 and again on January 1, 2016, the Commissioner of Public Service shall publish a report on the savings realized through the use of smart meters as well as on the occurrence of any breaches to a company's cyber-security infrastructure. The reports shall be based on electric company data requested by and provided to the Commissioner of Public Service and shall be in a form and in a manner the Commissioner deems necessary to accomplish the purposes of this subsection. The reports shall be submitted to the Senate Committees on Finance and on Natural Resources and Energy and the House Committees on Commerce and Economic Development and on Energy and Technology.~~

~~(d) Health report.~~

~~(1) On or before January 15, 2013, the Commissioner of Health and the Commissioner of Public Service shall jointly submit a report to the Senate Committee on Finance and the House Committee on Commerce and Economic Development. The report shall include: an update of the Department of Health's 2012 report entitled "Radio Frequency Radiation and Health: Smart Meters"; a summary of the Department's activities monitoring the deployment of wireless smart meters in Vermont, including a representative sample of postdeployment radio frequency level testing; and recommendations relating to evidence-based surveillance on the potential health effects of wireless smart meters.~~

~~(2) The Commissioner of Public Service, in consultation with the Commissioner of Health, shall select and retain an independent expert, not an employee of the State, to perform the research and writing of the report identified in subdivision (1) of this subsection. The Commissioner of Public Service may allocate the costs of retaining the independent expert to electric~~

~~utilities in accordance with sections 20 and 21 of this title (particular proceedings; personnel; assessment of costs).~~

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: "An act relating to the use of advanced metering infrastructure devices"

(Committee vote: 5-0-0)

S. 223.

An act relating to water quality of the waters of Vermont.

Reported favorably with recommendation of amendment by Senator Bongartz for the Committee on Natural Resources and Energy.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. WATER QUALITY, LAKE CLASSIFICATION, AND ANTIDEGRADATION STUDY GROUP; REPORT

(a) Creation. There is created the Water Quality, Lake Classification, and Antidegradation Study Group, which shall conduct the evaluations set forth in subsection (c) of this section, including the review of existing classified waters of the State and candidate waters with water quality data supporting reclassification, assessment of antidegradation requirements, examination of the regulatory framework for Class A waters, and examination of the adequacy of the current water classification system for lakes and ponds. Based on these evaluations, the Study Group shall recommend to the General Assembly legislative or policy changes to strengthen environmental protection, provide regulatory certainty, and support public uses of State waters.

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

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

(2) two current members of the Senate, who shall be appointed by the Committee on Committees;

(3) the Secretary of Natural Resources or designee;

(4) a Department of Environmental Conservation water quality scientist or technical staff member, appointed by the Secretary of Natural Resources;

(5) two persons representing businesses, industries, or development that interact with water quality permitting, including the State antidegradation policy, use of high quality waters, and water classification, one of whom shall be appointed by the Speaker of the House and one of whom shall be appointed by the Committee on Committees;

(6) two persons representing nonprofit environmental advocacy groups, one of whom shall be appointed by the Speaker of the House and one of whom shall be appointed by the Committee on Committees; and

(7) one person representing the Federation of Vermont Lakes and Ponds, appointed by the Governor.

(c) Powers and duties. The Study Group shall:

(1) Develop an inventory of the waters of the State, with the existing classification designations, as set forth in the Vermont Water Quality Standards, including candidate high quality waters with water quality data that meets or exceeds the minimum criteria supporting reclassification for such waters.

(2) Assess the State's obligations under the federal Clean Water Act, 33 U.S.C. §§ 1251–1388, as enacted as of January 1, 2026, with respect to the adoption of an antidegradation rule to implement the State's antidegradation policy under the Vermont Water Quality Standards, including an evaluation of State and federal statutory and regulatory requirements and the identification of any legal, administrative, policy, or practical barriers to full compliance.

(3) Identify and evaluate the statutory and regulatory frameworks, rules, policies, and procedures governing Class A waters, including whether modifications are needed to facilitate the reclassification of eligible waters, adequately protect and support designated and existing uses, and provide regulatory certainty for activities in Class A waters.

(4) Evaluate whether the existing water classification system in the State and related statutory and regulatory frameworks protect the ecological integrity of the State's lakes and ponds, adequately address current and potential threats to the water quality of the State's lakes and ponds, and provide regulatory certainty.

(5) Recommend legislative amendments and identify any rules, policies, or procedures that may require revision to implement the Study Group's recommendations.

(d) Assistance. The Study Group shall have the administrative, technical, and legal assistance of the Agency of Natural Resources and shall have the legal and drafting assistance of the Office of Legislative Counsel.

(e) Report. On or before December 15, 2026, the Study Group shall submit a written report to the General Assembly that shall include its findings and recommendations under subsection (c) of this section.

(f) Meetings.

(1) The Secretary of Natural Resources shall call the first meeting of the Study Group to occur on or before August 1, 2026.

(2) The Study Group shall select at its first meeting a chair from among the four legislators serving as members.

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

(4) The Study Group shall cease to exist on February 15, 2027.

(g) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Study Group serving in the member's capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than eight meetings. These payments shall be made from monies appropriated to the General Assembly.

(2) Other members of the Study Group shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than eight meetings. These payments shall be made from monies appropriated to the General Assembly.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 5-0-0)

Reported favorably with recommendation of amendment by Senator Watson for the Committee on Appropriations.

The Committee recommends that the bill be amended as recommended by the Committee on Natural Resources and Energy, with the following amendment thereto by adding a new section to be Sec. 1a to read as follows:

Sec. 1a. CONTINGENCY OF FUNDING

Notwithstanding the provisions of 2 V.S.A. § 23 and 32 V.S.A. § 1010 to the contrary, the required payment under Sec. 1(g) of per diem compensation and reimbursement of expenses to the legislative members and other members of the Water Quality, Lake Classification, and Antidegradation Study Group is contingent upon an appropriation of funds in fiscal year 2027 from the General

Fund to the Vermont General Assembly for the specific purpose of compensation and reimbursement of the Study Group members.

(Committee vote: 5-0-2)

House Proposal of Amendment

S. 60.

An act relating to establishing the Farm Security Special Fund to provide grants for farm losses due to weather conditions.

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. FINDINGS

The General Assembly finds that:

(1) In 2023 and 2024, Vermont experienced extreme flooding and other weather-based disasters that devastated farms and other working lands businesses across the State.

(2) Many existing State and federal programs that are designed to support farms and forestry operations are difficult to access, are administratively burdensome, are not equitably distributed to small- and medium-scale farmers and forestry operations, and currently do not meet the needs of Vermont farmers and forestry operations in a holistic way.

