

Journal of the Senate

FRIDAY, MARCH 21, 2025

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the House No. 29

A message was received from the House of Representatives by Ms. Courtney Reckord, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

H. 125. An act relating to reporting on the energy transition.

H. 231. An act relating to technical corrections to fish and wildlife statutes.

H. 259. An act relating to preventing workplace violence in hospitals.

H. 396. An act relating to the creation of the Mollie Beattie Distinguished Service Award.

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

The House has adopted joint resolution of the following title:

J.R.H. 3. Joint resolution authorizing the Green Mountain Boys State and Green Mountain Girls State educational programs to use the State House facilities on June 26, 2025.

In the adoption of which the concurrence of the Senate is requested.

The House has considered joint resolution originating in the Senate of the following title:

J.R.S. 18. Joint resolution relating to weekend adjournment on March 21, 2025.

And has adopted the same in concurrence.

Message from the House No. 30

A message was received from the House of Representatives by Ms. Courtney Reckord, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

H. 482. An act relating to Green Mountain Care Board authority to adjust a hospital's reimbursement rates and to appoint a hospital observer.

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

Bill Referred to Committee on Appropriations

S. 65.

Senate bill of the following title, appearing on the Calendar for notice and carrying an appropriation or requiring the expenditure of funds, under the rule was referred to the Committee on Appropriations:

An act relating to energy efficiency utility jurisdiction.

Senate Resolution Referred

S.R. 12.

Senate resolution of the following title was offered, read the first time and is as follows:

Offered by Senators Clarkson, Brock, Cummings, Ingalls, Major, Ram Hinsdale, Weeks and White,

S.R. 12. Senate resolution relating to reaffirming the friendship between the State of Vermont and Taiwan and supporting enhanced Vermont-Taiwan bilateral relations and Taiwan's participation in international organizations.

Whereas, the United States and the Republic of China (Taiwan) share a vibrant, mutually beneficial bilateral relationship based on our common values of freedom and a free-market economy, and the relationship is as strong as it has ever been, and

Whereas, the January 2024 election of Dr. Lai Ching-te as the President of Taiwan demonstrates the vibrancy of Taiwan's democracy, and

Whereas, the United States is Taiwan's second-largest trading partner and Taiwan is the United States' seventh-largest trading partner; in 2024, the two-way trade in goods between the United States and Taiwan totaled in excess of \$157 billion; and the United States is also the largest supplier of agricultural products to Taiwan, and

Whereas, in 2022, the United States and Taiwan launched, and in 2023 signed, the U.S.-Taiwan Initiative on 21st Century Trade, which, in part, "is intended to develop concrete ways to deepen the economic and trade

relationship,” and the first agreement under the Initiative became effective in December 2024, and

Whereas, Taiwan is the second-largest export destination for Vermont goods, worth approximately \$254 million, and Vermont imported an estimated \$55.3 million in goods from Taiwan, and

Whereas, the Government of Taiwan has expressed a desire to reach an avoidance of double taxation agreement with the United States, which could increase Vermont’s exports to Taiwan, bilateral investment, and jobs in Vermont, and

Whereas, Vermont and Taiwan have enjoyed a long history of productive bilateral relations, including entering into a driver’s license reciprocity agreement in 2020, and the Government of Taiwan desires to establish a memorandum of understanding with the State of Vermont to further increase educational exchanges and cooperation, and

Whereas, United States policy toward Taiwan is not based on United Nations Resolution 2758 of 1971, but rather the Taiwan Relations Act of 1979, which “provides for the continued membership of the people on Taiwan in any international financial institution or any other international organization,” and

Whereas, Taiwan’s participation and contributions in international organizations, such as the International Civil Aviation Organization, the World Health Organization, and the United Nations Framework Convention on Climate Change would greatly benefit both the United States and the international community, *now therefore be it*

Resolved by the Senate:

That the Senate of the State of Vermont reaffirms the friendship between the State of Vermont and Taiwan and supports enhanced Vermont-Taiwan bilateral relations and Taiwan’s participation in international organizations, *and be it further*

Resolved: That the Secretary of the Senate be directed to send a copy of this resolution to President Donald J. Trump, President Lai Ching-te of the Republic of China (Taiwan), Director-General Charles Liao of the Taipei Economic and Cultural Office in Boston, Governor Philip B. Scott, and the Vermont Congressional Delegation.

Thereupon, the President, in his discretion, treated the joint resolution as a bill and referred it to the Committee on Economic Development, Housing and General Affairs.

