

**Adjournment**

On motion of Senator Mazza, the Senate adjourned until eleven o'clock and thirty minutes in the morning.

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**FRIDAY, APRIL 1, 2022**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Rabbi Danielle Stillman of Middlebury.

**Message from the House No. 41**

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

Madam President:

I am directed to inform the Senate that:

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

**J.R.S. 48.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

The House has considered Senate proposal of amendment to House proposal of amendment to Senate bill entitled:

**S. 53.** An act relating to exempting feminine hygiene products from the Vermont Sales and Use Tax.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses.

The Speaker appointed as members of such Committee on the part of the House:

Rep. Ancel of Calais  
Rep. Kornheiser of Brattleboro  
Rep. Beck of St. Johnsbury

**Message from the House No. 42**

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

Madam President:

I am directed to inform the Senate that:

The House has adopted House concurrent resolutions of the following titles:

**H.C.R. 128.** House concurrent resolution congratulating the 2022 Milton High School Yellowjackets Division II boys' ice hockey championship team.

**H.C.R. 129.** House concurrent resolution congratulating the 2022 Bellows Free Academy-St Albans Comets Division I girls' championship ice hockey team.

**H.C.R. 130.** House concurrent resolution recognizing April 2022 as the Month of the Military Child and April 15, 2022 as Purple Up Day in Vermont.

**H.C.R. 131.** House concurrent resolution honoring Melinda Moulton and Lisa Steele for their pivotal role in rejuvenating the Burlington waterfront.

**H.C.R. 132.** House concurrent resolution recognizing April 2022 as National Donate Life Month in Vermont.

**H.C.R. 133.** House concurrent resolution congratulating the 2022 Essex High School Hornets Division I boys' ice hockey championship team.

**H.C.R. 134.** House concurrent resolution recognizing April 6, 2022 as Start by Believing Day in Vermont.

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

### **Pages Honored**

In appreciation of their many services to the members of the General Assembly, the President *pro tempore* recognized the following-named pages who are completing their services today and presented them with letters of appreciation.

Orion Cooper of South Burlington  
Sadie Farris of Grand Isle  
Hannah Haskins of Waterbury  
HazeN Longe of Cambridge  
Carver Maxwell of Coventry  
Madelyn Morris of Williston  
Anya Muller of Jericho

### **Third Readings Ordered**

#### **H. 448.**

Senator Ram Hinsdale, for the Committee on Government Operations, to which was referred House bill entitled:

An act relating to approval of amendments to the charter of the City of Burlington.

Reported that the bill ought to pass in concurrence.

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

**H. 680.**

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

An act relating to obtaining a marriage license in any town in Vermont.

Reported that the bill ought to pass in concurrence.

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

**H. 556.**

Senator Hardy, for the Committee on Finance, to which was referred House bill entitled:

An act relating to exempting property owned by Vermont-recognized Native American tribes from property tax.

Reported that the bill ought to pass in concurrence.

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

**H. 627.**

Senator Cummings, for the Committee on Finance, to which was referred House bill entitled:

An act relating to the Vermont Economic Development Authority.

Reported that the bill ought to pass in concurrence.

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

**Senator Mazza Assumes the Chair**

**Bill Amended; Bill Passed**

**S. 286.**

Senate bill entitled:

An act relating to amending various public pension and other postemployment benefits.

Was taken up.

Thereupon, pending third reading of the bill, Senators Kitchel and White moved to amend the bill as follows:

First: In Sec. 1, 32 V.S.A. § 311a, in subsection (c), by striking out subdivision (3) in its entirety.

Second: By adding two new sections to be Secs. 11a and 11b to read as follows:

Sec. 11a. 16 V.S.A. § 1949a is added to read:

§ 1949a. POSTRETIREMENT ADJUSTMENT ALLOWANCE FUND

(a) Intent. It is the intent of the General Assembly to recognize members who are in active service on or before June 30, 2022 and made contributions for the duration of fiscal year 2023 and members who are in active service on or after July 1, 2022 and made contributions for at least one year, as part of a broader effort to improve the health of the System. As an acknowledgment of these additional contributions, once the System is in a healthier financial position, it is the intent of the General Assembly that these members should receive postretirement adjustment allowances that will more fully reflect the net percentage increase in the Consumer Price Index. It is also the intent of the General Assembly that the postretirement adjustment allowance formula should be incrementally increased to 100 percent of the net percentage increase in the Consumer Price Index, but that no increase should occur to the formula unless the funded ratio of the System is at least 80 percent funded on an actuarial value basis.

(b) Creation. There is established the Postretirement Adjustment Allowance Fund, to be administered by the Board, to provide postretirement adjustment increases or other benefits that may accrue to eligible members, pursuant to the requirements of subsection (d) of this section.

(c) Funds. The Fund shall consist of:

(1) any amounts transferred to it from the General Fund Balance Reserve established in 32 V.S.A. § 308c; and

(2) any amounts transferred or appropriated to it by the General Assembly.

(d) Use of funds. In any fiscal year, the Board may recommend the monies in the Fund to provide for postretirement adjustment increases or other benefits that may accrue to eligible members in the System, provided that:

(1) an evaluation is conducted pursuant to section 1949b of this chapter;

(2) the actuary certifies that the System has a funded ratio of at least 80 percent;

(3) the Fund has sufficient assets to pay for the present value of any benefit being provided; and

(4) the General Assembly approves of any increase or benefit change.

(e) Fund administration.

(1) The Board may invest monies in the Fund in accordance with the provisions of 32 V.S.A. § 434 or, in the alternative, may enter into an agreement with the Vermont Pension Investment Committee to invest such monies in accordance with the standards of care established by the prudent investor rule under 14A V.S.A. § 902, in a manner similar to the Committee's investment of retirement system monies. Interest earned shall remain in the Fund, and all balances remaining at the end of a fiscal year shall be carried over to the following year. The Board's annual financial report to the Governor and the General Assembly shall contain an accounting of receipts, disbursements, and earnings of the Fund.

(2) Contributions to the Fund shall be irrevocable and it shall be impossible at any time prior to the satisfaction of all liabilities, with respect to members and their beneficiaries, for any part of the corpus or income of the Fund to be used for, or diverted to, purposes other than the payment of postretirement adjustment increases and other benefits that may accrue to members and their beneficiaries and reasonable expenses of administering the Fund.

(f) Definition. As used in this section, "eligible member" means:

(1) a member of the System who is in active service on or before June 30, 2022 and made contributions for the duration of fiscal year 2023; or

(2) a member of the System who is in active service on or after July 1, 2022 and made contributions for at least one year.

Sec. 11b. 16 V.S.A. § 1949b is added to read:

§ 1949b. POSTRETIREMENT ADJUSTMENT TO RETIREMENT ALLOWANCE; FORMULA; EVALUATION

(a) On or before September 1, 2027 and every three years thereafter, or at the request of the Board in conjunction with any proposed changes to the amortization schedule, the Board shall consider the intent set forth in subsection 1949a(a) of this chapter and evaluate whether to modify the postretirement adjustment formula or any other benefit that may accrue to the members of the System who are in active service on or before June 30, 2022

and made contributions for the duration of fiscal year 2023 and members in active service on or after July 1, 2022 and made contributions for at least one year. The evaluation shall only include a proposed benefit change if the Postretirement Adjustment Allowance Fund has sufficient assets to pay for the present value of that benefit.

(b) On or before January 15, 2028 and every three years thereafter, or following a request for an evaluation by the Board, the Board shall submit a report to the House and Senate Committees on Government Operations with the results of the evaluation described in subsection (a) of this section.

Third: By striking out Sec. 18, 32 V.S.A. § 308c, in its entirety and inserting in lieu thereof the following:

Sec. 18. 32 V.S.A. § 308c is amended to read:

§ 308c. GENERAL FUND AND TRANSPORTATION FUND BALANCE RESERVES

(a) There is hereby created within the General Fund a General Fund Balance Reserve, also known as the “Rainy Day Reserve.” After satisfying the requirements of section 308 of this title, and after other reserve requirements have been met, any remaining unreserved and undesignated end of fiscal year General Fund surplus shall be reserved in the General Fund Balance Reserve. The General Fund Balance Reserve shall not exceed five percent of the appropriations from the General Fund for the prior fiscal year without legislative authorization.

(1), (2) [Repealed.]

(3) Of the funds that would otherwise be reserved in the General Fund Balance Reserve under this subsection, ~~50 percent of any such funds~~ the following amounts shall be reserved as necessary and transferred from the General Fund ~~to the Vermont State Employees’ Postemployment Benefits Trust Fund established by 3 V.S.A. § 479a~~ as follows:

(A) 25 percent to the Vermont State Retirement Fund established by 3 V.S.A. § 473; and

(B) 25 percent to the Postretirement Adjustment Allowance Fund established in 16 V.S.A. § 1949a.

\* \* \*

Which was agreed to.

Thereupon, pending third time of the bill? Senator Benning raised a *point of order* under Permanent Senate Rule 71 on whether he had a conflict of interest.

The President *overruled* the point of order and ruled that he did not have a conflict of interest and could vote on the bill.

Thereupon, the bill was read the third time and passed on a roll call, Yeas 28, Nays 0.

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

### **Roll Call**

**Those Senators who voted in the affirmative were:** Balint, Baruth, Benning, Bray, Brock, Campion, Chittenden, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingalls, Kitchel, Lyons, MacDonald, McCormack, Nitka, Pearson, Perchlik, Pollina, Ram Hinsdale, Sears, Sirotkin, Starr, Terenzini, Westman, White.

**Those Senators who voted in the negative were:** None.

**Those Senators absent or not voting were:** Mazza (presiding), Parent.

### **Senator Balint Resumes the Chair**

#### **H. 491.**

Senator Ram Hinsdale, for the Committee on Government Operations, to which was referred House bill entitled:

An act relating to the creation of the City of Essex Junction and the adoption of the City charter.

Reported that the bill ought to pass in concurrence.

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

### **Appointments Confirmed**

Under suspension of the rules (and particularly, Senate Rule 93), as moved by Senator White, 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:

The nominations of

Brown, Patrick of Burlington - Member, State Board of Education - September 20, 2021 to February 28, 2023.

Kolbe, Tammy of Burlington - Member, State Board of Education - September 20, 2021 to February 28, 2027.

Lucci, Gabrielle of Poultney - Member, State Board of Education - September 20, 2021 to June 30, 2023.

Brand, Julia of Dorset - Member, Children and Family Council for Prevention Programs - March 1, 2021 to February 28, 2024.

Skinner, Mary of Middlesex - Member, Human Services Board - May 24, 2021 to February 28, 2027.

Boucher, Patricia of Enosburg Falls - Member, Parole Board - February 24, 2021 to February 29, 2024.

Giffin, Tom of Rutland - Member, Parole Board - July 19, 2021 to February 28, 2022.

Stephens, Mary L. of Goshen - Member, Parole Board - February 24, 2021 to February 29, 2024.

Were collectively confirmed by the Senate.

### **Appointment Confirmed**

The following Gubernatorial appointment was confirmed separately by the Senate, upon full report given by the Committee to which it was referred:

The nomination of

White, Monica L. of Plainfield - Commissioner, Department of Disabilities, Aging and Independent Living- July 1, 2021 to February 28, 2023.

Was confirmed by the Senate on a roll call, Yeas 27, 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, Benning, Bray, Brock, Campion, Chittenden, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingalls, Kitchel, Lyons, Mazza, McCormack, Nitka, Pearson, Perchlik, Pollina, Ram Hinsdale, Sears, Sirotkin, Starr, Terenzini, Westman, White.

**Those Senators who voted in the negative were:** None.

**Those Senators absent or not voting were:** Balint (presiding), MacDonald, Parent.

### **Committee of Conference Appointed**

#### **S. 53.**

An act relating to exempting feminine hygiene products from the Vermont Sales and Use Tax.



Was taken up. Pursuant to the request of the House, the President announced the appointment of

Senator Cummings  
Senator Brock  
Senator Hardy

as members of the Committee of Conference on the part of the Senate to consider the disagreeing votes of the two Houses.

### **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:

By Reps. Mattos and others,

#### **H.C.R. 128.**

House concurrent resolution congratulating the 2022 Milton High School Yellowjackets Division II boys' ice hockey championship team.

By Reps. Toof and others,

By Senators Brock and Parent,

#### **H.C.R. 129.**

House concurrent resolution congratulating the 2022 Bellows Free Academy-St Albans Comets Division I girls' championship ice hockey team.

By Reps. Hango and others,

By Senators Brock, Collamore, Ingalls, Mazza and Parent,

#### **H.C.R. 130.**

House concurrent resolution recognizing April 2022 as the Month of the Military Child and April 15, 2022 as Purple Up Day in Vermont.

By Reps. Rachelson and others,

By Senators Baruth, Chittenden, Hardy, Pearson, Ram Hinsdale and Sirotkin,

#### **H.C.R. 131.**

House concurrent resolution honoring Melinda Moulton and Lisa Steele for their pivotal role in rejuvenating the Burlington waterfront.

By Reps. Rachelson and others,

By Senators Baruth, Brock, Chittenden, Hardy, Pearson and Ram Hinsdale,

**H.C.R. 132.**

House concurrent resolution recognizing April 2022 as National Donate Life Month in Vermont.

By Reps. Vyhovsky and others,

**H.C.R. 133.**

House concurrent resolution congratulating the 2022 Essex High School Hornets Division I boys' ice hockey championship team.

By Rep. Grad,

By Senator Ram Hinsdale,

**H.C.R. 134.**

House concurrent resolution recognizing April 6, 2022 as Start by Believing Day in Vermont.

**Adjournment**

On motion of Senator Mazza, the Senate adjourned, to reconvene on Tuesday, April 5, 2022, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 48.

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**TUESDAY, APRIL 5, 2022**

The Senate was called to order by the President *pro tempore*.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Pledge of Allegiance**

The President *pro tempore* then led the members of the Senate in the pledge of allegiance.

**Joint Senate Resolution Adopted on the Part of the Senate**

**J.R.S. 49.**

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senator Balint,

**J.R.S. 49.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, April 8, 2022, it be to meet again no later than Tuesday, April 12, 2022.

**Bills Passed in Concurrence**

House bills of the following titles were severally read the third time and passed in concurrence:

**H. 448.** An act relating to approval of amendments to the charter of the City of Burlington.

**H. 491.** An act relating to the creation of the City of Essex Junction and the adoption of the City charter.

**H. 556.** An act relating to exempting property owned by Vermont-recognized Native American tribes from property tax.

**H. 627.** An act relating to the Vermont Economic Development Authority.

**H. 680.** An act relating to obtaining a marriage license in any town in Vermont.

**Adjournment**

On motion of Senator Mazza, the Senate adjourned until one o'clock in the afternoon on Wednesday, April 6, 2022.

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**WEDESDAY, APRIL 6, 2022**

Pursuant to Rule 8 of the Senate Rules, in the absence of the President and the President *pro tempore*, the time for convening of the Senate having been set at 1:00 P.M., the Senate was called to order by John H. Bloomer, Jr., Secretary of the Senate.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Message from the House No. 43**

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

Madam President:

I am directed to inform the Senate that:

The House has considered a bill originating in the Senate of the following title:

**S. 183.** An act relating to midpoint probation review.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the Senate is requested.

**Bill Referred to Committee on Appropriations**

**S. 170.**

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 membership in the Municipal Employees' Retirement System for certain county sheriff department employees.

**Adjournment**

Pursuant to Rule 9 of the Senate Rules, on motion of Senator Clarkson, the Senate adjourned until one o'clock in the afternoon on Thursday, April 7, 2022.

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**THURSDAY, APRIL 7, 2022**

Pursuant to Rule 8 of the Senate Rules, in the absence of the President and the President *pro tempore*, the time for convening of the Senate having been set at 1:00 P.M., the Senate was called to order by John H. Bloomer, Jr., Secretary of the Senate.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Presiding Officer Elected**

Thereupon, pursuant to the provisions of Rule 8 of the Senate Rules, in the absence of the President and the President *pro tempore*, the Senate proceeded to the election of an acting President *pro tempore* to preside.

Nominations being in order, Senator Mazza nominated Senator Alison H. Clarkson to be acting President *pro tempore*. Senator Hooker seconded the nomination.

There being no further nominations, on motion of Senator Brock, the nominations were closed, and the Assistant Secretary was instructed to cast one ballot for Senator Alison H. Clarkson to serve as presiding officer until the return of the President or the President *pro tempore*.

**Senator Clarkson Assumes the Chair**

**Bill Referred to Committee on Finance****H. 655.**

House bill of the following title, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule was referred to the Committee on Finance:

An act relating to telehealth licensure and registration and to provisional licensure for professions regulated by the Office of Professional Regulation.

**Proposals of Amendment; Third Reading Ordered****H. 629.**

Senator Sears, for the Committee on Judiciary, to which was referred House bill entitled:

An act relating to access to adoption records.

Reported recommending that the Senate propose to the House to amend the bill as follows:

First: In Sec. 4, 15A V.S.A. § 6-106, by striking out “2024” and inserting in lieu thereof 2023

Second: In Sec. 5, 15A V.S.A. § 6-107, in subsection (c), by striking out subdivision (2) in its entirety and inserting in lieu thereof the following:

(2) A contact preference form shall include space where the parent may include information that the parent feels is important for the adoptee to know.

(3) A contact preference form may be withdrawn or revised at any time.

Third: In Sec. 8, implementation, by striking out “September” and inserting in lieu thereof October

Fourth: In Sec. 9, effective dates, in subsection (b), by striking out “2024” and inserting in lieu thereof 2023

And that the bill ought to pass in concurrence with such proposals of amendment.

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

**Proposal of Amendment; Third Reading Ordered****H. 461.**

Senator MacDonald, for the Committee on Finance, to which was referred House bill entitled:

An act relating to excluding the income of asylum seekers and refugees from household income.

Reported recommending that the Senate propose to the House to amend the bill in Sec. 1, 32 V.S.A. § 6061(3), subdivision (B), by striking out subdivision (ii) in its entirety and inserting in lieu thereof a new subdivision (ii) to read as follows:

(ii) a person residing in the household who was granted humanitarian parole to enter the United States pursuant to 8 U.S.C. § 1182(d)(5), who is seeking or has been granted asylum pursuant to 8 U.S.C. § 1158, or who qualifies as a refugee pursuant to 8 U.S.C. § 1101(a)(42), provided the person is not eligible under the laws of the United States to apply for adjustment of status to lawful permanent resident; or

And that the bill ought to pass in concurrence with such proposal of amendment.

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

### **Proposal of Amendment; Third Reading Ordered**

#### **H. 708.**

Senator Ram Hinsdale, for the Committee on Government Operations, to which was referred House bill entitled:

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

Reported recommending that the Senate propose to the House to amend the bill in Sec. 2, 24 App. V.S.A. chapter 3, section 48, subdivision (66)(C), by striking out subdivision (ii) in its entirety and inserting in lieu thereof a new subdivision (ii) to read as follows:

(ii) provide for a reasonable probationary period after initial occupancy;

And that the bill ought to pass in concurrence with such proposal of amendment.

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

**House Proposal of Amendment Concurred In****S. 183.**

House proposal of amendment to Senate bill entitled:

An act relating to midpoint probation review.

Was taken up.

The House proposes to the Senate to amend the bill as follows:

By striking out Sec. 3, effective date, in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

**Sec. 3. EFFECTIVE DATE**

This act shall take effect on passage.

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

**Adjournment**

On motion of Senator Mazza, the Senate adjourned until eleven o'clock and thirty minutes in the morning.

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**FRIDAY, APRIL 8, 2022**

Pursuant to Rule 8 of the Senate Rules, in the absence of the President and the President *pro tempore*, the time for convening of the Senate having been set at 11:30 A.M., the Senate was called to order by John H. Bloomer, Jr., Secretary of the Senate.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Dan Haugh of Stowe.

**Presiding Officer Elected**

Thereupon, pursuant to the provisions of Rule 8 of the Senate Rules, in the absence of the President and the President *pro tempore*, the Senate proceeded to the election of an acting President *pro tempore* to preside.

Nominations being in order, Senator Mazza nominated Senator Alison H. Clarkson to be acting President *pro tempore*. Senator Hooker seconded the nomination.

There being no further nominations, on motion of Senator Brock, the nominations were closed, and the Assistant Secretary was instructed to cast

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one ballot for Senator Alison H. Clarkson to serve as presiding officer until the return of the President or the President *pro tempore*.

### **Senator Clarkson Assumes the Chair**

#### **Message from the House No. 44**

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

Madam President:

I am directed to inform the Senate that:

The House has considered a bill originating in the Senate of the following title:

**S. 184.** An act relating to defense of others and justifiable homicide.

And has passed the same in concurrence.

The House has considered joint resolutions originating in the Senate of the following titles:

**J.R.S. 43.** Joint resolution authorizing the Commissioner of Forests, Parks and Recreation to exchange quit claim deeds with the Vermont Land Trust and the Nature Conservancy in order to confirm the boundary between the Long Trail State Forest and the land co-owned by the Vermont Land Trust and the Nature Conservancy in the Towns of Eden and Belvidere.

**J.R.S. 49.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

The Governor has informed the House that on April 6, 2022, he approved and signed bills originating in the House of the following titles:

**H. 628.** An act relating to amending a birth certificate to reflect gender identity.

**H. 722.** An act relating to reapportioning the final representative districts of the House of Representatives and the senatorial districts of the Senate.

#### **Message from the House No. 45**

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

Madam President:

I am directed to inform the Senate that:



The House has adopted House concurrent resolutions of the following titles:

**H.C.R. 135.** House concurrent resolution designating April 27, 2022 as Alzheimer's Awareness Day at the State House.

**H.C.R. 136.** House concurrent resolution congratulating the 2021 Bellows Falls Union High School Terriers Division II championship football team.

**H.C.R. 137.** House concurrent resolution honoring Bellows Free Academy-St. Albans boys' ice hockey Head Coach Toby Ducolon for his outstanding achievements.

**H.C.R. 138.** House concurrent resolution congratulating the Champlain Valley Union High School RoboHawks on winning the 2022 Vermont State FIRST Tech Challenge Robotics Championships.

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

**Bill Referred to Committee on Appropriations**

**H. 293.**

House 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 creating the State Youth Council.

**Bill Passed in Concurrence with Proposal of Amendment**

**H. 461.**

House bill of the following title was read the third time and passed in concurrence with proposal of amendment:

An act relating to excluding the income of asylum seekers and refugees from household income.

**Proposal of Amendment; Bill Passed in Concurrence with Proposals of Amendment**

**H. 629.**

House bill entitled:

An act relating to access to adoption records.

Was taken up.

Thereupon, pending third reading of the bill, Senator Pearson moved to amend the Senate proposal of amendment as follows:

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

Sec. 8a. VERMONT STATE ARCHIVES AND RECORDS  
ADMINISTRATION; REPORT ON RECORDS OF CHILDREN  
PLACED IN FOSTER HOMES OR RESIDENTIAL CHILD CARE  
FACILITIES

On or before January 15, 2023, the Vermont State Archives and Records Administration, in consultation with the Department for Children and Families and other interested parties, shall submit to the Senate Committees on Government Operations and on Health and Welfare and the House Committees on Government Operations and on Human Services a written report containing:

(1) a historical overview of the laws governing records related to children who were placed by a child-placing agency in foster homes or residential child care facilities and who are not adopted;

(2) a narrative explanation of:

(A) the records that may exist concerning these children; and

(B) who acts as the custodians of the records; and

(3) a recommendation for legislation to ensure that these children have access to records concerning their background, medical history, and other pertinent information relating to their time under the care and supervision of an agency.

Second: In Sec. 9, effective dates, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) This section and Secs. 1, 8, and 8a shall take effect on passage.

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposals of amendment on a roll call Yeas 27, 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, Benning, Bray, Brock, Champion, Chittenden, Collamore, Cummings, Hardy, Hooker, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Parent, Pearson, Perchlik, Pollina, Ram Hinsdale, Sears, Sirotkin, Starr, Terenzini, White.

**Those Senators who voted in the negative were:** None.

**Those Senators absent or not voting were:** Balint, Clarkson (presiding), Westman.

**Bill Passed in Concurrence with Proposal of Amendment**

**H. 708.**

House bill of the following title was read the third time and passed in concurrence with proposal of amendment:

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

**Appointment Confirmed**

The following Gubernatorial appointment was confirmed separately by the Senate, upon full report given by the Committee to which it was referred:

The nomination of

Ainsworth, Mary Jane of Barre - Director, Parole Board - February 24, 2021 to February 29, 2024.

Was confirmed by the Senate.

**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:

By Rep. Noyes,

By Senator Brock,

**H.C.R. 135.**

House concurrent resolution designating April 27, 2022 as Alzheimer's Awareness Day at the State House.

By Reps. Partridge and others,

By Senators Balint and White,

**H.C.R. 136.**

House concurrent resolution congratulating the 2021 Bellows Falls Union High School Terriers Division II championship football team.

By Reps. Dickinson and others,

By Senators Brock and Parent,

**H.C.R. 137.**

House concurrent resolution honoring Bellows Free Academy-St. Albans boys' ice hockey Head Coach Toby Ducolon for his outstanding achievements.

By Reps. Yantachka and others,

**H.C.R. 138.**

House concurrent resolution congratulating the Champlain Valley Union High School RoboHawks on winning the 2022 Vermont State FIRST Tech Challenge Robotics Championships.

**Adjournment**

On motion of Senator Mazza, the Senate adjourned, to reconvene on Tuesday, April 12, 2022, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 49.

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**TUESDAY, APRIL 12, 2022**

The Senate was called to order by the President.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Pledge of Allegiance**

The President then led the members of the Senate in the pledge of allegiance.

**Bill Referred to Committee on Finance**

**H. 729.**

House bill of the following title, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule was referred to the Committee on Finance:

An act relating to miscellaneous judiciary procedures.

**Bills Referred to Committee on Appropriations**

House bills of the following titles, appearing on the Calendar for notice, and carrying an appropriation or requiring the expenditure of funds, under the rule were severally referred to the Committee Appropriations:

**H. 153.** An act relating to Medicaid reimbursement rates for home- and community-based service providers.

**H. 159.** An act relating to community and economic development and workforce revitalization.

**H. 266.** An act relating to health insurance coverage for hearing aids.

**Message from the Governor  
Appointments Referred**

A message was received from the Governor, by Brittney L. Wilson, Secretary of Civil and Military Affairs, submitting the following appointments, which were referred to committees as indicated:

The nomination of

Wilson, Bruce of Winooski - Member, Human Rights Commission - from February 1, 2022 to February 28, 2026.

To the Committee on Judiciary.

The nomination of

McQuesten, Gary of Plainfield - Chair, Vermont Occupational Safety and Health Review Board - from March 3, 2022 to February 28, 2025.

To the Committee on Economic Development, Housing and General Affairs.

**Joint Senate Resolution Adopted on the Part of the Senate**

**J.R.S. 50.**

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senator Balint,

**J.R.S. 50.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, April 15, 2022, it be to meet again no later than Tuesday, April 19, 2022.

**Adjournment**

On motion of Senator Balint, the Senate adjourned until one o'clock in the afternoon on Wednesday, April 13, 2022.

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**WEDNESDAY, APRIL 13, 2022**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Patricia Hart of Burlington.

**Message from the House No. 46**

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

Madam President:

I am directed to inform the Senate that:

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

**H. 744.** An act relating to approval of an amendment to the charter of the City of Burlington.

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

The House has considered a bill originating in the Senate of the following title:

**S. 113.** An act relating to establishing a cause of action for medical monitoring expenses.

And has passed the same in concurrence.

The House has considered a bill originating in the Senate of the following title:

**S. 239.** An act relating to enrollment in Medicare supplemental insurance policies.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the Senate is requested.

**Bill Referred**

House bill of the following title was read the first time:

**H. 744.** An act relating to approval of an amendment to the charter of the City of Burlington.

And pursuant to Temporary Rule 44A was referred to the Committee on Rules.

**Senate Resolution Placed on Calendar****S.R. 23.**

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

By the Committee on Rules,

**S.R. 23.** Senate resolution extending concurrently conducted electronic sessions and committee meetings.

*Whereas*, Permanent Senate Rule 9A permits the Rules Committee to authorize sessions of the Senate during a declared emergency be concurrently conducted electronically; and

*Whereas*, Permanent Senate Rule 32A permits the Rules Committee to authorize committee meetings during a declared emergency be concurrently conducted electronically; and

*Whereas*, the Governor of the State of Vermont issued a Declaration of State of Emergency in Response to COVID-19 which expired at midnight on June 15, 2021; and

*Whereas*, the adoption of S.R.9, S.R. 12, S.R. 17 and S.R. 20 permitted the Senate to continue Senate Sessions pursuant to Permanent Senate Rule 9A and committee meetings pursuant to Permanent Senate Rule 32A until April 15, 2022; and

*Whereas*, the Senate desires continuing flexibility as it transitions to totally in person Senate Sessions and committee meetings; and

*Whereas*, extending the authority of the Rules Committee under Permanent Senate Rules 9 and 32A provides flexibility as the Senate continues the transition to totally in person Senate Sessions and committee meetings; *now therefore be it*

***Resolved by the Senate:***

Notwithstanding the language in Permanent Senate Rules 9A and 32A regarding their applicability during Declarations of Emergency, the provisions of Permanent Senate Rules 9A and 32A regarding Senate Sessions and committee meetings shall remain in effect through July 1, 2022.

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

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**Proposal of Amendment; Third Reading Ordered****H. 731.**

Senator Clarkson, for the Committee on Government Operations, to which was referred House bill entitled:

An act relating to technical corrections for the 2022 legislative session.

Reported that the bill ought to pass in concurrence.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and pending the question, Shall the bill be read a third time?, Senator Clarkson moved that the Senate propose to the House that the bill be amended by striking out Sec. 381, 20 V.S.A. § 1601, in its entirety and inserting in lieu thereof the following:

Sec. 381. 20 V.S.A. chapter 85 is amended to read:

Chapter 85. Needy Veterans in Need

§ 1601. AID TO ~~NEEDY~~ VETERANS IN NEED

(a) The monies annually available for the purposes of this chapter, or ~~so much thereof as may be~~ the amount of those monies that is necessary, shall be expended under the supervision of the Vermont Office of Veterans' Affairs at the direction of the Adjutant and Inspector General. The Office of Veterans' Affairs shall disburse ~~such~~ the funds, ~~or such part thereof as may be~~ necessary, in aiding, caring for, and educating ~~needy~~ in need and ~~needy~~ in need persons who are legal dependents of veterans. The Office of Veterans' Affairs shall award funds to applicants approved for assistance based on criteria approved by the Adjutant and Inspector General. Monetary assistance will be given only to applicants who would not be better served by other State, federal, or private assistance programs. The Adjutant and Inspector General shall determine conditions for eligibility and ~~will~~ shall ensure that the program is managed to the limit imposed by the available funding. The Office of Veterans' Affairs shall submit an annual report to the Adjutant and Inspector General on all fund activities at the end of each fiscal year. In addition, the Adjutant and Inspector General ~~will~~ shall review all fund expenditures at least once per fiscal year.

(b) The Office of Veterans' Affairs shall develop application and operating procedures for the fund, which must be approved by the Office of the Adjutant and Inspector General. Any deviation from the application and operating procedures shall be approved by the Adjutant and Inspector General. The application and operating procedures shall be available for review by applicants, service providers, and others that may have an interest in the fund.



\* \* \*

## § 1605. VETERAN EDUCATION

The Office of Veterans' Affairs may use some, none, or all of the funds to educate ~~needy~~ veterans in need about programs and benefits that will provide more permanent solutions to their financial situation. Any use of funds for veteran education or program support shall be approved in advance by the Adjutant and Inspector General.

Which was agreed to.

Thereupon, pending the question, Shall the bill be read third time?, Senator Clarkson moved that the Senate propose to the House to amend the bill by adding a new section to be numbered Sec. 432a to read as follows:

Sec. 432a. 24 V.S.A. § 5 is amended to read:

## § 5. CHITTENDEN

The County of Chittenden is formed of the towns of Bolton, Charlotte, Colchester, Essex, Hinesburg, Huntington, Jericho, Milton, Richmond, St. George, Shelburne, the City of South Burlington, Underhill, Westford, Williston, the City of Burlington, the City of Essex Junction, the City of Winooski, Buel's Gore, and so much of Lake Champlain as lies in this State west of the towns in the county adjoining the lake and not included within the limits of the County of Grand Isle. The City of Burlington is the shire town.

Which was agreed to.

Thereupon, third reading of the bill was ordered.

**Third Reading Ordered****H. 718.**

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

An act relating to approval of the dissolution of Colchester Fire District No. 1.

Reported that the bill ought to pass in concurrence.

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

**Adjournment**

On motion of Senator Balint, the Senate adjourned until one o'clock in the afternoon on Thursday, April 14, 2022.

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**THURSDAY, APRIL 14, 2022**

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. 47**

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

Madam President:

I am directed to inform the Senate that:

The House has considered bills originating in the Senate of the following titles:

**S. 72.** An act relating to the Interstate Compact on the Placement of Children.

**S. 265.** An act relating to expanding criminal threatening to include threats to third persons.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the Senate is requested.

**Bill Referred to Committee on Finance****H. 736.**

House bill of the following title, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule was referred to the Committee on Finance:

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

**Bills Referred to Committee on Appropriations**

House bills of the following titles, appearing on the Calendar for notice, and carrying an appropriation or requiring the expenditure of funds, under the rule were severally referred to the Committee Appropriations:

**H. 465.** An act relating to boards and commissions.

**H. 655.** An act relating to telehealth licensure and registration and to provisional licensure for professions regulated by the Office of Professional Regulation.

**H. 661.** An act relating to licensure of mental health professionals.

**Bill Passed in Concurrence****H. 718.**

House bill of the following title was read the third time and passed in concurrence:

An act relating to approval of the dissolution of Colchester Fire District No. 1.

**Bill Passed in Concurrence with Proposals of Amendment****H. 731.**

House bill of the following title was read the third time and passed in concurrence with proposals of amendment:

An act relating to technical corrections for the 2022 legislative session.

**House Proposals of Amendment Concurred In****S. 239.**

House proposals of amendment to Senate bill entitled:

An act relating to enrollment in Medicare supplemental insurance policies.

Was taken up.

The House proposes to the Senate to amend the bill as follows:

First: In Sec. 2, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) The Department of Financial Regulation shall convene a group of interested stakeholders, including Vermonters eligible for Medicare by reason of age, disability status, or end stage renal disease and representatives of health care providers, the Community of Vermont Elders, the area agencies on aging, the Office of the Health Care Advocate, and the Department of Vermont Health Access, to consider issues relating to Medicare Advantage plans and to the availability of, enrollment in, and use of supplemental coverage by individuals enrolled in Medicare. A majority of the stakeholders shall not have a financial stake in any Medicare supplemental coverage or Medicare Advantage product.

Second: In Sec. 2, subsection (b), by adding a new subdivision to be subdivision (4) to read as follows:

(4) the costs of Medicare Part B premiums, Medicare Part D plans, Medicare supplement plans, and Medicare Advantage plans; the effect of those costs on access to health care for Vermonters with low income who are not eligible for Medicaid or for a Medicare Savings Program; the income

eligibility thresholds for Medicare Savings Programs in Vermont and in other states; and whether Vermont should consider revising the income eligibility thresholds for its Medicare Savings Programs;

And by renumbering the remaining subdivisions in subsection (b) to be numerically correct

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

### **Senate Resolution Adopted**

#### **S.R. 23.**

Senate resolution entitled:

Senate resolution extending concurrently conducted electronic sessions and committee meetings

Having been placed on the Calendar for action, was taken up and adopted.

### **Adjournment**

On motion of Senator Balint, the Senate adjourned until eleven o'clock and thirty minutes in the morning.

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### **FRIDAY, APRIL 15, 2022**

The Senate was called to order by the President.

### **Devotional Exercises**

Devotional exercises were conducted by the Reverend Kenzan of East Calais.

### **Message from the House No. 48**

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

Madam President:

I am directed to inform the Senate that:

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

**H. 741.** An act relating to approval of amendments to the charter of the City of St. Albans.

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

The House has considered a bill originating in the Senate of the following title:

**S. 171.** An act relating to adoption of a State code of ethics.

And has passed the same in concurrence with proposal of amendment 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. 50.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

**Message from the House No. 49**

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

Madam President:

I am directed to inform the Senate that:

The House has considered a bill originating in the Senate of the following title:

**S. 74.** An act relating to modifications to Vermont's patient choice at end of life laws.

And has passed the same in concurrence.

The House has adopted House concurrent resolutions of the following titles:

**H.C.R. 139.** House concurrent resolution congratulating the Vermont winners of the 2022 NYSRAEF ProStart Invitational culinary competition.

**H.C.R. 140.** House concurrent resolution congratulating E.J. Barrette & Sons Inc. of Swanton on its centennial.

**H.C.R. 141.** House concurrent resolution congratulating Chef Christian Kruse on his selection as a 2022 semifinalist for the receipt of the James Beard Foundation's Best Chef: Northeast Award.

**H.C.R. 142.** House concurrent resolution in memory of Sister Janice E. Ryan, RSM.

**H.C.R. 143.** House concurrent resolution in memory of George H. Severance of Hinesburg.

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

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

**S.C.R. 18.** Senate concurrent resolution in memory of former Assistant Attorney General Mark Di Stefano of Montpelier.

And has adopted the same in concurrence.

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**Message from the House No. 50**

A message was received from the House of Representatives by Ms. Melissa Kucserik, its First Assistant Clerk, as follows:

Madam President:

I am directed to inform the Senate that:

The House has considered Senate proposals of amendment to the following House bills:

**H. 461.** An act relating to excluding the income of asylum seekers and refugees from household income.

**H. 629.** An act relating to access to adoption records.

**H. 708.** An act relating to the approval of an amendment to the charter of the City of Burlington.

And has severally concurred therein.