(3) In particular, because federal crop insurance programs are not designed to serve the needs of smaller scale or more diversified farming operations, many Vermont farmers are not covered by crop insurance.

(4) The State should establish a permanent funding support program to:

(A) maintain the viability of farms and forestry operations in Vermont in order to ensure food security, resilience, rural economic vitality, and environmental health;

(B) continuously invest in farms and forestry operations in a way that makes them more resilient to current and future challenges; and

(C) provide a source of relief funds permanently available to farmers and forestry operations impacted by weather-based emergencies.

Sec. 2. 6 V.S.A. chapter 207 is amended to read:

CHAPTER 207. PROMOTION ~~AND~~, MARKETING, AND SUPPORT OF VERMONT FARMS, FOODS, AND PRODUCTS

* * *

Subchapter 5. Farm and Forestry Operations Security Special Fund

§ 4641. DEFINITIONS

As used in this subchapter:

(1) "Eligible weather condition" means any of the following weather conditions that are found to be closely correlated with agricultural or forest operation income losses:

(A) high winds;

(B) excessive moisture, intense precipitation, or flooding;

(C) extreme heat;

(D) abnormal freeze conditions;

(E) a forest fire or wild fire event;

(F) hail;

(G) drought; or

(H) any other severe weather or growing conditions impacting agricultural or forestry operations income, as determined by the Review Board.

(2) "Farm" means a parcel or parcels of land owned, leased, or managed by a person and devoted primarily to farming and that is subject to regulation under the Required Agricultural Practices.

(3) "Farm and Forestry Operations Security Special Fund Review Board" or "Review Board" means the Board established under section 4644 of this title.

(4) "Farming" has the same meaning as in section 2.16 of the Required Agricultural Practices.

(5) "Forestry operation" has the same meaning as in 10 V.S.A. § 2602.

§ 4642. FARM AND FORESTRY OPERATIONS SECURITY SPECIAL FUND

(a) There is established the Farm and Forestry Operations Security Special Fund to be administered by the Secretary of Agriculture, Food and Markets and that shall be managed in accordance with 32 V.S.A. chapter 7, subchapter 5. The Fund shall consist of:

(1) funds transferred by the General Assembly;

(2) funds from public and private sources that the Secretary accepts for the Fund; and

(3) funds from federal government aid for State support of farmers or forestry operations suffering income loss due to weather conditions.

(b) The Secretary of Agriculture, Food and Markets shall ensure language accessibility of the Fund through procurement and provision of interpretation and translation services.

(c) All balances in the Fund at the end of any fiscal year shall be carried forward and remain part of the Fund.

§ 4643. FARM AND FORESTRY OPERATIONS SECURITY SPECIAL FUND; PAYMENTS

(a) The Secretary, after consultation with the Review Board, shall award payments from the Farm and Forestry Operations Security Special Fund to persons owning farms and forestry operations that have incurred financial losses or expenses due to an eligible weather condition.

(1) Payments from the Fund shall be in an amount that reimburses a farm or forestry operation for up to 50 percent of the unreimbursed, uninsured, or otherwise uncovered losses due to eligible weather conditions, up to a maximum annual award of five percent of the undesignated and unreserved funds in the Farm and Forestry Operations Security Special Fund at the beginning of each fiscal year, provided that the award shall not exceed $150,000.00 per qualified applicant farm or forestry operation per year.

(2) The Secretary may verify the occurrence of an eligible weather condition claimed under this section through a site visit or through use of available data from the National Oceanic and Atmospheric Administration, from other federal or State certified weather data sources, or from other public or private weather or satellite data or models.

(3) Losses reimbursable by a payment under this section include:

(A) wages or compensation;

(B) replacement of lost income from destroyed crops, impacted livestock, or timber;

(C) debt payments or other ongoing expenses;

(D) costs of replanting;

(E) livestock feed replacement costs;

(F) infrastructure or equipment repair and replacement;

(G) repair of farm roads, roads necessary to access farms, repair of washed out or otherwise damaged logging roads;

(H) inability to access harvested timber due to flooding or other weather conditions; and

(I) other losses as determined by the Secretary after consultation with the Review Board.

(b) The Secretary shall develop a streamlined application for awards under this section that shall include:

(1) a brief description of the damage that occurred;

(2) attestation of an eligible weather condition or event;

(3) a list of any State grants or loans received for the purposes of the farm or forestry operation business in the past five years, to include amount, source, and purposes of the funding received;

(4) an estimate of losses; and

(5) a year-end report of farm or forestry operation income and expenses.

(c) An application for an award under this section may be made at any time, and the Secretary may only close the application process upon award of all appropriated funds for the relevant fiscal year.

(d) Applications for an award under this section shall be processed in the order received for each quarter, but an application shall not be ready for evaluation until the Secretary determines that the application is administratively complete and includes all documentation required by the Secretary.

(e) All administratively complete applications shall be evaluated by the Review Board. Within 15 days following receipt of an administratively complete application, the Review Board by majority vote shall recommend to the Secretary whether to issue a payment to the applicant. If the Review Board recommends an award under this section, the Secretary shall issue the award within 15 days following the date of the Review Board's recommendation.

(f) The Secretary of Agriculture, Food and Markets may pay reasonable administrative expenses from the Fund for purposes of administering the requirements of this subchapter.

§ 4644. FARM AND FORESTRY OPERATIONS SECURITY SPECIAL FUND REVIEW BOARD

(a) Creation. There is created the Farm and Forestry Operations Security Special Fund Review Board, which for administrative purposes shall be attached to the Agency of Agriculture, Food and Markets.

(b) Organization of Board. The Board shall be composed of:

(1) the Secretary of Agriculture, Food and Markets or designee, who shall serve as chair;

(2) the Commissioner of Forests, Parks and Recreation or designee;

(3) the State Chief Recovery Officer or designee;

(4) representatives of three agricultural organizations who can demonstrate expertise in dealing with all sizes and types of farms in Vermont, whether through granting funds, offering technical assistance, or advocacy, and who have a proven track record of working with farmers, appointed by the Secretary of Agriculture, Food and Markets;

(5) two farmers who have received relief funding, appointed by the Secretary of Agriculture, Food and Markets; and

(6) two forestry operators, appointed by the Commissioner of Forests, Parks and Recreation.

(c) Member terms; conflict.

(1) The members designated in subdivision (b)(4) of this section shall be appointed to initial terms of two years. Thereafter, each appointed member shall serve a term of three years or until the member's earlier resignation or removal. The members designated in subdivision (b)(5) of this section shall be appointed to initial terms of one year. The members designated in subdivision (b)(6) of this section shall be appointed to initial terms of two years. Thereafter, each appointed member shall serve a term of three years or until the member's earlier resignation or removal. A vacancy shall be filled by the appointing authority for the remainder of the unexpired term. An appointed member shall not serve more than three consecutive three-year terms.