Joint Resolution Placed on Calendar**J.R.H. 3.**

Joint resolution originating in the House of the following title was read the first time and is as follows:

Joint resolution authorizing the Green Mountain Boys State and Green Mountain Girls State educational programs to use the State House facilities on June 26, 2025

Whereas, the American Legion Department of Vermont and the American Legion Auxiliary Department of Vermont respectively sponsor the Green Mountain Boys State and Green Mountain Girls State educational programs, providing groups of boys and girls entering the 12th grade a special opportunity to study the workings of State government, including conducting a mock legislative session at the State House, and

Whereas, this special experience is a unique civic lesson of lasting value for the participants, *now therefore be it*

Resolved by the Senate and House of Representatives:

That subject to the determination of and limitations established by the Sergeant at Arms, the Green Mountain Boys State and Girls State educational programs are authorized to use the chambers and committee rooms of the State House on Thursday, June 26, 2025, from 8:00 a.m. to 4:15 p.m., *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the American Legion Department of Vermont and the American Legion Auxiliary Department of Vermont.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was placed on the Calendar for action the next legislative day.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 130.

By Senators Ram Hinsdale and Weeks,

An act relating to expanding the National Guard Tuition Benefit Program.

To the Committee on Education.

S. 131.

By Senator Baruth,

An act relating to approval of an amendment to the charter of the City of Burlington relating to the possession of firearms.

To the Committee on Government Operations.

Bills Referred

House bills of the following titles were severally read the first time and referred:

H. 125.

An act relating to reporting on the energy transition.

To the Committee on Natural Resources and Energy.

H. 231.

An act relating to technical corrections to fish and wildlife statutes.

To the Committee on Natural Resources and Energy.

H. 259.

An act relating to preventing workplace violence in hospitals.

To the Committee on Health and Welfare.

H. 396.

An act relating to the creation of the Mollie Beattie Distinguished Service Award.

To the Committee on Natural Resources and Energy.

H. 482.

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

To the Committee on Health and Welfare.

Third Reading Ordered**S. 117.**

Senate committee bill entitled:

An act relating to rulemaking on safety and health standards and technical corrections on employment practices and unemployment compensation.

Having appeared on the Calendar for notice for one day, was taken up.

Senator Brennan, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill out to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

Bill Amended; Third Reading Ordered

S. 12.

Senator Hashim, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to sealing criminal history records.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. chapter 230 is amended to read:

CHAPTER 230. EXPUNGEMENT AND SEALING OF CRIMINAL HISTORY RECORDS

§ 7601. DEFINITIONS

As used in this chapter:

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

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

(3) ~~“Predicate offense” means a criminal offense that can be used to enhance a sentence levied for a later conviction and includes operating a vehicle under the influence of alcohol or other substance in violation of 23 V.S.A. § 1201, domestic assault in violation of section 1042 of this title, and stalking in violation of section 1062 of this title. “Predicate offense” shall not include misdemeanor possession of cannabis, a disorderly conduct offense under section 1026 of this title, or possession of a controlled substance in violation of 18 V.S.A. § 4230(a), 4231(a), 4232(a), 4233(a), 4234(a), 4234a(a), 4234b(a), 4235(b), or 4235a(a)~~ “Criminal justice purposes” means the investigation, apprehension, detention, adjudication, or correction of persons suspected, charged, or convicted of criminal offenses. “Criminal justice purposes” also includes criminal identification activities; the collection, storage, and dissemination of criminal history records; and screening for criminal justice employment.

(4) “Qualifying crime” means:

- ~~(A) a misdemeanor offense that is not:
 - ~~(i) a listed crime as defined in subdivision 5301(7) of this title;~~
 - ~~(ii) an offense involving sexual exploitation of children in violation of chapter 64 of this title;~~
 - ~~(iii) an offense involving violation of a protection order in violation of section 1030 of this title;~~
 - ~~(iv) prostitution as defined in section 2632 of this title, or prohibited conduct under section 2601a of this title; or~~
 - ~~(v) a predicate offense;~~~~
- ~~(B) a violation of subsection 3701(a) of this title related to criminal mischief;~~
- ~~(C) a violation of section 2501 of this title related to grand larceny;~~
- ~~(D) a violation of section 1201 of this title related to burglary, excluding any burglary into an occupied dwelling, as defined in subdivision 1201(b)(2) of this title;~~
- ~~(E) a violation of 18 V.S.A. § 4223 related to fraud or deceit;~~
- ~~(F) a violation of section 1802 of this title related to uttering a forged or counterfeited instrument;~~
- ~~(G) a violation of 18 V.S.A. § 4230(a) related to possession and cultivation of cannabis;~~
- ~~(H) a violation of 18 V.S.A. § 4231(a) related to possession of cocaine;~~
- ~~(I) a violation of 18 V.S.A. § 4232(a) related to possession of LSD;~~
- ~~(J) a violation of 18 V.S.A. § 4233(a) related to possession of heroin;~~
- ~~(K) a violation of 18 V.S.A. § 4234(a) related to possession of depressant, stimulant, and narcotic drugs;~~
- ~~(L) a violation of 18 V.S.A. § 4234a(a) related to possession of methamphetamine;~~
- ~~(M) a violation of 18 V.S.A. § 4234b(a) related to possession of ephedrine and pseudoephedrine;~~
- ~~(N) a violation of 18 V.S.A. § 4235(b) related to possession of hallucinogenic drugs;~~
- ~~(O) a violation of 18 V.S.A. § 4235a(a) related to possession of ecstasy; or~~