**Bills Referred to Committee on Appropriations**

House bills of the following titles, appearing on the Calendar for notice, and carrying an appropriation or requiring the expenditure of funds, under the rule were severally referred to the Committee Appropriations:

**H. 265.** An act relating to the Office of the Child, Youth, and Family Advocate.

**H. 464.** An act relating to miscellaneous changes to the Reach Up Program.

**H. 515.** An act relating to banking, insurance, and securities.

**H. 711.** An act relating to the creation of the Opioid Settlement Advisory Committee and the Opioid Abatement Special Fund.

**H. 720.** An act relating to the system of care for individuals with developmental disabilities.

**Bill Referred**

House bill of the following title was read the first time:

**H. 741.** An act relating to approval of amendments to the charter of the City of St. Albans.

And pursuant to Temporary Rule 44A was referred to the Committee on Rules.

**Proposal of Amendment; Third Reading Ordered****H. 159.**

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

An act relating to community and economic development and workforce revitalization.

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

\* \* \* Purpose \* \* \*

**Sec. 1. PURPOSE**

The purpose of this act is to address the negative economic impacts of COVID-19 on Vermont's economy, employers, workers, and families while simultaneously leveraging opportunities to grow Vermont's economy.

\* \* \* Relocating Employee Incentives \* \* \*

Sec. 2. 10 V.S.A. § 4 is amended to read:

**§ 4. NEW RELOCATING EMPLOYEE INCENTIVES**

(a) The Agency of Commerce and Community Development shall design and implement a program to award incentive grants to relocating employees as provided in this section and subject to the policies and procedures the Agency adopts to implement the program.

(b) A relocating employee may be eligible for a grant under the program for qualifying expenses, subject to the following:

(1) A base grant shall not exceed \$5,000.00.

(2) The Agency may award an enhanced grant, which shall not exceed \$7,500.00, for a relocating employee who becomes a resident in a labor market area in this State in which:

(A) the average annual unemployment rate in the labor market area exceeds the average annual unemployment rate in the State; or

(B) the average annual wage in the State exceeds the annual average wage in the labor market area.

(c) The Agency shall:

(1) adopt procedures for implementing the program, which shall include a simple certification process to certify relocating employees and qualifying expenses;

(2) promote awareness of the program, including through coordination with relevant trade groups and by integration into the Agency's economic development marketing campaigns;

~~(3) award grants to relocating employees on a first come, first-served basis beginning on July 1, 2021, subject to available funding adopt procedures to initially approve an applicant for a grant after verifying a relocating employee's eligibility and to make final payment of a grant after verifying that the relocating employee has completed relocation to this State; and~~

(4) adopt measurable goals, performance measures, and an audit strategy to assess the utilization and performance of the program.

(d) ~~On~~ Annually, on or before January 15, 2022, the Agency shall submit a report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs concerning the implementation of this section, including:

(1) a description of the policies and procedures adopted to implement the program;

(2) the promotion and marketing of the program; and

(3) an analysis of the utilization and performance of the program, including the projected revenue impacts and other qualitative and quantitative returns on investment in the program based on available data and modeling.

(e) As used in this section:

(1) "Qualifying expenses" means the actual costs a relocating employee incurs for relocation expenses, which may include moving costs, closing costs for a primary residence, rental security deposit, one month's rent payment, and other relocation expenses established in Agency guidelines.

(2) "Relocating employee" means an individual who meets the following criteria:

(A)(i) On or after July 1, 2021:

(I) the individual becomes a full-time resident of this State;

(II) the individual becomes a full-time employee at a Vermont location of a for-profit or nonprofit business organization domiciled or authorized to do business in this State, or of a State, municipal, or other public sector employer; and

~~(III) the individual becomes employed in one of the "Occupations with the Most Openings" identified by the Vermont Department of Labor in its "Short Term Employment Projections 2020-2022"; and~~



(IV) the employer attests to the Agency that, after reasonable time and effort, the employer was unable to fill the employee's position from among Vermont applicants; or

(ii) on or after February 1, 2022:

(I) the individual becomes a full-time resident of this State; and

(II) the individual is a full-time employee of an out-of-state business and performs the majority of his or her employment duties remotely from a home office or a co-working space located in this State.

(B) The individual receives gross salary or wages that equal or exceed the Vermont livable wage rate calculated pursuant to 2 V.S.A. § 526.

(C) The individual is subject to Vermont income tax.

### Sec. 3. THINK VERMONT REGIONAL RECRUITMENT AND RELOCATION NETWORK

(a) Regional recruitment and relocation network. The Department of Tourism and Marketing shall launch and lead a coordinated regional relocation network to facilitate the successful recruitment and relocation of individuals to Vermont. The Department of Tourism and Marketing shall build capacity to facilitate lead generation and support a network of regional and local entities embedded in their communities who will act as resource coordinators to transform leads into permanent residents. These network partners shall be responsible for providing quick, customized information, resources, and referrals. The network shall be designed to:

(1) leverage all available State and federal resources;

(2) provide a regionally customized customer support pathway for potential residents;

(3) receive, respond to, and track leads generated by State marketing efforts;

(4) ensure that every inquiry is responded to in a timely, appropriate way in support of future employment and successful relocation;

(5) collaborate with regional employers on their recruitment efforts to maximize the sharing of information about employment opportunities and promote placements or matching of applicants;

(6) track, share, and report information between other regional contacts, State agencies, and departments; and

(7) evolve and respond to new needs and resources.

(b) System infrastructure.

(1) The Department shall establish a competitive RFP process, with the goal of contracting with an entity, based on responses received, in each of 12 designated regions. The competitive process will help the Department ensure that there is capacity within responding entities to perform the scope of work required.

(2) The Department shall score the RFP responses and utilize a scoring system to choose a partner entity in each region of the State.

(3) The Department shall create one full-time staff position to maintain oversight and management of the regional network and report on outcomes and relocation services delivered.

(4) The regional network shall be integrated into current recruitment efforts to maximize existing tools such as ThinkVermont.com.

(5) The Department shall leverage its existing programmatic footprint to ensure that relocation assistance is available in every region of the State.

(6) To the extent possible, the regional relocation network shall not duplicate or replace existing public or private recruitment programs.

(7) The Department shall work to coordinate and enhance these efforts to create a wraparound system of support, information, and recordkeeping.

(c) Coordination. The Department shall coordinate with statewide and community-based organizations, as well as Agencies and Departments in State government, including the Department of Labor, the Agency of Human Services, Vocational Rehabilitation, Regional Development Corporations and Regional Planning Commissions, and statewide and local chambers of commerce.

(d) Promotion and marketing.

(1) The Department shall promote Vermont as a relocation destination to attract new residents to the State and generate leads for the regional relocation network.

(2) The Department shall use a mix of marketing tactics, each with specific benchmarks to define success, including:

(A) secure and maintain positive earned media coverage in national, regional, and other news media;

(B) extend the reach of positive news coverage through owned media channels;

(C) utilize paid media opportunities to advertise Vermont as a place to live, work, visit, and do business; and

(D) utilize targeting techniques to reach key populations in high demand occupations in sectors facing workforce shortages in Vermont as well as individuals of diverse backgrounds.

(e) Report. The Department shall include the following metrics in addition to a progress update and any recommendations annually to the General Assembly:

(1) the number of inquiries received and individuals served in each region, by region; and

(2) employment and relocation status data on all individuals served.

(f) Implementation. The Department of Tourism and Marketing shall launch the RFP and select regional network partners based on the responses on or before November 15, 2022.

\* \* \* Capital Investment Grant Program \* \* \*

Sec. 4. 2021 Acts and Resolves No. 74, Sec. H.18 is amended to read:

Sec. H.18 CAPITAL INVESTMENT GRANT PROGRAM

(a) Creation; purpose; regional outreach.

(1) The Agency of Commerce and Community Development shall use the \$10,580,000 appropriated to the Department of Economic Development in Sec. G.300(a)(12) of this act to design and implement a capital investment grant program consistent with this section.

(2) The purpose of the program is to make funding available for transformational projects that will provide each region of the State with the opportunity to attract businesses, retain existing businesses, create jobs, and invest in their communities by encouraging capital investments and economic growth.

(3) The Agency shall collaborate with other State agencies, regional development corporations, regional planning commissions, and other community partners to identify potential regional applicants and projects to ensure the distribution of grants throughout the regions of the State.

(b) Eligible applicants.

(1) To be eligible for a grant, an applicant shall comply with the Department of Treasury Final Rule implementing the Coronavirus State and Local Fiscal Recovery Funds established under the American Rescue Plan Act and meet the following criteria:

(A) The applicant is located within this State.

(B) The applicant is:

(i)(I) a for-profit entity with not less than a 10 percent equity interest in the project; or

(II) a nonprofit entity; and

(ii) grant funding from the Program represents not more than ~~50~~ 20 percent of the total project cost.

(C) The applicant demonstrates:

(i) community and regional support for the project;

(ii) that grant funding is needed to complete the project;

(iii) leveraging of additional sources of funding from local, State, or federal economic development programs; and

(iv) an ability to manage the project, with requisite experience and a plan for fiscal viability.

(2) The following are ineligible to apply for a grant:

(A) a State or local government-operated business;

(B) a municipality;

(C) a business that, together with any affiliated business, owns or operates more than 20 locations, regardless of whether those locations do business under the same name or within the same industry; and

(D) a ~~publicly-traded~~ publicly traded company.

(c) Awards; amount; eligible uses.

(1) An award shall not exceed the lesser of ~~\$1,500,000.00~~ \$1,000,000 or ~~the estimated net State fiscal impact of the project based on Agency modeling~~ 20 percent of the total project cost.

(2) A recipient may use grant funds for the acquisition of property and equipment, construction, renovation, and related capital expenses.

(3) A recipient may combine grant funds with funding from other sources but shall not use grant funds from multiple sources for the same costs within the same project.

(4) The Agency shall release grant funds upon determining that the applicant has met all Program conditions and requirements.

(5) Nothing in this section is intended to prevent a grant recipient from applying for additional grant funds if future amounts are appropriated for the program.

~~(d) Data model; approval.~~

~~(1) The Agency shall collaborate with the Legislative Economist to design a data model and related methodology to assess the fiscal, economic, and societal impacts of proposals and prioritize them based on the results.~~

~~(2) The Agency shall present the model and related methodology to the Joint Fiscal Committee for its approval not later than September 1, 2021.~~

(e) Application process; decisions; awards.

(1)(A) The Agency shall accept applications on a rolling basis for three-month periods and shall review and consider for approval the group of applications it has received as of the conclusion of each three-month period.

(B) The Agency shall make application information available to the Legislative Economist and the Executive Economist in a timely manner.

~~(2) Using the data model and methodology approved by the Joint Fiscal Committee, the Agency shall analyze the information provided in an application to estimate the net State fiscal impact of a project, including the following factors:~~

~~(A) increase to grand list value;~~

~~(B) improvements to supply chain;~~

~~(C) jobs impact, including the number and quality of jobs; and~~

~~(D) increase to State GDP. [Repealed.]~~

(3) The Secretary of Commerce and Community Development shall appoint an interagency team, which may include members from among the Department of Economic Development, the Department of Housing and Community Development, the Agency of Agriculture, Food and Markets, the Department of Public Service, the Agency of Natural Resources, or other State agencies and departments, which team shall review, analyze, and recommend projects for funding consistent with the guidelines the Agency develops in coordination with the Joint Fiscal Office and approved by the Joint Fiscal Committee and based on the estimated net State fiscal impact of a project and ~~on other contributing factors, including the following:~~

(A) transformational nature of the project for the region;

(B) project readiness, quality, and demonstrated collaboration with stakeholders and other funding sources;

(C) alignment and consistency with regional plans and priorities; and

(D) creation and retention of workforce opportunities.

(4) The Secretary of Commerce and Community Development shall consider the recommendations of the interagency team and shall give final approval to projects.

(f) Grant agreements; post award monitoring.

(1) If selected by the Secretary, the applicant and the Agency shall execute a grant agreement that includes audit provisions and minimum requirements for the maintenance and accessibility of records that ensures that the Agency and the Auditor of Accounts have access and authority to monitor awards.

(2) The Agency shall publish on its website not later than 30 days after approving an award a brief project description, the name of the grantee, and the amount of a grant.

(g) Report. On or before ~~December 15, 2021~~ February 15, 2023, the Agency shall submit a report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs concerning the implementation of this section, including:

(1) a description of the implementation of the program;

(2) the promotion and marketing of the program;

(3) an analysis of the utilization and performance of the program, ~~including the projected revenue impacts and other qualitative and quantitative returns on investment in the program based on available data and modeling.~~

(h) Implementation.

(1) The Agency of Commerce and Community Development shall consult with the Legislative Joint Fiscal Office to develop guidelines and approval processes for the Capital Investment Grant Program and shall submit the proposed guidelines and processes to the Joint Fiscal Committee for approval prior to accepting applications for grants through the Program.

(2) When considering whether and how to prioritize economic sectors that have suffered economic harm due to the COVID-19 pandemic, the Agency may designate one or more sectors for priority consideration through the Program, including the arts and culture, travel, lodging, tourism, agriculture, and child care sectors.

\* \* \* VEDA Short-Term Forgivable Loans \* \* \*

## Sec. 5. VEDA SHORT-TERM FORGIVABLE LOANS

(a) Creation. The Vermont Economic Development Authority shall create a Short-Term Forgivable Loan Program to support Vermont businesses experiencing continued working capital shortfalls as a result of the COVID-19 public health emergency.

(b) Eligible business. An eligible borrower is a for-profit or nonprofit business:

- (1) with fewer than 500 employees;
- (2) located in Vermont;
- (3) that was in operation or had taken substantial steps toward becoming operational as of March 13, 2020; and
- (4) that can identify economic harm caused by or exacerbated by the pandemic.

(c) Economic harm.

(1) An applicant shall demonstrate economic harm from lost revenue, increased costs, challenges covering payroll, rent or mortgage interest, or other operating costs that threaten the capacity of the business to weather financial hardships and result in general financial insecurity due to the COVID-19 public health emergency.

(2) The Authority shall measure economic harm by a material decline in the applicant's annual adjusted net operating income before the COVID-19 public health emergency relative to its annual adjusted net operating income during the COVID-19 public health emergency.

(3) When assessing an applicant's adjusted net operating income, the Authority shall consider previous COVID-19 State and federal subsidies, reasonable owner's compensation, noncash expenses, extraordinary items, and other adjustments deemed appropriate.

(4) To be eligible for a loan, the Authority shall determine that a business has experienced at least a 25 percent reduction in its adjusted net operating income in calendar years 2020 and 2021 combined as compared to 2019, or other appropriate basis of comparison where necessary, and that 50 percent or more of the reduction occurred in 2021.

(d) Maximum loan. The Authority shall determine the amount of a loan award pursuant to guidelines adopted pursuant to subsection (f) of this section, provided that a loan shall not exceed the lesser of:

(1) \$200,000.00;

(2)(A) six months of eligible fixed costs; or

(B) if, due to the nature of the business and its historical experience fixed costs are not an accurate measure of ongoing operational need, another amount based on a comparable measure of cost; or

(3) the amount of the cumulative decline in adjusted net operating income during the COVID-19 public health emergency in 2020 and 2021.

(e) Eligible use of loan; loan forgiveness.

(1) A loan recipient may use loan proceeds to pay for eligible fixed costs or operating expenses but shall not use the proceeds for capital expenditures.

(2) The Authority shall approve loan forgiveness based on documentation evidencing loan proceeds were used to pay for eligible fixed costs or operating expenses.

(f) Guidelines. The Vermont Economic Development Authority shall consult with the Legislative Joint Fiscal Office to develop guidelines and approval processes for the VEDA Short-Term Forgivable Loan Program and shall submit the proposed guidelines and processes to the Joint Fiscal Committee for approval prior to accepting applications for grants through the Program.

(g) Priority sectors. When considering whether and how to prioritize economic sectors that have suffered economic harm due to the COVID-19 pandemic, the Agency of Commerce and Community Development may designate one or more sectors for priority funding through the Program, including the arts and culture, travel, lodging, tourism, agriculture, and child care sectors.

\* \* \* Project-Based Tax Increment Financing \* \* \*

Sec. 6. 24 V.S.A. 1892(d) is amended to read:

(d) The following municipalities have been authorized to use education tax increment financing for a tax increment financing district:

- (1) the City of Burlington, Downtown;
- (2) the City of Burlington, Waterfront;
- (3) ~~the Town of Milton, North and South~~ Town of Bennington;
- (4) ~~the City of Newport~~ City of Montpelier;
- (5) the City of Winooski;
- (6) ~~the Town of Colchester~~;
- ~~(7) the Town of Hartford~~;
- ~~(8)~~(7) the City of St. Albans;
- ~~(9)~~(8) the City of Barre;



~~(10)~~(9) the Town of Milton, Town Core; and

~~(11)~~(10) the City of South Burlington.

Sec. 7. 32 V.S.A. § 5404a is amended to read:

§ 5404a. TAX STABILIZATION AGREEMENTS; TAX INCREMENT  
FINANCING DISTRICTS

(a) A tax agreement or exemption shall affect the education property tax grand list of the municipality in which the property subject to the agreement is located if the agreement or exemption is:

\* \* \*

(b)(1) An agreement affecting the education property tax grand list defined under subsection (a) of this section shall reduce the municipality's education property tax liability under this chapter for the duration of the agreement or exemption without extension or renewal, and for a maximum of 10 years. A municipality's property tax liability under this chapter shall be reduced by any difference between the amount of the education property taxes collected on the subject property and the amount of education property taxes that would have been collected on such property if its fair market value were taxed at the equalized nonhomestead rate for the tax year.

(2) Notwithstanding any other provision of law, if a municipality has entered into an agreement that reduces the municipality's education property tax liability under this chapter and the municipality establishes a tax increment financing district under 24 V.S.A. chapter 53, subchapter 5, the municipality's municipal and education tax increment shall be calculated based on the assessed value of the properties in the municipality's grand list and not on the stabilized value.

\* \* \*

(f) A municipality that establishes a tax increment financing district under 24 V.S.A. chapter 53, subchapter 5 shall collect all property taxes on properties contained within the district and apply not more than 70 percent of the State education property tax increment, and not less than 85 percent of the municipal property tax increment, to repayment of financing of the improvements and related costs for up to 20 years pursuant to 24 V.S.A. § 1894, if approved by the Vermont Economic Progress Council pursuant to this section, subject to the following:

(1) In a municipality with one or more approved districts, the Council shall not approve an additional district until the municipality retires the debt incurred for all of the districts in the municipality.

(2) The Council shall not approve more than ~~six~~ four districts in the State, and not more than two per county, provided:

(A) The districts listed in 24 V.S.A. § 1892(d) shall not be counted against the limits imposed in this subdivision (2).

(B) The Council shall consider complete applications in the order they are submitted, except that if during any calendar month the Council receives applications for more districts than are actually available in a county, the Council shall evaluate each application and shall approve the application that, in the Council's discretion, best meets the economic development needs of the county.

(C) If, while the General Assembly is not in session, the Council receives applications for districts that would otherwise qualify for approval but, if approved, would exceed the ~~six-district~~ four-district limit in the State, the Council shall make one or more presentations to the Emergency Board concerning the applications, and the Emergency Board may, in its discretion, increase the six-district limit.

(D) The Council shall not approve more than one district in Bennington County and one district in Washington County.

\* \* \*

(4) In any year that the assessed valuation of real property in a district decreases in comparison to the original taxable value of the real property in a district, a municipality shall pay the amount equal to the tax calculated based on the original taxable value to the Education Fund.

\* \* \*

(h) To approve utilization of incremental revenues pursuant to subsection (f) of this section:

\* \* \*

(4) Project criteria. Determine that the proposed development within a tax increment financing district will accomplish at least three of the following five criteria:

\* \* \*

(C) The project will affect the remediation and redevelopment of a brownfield located within the district. In the case of a brownfield, the Vermont Economic Progress Council is authorized to adopt rules pursuant to subsection (j) of this section to clarify what is a reasonable improvement, as defined in 24 V.S.A. § 1891, to remediate and stimulate the development or redevelopment in the district. As used in this section, "brownfield" means an

area in which a hazardous substance, pollutant, or contaminant is or may be present, and that situation is likely to complicate the expansion, development, redevelopment, or reuse of the property.

\* \* \*

Sec. 8. TAX INCREMENT FINANCING PROJECT DEVELOPMENT;  
PILOT PROGRAM

(a) Definitions. As used in this section:

(1) “Committed” means pledged and appropriated for the purpose of the current and future payment of tax increment financing and related costs as defined in this section.

(2) “Coordinating agency” means any public or private entity from outside the municipality’s departments or offices and not employing the municipality’s staff, which has been designated by a municipality to administer and coordinate a project during creation, public hearing process, approval process, or administration and operation during the life of the project, including overseeing infrastructure development, real property development and redevelopment, assisting with reporting, and ensuring compliance with statute and rule.

(3) “Financing” means debt incurred, including principal, interest, and any fees or charges directly related to that debt, or other instruments or borrowing used by a municipality to pay for improvements and related costs for the approved project, only if authorized by the legal voters of the municipality in accordance with 24 V.S.A. § 1894. Payment for eligible related costs may also include direct payment by the municipality using the district increment. However, such anticipated payments shall be included in the vote by the legal voters of the municipality in accordance with subsection (f) of this section. If interfund loans within the municipality are used as the method of financing, no interest shall be charged. Bond anticipation notes may be used as a method of financing and may qualify as a municipality’s first incurrence of debt. A municipality that uses a bond anticipation note during the third or sixth year that a municipality may incur debt pursuant to subsection (f) of this section shall incur all permanent financing not more than one year after issuing the bond anticipation note.

(4) “Improvements” means the installation, new construction, or reconstruction of infrastructure that will serve a public purpose, including utilities, transportation, public facilities and amenities, land and property acquisition and demolition, brownfield remediation, and site preparation. “Improvements” also means the funding of debt service interest payments for a period of up to five years, beginning on the date on which the first debt is incurred.

(5) “Legislative body” means the mayor and alderboard, the city council, the selectboard, and the president and trustees of an incorporated village, as appropriate.

(6) “Municipality” means a city, town, or incorporated village.

(7) “Nexus” means the causal relationship that must exist between the improvements and the expected development and redevelopment in the TIF Project Zone or the expected outcomes in the TIF Project Zone.

(8) “Original taxable value” means the total valuation as determined in accordance with 32 V.S.A. chapter 129 of all taxable real property located within the project as of the creation date, provided that no parcel within the project shall be divided or bisected.

(9) “Project” means a public improvement, as defined in subdivision (4) of this subsection, with a total debt ceiling, including related costs, and principal and interest payments, of not more than \$5,000,000.00. A project must:

(A) Clearly require substantial public investment over and above the normal municipal operating or bonded debt expenditures.

(B) Only include public improvements that are integral to the expected private development.

(C) Meet one of the following four criteria:

(i) The development includes new or rehabilitated affordable housing, as defined in 24 V.S.A. § 4303.

(ii) The project will affect the remediation and redevelopment of a brownfield located within the district. As used in this section, “brownfield” means an area in which a hazardous substance, pollutant, or contaminant is or may be present, and that situation is likely to complicate the expansion, development, redevelopment, or reuse of the property.

(iii) The development will include at least one entirely new business or business operation or expansion of an existing business within the project, and this business will provide new, quality, full-time jobs that meet or exceed the prevailing wage for the region as reported by the Department of Labor.

(iv) The development will enhance transportation by creating improved traffic patterns and flow or creating or improving public transportation systems.

(10) “Related costs” means expenses incurred and paid by the municipality, exclusive of the actual cost of constructing and financing

improvements, that are directly related to the creation and implementation of the project, including reimbursement of sums previously advanced by the municipality for those purposes. Related costs may not include direct municipal expenses such as departmental or personnel costs.

(11) “TIF project zone” means an area located within one or more active designations approved by the Vermont Downtown Development Board under 24 V.S.A. chapter 76A, or located within an industrial park as defined in 10 V.S.A. § 212(7), for the parcels in a municipality that have nexus to the project.

(b) Pilot program. Beginning on January 1, 2023 and ending on December 31, 2027, the Vermont Economic Progress Council is authorized to approve a total of not more than four tax increment financing projects, ~~with not more than three projects per year;~~ provided, however, that there shall not be more than one project per municipality.

(c) General authority. Under the pilot program established in subsection (b) of this section, a municipality, upon approval of its legislative body, may apply to the Vermont Economic Progress Council pursuant to the process set forth in subsection (e) of this section to use tax increment financing for a project.

(d) Eligibility.

(1) A municipality is only authorized to apply for a project under this section if:

(A) the project will serve one or more active designations approved by the Vermont Downtown Development Board under 24 V.S.A. chapter 76A, or is located within an industrial park as defined in 10 V.S.A. § 212(7); and

(B) the proposed infrastructure improvements and the projected development or redevelopment are compatible with confirmed municipal and regional development plans and the project has clear local and regional significance for employment, housing, brownfield remediation, or transportation improvements.

(2) A municipality with an approved tax increment financing district as set forth in 24 V.S.A. 1892(d) is not authorized to apply for a project under this section.

(e) Approval process. The Vermont Economic Progress Council shall do all of the following to approve an application submitted pursuant to subsection (c) of this section:

(1)(A) Review each application to determine that the infrastructure improvements proposed to serve the project and the proposed development in

the project would not have occurred as proposed in the application, or would have occurred in a significantly different and less desirable manner than as proposed in the application, but for the proposed utilization of the incremental tax revenues.

(B) The review shall take into account:

(i) the amount of additional time, if any, needed to complete the proposed development for the project and the amount of additional cost that might be incurred if the project were to proceed without education property tax increment financing;

(ii) how the proposed project components and size would differ, if at all, including, if applicable to the project, in the number of units of affordable housing, as defined in 24 V.S.A. § 4303, without education property tax increment financing; and

(iii)(I) the amount of additional revenue expected to be generated as a result of the proposed project;

(II) the percentage of that revenue that shall be paid to the Education Fund;

(III) the percentage that shall be paid to the municipality; and

(IV) the percentage of the revenue paid to the municipality that shall be used to pay financing incurred for development of the project.

(2) Process requirements. Determine that each application meets all of the following requirements:

(A) The municipality held public hearings and established a project.

(B) The municipality has developed a tax increment financing project plan, including a project description; a development financing plan; a pro forma projection of expected costs; a projection of revenues; a statement and demonstration that the project would not proceed without the allocation of a tax increment; evidence that the municipality is actively seeking or has obtained other sources of funding and investment; and a development schedule that includes a list, a cost estimate, and a schedule for public improvements and projected private development to occur as a result of the improvements. The creation of the project shall occur at 12:01 a.m. on April 1 of the calendar year the municipal legislative body votes to approve the tax increment financing project plan.

(C) the municipality has approved or pledged the utilization of incremental municipal tax revenues for the purposes of the project in the proportion set for in subdivision (i)(2) of this section.

(f) Incurring indebtedness.

(1) A municipality approved under the process set forth in subsection (e) of this section may incur indebtedness against revenues to provide funding to pay for improvements and related costs for tax increment financing project development.

(2) Notwithstanding any provision of any municipal charter, the municipality shall only require one authorizing vote to incur debt through one instance of borrowing to finance or otherwise pay for the tax increment financing project improvements and related costs; provided, however, that a municipality may present one or more subsequent authorization votes in the event a vote fails. The municipality shall be authorized to incur indebtedness only after the legal voters of the municipality, by a majority vote of all voters present and voting on the question at a special or annual municipal meeting duly warned for the purpose, authorize the legislative body to pledge the credit of the municipality, borrow, or otherwise secure the debt for the specific purposes so warned. The creation of the project shall occur at 12:01 a.m. on April 1 of the calendar year the municipal legislative body votes to approve the tax increment financing project plan.

(3) Any indebtedness shall be incurred within three years from the date of approval by the Vermont Economic Progress Council, unless the Vermont Economic Progress Council grants an extension of an additional three years pursuant to the substantial change process set forth in the 2015 TIF Rule; provided, however, that an updated plan is submitted prior to the three-year termination date of the project.

(g) Original taxable value. As of the date the project is approved by the legislative body of the municipality, the lister or assessor for the municipality shall certify the original taxable value and shall certify to the legislative body in each year thereafter during the life of the project the amount by which the total valuation as determined in accordance with 32 V.S.A. chapter 129 of all taxable real property located within the project has increased or decreased relative to the original taxable value.

(h) Tax increments.

(1) In each year following the approval of the project, the lister or assessor shall include not more than the original taxable value of the real property in the assessed valuation upon which the treasurer computes the rates of all taxes levied by the municipality and every other taxing district in which the project is situated, but the treasurer shall extend all rates so determined against the entire assessed valuation of real property for that year. In each year for which the assessed valuation exceeds the original taxable value, the

municipality shall hold apart, rather than remit to the taxing districts, that proportion of all taxes paid that year on the real property within the project that the excess valuation bears to the total assessed valuation. The amount held apart each year is the “tax increment” for that year. Not more than the percentages established pursuant to subsection (i) of this section of the municipal and State education tax increments received with respect to the project and committed for the payment for financing for improvements and related costs shall be segregated by the municipality in a special tax increment financing project account and in its official books and records until all capital indebtedness of the project has been fully paid. The final payment shall be reported to the treasurer, who shall thereafter include the entire assessed valuation of the project in the assessed valuations upon which municipal and other tax rates are computed and extended, and thereafter no taxes from the project shall be deposited in the project’s tax increment financing account.

(2) In each year, a municipality shall remit not less than the aggregate original taxable value to the Education Fund.

(3) Notwithstanding any charter provision or other provision, all property taxes assessed within a project shall be subject to the provision of subdivision (1) of this subsection. Special assessments levied under 24 V.S.A. chapter 76A or 87 or under a municipal charter shall not be considered property taxes for the purpose of this section if the proceeds are used exclusively for operating expenses related to properties within the project and not for improvements within the district as defined in subdivision (a)(3) of this section.

(4) Amounts held apart under subdivision (1) of this subsection shall only be used for financing and related costs as defined in subsection (a) of this section.

(i) Use of tax increment.

(1) Education property tax increment. For only debt incurred within the period permitted under subdivision (e)(3) of this section after approval of the project, up to 70 percent of the education tax increment may be retained for up to 20 years, beginning with the education tax increment generated the year in which the first debt incurred for the project financed in whole or in part with incremental education property tax revenue. Upon incurring the first debt, a municipality shall notify the Department of Taxes and the Vermont Economic Progress Council of the beginning of the 20-year retention period of the education tax increment.

(2) Use of the municipal property tax increment. For only debt incurred within the period permitted under subdivision (e)(3) of this section after



approval of the project, not less than 85 percent of the municipal tax increment shall be retained to service the debt, beginning the first year in which debt is incurred, pursuant to subdivision (1) of this subsection.

(3) The Vermont Economic Progress Council shall determine there is a nexus between the improvement and the expected development and redevelopment for the project and expected outcomes in the TIF Project Zone.

(j) Distribution. Of the municipal and education tax increments received in any tax year that exceed the amounts committed for the payment of the financing for improvements and related costs for the project, equal portions of each increment may be retained for the following purposes: prepayment of principal and interest on the financing, placed in a special account required by subdivision (g)(1) of this section and used for future financing payments or used for defeasance of the financing. Any remaining portion of the excess municipal tax increment shall be distributed to the city, town, or village budget, in the proportion that each budget bears to the combined total of the budgets, unless otherwise negotiated by the city, town, or village, and any remaining portion of the excess education tax increment shall be distributed to the Education Fund.

(k) Information reporting. Every municipality with an approved project pursuant to this section shall:

(1) Develop a system, segregated for the project, to identify, collect, and maintain all data and information necessary to fulfill the reporting requirements of this section, including performance measures.

(2) Provide, as required by events, notification to the Vermont Economic Progress Council and the Department of Taxes regarding any tax increment financing development project debt obligations, public votes, or votes by the municipal legislative body immediately following such obligation or vote on a form prescribed by the Council, including copies of public notices, agendas, minutes, vote tally, and a copy of the information provided to the public in accordance with 24 V.S.A. § 1894(i).

(3) Annually:

(A) Ensure that the tax increment financing project account required by subdivision (h)(1) is subject to the annual audit prescribed in subsection (m) of this section. Procedures must include verification of the original taxable value and annual and total municipal and education tax increments generated, expenditures for debt and related costs, and current balance.

(B) On or before February 15 of each year, on a form prescribed by the Council, submit an annual report to the Vermont Economic Progress Council and the Department of Taxes, including the information required by

subdivision (2) of this section if not already submitted during the year, all information required by subdivision (A) of this subdivision (3), and the information required by 32 V.S.A. § 5404a(i), including performance measures and any other information required by the Council or the Department of Taxes.

(l) Annual report. The Vermont Economic Progress Council and the Department of Taxes shall submit an annual report to the Senate Committees on Economic Development, Housing and General Affairs and on Finance and the House Committees on Commerce and Economic Development and on Ways and Means on or before ~~April~~ January 1 each year. The report shall include the date of approval, a description of the project, the original taxable value of the property subject to the project development, the scope and value of projected and actual improvements and developments in the TIF Project Zone, projected and actual incremental revenue amounts, and division of the increment revenue between project debt, the Education Fund, the special account required by subdivision (h)(1) and the municipal General Fund, projected and actual financing, and a set of performance measures developed by the Vermont Economic Progress Council, which may include outcomes related to the criteria for which the municipality applied and the amount of infrastructure work performed by Vermont firms.

(m) Audit; financial reports. Annually, until the year following the end of the period for retention of education tax increment, a municipality with an approved project under this section shall:

(1) On or before ~~January~~ October 1, submit an annual report to the Vermont Economic Progress Council, which shall provide sufficient information for the Vermont Economic Progress Council to prepare its report required by subsection (i) of this section.

(2) On or before April 1, ensure that the project is subject to the annual audit prescribed in 24 V.S.A. § 1681 or 1690 and submit a copy to the Vermont Economic Progress Council. In the event that the audit is only subject to the audit under 24 V.S.A. § 1681, the Vermont Economic Progress Council shall ensure a process is in place to subject the project to an independent audit. Procedures for the audit must include verification of the original taxable value and annual and total municipal and education tax increments generated, expenditures for debt and related costs, and current balance.

(n) Authority to issue decisions.

(1) The Secretary of Commerce and Community Development, after reasonable notice to a municipality and an opportunity for a hearing, is authorized to issue decisions to a municipality on questions and inquiries

concerning the administration of projects, statutes, rules, noncompliance with this section, and any instances of noncompliance identified in audit reports conducted pursuant to subsection (m) of this section.

(2) The Vermont Economic Progress Council shall prepare recommendations for the Secretary prior to the issuance of a decision. As appropriate, the Council may prepare such recommendations in consultation with the Commissioner of Taxes, the Attorney General, and the State Treasurer. In preparing recommendations, the Council shall provide a municipality with a reasonable opportunity to submit written information in support of its position. The Secretary shall review the recommendations of the Council and issue a final written decision on each matter within 60 days following the receipt of the recommendations. The Secretary may permit an appeal to be taken by any party to a Superior Court for determination of questions of law in the same manner as the Supreme Court may by rule provide for appeals before final judgment from a Superior Court before issuing a final decision.

(o) The Vermont Economic Progress Council is authorized to adopt policies that are consistent with the 2015 TIF Rule, as may be modified by subsequent rule, to implement this section.

Sec. 9. 24 V.S.A. § 1891 is amended to read:

§ 1891. DEFINITIONS

~~When~~ As used in this subchapter:

\* \* \*

(4) “Improvements” means the installation, new construction, or reconstruction of infrastructure that will serve a public purpose and fulfill the purpose of tax increment financing districts as stated in section 1893 of this subchapter, including utilities, transportation, public facilities and amenities, land and property acquisition and demolition, and site preparation. “Improvements” also means the funding of debt service interest payments for a period of up to five years, beginning on the date in which the first debt is incurred.

\* \* \*

(7) “Financing” means debt incurred, including principal, interest, and any fees or charges directly related to that debt, or other instruments or borrowing used by a municipality to pay for improvements in a tax increment financing district, only if authorized by the legal voters of the municipality in accordance with section 1894 of this subchapter. Payment for the cost of district improvements and related costs may also include direct payment by the

municipality using the district increment. However, such payment is also subject to a vote by the legal voters of the municipality in accordance with section 1894 of this subchapter and, if not included in the tax increment financing plan approved under subsection 1894(d) of this subchapter, is also considered a substantial change and subject to the review process provided by subdivision 1901(2)(B) of this subchapter. If interfund loans within the municipality are used as the method of financing, no interest shall be charged. Bond anticipation notes may be used as a method of financing and may qualify as a district's first incurrence of debt. A municipality that uses a bond anticipation note during the fifth year or tenth year that a district may incur debt pursuant to section 1894 of this title shall incur all permanent financing not more than one year after issuing the bond anticipation note.

\* \* \*

Sec. 10. 24 V.S.A. § 1895 is amended to read:

§ 1895. ORIGINAL TAXABLE VALUE

(a) Certification. As of the date the district is created, the lister or assessor for the municipality shall certify the original taxable value and shall certify to the legislative body in each year thereafter during the life of the district the amount by which the total valuation as determined in accordance with 32 V.S.A. chapter 129 of all taxable real property located within the tax increment financing district has increased or decreased relative to the original taxable value.

(b) Boundary of the district. Any parcel within a district shall be located wholly within the boundaries of a district. No adjustments to the boundary of a district are permitted after the approval of a tax increment financing district plan as described in section 1894 of this title.

Sec. 11. 32 V.S.A. § 5404a(h) is amended to read:

(h) To approve utilization of incremental revenues pursuant to subsection (f) of this section, the Vermont Economic Progress Council shall do all the following:

\* \* \*

(3) Location criteria. Determine that each application meets at least ~~two~~ one of the following three criteria:

\* \* \*

\* \* \* Vermont Film and Media Industry \* \* \*

Sec. 12. VERMONT FILM AND MEDIA INDUSTRY TASK FORCE;  
STUDY; REPORT

(a) There is created the Vermont Film and Media Industry Task Force composed of the following members:

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

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

(3) the Secretary of Commerce and Community Development or designee; and

(4) a member, appointed by the Vermont Arts Council, who shall serve as chair and shall convene meetings of the Task Force.

(b)(1) The Task Force shall have legal assistance from the Office of Legislative Counsel and fiscal assistance from the Joint Fiscal Office.