(2) If a Board member has a conflict of interest, as that term is defined by 3 V.S.A. § 1201, regarding review of any application for a payment under this section, the Secretary of Agriculture, Food and Markets may appoint an alternate member to maintain a quorum of the Board to review an application and recommend whether payment should be awarded.

(d) Powers.

(1) The Review Board shall review applications for assistance under this section, assess the accuracy and validity of the applications, and recommend to the Secretary applicants who should receive assistance under this section.

(2) The Board annually shall report to the House Committee on Agriculture, Food Resiliency, and Forestry and the Senate Committee on Agriculture the total documented Vermont farm and forestry operations financial losses from eligible weather conditions averaged over the previous three calendar years.

(3) In order to ensure that the Fund is meeting the needs of Vermont's agricultural community and forestry operations community, the Review Board annually shall review the application process, eligibility criteria, distribution, and accessibility of the Fund. The Review Board annually shall recommend to the House Committee on Agriculture, Food Resiliency, and Forestry and the Senate Committee on Agriculture ways to improve the effectiveness of the Fund.

(e) Officers; committees. The Board may elect officers, establish one or more committees or subcommittees, and adopt such procedural rules as it shall determine necessary and appropriate to perform its work.

(f) Quorum; meetings; voting. A majority of the sitting members shall constitute a quorum, and action taken by the Board may be authorized by a majority of the members present and voting at any regular or special meeting at which a quorum is present. The Board may meet as an advisory body under 1 V.S.A. chapter 5, subchapter 2.

(g) Compensation. Private sector members shall be entitled to per diem compensation authorized under 32 V.S.A. § 1010(b) for each day spent in the performance of their duties, and each member shall be reimbursed from the Fund for the member's actual and necessary expenses incurred in carrying out the member's duties.

Sec. 2a. CONTINGENCY OF FUNDING

The duty to implement Sec. 2 of this act (Farm and Forestry Operations Security Special Fund) is contingent upon an appropriation of funds in fiscal year 2027 or subsequent fiscal years from the General Fund to the Agency of Agriculture, Food and Markets for the specific purposes described in Sec. 2 of this act.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2026.

and that after passage the title of the bill be amended to read: "An act relating to establishing the Farm and Forestry Operations Security Special Fund to provide payments for farm and forestry operation losses due to weather conditions"

Reported favorably by Senator Collamore for the Committee on Agriculture

The Committee on Agriculture respectfully reports that it has considered the House proposal of amendment and recommends that the Senate concur in the House proposal of amendment.

(Committee Vote 5-0-0)

Proposed Amendment to the Vermont Constitution

Pursuant to Rule 83 of the Senate Rules, notice is hereby given that proposed amendment to the Constitution, set forth below, will be read the third time and acted upon, on the seventh legislative day commencing February 20, 2026. At that time, the following question shall be presented: "Shall the Senate concur in the proposal and request the concurrence of the House?"[majority of whole Senate is required for passage]

PROPOSAL 4

(Third Reading per Chapter II, § 72, Vermont Constitution and Senate Rule 83)

Subject: Declaration of rights; government for the people; equality of rights

PENDING ACTION: Third reading of the proposal (second biennium)

PROPOSAL 4

Sec. 1. PURPOSE

(a) This proposal would amend the Constitution of the State of Vermont to specify that the government must not deny equal treatment under the law on account of a person's race, ethnicity, sex, religion, disability, sexual orientation, gender identity, gender expression, or national origin. The Constitution is our founding legal document stating the overarching values of our society. This amendment is in keeping with the values espoused by the current Vermont Constitution. Chapter I, Article 1 declares "That all persons are born equally free and independent, and have certain natural, inherent, and unalienable rights." Chapter I, Article 7 states "That government is, or ought to be, instituted for the common benefit, protection, and security of the people." The core value reflected in Article 7 is that all people should be afforded all the benefits and protections bestowed by the government, and that

the government should not confer special advantages upon the privileged. This amendment would expand upon the principles of equality and liberty by ensuring that the government does not create or perpetuate the legal, social, or economic inferiority of any class of people. This proposed constitutional amendment is not intended to limit the scope of rights and protections afforded by any other provision in the Vermont Constitution.

(b) Providing for equality of rights as a fundamental principle in the Constitution would serve as a foundation for protecting the rights and dignity of historically marginalized populations and addressing existing inequalities. This amendment would reassert the broad principles of personal liberty and equality reflected in the Constitution of the State of Vermont with authoritative force, longevity, and symbolic importance.

Sec. 2. Article 23 of Chapter I of the Vermont Constitution is added to read:

Article 23. [Equality of rights]

That the people are guaranteed equal protection under the law. The State shall not deny equal treatment under the law on account of a person's race, ethnicity, sex, religion, disability, sexual orientation, gender identity, gender expression, or national origin. Nothing in this Article shall be interpreted or applied to prevent the adoption or implementation of measures intended to provide equality of treatment and opportunity for members of groups that have historically been subject to discrimination.

Sec. 3. EFFECTIVE DATE

The amendment set forth in Sec. 2 shall become a part of the Constitution of the State of Vermont on the first Tuesday after the first Monday of November 2026 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.

NOTICE CALENDAR

Second Reading

Favorable with Recommendation of Amendment

S. 206.

An act relating to licensure of early childhood educators by the Office of Professional Regulation.

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

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

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

§ 122. OFFICE OF PROFESSIONAL REGULATION

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

(1) Board of Architects

* * *

(55) Early Childhood Educators

Sec. 2. 26 V.S.A. chapter 111 is added to read:

CHAPTER 111. EARLY CHILDHOOD EDUCATORS IN PROGRAMS REGULATED BY THE CHILD DEVELOPMENT DIVISION

§ 6211. CREATION OF BOARD

(a) The Vermont Board of Early Childhood Educators is created.

(b) The Board shall consist of nine members appointed for five-year terms by the Governor pursuant to 3 V.S.A. §§ 129b and 2004 as follows: two public members; two each of individuals licensed as an Early Childhood Educator I, an Early Childhood Educator II, and an Early Childhood Educator III; and one Family Child Care Provider. All members shall be Vermont residents. The members who are early childhood educators shall have been in active practice in Vermont for not less than the preceding three years and shall be in active practice during their incumbency. The public members shall be individuals who have no financial interest personally or through a spouse, parent, child, or sibling in the activities regulated under this chapter, other than as a consumer or a possible consumer of its services. Appointments shall be made without regard to political affiliation and on the basis of integrity and demonstrated ability.