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

(A) all misdemeanor offenses except:

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

(ii) a violation of chapter 64 of this title relating to sexual exploitation of children;

(iii) a violation of section 1030 of this title relating to a violation of an abuse prevention order, an order against stalking or sexual assault, or a protective order concerning contact with a child;

(iv) a violation of chapter 28 of this title related to abuse, neglect, and exploitation of a vulnerable adult;

(v) a violation of subsection 2605(b) or (c) of this title related to voyeurism;

(vi) a violation of subdivisions 352(1)–(10) of this title related to cruelty to animals;

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

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

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

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

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

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

(xiii) a violation of subsection 3258(b) of this title related to sexual exploitation of a minor;

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

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

(xvi) any offense that would require registration as a sex offender pursuant to chapter 167, subchapter 3 of this title; and

(B) the following felonies:

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

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

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

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

(5) “Designated felony property offense” means:

(A) section 1801 of this title related to forgery and counterfeiting;

(B) section 1802 of this title related to uttering a forged or counterfeited instrument;

(C) section 1804 of this title related to counterfeiting paper money;

(D) section 1816 of this title related to possession or use of credit card skimming devices;

(E) section 2001 of this title related to false personation;

(F) section 2002 of this title related to false pretenses or tokens;

(G) section 2029 of this title related to home improvement fraud;

(H) section 2030 of this title related to identity theft;

(I) section 2501 of this title related to grand larceny;

(J) section 2531 of this title related to embezzlement;

(K) section 2532 of this title related to embezzlement by officers or servants of an incorporated bank;

(L) section 2533 of this title related to embezzlement by a receiver or trustee;

(M) section 2561 of this title related to receiving stolen property;

-
- (N) section 2575 of this title related to retail theft;
 - (O) section 2582 of this title related to theft of services;
 - (P) section 2591 of this title related to theft of rented property;
 - (Q) section 2592 of this title related to failure to return a rented or leased motor vehicle;
 - (R) section 3016 of this title related to false claims;
 - (S) section 3701 of this title related to unlawful mischief;
 - (T) section 3705 of this title related to unlawful trespass;
 - (U) section 3733 of this title related to mills, dams, or bridges;
 - (V) section 3761 of this title related to unauthorized removal of human remains;
 - (W) section 3766 of this title related to grave markers and ornaments;
 - (X) chapter 87 of this title related to computer crimes; and
 - (Y) 18 V.S.A. § 4223 related to fraud or deceit in obtaining a regulated drug.

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

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

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

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

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

~~(D) pursuant to the conditions set forth in subsection (h) of this section, the person was convicted under 1201(e)(3)(A) of a violation of subdivision 1201(a) of this title related to burglary when the person was~~

~~25 years of age or younger, and the person did not carry a dangerous or deadly weapon during commission of the offense.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(e) For petitions filed pursuant to subdivision (a)(1)(B) of this section for a conviction for possession of a regulated drug under 18 V.S.A. chapter 84,~~

~~subchapter 1 in an amount that is no longer prohibited by law or for which criminal sanctions have been removed:~~

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

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

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

~~(g) For petitions filed pursuant to subdivision (a)(1)(C) of this section, only petitions to seal may be considered or granted by the court. This subsection shall not apply to an individual licensed as a commercial driver pursuant to 23 V.S.A. chapter 39. Unless the court finds that sealing would not be in the interests of justice, the court shall grant the petition and order that the criminal history record be sealed in accordance with section 7607 of this title if the following conditions are met:~~

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

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

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

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

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

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

~~(h) For petitions filed pursuant to subdivision (a)(1)(D) of this section, unless the court finds that expungement or sealing would not be in the interests~~

~~of justice, the court shall grant the petition and order that the criminal history record be expunged or sealed in accordance with section 7606 or 7607 of this title if the following conditions are met:~~

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

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

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

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

~~(a) Petition.~~

~~(1) A person may file a petition with the court requesting expungement of a criminal history record related to a conviction if the person was convicted of an offense for which the underlying conduct is no longer prohibited by law or designated as a criminal offense.~~

~~(2) A person may file a petition with the court requesting sealing of a criminal history record related to a conviction if the person was convicted of a qualifying crime or qualifying crimes arising out of the same incident or occurrence.~~

~~(3) Whichever office prosecuted the offense resulting in the conviction, the State's Attorney or Attorney General, shall be the respondent in the matter unless the prosecuting office authorizes the other to act as the respondent.~~

~~(4) The court shall grant the petition without hearing if the petitioner and the respondent stipulate to the granting of the petition. The respondent shall file the stipulation with the court, and the court shall issue the petitioner an order of sealing and provide notice of the order in accordance with this section.~~