(2) Members of the Task Force shall receive per diem compensation and reimbursement for expenses as provided in 32 V.S.A. § 1010 for not more than four meetings.

(c) On or before January 15, 2023, the Task Force shall consult relevant stakeholders in the film and media industry and shall study and submit a report to the House Committee on Commerce and Economic Development and to the Senate Committee on Economic Development, Housing and General Affairs that reviews the history of State efforts to cultivate the film and media industry in Vermont and what financial and other support the State may provide in the future to revitalize the industry following the COVID-19 pandemic and to invigorate the industry in the future, including:

(1) successes and failures of past State involvement;

(2) opportunities to invigorate the industry, attract filmmakers and media entrepreneurs, and promote Vermont as an attractive destination for tourism and for business development;

(3) how Vermont can differentiate and compete with other jurisdictions that also seek to cultivate a more expansive film and media industry;

(4) a survey of which entities, in State government and in the private sector, provide outreach and support to businesses in the industry;

(5) opportunities for employing federal COVID-19 relief funds to revive the industry; and

(6) a cost-benefit analysis of establishing new State financial, administrative, or other supports for the industry.

\* \* \* Minimum Wage \* \* \*

### Sec. 13. FINDINGS

The General Assembly finds:

(1) The COVID-19 pandemic has caused the labor market to tighten, which has resulted in employers offering higher starting wages to workers in many occupations.

(2) Supply chain disruptions and labor shortages related to the COVID-19 pandemic have caused significant inflation and increases in the cost of living for Vermonters.

(3) Increasing Vermont's minimum wage will better align the statutory minimum wage with the actual conditions in Vermont's labor market and will help lower-wage workers to better afford the cost of essential goods and services.

Sec. 13a. 21 V.S.A. § 384 is amended to read:

#### § 384. EMPLOYMENT; WAGES

(a)(1) An employer shall not employ any employee at a rate of less than \$10.96. ~~Beginning on January 1, 2021, an employer shall not employ any employee at a rate of less than \$11.75. Beginning on January 1, 2022, an employer shall not employ any employee at a rate of less than \$12.55. Beginning on January 1, 2023, an employer shall not employ any employee at a rate of less than \$13.75. Beginning on January 1, 2024, an employer shall not employ any employee at a rate of less than \$15.00,~~ and on each subsequent January 1, the minimum wage rate shall be increased by five percent or the percentage increase of the Consumer Price Index, CPI-U, U.S. city average, not seasonally adjusted, or successor index, as calculated by the U.S. Department of Labor or successor agency for the 12 months preceding the previous September 1, whichever is smaller, but in no event shall the minimum wage be decreased. The minimum wage shall be rounded off to the nearest \$0.01.

\* \* \*

\* \* \* COVID-19-Related Paid Leave Grant Program \* \* \*

### Sec. 14. FINDINGS AND INTENT

(a) The General Assembly finds that:

(1) COVID-19 has caused increased employee absences due to illness, quarantine, and school and daycare closures.

(2) Many employees do not have sufficient paid time off to cover all of their COVID-19-related absences from work.

(3) Some employers have provided their employees with additional paid time off for COVID-19-related purposes.

(4) The surge in COVID-19 cases caused by the Omicron variant of the virus has made it financially difficult or impossible for employers to provide additional paid time off to their employees for COVID-19-related purposes.

(5) Providing grants to employers to reimburse a portion of the cost of providing paid time off to employees for COVID-19-related purposes will:

(A) help to mitigate some negative economic impacts of the COVID-19 pandemic on employers;

(B) improve employee retention;

(C) prevent the spread of COVID-19 in the workplace; and

(D) provide crucial income to employees and their families.

(6) The Front-Line Employees Hazard Pay Grant Program established pursuant to 2020 Acts and Resolves No. 136, Sec. 6 and expanded pursuant to 2020 Acts and Resolves No. 168, Sec. 1 successfully directed millions of dollars in hazard pay to front-line workers during the first year of the COVID-19 pandemic. By utilizing grants to employers, who in turn provided the hazard pay to their employees, the Program enabled employers to retain employees and reward them for their hard work during the uncertainty of the early months of the COVID-19 pandemic.

(b) It is the intent of the General Assembly that the COVID-19-Related Paid Leave Grant Program created pursuant to section 14a of this act shall be modeled on the Front-Line Employees Hazard Pay Grant Program and shall assist employers in providing paid leave to their employees for COVID-19 related absences.

#### Sec. 14a. COVID-19-RELATED PAID LEAVE GRANT PROGRAM

(a)(1) There is established in the Agency of Administration the COVID-19-Related Paid Leave Grant Program to administer and award grants to employers to reimburse the cost of providing COVID-19-related paid leave provided to employees.

(2) The sum of \$16,500,000.00 is appropriated from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the

Agency of Administration in fiscal year 2023 for the provision of grants to reimburse employers for the cost of providing COVID-19-related sick leave. Not more than five percent of the amount appropriated pursuant to this subdivision (2) may be used for expenses related to program administration and outreach.

(b) As used in this section:

(1) “Agency” means the Agency of Administration.

(2) “COVID-19-related reason” means the employee is:

(A) self-isolating because the employee has been diagnosed with COVID-19 or tested positive for COVID-19;

(B) self-isolating pursuant to the recommendation of a health care provider or a State or federal public health official because the employee has been exposed to COVID-19 or the employee is experiencing symptoms of COVID-19;

(C) caring for a parent, grandparent, spouse, child, sibling, parent-in-law, grandchild, or foster child, because:

(i) the school or place of care where that individual is normally located during the employee’s workday is closed due to COVID-19;

(ii) that individual has been requested not to attend the school or the place of care where that individual is normally located during the employee’s workday due to COVID-19;

(iii) that individual has been diagnosed with or tested positive for COVID-19; or

(iv) that individual is self-isolating pursuant to the recommendation of a health care provider or a State or federal public health official because that individual has been exposed to or is experiencing symptoms of COVID-19;

(D) attending an appointment for the employee or the employee’s parent, grandparent, spouse, child, sibling, parent-in-law, grandchild, or foster child to receive a vaccine or a vaccine booster for protection against COVID-19; or

(E) experiencing symptoms, or caring for a parent, grandparent, spouse, child, sibling, parent-in-law, grandchild, or foster child who is experiencing symptoms, related to a vaccine or a vaccine booster for protection against COVID-19.



(3) “Employee” means an individual who, in consideration of direct or indirect gain or profit, is employed by an employer to perform services in Vermont.

(4) “Employer” means any person that has one or more employees performing services for it in Vermont. “Employer” does not include the State or the United States.

(5) “Program” means the COVID-19-Related Paid Leave Grant Program established pursuant to this section.

(6) “Program period” means the period beginning on January 1, 2022 and ending on December 31, 2022.

(7) “Secretary” means the Secretary of Administration.

(c)(1) An employer may apply to the Secretary for one or more grants to reimburse the employer for the cost of paid leave provided to its employees for COVID-19-related reasons during the program period.

(2) An employer’s grant amount may include reimbursement for retroactively provided COVID-19-related paid leave to employees who took unpaid leave for a COVID-19-related reason during the program period because the employee did not have sufficient accrued paid leave available at the time that the employee took the leave.

(3) Employers may submit applications for grants not more than once each calendar month for paid leave provided during the program period between the beginning of the program period or the employer’s previous application, whichever is later, and the date of the employer’s current application.

(4) For the sole purpose of administering grants related to paid leave provided to independent direct support providers for COVID-19-related reasons, ARIS Solutions, as the fiscal agent for the employers of the independent direct support providers, shall have the authority to apply for a grant in the same manner as any employer.

(d)(1) The Secretary shall:

(A) adopt procedures for implementing the Program, which shall include a simple grant application process, a process to allow employers to certify the amount of paid leave provided for COVID-19-related reasons, and a process to allow employers to report on their use of the grant funds awarded pursuant to this section;

(B) promote awareness of the Program to employers;

(C) award grants to employers on a first-come, first-served basis, subject to available funding; and

(D) develop and implement an audit strategy to assess grant utilization, the performance of the Program, and compliance with Program requirements.

(2)(A) The Secretary may delegate administration of one or more aspects of the Program to other agencies and departments of the State.

(B) The Secretary may enter into agreements, memoranda of understanding, or contracts with private entities as necessary to implement or administer the Program and, notwithstanding any provision of law to the contrary, shall not be required to competitively bid any contracts entered into pursuant to this subdivision (2)(B). For the purposes of the Program, the ongoing public health risk posed by COVID-19 shall be deemed to be an emergency situation that justifies the execution of sole source contracts pursuant to Bulletin 3.5, the State's Procurement and Contracting Procedures.

(e)(1) Employers may apply for grants to either reimburse a portion of the cost of COVID-19-related paid leave provided to employees or to provide funds to be used to retroactively provide paid leave to employees who took unpaid leave for COVID-19-related reasons.

(A) For reimbursement of COVID-19-related paid leave that was already provided, the employer may, subject to the limitations of subdivision (2) of this subsection (e), apply for a grant in an amount equal the number of hours of COVID-19-related paid leave provided to each employee multiplied by the greater of either the 67 percent of the minimum wage established pursuant to 21 V.S.A. § 384 or 67 percent of the employee's regular hourly wage.

(B) For COVID-19-related paid leave that will be provided retroactively to employees who took unpaid leave for COVID-19-related reasons, the employer may, subject to the limitations of subdivision (2) of this subsection (e), apply for a grant in an amount equal the number of hours of COVID-19-related paid leave to be provided to each employee multiplied by the greater of either the 67 percent of the minimum wage established pursuant to 21 V.S.A. § 384 or 67 percent of the employee's regular hourly wage.

(2)(A) An employer may only apply for a grant in relation to COVID-19-related leave that was taken by an employee during the program period.

(B) The maximum number of hours of COVID-19-related leave for each employee that an employer may seek grant funding for through the Program shall equal the lesser of 80 hours or two times the employee's average weekly hours worked for the employer during the six months

preceding the date of the first application relating to that employee.

(C) The maximum amount that an employer shall be eligible to receive for COVID-19-related paid leave for each employee shall be not more than \$27.50 per hour of leave, with an aggregate maximum of \$2,200.00 per employee during the program period.

(f) As a condition of being eligible to receive a grant through the Program, each employer shall be required to certify:

(1) that the employer is not seeking funds in relation to any amounts of paid leave that were deducted from the employee's accrued paid leave balance at the time the COVID-19-related leave was taken unless those amounts have been restored to the employee's accrued paid leave balance;

(2) grant funds shall only be used in relation to the payment of an employee's wages for the period when the employee was absent from work for a COVID-19-related reason; and

(3) employees receiving paid leave funded by a grant shall not be required to pay an administrative fee or other charge in relation to the employer requesting the grant.

(g) Each employer that receives a grant shall, not later than March 1, 2023, report to the Agency on a form provided by the Secretary the amount of grant funds used to provide paid leave to employees and the amount of any remaining grant funds that were not spent. All unspent grant funds shall be returned to the Agency pursuant to a procedure adopted by the Secretary.

(h) Any personally identifiable information that is collected by the Program, any entity of State government performing a function of the Program, or any entity that the Secretary contracts with to perform a function of the Program shall be kept confidential and shall be exempt from inspection and copying under the Public Records Act.

\* \* \* Study of Paid Family and Medical Leave Insurance \* \* \*

#### Sec. 14b. FINDINGS

The General Assembly finds that:

(1) The COVID-19 pandemic highlighted the challenges that a lack of paid leave poses to employees who must be absent from work for an extended period of time due to illness or caregiving needs.

(2) Paid family and medical leave insurance would provide essential income replacement for employees who must be absent from work for an extended period of time due to illness, caregiving needs, or the birth or adoption of a child.

(3) Paid family and medical leave insurance would mitigate the impact of absences on employers by providing an affordable means of providing paid leave to employees while improving employee retention.

Sec. 14c. PAID FAMILY AND MEDICAL LEAVE; TASK FORCE;  
REPORT

(a) Creation. There is created the Paid Family and Medical Leave Insurance Task Force to reexamine the work and report of the Study Committee on Employee Funded Paid Leave created pursuant to 2013 Acts and Resolves No. 31, Sec. 13 and to investigate proven and tested paid family and medical leave insurance programs in the United States in order to develop an understanding of the best practices and implementation possibilities for the potential enactment of an equitable and affordable paid family and medical leave insurance program in Vermont, which may include both universal and voluntary models.

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

(1) three current members of the House of Representatives, not all from the same political party, who shall be appointed by the Speaker of the House; and

(2) three current members of the Senate, not all from the same political party, who shall be appointed by the Committee on Committees.

(c) Powers and duties.

(1) The Task Force shall examine the establishment of a paid family and medical leave program in Vermont, including the following:

(A) the potential for creating a paid family and medical leave insurance program in Vermont based on the experience of and best practices from currently operating paid family and medical leave insurance solutions in the United States that provide leave for the following purposes:

(i) bonding with a newborn or adopted child;

(ii) caring for an ill or injured family member;

(iii) the employee's own illness or injury; and

(iv) exigencies related to a family member serving in the U.S. Armed Forces;

(B) based on the solutions examined pursuant to subdivision (1) of this subsection, develop and examine models and projections for the startup and implementation of similar solutions in Vermont, including:

- (i) potential start-up and administrative costs;
- (ii) administrative requirements and considerations;
- (iii) advantages relative to the other models;
- (iv) examples from other jurisdictions and the experience of the programs in those jurisdictions;
- (v) benefits and drawbacks; and
- (vi) any other considerations that the Task Force determines are relevant;

(C) opportunities to utilize tested and proven administrative models or public-private partnerships to reduce administrative costs of a paid family and medical leave insurance program or to enable a paid family and medical leave insurance benefits to be established more quickly; and

(D) considerations related to the potential enactment of a federal paid family and medical leave insurance program, including any measures that may be necessary to ensure that a potential State program could adapt to and complement the coverage provided by any federal program.

(2) The Task Force shall consult with affected stakeholders and interested parties, including stakeholders and interested parties representing:

- (A) the labor community;
- (B) Vermont businesses;
- (C) groups advocating for gender equity;
- (D) Vermonters who are Black, Indigenous, or a Person of Color; and
- (E) children and families.

(d) Assistance.

(1) The Task Force shall have the administrative assistance of the Office of Legislative Operations, the technical assistance of the Joint Fiscal Office, and the legal assistance of the Office of Legislative Counsel.

(2) The Task Force may contract with one or more entities or individuals for purposes of modeling and actuarial projections.

(e) Report. On or before January 15, 2023, the Task Force shall submit a written report to the House Committee on General, Housing, and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs with its findings and any recommendations for legislative action. The Task Force's report may take the form of draft legislation.

(f) Meetings.

(1) The Office of Legislative Operations shall call the first meeting of the Committee to occur on or before September 15, 2022.

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

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

(4) The Task Force shall cease to exist on January 30, 2023.

(g) Compensation and reimbursement. For attendance at meetings during adjournment of the General Assembly, a legislative member of the Task Force shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than six meetings.

(h) Appropriation. The sum of \$200,000.00 is appropriated to the General Assembly from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds in fiscal year 2023 for per diem compensation and reimbursement of expenses for members of the Task Force and for expenses related to modeling and actuarial projections.

\* \* \* Unemployment Insurance Benefits \* \* \*

Sec. 14d. FINDINGS

The General Assembly finds that:

(1) The COVID-19 pandemic caused significant disruption to Vermont's economy and resulted in unprecedented levels of unemployment.

(2) Unemployment insurance benefits provide only partial wage replacement, making it hard for unemployed individuals to afford basic necessities and living expenses.

(3) Significant inflation caused by supply chain, economic, and workforce disruptions related to the COVID-19 pandemic are making it increasingly difficult for unemployed individuals to afford basic necessities and living expenses.

(4) Temporarily increasing the weekly unemployment insurance benefit amount for unemployed individuals will help to mitigate the impact of the COVID-19 pandemic on the unemployed individuals' ability to afford basic necessities and living expenses.

(5) The General Assembly previously enacted a \$25.00 supplemental increase to the weekly unemployment insurance benefit amount in 2021 Acts and Resolves No. 51, Sec. 11. However, the terms of that supplemental increase did not conform to federal requirements, and it never took effect.

Enacting a supplemental \$25.00 weekly unemployment insurance benefit that will later be replaced by a temporary \$25.00 increase in the weekly unemployment insurance benefit amount will fulfill the commitment made by the General Assembly in 2021 Acts and Resolves No. 51, Sec. 11.

Sec. 14e. 2021 Acts and Resolves No. 51, Sec. 17(a)(4) is amended to read:

(4) ~~Sec. 12 (repeal of supplemental weekly benefit) shall take effect upon the payment of a cumulative total of \$100,000,000.00 in supplemental benefits pursuant to 21 V.S.A. § 1338(e)(2) on October 7, 2021 and shall apply prospectively to all benefit payments in the next week and each subsequent week.~~

Sec. 14f. 21 V.S.A. § 1341 is added to read:

§ 1341. UNEMPLOYMENT INSURANCE COVID-19 SUPPLEMENTAL BENEFIT

(a) Beginning on July 1, 2022, in addition to the amount of regular unemployment insurance benefits provided pursuant to section 1338 of this title, each individual who qualifies for benefits pursuant to the provisions of this chapter shall receive a separate supplemental benefit of \$25.00 each week.

(b) Benefits provided pursuant to this section shall be paid from the Unemployment Insurance COVID-19 Supplemental Benefit Special Fund established pursuant to section 1342 of this chapter.

Sec. 14g. 21 V.S.A. § 1342 is added to read:

§ 1342. UNEMPLOYMENT INSURANCE COVID-19 SUPPLEMENTAL BENEFIT SPECIAL FUND

There is established the Unemployment Insurance COVID-19 Supplemental Benefit Special Fund, which shall be managed in accordance with 32 V.S.A. chapter 7, subchapter 5. The Fund shall consist of any amounts appropriated to the Fund. The Commissioner may seek and accept grants from any source, public or private, to be dedicated for deposit into the Special Fund. The Commissioner shall use the Fund to provide the Supplemental Benefit established pursuant to section 1341 of this chapter and to pay all necessary costs associated with the administration of the Supplemental Benefit and of the Fund.

Sec. 14h. APPROPRIATION

\$8,000,000.00 is appropriated from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the Unemployment Insurance COVID-19 Supplemental Benefit Special Fund established pursuant to 21 V.S.A. § 1342. Not more than five percent of the amount appropriated

may be used for administrative costs related to the implementation and payment of the Unemployment Insurance COVID-19 Supplemental Benefit established pursuant to 21 V.S.A. § 1341.

Sec. 14i. REPEALS

21 V.S.A. § 1341 (Unemployment Insurance COVID-19 Supplemental Benefit) and 21 V.S.A. § 1342 (Unemployment Insurance COVID-19 Supplemental Benefit Special Fund) are repealed on July 1, 2024.

Sec. 14j. 21 V.S.A. § 1338 is amended to read:

§ 1338. WEEKLY BENEFITS

\* \* \*

(e) An individual's weekly benefit amount shall be determined by dividing the individual's two high quarter total subject wages required under subdivision (d)(1) of this section by 45 and adding \$25.00 to the resulting quotient, provided that the weekly benefit amount so determined shall not exceed the maximum weekly benefit amount computed pursuant to subsection (f) of this section.

(f)(1) The maximum weekly benefit amount shall be annually adjusted on the first day of the first calendar week in July to an amount equal to the sum of \$25.00 plus 57 percent of the State annual average weekly wage as determined by subsection (g) of this section.

\* \* \*

Sec. 14k. MODIFICATION OF UNEMPLOYMENT INSURANCE  
MAINFRAME CODE; ANNUAL REPORT; INDEPENDENT  
VERIFICATION

(a)(1) The Commissioner of Labor shall develop and implement changes to the unemployment insurance mainframe software or develop a modernized information technology system necessary to implement on January 1, 2025 the changes to the unemployment insurance weekly benefit amount enacted pursuant to Sec. 14j of this act. The changes to the mainframe or the modernized information technology system, as applicable, shall be developed and implemented in a manner that minimizes risk to the operation of the mainframe and the functions of the unemployment insurance program.

(2) The Commissioner of Labor and the Secretary of Digital Services shall, to the greatest extent possible, plan and carry out the development and implementation of a modernized information technology system for the unemployment insurance program so that the modernized system is available in time to implement on January 1, 2025 the changes to the unemployment



insurance weekly benefit amount enacted pursuant to Sec. 14j of this act.

(b) The Commissioner of Labor shall, on or before January 15, 2023 and January 15, 2024, submit a written report to the House Committee on Commerce and Economic Development, the Senate Committee on Economic Development, Housing and General Affairs, and the Legislative Information Technology Consultant retained by the Joint Fiscal Office detailing the actions taken and progress made in carrying out the requirements of subsection (a) of this section, the anticipated timeline for being able to implement the changes to the unemployment insurance weekly benefit amount enacted pursuant to Sec. 14j of this act, and potential implementation risks identified during the development process.

(c) The Legislative Information Technology Consultant shall, on or before February 15, 2023 and February 15, 2024, submit to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs a review of the report submitted pursuant to subsection (b) of this section. The review shall include an assessment of whether the Department of Labor will be able to implement the changes to the unemployment insurance weekly benefit amount enacted pursuant to Sec. 14j of this act by January 1, 2025 and shall identify any potential risks or concerns related to implementation that are not addressed in the Commissioner's report.

Sec. 14l. 21 V.S.A. § 1338 is amended to read:

§ 1338. WEEKLY BENEFITS

\* \* \*

(e) An individual's weekly benefit amount shall be determined by dividing the individual's two high quarter total subject wages required under subdivision (d)(1) of this section by 45 ~~and adding \$25.00 to the resulting quotient~~, provided that the weekly benefit amount so determined shall not exceed the maximum weekly benefit amount computed pursuant to subsection (f) of this section.

(f)(1) The maximum weekly benefit amount shall be annually adjusted on the first day of the first calendar week in July to an amount equal to ~~the sum of~~ \$25.00 ~~plus~~ 57 percent of the State annual average weekly wage as determined by subsection (g) of this section.

\* \* \*

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\* \* \* Appropriations \* \* \*

Sec. 15. APPROPRIATIONS

(a) Recruitment and marketing. In fiscal year 2023, the following amounts are appropriated from the sources, to the recipients, and for the purposes specified:

(1) Worker recruitment. The amount of \$6,000,000.00 is appropriated from the General Fund to the Agency of Commerce and Community Development for worker recruitment activities as follows:

(A) \$1,000,000.00 to the Agency's base budget for the relocated and remote worker program; and

(B) \$5,000,000.00 in one-time funding for the program in fiscal year 2023.

(2) Tourism and marketing; relocation. In fiscal year 2023, the following amounts are appropriated from the General Fund to the Department of Tourism and Marketing, which the Department shall expend over two years:

(A) \$1,200,000.00 to support a regional relocation network; and

(B) \$3,000,000.00 for marketing and promotion.

(b) Capital Investment Program. In fiscal year 2023:

(1) The amount of \$40,000,000.00 is appropriated from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the Agency of Commerce and Community Development for the Capital Investment Program.

(2) The Agency of Commerce and Community Development shall reallocate any remaining funds appropriated pursuant to it by 2021 Acts and Resolves No. 74, Sec. G.300(a)(13) for Economic Recovery grants to the Capital Investment Program.

(c) VEDA Short-Term Forgivable Loan Program. In fiscal year 2022, the amount of \$20,000,000.00 is appropriated from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the Vermont Economic Development Authority for the VEDA Forgivable Loan Program.

(d) Brownfields. In fiscal year 2023, the amount of \$6,000,000.00 is appropriated from the General Fund to the Agency of Commerce and Community Development to be used in the same manner as the Brownfields Revitalization Fund established by 10 V.S.A. § 6654, except notwithstanding the grant limitations in 10 V.S.A. § 6654, projects supported by this appropriation shall not be limited to \$200,000.00 grants per parcel.

(e) Downtown development. Of the amounts appropriated to the Agency of Commerce and Community Development in Fiscal Year 2023 for the Better Places Program, Think Vermont initiative, or other programs that promote downtown development, the Agency may allocate not more than \$485,000 to provide funding to one or more nonprofit organizations that sponsor a downtown designation to:

(1) expand the ability of the downtown organizations to educate, guide, and partner with businesses, non-profit, and community organizations to strengthen downtown models, and leverage state funding to incentivize broader participation;

(2) support marketing, content development, and increased digital reach for downtown organizations, individually and collectively; and

(3) support communication within the coordinated effort of these state-mandated organizations to leverage successes.

\* \* \* Sports Betting Study Committee \* \* \*

#### Sec. 16. SPORTS BETTING; FINDINGS

The General Assembly finds that:

(1) An estimated 28 percent of adults in the United States bet on sports and 46 percent of adults say that they have an interest in betting on sports.

(2) Based on current participation rates and expected growth, it is estimated that Vermont could generate from \$640,000.00 to \$4.8 million in the first year of sports betting revenue taxes and \$1.3 million to \$10.3 million in the second year, depending on the regulatory model chosen by the General Assembly.

(3) As of March 2022, 31 states and the District of Columbia have some form of active legal sports betting operations while an additional three states have enacted laws or adopted ballot measures to permit legal sports betting.

(4) Legislation has also been introduced in at least 14 of the states without a legal sports betting market, including Vermont, to legalize, regulate, and tax sports betting.

(5) Given the widespread participation in sports betting, the General Assembly finds that careful examination of whether and how best to regulate sports betting in Vermont and protect Vermonters involved in sports betting is necessary.

#### Sec. 17. SPORTS BETTING; STUDY COMMITTEE; REPORT

(a) Creation. There is created the Sports Betting Study Committee to examine whether and how to regulate sports betting in Vermont.

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

- (1) the Attorney General or designee;
- (2) the Commissioner of Liquor and Lottery or designee;
- (3) the Commissioner of Taxes or designee;
- (4) the Secretary of State or designee;
- (5) the Secretary of Commerce and Community Development or designee;
- (6) two current members of the Senate, who shall be appointed by the Committee on Committees; and
- (7) two current members of the House, who shall be appointed by the Speaker of the House.

(c) Powers and duties. The Study Committee shall examine the sports betting study conducted by the Office of Legislative Counsel and Joint Fiscal Office and shall study various models for legalizing, taxing, and regulating sports betting, including the following issues:

- (1) studies carried out by other states concerning the legalization, taxation, and regulation of sports betting;
- (2) laws enacted by other states to legalize, tax, and regulate sports betting;
- (3) potential models for legalizing and regulating sports betting in Vermont, including any advantages or drawbacks to each model;
- (4) potential models for legalizing and regulating online sports betting, including any advantages or drawbacks to each model;
- (5) potential tax and fee structures for sports betting activities;
- (6) potential restrictions or limitations on the types of sports that may be bet on, including whether and to what extent restrictions should be imposed with respect to the participant age, amateur status, and location of sporting events that may be bet on; and
- (7) potential impacts on various socioeconomic and demographic groups and on problem gambling and the resources necessary to address the identified impacts.

(d) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Office of Legislative Counsel and the Joint Fiscal Office.

(e) Report. On or before December 15, 2022, the Study Committee shall submit a written report to the House Committee on General, Housing, and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs with its findings, recommendations for legislative action, and a draft of proposed legislation.

(f) Meetings.

(1) The Attorney General or designee shall call the first meeting of the Committee to occur on or before September 1, 2022.

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

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

(4) The Committee shall cease to exist on December 30, 2022.

(g) Compensation and reimbursement. For attendance at meetings during adjournment of the General Assembly, legislative members of the Committee serving in their capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for not more than four meetings. These payments shall be made from monies appropriated to the General Assembly.

\* \* \* Effective Dates \* \* \*

#### Sec. 18. EFFECTIVE DATES

(a) Sec. 4 (Capital Investment Grant Program), Sec. 5 (VEDA Short-Term Forgivable Loan Program), and Sec. 15(b)–(d) (appropriations) shall take effect on passage.

(b) Notwithstanding 1 V.S.A. § 214, Sec. 14e (repeal of prior unemployment insurance supplemental benefit) shall take effect retroactively on October 7, 2021.

(c)(1) Sec. 14f (temporary unemployment insurance supplemental benefit) shall take effect on July 1, 2022 and apply to benefit weeks beginning after that date.

(2) Secs. 14g (special fund), 14h (appropriation for temporary unemployment insurance supplemental benefit), and 14i (sunset of unemployment insurance supplemental benefit) shall take effect on July 1, 2022.

(d) Sec. 14j (increase in unemployment insurance weekly benefit amount) shall take effect on July 1, 2024 and shall apply to benefit weeks beginning after that date.

(e) Sec. 14l (prospective repeal of unemployment insurance benefit increase) shall take effect upon the payment of a cumulative total of \$92,000,000.00 in additional benefits pursuant to 21 V.S.A. § 1338(e) when compared to the rate at which benefits would have been paid under the formula set forth in 21 V.S.A. § 1338(e) on June 30, 2024 and shall apply to benefit weeks beginning after that date.

(f) Sec. 14k (report on implementation of change to unemployment insurance weekly benefit) shall take effect on passage.

(g) All remaining sections of this act shall take effect on July 1, 2022.

And that the bill ought to pass in concurrence with such proposal of amendment.

Senator Sirotkin, for the Committee on Finance, to which the bill was referred, reported recommending that the Senate propose to the House that the bill be amended as recommended by the Committee on Economic Development, Housing and General Affairs with the following amendments thereto:

First: In Sec. 8, tax increment financing project development; pilot program, subdivision (f)(2), by striking out the last sentence.

Second: In Sec. 8, tax increment financing project development; pilot program, subsection (e), subdivision (1)(B)(ii), by striking out “and”

and in subdivision (e)(1)(B)(iii)(IV), after “project” by striking out the period and inserting ; and

and after subdivision (e)(1)(B)(iii), by inserting a subdivision (iv) to read as follows:

(iv) the nexus between the improvement and the expected development and redevelopment for the project and expected outcomes in the TIF Project Zone.

Third: In Sec. 8, tax increment financing project development; pilot program, in subdivision (h)(1), in the second sentence, after “In each year” by striking out “for which the assessed valuation exceeds the original taxable value” and in subdivision (h)(3), in the second sentence, by striking out “within the district”

Fourth: In Sec. 8, tax increment financing project development; pilot program, subsection (i), by striking out subdivision (3) in its entirety.

Fifth: In Sec. 8, tax increment financing project development; pilot program, in subsection (k), subdivision (3)(B), by striking out “February 15” and inserting in lieu thereof October 1

Sixth: In Sec. 8, tax increment financing project development; pilot program, in subsection (l), by striking out “~~April~~”

Seventh: In Sec. 8, tax increment financing project development; pilot program, by striking out subsection (m) in its entirety and inserting in lieu thereof the following:

(m) Audit; financial reports.

(1) The State Auditor of Accounts shall conduct performance audits of all projects approved under this section. The cost of conducting each audit shall be considered a “related cost” as defined in subdivision (a)(10) of this section and shall be billed back to the municipality pursuant to 32 V.S.A. § 168(b). Audits conducted pursuant to this subsection shall include a review of a municipality’s adherence to relevant statutes and policies adopted by the Vermont Economic Progress Council pursuant to subsection (o) of this section, verification of the original taxable value, an assessment of record keeping related to revenues and expenditures, a validation of the portion of the tax increment retained by the municipality and used for debt repayment and the portion directed to the Education Fund, and current balance.

(2) The State Auditor shall conduct the audits described in subdivision (1) of this subsection based on the following schedule:

(A) a first audit shall be conducted five years after the first debt is incurred;

(B) a second audit shall be conducted seven years after completion of the first audit; and

(C) a final audit shall be conducted at the end of the period for retention of education increment.

Eighth: By striking out Sec. 11, 32 V.S.A. § 5404a(h), in its entirety and inserting in lieu thereof a new Sec. 11 to read as follows:

Sec. 11. [Deleted.]

And that the bill ought to pass in concurrence with such proposals of amendment.

Senator Kitchel, for the Committee on Appropriations, to which the bill was referred, reported recommending that the Senate propose to the House that the bill be amended as recommended by the Committee on Economic Development, Housing and General Affairs with the following amendments thereto:

First: By striking out Sec. 15, appropriations, in its entirety and inserting in lieu thereof the following:

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Sec. 15. APPROPRIATIONS

(a) Reversion. In fiscal year 2022, of the amounts appropriated in 2021 Acts and Resolves No. 74, Sec. G. 300(a)(13), from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the Agency of Commerce and Community Development for the Economic Recovery Grant Program, \$25,500,000.00 shall revert to the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds.

(b) Recruitment and marketing. In fiscal year 2023, the following amounts are appropriated from the sources, to the recipients, and for the purposes specified:

(1) Worker recruitment. The amount of \$6,000,000.00 is appropriated from the General Fund to the Agency of Commerce and Community Development for worker recruitment activities and for the relocated and remote worker program.

(2) Tourism and marketing; relocation. In fiscal year 2023, the following amounts are appropriated from the General Fund to the Department of Tourism and Marketing, which the Department shall expend over two years:

(A) \$1,200,000.00 to support a regional relocation network; and

(B) \$3,000,000.00 for marketing and promotion.

(c) COVID economic support. In fiscal year 2022, the amount of \$20,000,000.00 is appropriated from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds as follows:

(1) VEDA Short-Term Forgivable Loan Program. \$15,000,000.00 to the Vermont Economic Development Authority for the VEDA Short-Term Forgivable Loan Program.

(2) Creative economy grants. \$5,000,000.00 to the Vermont Arts Council to provide grants for monthly operating costs, including rent, mortgage, utilities, and insurance, to creative economy businesses and nonprofits that have sustained substantial losses due to the pandemic.

(d) Workforce development. It is the intent of the General Assembly to provide \$26,900,000.00 from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds and the State General Fund to be allocated for workforce investment initiatives, including to address critical needs in nursing and the skilled trades and to provide training opportunities for young adult Vermonters seeking to acquire skills. The specific programs to be funded shall be included in H.703 or other legislation passed in the 2022 legislative session.



(e) Downtown development. Of the amounts appropriated to the Agency of Commerce and Community Development in fiscal year 2023 for the Better Places Program, Think Vermont initiative, or other programs that promote downtown development, the Agency may allocate not more than \$485,000.00 to provide funding to one or more nonprofit organizations that sponsor a downtown designation to:

(1) expand the ability of the downtown organizations to educate, guide, and partner with businesses, nonprofits, and community organizations to strengthen downtown models and leverage State funding to incentivize broader participation;

(2) support marketing, content development, and increased digital reach for downtown organizations, individually and collectively; and

(3) support communication within the coordinated effort of these State-mandated organizations to leverage successes.

(f) Community-based economic development. It is the intent of the General Assembly that up to \$11,000,000.00 of funding be provided in fiscal year 2023 in other legislation for the following community-based economic development initiatives:

(1) the Department of Forests, Parks and Recreation Vermont Outdoor Recreation Economic Collaborative (VOREC) Community Grant Program; and

(2) the Department of Economic Development grant program for remediation and redevelopment of brownfield sites.

Second: By striking out Sec. 18, effective dates, and its reader assistance heading in their entireties and inserting in lieu thereof the following:

\* \* \* Downtown Tax Credits \* \* \*

Sec. 18. 32 V.S.A. § 5930ee is amended to read:

§ 5930ee. LIMITATIONS

Beginning in fiscal year ~~2010~~ 2023 and thereafter, the State Board may award tax credits to all qualified applicants under this subchapter, provided that:

(1) the total amount of tax credits awarded annually, together with sales tax reallocated under section 9819 of this title, does not exceed \$3,000,000.00 \$4,350,000.00 with up to \$1,000,000.00 awarded to qualified projects in neighborhood development areas;

\* \* \*

Sec. 19. 32 V.S.A. § 5930ee is amended to read:

§ 5930ee. LIMITATIONS

Beginning in fiscal year ~~2023~~ 2025 and thereafter, the State Board may award tax credits to all qualified applicants under this subchapter, provided that:

(1) the total amount of tax credits awarded annually, together with sales tax reallocated under section 9819 of this title, does not exceed ~~\$4,350,000.00~~ with up to \$1,000,000.00 awarded to qualified projects in neighborhood development areas \$3,000,000.00;

\* \* \*

Sec. 20. FY 2024 DOWNTOWN AND VILLAGE CENTER TAX CREDIT PROGRAM OFFSET

In fiscal year 2023, the amount of \$1,350,000.00 shall be carried forward within the General Fund to be available in fiscal year 2024 to provide onetime increased fiscal capacity for the Downtown and Village Center Tax Credit Program.

\* \* \* Effective Dates \* \* \*

Sec. 21. EFFECTIVE DATES

(a) Sec. 4 (Capital Investment Grant Program), Sec. 5 (VEDA Short-Term Forgivable Loan Program), and Sec. 15(b)-(d) (appropriations) shall take effect on passage.

(b) Notwithstanding 1 V.S.A. § 214, Sec. 14e (repeal of prior unemployment insurance supplemental benefit) shall take effect retroactively on October 7, 2021.

(c)(1) Sec. 14f (temporary unemployment insurance supplemental benefit) shall take effect on July 1, 2022 and shall apply to benefit weeks beginning after that date.

(2) Secs. 14g (special fund), 14h (appropriation for temporary unemployment insurance supplemental benefit), and 14i (sunset of Unemployment Insurance Supplemental Benefit) shall take effect on July 1, 2022.

(d) Sec. 14j (increase in unemployment insurance weekly benefit amount) shall take effect on July 1, 2024 and shall apply to benefit weeks beginning after that date.

(e) Sec. 14l (prospective repeal of unemployment insurance benefit increase) shall take effect upon the payment of a cumulative total of

\$92,000,000.00 in additional benefits pursuant to 21 V.S.A. § 1338(e) when compared to the rate at which benefits would have been paid under the formula set forth in 21 V.S.A. § 1338(e) on June 30, 2024 and shall apply to benefit weeks beginning after that date.

(f) Sec. 14k (report on implementation of change to unemployment insurance weekly benefit) shall take effect on passage.

(g) Sec. 19 (32 V.S.A. § 5930ee) shall take effect on July 1, 2024.

(h) All remaining sections of this act shall take effect on July 1, 2022.