(c) Vacancies shall be filled in the same manner as initial appointments.

(d) Board members shall not serve more than two consecutive terms.

§ 6212. BOARD PROCEDURES

(a) Annually, the Board shall meet to elect a chair, vice chair, and a secretary.

(b) Meetings shall be warned and conducted in accordance with 1 V.S.A. chapter 5.

(c) A majority of the members of the Board shall constitute a quorum.

(d) All business shall be transacted by a majority vote of the members present and voting, unless otherwise provided by statute.

§ 6213. POWERS AND DUTIES OF THE BOARD

(a) The Board shall:

(1) adopt rules, pursuant to 3 V.S.A. chapter 25, that are necessary for the performance of its duties in accordance with this chapter, including activities that must be completed by an applicant in order to fulfill the educational and experiential requirements established by this chapter;

(2) provide general information to applicants for licensure as early childhood educators;

(3) explain appeal procedures to licensees and applicants and complaint procedures to the public; and

(4) use the administrative and legal services provided by the Office of Professional Regulation under 3 V.S.A. chapter 5.

(b) The Board may conduct hearings and exercise its authority as provided in 3 V.S.A. chapter 5.

Sec. 3. 26 V.S.A. chapter 111 is amended to read:

CHAPTER 111. EARLY CHILDHOOD EDUCATORS IN PROGRAMS REGULATED BY THE CHILD DEVELOPMENT DIVISION

Subchapter 1. General Provisions

§ 6201. DEFINITIONS

As used in this chapter:

(1) "Board" means the Vermont Board of Early Childhood Educators.

(2) "Early childhood educator" means an individual providing care and educational instruction to children from birth through eight years of age in a program regulated by the Child Development Division, including:

(A) planning and implementing intentional, developmentally appropriate learning experiences that promote the physical health and social, emotional, linguistic, and cognitive growth of children;

(B) establishing and maintaining a safe, caring, inclusive, and healthy learning environment;

(C) observing, documenting, and assessing children's learning and development;

(D) developing reciprocal, culturally responsive relationships with families and communities; and

(E) engaging in reflective practice and continuous learning.

(3) "Early Childhood Educator I" means an individual who practices early childhood education as an assistant educator in a program under the supervision of Early Childhood Educators II or III or a teacher who is exempt from this chapter and licensed by the Agency of Education under 16 V.S.A. chapter 51 with endorsements in early childhood education, early childhood special education, or elementary education.

(4) "Early Childhood Educator II" means an individual who practices early childhood education as the lead or primary educator in a program, supervises the practice of individuals licensed as an Early Childhood Educator I, and receives guidance from individuals licensed as an Early Childhood Educator III.

(5) "Early Childhood Educator III" means an individual who practices early childhood education as the lead or primary educator in a program, supervises the practice of individuals licensed as an Early Childhood Educator I, and provides guidance to individuals licensed as an Early Childhood Educator II.

(6) "Family child care provider" means an individual who provides developmentally appropriate care, education, protection, and supervision of children from birth through eight years of age and is authorized by the Child Development Division to operate a family child care home as defined in 33 V.S.A. § 3511.

(7) "Guidance" means direct or indirect consultative support in which an Early Childhood Educator III provides feedback to an Early Childhood Educator II.

(8) "Program" or "program regulated by the Child Development Division" means a program or facility approved by the Department for Children and Families' Child Development Division as a licensed or registered family child care home or a licensed center-based child care and preschool program and is not operated by a public school.

(9) "Supervision" means on-site, direct oversight in which an Early Childhood Educator II or III observes the practice of an Early Childhood Educator I and provides feedback, support, and direction to an Early Childhood Educator I.

§ 6202. PROHIBITIONS

(a) An individual shall not hold themselves out as an early childhood educator in this State unless the individual is licensed under this chapter or exempt from this chapter pursuant to section 6203 of this chapter.

(b) An individual shall not use in connection with the individual's name any letters, words, or insignia indicating that the individual is an early childhood educator unless the individual is licensed under this chapter or exempt from this chapter pursuant to section 6203 of this chapter.

§ 6203. EXEMPTIONS

(a) The provisions of this chapter shall not apply to the following persons acting within the scope of their respective professional practices:

(1) a teacher actively licensed under 16 V.S.A. chapter 51 by the Agency of Education with endorsements in early childhood education, an early childhood special education, or an elementary education;

(2) an individual who provides care in an afterschool child care program that is regulated by the Child Development Division or any other child care program that is exempt from regulation by the Child Development Division; and

(3) an individual who works exclusively in a public school.

(b) This chapter shall not be construed to alter or amend the requirements of publicly funded prekindergarten education programs operated in accordance with 16 V.S.A. § 829.

(c) This chapter shall not be construed to limit or restrict in any manner the right of a practitioner of another profession or occupation from carrying on in the usual manner any of the functions incidental to that profession or occupation.

Subchapter 2. Board of Early Childhood Educators

§ 6211. CREATION OF BOARD

* * *

Subchapter 3. Licensure Requirements

§ 6221. ELIGIBILITY AND QUALIFICATIONS

(a) To be eligible for licensure under this chapter, an applicant shall have attained the age of majority; achieved a high school diploma, a General Education Development (GED) certificate, or an approved equivalent

credential; and completed field experience in early childhood education as required by rule.

(b) An applicant shall meet the following educational requirements for each of the following license types:

(1) Early Childhood Educator I shall have received a certificate from an approved credential program in early childhood education requiring a minimum of 120 hours of training and instruction.

(2) Early Childhood Educator II shall have received an associate's degree program in:

(A) early childhood education or a related field requiring a minimum of 60 college credits; or

(B) any unrelated field and a minimum of 21 approved college credits in the core early childhood education competency areas identified in rule.

(3) Early Childhood Educator III shall have received a bachelor's degree from an approved program in:

(A) early childhood education or a related field requiring a minimum of 120 college credits; or

(B) any unrelated field and a minimum of 21 approved college credits in the core early childhood education competency areas identified in rule.

(4) A Family Child Care Provider shall be qualified for licensure if authorized by the Child Development Division to operate a family child care home and is in good standing with the Division as of January 1, 2029. The Board shall not accept Family Child Care Provider applications after January 1, 2029.

(c) Approved educational programs may offer college credit based upon an assessment of the individual's competencies acquired through experience working in the profession.

(d) In addition to the requirements of subsections (a) and (b) of this section, applicants shall pass any examination that may be required by rule.