~~(5) This section shall not apply to an individual who is the holder of a commercial driver's license or commercial driver's permit pursuant to 23 V.S.A. chapter 39 seeking to seal a record of a conviction for a misdemeanor or felony offense committed in a motor vehicle as defined in 23 V.S.A. § 4.~~

~~(b) Offenses that are no longer prohibited by law. For petitions filed pursuant to subdivision (a)(1) of this section, the court shall grant the petition~~

and order that the criminal history record be expunged if the following conditions are met:

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

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

(c) Qualifying misdemeanors. For petitions filed to seal a qualifying misdemeanor pursuant to subdivision (a)(2) of this section, the court shall grant the petition and order that the criminal history record be sealed if the following conditions are met:

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

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

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

(d) Qualifying felony offenses. For petitions filed to seal a qualifying felony pursuant to subdivision (a)(2) of this section, the court shall grant the petition and order that the criminal history record be sealed if the following conditions are met:

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

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

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

(e) Qualifying DUI misdemeanor. For petitions filed to seal a qualifying DUI misdemeanor pursuant to subdivision (a)(2) of this section, the court shall grant the petition and order that the criminal history record be sealed if the following conditions are met:

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

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

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

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

(f) Fish and Wildlife Offenses. Sealing a criminal history record related to a fish and wildlife offense shall not void any fish and wildlife license suspension or revocation imposed pursuant to the accumulation of points related to the sealed offense. Points accumulated by a person shall remain on the person's license and, if applicable, completion of the remedial course shall be required, as set forth in 10 V.S.A. § 4502.

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

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

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

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

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

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

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

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

(c), (d) [Repealed.]

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

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

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

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

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

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

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

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

§ 7604. NEW CHARGE

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

§ 7605. DENIAL OF PETITION

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

§ 7606. EFFECT OF EXPUNGEMENT

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

expungement to the Federal Bureau of Investigation's National Crime Information Center.

(b) Effect.

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

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

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

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

(c) Process.

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

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

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

(d) Special index.

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

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

(3) Inspection of the expungement order may be permitted only upon petition by the person who is the subject of the case. The Chief Superior

Judge may permit special access to the index and the documents for research purposes pursuant to the rules for public access to court records.

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

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

§ 7607. EFFECT OF SEALING

(a) ~~Order and notice. Upon entry of an order to seal, the order shall be legally effective immediately and the person whose record is sealed shall be treated in all respects as if the person had never been arrested, convicted, or sentenced for the offense and that its effect is to annul the record of arrest, conviction, and sentence. The court shall provide notice of the sealing to the respondent, Vermont Crime Information Center (VCIC), the arresting agency, the Restitution Unit of the Vermont Center for Crime Victim Services, and any other entity that may have a record related to the order to seal send a copy of any order sealing a criminal history record to all of the parties and attorneys representing the parties, including to the prosecuting agency that prosecuted the offense, the Vermont Crime Information Center (VCIC), the arresting agency, and any other entity that may have a record subject to the sealing order. VCIC shall provide notice of the sealing order to the Federal Bureau of Investigation's National Crime Information Center. The VCIC shall provide notice of the sealing to the Federal Bureau of Investigation's National Crime Information Center.~~

(b) Effect.

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

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

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

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

(c) Exceptions. A party seeking to use a sealed criminal history record in a court proceeding shall, prior to any use of the record in open court

or in a public filing, notify the court of the party's intent to do so. The court shall thereafter determine whether the record may be used prior its disclosure in the proceeding. This shall not apply to the use of a sealed record pursuant to subdivision (2), (3), (4), or (7) of this subsection. Use of a sealed document pursuant to an exception shall not change the effect of sealing under subsection (b) of this section. Notwithstanding any other provision of law or a sealing order:

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

(2)(A) A criminal justice agency as defined in 20 V.S.A. § 2056a and the Attorney General may use the criminal history record sealed in accordance with section 7602 or 7603 of this title without limitation for criminal justice purposes as defined in 20 V.S.A. § 2056a apply to access a sealed criminal history record by filing a petition, supported by a written affidavit, with the court. The court shall grant access to the record upon a finding that reasonable suspicion exists that a sealed record contains information that will aid in criminal justice purposes. The court may grant the petition ex parte or upon hearing at the court's discretion.

(B) A defense attorney may apply to access a sealed criminal history record by filing a petition, supported by a written affidavit, with the court. The court may grant access to the sealed record upon a finding that the sealed record may be of assistance to the attorney in representing the defendant. The court may grant the petition ex parte or upon hearing at the court's discretion.

(3) A law enforcement officer as defined in 20 V.S.A. § 2351a may access a sealed record under exigent circumstances. As used in this subdivision (3), "exigent circumstances" means a compelling need to act swiftly to prevent imminent danger to life or serious damage to property, to prevent the imminent destruction of evidence, or to prevent a suspect from fleeing. For an alleged violation of this subdivision (3), a complaint may be filed with the Vermont Criminal Justice Council. A violation of this subdivision (3) shall be subject to the penalty provided in section 7611 of this title.