And that the bill ought to pass in concurrence with such proposals of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the recommendation of proposal of amendment of the Committee on Economic Development, Housing and General Affairs was amended as recommended by the Committee on Finance.

Thereupon, the recommendation of proposal of amendment of the Committee on Economic Development, Housing and General Affairs, as amended, was amended as recommended by the Committee on Appropriations.

Thereupon, the proposal of amendment recommended by the Committee on Economic Development, Housing and General Affairs, as amended, was agreed to and third reading of the bill was ordered.

### **Proposal of Amendment; Third Reading Ordered**

#### **H. 635.**

Senator Benning, for the Committee on Judiciary, to which was referred House bill entitled:

An act relating to secondary enforcement of minor traffic offenses.

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

#### **Sec. 1. MOTOR VEHICLE OFFENSES REPORT**

(a) The Executive Director of Racial Equity, the Commissioner of Motor Vehicles, and the Commissioner of Public Safety jointly shall examine all motor vehicle violations for the purpose of making recommendations on whether or not statutes should be repealed, modified, or limited to secondary enforcement.

(b) The Executive Director and Commissioners jointly shall provide an interim report to the House and Senate Committees on Judiciary and on

Transportation on or before January 15, 2023 and a final written report to the committees on or before October 1, 2023.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

And that the bill ought to pass in concurrence with such proposal of amendment.

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

**Rules Suspended; Bill Committed**

Pending entry on the Calendar for notice, on motion of Senator Bray the rules were suspended and House bill entitled:

**H. 715.** An act relating to the Clean Heat Standard.

was committed to the Committee on Appropriations pursuant to Rule 31 with the report of the Committee on Natural Resources and Energy *intact*,

**Senate Concurrent Resolution**

The following joint concurrent resolution, 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, was adopted on the part of the Senate:

By Senators Cummings, Perchlik and Pollina,

By Reps. Ancel and others,

**S.C.R. 18.**

Senate concurrent resolution in memory of former Assistant Attorney General Mark Di Stefano of Montpelier.

**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:

By Reps. Bos-Lun and others,

By Senators Balint, Clarkson, McCormack, Nitka and White,

**H.C.R. 139.**

House concurrent resolution congratulating the Vermont winners of the 2022 NYSRAEF ProStart Invitational culinary competition.

By Reps. Norris and Walker,

**H.C.R. 140.**

House concurrent resolution congratulating E.J. Barrette & Sons Inc. of Swanton on its centennial.

By Reps. Vyhovsky and others,

**H.C.R. 141.**

House concurrent resolution congratulating Chef Christian Kruse on his selection as a 2022 semifinalist for the receipt of the James Beard Foundation's Best Chef: Northeast Award.

By Reps. Bluemle and others,

By Senators Balint, Benning, Brock, Champion, Chittenden, Clarkson, Collamore, Cummings, Hardy, Hooker, Kitchel, Lyons, Nitka, Pearson, Ram Hinsdale, Sears, Starr and White,

**H.C.R. 142.**

House concurrent resolution in memory of Sister Janice E. Ryan, RSM.

By Reps. Lefebvre and Lippert,

**H.C.R. 143.**

House concurrent resolution in memory of George H. Severance of Hinesburg.

**Adjournment**

On motion of Senator Balint, the Senate adjourned, to reconvene on Tuesday, April 19, 2022, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 50.

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**TUESDAY, APRIL 19, 2022**

The Senate was called to order by the President.

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**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Pledge of Allegiance**

The President then led the members of the Senate in the pledge of allegiance.

**Bills Referred to Committee on Appropriations**

House bills of the following titles, appearing on the Calendar for notice, and carrying an appropriation or requiring the expenditure of funds, under the rule were severally referred to the Committee Appropriations:

**H. 553.** An act relating to eligibility of domestic partners for reimbursement from the Victims Compensation Program.

**H. 736.** An act relating to the Transportation Program and miscellaneous changes to laws related to transportation.

**Joint Senate Resolution Adopted on the Part of the Senate****J.R.S. 51.**

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senator Balint,

**J.R.S. 51.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, April 22, 2022, it be to meet again no later than Tuesday, April 26, 2022.

**Bill Passed in Concurrence with Proposal of Amendment****H. 635.**

House bill of the following title was read the third time and passed in concurrence with proposal of amendment:

An act relating to secondary enforcement of minor traffic offenses.

**Adjournment**

On motion of Senator Mazza, the Senate adjourned until four o'clock in the afternoon.

**Called to Order**

The Senate was called to order by the President.

**Message from the House No. 51**

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

Madam President:

I am directed to inform the Senate that:

The House has considered a bill originating in the Senate of the following title:

**S. 163.** An act relating to State court petitions for vulnerable noncitizen youth.

And has passed the same in concurrence.

The House has considered a bill originating in the Senate of the following title:

**S. 254.** An act relating to recovering damages for Article 11 violations by law enforcement and a report on qualified immunity.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the Senate is requested.

**Message from the Governor  
Appointments Referred**

A message was received from the Governor, by Brittney L. Wilson, Secretary of Civil and Military Affairs, submitting the following appointments, which were referred to committees as indicated:

The nomination of

Walsh, Thomas of Colchester - Member, Green Mountain Care Board - from December 17, 2021 to February 28, 2027.

To the Committee on Health and Welfare.

The nomination of

Samuelson, Jennifer of Shelburne - Secretary, Agency of Human Services - from March 28, 2022 to February 28, 2023.

To the Committee on Health and Welfare.

**Rules Suspended; Proposal of Amendment; Third Reading Ordered****H. 740.**

Appearing on the Calendar for notice, on motion of Senator Balint, the rules were suspended and House bill entitled:

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

Was taken up for immediate consideration.

Senator Kitchel, for the Committee on Appropriations, to which the bill was referred, reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. A.100 SHORT TITLE

This bill may be referred to as the BIG BILL – Fiscal Year 2023 Appropriations Act.

Sec. A.101 PURPOSE

(a) The purpose of this act is to provide appropriations for the operations of State government during fiscal year 2023. It is the express intent of the General Assembly that activities of the various agencies, departments, divisions, boards, and commissions be limited to those that can be supported by funds appropriated in this act or other acts passed prior to June 30, 2022. Agency and department heads are directed to implement staffing and service levels at the beginning of fiscal year 2023 to meet this condition unless otherwise directed by specific language in this act or other acts of the General Assembly.

Sec. A.102 APPROPRIATIONS

(a) It is the intent of the General Assembly that this act serves as the primary source and reference for appropriations for fiscal year 2023.

(b) The sums herein stated are appropriated for the purposes specified in the following sections of this act. When no time is expressly stated during which any of the appropriations are to continue, the appropriations are single-year appropriations and only for the purpose indicated and shall be paid from funds shown as the source of funds. If in this act there is an error in either addition or subtraction, the totals shall be adjusted accordingly. Apparent errors in referring to section numbers of statutory titles within this act may be disregarded by the Commissioner of Finance and Management.

(c) Unless codified or otherwise specified, all narrative portions of this act apply only to the fiscal year ending on June 30, 2023.

Sec. A.103 DEFINITIONS

(a) As used in this act:

(1) “Encumbrances” means a portion of an appropriation reserved for the subsequent payment of existing purchase orders or contracts. The



Commissioner of Finance and Management shall make final decisions on the appropriateness of encumbrances.

(2) “Grants” means subsidies, aid, or payments to local governments, to community and quasi-public agencies for providing local services, and to persons who are not wards of the State for services or supplies and means cash or other direct assistance, including pension contributions.

(3) “Operating expenses” means property management; repair and maintenance; rental expenses; insurance; postage; travel; energy and utilities; office and other supplies; equipment, including motor vehicles, highway materials, and construction; expenditures for the purchase of land and construction of new buildings and permanent improvements; and similar items.

(4) “Personal services” means wages and salaries, fringe benefits, per diems, contracted third-party services, and similar items.

#### Sec. A.104 RELATIONSHIP TO EXISTING LAWS

(a) Except as specifically provided, this act shall not be construed in any way to negate or impair the full force and effect of existing laws.

#### Sec. A.105 OFFSETTING APPROPRIATIONS

(a) In the absence of specific provisions to the contrary in this act, when total appropriations are offset by estimated receipts, the State appropriations shall control, notwithstanding receipts being greater or less than anticipated.

#### Sec. A.106 FEDERAL FUNDS

(a) In fiscal year 2023, the Governor, with the approval of the General Assembly or the Joint Fiscal Committee if the General Assembly is not in session, may accept federal funds available to the State of Vermont, including block grants in lieu of or in addition to funds herein designated as federal. The Governor, with the approval of the General Assembly or the Joint Fiscal Committee if the General Assembly is not in session, may allocate all or any portion of such federal funds for any purpose consistent with the purposes for which the basic appropriations in this act have been made.

(b) If, during fiscal year 2023, federal funds available to the State of Vermont and designated as federal in this and other acts of the 2022 session of the Vermont General Assembly are converted into block grants or are abolished under their current title in federal law and reestablished under a new title in federal law, the Governor may continue to accept such federal funds for any purpose consistent with the purposes for which the federal funds were appropriated. The Governor may spend such funds for such purposes for not more than 45 days prior to Legislative or Joint Fiscal Committee approval. Notice shall be given to the Joint Fiscal Committee without delay if the

Governor intends to use the authority granted by this section, and the Joint Fiscal Committee shall meet in an expedited manner to review the Governor's request for approval.

Sec. A.107 NEW POSITIONS

(a) Notwithstanding any other provision of law, the total number of authorized State positions, both classified and exempt, excluding temporary positions as defined in 3 V.S.A. § 311(11), shall not be increased during fiscal year 2023 except for new positions authorized by the 2022 session. Limited-service positions approved pursuant to 32 V.S.A. § 5 shall not be subject to this restriction.

Sec. A.108 LEGEND

(a) The bill is organized by functions of government. The sections between B.100 and B.9999 contain appropriations of funds for the upcoming budget year. The sections between E.100 and E.9999 contain language that relates to specific appropriations or government functions, or both. The function areas by section numbers are as follows:

<u>B.100–B.199 and E.100–E.199</u>	<u>General Government</u>
<u>B.200–B.299 and E.200–E.299</u>	<u>Protection to Persons and Property</u>
<u>B.300–B.399 and E.300–E.399</u>	<u>Human Services</u>
<u>B.400–B.499 and E.400–E.499</u>	<u>Labor</u>
<u>B.500–B.599 and E.500–E.599</u>	<u>General Education</u>
<u>B.600–B.699 and E.600–E.699</u>	<u>Higher Education</u>
<u>B.700–B.799 and E.700–E.799</u>	<u>Natural Resources</u>
<u>B.800–B.899 and E.800–E.899</u>	<u>Commerce and Community Development</u>
<u>B.900–B.999 and E.900–E.999</u>	<u>Transportation</u>
<u>B.1000–B.1099 and E.1000–E.1099</u>	<u>Debt Service</u>
<u>B.1100–B.1199 and E.1100–E.1199</u>	<u>One-time and other appropriation actions</u>

(b) The C sections contain amendments to the current fiscal year, the D sections contain fund transfers and reserve allocations for the upcoming budget year, the F sections contain Pay Act appropriations, and the G sections contain provisions relating to the American Rescue Plan Act of 2021, Pub. L. No 117-2 (ARPA) – Coronavirus State Fiscal Recovery Fund expenditures and other related funding.

## Sec. B.100 Secretary of administration - secretary's office

Personal services	1,652,252
Operating expenses	111,750
Grants	<u>25,000</u>
Total	1,789,002
Source of funds	
General fund	1,092,614
Special funds	25,000
Internal service funds	440,610
Interdepartmental transfers	<u>230,778</u>
Total	1,789,002

## Sec. B.101 Secretary of administration - finance

Personal services	1,256,805
Operating expenses	<u>113,453</u>
Total	1,370,258
Source of funds	
Interdepartmental transfers	<u>1,370,258</u>
Total	1,370,258

## Sec. B.102 Secretary of administration - workers' compensation insurance

Personal services	831,338
Operating expenses	<u>115,218</u>
Total	946,556
Source of funds	
Internal service funds	<u>946,556</u>
Total	946,556

## Sec. B.103 Secretary of administration - general liability insurance

Personal services	507,371
Operating expenses	<u>38,155</u>
Total	545,526
Source of funds	
Internal service funds	<u>545,526</u>
Total	545,526

## Sec. B.104 Secretary of administration - all other insurance

Personal services	192,702
Operating expenses	<u>17,643</u>
Total	210,345
Source of funds	

Internal service funds	<u>210,345</u>
Total	210,345
Sec. B.105 Agency of digital services - communications and information technology	
Personal services	99,364,395
Operating expenses	<u>34,833,539</u>
Total	134,197,934
Source of funds	
General fund	179,572
Special funds	17,159,341
Internal service funds	<u>116,859,021</u>
Total	134,197,934
Sec. B.106 Finance and management - budget and management	
Personal services	1,560,869
Operating expenses	<u>328,431</u>
Total	1,889,300
Source of funds	
General fund	1,287,210
Internal service funds	<u>602,090</u>
Total	1,889,300
Sec. B.107 Finance and management - financial operations	
Personal services	2,258,652
Operating expenses	<u>729,477</u>
Total	2,988,129
Source of funds	
Internal service funds	<u>2,988,129</u>
Total	2,988,129
Sec. B.108 Human resources - operations	
Personal services	9,623,786
Operating expenses	<u>1,337,649</u>
Total	10,961,435
Source of funds	
General fund	1,645,579
Special funds	263,589
Internal service funds	8,582,668
Interdepartmental transfers	<u>469,599</u>
Total	10,961,435

## Sec. B.108.1 Human resources - VTHR operations

Personal services	1,795,870
Operating expenses	<u>712,551</u>
Total	2,508,421
Source of funds	
Internal service funds	<u>2,508,421</u>
Total	2,508,421

## Sec. B.109 Human resources - employee benefits &amp; wellness

Personal services	1,109,145
Operating expenses	<u>601,415</u>
Total	1,710,560
Source of funds	
Internal service funds	<u>1,710,560</u>
Total	1,710,560

## Sec. B.110 Libraries

Personal services	2,362,959
Operating expenses	892,587
Grants	<u>201,900</u>
Total	3,457,446
Source of funds	
General fund	2,004,119
Special funds	35,276
Federal funds	1,308,858
Interdepartmental transfers	<u>109,193</u>
Total	3,457,446

## Sec. B.111 Tax - administration/collection

Personal services	17,831,398
Operating expenses	<u>5,790,925</u>
Total	23,622,323
Source of funds	
General fund	21,409,826
Special funds	2,178,388
Interdepartmental transfers	<u>34,109</u>
Total	23,622,323

## Sec. B.112 Buildings and general services - administration

Personal services	1,080,924
Operating expenses	<u>153,965</u>
Total	1,234,889

Source of funds	
Interdepartmental transfers	1,234,889
Total	<u>1,234,889</u>
Sec. B.113 Buildings and general services - engineering	
Personal services	96,274
Operating expenses	<u>1,535,829</u>
Total	1,632,103
Source of funds	
General fund	1,132,103
Interdepartmental transfers	<u>500,000</u>
Total	1,632,103
Sec. B.113.1 Buildings and General Services Engineering - Capital Projects	
Personal services	<u>2,756,153</u>
Total	2,756,153
Source of funds	
General fund	<u>2,756,153</u>
Total	2,756,153
Sec. B.114 Buildings and general services - information centers	
Personal services	3,320,126
Operating expenses	<u>1,821,549</u>
Total	5,141,675
Source of funds	
General fund	649,572
Transportation fund	4,059,343
Special funds	<u>432,760</u>
Total	5,141,675
Sec. B.115 Buildings and general services - purchasing	
Personal services	1,134,262
Operating expenses	<u>222,957</u>
Total	1,357,219
Source of funds	
General fund	<u>1,357,219</u>
Total	1,357,219
Sec. B.116 Buildings and general services - postal services	
Personal services	757,054
Operating expenses	<u>249,683</u>
Total	1,006,737
Source of funds	

General fund	84,986
Internal service funds	<u>921,751</u>
Total	1,006,737
Sec. B.117 Buildings and general services - copy center	
Personal services	853,534
Operating expenses	<u>171,957</u>
Total	1,025,491
Source of funds	
Internal service funds	<u>1,025,491</u>
Total	1,025,491
Sec. B.118 Buildings and general services - fleet management services	
Personal services	777,083
Operating expenses	<u>250,909</u>
Total	1,027,992
Source of funds	
Internal service funds	<u>1,027,992</u>
Total	1,027,992
Sec. B.119 Buildings and general services - federal surplus property	
Operating expenses	<u>6,979</u>
Total	6,979
Source of funds	
Enterprise funds	<u>6,979</u>
Total	6,979
Sec. B.120 Buildings and general services - state surplus property	
Personal services	343,550
Operating expenses	<u>125,259</u>
Total	468,809
Source of funds	
Internal service funds	<u>468,809</u>
Total	468,809
Sec. B.121 Buildings and general services - property management	
Personal services	1,467,576
Operating expenses	<u>508,707</u>
Total	1,976,283
Source of funds	
Internal service funds	<u>1,976,283</u>
Total	1,976,283

Sec. B.122 Buildings and general services - fee for space	
Personal services	18,711,733
Operating expenses	<u>14,636,007</u>
Total	33,347,740
Source of funds	
Internal service funds	<u>33,347,740</u>
Total	33,347,740
Sec. B.124 Executive office - governor's office	
Personal services	1,487,507
Operating expenses	<u>459,623</u>
Total	1,947,130
Source of funds	
General fund	1,716,379
Interdepartmental transfers	<u>230,751</u>
Total	1,947,130
Sec. B.125 Legislative counsel	
Personal services	3,401,294
Operating expenses	<u>255,108</u>
Total	3,656,402
Source of funds	
General fund	<u>3,656,402</u>
Total	3,656,402
Sec. B.126 Legislature	
Personal services	5,790,208
Operating expenses	<u>4,510,892</u>
Total	10,301,100
Source of funds	
General fund	<u>10,301,100</u>
Total	10,301,100
Sec. B.126.1 Legislative information technology	
Personal services	1,141,119
Operating expenses	<u>564,119</u>
Total	1,705,238
Source of funds	
General fund	<u>1,705,238</u>
Total	1,705,238



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Sec. B.127 Joint fiscal committee	
Personal services	2,551,475
Operating expenses	<u>170,638</u>
Total	2,722,113
Source of funds	
General fund	<u>2,722,113</u>
Total	2,722,113
Sec. B.128 Sergeant at arms	
Personal services	1,063,777
Operating expenses	<u>109,829</u>
Total	1,173,606
Source of funds	
General fund	<u>1,173,606</u>
Total	1,173,606
Sec. B.129 Lieutenant governor	
Personal services	206,253
Operating expenses	<u>42,999</u>
Total	249,252
Source of funds	
General fund	<u>249,252</u>
Total	249,252
Sec. B.130 Auditor of accounts	
Personal services	3,985,879
Operating expenses	<u>179,191</u>
Total	4,165,070
Source of funds	
General fund	357,074
Special funds	53,145
Internal service funds	<u>3,754,851</u>
Total	4,165,070
Sec. B.131 State treasurer	
Personal services	4,215,443
Operating expenses	<u>214,594</u>
Total	4,430,037
Source of funds	
General fund	1,409,658
Special funds	2,803,034

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Interdepartmental transfers	<u>217,345</u>
Total	4,430,037
Sec. B.132 State treasurer - unclaimed property	
Personal services	829,638
Operating expenses	<u>326,937</u>
Total	1,156,575
Source of funds	
Private purpose trust funds	<u>1,156,575</u>
Total	1,156,575
Sec. B.133 Vermont state retirement system	
Personal services	180,911
Operating expenses	<u>1,399,555</u>
Total	1,580,466
Source of funds	
Pension trust funds	<u>1,580,466</u>
Total	1,580,466
Sec. B.134 Municipal employees' retirement system	
Personal services	198,399
Operating expenses	<u>890,207</u>
Total	1,088,606
Source of funds	
Pension trust funds	<u>1,088,606</u>
Total	1,088,606
Sec. B.134.1 Vermont Pension Investment Commission	
Personal services	1,909,994
Operating expenses	<u>226,691</u>
Total	2,136,685
Source of funds	
Special funds	<u>2,136,685</u>
Total	2,136,685
Sec. B.135 State labor relations board	
Personal services	236,763
Operating expenses	<u>58,324</u>
Total	295,087
Source of funds	
General fund	285,511
Special funds	6,788

Interdepartmental transfers	<u>2,788</u>
Total	295,087
Sec. B.136 VOSHA review board	
Personal services	81,139
Operating expenses	<u>14,783</u>
Total	95,922
Source of funds	
General fund	47,961
Interdepartmental transfers	<u>47,961</u>
Total	95,922
Sec. B.136.1 Ethics Commission	
Personal services	89,979
Operating expenses	<u>26,596</u>
Total	116,575
Source of funds	
Internal service funds	<u>116,575</u>
Total	116,575
Sec. B.137 Homeowner rebate	
Grants	<u>16,500,000</u>
Total	16,500,000
Source of funds	
General fund	<u>16,500,000</u>
Total	16,500,000
Sec. B.138 Renter rebate	
Grants	<u>9,500,000</u>
Total	9,500,000
Source of funds	
General fund	<u>9,500,000</u>
Total	9,500,000
Sec. B.139 Tax department - reappraisal and listing payments	
Grants	<u>4,238,000</u>
Total	4,238,000
Source of funds	
General fund	<u>4,238,000</u>
Total	4,238,000

## Sec. B.140 Municipal current use

Grants	<u>17,800,000</u>
Total	17,800,000
Source of funds	
General fund	<u>17,800,000</u>
Total	17,800,000

## Sec. B.142 Payments in lieu of taxes

Grants	<u>10,575,000</u>
Total	10,575,000
Source of funds	
Special funds	<u>10,575,000</u>
Total	10,575,000

## Sec. B.143 Payments in lieu of taxes - Montpelier

Grants	<u>184,000</u>
Total	184,000
Source of funds	
Special funds	<u>184,000</u>
Total	184,000

## Sec. B.144 Payments in lieu of taxes - correctional facilities

Grants	<u>40,000</u>
Total	40,000
Source of funds	
Special funds	<u>40,000</u>
Total	40,000

## Sec. B.145 Total general government

Source of funds	
General fund	105,261,247
Transportation fund	4,059,343
Special funds	35,893,006
Federal funds	1,308,858
Internal service funds	178,033,418
Interdepartmental transfers	4,447,671
Enterprise funds	6,979
Pension trust funds	2,669,072
Private purpose trust funds	<u>1,156,575</u>
Total	332,836,169

Sec. B.200 Attorney general	
Personal services	12,222,872
Operating expenses	1,615,595
Grants	<u>20,000</u>
Total	13,858,467
Source of funds	
General fund	6,533,053
Special funds	2,030,838
Tobacco fund	348,000
Federal funds	1,490,970
Interdepartmental transfers	<u>3,455,606</u>
Total	13,858,467
Sec. B.201 Vermont court diversion	
Personal services	1,250
Grants	<u>3,006,479</u>
Total	3,007,729
Source of funds	
General fund	2,749,732
Special funds	<u>257,997</u>
Total	3,007,729
Sec. B.202 Defender general - public defense	
Personal services	13,536,180
Operating expenses	<u>1,168,458</u>
Total	14,704,638
Source of funds	
General fund	14,114,985
Special funds	<u>589,653</u>
Total	14,704,638
Sec. B.203 Defender general - assigned counsel	
Personal services	6,337,191
Operating expenses	<u>49,500</u>
Total	6,386,691
Source of funds	
General fund	<u>6,386,691</u>
Total	6,386,691
Sec. B.204 Judiciary	
Personal services	47,987,874
Operating expenses	11,198,662

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Grants	<u>121,030</u>
Total	59,307,566
Source of funds	
General fund	52,997,805
Special funds	3,260,434
Federal funds	953,928
Interdepartmental transfers	<u>2,095,399</u>
Total	59,307,566
Sec. B.205 State's attorneys	
Personal services	12,905,446
Operating expenses	<u>1,980,473</u>
Total	14,885,919
Source of funds	
General fund	14,358,352
Special funds	101,442
Federal funds	224,319
Interdepartmental transfers	<u>201,806</u>
Total	14,885,919
Sec. B.206 Special investigative unit	
Personal services	86,487
Grants	<u>2,077,230</u>
Total	2,163,717
Source of funds	
General fund	<u>2,163,717</u>
Total	2,163,717
Sec. B.206.1 Crime Victims Advocates	
Personal services	<u>2,562,572</u>
Total	2,562,572
Source of funds	
General fund	<u>2,562,572</u>
Total	2,562,572
Sec. B.207 Sheriffs	
Personal services	4,440,864
Operating expenses	<u>415,366</u>
Total	4,856,230
Source of funds	
General fund	<u>4,856,230</u>
Total	4,856,230

## Sec. B.208 Public safety - administration

Personal services	4,517,183
Operating expenses	<u>5,076,934</u>
Total	9,594,117
Source of funds	
General fund	5,743,935
Special funds	4,105
Federal funds	536,792
Interdepartmental transfers	<u>3,309,285</u>
Total	9,594,117

## Sec. B.209 Public safety - state police

Personal services	62,598,426
Operating expenses	12,660,950
Grants	<u>1,467,153</u>
Total	76,726,529
Source of funds	
General fund	46,676,421
Transportation fund	20,250,000
Special funds	3,116,711
Federal funds	4,820,645
Interdepartmental transfers	<u>1,862,752</u>
Total	76,726,529

## Sec. B.210 Public safety - criminal justice services

Personal services	5,055,792
Operating expenses	<u>1,448,367</u>
Total	6,504,159
Source of funds	
General fund	1,423,477
Special funds	4,646,634
Federal funds	<u>434,048</u>
Total	6,504,159

## Sec. B.211 Public safety - emergency management

Personal services	3,778,940
Operating expenses	1,213,431
Grants	<u>35,889,332</u>
Total	40,881,703
Source of funds	
General fund	627,088
Special funds	710,000

Federal funds	39,537,389
Interdepartmental transfers	<u>7,226</u>
Total	40,881,703
Sec. B.212 Public safety - fire safety	
Personal services	7,549,948
Operating expenses	2,677,499
Grants	<u>107,000</u>
Total	10,334,447
Source of funds	
General fund	740,787
Special funds	8,998,928
Federal funds	549,732
Interdepartmental transfers	<u>45,000</u>
Total	10,334,447
Sec. B.213 Public safety - Forensic Laboratory	
Personal services	3,219,911
Operating expenses	<u>938,253</u>
Total	4,158,164
Source of funds	
General fund	3,407,657
Special funds	62,782
Federal funds	320,000
Interdepartmental transfers	<u>367,725</u>
Total	4,158,164
Sec. B.215 Military - administration	
Personal services	887,895
Operating expenses	656,621
Grants	<u>1,319,834</u>
Total	2,864,350
Source of funds	
General fund	<u>2,864,350</u>
Total	2,864,350
Sec. B.216 Military - air service contract	
Personal services	7,981,247
Operating expenses	<u>1,200,811</u>
Total	9,182,058
Source of funds	
General fund	636,623



Federal funds	<u>8,545,435</u>
Total	9,182,058
Sec. B.217 Military - army service contract	
Personal services	40,946,121
Operating expenses	<u>7,301,437</u>
Total	48,247,558
Source of funds	
Federal funds	<u>48,247,558</u>
Total	48,247,558
Sec. B.218 Military - building maintenance	
Personal services	779,881
Operating expenses	<u>869,698</u>
Total	1,649,579
Source of funds	
General fund	1,587,079
Special funds	<u>62,500</u>
Total	1,649,579
Sec. B.219 Military - veterans' affairs	
Personal services	1,023,293
Operating expenses	154,362
Grants	<u>41,300</u>
Total	1,218,955
Source of funds	
General fund	956,280
Special funds	162,675
Federal funds	<u>100,000</u>
Total	1,218,955
Sec. B.220 Center for crime victim services	
Personal services	1,644,629
Operating expenses	386,431
Grants	<u>7,819,312</u>
Total	9,850,372
Source of funds	
General fund	1,382,712
Special funds	3,461,971
Federal funds	<u>5,005,689</u>
Total	9,850,372

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 Sec. B.221 Criminal justice council

Personal services	1,980,066
Operating expenses	<u>1,480,716</u>
Total	3,460,782
Source of funds	
General fund	3,130,282
Interdepartmental transfers	<u>330,500</u>
Total	3,460,782

## Sec. B.222 Agriculture, food and markets - administration

Personal services	1,979,598
Operating expenses	537,899
Grants	<u>227,972</u>
Total	2,745,469
Source of funds	
General fund	1,234,172
Special funds	988,397
Federal funds	<u>522,900</u>
Total	2,745,469

## Sec. B.223 Agriculture, food and markets - food safety and consumer protection

Personal services	4,459,775
Operating expenses	844,913
Grants	<u>2,780,000</u>
Total	8,084,688
Source of funds	
General fund	2,945,168
Special funds	3,765,425
Federal funds	1,362,095
Interdepartmental transfers	<u>12,000</u>
Total	8,084,688

## Sec. B.224 Agriculture, food and markets - agricultural development

Personal services	5,521,540
Operating expenses	586,011
Grants	<u>5,042,425</u>
Total	11,149,976
Source of funds	
General fund	3,034,777
Special funds	545,738

Federal funds	<u>7,569,461</u>
Total	11,149,976
Sec. B.225 Agriculture, food and markets - agricultural resource management and environmental stewardship	
Personal services	2,830,318
Operating expenses	950,906
Grants	<u>295,334</u>
Total	4,076,558
Source of funds	
General fund	941,645
Special funds	2,325,153
Federal funds	472,695
Interdepartmental transfers	<u>337,065</u>
Total	4,076,558
Sec. B.225.1 Agriculture, food and markets - Vermont Agriculture and Environmental Lab	
Personal services	1,622,126
Operating expenses	<u>1,237,280</u>
Total	2,859,406
Source of funds	
General fund	1,051,709
Special funds	1,732,793
Interdepartmental transfers	<u>74,904</u>
Total	2,859,406
Sec. B.225.2 Agriculture, Food and Markets - Clean Water	
Personal services	3,351,394
Operating expenses	518,202
Grants	<u>5,253,111</u>
Total	9,122,707
Source of funds	
General fund	1,100,802
Special funds	7,266,122
Federal funds	441,907
Interdepartmental transfers	<u>313,876</u>
Total	9,122,707
Sec. B.226 Financial regulation - administration	
Personal services	2,395,168
Operating expenses	<u>159,635</u>
Total	2,554,803

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Source of funds	
Special funds	<u>2,554,803</u>
Total	2,554,803
Sec. B.227 Financial regulation - banking	
Personal services	2,099,711
Operating expenses	<u>481,536</u>
Total	2,581,247
Source of funds	
Special funds	<u>2,581,247</u>
Total	2,581,247
Sec. B.228 Financial regulation - insurance	
Personal services	4,586,782
Operating expenses	<u>678,282</u>
Total	5,265,064
Source of funds	
Special funds	<u>5,265,064</u>
Total	5,265,064
Sec. B.229 Financial regulation - captive insurance	
Personal services	4,748,621
Operating expenses	<u>693,529</u>
Total	5,442,150
Source of funds	
Special funds	<u>5,442,150</u>
Total	5,442,150
Sec. B.230 Financial regulation - securities	
Personal services	1,177,808
Operating expenses	<u>274,059</u>
Total	1,451,867
Source of funds	
Special funds	<u>1,451,867</u>
Total	1,451,867
Sec. B.232 Secretary of state	
Personal services	13,335,882
Operating expenses	<u>4,364,977</u>
Total	17,700,859
Source of funds	
Special funds	13,042,272

Federal funds	<u>4,658,587</u>
Total	17,700,859
Sec. B.233 Public service - regulation and energy	
Personal services	10,741,089
Operating expenses	1,153,898
Grants	<u>1,346,948</u>
Total	13,241,935
Source of funds	
Special funds	11,632,917
Federal funds	1,056,721
ARRA funds	510,535
Enterprise funds	<u>41,762</u>
Total	13,241,935
Sec. B.234 Public utility commission	
Personal services	3,597,784
Operating expenses	<u>501,906</u>
Total	4,099,690
Source of funds	
Special funds	<u>4,099,690</u>
Total	4,099,690
Sec. B.235 Enhanced 9-1-1 Board	
Personal services	4,144,834
Operating expenses	<u>443,064</u>
Total	4,587,898
Source of funds	
General fund	0
Special funds	<u>4,587,898</u>
Total	4,587,898
Sec. B.236 Human rights commission	
Personal services	691,710
Operating expenses	<u>88,837</u>
Total	780,547
Source of funds	
General fund	700,290
Federal funds	<u>80,257</u>
Total	780,547

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 Sec. B.236.1 Liquor & Lottery Comm. Office

Personal services	452,118
Operating expenses	<u>20,306</u>
Total	472,424
Source of funds	
Enterprise funds	<u>472,424</u>
Total	472,424

## Sec. B.236.2 Lottery Operations

Personal services	2,325,309
Operating expenses	1,625,023
Grants	<u>250,000</u>
Total	4,200,332
Source of funds	
Enterprise funds	<u>4,200,332</u>
Total	4,200,332

## Sec. B.237 Liquor control - administration

Personal services	3,894,882
Operating expenses	<u>1,386,666</u>
Total	5,281,548
Source of funds	
Tobacco fund	213,843
Enterprise funds	<u>5,067,705</u>
Total	5,281,548

## Sec. B.238 Liquor control - enforcement and licensing

Personal services	2,031,174
Operating expenses	<u>415,495</u>
Total	2,446,669
Source of funds	
Federal funds	184,484
Enterprise funds	<u>2,262,185</u>
Total	2,446,669

## Sec. B.239 Liquor control - warehousing and distribution

Personal services	1,076,103
Operating expenses	<u>498,696</u>
Total	1,574,799
Source of funds	
Enterprise funds	<u>1,574,799</u>
Total	1,574,799

## Sec. B.240 Cannabis Control Board

Personal services	3,211,914
Operating expenses	<u>278,608</u>
Total	3,490,522
Source of funds	
Special funds	<u>3,490,522</u>
Total	3,490,522

## Sec. B.241 Total protection to persons and property

Source of funds	
General fund	186,908,391
Transportation fund	20,250,000
Special funds	98,238,728
Tobacco fund	561,843
Federal funds	127,115,612
ARRA funds	510,535
Interdepartmental transfers	12,413,144
Enterprise funds	<u>13,619,207</u>
Total	459,617,460

## Sec. B.300 Human services - agency of human services - secretary's office

Personal services	12,157,314
Operating expenses	5,340,825
Grants	<u>2,895,202</u>
Total	20,393,341
Source of funds	
General fund	9,242,962
Special funds	135,517
Federal funds	10,233,551
Interdepartmental transfers	<u>781,311</u>
Total	20,393,341

## Sec. B.301 Secretary's office - global commitment

Grants	<u>1,833,499,853</u>
Total	1,833,499,853
Source of funds	
General fund	607,504,996
Special funds	33,384,536
Tobacco fund	21,049,373
State health care resources fund	17,078,501
Federal funds	1,150,448,277

Interdepartmental transfers	<u>4,034,170</u>
Total	1,833,499,853
Sec. B.303 Developmental disabilities council	
Personal services	424,008
Operating expenses	95,289
Grants	<u>191,595</u>
Total	710,892
Source of funds	
Special funds	12,000
Federal funds	<u>698,892</u>
Total	710,892
Sec. B.304 Human services board	
Personal services	766,312
Operating expenses	<u>89,396</u>
Total	855,708
Source of funds	
General fund	490,779
Federal funds	<u>364,929</u>
Total	855,708
Sec. B.305 AHS - administrative fund	
Personal services	330,000
Operating expenses	<u>13,170,000</u>
Total	13,500,000
Source of funds	
Interdepartmental transfers	<u>13,500,000</u>
Total	13,500,000
Sec. B.306 Department of Vermont health access - administration	
Personal services	133,258,216
Operating expenses	27,050,784
Grants	<u>2,912,301</u>
Total	163,221,301
Source of funds	
General fund	34,666,169
Special funds	4,738,197
Federal funds	114,997,590
Global Commitment fund	3,986,316
Interdepartmental transfers	<u>4,833,029</u>
Total	163,221,301



Sec. B.307 Department of Vermont health access - Medicaid program - global commitment

Personal services	547,983
Grants	<u>836,525,567</u>
Total	837,073,550
Source of funds	
Global Commitment fund	<u>837,073,550</u>
Total	837,073,550

Sec. B.309 Department of Vermont health access - Medicaid program - state only

Grants	<u>54,104,191</u>
Total	54,104,191
Source of funds	
General fund	44,533,864
Global Commitment fund	<u>9,570,327</u>
Total	54,104,191

Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched

Grants	<u>35,125,592</u>
Total	35,125,592
Source of funds	
General fund	12,736,699
Federal funds	<u>22,388,893</u>
Total	35,125,592

Sec. B.311 Health - administration and support

Personal services	7,880,051
Operating expenses	7,161,896
Grants	<u>15,313,608</u>
Total	30,355,555
Source of funds	
General fund	3,017,738
Special funds	2,123,150
Federal funds	19,371,027
Global Commitment fund	5,779,334
Interdepartmental transfers	<u>64,306</u>
Total	30,355,555

## Sec. B.312 Health - public health

Personal services	58,557,637
Operating expenses	10,504,324
Grants	<u>45,239,861</u>
Total	114,301,822
Source of funds	
General fund	12,220,271
Special funds	22,422,908
Tobacco fund	1,088,918
Federal funds	61,398,428
Global Commitment fund	16,159,672
Interdepartmental transfers	986,625
Permanent trust funds	<u>25,000</u>
Total	114,301,822

## Sec. B.313 Health - alcohol and drug abuse programs

Personal services	5,533,379
Operating expenses	511,500
Grants	<u>55,313,374</u>
Total	61,358,253
Source of funds	
General fund	5,686,142
Special funds	1,392,101
Tobacco fund	949,917
Federal funds	21,131,903
Global Commitment fund	<u>32,198,190</u>
Total	61,358,253