§ 6222. LICENSE RENEWAL

(a) Licenses shall be renewed every two years upon application and payment of the required fee. Failure to comply with the provisions of this section shall result in suspension of all privileges granted by the license beginning on the expiration date of the license. A license that has lapsed shall

be reinstated upon payment of the biennial renewal fee and the late renewal penalty pursuant to 3 V.S.A. § 127, except a Family Child Care Provider license shall not be renewed after a lapse of two or more years.

(b) The Board may adopt rules pursuant to 3 V.S.A. chapter 25 necessary for the protection of the public to assure the Board that an applicant whose license has lapsed for more than five years is professionally qualified before reinstatement may occur. Conditions imposed under this subsection shall be in addition to the requirements of subsection (a) of this section.

(c) In addition to the provisions of subsection (a) of this section, an applicant for renewal shall have satisfactorily completed continuing education as required by the Board. For purposes of this subsection, the Board may require, by rule, not more than 24 hours of approved continuing education as a condition of renewal.

§ 6223. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Early Childhood Educator I:

(A) Application for initial license, $125.00.

(B) Biennial renewal, $225.00.

(2) Early Childhood Educator II:

(A) Application for initial license, $175.00.

(B) Biennial renewal, $250.00.

(3) Early Childhood Educator III:

(A) Application for initial license, $225.00.

(B) Biennial renewal, $275.00.

(4) Family Child Care Provider:

(A) Application for initial license, $175.00.

(B) Biennial renewal, $250.00.

§ 6224. UNPROFESSIONAL CONDUCT

As used in this chapter, "unprofessional conduct" means:

(1) conduct prohibited by this section, by 3 V.S.A. § 129a, or by other statutes relating to early childhood education, whether that conduct is by a licensee, an applicant, or an individual who later becomes an applicant;

(2) conduct that results in a licensee, applicant, or an individual who later becomes an applicant being placed on the Child Protection Registry pursuant to 33 V.S.A. chapter 49; or

(3) conduct that is not in accordance with the professional standards and competencies for Early Childhood Educators published by the National Association for the Education of Young Children.

§ 6225. VARIANCES

(a)(1) The Board shall issue a transitional Early Childhood Educator II or III license to a teacher or director of a program who does not meet the educational and experiential licensure in this chapter. Transitional licenses shall be valid for a two-year period and shall be renewed by the Board for an otherwise qualified applicant for an additional two-year period with satisfactory supporting documentation of the individual's ongoing work to obtain the required educational and experiential qualifications for licensure under this chapter.

(2) At the conclusion of three two-year transitional licensure periods, the Board, at its discretion, may issue one final two-year transitional license for an otherwise qualified applicant if the licensee can demonstrate extenuating circumstances for not having attained the educational and experiential requirements in this chapter and ongoing work to attain these requirements.

(b) In addition to the transitional licensure available pursuant to subsection (a) of this section, the Board shall also issue an Early Childhood Educator II license for individuals who have completed the eligibility requirements set forth in subsections 6221(a) and (d) of this chapter and completed one of the following:

(1) 21 college credits in the core early childhood education competency areas identified by the Board in rule; or

(2) prior experiential learning that is assessed by an appropriately accredited institution of higher learning to be the equivalent of 21 college credits in the core early childhood education competency areas identified by the Board in rule.

§ 6226. DISCLOSURE BY LICENSEES

An early childhood educator licensed pursuant to this chapter shall post and provide to current and prospective families the following information:

(1) all available license types regulated by the Office of Professional Regulation pursuant to this chapter;

(2) a description of the Office of Professional Regulation's regulatory authority over licensees in programs regulated by the Child Development Division and how to make complaints;

(3) a description of the Agency of Education's regulatory authority over teachers providing prekindergarten services pursuant to 16 V.S.A. § 829 and how to make complaints; and

(4) a description of the Child Development Division's regulatory authority over regulated child care programs and how to make complaints.

Sec. 4. REPEAL; VARIANCES

26 V.S.A. § 6225 (variances) is repealed on July 1, 2036.

Sec. 5. REPORT; EARLY CHILDHOOD EDUCATOR LICENSURE

On or before November 1, 2031, the Office of Professional Regulation shall submit a written report to the House Committees on Government Operations and Military Affairs and on Human Services and to the Senate Committees on Government Operations and on Health and Welfare regarding the implementation of 26 V.S.A. chapter 111, including:

(1) the number of licensees by license type;

(2) the State resources necessary to implement the chapter;

(3) the number and nature of any complaints or enforcement actions against a licensee;

(4) the qualifications required for each license type; and

(5) any other issues the Office deems appropriate.

Sec. 6. OFFICE OF PROFESSIONAL REGULATION; LICENSURE OF EARLY CHILDHOOD EDUCATORS IN PROGRAMS REGULATED BY THE CHILD DEVELOPMENT DIVISION; APPROPRIATION; POSITIONS

(a) The establishment of the following new permanent positions is authorized in the Office of Professional Regulation in fiscal year 2027:

(1) one full-time, classified executive officer for the Vermont Board of Early Childhood Educators; and

(2) one full-time, exempt staff attorney.

(b) In fiscal year 2027, the amount of $262,000.00 is appropriated from the General Fund to the Office of Professional Regulation to be used for the licensure of early childhood educators in accordance with this act.

Sec. 7. EFFECTIVE DATES

(a) This section, Sec. 1 (Office of Professional Regulation), Sec. 2 (Vermont Board of Early Childhood Educators), Sec. 5 (report; early childhood educator licensure), and Sec. 6 (Office of Professional Regulation; licensure of early childhood educators; appropriation; positions) shall take effect on July 1, 2026.

(b) Sec. 3 (early childhood educators) and Sec. 4 (repeal; variances) shall take effect on July 1, 2028.

(Committee vote: 5-0-0)

Reported favorably by Senator Hardy for the Committee on Finance.

The Committee recommends that the bill ought to pass when amended as recommended by the Committee on Health and Welfare.

(Committee vote: 4-3-0)

S. 212.

An act relating to potable water supply and wastewater system connections.

Reported favorably with recommendation of amendment by Senator Watson for the Committee on Natural Resources and Energy.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. § 1971 is amended to read:

§ 1971. PURPOSE

It is the purpose of this chapter to:

(1) establish a comprehensive program to regulate the construction, replacement, modification, and operation of potable water supplies and wastewater systems in the State in order to protect human health and the environment, including potable water supplies, surface water, and groundwater;

* * *

(6) allow ~~delegation of the permitting program created by this chapter to municipalities demonstrating the capacity to administer the chapter~~ review of potable water supply and wastewater system connections pursuant to general permits adopted under this chapter.