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

(5) A person or a court in possession of an order issued by a court regarding a matter that was subsequently sealed may file or cite to that

decision in any subsequent proceeding. The party or court filing or citing to that decision shall ensure that information regarding the identity of the defendant in the sealed record is redacted.

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

(7) The State's Attorney and Attorney General shall disclose information contained in a sealed criminal history record when required to meet discovery obligations.

(8) The person whose criminal history records have been sealed pursuant to this chapter and the person's attorney may access and use the sealed records in perpetuity.

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

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

(11) Information and materials gathered by the Department for Children and Families during a joint investigation with law enforcement, including law enforcement affidavits and related references to such information and materials, are not case records as defined in section 7601(2) of this title, and are considered Department records that shall be maintained and may be utilized as statutorily prescribed by 33 V.S.A. chapter 49 and produced in response to a court order.

(12) Information and materials gathered by Adult Protective Services during a joint investigation with law enforcement, including law enforcement affidavits and other investigative materials, are not case records as defined in subdivision 7601(2) of this title, and are considered records of the Department of Disabilities, Aging, and Independent Living, which shall be maintained and may be utilized as authorized by 33 V.S.A. chapter 69 and produced in response to a court order.

(d) Process.

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

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

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

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

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

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

(e) Special index.

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

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

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

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

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

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

§ 7608. VICTIMS

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

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

§ 7609. ~~EXPUNGEMENT OF SEALING CRIMINAL HISTORY RECORDS OF AN INDIVIDUAL~~ A PERSON 18-21 YEARS OF AGE

~~(a)(1) Procedure Petition. Except as provided in subsection (b) of this section, the record of the criminal proceedings for an individual who was 18-21 years of age at the time the individual committed a qualifying crime shall be expunged within 30 days after the date on which the individual successfully completed the terms and conditions of the sentence for the conviction of the qualifying crime, absent a finding of good cause by the court. The court shall issue an order to expunge all records and files related to the arrest, citation, investigation, charge, adjudication of guilt, criminal proceedings, and probation related to the sentence. A copy of the order shall be sent to each agency, department, or official named in the order. Thereafter, the court, law enforcement officers, agencies, and departments shall reply to any request for information that no record exists with respect to such individual. Notwithstanding this subsection, the record shall not be expunged until restitution and surcharges have been paid in full, provided that payment of surcharges shall not be required if the surcharges have been waived by the court pursuant to section 7282 of this title~~ Notwithstanding any other provision of law, a person who was 18-21 years of age at the time the person committed a qualifying crime may file a petition with the court requesting sealing of the criminal history record related to the qualifying crime after 30 days have elapsed since the person completed the terms and conditions for the sentence for the qualifying crime. The court shall grant the petition and order that the criminal history record be sealed if the following conditions are met:

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

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

(2) Effect. Order, notice, and effect of sealing shall comply with the provisions of subsections 7607(a) and (b) of this title.

(b) Exceptions.

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

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

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

§ 7610. CRIMINAL HISTORY RECORD SEALING SPECIAL FUND

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

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

§ 7611. UNAUTHORIZED DISCLOSURE

A State or municipal employee or contractor or any agent of the court, including an attorney and an employee or contractor of the attorney, or a law enforcement officer as defined in 20 V.S.A. § 2351a who knowingly accesses or discloses sealed criminal history record information without authorization shall be assessed a civil penalty of not more than \$1,000.00. Each unauthorized disclosure shall constitute a separate civil violation.

Sec. 2. 24 V.S.A. § 2296b is added to read:

§ 2296b. EXPUNGEMENT OF MUNICIPAL VIOLATION RECORDS

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

(b) Effect of expungement.

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

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

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

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

established by the Court Administrator and shall not disclose any identifying information from the records they maintain.

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

(e) Application. This section shall apply to municipal violations that occur on and after July 1, 2025.

Sec. 3. 23 V.S.A. § 2303 is amended to read:

§ 2303. EXPUNGEMENT OF VIOLATION RECORDS

* * *

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

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2025.

And that when so amended the bill ought to pass.

Senator Mattos, for the Committee on Finance, to which the bill was referred, reported that the bill ought to pass when so amended.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to and third reading of the bill was ordered.

Bill Amended; Third Reading Ordered

S. 56.

Senator Vyhovsky, for the Committee on Government Operations, to which was referred Senate bill entitled:

An act relating to creating an Office of New Americans.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. OFFICE OF NEW AMERICANS STUDY COMMITTEE; REPORT

(a) Creation. There is created the Office of New Americans Study Committee to make recommendations for creating an independent Office of New Americans.

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

(1) the Director of the Vermont Refugee Office, who shall be Chair;

(2) one member, appointed by the Commissioner of Labor;

(3) one member, appointed by the Executive Director of the Office of Racial Equity; and

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

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

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

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

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

(E) one member, nominated by Migrant Justice.