## Sec. B.314 Mental health - mental health

Personal services	37,550,464
Operating expenses	5,023,808
Grants	<u>251,958,650</u>
Total	294,532,922
Source of funds	
General fund	12,966,387
Special funds	1,690,187
Federal funds	10,279,911
Global Commitment fund	269,471,344
Interdepartmental transfers	<u>125,093</u>
Total	294,532,922

Sec. B.316 Department for children and families - administration & support services

Personal services	41,932,610
Operating expenses	17,284,575
Grants	<u>3,819,106</u>
Total	63,036,291
Source of funds	
General fund	36,020,845
Special funds	2,789,842
Federal funds	22,463,191
Global Commitment fund	1,409,481
Interdepartmental transfers	<u>352,932</u>
Total	63,036,291

Sec. B.317 Department for children and families - family services

Personal services	41,455,253
Operating expenses	5,392,584
Grants	<u>88,614,318</u>
Total	135,462,155
Source of funds	
General fund	55,778,109
Special funds	729,587
Federal funds	32,206,285
Global Commitment fund	46,710,437
Interdepartmental transfers	<u>37,737</u>
Total	135,462,155

Sec. B.318 Department for children and families - child development

Personal services	5,487,235
Operating expenses	860,622
Grants	<u>106,205,300</u>
Total	112,553,157
Source of funds	
General fund	33,449,566
Special funds	16,820,011
Federal funds	50,849,478
Global Commitment fund	11,434,061
Interdepartmental transfers	<u>41</u>
Total	112,553,157

Sec. B.319 Department for children and families - office of child support	
Personal services	11,906,476
Operating expenses	<u>3,745,167</u>
Total	15,651,643
Source of funds	
General fund	4,718,623
Special funds	455,719
Federal funds	10,089,701
Interdepartmental transfers	<u>387,600</u>
Total	15,651,643
Sec. B.320 Department for children and families - aid to aged, blind and disabled	
Personal services	2,252,206
Grants	<u>10,494,118</u>
Total	12,746,324
Source of funds	
General fund	7,596,333
Global Commitment fund	<u>5,149,991</u>
Total	12,746,324
Sec. B.321 Department for children and families - general assistance	
Personal services	15,000
Grants	<u>2,823,574</u>
Total	2,838,574
Source of funds	
General fund	2,541,239
Federal funds	11,320
Global Commitment fund	<u>286,015</u>
Total	2,838,574
Sec. B.322 Department for children and families - 3SquaresVT	
Grants	<u>44,377,812</u>
Total	44,377,812
Source of funds	
Federal funds	<u>44,377,812</u>
Total	44,377,812
Sec. B.323 Department for children and families - reach up	
Operating expenses	30,633
Grants	<u>27,235,606</u>
Total	27,266,239

Source of funds	
General fund	15,097,457
Special funds	5,955,834
Federal funds	3,531,330
Global Commitment fund	<u>2,681,618</u>
Total	27,266,239
Sec. B.324 Department for children and families - home heating fuel assistance/LIHEAP	
Grants	<u>16,019,953</u>
Total	16,019,953
Source of funds	
Special funds	1,480,395
Federal funds	<u>14,539,558</u>
Total	16,019,953
Sec. B.325 Department for children and families - office of economic opportunity	
Personal services	707,738
Operating expenses	80,979
Grants	<u>19,896,892</u>
Total	20,685,609
Source of funds	
General fund	14,328,930
Special funds	58,135
Federal funds	4,942,559
Global Commitment fund	<u>1,355,985</u>
Total	20,685,609
Sec. B.326 Department for children and families - OEO - weatherization assistance	
Personal services	376,286
Operating expenses	47,090
Grants	<u>12,038,018</u>
Total	12,461,394
Source of funds	
Special funds	7,643,920
Federal funds	<u>4,817,474</u>
Total	12,461,394

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 Sec. B.327 Department for Children and Families - Secure Residential Treatment

Personal services	258,100
Operating expenses	441,999
Grants	<u>3,476,862</u>
Total	4,176,961
Source of funds	
General fund	4,146,961
Global Commitment fund	<u>30,000</u>
Total	4,176,961

## Sec. B.328 Department for children and families - disability determination services

Personal services	7,271,721
Operating expenses	<u>472,446</u>
Total	7,744,167
Source of funds	
General fund	115,885
Federal funds	<u>7,628,282</u>
Total	7,744,167

## Sec. B.329 Disabilities, aging, and independent living - administration &amp; support

Personal services	37,398,355
Operating expenses	<u>6,178,888</u>
Total	43,577,243
Source of funds	
General fund	19,725,270
Special funds	1,390,457
Federal funds	21,360,232
Global Commitment fund	35,000
Interdepartmental transfers	<u>1,066,284</u>
Total	43,577,243

## Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants

Grants	<u>19,709,925</u>
Total	19,709,925
Source of funds	
General fund	7,754,865
Federal funds	7,148,466

Global Commitment fund	<u>4,806,594</u>
Total	19,709,925
Sec. B.331 Disabilities, aging, and independent living - blind and visually impaired	
Grants	<u>1,761,457</u>
Total	1,761,457
Source of funds	
General fund	489,154
Special funds	223,450
Federal funds	743,853
Global Commitment fund	<u>305,000</u>
Total	1,761,457
Sec. B.332 Disabilities, aging, and independent living - vocational rehabilitation	
Grants	<u>7,024,368</u>
Total	7,024,368
Source of funds	
General fund	1,371,845
Federal funds	4,402,523
Interdepartmental transfers	<u>1,250,000</u>
Total	7,024,368
Sec. B.333 Disabilities, aging, and independent living - developmental services	
Grants	<u>282,169,830</u>
Total	282,169,830
Source of funds	
General fund	155,125
Special funds	15,463
Federal funds	359,857
Global Commitment fund	281,589,385
Interdepartmental transfers	<u>50,000</u>
Total	282,169,830
Sec. B.334 Disabilities, aging, and independent living - Brain injury home and community based waiver	
Grants	<u>6,163,669</u>
Total	6,163,669
Source of funds	
Global Commitment fund	<u>6,163,669</u>
Total	6,163,669

Sec. B.334.1 Disabilities, aging and independent living - Long Term Care	
Grants	<u>247,099,548</u>
Total	247,099,548
Source of funds	
General fund	498,579
Federal funds	2,083,333
Global Commitment fund	<u>244,517,636</u>
Total	247,099,548
Sec. B.335 Corrections - administration	
Personal services	3,370,381
Operating expenses	<u>238,644</u>
Total	3,609,025
Source of funds	
General fund	<u>3,609,025</u>
Total	3,609,025
Sec. B.336 Corrections - parole board	
Personal services	385,959
Operating expenses	<u>59,216</u>
Total	445,175
Source of funds	
General fund	<u>445,175</u>
Total	445,175
Sec. B.337 Corrections - correctional education	
Personal services	3,504,641
Operating expenses	<u>244,932</u>
Total	3,749,573
Source of funds	
General fund	3,600,789
Education fund	0
Interdepartmental transfers	<u>148,784</u>
Total	3,749,573
Sec. B.338 Corrections - correctional services	
Personal services	125,443,984
Operating expenses	24,337,405
Grants	<u>9,558,427</u>
Total	159,339,816
Source of funds	
General fund	152,223,219



Special funds	935,963
Federal funds	473,523
Global Commitment fund	5,310,796
Interdepartmental transfers	<u>396,315</u>
Total	159,339,816
Sec. B.339 Corrections - Correctional services-out of state beds	
Personal services	<u>4,490,518</u>
Total	4,490,518
Source of funds	
General fund	<u>4,490,518</u>
Total	4,490,518
Sec. B.340 Corrections - correctional facilities - recreation	
Personal services	549,029
Operating expenses	<u>455,845</u>
Total	1,004,874
Source of funds	
Special funds	<u>1,004,874</u>
Total	1,004,874
Sec. B.341 Corrections - Vermont offender work program	
Personal services	1,173,281
Operating expenses	<u>525,784</u>
Total	1,699,065
Source of funds	
Internal service funds	<u>1,699,065</u>
Total	1,699,065
Sec. B.342 Vermont veterans' home - care and support services	
Personal services	18,693,897
Operating expenses	<u>4,698,211</u>
Total	23,392,108
Source of funds	
General fund	4,068,733
Special funds	11,892,624
Federal funds	<u>7,430,751</u>
Total	23,392,108
Sec. B.343 Commission on women	
Personal services	364,225
Operating expenses	<u>70,416</u>
Total	434,641

Source of funds	
General fund	430,793
Special funds	<u>3,848</u>
Total	434,641
Sec. B.344 Retired senior volunteer program	
Grants	<u>150,961</u>
Total	150,961
Source of funds	
General fund	<u>150,961</u>
Total	150,961
Sec. B.345 Green Mountain Care Board	
Personal services	7,816,704
Operating expenses	<u>395,026</u>
Total	8,211,730
Source of funds	
General fund	3,261,362
Special funds	<u>4,950,368</u>
Total	8,211,730
Sec. B.346 Total human services	
Source of funds	
General fund	1,119,135,368
Special funds	122,249,086
Tobacco fund	23,088,208
State health care resources fund	17,078,501
Education fund	0
Federal funds	1,650,772,929
Global Commitment fund	1,786,024,401
Internal service funds	1,699,065
Interdepartmental transfers	28,014,227
Permanent trust funds	<u>25,000</u>
Total	4,748,086,785
Sec. B.400 Labor - programs	
Personal services	40,893,754
Operating expenses	5,784,394
Grants	<u>15,432,900</u>
Total	62,111,048
Source of funds	
General fund	10,449,258
Special funds	10,772,259

Federal funds	40,639,531
Interdepartmental transfers	<u>250,000</u>
Total	62,111,048
Sec. B.401 Total labor	
Source of funds	
General fund	10,449,258
Special funds	10,772,259
Federal funds	40,639,531
Interdepartmental transfers	<u>250,000</u>
Total	62,111,048
Sec. B.500 Education - finance and administration	
Personal services	16,916,498
Operating expenses	4,121,123
Grants	<u>14,770,700</u>
Total	35,808,321
Source of funds	
General fund	6,044,058
Special funds	16,441,181
Education fund	3,444,471
Federal funds	9,253,287
Global Commitment fund	260,000
Interdepartmental transfers	<u>365,324</u>
Total	35,808,321
Sec. B.501 Education - education services	
Personal services	28,826,010
Operating expenses	1,073,385
Grants	<u>481,143,571</u>
Total	511,042,966
Source of funds	
General fund	4,880,340
Special funds	3,009,310
Tobacco fund	750,388
Federal funds	<u>502,402,928</u>
Total	511,042,966
Sec. B.502 Education - special education: formula grants	
Grants	<u>208,073,400</u>
Total	208,073,400
Source of funds	

Education fund	<u>208,073,400</u>
Total	208,073,400
Sec. B.503 Education - state-placed students	
Grants	<u>17,500,000</u>
Total	17,500,000
Source of funds	
Education fund	<u>17,500,000</u>
Total	17,500,000
Sec. B.504 Education - adult education and literacy	
Grants	<u>4,412,900</u>
Total	4,412,900
Source of funds	
General fund	3,496,850
Federal funds	<u>916,050</u>
Total	4,412,900
Sec. B.504.1 Education - Flexible Pathways	
Grants	<u>9,293,000</u>
Total	9,293,000
Source of funds	
General fund	996,500
Education fund	<u>8,296,500</u>
Total	9,293,000
Sec. B.505 Education - adjusted education payment	
Grants	<u>1,561,661,000</u>
Total	1,561,661,000
Source of funds	
Education fund	<u>1,561,661,000</u>
Total	1,561,661,000
Sec. B.506 Education - transportation	
Grants	<u>21,786,000</u>
Total	21,786,000
Source of funds	
Education fund	<u>21,786,000</u>
Total	21,786,000
Sec. B.507 Education - small school grants	
Grants	<u>8,200,000</u>
Total	8,200,000

Source of funds	
Education fund	<u>8,200,000</u>
Total	8,200,000
Sec. B.510 Education - essential early education grant	
Grants	<u>7,511,638</u>
Total	7,511,638
Source of funds	
Education fund	<u>7,511,638</u>
Total	7,511,638
Sec. B.511 Education - technical education	
Grants	<u>16,253,900</u>
Total	16,253,900
Source of funds	
Education fund	<u>16,253,900</u>
Total	16,253,900
Sec. B.511.1 State Board of Education	
Personal services	38,905
Operating expenses	<u>31,803</u>
Total	70,708
Source of funds	
General fund	<u>70,708</u>
Total	70,708
Sec. B.514 State teachers' retirement system	
Grants	<u>187,273,782</u>
Total	187,273,782
Source of funds	
General fund	154,345,678
Education fund	<u>32,928,104</u>
Total	187,273,782
Sec. B.514.1 State teachers' retirement system administration	
Personal services	236,503
Operating expenses	<u>1,609,560</u>
Total	1,846,063
Source of funds	
Pension trust funds	<u>1,846,063</u>
Total	1,846,063

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 Sec. B.515 Retired teachers' health care and medical benefits

Grants	<u>44,706,128</u>
Total	44,706,128
Source of funds	
General fund	29,606,128
Education fund	<u>15,100,000</u>
Total	44,706,128

## Sec. B.516 Total general education

Source of funds	
General fund	199,440,262
Special funds	19,450,491
Tobacco fund	750,388
Education fund	1,900,755,013
Federal funds	512,572,265
Global Commitment fund	260,000
Interdepartmental transfers	365,324
Pension trust funds	<u>1,846,063</u>
Total	2,635,439,806

## Sec. B.600 University of Vermont

Grants	<u>52,509,093</u>
Total	52,509,093
Source of funds	
General fund	<u>52,509,093</u>
Total	52,509,093

## Sec. B.602 Vermont state colleges

Grants	<u>30,500,464</u>
Total	30,500,464
Source of funds	
General fund	<u>30,500,464</u>
Total	30,500,464

## Sec. B.602.2 Vermont state colleges - Transformation funding

Grants	<u>15,000,000</u>
Total	15,000,000
Source of funds	
General fund	<u>15,000,000</u>
Total	15,000,000

## Sec. B.603 Vermont state colleges - allied health

Grants	<u>1,157,775</u>
Total	1,157,775
Source of funds	
General fund	748,314
Global Commitment fund	<u>409,461</u>
Total	1,157,775

## Sec. B.605 Vermont student assistance corporation

Grants	<u>20,978,588</u>
Total	20,978,588
Source of funds	
General fund	<u>20,978,588</u>
Total	20,978,588

## Sec. B.605.1 VSAC - Flexible Pathways Stipend

Grants	<u>82,450</u>
Total	82,450
Source of funds	
General fund	41,225
Education fund	<u>41,225</u>
Total	82,450

## Sec. B.606 New England higher education compact

Grants	<u>84,000</u>
Total	84,000
Source of funds	
General fund	<u>84,000</u>
Total	84,000

## Sec. B.607 University of Vermont - Morgan Horse Farm

Grants	<u>1</u>
Total	1
Source of funds	
General fund	<u>1</u>
Total	1

## Sec. B.608 Total higher education

Source of funds	
General fund	119,861,685
Education fund	41,225

Global Commitment fund	<u>409,461</u>
Total	120,312,371
Sec. B.700 Natural resources - agency of natural resources - administration	
Personal services	4,896,594
Operating expenses	<u>1,329,284</u>
Total	6,225,878
Source of funds	
General fund	4,188,563
Special funds	680,985
Interdepartmental transfers	<u>1,356,330</u>
Total	6,225,878
Sec. B.701 Natural resources - state land local property tax assessment	
Operating expenses	<u>2,661,618</u>
Total	2,661,618
Source of funds	
General fund	2,240,118
Interdepartmental transfers	<u>421,500</u>
Total	2,661,618
Sec. B.702 Fish and wildlife - support and field services	
Personal services	20,034,378
Operating expenses	8,439,670
Grants	<u>923,524</u>
Total	29,397,572
Source of funds	
General fund	6,883,540
Special funds	701,314
Fish and wildlife fund	10,600,911
Federal funds	9,667,795
Interdepartmental transfers	<u>1,544,012</u>
Total	29,397,572
Sec. B.703 Forests, parks and recreation - administration	
Personal services	923,670
Operating expenses	<u>1,544,702</u>
Total	2,468,372
Source of funds	
General fund	<u>2,468,372</u>
Total	2,468,372



## Sec. B.704 Forests, parks and recreation - forestry

Personal services	6,710,849
Operating expenses	872,648
Grants	<u>1,160,000</u>
Total	8,743,497
Source of funds	
General fund	5,624,772
Special funds	511,000
Federal funds	2,280,669
Interdepartmental transfers	<u>327,056</u>
Total	8,743,497

## Sec. B.705 Forests, parks and recreation - state parks

Personal services	10,725,136
Operating expenses	3,273,814
Grants	<u>120,000</u>
Total	14,118,950
Source of funds	
General fund	641,157
Special funds	<u>13,477,793</u>
Total	14,118,950

## Sec. B.706 Forests, parks and recreation - lands administration and recreation

Personal services	2,284,177
Operating expenses	1,408,591
Grants	<u>2,827,589</u>
Total	6,520,357
Source of funds	
General fund	1,025,494
Special funds	2,190,151
Federal funds	3,082,575
Interdepartmental transfers	<u>222,137</u>
Total	6,520,357

## Sec. B.708 Forests, parks and recreation - forest and parks access roads

Personal services	130,000
Operating expenses	<u>99,925</u>
Total	229,925
Source of funds	
General fund	<u>229,925</u>
Total	229,925

Sec. B.709 Environmental conservation - management and support services	
Personal services	7,618,171
Operating expenses	4,543,203
Grants	<u>158,279</u>
Total	12,319,653
Source of funds	
General fund	2,248,161
Special funds	597,172
Federal funds	1,444,364
Interdepartmental transfers	<u>8,029,956</u>
Total	12,319,653
Sec. B.710 Environmental conservation - air and waste management	
Personal services	16,109,934
Operating expenses	10,203,296
Grants	<u>7,163,707</u>
Total	33,476,937
Source of funds	
General fund	301,826
Special funds	28,941,896
Federal funds	4,047,690
Interdepartmental transfers	<u>185,525</u>
Total	33,476,937
Sec. B.711 Environmental conservation - office of water programs	
Personal services	28,912,366
Operating expenses	7,706,054
Grants	<u>34,868,553</u>
Total	71,486,973
Source of funds	
General fund	8,429,243
Special funds	26,283,274
Federal funds	36,032,470
Interdepartmental transfers	<u>741,986</u>
Total	71,486,973
Sec. B.713 Natural resources board	
Personal services	2,929,837
Operating expenses	<u>352,482</u>
Total	3,282,319
Source of funds	
General fund	673,554

Special funds	<u>2,608,765</u>
Total	3,282,319
Sec. B.714 Total natural resources	
Source of funds	
General fund	34,954,725
Special funds	75,992,350
Fish and wildlife fund	10,600,911
Federal funds	56,555,563
Interdepartmental transfers	<u>12,828,502</u>
Total	190,932,051
Sec. B.800 Commerce and community development - agency of commerce and community development - administration	
Personal services	2,392,723
Operating expenses	939,863
Grants	<u>539,820</u>
Total	3,872,406
Source of funds	
General fund	3,406,417
Federal funds	351,000
Interdepartmental transfers	<u>114,989</u>
Total	3,872,406
Sec. B.801 Economic development	
Personal services	4,678,628
Operating expenses	1,055,724
Grants	<u>8,638,149</u>
Total	14,372,501
Source of funds	
General fund	5,065,846
Special funds	2,905,350
Federal funds	3,932,132
Interdepartmental transfers	<u>2,469,173</u>
Total	14,372,501
Sec. B.802 Housing and community development	
Personal services	5,321,306
Operating expenses	673,807
Grants	<u>76,513,512</u>
Total	82,508,625
Source of funds	
General fund	4,065,708

Special funds	7,204,966
Federal funds	68,364,457
Interdepartmental transfers	<u>2,873,494</u>
Total	82,508,625
Sec. B.806 Tourism and marketing	
Personal services	2,097,922
Operating expenses	11,900,488
Grants	<u>50,000</u>
Total	14,048,410
Source of funds	
General fund	3,490,357
Federal funds	10,483,053
Interdepartmental transfers	<u>75,000</u>
Total	14,048,410
Sec. B.808 Vermont council on the arts	
Grants	<u>859,445</u>
Total	859,445
Source of funds	
General fund	<u>859,445</u>
Total	859,445
Sec. B.809 Vermont symphony orchestra	
Grants	<u>141,087</u>
Total	141,087
Source of funds	
General fund	<u>141,087</u>
Total	141,087
Sec. B.810 Vermont historical society	
Grants	<u>1,015,470</u>
Total	1,015,470
Source of funds	
General fund	<u>1,015,470</u>
Total	1,015,470
Sec. B.811 Vermont housing and conservation board	
Grants	<u>99,461,424</u>
Total	99,461,424
Source of funds	
Special funds	22,473,849

Federal funds	<u>76,987,575</u>
Total	99,461,424
Sec. B.812 Vermont humanities council	
Grants	<u>234,829</u>
Total	234,829
Source of funds	
General fund	<u>234,829</u>
Total	234,829
Sec. B.813 Total commerce and community development	
Source of funds	
General fund	18,279,159
Special funds	32,584,165
Federal funds	160,118,217
Interdepartmental transfers	<u>5,532,656</u>
Total	216,514,197
Sec. B.900 Transportation - finance and administration	
Personal services	14,996,787
Operating expenses	4,843,354
Grants	<u>50,000</u>
Total	19,890,141
Source of funds	
Transportation fund	18,569,701
Federal funds	<u>1,320,440</u>
Total	19,890,141
Sec. B.901 Transportation - aviation	
Personal services	3,795,770
Operating expenses	5,346,224
Grants	<u>222,000</u>
Total	9,363,994
Source of funds	
Transportation fund	5,693,133
Federal funds	<u>3,670,861</u>
Total	9,363,994
Sec. B.902 Transportation - buildings	
Operating expenses	<u>2,050,000</u>
Total	2,050,000
Source of funds	
Transportation fund	850,000

TIB fund	<u>1,200,000</u>
Total	2,050,000
Sec. B.903 Transportation - program development	
Personal services	67,084,877
Operating expenses	317,718,748
Grants	<u>28,106,566</u>
Total	412,910,191
Source of funds	
Transportation fund	63,006,826
TIB fund	16,199,908
Federal funds	330,355,267
Interdepartmental transfers	75,000
Local match	<u>3,273,190</u>
Total	412,910,191
Sec. B.904 Transportation - rest areas construction	
Personal services	150,000
Operating expenses	<u>268,416</u>
Total	418,416
Source of funds	
Transportation fund	41,842
Federal funds	<u>376,574</u>
Total	418,416
Sec. B.905 Transportation - maintenance state system	
Personal services	44,709,478
Operating expenses	<u>61,554,303</u>
Total	106,263,781
Source of funds	
Transportation fund	105,517,966
Federal funds	645,815
Interdepartmental transfers	<u>100,000</u>
Total	106,263,781
Sec. B.906 Transportation - policy and planning	
Personal services	4,767,663
Operating expenses	1,035,700
Grants	<u>10,784,247</u>
Total	16,587,610
Source of funds	
Transportation fund	3,217,573
Federal funds	13,314,762

Interdepartmental transfers	<u>55,275</u>
Total	16,587,610
Sec. B.907 Transportation - rail	
Personal services	4,662,380
Operating expenses	30,650,803
Grants	<u>50,000</u>
Total	35,363,183
Source of funds	
Transportation fund	14,201,368
Federal funds	18,015,401
Interdepartmental transfers	2,985,206
Local match	<u>161,208</u>
Total	35,363,183
Sec. B.908 Transportation - public transit	
Personal services	5,369,937
Operating expenses	103,704
Grants	<u>39,065,637</u>
Total	44,539,278
Source of funds	
Transportation fund	4,108,577
Federal funds	40,390,701
Interdepartmental transfers	<u>40,000</u>
Total	44,539,278
Sec. B.909 Transportation - central garage	
Personal services	4,847,286
Operating expenses	<u>17,906,809</u>
Total	22,754,095
Source of funds	
Internal service funds	<u>22,754,095</u>
Total	22,754,095
Sec. B.910 Department of motor vehicles	
Personal services	27,635,785
Operating expenses	<u>12,106,049</u>
Total	39,741,834
Source of funds	
Transportation fund	37,942,872
Federal funds	1,657,266
Interdepartmental transfers	<u>141,696</u>
Total	39,741,834

Sec. B.911 Transportation - town highway structures	
Grants	<u>6,333,500</u>
Total	6,333,500
Source of funds	
Transportation fund	<u>6,333,500</u>
Total	6,333,500
Sec. B.912 Transportation - town highway local technical assistance program	
Personal services	371,731
Operating expenses	<u>42,750</u>
Total	414,481
Source of funds	
Transportation fund	114,481
Federal funds	<u>300,000</u>
Total	414,481
Sec. B.913 Transportation - town highway class 2 roadway	
Grants	<u>7,648,750</u>
Total	7,648,750
Source of funds	
Transportation fund	<u>7,648,750</u>
Total	7,648,750
Sec. B.914 Transportation - town highway bridges	
Personal services	15,948,483
Operating expenses	<u>14,365,704</u>
Total	30,314,187
Source of funds	
Transportation fund	1,230,817
TIB fund	2,402,455
Federal funds	25,529,514
Local match	<u>1,151,401</u>
Total	30,314,187
Sec. B.915 Transportation - town highway aid program	
Grants	<u>27,837,624</u>
Total	27,837,624
Source of funds	
Transportation fund	<u>27,837,624</u>
Total	27,837,624



## Sec. B.916 Transportation - town highway class 1 supplemental grants

Grants	<u>128,750</u>
Total	128,750
Source of funds	
Transportation fund	<u>128,750</u>
Total	128,750

## Sec. B.917 Transportation - town highway: state aid for nonfederal disasters

Grants	<u>1,150,000</u>
Total	1,150,000
Source of funds	
Transportation fund	<u>1,150,000</u>
Total	1,150,000

## Sec. B.918 Transportation - town highway: state aid for federal disasters

Grants	<u>180,000</u>
Total	180,000
Source of funds	
Transportation fund	20,000
Federal funds	<u>160,000</u>
Total	180,000

## Sec. B.919 Transportation - municipal mitigation assistance program

Operating expenses	265,000
Grants	<u>6,185,498</u>
Total	6,450,498
Source of funds	
Transportation fund	705,000
Special funds	4,317,498
Federal funds	<u>1,428,000</u>
Total	6,450,498

## Sec. B.920 Transportation - public assistance grant program

Operating expenses	200,000
Grants	<u>1,050,000</u>
Total	1,250,000
Source of funds	
Special funds	50,000
Federal funds	1,000,000
Interdepartmental transfers	<u>200,000</u>
Total	1,250,000

Sec. B.921 Transportation board	
Personal services	169,595
Operating expenses	<u>21,367</u>
Total	190,962
Source of funds	
Transportation fund	<u>190,962</u>
Total	190,962
Sec. B.922 Total transportation	
Source of funds	
Transportation fund	298,509,742
TIB fund	19,802,363
Special funds	4,367,498
Federal funds	438,164,601
Internal service funds	22,754,095
Interdepartmental transfers	3,597,177
Local match	<u>4,585,799</u>
Total	791,781,275
Sec. B.1000 Debt service	
Operating expenses	<u>76,877,244</u>
Total	76,877,244
Source of funds	
General fund	76,375,109
Transportation fund	502,135
TIB debt service fund	<u>0</u>
Total	76,877,244
Sec. B.1001 Total debt service	
Source of funds	
General fund	76,375,109
Transportation fund	502,135
TIB debt service fund	<u>0</u>
Total	76,877,244
Sec. B.1100 FISCAL YEAR 2023 ONE-TIME GENERAL FUND APPROPRIATIONS	

(a) In fiscal year 2023, funds are appropriated from the General Fund for new and ongoing initiatives as follows:

(1) \$220,000 to the Agency of Administration for the Inclusion, Diversity, Equity, Action, Leadership (IDEAL) VT initiative to support municipalities in promoting these values within their communities.

(2) \$37,000 to the Ethics Commission to support the cost of one half-time position.

(3) \$205,000 to the Sergeant at Arms to support the costs associated with transitioning positions in the Capitol Police Department.

(4) \$75,000 to the General Assembly to provide funding for the Pension Oversight Committee to assist the Vermont Pension Investment Committee (VPIC) analysis of the decarbonization of investments. Funds may be transferred to VPIC if the Pension Oversight Committee determines it necessary to accomplish the analysis.

(5) \$120,000 to the Judiciary for Sustaining Language Access Program improvements.

(6) \$1,283,400 to the Office of the Defender General to support costs associated with the reopening of the courts.

(7) \$700,000 to the Secretary of State as follows:

(A) \$450,000 for election support.

(B) \$250,000 to support operational expenditures not covered by revenue resulting from telehealth.

(8) \$1,910,000 to the Agency of Agriculture, Food and Markets, as follows:

(A) \$1,000,000 for the development of an agricultural Payment for Ecosystems Services Program to support the work of the Payment for Ecosystem Services and Soil Health Working Group (PES WG) – as authorized by 2019 Acts and Resolves No. 83, amended by 2020 Acts and Resolves No. 129 and 2021 Acts and Resolves No. 47 – to enable Payment for Ecosystem Services Program development to retain facilitation services, contract identified research needs, fund pilot program development, and deliver payments to farmers for quantified ecosystem services.

(B) \$200,000 to fund programs to assist individuals with low-income to access local, fresh or whole food at farmers' markets and through Community Supported Agriculture (CSA) shares. This one-time appropriation will respond to the record demand in these fresh food access programs due to increased food insecurity experienced by Vermonters during the pandemic.

(C) \$420,000 for the purchase of laboratory equipment to test for per- and Polyfluoroalkyl Substances (PFAS) in drinking water to support public health testing requirements of the Agencies of Natural Resources, Transportation and Agriculture, Food and Markets.

(D) \$90,000 for grants to State fairs and field days organizations.

(E) \$200,000 to establish a grant program for organic milk farmers that are transitioning to a new buyer to assist with the costs of modifications needed to accommodate the new buyer.

(9) \$1,512,636 to the Center for Crime Victims Services as follows:

(A) \$660,000 to replace shortfall in special fund revenue relating to fines and fees from the courts and traffic tickets.

(B) \$519,600 to replace declining federal Victims of Crime Act (VOCA) funds.

(C) \$308,036 for a grant to the Vermont Network Against Domestic and Sexual Violence.

(D) \$25,000 for a grant to the Kurn Hattin Survivors Support Group.

(10) \$150,000 to the Criminal Justice Council for the following:

(A) \$100,000 for an incident simulator to enable de-escalation training.

(B) \$50,000 for the development of a new entrance exam.

(11) \$8,000,000 to the Department of Public Safety- Emergency Management to provide state match for FEMA funds to purchase properties identified for high flood risk.

(12) \$980,000 to the Department for Children and Families for the following:

(A) \$50,000 for a grant to the Vermont Donor Milk Center for statewide activities.

(B) \$750,000 to the Parent Child Centers for upgrades to facilities, systems, or new equipment.

(C) \$180,000 to be granted to the Vermont Food Bank for statewide provision of diapers to families in need.

(13) \$3,370,250 to the Department of Health, Office of Alcohol and Drug Abuse Programs for the following:

(A) \$3,000,000 for a grant to the Substance Misuse Prevention Coalitions. It is the intent of the General Assembly that this funding for the coalitions be continued with funds from cannabis revenues or opioid settlement funds, or both.

(B) \$100,000 for Mobile Medication-Assisted Treatment (MAT).

(C) \$270,250 that shall be transferred to the Department of Disabilities, Aging, and Independent Living – Vocational Rehabilitation, to

establish one new employment center to provide services to clients of Recovery Centers. It is the intent of the General Assembly that funding for the new employment center be continued with funds from cannabis revenues or opioid settlement funds, or both.

(14) \$1,215,860 to the Agency of Education as follows:

(A) \$500,000 for Child Nutrition Grants to school districts to purchase local foods.

(B) \$15,860 to the Vermont Ethnic and Social Equity Standards Advisory Working Group to cover per diem and reimbursement of expenses.

(C) \$700,000 to Adult Education and Literacy to provide grants to the Adult Learning Centers.

(15) \$67,000 to the Attorney General for the Court Diversion program to replace special fund shortfall.

(16) \$573,000 to the Agency of Natural Resources for the following:

(A) \$75,000 to the Central Office for contractual support to complete work associated with implementing the Global Warming Solutions Act of 2020.

(B) \$250,000 to the Department of Environmental Conservation to complete statewide wetland mapping updates and to update the Vermont Significant Wetland Inventory maps.

(C) \$248,000 to the Department of Environmental Conservation for a grant to the Conservation Districts for equipment and capital improvements.

(17) \$130,000 to the Agency of Commerce and Community Development for a grant to the Vermont Adaptive Ski and Sport program.

(18) \$500,000 to the Agency of Human Services, Central Office for the Vermont Refugee Resettlement program to provide assistance to refugees from Afghanistan.

(19) \$1,500,000 to the Department of Disabilities, Aging, and Independent Living (DAIL) to be used for grants to adult day service providers to support operating costs and program infrastructure. The funds shall be allocated on an equitable basis per a methodology developed by DAIL. On or before the first day of each quarter of fiscal year 2023 (July 1, 2022, October 1, 2022, January 1, 2023, and April 1, 2023), the Vermont Association of Adult Day Services shall provide a spreadsheet to the Department detailing quarterly expenditures versus the annual budget. DAIL shall work with community partners to seek organizations interested in opening an adult day center in the underserved regions where adult day centers closed during the

COVID-19 pandemic. Up to \$50,000 of these funds may be used to support the start-up costs of a new adult day center. Any amount of this appropriation remaining at the end of fiscal year 2023 shall be carried forward and shall be used to support operating costs, and program infrastructure.

(20) \$250,000 to the Agency of Commerce and Community Development for a grant to the Vermont League of Cities and Towns to provide technical assistance to towns related to seeking or expending federal funds.

(21) \$267,364 to the Department of Taxes for appraisal and litigation costs associated with the Sheldon Springs Hydroelectric Dam.

(22) \$600,000 to the Department of Public Service for Public Access, Education, and Government Media to fund the 24 media centers.

(23) \$450,000 to the Vermont Historical Society for HVAC systems.

(b) \$11,000,000 is appropriated from the General Fund to the Department of Public Safety. Up to \$6,500,000 of this appropriation may be used to provide grants for establishing four new regional dispatch facilities. The Commissioner of Public Safety shall report to the Joint Fiscal Committee in September and November 2022 on the status of grants made under this provision. The remaining amount shall be held in reserve until further approval by the General Assembly is provided subsequent to the report required by Sec. E.209.1 of this act.

(c) The following General Fund appropriations are to provide transition funding in fiscal year 2023 for changes to State Employees and Teachers Pensions systems and prefunding of other post-employment benefits.

(1) State Employees fiscal year 2023 transitional employer contribution. \$10,000,000 is appropriated to the Agency of Administration for distribution as needed to departments and agencies if approved by the Commissioner of Finance and Management to fund the fiscal year 2023 payroll assessment necessary to meet the State-employees' pension and other post-employment benefits resulting from any changes to these programs enacted in the 2022 legislative session. The Commissioner shall report to the Joint Fiscal Committee at its November 2022 meeting on the status of this appropriation.

(2) Teachers' other post-employment benefits. \$5,500,000 is appropriated to the Retired Teachers' Health and Medical Benefits Fund, established in 16 V.S.A. § 1944b to meet the fiscal year 2023 Actuarial Determined Employer Contribution (ADEC) consistent with system prefunding changes enacted in the 2022 legislative session.

\* \* \* Fiscal Year 2022 Adjustments, Appropriations, and Amendments \* \* \*

Sec. C.100 2021 Acts and Resolves No. 74, Sec. D.101(b)(2) is amended to read:

(b)(2) The following estimated amounts, which may be all or a portion of unencumbered fund balances, shall be transferred from the following funds to the General Fund. The Commissioner of Finance and Management shall report to the Joint Fiscal Committee at its July meeting the final amounts transferred from each fund and certify that such transfers will not impair the agency, office, or department reliant upon each fund from meeting its statutory requirements.

\* \* \*

62100	Unclaimed Property Fund	\$3,027,750.00	\$4,106,300.00
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Sec. C.101 2021 Acts and Resolves No. 74, Sec. E.602.2 is amended to read:

Sec. E.602.2 VERMONT STATE COLLEGES

(a) The Vermont State College (VSC) system shall transform itself into a fully integrated system that achieves financial stability in a responsible and sustainable way in order to meet each of these strategic priorities:

(1) Affordability. Ensure that student costs and debt obligations are not barriers to student access.

(2) Accessibility. Ensure that each VSC student, regardless of where the student's home campus is located, has increased access to academic opportunities, majors and courses across the statewide system.

(3) Equitability. Determine the extent to which gaps in educational access and success are being reduced for students from economically deprived backgrounds, first-generation students, students of color, and other marginalized groups.

~~(3)~~(4) Relevance.

(A) Ensure that each VSC student is prepared for a lifelong career and personal success in the globally competitive 21st century.

(B) Ensure that VSC offers educational programs that are:

(i) aligned with State workforce needs;

(ii) offered in a fiscally responsible manner; and

(iii) delivered in a manner that is relevant to current student and employer needs.

(b) VSC shall meet the following requirements during the transformation of its system required under subsection (a) of this section and shall accommodate the oversight of the General Assembly in so doing.

(1) VSC shall reduce its structural deficit by \$5,000,000.00 per year for five years through a combination of annual operating expense reductions and increased enrollment revenues, for a total of \$25,000,000.00 by the end of fiscal year 2026. These reductions shall be structural in nature and shall not be met by use of one-time funds. The VSC Board of Trustees, through the Chancellor or designee, shall report the results of these structural reductions to the House and Senate Committees on Education and on Appropriations annually during the Chancellor's budget presentation.

(2) The VSC Board of Trustees shall develop and implement a 10-year strategic plan for managing its physical assets that is fiscally sustainable, maintains reasonable net asset value, and meets the needs of Vermont learners. ~~On or before March 1, 2022, the Chancellor shall present this Board approved plan~~ Updates to the plan and an annual report on its implementation shall be presented to the House Committee on Corrections and Institutions and the Senate Committee on Institutions.