Sec. 2. 10 V.S.A. § 1972 is amended to read:

§ 1972. DEFINITIONS

For the purposes of this chapter:

* * *

(6) "Potable water supply" means the source, treatment, and conveyance equipment used to provide water used or intended to be used for human consumption, including drinking, washing, bathing, the preparation of food, or laundering. This definition includes a service connection to a public water system of any size. This definition does not include any internal piping or plumbing, except for mechanical systems, such as pump stations and storage tanks or lavatories, that are located inside a building or structure and that are integral to the operation of a potable water system. This definition also does not include a potable water supply that is subject to regulation under chapter 56 of this title.

* * *

(10) "Wastewater system" means any piping, pumping, treatment, or disposal system used for the conveyance and treatment of sanitary waste or used water, including carriage water, shower and wash water, and process wastewater. This definition does not include any internal piping or plumbing, except for mechanical systems, such as pump stations and storage tanks or toilets, that are located inside a building or structure and that are integral to the operation of a wastewater system. This definition also does not include wastewater systems that are used exclusively for the treatment and disposal of animal manure. In this chapter, "wastewater system" refers to a soil-based disposal system of less than 6,500 gallons per day, or a ~~sewerage~~ sanitary sewer collection system connection of any size.

Sec. 3. 10 V.S.A. § 1973 is amended to read:

§ 1973. PERMITS

(a) Except as provided in this section and sections 1974 and 1978 of this title, a person shall obtain a permit from the Secretary before:

* * *

(7) making a new or modified connection to a new or existing potable water supply or wastewater system; or

* * *

(f)~~(1)~~ The Secretary shall give deference to a certification by a licensed designer with respect to the engineering design or judgment exercised by the designer in order to minimize Agency review of certified designs. Nothing in this section shall limit the responsibility of the licensed designer to comply with all standards and rules, or the authority of the Secretary to review and

comment on design aspects of an application or to enforce Agency rules with respect to the design or the design certification.

~~(2) The Secretary shall issue a permit for a new or modified connection to a water main and a sewer main or indirect discharge system from a building or structure in a designated downtown development district upon submission of an application under subsection (b) of this section that consists solely of the certification of a licensed designer, in accordance with subsection (d) of this section, and a letter from the owner of the water main and sewer main or indirect discharge system allocating the capacity needed to accommodate the new or modified connection. However, this subdivision (2) shall not apply if the Secretary finds one of the following:~~

~~(A) The Secretary has prohibited the system that submitted the allocation letter from issuing new allocation letters due to a lack of capacity.~~

~~(B) As a result of an audit of the application performed on a random basis or in response to a complaint, the system is not designed in accordance with the rules adopted under this chapter.~~

* * *

(k)(1) The Secretary shall adopt a general permit for both potable water supply and wastewater system connections that require a permit under this chapter. Under the general permit, the Secretary may give deference to applications for connections certified by a licensed designer. The Secretary shall publish a manual providing guidance to licensed designers implementing the general permit for potable water supply or wastewater system connections. The manual shall include guidance for determining or defining the capacity of a public water system or pollution abatement facility for purposes of approving a potable water supply or wastewater system connection.

(2) The Secretary may adopt general permitting programs for other activities that require a permit under this section that the Secretary determines are low risk, low impact, and low complexity.

Sec. 4. 10 V.S.A. § 1976 is amended to read:

§ 1976. DELEGATION OF CONNECTION PERMITTING AUTHORITY TO MUNICIPALITIES

(a)(1) ~~The Secretary may delegate to a municipality authority to:~~

~~(A) implement all sections of this chapter, except for sections 1975 and 1978 of this title; or~~

~~(B) implement permitting under this chapter for the subdivision of land, a building or structure, or a campground when the subdivision, building~~

~~or structure, or campground is served by sewerage connections and water service lines, provided that:~~

~~(i) the lot, building or structure, or campground utilizes both a sanitary sewer service line and a water service line; and~~

~~(ii) the water main and sanitary sewer collection line that the water service line and sanitary sewer service line are connected to are owned and controlled by the delegated municipality.~~

~~(2) If a municipality submits a written request for delegation of this chapter, the Secretary shall delegate authority to the municipality to implement and administer provisions of this chapter, the rules adopted under this chapter, and the enforcement provisions of chapter 201 of this title relating to this chapter, provided that the Secretary is satisfied that the municipality:~~

~~(A) has established a process for accepting, reviewing, and processing applications and issuing permits, that shall adhere to the rules established by the Secretary for potable water supplies and wastewater systems, including permits, by rule, for sewerage connections;~~

~~(B) has hired, appointed, or retained on contract, or will hire, appoint, or retain on contract, a licensed designer to perform technical work that must be done by a municipality under this section to grant permits;~~

~~(C) will take timely and appropriate enforcement actions pursuant to the authority of chapter 201 of this title;~~

~~(D) commits to reporting annually to the Secretary on a form and date determined by the Secretary;~~

~~(E) will only issue permits for water service lines and sanitary sewer service lines when there is adequate capacity in the public water supply system source, wastewater treatment facility, or indirect discharge system; and~~

~~(F) will comply with all other requirements of the rules adopted under section 1978 of this title~~ The Secretary may delegate to a municipality authority to conduct technical review of proposed projects that include both municipal potable water supply and municipal wastewater system connections that require a permit under this chapter, provided that the water main and sanitary sewer collection line that the water service line and sanitary sewer service line are connected to are owned and controlled by the delegated municipality. Municipalities delegated authority under this section shall be required to incorporate the requirements of the Secretary's general permit for potable water supply and wastewater system connections into a municipal connection approval, including deference to applications for connections certified by a licensed designer.

(2) If a municipality submits a request for delegation of authority under this subsection, the Secretary shall delegate authority to the municipality to implement and administer provisions of this chapter governing municipal potable water supply and wastewater system connections, provided that the municipality:

(A) is qualified to perform the technical review as determined by the Secretary;

(B) receives authorization from the municipal legislative body to administer a program for review of potable water supply and wastewater system connections;

(C) meets any other requirement for the delegation program as adopted by the Secretary in writing;

(D) will only issue permits for water service lines and sanitary sewer service lines when there is adequate capacity in the public water system, wastewater treatment facility, or indirect discharge system;

(E) submits required documentation of the permitted project as determined by the Secretary; and

(F) complies with the requirements for connection and all requirements of the Agency's rules adopted under section 1978 of this title.

* * *

(f) The Secretary may review municipal implementation of this section on a random basis, or in response to a complaint, or on ~~his or her~~ the Secretary's own motion. This review may include consideration of the municipal implementation itself, as well as consideration of the practices, testing procedures employed, systems designed, system designs approved, installation procedures used, and any work associated with the performance of these tasks.