(c) Powers and duties. The Committee shall study and submit a written report to the House Committees on Commerce and Economic Development and on Government Operations and Military Affairs and the Senate Committees on Economic Development, Housing and General Affairs and on Government Operations concerning recommendations for creating an independent Office of New Americans, including:

(1) a summary of the current demographic, economic, and public health data regarding New Americans in the State and information regarding the government services being utilized and underutilized by New Americans;

(2) a summary or survey of varying and successful approaches to providing government services to New Americans in other states, with particular focus on the topics of the role of education and training institutions, professional licensing, housing, and support for employers and municipalities;

(3) in consultation with community-based organizations composed of or serving New Americans, the Vermont Asylum Assistance Project, State agencies and departments that provide services to New Americans, the Secretary of State's Office, municipal government leaders, educational institutions, and business leaders, information on:

(A) the existing State and local-level barriers for New Americans for gainfully participating in the State's workforce, economy, and business communities;

(B) additional governmental services needed by New Americans but not yet offered by the State; and

(C) the transfer or consolidation of existing governmental services for New Americans that would be more efficiently provided by a new Office of New Americans;

(4) the proposed structure, duties, funding, and labor needs of an Office of New Americans; and

(5) a definition of the term “New Americans” for the purposes of an Office of New Americans.

(d) The Committee may create subcommittees, with duties and leadership to be assigned by the Chair.

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

(f) Date of Report. On or before September 1, 2026, the Committee shall submit the written report required by subsection (c) of this section.

(g) Meetings.

(1) The Chair shall call the first meeting of the Committee to occur on or before September 1, 2025.

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

(3) The Committee shall cease to exist on the earlier of September 1, 2026 or the date that the Committee submits its written report.

(h) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Committee 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 10 meetings. These payments shall be made from monies appropriated to the General Assembly.

(2) Other members of the Committee shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than 10 meetings. These payments shall be made from monies appropriated to the Agency of Human Services.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

And that when so amended the bill ought to pass.

Senator Westman, for the Committee on Appropriations, to which the bill was referred, reported that the bill ought to pass when so amended.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to and third reading of the bill was ordered.

Bill Amended; Third Reading Ordered

S. 63.

Senator Douglass, for the Committee on Health and Welfare, to which was referred Senate bill entitled:

An act relating to modifying the regulatory duties of the Green Mountain Care Board.

Reported recommending that the bill be amended by striking out Sec. 7, 18 V.S.A. § 9456, in its entirety and inserting in lieu thereof a new Sec. 7 to read as follows:

Sec. 7. 18 V.S.A. § 9456 is amended to read:

§ 9456. BUDGET REVIEW

* * *

(d)(1)(A) Annually, the Board shall establish a budget for each general hospital, as defined in section 1902 of this title, on or before September 15, followed by a written decision by on or before October 1.

(B) Annually, the Board shall establish a budget for each psychiatric hospital, as defined in section 1902 of this title but excluding those conducted, maintained, or operated by the State of Vermont, on or before December 15, followed by a written decision on or before December 31.

(C) Each hospital shall operate within the budget established under this section.

* * *

And that when so amended the bill ought to pass.

Senator Gulick, for the Committee on Finance, to which the bill was referred, reported that the bill ought to pass when so amended.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to and third reading of the bill was ordered.

Bill Amended; Third Reading Ordered**S. 36.**

Senator Hart, for the Committee on Health and Welfare, to which was referred Senate bill entitled:

An act relating to Medicaid coverage of long-term residential treatment for co-occurring substance use disorder and mental health condition.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 33 V.S.A. § 1901n is added to read:

§ 1901n. HIGH-INTENSITY RESIDENTIAL TREATMENT FOR
SUBSTANCE USE DISORDER AND CO-OCCURRING
MENTAL CONDITIONS

(a) The Agency of Human Services shall provide coverage for high-intensity, medically monitored residential treatment episodes to Medicaid beneficiaries with substance use disorder and a co-occurring mental health condition when high-intensity, medically monitored residential treatment episodes are prescribed by a health care professional employed by a residential treatment program who is practicing within the scope of the health professional's license and the residential treatment program is participating in Vermont's Medicaid program.

(b) Coverage provided under this section shall be for the entire length of stay prescribed by a health care professional employed by a residential treatment program, who shall take into account current best practices for each level of care within the substance use continuum of care.

Sec. 2. 33 V.S.A. § 1901o is added to read:

§ 1901o. LOW-INTENSITY RESIDENTIAL TREATMENT FOR
SUBSTANCE USE DISORDER AND CO-OCCURRING
MENTAL CONDITIONS

(a) The Agency of Human Services shall provide coverage for low-intensity, clinically managed residential treatment episodes to Medicaid beneficiaries with substance use disorder and a co-occurring mental health condition when low-intensity, clinically managed residential treatment episodes are prescribed by a health care professional employed by a residential treatment program who is practicing within the scope of the health care professional's license and the residential treatment program is participating in Vermont's Medicaid program.