(3) VSC shall maintain its present campus locations as educational and student-support centers, recognizing that overall campus size, governance and operational structures as well as program and service offerings may change as circumstances require.

(4) Beginning in fiscal year 2022 and through 2031, the VSC Board of Trustees, acting through the Chancellor or designee, shall brief, as part of the Chancellor's annual budget proposal, the House and Senate Committees on Education and Committees on Appropriations:

(A) enrollment levels in courses offered by VSC, reported on the basis of courses with fewer than five students, courses with five to nine students, courses with 10 to 14 students, and courses with 15 or more students, along with relevant information about these enrollment data;

(B) in order to demonstrate accessibility, the percentage of courses and programs offered by VSC on a statewide basis and on the formats in which they are offered;

(C) an assessment of affordability and accessibility within VSC and recommendations on how to improve them;

(D) retention statistics with corresponding trend lines and benchmarks;



(E) enrollment statistics with methods of comparison using readily available metrics that pertain to the student enrollment efforts authorized by the current fiscal year ~~2022~~ Vermont budget bill with the net student revenue generated and discount rate applied in order to enroll the students, aggregated by cohort; and

\* \* \*

Sec. C.102 2022 Acts and Resolves No. 83, Sec. 53(c) is added to read:

(c) After meeting the requirements of subsections (a) and (b) of this section, but prior to satisfying the requirements of 32 V.S.A. § 308c, the remaining unreserved and undesignated funds at the close of fiscal year 2022 shall remain in the General Fund and be carried forward to fiscal year 2023.

Sec. C.102.1 2022 Acts and Resolves No. 83, Sec. 53(b)(5) is amended to read:

(5) ~~\$25,000,000 is reserved and carried forward into fiscal year 2023 to improve the debt position of the State. This may include the redemption of general obligation bonds, reducing the amount of new debt to be issued or to address negative internal fund balances. To the extent funds are available they shall be applied and shall be allocated as follows:~~

(A) \$5,000,000 shall be transferred to the Property Management Fund (58700) established by 29 V.S.A. § 160.

(B) \$20,000,000 shall be appropriated to the State Treasurer's Office and used for redeeming State of Vermont general obligation bonds prior to maturity. In fiscal year 2024, to the extent bonds are redeemed, an amount equal to the reduction in payments for debt service required resulting from any redemption shall be reserved in the Capital Expenditure Cash Fund, as established in 32 V.S.A. § 1001b.

Sec. C.103 2021 Acts and Resolves No. 74, Sec G.300(a)(8)(C) as amended by 2022 Acts and Resolves No. 83, Sec. 68 is further amended to read:

(C) \$14,700,000 to provide free last dollar tuition for one year of undergraduate studies for critical occupation careers, including bookkeeping certificate, IT service desk specialist certificate, certified production technician, graphic design certificate, software and web development program, electrical and plumbing apprenticeships, dental hygiene, certificate in accounting, small business management, radiologic science, and respiratory therapy. \$540,000 of these funds shall be allocated for paramedic/EMS programs and any unexpended amount of this allocation shall be available for the broader purpose in this subdivision (C). Funds may be used for practical nursing, ~~childcare~~ child care, nursing, ~~and~~ mental health counseling, and

psychology and social work programs only after available federal and State financial aid is applied to ensure no cost to the student. Of this amount, \$7,350,000 shall be carried forward for the 2022–2023 school year. If demand from undergraduates is met, then funds may be used to pay for tuition for the following graduate programs:

- (i) ~~Master~~ Master's in Education (all programs);
  - (ii) ~~Master~~ Master's in Educational Leadership;
  - (iii) ~~Master~~ Master's of Arts and ~~Certificate~~ of Advanced Graduate Studies in ~~School~~ Psychology;
  - (iv) ~~Masters~~ Master's in Counseling; ~~and~~
  - (v) ~~Masters~~ Master's in Clinical Mental Health Counseling;
- and
- (vi) Master's in Clinical Social Work.

Sec. C.104 FISCAL YEAR 2022 AND FISCAL YEAR 2023; OUT-OF-STATE BEDS SAVINGS; APPROPRIATION

(a) In fiscal year 2022, \$360,140 of the amount appropriated in 2021 Acts and Resolves No. 74, Sec. B.339 (correctional services for out-of-state beds) shall be allocated as follows:

(1) \$300,000 to the Department of Corrections to expand and eliminate participant fees for community-based domestic violence intervention programming and to create domestic violence intervention programming and curricula for lesbian, gay, bisexual, transgender, queer, or questioning (LGBTQ) individuals; and

(2) \$60,140 for Offender Management System/data system improvements.

(b) In fiscal year 2022, \$417,030 of the amount appropriated in 2021 Acts and Resolves No. 74, Sec. B.338 (correctional services) shall be used for community justice centers.

Sec. C.105 2022 Acts and Resolves No. 83, Sec. 72a is amended to read:

Sec. 72a. MEDICAID HOME- AND COMMUNITY-BASED SERVICES (HCBS) PLAN

(a) Pursuant to Sec. 9817 of the American Rescue Plan Act (ARPA), in ~~October 2021~~ February 2022, the State submitted a home- and community-based services (HCBS) spending plan to the Centers for Medicare and Medicaid Services. This plan currently totals \$146,600,000 \$149,550,122, consisting of the following major components:

- (1) ~~\$77,800,000~~ \$77,839,612 allocated to improve services;
- (2) ~~\$25,000,000~~ \$20,258,042 allocated to promote a high-performing and stable HCBS workforce; and
- (3) ~~\$43,800,000~~ \$51,452,468 allocated to improve HCBS care through data systems, value-based payment models, and oversight.

\* \* \*

(e) In fiscal year 2023, a total of \$71,239,891 is appropriated from the Global Commitment Fund to AHS to meet the objectives of the HCBS plan. This appropriation consists of \$17,136,654 as appropriated in 2021 Acts and Resolves No. 74 for a three percent rate increase to HCBS providers, including the assistive community care rates and children integrated services rates, and the following appropriations in distinct one-time departmental IDs:

- (1) \$23,510,987 is appropriated to the Agency of Human Services – Secretary’s Office.
- (2) \$10,500,000 is appropriated to the Department of Disabilities, Aging, and Independent Living.
- (3) \$1,500,000 is appropriated to the Department of Mental Health.
- (4) \$17,000,000 is appropriated to the Department of Vermont Health Access.
- (5) \$1,500,000 is appropriated to the Department of Health.
- (6) \$92,250 is appropriated to the Department for Children and Families.

(f) The Global Commitment Fund appropriated in subsection (e) of this section may be obligated in fiscal year 2023 for the purposes of bringing HCBS plan spending authority forward into fiscal year 2024. The funds appropriated in subsections (b), (c), and (e) of this section may be transferred on a net-neutral basis in fiscal year 2023 in the same manner as the Global Commitment appropriations in Sec. E.301 of this act. The Agency shall report to the Joint Fiscal Committee in September 2023 on transfers of appropriations made and final amounts expended by each department in fiscal year 2023 and any obligated funds carried forward to be expended in fiscal year 2024.

#### Sec. C.106 CANNABIS CONTROL BOARD; PHASE I SYSTEM

(a) In fiscal year 2022, the amount of \$760,000 is transferred from the General Fund to the Cannabis Regulation Fund (21998) to support phase one of the online registration, licensing, and business application portal.

Sec. C.107 [Deleted.]

Sec. C.108 DEPARTMENT OF LABOR; TRADE APPRENTICESHIP  
EXPENSE REIMBURSEMENT; PROGRAM EXPANSION

(a) Up to \$1,000,000 of the funds appropriated in 2021 Acts and Resolves No. 74, Sec. G.300(a)(6) may be carried forward by the Vermont Department of Labor and used to reimburse Vermont employers for costs incurred for work tools and personal protective equipment for new apprentices and for expansion of registered apprenticeship programs and participants. Employers may be reimbursed up to \$300 for tools per apprentice.

Sec. C.109 16 V.S.A. § 944 is amended to read:

§ 944. DUAL ENROLLMENT PROGRAM

\* \* \*

(b) Students.

(1) A Vermont resident who has completed grade 10 but has not received a high school diploma is eligible to participate in the Program if:

(A) ~~the student:~~

~~(i) is enrolled in:~~

~~(I) a Vermont public school, including a Vermont career technical center;~~

~~(II) a public school in another state or an approved independent school that is designated as the public secondary school for the student's district of residence; or~~

~~(III) an approved independent school in Vermont to which the student's district of residence pays publicly funded tuition on behalf of the student;~~

~~(ii) is assigned to a public school through the High School Completion Program; or~~

~~(iii) is a home study student; none of the payment to the accredited postsecondary institution will be used to support religious instruction, religious indoctrination (where "indoctrination" means to instruct in a body of doctrine or principles), as defined in section 820 of this title, religious worship, or the propagation of religious views, except for religious instruction that is designed to provide an overview of religious history and teachings and does not support religious instruction, religious indoctrination, religious worship, or the propagation of religious views of any one religion or theology over others; and~~

(B) the student is not enrolled in a recognized independent school or a school or program that is not recognized for attendance purposes under section 1121 of this title;

(B)(C) dual enrollment is an element included within the student's personalized learning plan; and

(C)(D) the secondary school and the postsecondary institution have determined that the student is sufficiently prepared to succeed in a dual enrollment course, which can be determined in part by the assessment tool or tools identified by the participating postsecondary institution.

#### Sec. C. 110 TOBACCO FUNDS; APPROPRIATION

(a) The amount of \$1,000,000 in tobacco funds are appropriated in fiscal year 2022 to the Department of Health, Public Health, and carried forward to fiscal year 2023 for tobacco prevention and cessation programs developed in coordination with the Chief Prevention Officer in the Agency of Administration.

Sec. C.111 2021 Acts and Resolves No. 74, Sec. E.335 as amended by 2022 Acts and Resolves No. 83, Sec. 62, is further amended by adding a subsection (c) to read:

(c) Any funds expended on community-based service programs pursuant to subsection (b) of this section shall be included in the subsequent year Department of Corrections budget for the same purpose at the same amount.

\* \* \* Fiscal Year 2023 Fund Transfers and Reserve Allocations \* \* \*

#### Sec. D.100 APPROPRIATIONS; PROPERTY TRANSFER TAX

(a) This act contains the following amounts appropriated from special funds that receive revenue from the property transfer tax. Expenditures from these appropriations shall not exceed available revenues.

(1) The sum of \$428,933 is appropriated from the Current Use Administration Special Fund to the Department of Taxes for administration of the Use Tax Reimbursement Program. Notwithstanding 32 V.S.A. § 9610(c), amounts above \$428,933 from the property transfer tax that are deposited into the Current Use Administration Special Fund shall be transferred into the General Fund.

(2) The sum of \$21,128,985 is appropriated from the Vermont Housing and Conservation Trust Fund to the Vermont Housing and Conservation Board. Notwithstanding 10 V.S.A. § 312, amounts above \$21,128,985 from the property transfer tax and surcharge established by 32 V.S.A. § 9602a that are deposited into the Vermont Housing and Conservation Trust Fund shall be transferred into the General Fund.

(A) The dedication of \$2,500,000 in revenue from the property transfer tax pursuant to 32 V.S.A. § 9610(d) for the debt payments on the affordable housing bond, 10 V.S.A. § 314, is to be offset by the reduction of \$1,500,000 in the appropriation to the Vermont Housing and Conservation Board and \$1,000,000 from the surcharge established by 32 V.S.A. § 9602a. The fiscal year 2023 appropriation of \$21,128,985 to VHCB reflects the \$1,500,000 reduction. The affordable housing bond and related property transfer tax and surcharge provisions are repealed after the life of the bond on July 1, 2039. Once the bond is retired, the \$1,500,000 reduction in the appropriation to VHCB is intended to be restored.

(3) The sum of \$5,882,597 is appropriated from the Municipal and Regional Planning Fund. Notwithstanding 24 V.S.A. § 4306(a), amounts above \$5,882,597 from the property transfer tax that are deposited into the Municipal and Regional Planning Fund shall be transferred into the General Fund. The \$5,882,597 shall be allocated as follows:

(A) \$4,574,417 for disbursement to regional planning commissions in a manner consistent with 24 V.S.A. § 4306(b);

(B) \$872,120 for disbursement to municipalities in a manner consistent with 24 V.S.A. § 4306(b); and

(C) \$436,060 to the Agency of Digital Services for the Vermont Center for Geographic Information.

#### Sec. D.101 FUND TRANSFERS, REVERSIONS, AND RESERVES

(a) Notwithstanding any other provision of law, the following amounts are transferred from the funds indicated:

(1) From the General Fund to the All Other Insurance Fund (56300): \$1,000,000.

(2) From the General Fund to the Workers' Compensation Fund (56100): \$2,000,000.

(3) From the General Fund to the Enhanced 911 Special Fund (21711): \$1,300,000.

(4) From the General Fund to the Technology Modernization Special Fund created in Sec. E.105.1 of this act: \$16,760,000.

(5) From the Clean Water Fund (21932) established by 10 V.S.A. § 1388 to the Agricultural Water Quality Special Fund (21933) created under 6 V.S.A. § 4803: \$5,816,111.

(6) From the Clean Water Fund established by 10 V.S.A. § 1388 to the Lake in Crisis Response Program Special Fund (21938) created under 10 V.S.A. § 1315: \$50,000.

(7) From the Transportation Fund to the Downtown Transportation and Related Capital Improvement Fund (21575) established by 24 V.S.A. § 2796 to be used by the Vermont Downtown Development Board for the purposes of the Fund: \$523,966.

(b) Notwithstanding any provisions of law to the contrary, in fiscal year 2023:

(1) The following amounts shall be transferred to the General Fund from the funds indicated:

<u>22005</u>	<u>AHS Central Office earned federal receipts</u>	<u>\$4,641,960</u>
<u>50300</u>	<u>Liquor Control Fund</u>	<u>\$20,400,000</u>
	<u>Caledonia Fair</u>	<u>\$5,000</u>
	<u>North Country Hospital Loan</u>	<u>\$24,047</u>
	<u>Springfield Hospital promissory note repayment</u>	<u>\$121,416</u>

(2) The following estimated amounts, which may be all or a portion of unencumbered fund balances, shall be transferred from the following funds to the General Fund. The Commissioner of Finance and Management shall report to the Joint Fiscal Committee at its July meeting the final amounts transferred from each fund and certify that such transfers will not impair the agency, office, or department reliant upon each fund from meeting its statutory requirements.

<u>21638</u>	<u>AG-Fees &amp; reimbursement – Court order</u>	<u>\$2,000,000</u>
<u>21928</u>	<u>Secretary of State Services Funds</u>	<u>\$1,200,000</u>
<u>62100</u>	<u>Unclaimed Property Fund</u>	<u>\$1,773,425</u>
<u>21998</u>	<u>Cannabis Regulation Fund</u>	<u>\$3,059,478</u>

(3) Notwithstanding 2016 Acts and Resolves No. 172, Sec. E. 228, \$45,664,476 of the unencumbered balances in the Insurance Regulatory and Supervision Fund (21075), the Captive Insurance Regulatory and Supervision Fund (21085), and the Securities Regulatory and Supervision Fund (21080) shall be transferred to the General Fund.

(4) Notwithstanding any provision of law to the contrary, in fiscal year 2023, the following amounts shall revert to the General Fund from the accounts indicated:

<u>1210002000</u>	<u>Legislature</u>	<u>\$205,000</u>
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(c) Notwithstanding any provisions of law to the contrary, in fiscal year 2023 the following estimated General Fund reserves shall be made:

(1) Pursuant to 32 V.S.A. § 308, an estimated amount of \$18,629,568 shall be reserved in the General Fund Budget Stabilization Reserve.

Sec. D.102 27/53 RESERVE

(a) \$3,020,000 from the General Fund shall be reserved in the 27/53 reserve in fiscal year 2022. This action is the fiscal year 2023 contribution to the reserve for the 53rd week of Medicaid as required by 32 V.S.A. § 308e and the 27th payroll reserve as required by 32 V.S.A. § 308e.

Sec. D.103 [Deleted.]

\* \* \* General Government \* \* \*

Sec. E.100 EXECUTIVE BRANCH POSITIONS

(a) The establishment of the following new positions is authorized in fiscal year 2023:

(1) Permanent classified positions:

(A) Agency of Agriculture, Food and Markets - Vermont Agriculture and Environmental Lab: one new VAEL Scientist IV; Chemistry.

(B) Department of Buildings and General Services – Fee for Space:

(i) one BGS Utility Mechanic;

(ii) three BGS Institutional Custodians; and

(iii) one BGS Maintenance Mechanic II.

(C) Department of Disabilities, Aging, and Independent Living's Administration and Support division:

(i) one Survey and Certification Non-clinical Manager;

(ii) three Nurse Surveyors;

(iii) one Administrative Assistant; and

(iv) one Office of Public Guardian Community Financial Specialist.

(D) Department of Mental Health:

(i) one Suicide Prevention Director;

(ii) one Quality Control Specialist III;

(iii) one Staffing Office Manager;



(iv) five Mental Health Scheduling Coordinators;

(v) one DMH Psychologist;

(vi) one DMH Activity Therapist;

(vii) one Psychiatric Social Worker II;

(viii) two Food Service Workers;

(ix) two Cook Cs; and

(x) one Supervising Chef.

(E) Agency of Education:

(i) one School Facility Coordinator; and

(ii) one Communication Coordinator.

(F) Cannabis Control Board:

(i) two enforcement officers; and

(ii) one data analyst.

(G) State Treasurer: one Retirement Program Technician.

(H) Agency of Natural Resources Central Office:

(i) one Environmental Analyst VII; and

(ii) two Environmental Analyst V.

(2) Permanent Exempt Positions:

(A) Vermont Pension Investment Commission: one Principal Assistant.

(b) The conversion of the following limited-service positions to classified permanent status is authorized in fiscal year 2023 as follows:

(1) Department of Vermont Health Access:

(A) DVHA, Business Office Unit – one Financial Manager III;

(B) DVHA, Business Office Unit – one Grants Management Specialist;

(C) DVHA, Contracts & Grants Unit – two Contracts & Grants Administrators;

(D) DVHA, Contracts & Grants Unit – one Financial Manager I;

(E) DVHA, HAEEU – one Assister Program Manager;

(F) DVHA, HAEEU – seven Benefits Program Mentors;

- 
- (G) DVHA, HAEEU – two Business Analysts;
- (H) DVHA, HAEEU – one Communications & Outreach Coordinator;
- (I) DVHA, HAEEU – one Health Care Training/Community Manager;
- (J) DVHA, HAEEU – seven Health Program Administrators;
- (K) DVHA, HAEEU – three Healthcare Assistant Admin Is;
- (L) DVHA, HAEEU – five Healthcare Assistant Admin IIs;
- (M) DVHA, HAEEU – one VHC Business Process Coordinator;
- (N) DVHA, HAEEU – one VHC Education & Outreach Coordinator;
- (O) DVHA, HAEEU – five VHC Support Services Specialists;
- (P) DVHA, HAEEU – 16 VT Healthcare Service Specialist Is;
- (Q) DVHA, HAEEU – 25 VT Healthcare Service Specialist IIs;
- (R) DVHA, HAEEU – five VT Healthcare Service Specialist IIIs;
- (S) DVHA, Health Care Appeals Unit – five Fair Hearing Specialists;
- (T) DVHA, Health Care Appeals Unit – one Program Technician I;
- (U) DVHA, Legal Unit – one Staff Attorney II; and
- (V) DVHA, Long Term Care Unit – three Long Term Care Specialist Is.
- (2) Department of Forests, Parks and Recreation – Forestry: one Forester III.
- (3) State Treasurer: one Financial Manager.
- (c) The establishment of the following new classified limited-service positions are authorized in fiscal year 2023 as follows:
- (1) Department of Labor: three positions to assist with the UI Modernization project.
- (2) Agency of Education:
- (A) one Grants Manager; and
- (B) three Monitoring Coordinators.
- (3) Department of Environmental Conservation:
- (A) one Environmental Analyst V.

(4) Department of Motor Vehicles – to support DMV Core Modernization Phase II:

- (A) one Purchasing/Inventory & Facilities Specialist III,
- (B) two Direct Client Service Specialist I,
- (C) one Financial Specialist III, and
- (D) one Direct Customer Service Specialist I.

(d) The establishment of the following new classified limited-service positions are authorized in fiscal year July 1, 2022 through December 31, 2024 as follows:

(1) Department of State’s Attorneys and Sheriffs:

- (A) ten Deputy State’s Attorneys; and
- (B) two Administrative Assistants.

(e) The transfer of the following exempt position is authorized in fiscal year 2023 as follows:

(1) From the Agency of Administration to the Office of the Attorney General:

- (A) one Staff Attorney III.

Sec. E.100.1 2014 Acts and Resolves No. 179, Sec. E.100(d), as amended by 2015 Acts and Resolves No. 4, Sec. 74; 2016 Acts and Resolves No. 172, Sec. E.100.2; 2017 Acts and Resolves No. 85, Sec. E.100.1; 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. E.100.1; 2020 Acts and Resolves No. 120, Sec. A.7; 2020 Act and Resolves No. 154, Sec. E.100.2; and by 2021 Acts and Resolves No. 74, Sec. E.100.1, is further amended to read:

(d) Position Pilot Program. A Position Pilot is hereby created to assist participating departments in more effectively managing costs of overtime, compensatory time, temporary employees, and contractual work by removing the position cap with the goal of maximizing resources to the greatest benefit of Vermont taxpayers.

(1) Notwithstanding Sec. A.107 of this act, the Agency of Transportation, the Department for Children and Families, the Agency of Natural Resources, the Department of Buildings and General Services, the Department of Labor, the Department of Corrections, ~~and~~ the Department of Public Safety, the Department of State’s Attorneys and Sheriffs, and the Vermont Veterans’ Home shall not be subject to the cap on positions for the duration of the Pilot.

(A) The Department of Corrections is authorized to add only Correctional Officer I and II positions.

(B) The Department of State's Attorneys and Sheriffs is authorized to add only State's Attorney positions.

(C) The Vermont Veterans' Home is authorized to add direct care positions, including part-time positions. Prior to authorizing positions under subdivision (d)(2) of this section, the Secretary of Administration shall be provided the financial analysis from the Vermont Veterans' Home reviewed by the Commissioner of Finance and Management which demonstrates reduction in the cost of overtime expenses or other expenses equal to or greater than the projected cost of the positions for the current and successive fiscal year of operations.

\* \* \*

(7) This Pilot shall sunset on ~~July 1, 2023~~ July 1, 2025, unless extended or modified by the General Assembly.

(8) ~~On or before January 15, 2019~~ Annually on or before January 15, the Commissioner of Human Resources, in coordination with the Vermont State Employees' Association (VSEA), shall provide a report on the total number of positions created under the authority of this section to the House and Senate Committees on Appropriations. The report shall include a recommendation on whether this program should be expanded and continue and, if so, should it be extended but remain in session law or be made permanent by codification in statute.

#### Sec. E.100.2 CHIEF PREVENTION OFFICER

(a) The Office of the Chief Prevention Officer shall coordinate all budget and policy initiatives across the full spectrum of the prevention continuum.

Sec. E.105 3 V.S.A. § 3303 is amended to read:

#### § 3303. REPORTING, RECORDS, AND REVIEW REQUIREMENTS

(a) Annual report and budget. The Secretary shall submit to the General Assembly, concurrent with the Governor's annual budget request required under 32 V.S.A. § 306, an annual report for information technology and cybersecurity. The report shall reflect the priorities of the Agency and shall include:

(1) performance metrics and trends, including baseline and annual measurements, for each division of the Agency;

(2) a financial report of revenues and expenditures to date for the current fiscal year;

- (3) costs avoided or saved as a result of technology optimization for the previous fiscal year;
- (4) an outline summary of information, including scope, schedule, budget, and status for information technology projects with total costs of \$500,000.00 or greater;
- (5) an annual update to the strategic plan prepared pursuant to subsection (c) of this section;
- (6) a summary of independent reviews as required by subsection (d) of this section; ~~and~~
- (7) the Agency budget submission; and
- (8) a report on the expenditures of the Technology Modernization Special Fund, a list of projects receiving funding from the Fund in the prior fiscal year, and a list of prioritized recommendations for projects to be funded from the Fund in the next fiscal year.

\* \* \*

Sec. E.105.1 3 V.S.A. § 3305 is added to read:

§ 3305. TECHNOLOGY MODERNIZATION SPECIAL FUND

- (a) Creation. There is created the Technology Modernization Special Fund, to be administered by the Agency of Digital Services. Monies in the Fund shall be used to purchase, implement, and upgrade technology platforms, systems, and cybersecurity services used by State agencies and departments to carry out their statutory functions.
- (b) Funds. The Fund shall consist of:
  - (1) any amounts transferred or appropriated to it by the General Assembly; and
  - (2) any interest earned by the Fund.
- (c) Fund balance. Any balance remaining at the end of the fiscal year shall remain in the Fund.
- (d) Receipts. The Commissioner of Finance and Management may anticipate receipts to this Fund and issue warrants based thereon.
- (e) Priorities. The General Assembly shall prioritize projects to receive monies from the Fund based on recommendations from the Chief Information Officer submitted pursuant to subsection 3303(a) of this title.

Sec. E.105.2 FISCAL YEAR 2023; TECHNOLOGY MODERNIZATION  
SPECIAL FUND; AUTHORIZATIONS

(a) In fiscal 2023, the following expenditures are authorized from the Technology Modernization Special Fund to the projects described in this section:

(1) the sum of \$11,800,000 for Enterprise Resource Planning (ERP) system upgrade of core statewide financial accounting system and integration with the Vermont Department of Labor and the Agency of Transportation financial systems;

(2) the sum of \$1,800,000 for continued implementation of the Workplace Information Management System for property management at the Department of Buildings and General Services;

(3) the sum of \$960,000 for the Fire Safety System Modernization to replace the current technology with a modern platform to improve records management and public interaction functionalities related to permitting and licensing; and

(4) the sum of \$2,200,000 for a case management system at the Office of the Attorney General.

(b) The expenditures authorized in subdivision (a)(1) of this section shall only be released following approval by the Joint Information Technology Oversight Committee upon a review of the following documentation as provided by the Agency of Digital Services, the Agency of Administration, and the Joint Fiscal Office's IT consultant:

(1) adequacy of departmental readiness;

(2) the responsiveness of requests for proposals; and

(3) results of the independent review.

Sec. E.106 EXECUTIVE BRANCH FEES AND FUND DEFICITS;  
PROPOSED INCREASES AND FOREGONE REVENUE;  
REPORT

(a) According to the report submitted by the Commissioner of Finance and Management pursuant to 2021 Acts and Resolves No. 74, Sec. E.106, \$22,000,000 in revenue was foregone in one fiscal year due to lack of inflationary increases in certain fees, including Agency of Transportation fees.

(b) On or before November 15, 2022, the Commissioner of Finance and Management shall submit an inventory of all existing fees within State government to the Joint Fiscal Committee in Excel format. This inventory shall include all fees collected by the Executive Branch, the Attorney General,

and the State Treasurer, as well as fees collected by the Judicial Branch. For fees within the Judicial Branch, the Commissioner shall have the assistance of the State Court Administrator. The fee inventory shall contain the following information for each fee in existence on the preceding July 1:

- (1) the statutory authorization and termination date if any;
- (2) its current rate or amount and the date this was last set or adjusted by the General Assembly or by the Joint Fiscal Committee;
- (3) the fund into which its revenues are deposited;
- (4) the revenues derived from it in each of the two previous fiscal years and an estimate of what will be collected in the current fiscal year; and
- (5) in the case of licensing and registration fees, whether the fee is collected annually, biennially, or on some other set time frame.

(c) On or before November 15, 2022, the Secretary of State shall submit an inventory of its existing fees to the Joint Fiscal Committee in Excel format. The fee inventory shall contain the following information for each fee in existence on the preceding July 1:

- (1) the statutory authorization and termination date if any;
- (2) its current rate or amount and the date this was last set or adjusted by the General Assembly or by the Joint Fiscal Committee;
- (3) the fund into which its revenues are deposited;
- (4) the revenues derived from it in each of the two previous fiscal years and an estimate of what will be collected in the current fiscal year; and
- (5) in the case of licensing and registration fees, whether the fee is collected annually, biennially, or on some other set time frame.

(d) On or before November 15, 2022, the Commissioner of Finance and Management shall provide a list of all funds to the Joint Fiscal Committee for which one or both of the following conditions are true:

(A) the fund was in a deficit at the end of the most recent fiscal year or is expected to be in a deficit at the end of the current fiscal year; or

(B) general funds were needed in any of the last three years to address a fund deficit or to support the related operating costs of programs supported by the fund.

(e) On or before January 15, 2023, the Commissioner of Finance and Management shall submit a report to the General Assembly that provides a list of programs by department where the fees do not fully cover the cost of providing the service or regulatory function.

Sec. E.106.1 32 V.S.A. § 1001b is added to read:

§ 1001b. CAPITAL EXPENDITURE CASH FUND

(a) Creation. There is hereby created the Capital Expenditure Cash Fund to be administered by the Commissioner of Finance and Management, in consultation with the State Treasurer, for the purpose of using general funds to defray the costs of future capital expenditures that would otherwise be paid for using the State's general obligation bonding authority and debt service obligations.

(b) Fund. The Fund may consist of:

- (1) any appropriations or transfers made by the General Assembly; and
- (2) any interest earned by the Fund.

(c) Use of funds. Monies in the Fund shall only be used for:

(1) costs associated with a proposed capital project that occur prior to the construction phase of that project, including feasibility, planning, design, and engineering and architectural costs;

(2) projects with an anticipated lifespan of less than 20 years;

(3) costs associated with the early redemption of general obligation bonds; and

(4) other eligible capital projects receiving an appropriation from the General Assembly.

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

(e) Early redemption transfer. If any expenditures are made from the Fund or the General Assembly appropriates general funds to pay for the early redemption of general obligation bonds pursuant to subdivision (c)(3) of this section, then an amount equal to the reduction in debt service required in any fiscal year resulting from that redemption shall be transferred to the Fund.

Sec. E.106.2 CAPITAL EXPENDITURE CASH FUND; ANALYSIS

(a) The Commissioner of Finance and Management, in consultation with the Joint Fiscal Office and the State Treasurer, shall analyze and make recommendations on:

(1) a dedicated revenue source or State fiscal capacity to fund the Capital Expenditure Cash Fund; and

(2) for any revenue source or State fiscal capacity identified in subdivision (1) of this subsection, an analysis of the benefits and costs of



dedicating this revenue source to the Capital Expenditure Cash Fund in comparison to other identified unfunded State fiscal pressures.

(b) On or before January 15, 2023, the Commissioner of Finance and Management shall submit any recommendations to the House Committees on Appropriations and on Corrections and Institutions and the Senate Committees on Appropriations and on Institutions.

Sec. E.107 CORONAVIRUS RELIEF FUND APPROPRIATIONS;  
REVERSION AND REALLOCATION; REPORTS

(a) From July 1, 2022 through September 30, 2022, the Commissioner of Finance and Management is authorized to revert all unobligated Coronavirus Relief Fund (CRF) appropriations and allocate the monies for expenditure pursuant to 32 V.S.A. § 511 to any agency or department for CRF-eligible costs incurred from March 1, 2020 through December 31, 2021.

(b) The Commissioner of Finance and Management shall report at the September meeting of the Joint Fiscal Committee on final CRF activity and if any monies will be returned to the federal government.

Sec. E.126 TRANSFER OF FUNDS WITHIN LEGISLATIVE BRANCH

(a) Notwithstanding 32 V.S.A. § 706, in fiscal year 2023, appropriations within the Legislative Branch may be transferred between respective offices to ensure a balanced close-out in the fiscal year.

Sec. E.126.1 DECARBONIZATION OF PUBLIC PENSION FUNDS; JOINT  
PUBLIC PENSION OVERSIGHT COMMITTEE; REPORT

(a) Study. The Joint Public Pension Oversight Committee shall, in consultation with the State Treasurer, the Chair of the Vermont Pension Investment Commission, and any interested stakeholders with investment and environmental expertise, develop a strategy and timeline for the policies of the State to decarbonize the investments of the Vermont State Employees' Retirement System, the State Teachers' Retirement System, and the Municipal Employees' Retirement System. The strategy and timeline developed by the Committee shall be in accordance with sound investment criteria and consistent with the fiduciary obligations of the Retirement Board for the Vermont State Employees' Retirement System, the Board of Trustees for the Vermont Teachers' Retirement System, and the Retirement Board of the Municipal Employees' Retirement System. In developing the strategy and plan, the Committee shall consider the feasibility of different decarbonization strategies, including divestment to the fullest extent possible, and review models used in New York and in other states for decarbonization.

(b) Assistance. The Committee shall have the fiscal assistance of the Vermont Pension Investment Commission to conduct the work described in subsection (a) of this section.

(c) Report. On or before January 15, 2023, the Committee shall submit a report on the strategy and timeline described in subsection (a) of this section to the House and Senate Committees on Government Operations.

Sec. E.128 [Deleted.]

Sec. E.128.1 FARMERS' NIGHT CONCERT SERIES APPROPRIATION

(a) The Office of the Sergeant at Arms is authorized to use not more than \$10,000 from resources available within the General Assembly's budget to provide honoraria to speakers and performing groups who are invited to participate in the 2023 Farmers' Night Concert Series and who are not otherwise sponsored or compensated for their participation.

Sec. E.134 VERMONT MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM; FISCAL YEARS 2023–2026; RATES

(a) Notwithstanding the provisions of 24 V.S.A. § 5064(b), for the period from July 1, 2022 through June 30, 2023, contributions shall be made by:

(1) Group A members at the rate of 3.5 percent of earnable compensation;

(2) Group B members at the rate of 5.875 percent of earnable compensation;

(3) Group C members at the rate of 11 percent of earnable compensation; and

(4) Group D members at the rate of 12.35 percent of earnable compensation.

(b) Notwithstanding the provisions of 24 V.S.A. § 5064(b), for the period from July 1, 2023 through June 30, 2024, contributions shall be made by:

(1) Group A members at the rate of 3.75 percent of earnable compensation;

(2) Group B members at the rate of 6.125 percent of earnable compensation;

(3) Group C members at the rate of 11.25 percent of earnable compensation; and

(4) Group D members at the rate of 12.6 percent of earnable compensation.

(c) Notwithstanding the provisions of 24 V.S.A. § 5064(b), for the period from July 1, 2024 through June 30, 2025, contributions shall be made by:

(1) Group A members at the rate of 4 percent of earnable compensation;

(2) Group B members at the rate of 6.375 percent of earnable compensation;

(3) Group C members at the rate of 11.5 percent of earnable compensation; and

(4) Group D members at the rate of 12.85 percent of earnable compensation.

(d) Notwithstanding the provisions of 24 V.S.A. § 5064(b), for the period from July 1, 2025 through June 30, 2026, contributions shall be made by:

(1) Group A members at the rate of 4.25 percent of earnable compensation;

(2) Group B members at the rate of 6.625 percent of earnable compensation;

(3) Group C members at the rate of 11.75 percent of earnable compensation; and

(4) Group D members at the rate of 13.1 percent of earnable compensation.

Sec. E.134.1 3 V.S.A. § 522 is amended to read:

§ 522. VERMONT PENSION INVESTMENT COMMISSION

\* \* \*

(i) Assistance and expenses.

~~(1) The Commission shall have the administrative and technical support of the Office of the State Treasurer.~~

~~(2)~~ (2) The Commission may collect proportionally from the funds of the three retirement systems and any individual municipalities that have been allowed to invest their retirement funds pursuant to subsection 523(a) of this title, any expenses incurred that are associated with carrying out its duties, and any expenses incurred by the Treasurer's office in support of the Commission.

~~(3)~~(2) The Attorney General shall serve as legal advisor to the Commission.

Sec. E. 134.2 3 V.S.A. § 524 is added to read:

§ 524. VERMONT PENSION INVESTMENT COMMISSION SPECIAL FUND

(a) Creation. There is hereby created the Vermont Pension Investment Commission Special Fund, administered by the Vermont Pension Investment Commission, for the purpose of receiving funds transferred to the Commission pursuant to subsection 523(i) of this title. Monies in the Fund shall be used to pay expenses associated with carrying out the Commission's duties.

(b) Funds. The Fund shall consist of:

(1) any amounts collected and transferred by the three retirement systems and any individual municipalities that have been allowed to invest their retirement funds pursuant to subsection 523(a) of this title;

(2) any amounts transferred or appropriated to it by the General Assembly; and

(3) any interest earned by the Fund.

Sec. E.134.3 VERMONT PENSION INVESTMENT COMMISSION;  
SOURCE OF FUNDS

(a) The funds appropriated in Sec. B.134.1 of this act are costs to the State's pension funds and have been considered in each pension systems' actuarial valuations but have not been included in the funds appropriated in Secs. B.133, B.134, and B.514.1 of this act.

(b) The funds appropriated from the pension systems for administrative costs in Secs. B.133, B.134, and B.514.1 of this act are intended to provide spending authority needed to transfer funds from the State's pension systems to the Treasurers Retirement Admin Costs fund (21520) to cover the portion of the Treasurer's budget attributable to the State's pension systems.

Sec. E.136.1 2017 Acts and Resolves No. 79, Sec. 13, as amended by 2020 Acts and Resolves No. 120, Sec. A.8, and 2021 Acts and Resolves No. 44, Sec. 2, is further amended to read:

Sec. 13. STATE ETHICS COMMISSION FUNDING SOURCE  
SURCHARGE; REPEAL

(a) Surcharge.

(1) Notwithstanding the provisions of 3 V.S.A. § 2283(c) setting forth the purpose and rate of charges collected in the Human Resource Services Internal Service Fund, in fiscal year 2018 and thereafter, a surcharge of up to 2.3 percent, but no greater than the cost of the activities of the State Ethics

Commission set forth in Sec. 7 of this act, on the per-position portion of the charges authorized in 3 V.S.A. § 2283(c)(2) shall be assessed to all Executive Branch agencies, departments, and offices and shall be paid by all assessed entities solely with State funds.