Sec. 5. 3 V.S.A. § 2822 is amended to read:

§ 2822. BUDGET AND REPORT; POWERS

* * *

(i) The Secretary shall not process an application for which the applicable fee has not been paid unless the Secretary specifies that the fee may be paid at a different time or unless the person applying for the permit is exempt from the permit fee requirements pursuant to 32 V.S.A. § 710. Municipalities shall be exempt from the payment of fees under this section except for those fees prescribed in subdivisions (j)(1), (7), (8), (14), and (15) of this section for which a municipality may recover its costs by charging a user fee to those who

use the permitted services. Municipalities shall pay fees prescribed in subdivisions (j)(2), (10), (11), (12), and (26) of this section, except that a municipality shall also be exempt from those fees for stormwater systems prescribed in subdivisions (j)(2)(A)(iii)(I), (II), or (IV) and (j)(2)(B)(iv)(I), (II), or (V) of this section for which a municipality has assumed full legal responsibility under 10 V.S.A. § 1264. Municipalities that conduct a technical review or approval of a potable water supply or wastewater system connection permitted under 10 V.S.A. § 1976 within the municipality may charge a fee for the cost of municipal services, provided that the municipality shall pay an administrative processing fee of $100.00 for submission to the Secretary of Natural Resources of documentation of the municipally permitted project.

(j) In accordance with subsection (i) of this section, the following fees are established for permits, licenses, certifications, approvals, registrations, orders, and other actions taken by the Agency of Natural Resources.

* * *

(4) For potable water supply and wastewater permits issued under 10 V.S.A. chapter 64. Projects under this subdivision include: a wastewater system, including a sewerage connection; and a potable water supply, including a connection to a public water supply:

(A) Original applications, or major amendments for a project that is not a potable water supply or wastewater system connection with the following proposed design flows. In calculating the fee, the highest proposed design flow whether wastewater or water shall be used:

(i) design flows 560 gpd or less: $306.25 per application;

(ii) design flows greater than 560 and less than or equal to 2,000 gpd: $870.00 per application;

(iii) design flows greater than 2,000 and less than or equal to 6,500 gpd: $3,000.00 per application;

(iv) design flows greater than 6,500 and less than or equal to 10,000 gpd: $7,500.00 per application; or

(v) design flows greater than 10,000 gpd: $13,500.00 per application.

(B) Minor amendments: $150.00.

(C) Minor projects: $270.00.

As used in this subdivision (j)(4)(C), "minor project" means a project that meets the following: there is an increase in design flow but no

construction is required; there is no increase in design flow but construction is required, excluding replacement potable water supplies and wastewater systems; or there is no increase in design flow and no construction is required, excluding applications that contain designs that require technical review.

(D) Notwithstanding the other provisions of this subdivision (4), when a project is located in a Vermont neighborhood, as designated under 24 V.S.A. chapter 76A, the fee shall be ~~no~~ not more than $50.00 in situations in which the application has received an allocation for sewer capacity from an approved municipal system. This limitation shall not apply in the case of fees charged as part of a duly delegated municipal program.

(E) Original applications or major amendments for coverage under a potable water supply or wastewater system connection general permit issued under 10 V.S.A. § 1973(k)(1), the following fee according to the highest proposed design flow of wastewater or water for the connection:

(i) design flows below 2,000 gpd: $250.00 per application;

(ii) design flows of between 2,000 gpd and 6,500 gpd: $2,500.00 per application;

(iii) design flows greater than 6,500 gpd: $5,000.00 per application;

* * *

Sec. 6. IMPLEMENTATION; REPEAL OF EXEMPTIONS IN RULE

(a) On or before December 1, 2027, the Secretary of Natural Resources shall publish the general permit and manual required under 10 V.S.A. § 1973(k)(1) for potable water supply or wastewater system connections.

(b) Beginning on January 1, 2028, the Secretary of Natural Resources shall begin to accept certifications of the connections of potable water supplies and wastewater systems under the general permit required by 10 V.S.A. § 1973(k)(1).

(c)(1) The following provisions of the Department of Environmental Conservation's Wastewater System and Potable Water Supply Rules shall be repealed on January 1, 2028:

(A) Subdivisions 1-304(15) and (16) (modification of design flows of a wastewater system or potable water supply serving an existing building or structure);

(B) Subdivision 1-603(b)(2) (related to full delegation of permitting to municipalities); and

(C) Subdivisions 1-603(b)(8), (9), and (10) (related to recordkeeping by fully delegated municipalities).

(2) References in chapter 6 of the Department of Environmental Conservation's Wastewater System and Potable Water Supply Rules related to full delegation to municipalities of permitting potable water and wastewater system connections are no longer applicable or enforceable due to the repeal of statutory authority for full delegation.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2026.

(Committee vote: 5-0-0)

Reported favorably by Senator Beck for the Committee on Finance.

The Committee recommends that the bill ought to pass when amended as recommended by the Committee on Natural Resources and Energy.

(Committee vote: 7-0-0)

S. 227.

An act relating to creating immigration protocols in Vermont schools.

Reported favorably with recommendation of amendment by Senator Ram Hinsdale for the Committee on Education.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. PURPOSE

The purpose of this act is to secure the right of every child to equal access to a free public education and to a school that is safe from intimidation and fear, regardless of immigration status. In order to ensure the right to educational equality, schools must take steps to protect the integrity of school learning environments for all children, so that no parent is discouraged from sending a child to, and no child is discouraged from attending, school, including due to the threat of immigration enforcement on a school campus.

Sec. 2. 16 V.S.A. chapter 33 is amended to read:

CHAPTER 33. FIRE AND EMERGENCY PREPAREDNESS DRILLS ~~AND~~, SAFETY PATROLS, AND IMMIGRATION PROTOCOLS

* * *

§ 1486. IMMIGRATION PROTOCOLS

(a) Definitions. As used in this section:

(1)(A) "Law enforcement officer" has the same meaning as in 20 V.S.A. § 2351a and includes any officer of a federal law enforcement agency or any person acting on behalf of a local, state, or federal law enforcement agency.

(B) "Law enforcement officer" does not include a school resource officer or safety officer who is stationed at a school.

(2) "Nonpublic area of a school" means an area of a school that normally requires authorization by the school to enter, consistent with the policy required by section 1484 of this chapter, and includes any area a school determines to be nonpublic.

(3) "School" means a public school or an independent school approved under section 166 of this title, and includes employees, independent contractors, and school resource and safety officers working for the school.