(b) Coverage provided under this section shall be for the entire length of stay prescribed by a health care professional employed by a residential treatment program, who shall take into account current best practices for levels of care within the substance use continuum of care.

Sec. 3. REPORT; MEDICAID PAYMENT MODEL FOR RESIDENTIAL
SUBSTANCE USE DISORDER TREATMENT SERVICES

The Agency of Human Services shall conduct a review of the Medicaid payment model for residential substance use disorder treatment services with special consideration given to the actual cost of providing residential treatment services, commensurate with length of stay, co-occurring physical and mental health needs, and postresidential treatment service needs. The results of the review shall be submitted to the House Committee on Human Services and the Senate Committee on Health and Welfare on or before December 1, 2025. The review shall include recommendations and proposed legislation to:

(1) align the Medicaid payment model with the clinical needs of individuals receiving residential substance use disorder treatment services; and

(2) ensure coordinated transitions between residential substance use disorder treatment providers offering varying acuity of care.

Sec. 4. REPEAL

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

Sec. 5. 2019 Acts and Resolves No. 6, Sec. 105 is amended to read:

Sec. 105. EFFECTIVE DATES

* * *

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

* * *

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2025.

and that after passage the title of the bill be amended to read: “An act relating to the Medicaid payment model for residential substance use disorder treatment services”

And that when so amended the bill ought to pass.

Senator Lyons, for the Committee on Appropriations, to which the bill was referred, reported that the bill ought to pass when so amended.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to and third reading of the bill was ordered.

Third Reading Ordered

S. 53.

Senator Collamore, for the Committee on Government Operations, to which was referred Senate bill entitled:

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

Reported recommending that the bill ought to pass.

Senator Gulick, for the Committee on Health and Welfare, to which the bill was referred, reported recommending the bill be amended as follows:

First: By adding a new section to be Sec. 8 to read as follows:

Sec. 8. OFFICE OF PROFESSIONAL REGULATION; APPROPRIATION

The sum of \$25,000.00 is appropriated from the General Fund to the Office of Professional Regulation in fiscal year 2026 to establish the certification program for community-based perinatal doulas as set forth in this act.

Second: By renumbering the existing Sec. 8, effective dates, to be Sec. 9 and, in that renumbered section, in subsection (a), preceding “shall take effect on January 1, 2026,” by inserting “and 8 (Office of Professional Regulation; appropriation)”

And that when so amended the bill ought to pass.

Senator Gulick, for the Committee on Finance, to which the bill was referred, reported that the bill ought to pass when so amended.

Senator Perchlik, for the Committee on Appropriations, to which the bill was referred, reported that the bill ought to pass without the Committee on Health and Welfare recommendation of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the pending question, Shall the bill be amended as recommended by the Committee on Health and Welfare?, was disagreed to.

Thereupon, third reading of the bill was ordered.

Appointments Confirmed

Under suspension of the rules (and particularly, Senate Rule 93), as moved by Senator Collamore, the following Gubernatorial appointments were confirmed together as a group by the Senate, without reports given by the Committees to which they were referred and without debate:

Snedeker, David of St. Johnsbury - Member of the State Infrastructure Bank Board - March 1, 2025 to February 28, 2030.

Foster, Ted of Vergennes - Member of the Vermont Economic Development Authority - July 1, 2024 to June 30, 2030.

Appointments Confirmed

The following Gubernatorial appointments were confirmed separately by the Senate, upon full reports given by the Committees to which they were referred:

The nomination of

Tebbetts, Anson of Cabot - Secretary, Agency of Agriculture, Food and Markets - March 1, 2025 to February 28, 2027.

Was confirmed by the Senate on a roll call, Yeas 29, Nays 0.

Senator Collamore having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Baruth, Beck, Bongartz, Brock, Chittenden, Clarkson, Collamore, Cummings, Douglass, Gulick, Hardy, Harrison, Hart, Hashim, Heffernan, Ingalls, Lyons, Major, Mattos, Norris, Perchlik, Plunkett, Ram Hinsdale, Vyhovsky, Watson, Weeks, Westman, White, Williams.

Those Senators who voted in the negative were: None.

The Senator absent and not voting was: Brennan.

The nomination of

Shouldice, William, IV of Stowe - Commissioner, Department of Taxes - March 1, 2025 to February 28, 2027.

Was confirmed by the Senate on a roll call, Yeas 30, Nays 0.

Senator Collamore having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Baruth, Beck, Bongartz, Brennan, Brock, Chittenden, Clarkson, Collamore, Cummings, Douglass, Gulick, Hardy, Harrison, Hart, Hashim, Heffernan, Ingalls, Lyons, Major, Mattos, Norris, Perchlik, Plunkett, Ram Hinsdale, Vyhovsky, Watson, Weeks, Westman, White, Williams.