(2) The amount collected shall be accounted for within the Human Resource Services Internal Service Fund and used solely for the purposes of funding the activities of the State Ethics Commission set forth in Sec. 7 of this act.

(b) Repeal. This section shall be repealed on ~~July 1, 2022~~ July 1, 2025.

#### Sec. E.139 GRAND LIST LITIGATION ASSISTANCE

(a) Of the funds appropriated in Sec. B.139 of this act, \$9,000 shall be transferred to the Attorney General and \$70,000 shall be transferred to the Department of Taxes, Division of Property Valuation and Review and reserved and used with any remaining funds from the amount previously transferred for final payment of expenses incurred by the Department or towns in defense of grand list appeals regarding the reappraisals of the hydroelectric plants and expenses incurred to undertake complex commercial and utility property appraisals conducted by the Department to aid town valuations.

#### Sec. E.142 PAYMENTS IN LIEU OF TAXES

(a) This appropriation is for State payments in lieu of property taxes under 32 V.S.A. chapter 123, subchapter 4, and the payments shall be calculated in addition to and without regard to the appropriations for PILOT for Montpelier and for correctional facilities elsewhere in this act. Payments in lieu of taxes under this section shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

(b) Notwithstanding subsection (a) of this section, the payments under this section shall be adjusted so that the total payments made under Secs. E.142, E.143, and E.144 do not exceed 100 percent of the assessed value of State buildings defined by 32 V.S.A. § 3701(2).

#### Sec. E.143 PAYMENTS IN LIEU OF TAXES – MONTPELIER

(a) Payments in lieu of taxes under this section shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

#### Sec. E.144 PAYMENTS IN LIEU OF TAXES – CORRECTIONAL FACILITIES

(a) Payments in lieu of taxes under this section shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

\* \* \* Protection to Persons and Property \* \* \*

Sec. E.200 ATTORNEY GENERAL

(a) Notwithstanding any other provisions of law, the Office of the Attorney General, Medicaid Fraud and Residential Abuse Unit, is authorized to retain, subject to appropriation, one-half of the State share of any recoveries from Medicaid fraud settlements, excluding interest, that exceed the State share of restitution to the Medicaid Program. All such designated additional recoveries retained shall be used to finance Medicaid Fraud and Residential Abuse Unit activities.

(b) Of the revenue available to the Attorney General under 9 V.S.A. § 2458(b)(4), \$1,545,393 is appropriated in Sec. B.200 of this act.

Sec. E.203 [Deleted.]

Sec. E.205 24 V.S.A. § 290 is amended to read:

§ 290. COUNTY SHERIFF'S DEPARTMENT

\* \* \*

(b) Full-time State deputy sheriffs whose primary responsibility is transportation of prisoners and persons with a mental condition or psychiatric disability shall be paid by the State of Vermont. The appointment of such deputies and their salary shall be approved by the Governor or his or her designee. The Executive Committee of the Vermont Sheriffs Association and the Executive Director of the Department of State's Attorneys and Sheriffs shall jointly have authority for the assignment of position locations in the counties of State-paid deputy sheriffs and shall review the county location assignments periodically for efficient use of resources. The positions and their funding shall be assigned to the Department of State's Attorneys and Sheriffs. The Executive Director shall have the authority to determine job duties for the position, assignment of positions to county, regular and temporary work locations, assistance to other State agencies and departments, timesheet systems, daily work logs, and to have final approval of personnel matters including, but not limited to, approval for hiring, paygrade assignment, hiring rate, discipline and termination. The Sheriffs shall have an Executive Committee of not more than five current Sheriffs, elected for a two-year term by a vote of the Sheriffs held not later than January 15, for a term starting February 1. The Executive Committee shall have a Chair, Vice-Chair, Secretary-Treasurer, and two members at large. The Executive Committee shall meet at least quarterly to provide input to the Department of State's Attorneys and Sheriffs regarding budget, legislation, personnel and policies, and the assignment of positions, when vacancies arise, for efficient use of resources.

\* \* \*

Sec. E.205.1 32 V.S.A. § 1591(2) is amended to read:

(2) For the transportation and care of prisoners, juveniles, and patients with a mental condition or psychiatric disability:

(A) For necessary assistance in arresting or transporting prisoners, juveniles, or persons with mental illness, ~~the sum of \$18.00 per hour State's Attorneys and Sheriffs Executive Director shall annually set the per hour chargeable rate for each deputy sheriff or assistant so required if the to assist in the transport. The Executive Director shall consult with the Sheriffs Association before setting the per hour chargeable rate. The sheriff or constable makes oath that the deputy sheriff, assistant, or assistants were required, giving the name of the assistant or assistants if there were more than one; provided, however, a full-time law enforcement officer shall provide the documentation required by the Department. The deputy sheriff or assistant shall not receive compensation under this subsection if otherwise compensated from any other funding source for the same hours during which such transportation is performed. In addition to the rate established the sheriffs' department shall be reimbursed for the costs of the employers' contribution to Social Security and workers' compensation insurance attributable to services provided under this section. Reimbursement shall be calculated on an hourly basis; the sheriff's department shall also be reimbursed for the costs of employer contributions for unemployment compensation, when a claim is filed and the percentage owed from the sheriff's department to the State can be accounted for under this section.~~

\* \* \*

Sec. E.208 PUBLIC SAFETY – ADMINISTRATION

(a) The Commissioner of Public Safety is authorized to enter into a performance-based contract with the Essex County Sheriff's Department to provide law enforcement service activities agreed upon by both the Commissioner of Public Safety and the Sheriff.

Sec. E.209 PUBLIC SAFETY – STATE POLICE

(a) Of the General Fund appropriation in Sec. B.209, \$35,000 shall be available to the Southern Vermont Wilderness Search and Rescue Team, which comprises State Police, the Department of Fish and Wildlife, county sheriffs, and local law enforcement personnel in Bennington, Windham, and Windsor Counties, for snowmobile enforcement.

(b) Of the General Fund appropriation in Sec. B.209, \$405,000 is allocated for grants in support of the Drug Task Force. Of this amount, \$190,000 shall

be used by the Vermont Drug Task Force to fund three town task force officers. These town task force officers shall be dedicated to enforcement efforts with respect to both regulated drugs as defined in 18 V.S.A. § 4201(29) and the diversion of legal prescription drugs. Any unobligated funds may be allocated by the Commissioner to fund the work of the Drug Task Force or carried forward.

Sec. E.209.1 PUBLIC SAFETY – VERMONT STATE POLICE; DISPATCH WORKING GROUP; TRANSITION PROPOSAL; REPORT

(a) Creation. The Commissioner of the Department of Public Safety shall convene a working group on the new regional dispatch model. The task force shall provide a written report to the Governor and the General Assembly on or before December 1, 2022. The report shall include recommendations on:

(1) The long-term funding model for regional dispatch that fairly assesses costs statewide; and

(2) The estimated timeline and transition funding needed as new regional dispatch centers come on line and local dispatch services are transitioned away from state operated facilities.

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

(1) one representative of the Vermont State Police, selected by the Commissioner of Public Safety;

(2) two representatives of local legislative bodies, selected by the Vermont League of Cities and Towns, one of which utilizes a State-dispatch center and one of which utilizes an existing regional or local dispatch center;

(3) one representative of an existing local or regional dispatch center, selected by the Vermont League of Cities and Towns;

(4) two police chiefs, selected by the Vermont Police Chiefs Association, one of whom utilizes a State-dispatch center and one of whom utilizes an existing regional or local dispatch center;

(5) one emergency medical responder, selected by the Vermont EMS Advisory Committee;

(6) one firefighter, selected by the Vermont State Firefighters Association;

(7) one sheriff, selected by the Vermont Sheriffs Association; and

(8) one representative of the Enhanced 911 Board, selected by the Board Chair.



(c) Powers and Duties. The working group shall:

(1) Consider and document how current dispatch services are provided statewide and the various methods of funding that exist to cover the cost of dispatch services. This shall include detail by town and or by emergency service provider. This analysis shall identify any funding inequities that exist in the current system between those entities paying for services using local funds and those entities receiving dispatch services provide by the State without cost. The analysis of current costs and payments flows for dispatch services shall be compared to the projected costs and payment flows under the new regional dispatch model. This analysis shall also estimate how first responder entities dispatched though the new regional system may be financially impacted in the transition to the new regional system.

(2) Identify a transitional timeline and the tasks to be completed within that timeline for transitioning to the new regional dispatch model.

(3) Identify any State resources that may become available once the new dispatch system is fully operational and recommend if and how such resources should be distributed to equitably reduce local costs.

(4) Identify any other ongoing sources of statewide revenue to be dedicated to statewide emergency response communications to equitably reduce local costs.

(d) Meetings.

(1) The Commissioner of Public Safety or designee shall call the first meeting of the working group.

(2) The working group shall determine its chair from among the members of the working group.

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

(e) Assistance. The working group shall have the administrative, technical, and legal assistance of the Department of Public Safety.

Sec. E.212 PUBLIC SAFETY – FIRE SAFETY

(a) Of the funds appropriated in Sec. B.212 of this act, \$55,000 shall be granted to the Vermont Rural Fire Protection Task Force for the purpose of designing dry hydrants.

Sec. E.215 MILITARY – ADMINISTRATION

(a) The amount of \$1,319,834 shall be disbursed to the Vermont Student Assistance Corporation for the National Guard Tuition Benefit Program established in 16 V.S.A. § 2857.

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Sec. E.219 MILITARY – VETERANS’ AFFAIRS

(a) Of the funds appropriated in Sec. B.219 of this act, \$1,000 shall be used for continuation of the Vermont Medal Program, \$4,800 shall be used for the expenses of the Governor’s Veterans’ Advisory Council, \$7,500 shall be used for the Veterans’ Day parade, and \$10,000 shall be granted to the American Legion for the Boys’ State and Girls’ State programs.

Sec. E.222 NEW FARMER PROGRAM COORDINATION

(a) The Secretary of Agriculture shall, in consultation with the Vermont Housing Conservation Board, inventory the programs available to assist new farmers beginning operations in the State. On or before January 15, 2023, the Secretary shall provide a report to the House and Senate Committees on Agriculture on the degree of coordination across these programs. This shall include recommendations for improvement or change in operations and coordination that would benefit new farmers experience in seeking assistance.

Sec. E.232 [Deleted.]

Sec. E.233 30 V.S.A. § 8083(b)(6) is amended to read:

(6) upon approval by the General Assembly, up to \$1,500,000.00 annually to fund the operational expenses of the Board and the Department to the extent the Department’s expenses support the work of the Board.

Sec. E.233.1 VERMONT COMMUNITY BROADBAND BOARD;  
OPERATIONAL EXPENSES; ANNUAL BUDGET

(a) On or before December 1, 2022, the Vermont Community Broadband Board shall submit to the Governor and the General Assembly a proposed budget for its operational expenses for fiscal year 2023 for inclusion in the fiscal year 2023 budget adjustment act.

(b) On or before January 15, 2023, the Vermont Community Broadband Board shall submit to the Governor and the General Assembly a proposed budget for its operational expenses in fiscal year 2024 for inclusion in the Governor’s recommended fiscal year 2024 appropriations for the support of government.

(c) In preparing a proposed budget for its operational expenses, the Vermont Community Broadband Board shall maximize first the use of any federal funds in the Vermont Community Broadband Fund that are available for administrative costs, and then shall draw upon monies transferred to the Vermont Community Broadband Fund pursuant to 30 V.S.A. § 7523(b).

## Sec. E.233.2 VERMONT COMMUNITY BROADBAND BOARD

(a) In fiscal year 2023 there is appropriated to the Vermont Community Broadband Board a total of \$1,500,000 from special funds to operate the Board. The intent of this section is to provide the necessary spending authority to the Board to operate in fiscal year 2023 until a new line-item budget is included in the budget adjustment for fiscal year 2023 pursuant to Sec. 233.1. of this act.

## Sec. E.233.3 MUNICIPAL FUNDS FOR BROADBAND

(a) Notwithstanding any other provision of law to the contrary, a municipality may accept and finance broadband projects with funds received from the American Rescue Plan Act of 2021, Pub. L. 117-2, including funds received as lost revenue.

## Sec. E.240 CANNABIS CONTROL BOARD

(a) The funds appropriated for the Cannabis Control Board in Sec. B.240 of this act include one-time special funds of \$703,432 to support phase two of the license application and seed to sale tracking information technology system.

\* \* \* Cannabis Regulation Fund;

Cannabis Excise Tax Revenue in Fiscal Years 2023–2025 \* \* \*

Sec. E.240.1 7 V.S.A. § 845 is amended to read:

## § 845. CANNABIS REGULATION FUND

(a) There is established the Cannabis Regulation Fund, which shall be managed in accordance with 32 V.S.A. chapter 7, subchapter 5. The Fund shall be maintained by the Cannabis Control Board.

(b) The Fund shall be composed of:

(1) all State application fees, annual license fees, renewal fees, and civil penalties collected by the Board pursuant to chapters 33 (cannabis establishments) and 37 (medical cannabis dispensaries) of this title; ~~and~~

(2) all annual and renewal fees collected by the Board pursuant to chapter 35 (medical cannabis registry) of this title; and

(3) all cannabis excise tax revenue raised pursuant to 32 V.S.A. § 7902.

(c) Monies from the Fund shall only be appropriated for the purposes of implementation, administration, and enforcement of this chapter and chapter 33 of this title.

(d) The Commissioner of Finance and Management shall do the following not later than July 31 each year:

(1) transfer the unexpended and unobligated balance of the Cannabis Regulation Fund to the General Fund at the close of the prior fiscal year; and

(2) report the amount of the transfer made pursuant to subdivision (1) of this subsection to the Joint Fiscal Committee.

Sec. E.240.2 32 V.S.A. § 7909 is amended to read:

§ 7909. SUBSTANCE MISUSE PREVENTION FUNDING

(a) ~~Thirty percent of the revenues raised by the cannabis excise tax imposed by section 7902 of this title~~ unexpended and unobligated balance of the Cannabis Regulation Fund that is transferred to the General Fund pursuant to 7 V.S.A. § 845(d)(1), not to exceed \$10,000,000.00 per fiscal year, shall be used to fund substance misuse prevention programming in the subsequent fiscal year.

\* \* \*

Sec. E.240.3. REPEAL

(a) 2020 Acts and Resolves No. 164, Sec. 6c (contingent Cannabis Regulation Fund deficit offset) is repealed.

Sec. E.240.4 2020 Acts and Resolves No. 164, Sec. 33(h) is amended to read:

~~(h) Sec. 6c (contingent Cannabis Regulation Fund deficit offset) shall take effect on July 1, 2024. [Repealed.]~~

\* \* \* Cannabis Excise Tax Revenue Starting in Fiscal Year 2025 \* \* \*

Sec. E.240.5. 7 V.S.A. § 845 is amended to read:

§ 845. CANNABIS REGULATION FUND

(a) There is established the Cannabis Regulation Fund, which shall be managed in accordance with 32 V.S.A. chapter 7, subchapter 5. The Fund shall be maintained by the Cannabis Control Board.

(b) The Fund shall be composed of:

(1) all State application fees, annual license fees, renewal fees, and civil penalties collected by the Board pursuant to chapters 33 (cannabis establishments) and 37 (medical cannabis dispensaries) of this title; and

(2) all annual and renewal fees collected by the Board pursuant to chapter 35 (medical cannabis registry) of this title; and

~~(3) all cannabis excise tax revenue raised pursuant to 32 V.S.A. § 7902. [Repealed.]~~

(c) Monies from the Fund shall only be appropriated for the purposes of implementation, administration, and enforcement of this chapter and chapter 33 of this title.

(d) ~~The Commissioner of Finance and Management shall do the following not later than July 31 each year:~~

~~(1) transfer the unexpended and unobligated balance of the Cannabis Regulation Fund to the General Fund at the close of the prior fiscal year; and~~

~~(2) report the amount of the transfer made pursuant to subdivision (1) of this subsection to the Joint Fiscal Committee. [Repealed.]~~

Sec. E.240.6. 32 V.S.A. § 7909(a) is amended to read:

(a) Thirty percent of the revenues raised by the cannabis excise tax imposed by section 7902 of this title ~~unexpended and unobligated balance of the Cannabis Regulation Fund that is transferred to the General Fund pursuant to 7 V.S.A. § 845(d)(1),~~ not to exceed \$10,000,000.00 per fiscal year, shall be used to fund substance misuse prevention programming in the subsequent fiscal year.

Sec. E.240.7 TRANSFER IN JULY 2025

(a) Notwithstanding any provision of law to the contrary, the Commissioner of Finance and Management shall do the following not later than July 31, 2025:

(1) transfer the unexpended and unobligated balance of the Cannabis Regulation Fund to the General Fund at the close of the 2024 fiscal year; and

(2) report the amount of the transfer made pursuant to subdivision (1) of this section to the Joint Fiscal Committee.

\* \* \* Human Services \* \* \*

Sec. E.300 FUNDING FOR THE OFFICE OF THE HEALTH CARE ADVOCATE

(a) Of the funds appropriated in Sec. B.300 of this act, \$1,847,406 shall be used for the contract with the Office of the Health Care Advocate.

Sec. E.301 SECRETARY'S OFFICE – GLOBAL COMMITMENT:

(a) The Agency of Human Services (AHS) shall use the funds appropriated in this section for payment of the actuarially certified premium required under the intergovernmental agreement between the Agency of Human Services and the managed care entity, the Department of Vermont Health Access, as provided for in the Global Commitment for Health Waiver (Global Commitment) approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

(b) In addition to the State funds appropriated in this section, a total estimated sum of \$25,231,644 is anticipated to be certified as State matching funds under the Global Commitment as follows:

(1) \$22,230,100 certified State match available from local education agencies for eligible special education school-based Medicaid services under the Global Commitment. This amount combined with \$28,269,900 of federal funds appropriated in Sec. B.301 of this act equals a total estimated expenditure of \$50,500,000. An amount equal to the amount of the federal matching funds for eligible special education school-based Medicaid services under Global Commitment shall be transferred from the Global Commitment Fund to the Medicaid Reimbursement Special Fund created in 16 V.S.A. § 2959a.

(2) \$3,001,544 certified State match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

(c) Up to \$4,034,170 is transferred from the AHS Federal Receipts Holding Account to the Interdepartmental Transfer Fund consistent with the amount appropriated in Sec. B.301 – Secretary’s Office – Global Commitment of this act.

#### Sec. E.301.1 GLOBAL COMMITMENT APPROPRIATIONS; TRANSFER; REPORT

(a) In order to facilitate the end-of-year closeout for fiscal year 2023, the Secretary of Human Services, with approval from the Secretary of Administration, may make transfers among the appropriations authorized for Medicaid and Medicaid-waiver program expenses, including Global Commitment appropriations outside the Agency of Human Services. At least three business days prior to any transfer, the Agency shall submit to the Joint Fiscal Office a proposal of transfers to be made pursuant to this section. A final report on all transfers made under this section shall be made to the Joint Fiscal Committee for review at the September 2023 meeting. The purpose of this section is to provide the Agency with limited authority to modify the appropriations to comply with the terms and conditions of the Global Commitment for Health waiver approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

#### Sec. E.301.2 GLOBAL COMMITMENT WAIVER AMENDMENT

(a) The Secretary of Human Services is authorized to seek to extend or renew Vermont’s Global Commitment to Health Section 1115 Demonstration Waiver, which is currently set to expire on June 30, 2022. The Agency of Human Services shall strive to maintain or increase the State’s flexibility to

use Global Commitment investment dollars to increase access to care and coverage, improve health outcomes, strengthen health care delivery, and promote transformation to value-based and integrated models of care.

Sec. E.301.3 PROVIDER RATE INCREASES

(a) Recipients of any increased rates under Secs.B.314 and B.333 of this act shall be transparent in the use of these funds through timely and accurate reporting as defined by the State, including complying with specific performance measures using existing data collected by providers to assure accountability to the clients and the system of care.

Sec. E.306 VERMONT HEALTH BENEFIT EXCHANGE RULES

(a) The Agency of Human Services may adopt rules pursuant to 3 V.S.A. chapter 25 to conform Vermont's rules regarding health care eligibility and enrollment and the operation of the Vermont Health Benefit Exchange to state and federal law and guidance. The Agency may use the emergency rules process pursuant to 3 V.S.A. § 844 prior to June 30, 2023, but only in the event that new state or federal law or guidance require Vermont to amend or adopt its rules in a time frame that cannot be accomplished under the traditional rulemaking process. An emergency rule adopted under these exigent circumstances shall be deemed to meet the standard for the adoption of emergency rules required pursuant to 3 V.S.A. § 844(a).

Sec. E.306.1 [Deleted.]

Sec. E.312 HEALTH – PUBLIC HEALTH

(a) AIDS/HIV funding.

(1) In fiscal year 2023 and as provided in this section, the Department of Health shall provide grants in the amount of \$475,000 in AIDS Medication Rebates special funds to the Vermont AIDS service and peer-support organizations for client-based support services. The Department of Health AIDS Program shall meet at least quarterly with the Community Advisory Group (CAG) with current information and data relating to service initiatives. The funds shall be allocated according to an RFP process.

(2) In fiscal year 2023 and as provided in this section, the Department of Health shall provide grants in the amount of \$295,000 to the following organizations:

(A) Vermont CARES - \$140,000;

(B) AIDS Project of Southern Vermont - \$100,000; and

(C) HIV/HCV Resource Center - \$55,000.

(3) Ryan White Title II funds for AIDS services and the Vermont Medication Assistance Program (VMAP) shall be distributed in accordance with federal guidelines. The federal guidelines shall not apply to programs or services funded solely by State general funds.

(A) The Secretary of Human Services shall immediately notify the Joint Fiscal Committee if at any time there are insufficient funds in VMAP to assist all eligible individuals. The Secretary shall work in collaboration with persons living with HIV/AIDS to develop a plan to continue access to VMAP medications until such time as the General Assembly can take action.

(B) As provided in this section, the Secretary of Human Services shall work in collaboration with the VMAP Advisory Committee, which shall be composed of not less than 50 percent of members who are living with HIV/AIDS. If a modification to the program's eligibility requirements or benefit coverage is considered, the Committee shall make recommendations regarding the program's formulary of approved medication, related laboratory testing, nutritional supplements, and eligibility for the program.

(4) In fiscal year 2023, the Department of Health shall provide grants in the amount of \$100,000 in general funds to Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers for community-based HIV prevention programs and services. These funds shall be used for HIV/AIDS prevention purposes, including syringe exchange programs; improving the availability of confidential and anonymous HIV testing; prevention work with at-risk groups such as women, intravenous drug users, and people of color; and anti-stigma campaigns. Not more than 15 percent of the funds may be used for the administration of such services by the recipients of these funds. The method by which these prevention funds are distributed shall be determined by mutual agreement of the Department of Health and the Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers.

(5) In fiscal year 2023, the Department of Health shall provide grants in the amount of \$150,000 in general funds to Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers for syringe exchange programs. The method by which these prevention funds are distributed shall be determined by mutual agreement of the Department of Health, the Vermont AIDS service organizations, and other Vermont HIV/AIDS prevention providers. The performance period for these grants will be State fiscal year 2023. Grant reporting shall include outcomes and results.



(6) In fiscal year 2023, the Department of Health shall not reduce any grants to the Vermont AIDS service and peer-support organizations or syringe service programs without receiving prior approval from the Joint Fiscal Committee.

Sec. E.313 REPORT, PUBLIC INEBRIATE AND SOBER BED PROGRAMMING

(a) The new alcohol and drug abuse program beds funded through Sec. B.313 of this act shall be used to treat public inebriates instead of having these individuals held by the Department of Corrections. On or before January 15, 2023, the Department of Health, in consultation with the Chief Prevention Officer, Vermont Care Partners, the Vermont Association for Mental Health and Addiction Recovery, and the Vermont Alliance for Recovery Residences, shall submit a written report to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare examining whether there is excess bed capacity among those programs designated for use by public inebriates. If the Department determines that there is excess capacity, the report shall include a plan to make efficient use of the excess capacity, including possibly redesignating beds for alternative purposes.

Sec. E.314 DEPARTMENT OF MENTAL HEALTH; MOBILE CRISIS OUTREACH SERVICES

(a) The Department of Mental Health shall build an urgent care model for mental health by expanding mobile outreach services based on the Department's analysis of statewide mobile crisis services and gaps pursuant to its State Planning Grant from the Centers for Medicare and Medicaid Services. The urgent care model shall address geographic gaps and the regions of the State in which the lack of mobile outreach is most directly driving unnecessary emergency department visits or unnecessary law enforcement responses.

(b) The new mobile outreach services shall:

(1) be based on evidence-based and trauma-informed practices, including using peer support staff;

(2) be developed in conjunction with the continuum of urgent care response related to the new 9-8-8 suicide prevention line; and

(3) comply with federal requirements as needed to qualify for three years of federal financial participation at an enhanced 85 percent federal match rate.

(c) The Department, in coordination with the Agency of Human Services Secretary's Office, Department of Vermont Health Access and the Department

of Financial Regulation, shall develop a sustainability plan to ensure that the services will continue to be available after expiration of the enhanced federal match rate.

(d) On or before January 15, 2023, the Department shall provide a status report on:

(1) the experience of the Rutland pilot project which includes the number of Vermonters served by this pilot through 2022, as well as a description of the evaluation of the operating model of the pilot since it was launched to date; and

(2) the status of expansion of the urgent care model for mental health by expanding mobile outreach services funded in fiscal year 2023, including grants issued to date, operating status of the programs provided funding, and number of Vermonters served in 2022.

Sec. E.314.1 DEPARTMENT OF MENTAL HEALTH; EMERGENCY  
DEPARTMENTS; PATIENT EXPERIENCE OF CARE;  
REPORT

(a) On or before January 15, 2023, the Department of Mental Health shall report to the House Committee on Health Care and the Senate Committee on Health and Welfare regarding the progress of the health care system in improving the patient experience of care for individuals encountering lengthy emergency departments waits for admission for inpatient psychiatric treatment. The report shall include an assessment of the services offered to these patients in emergency departments and the extent to which stakeholder input is included in decisions about services and patient care. The report shall include the most recent data pertaining to patient length of stay in emergency departments due to a lack of appropriate alternative mental health level 1 or step-down bed placements, and any changes anticipated in the inventory of level 1 or step-down beds system wide.

Sec. E.316 PARENT CHILD CENTER GRANT

(a) The Department for Children and Families shall, within the administration of the grant for parent child centers and in consultation with the parent child centers, seek to ensure that services are targeted to families most at risk of having young children come into State custody. The shared goal of preventing that outcome, and bringing Vermont's rate of young children coming into State custody down to a level more consistent with other states experience, shall be reflected in the grant agreement.

Sec. E.317 33 V.S.A. § 5126 is added to read:

§ 5126. PLACEMENT OF A CHILD INTO A QUALIFIED RESIDENTIAL TREATMENT PROGRAM

(a) Within 60 days of the start of a placement of a child into a qualified residential treatment program by the Commissioner, the Family Division of the Superior Court or the Judicial Master shall review the assessment, determination, and documentation provided by the qualified individual conducting the assessment required pursuant to 42 U.S.C. § 675a. The court or Judicial Master shall determine whether the needs of the child can be met through placement with family members, in a foster family home, or in another approved setting designed to meet specialized needs. If placement in a setting described above is not appropriate, the court or Judicial Master shall consider whether placement of the child in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment, and whether such a placement is consistent with the short- and long-term goals for the child, as specified in the case plan for the child.

(b) The court or Judicial Master shall approve or disapprove the placement in a qualified residential treatment program based on the factors considered in subsection (a) of this section and make written findings as to the basis for the determination. The decision and findings shall be submitted to the parties.

(c) Nothing in this section shall be construed to limit the Commissioner's authority to place a child who is in the Commissioner's legal custody in a family home or a treatment, rehabilitative, detention, or educational facility or institution as provided in subdivision 5106(4) of this title.

(d) This section shall not apply to children placed in a setting that is intended for the detention of minors.

Sec. E.318 REPEAL

2019 Acts and Resolves No. 72, Sec. E.138.7 is repealed.

Sec. E.318.1 CHILD CARE CAPACITY-BUILDING GRANTS

(a) Of the funds appropriated in Sec. B.318 of this act, \$800,000 is allocated for the purpose of expanding infant and toddler child care capacity.

(b) The Child Development Division shall award grants to eligible applicants. An eligible applicant shall:

(1) be a new or existing regulated, privately owned center-based child care program or family child care home in good regulatory standings;

(2) participate in Child Care Financial Assistance Program (CCFAP);

- (3) provide year-round, full day child care and early learning services;
- (4) provide child care and early learning services for infants and toddlers; and
- (5) participate in the Step Ahead Recognition System (STARS).

(c) Center-based child care program or family child care homes receiving a grant pursuant to this section shall remain in compliance with the Division's rules, continue participation in STARS, and maintain enrollment of children supported by CCFAP.

Sec. E.318.2 PRE-APPRENTICESHIP PROGRAM IN EARLY  
CHILDHOOD EDUCATION: APPROPRIATION

(a) Of the federal funds appropriated in Sec. B.318 of this act to the Department for Children and Families Division of Child Development, \$100,000 shall be transferred to Vermont Department of Labor for the pre-apprenticeship program in Early Childhood Education provided by Vermont Career and Technical Education centers.

(2) \$125,000 shall be sugranted to the Vermont Association for the Education of Young Children to provide grants to students to pursue early childhood educator careers.

Sec. E. 318.3 CHILD DEVELOPMENT DIVISION; STEP AHEAD  
RECOGNITION SYSTEM

As part of its fiscal year 2023 budget adjustment presentation to the General Assembly, the Department for Children and Families shall present its proposed policy changes to the Step Ahead Recognition System (STARS) to the House Committee on Human Services and the Senate Committee on Health and Welfare. The Division's presentation shall summarize its proposed changes to STARS, including any anticipated impacts on child care providers and families. Any requested policy changes to STARS and related appropriations requests shall require legislative approval through the budget process pursuant to 32 V.S.A. chapter 7, subchapter 3.

Sec. E.318.4 BRIGHT FUTURES INFORMATION SYSTEM;  
MODERNIZATION; CHILD CARE FINANCIAL  
ASSISTANCE PROGRAM

(a) On or before January 1, 2024, or six months after both the modernization of the Bright Futures Information System (BFIS) pursuant to 2021 Acts and Resolves No. 45, Sec. 5 and the implementation of the corresponding eligibility changes to the Child Care Financial Assistance Program (CCFAP) pursuant to 2021 Acts and Resolves No. 45, Sec. 2 have

taken effect, whichever is first occurring, the Department for Children and Families shall submit a written report to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare evaluating the effectiveness of the BFIS modernization project and the CCFAP eligibility changes. The report shall address how implementation of BFIS and CCFAP changes impact the availability and affordability of child care throughout Vermont.

Sec. E.321 [Deleted.]

Sec. E.321.1 [Deleted.]

Sec. E.324 EXPEDITED CRISIS FUEL ASSISTANCE

(a) The Commissioner for Children and Families or designee may authorize crisis fuel assistance to those income-eligible households that have applied for an expedited seasonal fuel benefit but have not yet received it if the benefit cannot be executed in time to prevent them from running out of fuel. The crisis fuel grants authorized pursuant to this section count toward the one crisis fuel grant allowed per household for the winter heating season pursuant to 33 V.S.A. § 2609(b).

Sec. E.325 DEPARTMENT FOR CHILDREN AND FAMILIES – OFFICE OF ECONOMIC OPPORTUNITY

(a) Of the funds appropriated in Sec. B.325 of this act, \$12,699,440 shall be granted to community agencies for homeless assistance by preserving existing services, increasing services, or increasing resources available statewide. These funds may be granted alone or in conjunction with federal Emergency Solutions Grants funds. Funds shall be administered in consultation with the Vermont Coalition to End Homelessness.

Sec. E. 326 DEPARTMENT FOR CHILDREN AND FAMILIES – OFFICE OF ECONOMIC OPPORTUNITY – WEATHERIZATION ASSISTANCE

(a) Of the Special Fund appropriation in Sec. B.326 of this act, \$750,000 is for the replacement and repair of home heating equipment.

Sec. E.329 [Deleted.]

Sec. E.334 ADULT DAY PAYMENT REFORM – ALTERNATIVE PAYMENT METHODOLOGY – REPORT

(a) On or before January 15, 2023, the Commissioner for Vermont Health Access and the Commissioner of Disabilities, Aging, and Independent Living shall submit a report to the House Committee on Appropriations and the Senate Committee on Appropriations on the status of implementing an

alternative payment model for the Adult Day providers. This new payment model should be designed to stabilize the financial well-being of the Adult Day providers.

Sec. E.335 CORRECTIONS APPROPRIATIONS; UNEXPENDED FUNDS  
TRANSFER; REPORT

(a) In fiscal year 2023, the Secretary of Administration may, upon recommendation of the Secretary of Human Services, transfer unexpended funds between the respective appropriations for correctional services; provided, however, that no transfer shall be made from correctional services out-of-state beds. At least three days prior to any such transfer being made, the Secretary of Administration shall report the intended transfer to the Joint Fiscal Office and shall report any completed transfers to the Joint Fiscal Committee at its next scheduled meeting.

(b) In fiscal year 2023, any unexpended funds for correctional services out-of-state beds shall be carried forward to fiscal year 2023, and the amount reported to the Joint Legislative Justice Oversight Committee in September 2022, to support community-based service programs. Funds may only be expended on community-based service programs upon approval of the Joint Legislative Justice Oversight Committee.

(c) Any funds expended on community-based service programs pursuant to subsection (b) of this section shall be included in the subsequent year Department of Corrections budget for the same purpose at the same amount.

Sec. E.335.1 [Deleted]

Sec. E.335.2 28 V.S.A. § 125 is added to read:

§ 125. JUSTICE REINVESTMENT II INITIATIVES; REPORT

(a) On or before January 15 each year, the Commissioner of Corrections shall submit a report to the House Committees on Appropriations and on Corrections and Institutions and the Senate Committees on Appropriations and on Judiciary with:

(1) a breakdown and description of General Fund expenditures for the following Justice Reinvestment II initiatives to date:

(A) Department of Corrections funding for domestic violence intervention programming;

(B) Department of Corrections funding for transitional housing capacity;

(C) funding for the Department of Correction's data collection Offender Management System;

(D) any funding in the Department of Mental Health for community-based mental health and substance use services for individuals under Department of Corrections supervision; and

(E) any funding provided to court diversion and restorative justice programs, and any Justice Reinvestment II funding, shall be reported in context of other baseline funding sources provided to these programs.

(2) A description of any other General Fund expenditures for Justice Reinvestment II initiatives not described in subdivision (1) of this subsection to date.

(3) The annual budget shall include the total amount requested for any proposed expenditures by the Department of Corrections for Justice Reinvestment II initiatives supporting community-based programs.

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

#### Sec. E.338 CORRECTIONS – CORRECTIONAL SERVICES

(a) Notwithstanding 32 V.S.A. § 3709(a), the special funds appropriation of \$152,000 for the supplemental facility payments to Newport and Springfield shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

Sec. E.345 [Deleted.]

\* \* \* Labor \* \* \*

Sec. E.400 [Deleted.]

Sec. E.400.1 [Deleted.]

\* \* \* K–12 Education \* \* \*

#### Sec. E.500 EDUCATION – FINANCE AND ADMINISTRATION

(a) The Global Commitment funds appropriated in this section shall be used for physician claims for determining medical necessity of Individualized Education Programs (IEPs). These services are intended to increase access to quality health care for uninsured persons, underinsured persons, and Medicaid beneficiaries.

Sec. E.500.1 2021 Acts and Resolves No. 66, Sec. 14 is amended to read:

##### Sec. 14. FINDINGS AND PURPOSE

(a) Sec. E.500.1 of 2018 (Sp. Sess.) Acts and Resolves No. 11, as amended, requires that not later than July 1, 2022 all Vermont supervisory unions, supervisory districts, school districts, and independent technical center

districts utilize the same ~~shared school district data management system~~ Shared School District Data Management System (eFinancePlus) (SSDDMS), which shall be selected by the Agency of Education per State procurement guidelines.

(b) The purpose of Secs. 15–17 of this act is to:

(1) extend the deadline to December 31, ~~2022~~ 2024 for statewide adoption of ~~eFinancePlus~~ SSDDMS;

(2) pause until ~~January 1, 2022~~ July 1, 2023 the further implementation of ~~eFinancePlus~~ SSDDMS to provide time for further evaluation of the system, provided that:

(A) the Agency of Education and its contractor for implementation of the system shall continue to support users of the system; and

(B) a supervisory union, supervisory district, school district, or independent technical center district ~~that does not use the system~~ may ~~join an implementation round offered by the Agency of Education~~ implement or leave SSDDMS during the pause period after consultation with the Agency of Education and upon approval by its governing body; and

\* \* \*

Sec. E.500.2 2021 Acts and Resolves No. 66, Sec. 15 is amended to read:

Sec. 15. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. E.500.1, as amended by 2019 Acts and Resolves No. 72, Sec. E.500.5, is further amended to read:

Sec. E.500.1. SHARED SCHOOL DISTRICT FINANCIAL DATA  
MANAGEMENT SYSTEM

(a) Not later than December 31, ~~2022~~ 2024, all Vermont supervisory unions, supervisory districts, school districts, and independent technical center districts shall utilize the same school finance and financial data management system. The system shall be selected by the Agency of Education per State procurement guidelines.

\* \* \*

Sec. E.500.3 2021 Acts and Resolves No. 66, Sec. 16 is amended to read:

Sec. 16. PAUSE OF IMPLEMENTATION OF SHARED SCHOOL  
DISTRICT FINANCIAL DATA MANAGEMENT SYSTEM

Notwithstanding Sec. E.500.1 of 2018 (Sp. Sess.) Acts and Resolves No. 11, as amended, the implementation of the Shared School District Data Management System (SSDDMS) shall be paused until ~~January 1, 2022~~ July 1, 2023, provided that:



(1) the Agency of Education and its contractor for implementation of the system shall continue to support users, as of the date of enactment of this act, of the system; and

(2) a supervisory union, supervisory district, school district, or independent technical center district ~~that does not use the system~~ may ~~join an implementation round offered by the Agency of Education~~ implement or leave SSDDMS during the pause period after consultation with the Agency of Education and upon approval by its governing body.