(b) Immigration resources. A superintendent shall:

(1) distribute immigration and civil rights–related resources to staff, students, and family members of students that are provided to the superintendent by the Office of the Attorney General or by another source that has had its resources reviewed and approved by the Office;

(2) at each school the superintendent oversees, designate at least one individual to serve as a resource for immigration-related matters who shall receive on an ongoing basis from the superintendent updated information and training material as provided to the superintendent by the Office of the Attorney General; and

(3) foster, to the greatest extent possible, a relationship with a legal or immigration advocacy institution that will provide assistance to a student with regard to immigration-related concerns, including a situation where a guardian of the student has been detained by immigration authorities while the student is in school.

(c) Student records. Schools are prohibited from using policies or procedures to engage in practices that have the effect of excluding a student from school, including:

(1) collecting or requesting information regarding citizenship or immigration status of a student or of a family member of the student except as required by State or federal law or as required to administer a State or federally supported educational program;

(2) designating the student's immigration status, citizenship, place of birth, nationality, or national origin:

(A) in any database that the school maintains; or

(B) as directory information, as that term is defined by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g and 34 C.F.R. Part 99; and

(3) voluntarily sharing student information, including immigration status, citizenship, place of birth, nationality, national origin, sexual orientation, status as a survivor of domestic violence or sexual assault, status as a recipient of public assistance, or school discipline records, with a third party unless required to do so by State or federal law.

(d) Law enforcement on site and requests for information.

(1) The superintendent of a school shall:

(A) subject to subdivision (B) of this subdivision (1), be the sole authority to admit a law enforcement officer who appears on an immigration-related matter into a nonpublic area of school; and

(B) designate at least one individual who works at each school to serve as a designee of the superintendent in the event that the superintendent is not present when the law enforcement officer appears on site.

(2) The superintendent or designee shall not allow a law enforcement officer appearing on an immigration-related matter into a nonpublic area of a school unless a judicial warrant is presented by the officer that names a specific individual under arrest or subject to a search.

(3) In the event a law enforcement officer appearing on an immigration-related matter enters a nonpublic area of a school without approval from the superintendent or designee, the school shall not obstruct the officer from entering the nonpublic area of a school.

(4) Absent a judicial warrant, no school shall reveal any information about a student or school staff member in response to an immigration-related request from a law enforcement officer.

(5) As used in this subsection, "immigration-related matter" and "immigration-related request" mean an administrative warrant, civil warrant, immigration detainer, or any other document or request that pertains to an individual's immigration or citizenship status.

(6) On or before January 1, 2027, the Agency of Education, in consultation with the Vermont Superintendents Association, shall develop, and review at least annually, model administrative procedures to help schools execute the policies set forth in this subsection.

(e) Immigration agreements. Except as required by federal or State law, no school shall enter into an agreement with a State, local, or federal government

entity that furthers the enforcement of any immigration law. The school superintendent is the sole individual to approve an agreement required by federal or State law.

(f) Applicability. Nothing in this section is intended to prohibit or impede any school from complying with the lawful requirements of 8 U.S.C. §§ 1373 and 1644.

(g) Policy required.

(1) Model policy. On or before January 1, 2027, the Agency of Education, in consultation with the Office of the Attorney General, the Vermont Independent School Association, and the Vermont School Boards Association shall develop, and review at least annually, a model policy that reflects the requirements set forth in this section.

(2) Adoption of policy.

(A) Beginning with the 2027–2028 school year, each school board shall develop, adopt, ensure the enforcement of, and make available in the manner described under subdivision 563(1) of this title an immigration protocol policy that shall be at least as stringent as the model policy developed by the Agency. Any school board that fails to adopt a policy shall be presumed to have adopted the most current model policy published by the Agency.

(B) Beginning with the 2027–2028 school year, each approved independent school shall develop, adopt, and ensure enforcement of an immigration protocol policy that shall be at least as stringent as the model policy developed by the Agency. Any approved independent school that fails to adopt a policy shall be presumed to have adopted the most current model policy published by the Agency.

Sec. 3. IMMIGRATION RESOURCE GUIDE

(a) The Office of the Attorney General, in consultation with the Agency of Education, shall develop an immigration resource guide pursuant to 16 V.S.A. § 1486(b)(1). The guide shall:

(1) include immigration- and civil rights-related resources; information regarding standby guardianships pursuant to 14 V.S.A § 2626a; and a list of immigration, human rights, and relevant advocacy organizations available to provide immigration assistance to students and staff;

(2) be developed in a manner that serves to protect the privacy and safety of students and staff; and

(3) be completed on or before August 1, 2026, and be sent to all superintendents for distribution to school districts on or before August 31, 2026.

(b) The Office of the Attorney General shall review the guide at least once annually and send any updates to the guide to all superintendents not later than 30 days after completing the update.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2026.

(Committee vote: 6-0-0)

CONFIRMATIONS

The following appointment 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 and the Cannabis Control Board, underlined below, shall be fully and separately acted upon.

Mike Donohue of Shelburne, VT – Member of the Vermont Economic Progress Council – By Senator Mattos for the Committee on Finance (February 27, 2026)

JFO NOTICE

Grants and Positions that have been submitted to the Joint Fiscal Committee by the Administration, under 32 V.S.A. §5(b)(3):

JFO #3273: $29,303,666.00 to the Public Service Department, Office of Economic Opportunity from the U.S. Department of Energy. The Home Energy Rebate Program funds will be used to weatherize low-income homes. The first-year distribution is $14,133.00 with subsequent yearly awards through May 31, 2029, for a total of $29,303,666.00.
[Received March 9, 2026]

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 13, 2026**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day. Committee bills must be voted out of Committee by **Friday, March 13, 2026.**

(2) All **Senate/House** bills referred pursuant to Senate Rule 31 or House Rule 35(a) to the Committees on Appropriations and Finance/Ways and Means must be reported out by the last of those committees on or before **Friday, March 20, 2026**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day.

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).

FOR INFORMATIONAL PURPOSES

CONSTITUTIONAL AMENDMENTS

The 2025-2026 Biennium is the Third Reading of a proposal of amendment. They were read the second time during the 2023-2024 Biennium.

The proposal is on the Notice Calendar for six (6) days and will be up for action for Third Reading on the seventh day.

Each proposal is acted upon separately. Senate Rule 83.

At Third Reading:

1. The vote on any constitutional proposal is by roll call. Senate Rule 83.

2. The questions is: "Shall the Senate concur in Proposal 4, and request the concurrence of the House? Senate Rule 83.

3. For this question to pass, 16 members of the Senate must vote in the affirmative. The Vermont Constitution requires an affirmative vote of a majority of the members of the Senate. Vermont Constitution §72.

There are no amendments at Third Reading of a constitutional amendment.