Those Senators who voted in the negative were: None.

The nomination of

Greshin, Adam of Warren - Commissioner, Department of Finance and Management - March 1, 2025 to February 28, 2027.

Was confirmed by the Senate on a roll call, Yeas 30, Nays 0.

Senator Collamore having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Baruth, Beck, Bongartz, Brennan, Brock, Chittenden, Clarkson, Collamore, Cummings, Douglass, Gulick, Hardy, Harrison, Hart, Hashim, Heffernan, Ingalls, Lyons, Major, Mattos, Norris, Perchlik, Plunkett, Ram Hinsdale, Vyhovsky, Watson, Weeks, Westman, White, Williams.

Those Senators who voted in the negative were: None.

The nomination of

Harris, Kyle of Montpelier - Member of the Cannabis Control Board - March 1, 2028 to February 29, 2028.

Was confirmed by the Senate on a roll call, Yeas 30, Nays 0.

Senator Collamore having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Baruth, Beck, Bongartz, Brennan, Brock, Chittenden, Clarkson, Collamore, Cummings, Douglass, Gulick, Hardy, Harrison, Hart, Hashim, Heffernan, Ingalls, Lyons, Major, Mattos, Norris, Perchlik, Plunkett, Ram Hinsdale, Vyhovsky, Watson, Weeks, Westman, White, Williams.

Those Senators who voted in the negative were: None.

The nominations of

Clark, Sarah of Waterbury Center - Secretary, Agency of Administration-
November 17, 2024 to February 28, 2025.

Clark, Sarah of Waterbury Center - Secretary, Agency of Administration-
March 1, 2025 to February 28, 2027.

Were confirmed by the Senate on a roll call, Yeas 30, Nays 0.

Senator Collamore having demanded the yeas and nays, they were taken
and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Baruth, Beck, Bongartz, Brennan, Brock, Chittenden, Clarkson, Collamore, Cummings, Douglass, Gulick, Hardy, Harrison, Hart, Hashim, Heffernan, Ingalls, Lyons, Major, Mattos, Norris, Perchlik, Plunkett, Ram Hinsdale, Vyhovsky, Watson, Weeks, Westman, White, Williams.

Those Senators who voted in the negative were: None.

Adjourned

On motion of Senator Baruth the Senate adjourned until 3:00 P.M.

Called to Order

The Senate was called to order by the President.

Rules Suspended; Bill Referred to the Committee on Appropriations Pursuant to Rule 31

Pending Entry on the Calendar for notice, on motion of Senator Baruth the
rules were suspended and Senate bill entitled:

S. 127. An act relating to housing and housing development.

was committed to the Committee on Appropriations pursuant to Rule 31.

House Concurrent Resolutions

The following joint concurrent resolutions having been placed on the
consent calendar on the preceding legislative day, and no Senator having
requested floor consideration as provided by the Joint Rules of the Senate and
House of Representatives, were severally adopted in concurrence:

Offered by Reps. Krowinski and others,

H.C.R. 53.

House concurrent resolution honoring Megan Humphrey for her
outstanding leadership of HANDS.

Offered by All Members of the House,

H.C.R. 54.

House concurrent resolution in memory of former Representative, Governor, and Interim University of Vermont President Thomas Paul Salmon.

Offered by All Members of the House,

H.C.R. 55.

House concurrent resolution recognizing April 2025 as the Month of the Military Child in Vermont.

Offered by All Members of the House,

H.C.R. 56.

House concurrent resolution designating April 18, 2025 as USS VERMONT (SSN 792) Day in Vermont.

Offered by House Committee on Government Operations and Military Affairs,

Offered by Senators Clarkson, Major and White,

H.C.R. 57.

House concurrent resolution recognizing March 25, 2025 as National Medal of Honor Day in Vermont.

Offered by Rep. Noyes,

Offered by Senator Westman,

H.C.R. 58.

House concurrent resolution recognizing April 18, 2025 as Electric Utility Lineworker Appreciation Day in Vermont.

Offered by Rep. Wood,

H.C.R. 59.

House concurrent resolution honoring Linda C. Johnson for her outstanding State and national contributions to the prevention of child abuse.

Offered by All Members of the House,

Offered by Senators Lyons and Gulick,

H.C.R. 60.

House concurrent resolution designating March 25, 2025 as Intellectual and Developmental Disabilities Day at the State House.

Offered by Reps. Hango and others,

Offered by Senators Collamore, Ingalls, Mattos, Norris and Vyhovsky,

H.C.R. 61.

House concurrent resolution recognizing March 2025 as National Athletic Training Month in Vermont.

Offered by Reps. Greer and others,

Offered by Sens. Bongartz and Plunkett,

H.C.R. 62.

House concurrent resolution commemorating the 50th anniversary of the Black Music Division at Bennington College.

Adjournment

On motion of Senator Baruth, the Senate adjourned, to reconvene on Tuesday, March 25, 2025, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 18.