

Journal of the Senate

WEDNESDAY, MARCH 11, 2026

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Peter Plagge of Waterbury.

Bill Referred to Committee on Appropriations

S. 206.

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 licensure of early childhood educators by the Office of Professional Regulation.

Proposed Amendment to the Constitution Concurred In

Proposed Amendment to the Constitution designated as Proposal 4 having appeared on the Calendar for seven legislative days pursuant to Rule 83,

Was taken up.

Thereupon, Proposal 4 was read the third time and is as follows:

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.

Thereupon, the pending question, Shall the Senate concur in the adoption by the preceding General Assembly of Proposal 4 for the amendment of the Constitution of the State of Vermont, and request the concurrence of the House? was decided in the affirmative on roll call pursuant to the Vermont Constitution and Rule 83, Yeas, 29 Nays 0 (the necessary majority vote having been attained).

Roll Call

Those Senators who voted in the affirmative were: Baruth, Beck, Benson, Bongartz, Brennan, Brock, Chittenden, Clarkson, Collamore, Cummings, Gulick, Hardy, Harrison, Hashim, Ingalls, Lyons, Major, Mattos, Morley, 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: Heffernan.

Bill Amended; Third Reading Ordered

S. 183.

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

An act relating to home improvement and land improvement fraud.

Reported recommending 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.

And that when so amended the bill ought to pass.

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. 230.

Senator Chittenden, for the Committee on Economic Development, Housing and General Affairs, to which was referred Senate bill entitled:

An act relating to flexible working arrangements.

Reported recommending 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”

And that when so amended the bill ought to pass.

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 Passed

H. 649.

Senate bill of the following title was read the third time and passed:

An act relating to captive insurance companies.

Bill Amended; Third Reading Ordered

S. 173.

Senator Weeks, for the Committee on Economic Development, Housing and General Affairs, to which was referred Senate bill entitled:

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

Reported recommending 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"

And that when so amended the bill ought to pass.

Senator Watson, 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. 213.**

Senator Hardy, for the Committee on Natural Resources and Energy, to which was referred Senate bill entitled:

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

Reported recommending 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”

And that when so amended the bill ought to pass.

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. 223.

Senator Bongartz, for the Committee on Natural Resources and Energy, to which was referred Senate bill entitled:

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

Reported recommending 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.

And that when so amended the bill ought to pass.

Senator Watson, for the Committee on Appropriations, to which the bill was referred, reported 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.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the recommendation of the Committee on Natural Resources and Energy was amended as recommended by the Committee on Appropriations.

Thereupon, the pending question, Shall the bill be amended as recommended by the Committee on Natural Resources and Energy, as amended? was agreed to and third reading of the bill was ordered.

House Proposal of Amendment Concurred In

S. 60.

House proposal of amendment to Senate bill entitled:

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

Was taken up.

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”

Senator Collamore, for the Committee on Government Operations, to which the bill was recommitted, reported recommending that the Senate concur in the House proposal of amendment.

Thereupon, the question, Shall the Senate concur in the House proposal of amendment?, was decided in the affirmative.

Adjournment

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Thursday, March 12, 2026.