Sec. E.500.4 2021 Acts and Resolves No. 66, Sec. 17 is amended to read:

Sec. 17. AGENCY OF EDUCATION; REPORTS

(a) On or before June 30, 2021 and quarterly thereafter until March 31, ~~2023~~ 2025, the Agency of Education shall provide a written report to the General Assembly and the Vermont Association of School Business Officials on the status of improving and implementing the Shared School District Data Management System, including the status of:

\* \* \*

Sec. E.500.5 AGENCIES OF EDUCATION AND OF DIGITAL SERVICES;  
JOINT REPORT ON THE SHARED SCHOOL DISTRICT  
DATA MANAGEMENT SYSTEM

(a) On or before December 15, 2022, the Agencies of Education and of Digital Services shall jointly submit a report to the House and Senate Committees on Education on the status of improving and implementing the Shared School District Data Management System (SSDDMS) and a recommendation on whether to continue, discontinue, suspend, or delay implementation of SSDDMS and the reasons for their recommendation. In preparing their report, the Agencies of Education and of Digital Services shall solicit feedback from the Vermont Association of School Business Officials, school business managers and users and nonusers of SSDDMS around the State, the Vermont chapter of the American Association of School Personnel Administrators, and school human resources managers around the State.

Sec. E.500.6 2019 Acts and Resolves No. 1, Sec. 1, as amended by 2021 Acts and Resolves No. 66, Sec. 12, is further amended to read:

Sec. 1. ETHNIC AND SOCIAL EQUITY STANDARDS ADVISORY  
WORKING GROUP

\* \* \*

(d) Appointment and operation.

\* \* \*

(D) The Working Group shall cease to exist on ~~July 1, 2022~~ July 1, 2023.

\* \* \*

(g) Duties of the Working Group.

(1) The Working Group shall review standards for student performance adopted by the State Board of Education under 16 V.S.A. § 164(9) and, on or before December 31, ~~2021~~ 2022, recommend to the State Board updates and additional standards to recognize fully the history, contributions, and perspectives of ethnic groups and social groups. These recommended additional standards shall be designed to:

\* \* \*

(h) Reports.

\* \* \*

(3) The Working Group shall, on or before ~~December 31, 2022~~ June 30, 2023, submit a report to the General Assembly that includes:

\* \* \*

(i) Duties of the State Board of Education. The Board of Education shall, on or before ~~December 31, 2022~~ June 30, 2023, consider adopting ethnic and social equity studies standards into standards for student performance adopted by the State Board under 16 V.S.A. § 164(9) for students in prekindergarten through grade 12, taking into account the report submitted by the Working Group under subdivision (g)(1) of this section.

Sec. E. 500.7 2021 Acts and Resolves No. 66, Sec. 13 is amended to read:

\* \* \*

(c) Any unused portion of these appropriations shall, as of July 1, ~~2022~~ 2023, revert to the General Fund.

Sec. E.501 AGENCY OF EDUCATION; ESSER III FUND PLAN

(a) The following sums are appropriated from the ESSER III funds provided to the State pursuant to Sec. 2001(f) of the American Rescue Plan Act of 2021 to the Agency of Education in fiscal year 2023:

(A) \$2,852,234 for Evidence-Based Summer Programming for the implementation of evidence-based summer enrichment programs and to ensure such programs respond to students' academic, social, and emotional needs and address the disproportionate impact of the coronavirus on the student populations described in section 1111(b)(2)(B)(xi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(B)(xi)), students experiencing homelessness, and children and youth in foster care.

(B) \$2,852,234 for Evidence-Based Afterschool Programming for the implementation of evidence-based comprehensive afterschool programs, and to ensure such programs respond to students' academic, social, and emotional needs and address the disproportionate impact of the coronavirus on the student populations described in section 1111(b)(2)(B)(xi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(B)(xi)), students experiencing homelessness, and children and youth in foster care.

(C) \$1,352,170 to address lost instructional time due to COVID-19 in accordance with 2021 Acts and Resolves No. 28 to support literacy with a specific prioritization for the implementation of 2018 Acts and Resolves No. 173.

(D) \$1,130,586 for meeting other needs as determined by the State educational agency (AOE) to address issues in responding to COVID-19. This may include the implementation of a facilities planning grant program per 2021 Acts and Resolves No. 72.

#### Sec. E.502 EDUCATION – SPECIAL EDUCATION: FORMULA GRANTS

(a) Of the appropriation authorized in Sec. B.502 of this act, and notwithstanding any other provision of law, an amount not to exceed \$4,073,400 shall be used by the Agency of Education in fiscal year 2023 as funding for 16 V.S.A. § 2967(b)(2)–(6). In distributing such funds, the Secretary shall not be limited by the restrictions contained within 16 V.S.A. § 2969(c) and (d).

#### Sec. E.504.1 EDUCATION – FLEXIBLE PATHWAYS

(a) Of the appropriation in Sec. B.504 of this act, \$2,100,000 from the Education Fund shall be distributed to school districts for reimbursement of high school completion services pursuant to 16 V.S.A. § 943(c).

(b) Notwithstanding 16 V.S.A. § 4025(b), of this Education Fund appropriation, the amount of:

(1) \$996,500 is available for dual enrollment programs notwithstanding 16 V.S.A. § 944(f)(2);

(2) \$1,800,000 is available to support the Vermont Virtual High School;

(3) \$400,000 is available for secondary school reform grants; and

(4) \$3,000,000 is available for Early College pursuant to 16 V.S.A. § 4011(e).

(c) Of the appropriation in Sec. B.504 of this act, \$996,500 from the General Fund is available for dual enrollment programs.

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Sec. E.514 STATE TEACHERS' RETIREMENT SYSTEM

(a) In accordance with 16 V.S.A. § 1944(g)(2), and consistent with system changes enacted for fiscal year 2023 in the 2022 session, the annual contribution to the State Teachers' Retirement System (STRS) shall be \$194,161,651 of which \$187,273,782 shall be the State's contribution and \$6,887,869 shall be contributed from local school systems or educational entities pursuant to 16 V.S.A. § 1944c.

(b) In accordance with 16 V.S.A. § 1944(c)(2), of the annual contribution, \$34,342,965 is the "normal contribution," and \$159,818,686 is the "accrued liability contribution."

Sec. E.515 RETIRED TEACHERS' HEALTH CARE AND MEDICAL BENEFITS

(a) In accordance with 16 V.S.A. § 1944b(b)(2), and consistent with system changes enacted for fiscal year 2023 in the 2022 session, the annual contribution to the Retired Teachers' Health and Medical Benefits plan shall be \$50,206,128 consisting of the funds appropriated in Sec. B.515 and Sec. B.1100(c)(2) of this act.

(b) In accordance with 16 V.S.A. § 1944(c)(2), of the annual contribution, \$15,100,000 is the "normal contribution," and \$35,106,128 is the "accrued liability contribution."

\* \* \* Higher Education \* \* \*

Sec. E.600 UNIVERSITY OF VERMONT

(a) The Commissioner of Finance and Management shall issue warrants to pay 1/12 of the appropriation in Sec. B.600 of this act to the University of Vermont on or about the 15th day of each calendar month of the year.

(b) Of this appropriation, \$380,326 shall be transferred to the Experimental Program to Stimulate Competitive Research (EPSCoR) for the purpose of complying with State matching fund requirements necessary for the receipt of available federal or private funds, or both.

Sec. E.602 VERMONT STATE COLLEGES

(a) The Commissioner of Finance and Management shall issue warrants to pay 1/12 of the appropriation in Sec. B.602 of this act to the Vermont State Colleges on or about the 15th day of each calendar month of the year.

(b) Of this appropriation, \$427,898 shall be transferred to the Vermont Manufacturing Extension Center for the purpose of complying with State matching fund requirements necessary for the receipt of available federal or private funds, or both.

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Sec. E.603 VERMONT STATE COLLEGES – ALLIED HEALTH

(a) If Global Commitment fund monies are unavailable, the total grant funding for the Vermont State Colleges shall be maintained through the General Fund or other State funding sources.

(b) The Vermont State Colleges shall use the Global Commitment funds appropriated in Sec. B.603 of this act to support the dental hygiene, respiratory therapy, and nursing programs that graduate approximately 315 health care providers annually. These graduates deliver direct, high-quality health care services to Medicaid beneficiaries or uninsured or underinsured persons.

Sec. E.605 VERMONT STUDENT ASSISTANCE CORPORATION

(a) Of the appropriation in Sec. B.605 of this act, \$25,000 is appropriated from the General Fund to the Vermont Student Assistance Corporation (VSAC) to be deposited into the Trust Fund established in 16 V.S.A. § 2845.

(b) Of the appropriated amount remaining after accounting for subsection (a) of this section, not less than 93 percent of this appropriation shall be used for direct student aid.

(c) Of the total one-time funds appropriated in this act to VSAC, an amount up to six percent, but not to exceed \$100,000 in a fiscal year, may be used for staff expenses associated with administering the funds. Funds shall not be used for indirect costs.

Sec. E.605.1 NEED-BASED STIPEND FOR DUAL ENROLLMENT AND EARLY COLLEGE STUDENTS

(a) Notwithstanding 16 V.S.A. § 4025(b), the sum of \$41,225 in education funds and \$41,225 in general funds is appropriated to the Vermont Student Assistance Corporation (VSAC) for dual enrollment and need-based stipend purposes to fund a flat-rate, need-based stipend or voucher program for financially needy students enrolled in a dual enrollment course pursuant to 16 V.S.A. § 944 or in early college pursuant to 16 V.S.A. § 946 to be used for the purchase of books, cost of transportation, and payment of fees. VSAC shall establish the criteria for program eligibility. Funds shall be granted to eligible students on a first-come, first-served basis until funds are depleted.

(b) VSAC shall report on the program to the House Committees on Appropriations and on Commerce and Economic Development and to the Senate Committees on Appropriations and on Economic Development, Housing and General Affairs on or before January 15, 2023.

Sec. E.700 10 V.S.A. § 1389(d)(3) is amended to read:

(3) The Clean Water Board shall:

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\* \* \*

(E) solicit, consult with, and accept public comment from organizations interested in improving water quality in Vermont regarding recommendations under this subsection (d) for the allocation of funds from the Clean Water Fund; ~~and~~

(F) recommend capital appropriations for the permanent protection of land and waters from future development through conservation and water quality projects; and

(G) recommend that at least \$1,000,000.00 is annually appropriated to the Vermont Natural Resources Conservation Council from the Clean Water Fund for distribution on an equitable basis to the Natural Resources Conservation Districts to conduct water quality programs or projects; annual outreach, education, monitoring and assessment; and technical assistance, planning and design, and implementation of local projects related to agricultural improvements and natural resources restoration and conservation.

Sec. E.702 23 V.S.A. § 3513 is amended to read:

§ 3513. LIABILITY INSURANCE; AUTHORITY TO CONTRACT FOR  
LAW ENFORCEMENT SERVICES

(a) The amount of 85 percent of the fees and penalties collected under this chapter, except interest, is allocated to the Agency of Natural Resources for use by the Vermont ATV Sportsman's Association (VASA) for development and maintenance of a Statewide ATV Trail Program, for trail liability insurance, and to contract for law enforcement services with any constable, sheriff's department, municipal police department, the Department of Public Safety, and the Department of Fish and Wildlife for purposes of trail compliance pursuant to this chapter. The Departments of Public Safety and of Fish and Wildlife are authorized to contract with VASA to provide these law enforcement services. The Agency of Natural Resources shall retain for its use up to \$7,000.00 during each fiscal year to be used for administration of this Program.

\* \* \*

Sec. E.709 10 V.S.A. § 1283(g)(3) is amended to read:

(3) "Release" means any intentional or unintentional action or omission resulting in the spilling, leaking, pumping, pouring, emitting, emptying, dumping, or disposing of hazardous materials into the surface or groundwaters, or onto the lands in the State, or into waters outside the jurisdiction of the State when damage may result to the public health, lands, waters, or natural resources within the jurisdiction of the State. "Release" also

means the intentional or unintentional action or omission resulting in the spilling, leaking, emission, or disposal of polychlorinated biphenyls (PCBs) from building materials in ~~a building or structure~~ public schools and approved and recognized independent schools, as those terms are defined in 16 V.S.A. § 11, that were constructed or renovated before 1980.

Sec. E.709.1 10 V.S.A. § 6602(17) is amended to read:

(17) “Release” means any intentional or unintentional action or omission resulting in the spilling, leaking, pumping, pouring, emitting, emptying, dumping, or disposing of hazardous materials into the surface or groundwaters, or onto the lands in the State, or into waters outside the jurisdiction of the State when damage may result to the public health, lands, waters, or natural resources within the jurisdiction of the State. “Release” also means the intentional or unintentional action or omission resulting in the spilling, leaking, emission, or disposal of polychlorinated biphenyls (PCBs) from building materials in ~~a building or structure~~ public schools and approved and recognized independent schools, as those terms are defined in 16 V.S.A. § 11, that were constructed or renovated before 1980.

Sec. E.709.2 REPORT ON REGULATION OF PCB RELEASES FROM  
BUILDING MATERIALS IN NONSCHOOL BUILDINGS

On or before January 15, 2023, the Secretary of Natural Resources shall submit to the Senate Committees on Appropriations and on Natural Resources and Energy and the House Committees on Appropriations and on Natural Resources, Fish, and Wildlife a report regarding the indoor air quality testing of buildings for releases of polychlorinated biphenyls (PCBs) from building materials. The report shall include:

(1) a proposal for the best method for regulating releases of PCBs from PCB-containing building materials in nonschool buildings;

(2) a proposal of who will be required to test for a release or potential release of PCBs from building materials, including whether and how testing will be required under the Brownfields Reuse and Environmental Liability Limitation Program or as part of an environmental assessment for a property transaction;

(3) a summary of when during a corrective action or property transaction testing would be required and why it would be required;

(4) the standard or standards that would be utilized to determine if a release occurred;

(5) the action or remediation that would be required if PCBs are identified in excess of the proposed standard;

(6) how responsive action or remediation would be funded, including potential federal or State sources of funding; and

(7) how the requirement to test may affect investment in the redevelopment of historic downtowns or similar areas.

\* \* \* Transportation \* \* \*

Sec. E.903 MULTI-AGENCY INVESTMENTS IN ELECTRIC VEHICLE  
SUPPLY EQUIPMENT INFRASTRUCTURE

(a) Definitions. As used in this section:

(1) “Area median income” means the county or Metropolitan Statistical Area median income published by the federal Department of Housing and Urban Development.

(2) “Electric vehicle supply equipment (EVSE)” has the same meaning as in 30 V.S.A. § 201.

(3) “Level 1 charger” or “level 1 EVSE” means EVSE that plugs directly into a standard 120-volt AC outlet and supplies an average output of 1.3 to 2.4 kilowatts.

(4) “Level 2 charger” or “level 2 EVSE” means galvanically connected EVSE with a single-phase input voltage range from 208 to 240 volts AC and a maximum output current less than or equal to 80 amperes AC.

(5) “Level 3 charger,” “level 3 EVSE,” or “direct-current fast charger (DCFC),” means EVSE that uses dedicated direct current (DC) to provide energy to a plug-in electric vehicle.

(6) “Multiunit affordable housing” means a multiunit dwelling where:

(A) at least 50 percent of the units are or will be occupied by households whose income does not exceed 100 percent of the greater of the State or area median income; or

(B) all units are affordable to households earning between 60 and 120 percent of area median income.

(7) “Multiunit dwelling” means a housing project, such as cooperatives, condominiums, dwellings, or mobile home parks, with three or more units constructed or maintained on a tract or tracts of land.

(8) “Workplace” means a place where an individual works.

(b) Housing, employers, and public venues and attractions.

(1) In fiscal year 2023, \$10,000,000 is appropriated in Sec. G.600 (b) of this act to the Agency of Commerce and Community Development to support the following:



(A) one or more grant programs, which may build upon the existing EVSE Grant Program, to support the continued buildout of level 1 and 2 EVSE at multiunit dwellings, including multiunit affordable housing, with less than 20 units prioritized and not less than 30 percent of the total appropriation, less the administration expenses allowed under subsection (d c) of this section, allocated to this purpose;

(B) one or more grant programs, which may build upon the existing EVSE Grant Program, to support the continued buildout of level 1 and 2 EVSE at private workplaces, with the workplaces of employers with fewer than 100 employees prioritized;

(C) one or more grant programs, which may build upon the existing EVSE Grant Program, to support the continued buildout of level 1, 2, and 3 EVSE at public venues and attractions, such as parks, State parks and access areas, downtowns, museums, and ski mountains, that are available to any member of the public; and

(D) the purchase and installation of level 1 and 2 EVSE that is available to the public at State workplaces or to provide grants to persons for the purchase and installation of level 1 and 2 EVSE that is available to the public at State workplaces, or both.

(2) If the Agency of Commerce and Community Development, in consultation with the EVSE Interagency Workgroup, determines that programmatic funding remains available following the first round of grant awards made under subdivision (1) of this subsection, then the balance of the \$10,000,000 shall be awarded in grants that prioritize placing EVSE at multiunit affordable housing and workplaces of employers with fewer than 100 employees.

(c) Administration costs. The Agency of Commerce and Community Development may use up to 15 percent of the appropriation in subsection (b) of this section for administrative costs associated with installing EVSE at multiunit housing, workplaces, and public venues and attractions.

(d) Carryforward; deployment in fiscal year 2023.

(1) Notwithstanding any other provision of law and subject to the approval of the Secretary of Administration, appropriations to support the expenditures under this section remaining unexpended on June 30, 2023 shall be carried forward and designated for the same expenditures in the subsequent fiscal year.

(2) Every reasonable effort shall be made to obligate and deploy the monies appropriated for expenditure under this section in fiscal year 2023 in order to achieve a pace of EVSE deployment necessary to meet the emissions

reduction requirements of 10 V.S.A. § 578(a) and the recommendations of the Climate Action Plan (CAP) issued under 10 V.S.A. § 592.

(e) Outreach and marketing. The Agency of Commerce and Community Development shall ensure that there is sufficient outreach and marketing, including the use of translation and interpretation services, of the EVSE grant programs implemented pursuant to subsection (b) of this section and such costs shall be considered administrative costs for purposes of subsection (c) of this section.

\* \* \* Pay Act \* \* \*

Sec. F.100 APPROVAL OF FISCAL YEAR 2023 COMPENSATION INCREASES

(a) Funding of fiscal year 2023 collective bargaining agreement provisions.

(1) This act funds in fiscal year 2023 the provisions of the collective bargaining agreements between the State and the Vermont State Employees' Association for the Defender General, Non-Management, Supervisory, and Corrections bargaining units; for the State's Attorneys' offices bargaining unit; and for the Judicial bargaining unit, and between the State and the Vermont Troopers' Association, that apply during the period of July 1, 2022 through June 30, 2023.

(2) These collective bargaining agreements provide during that fiscal year 2023 period a cost-of-living adjustment of three percent, an average 1.9 percent step increase, and a \$1,500 one-time payment to individuals employed as of January 1, 2023.

(b) Other permitted fiscal year 2023 increases. In fiscal year 2021, the Executive, Judicial, and Legislative Branches may extend the fiscal year 2023 provisions of the collective bargaining agreements that are funded by this act to employees not covered by the bargaining agreements as they determine to be appropriate and in accordance with the appropriations provided to each branch.

Sec. F.200 FISCAL YEAR 2023 PAY ACT APPROPRIATIONS

(a) Executive Branch. In fiscal year 2023, the fiscal year 2023 provisions of the collective bargaining agreements between the State of Vermont and the Vermont State Employees' Association for the Defender General, Non-Management, Supervisory, and Corrections bargaining units, and, for the purpose of appropriation, the State's Attorneys' offices bargaining unit, for the period of July 1, 2022 through June 30, 2023; the collective bargaining agreement with the Vermont Troopers' Association, for the period of July 1, 2022 through June 30, 2023; and salary increases for employees in the

Executive Branch not covered by the bargaining agreements shall be funded as follows:

(1) General Fund. The amount of \$22,847,453 is appropriated from the General Fund to the Secretary of Administration for distribution to departments to fund the fiscal year 2023 compensation increases permitted by this act.

(2) Transportation Fund. The amount of \$1,502,420 is appropriated from the Transportation Fund to the Secretary of Administration for distribution to the Agency of Transportation and the Department of Public Safety to fund the fiscal year 2023 compensation increases permitted by this act.

(3) Other funds. The Administration shall provide additional spending authority to departments through the existing process of excess receipts to fund the fiscal year 2023 compensation increases permitted by this act. The estimated amounts are \$35,494,376 from special fund, federal, and other sources.

(4) Transfers. With due regard to the possible availability of other funds, for fiscal year 2023, the Secretary of Administration may transfer from the various appropriations and various funds and from the receipts of the Liquor Control Board such sums as the Secretary may determine to be necessary to carry out the purposes of this act to the various agencies supported by State funds.

(b) Judicial Branch. In fiscal year 2023, the amount of \$2,342,075 is appropriated from the General Fund to the Judiciary to fund the fiscal year 2021 provisions of the collective bargaining agreement between the State of Vermont and the Vermont State Employees' Association for the Judicial bargaining unit for the period of July 1, 2022 through June 30, 2023 and salary increases for employees in the Judicial Branch not covered by the bargaining agreement.

(c) Legislative Branch. In fiscal year 2023, the amount of \$985,111 is appropriated from the General Fund to the Legislative Branch for the period of July 1, 2022 through June 30, 2023.

\* \* \* American Rescue Plan Act Appropriations \* \* \*

\* \* \* Intent and Other Funding \* \* \*

#### Sec. G.100 MULTIYEAR FUNDING PRIORITIES INTENT

(a) The appropriations of ARPA – Coronavirus State Fiscal Recovery Funds in made in Secs. G.300–G.700 of this act by categorical areas are made consistent with the intent expressed in Sec. G.100 of 2021 Acts and Resolves

No. 74 (the Big Bill), and reiterated in 2022 Acts and Resolves No. 83, Sec. 67a. In some cases, other funding sources are included or are referenced for specific programs or projects providing comprehensive funding by category. All appropriations of ARPA funds in this act are made only to the extent permitted by federal law and guidance. Appropriations not expended in fiscal year 2023 shall carry forward.

Sec. G.200 AMERICAN RESCUE PLAN ACT (ARPA) - CORONAVIRUS  
STATE FISCAL RECOVERY FUND (SFR)  
APPROPRIATIONS; REVERSION AND REALLOCATION;  
REPORTS

(a) On or before September 15, 2022 and annually thereafter until September 15, 2026, the Commissioner of Finance and Management shall submit a report to the Joint Fiscal Committee on the status of all appropriations made from the Coronavirus State and Local Fiscal Recovery Fund (SLFR) provided to the State from the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (ARPA). The report shall include updates on project eligibility, obligated funds, actual expenditures, and any compliance or reporting issues.

(b) On or before January 15, 2023, the Commissioner of Finance and Management shall provide an update to the September 15, 2022 ARPA report described in subsection (a) of this section to the House and Senate Committees on Appropriations, including recommendations, if any, for reallocation of ARPA SLFR funds in the fiscal year 2023 budget adjustment act.

\* \* \* Economy, Workforce, and Communities \* \* \*

Sec. G.300 INVESTMENTS IN VERMONT'S ECONOMY,  
WORKFORCE, AND COMMUNITIES

(a) \$28,251,052 in fiscal year 2023 is appropriated from the American Rescue Plan Act (ARPA) - Coronavirus State Fiscal Recovery Funds as follows:

(1) \$1,050,000 to the Natural Resources Board, to be used as needed to prioritize and expedite permitting of ARPA-funded projects, including the costs of three exempt limited-service positions.

(2) \$9,601,052 to the Judiciary as follows:

(A) \$3,881,500 for the safe reopening of courts; and

(B) \$5,719,552 for HVAC systems at county courthouses.

(3) \$750,000 to the Secretary of State for expenses related to telehealth.

(4) \$14,900,000 to the Vermont State Colleges for bridge funding to transform the system. This includes offsets to continuing costs and impacts from COVID-19 pandemic.

(5) \$2,000,000 to the Department for Children and Families' Economic Services Division to grant to the Vermont Foodbank to support access to food for Vermonters with low income.

(b) General Fund Workforce Appropriations: In fiscal year 2023, \$1,500,000 is appropriated from the General Fund to Vermont Student Assistance Corp (VSAC) 802 Opportunity Program for increasing the household income eligibility limit from \$50,000 to \$75,000.

(1) It is the intent of the General Assembly to provide \$26,900,000 from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds and the State General Fund to be allocated for workforce investment initiatives to address critical needs in nursing and the skilled trades and to provide training opportunities for young adult Vermonters seeking to acquire skills. The specific programs to be funded shall be included in H.703 or other legislation passed in the 2022 legislative session.

(c) Community Economic Development. \$11,800,000 is appropriated in fiscal year 2023 from the General Fund for community base economic development initiatives as follows:

(1) \$5,000,000 to the Department of Forests, Parks and Recreation for the Vermont Outdoor Recreation Economic Collaborative (VOREC) Community Grant Program.

(2) \$6,000,000 to the Department of Economic Development for the remediation and redevelopment of brownfield sites.

(3) \$800,000 to the Department of Motor Vehicles to grant to the Vermont Association of Snow Travelers (VAST) as follows:

(A) \$50,000 for the VAST for the Law Enforcement and Safety Program.

(B) \$750,000 for the VAST Equipment Grant-in-Aid Program.

(4) Other Economic Development initiatives are included in H.159, which provides funding from the General Fund and ARPA sources totaling \$84,500,000, and includes funding initiatives related to wage replacement for COVID-impacted employers, supplemental unemployment funding, assistance programs for businesses and arts and culture organizations that demonstrate pandemic losses, and a time-limited increase in a downtown development tax credit.

(d) \$16,400,000 to the Department of Libraries from the Coronavirus Capital Projects Fund provided to the State from the American Rescue Plan Act of 2021, Pub. L. No. 117-217 (ARPA), for the Libraries Capital Project for capital improvements to libraries, including Americans with Disabilities Act

compliance, space renovations for improved Internet access for telehealth appointments and job interviews, and general building renovations.

\* \* \* Addressing Homelessness, Housing Insecurity and Increasing the Stock of Low- and Moderate-Income Housing \* \* \*

#### Sec. G.400 HOUSING AND HOMELESSNESS INVESTMENTS

(a) \$40,000,000 to the Vermont Housing and Conservation Board (VHCB) in fiscal year 2023 is appropriated from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Fund to the to provide affordable mixed-income rental housing and homeownership units, improvements to manufactured homes and communities, recovery residences and, if determined eligible, housing available to farm workers and refugees. VHCB shall also use the funds for shelter and permanent homes for those experiencing homelessness in consultation with the Secretary of Human Services. These funds shall carry forward into fiscal year 2024.

(b) Additional funding of \$20,000,000 is included in S.226 through the Department of Housing and Community Development for affordable rental unit development and for program to reduce single-family housing costs for middle-income families.

\* \* \* Broadband Connectivity and Technology  
Modernization Investments \* \* \*

#### Sec. G.500 BROADBAND CONNECTIVITY INVESTMENTS

(a) \$95,000,000 is appropriated in fiscal year 2023 to the Department of Public Service, Vermont Community Broadband Board from the American Rescue Plan Act - Coronavirus Capital Projects Fund in order to support the State's goal of achieving universal access to reliable, high-quality, affordable broadband. This appropriation shall be transferred to the Vermont Community Broadband Fund to make grants through the Broadband Construction Grant Program. To the greatest extent possible and for the purpose of maximizing the availability of federal funds for State broadband projects, the ARPA monies appropriated in this subsection shall be used first to fund any match requirements applicable to broadband grants funded by the Infrastructure Investment and Jobs Act of 2021.

(b) \$1,600,000 to the Department of Forests, Parks and Recreation from the Coronavirus Capital Projects Fund provided to the State from the American Rescue Plan Act of 2021, Pub. L. No. 117-217 (ARPA), for the Parks Connectivity Project to improve reliability, performance, and support Internet connectivity services to all State parks.

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Sec. G.501 STATE TECHNOLOGY MODERNIZATION INVESTMENTS

(a) \$25,250,000 is appropriated in fiscal year 2023 from American Rescue Plan Act - Coronavirus State Fiscal Recovery Funds as follows:

(1) \$20,250,000 to the Department of Motor Vehicles (DMV) Core System Modernization Phase II.

(2) \$5,000,000 to the Department of Labor Unemployment Insurance modernization project.

(b) To the extent that American Rescue Plan Act (ARPA) - Coronavirus State Fiscal Recovery Funds are available as a result of the provision specified in 2022 Acts and Resolves No. 83, Sec. 53(b)(6), \$25,000,000 shall be appropriated to the Department of Labor for the completion of the Department of Labor Unemployment Insurance modernization project.

\* \* \* Weatherization and Other Climate Change Mitigation Investments \* \* \*

Sec. G.600 CLIMATE ACTION INVESTMENTS

(a) In fiscal year 2023, \$129,760,000 is appropriated from the American Rescue Plan Act - Coronavirus State Fiscal Recovery Funds for climate change mitigation initiatives as follows:

(1) \$45,000,000 to the Department for Children and Families, Office of Economic Opportunity, Home Weatherization Assistance Program to be used in fiscal years 2023 and 2024. Households approved for assistance in this section will also be offered services outlined in subdivision (4) of this subsection.

(2) \$35,000,000 to the Department of Public Service to grant to Efficiency Vermont for the purpose of weatherization incentives to Vermonters with a moderate income. These funds shall be deposited in the Electric Efficiency Fund established under 30 V.S.A. § 209(d)(3) and shall be available for use by Efficiency Vermont through December 31, 2024. Households approved for assistance in this section will also be offered services outlined in subdivision (4) of this subsection.

(3) \$2,000,000 to the Agency of Transportation to support the continued build-out of public electric vehicle charging infrastructure along highway networks.

(4) \$25,000,000 to the Department of Public Service, of which \$20,000,000 is to provide financial and technical assistance for Vermonters with low- and moderate-income to upgrade home electrical systems to enable installation of energy saving technologies, and \$5,000,000 is to establish a "Switch and Save" program to provide financial and technical assistance for

Vermonters with low and moderate income to install, at low-or no-cost, heat pump water heaters, with a focus on replacing water heaters near the end of their useful life and serving households participating in the electrical system upgrades described in this subsection.

(5) \$2,000,000 to the Department of Public Service for load management and storage efforts to assist Vermonters with low and moderate income customers to purchase electric equipment for heating, cooling, and vehicle charging. In addition, investments will be made in load control and management platforms to enable smaller municipal and cooperative utilities to capture and share benefits of load management and funding for municipal back-up electricity storage installations.

(6) \$15,000,000 to improve landscape resilience and mitigate flood hazards to be allocated as follows:

(A) \$14,750,000 to the Department of Public Safety, Division of Emergency Management, for a State-level buyout program for flood-vulnerable parcels; and

(B) \$250,000 to the Department of Environmental Conservation to provide technical assistance to the statewide hazard mitigation program.

(7) \$4,760,000 to the Agency of Agriculture, Food and Markets to provide farms in Vermont with financial assistance for the implementation of soil-based practices that improve soil quality and nutrient retention, increase crop production, minimize erosion potential, and reduce agricultural waste discharges. Assistance may take the form of programs that provide education, training, or instruction to farmers.

(8) \$1,000,000 to the Department of Forests, Parks and Recreation for the Urban and Community Forestry (UCF) Program to plant up to 5,000 trees to improve air quality and reduce heat island effects in urban areas in accordance with UCF program standards for design, planting, and maintenance.

(b) In fiscal year 2023, \$32,200,000 is appropriated from the General Fund and \$500,000 is appropriated from the Transportation Fund for electric vehicle charging infrastructure, electrification incentives and public transportation investments as follows:

(1) \$10,000,000 to the Agency of Commerce and Community Development to dwellings, workplaces, community venues and attractions in accordance with Sec. E.903 of this act.

(2) \$12,000,000 to the Agency of Transportation for the Incentive Program for New PEVs, established in 2019 Acts and Resolves No. 59, Sec. 34, as amended.



(3) \$2,000,000 to the Agency of Transportation for the public-private partnership with Drive Electric Vermont to support the expansion of the plug-in electric vehicle market in the State.

(4) \$3,000,000 to the Agency of Transportation to grant to the Community Action Agencies to support the MileageSmart Program, established in 2019 Acts and Resolves No. 59, Sec. 34, as amended.

(5) \$3,000,000 to the Agency of Transportation for the Replace Your Ride Program, established in 2021 Acts and Resolves No. 55, Sec. 27, as amended.

(6) \$2,200,000 general funds and \$500,000 Transportation funds to the Agency of Transportation for the following:

(A) \$1,200,000 general funds for transit agencies to, as practicable and in the sole discretion of the transit agencies, operate routes other than commuter and LINK Express on a zero-fare basis and provide service at pre-COVID-19 levels; and

(B) \$1,000,000 general funds and \$500,000 Transportation funds to continue administering the Mobility and Transportation Innovation (MTI) Grant program to support projects that improve both mobility and access to services for transit-dependent Vermonters, reduce the use of single-occupancy vehicles, and reduce greenhouse gas emissions.

(c) In fiscal year 2023, \$8,000,000 is appropriated from the General Fund to the Department of Public Service to offer up to 70 percent reimbursement to municipal and cooperative electrical distribution utilities for the implementation of one or more systems of Advanced Metering Infrastructure that has been approved by the Public Utility Commission.

(d) Additional funding of \$35,000,000 is included H.518 from ARPA resources for a Municipal Energy Resilience Grant Program.

\* \* \* Clean Water Investments \* \* \*

#### Sec. G.700 WATER AND SEWER INVESTMENTS

(a) In fiscal year 2023, \$94,000,000 is appropriated from the American Rescue Plan Act (ARPA) - Coronavirus State Fiscal Recovery Funds as follows:

(1) \$31,000,000 for Stormwater Retrofit Projects to provide three-acre stormwater permitting design and construction support for entities subject to the Vermont 3- 9050 Stormwater General Permit and to provide design and construction for practices necessary to restore impaired waters subject to flow restoration plans. These funds shall be allocated as follows:

(A) \$30,000,000 to the Department of Environmental Conservation to provide three-acre stormwater permitting design and construction support for entities subject to the Vermont 3- 9050 Stormwater General Permit and to provide permitting, design, and construction services; and

(B) \$1,000,000 to the Department of Forests, Parks and Recreation to support compliance with the three-acre stormwater rule.

(2) \$35,000,000 to the Department of Environmental Conservation to support water and wastewater projects and pretreatment activities, as follows:

(A) \$15,000,000 to support the design and construction of community-scale water or decentralized wastewater projects, or both, to support underserved designated centers;

(B) \$5,000,000 to provide financial assistance to municipalities, Vermont businesses, and nonprofit entities to install or enhance pretreatment processes to address high strength or toxic wastes that otherwise require treatment at municipal expense by publicly owned treatment facilities; and

(C) \$15,000,000 to municipalities with small and primarily residential customer bases to upgrade or replace existing water or wastewater treatment systems that are at risk of failure.

(3) \$20,000,000 to the Department of Environmental Conservation to assist municipalities to design and construct projects to reduce or eliminate wet weather sewer overflows.

(4) \$13,000,000 to make repairs or improvements to water and wastewater systems in Vermont homes to be allocated as follows:

(A) \$6,500,000 to the Department of Environmental Conservation for improving water/wastewater systems at coop-owned or nonprofit mobile home parks (MHPs);

(B) \$5,000,000 to the Department of Environmental Conservation to replace failed on-site wastewater and water supplies for Vermonters with low income or who are unable to access or afford market rate loans; and

(C) \$1,500,000 to the Department of Housing and Community Development to update leaking service lines, old plumbing, and replacing outdated fixtures (sinks, toilets, dishwashers, laundry) with high-efficiency devices.

Sec. G.701 APPROPRIATIONS: OFFSET CAPITAL BILL FUNDED  
PROJECTS BY SWAP TO ARPA

(a) Fiscal year 2022. \$500,000 in fiscal year 2022 is appropriated from the American Rescue Plan Act (ARPA) - Coronavirus State Fiscal Recovery Funds

to the Department of Forests, Parks and Recreation for forestry access road water quality improvements.

(b) Fiscal year 2023. \$5,236,781 in fiscal year 2023 is appropriated from the American Rescue Plan Act (ARPA) - Coronavirus State Fiscal Recovery Funds for projects authorized in the fiscal year 2023 Capital Budget Adjustment Act. as follows:

(1) \$600,000 to the Department of Buildings and General Services for three-acre parcel stormwater planning, design, and implementation;

(2) \$300,000 to the Department of Forests, Parks and Recreation for State parks major maintenance;

(3) \$585,000 to the Department of Environmental Conservation for Municipal Pollution Control Grants;

(4) \$700,000 to the Department of Forests, Parks and Recreation for forestry access road water quality improvements;

(5) \$2,451,781 to the Agency of Agriculture, Food and Markets for water quality grants; and

(6) \$600,000 to the Vermont Housing and Conservation Board for agricultural water quality projects.

Sec. G.702 2021 Acts and Resolves No. 74, Sec. G.700(c) is amended to read as follows:

~~(c) \$15,000,000 to be used to~~ To the extent capital funds have been appropriated to projects supporting water and sewer infrastructure in fiscal year 2022 and capital appropriations can be offset for reuse for future capital construction projects in the fiscal years 2022–2023 capital budget adjustment process.—On on or before December 15, 2021, the Commissioner of Finance and Management shall review and recommend water and sewer infrastructure projects funded in fiscal year 2022 that could be funded with ARPA funds to the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions and to the Governor for the fiscal years 2022–2023 capital budget adjustment report.

\* \* \* Administration \* \* \*

Sec. G.800 ARPA FUNDED LIMITED-SERVICE POSITIONS

(a) The establishment of the following 23 new classified limited-service positions is authorized in fiscal year 2023.

(1) Agency of Administration: one Grants Manager.

(2) Agency of Agriculture, Food and Markets: two Water Quality Program Coordinators.

(3) Public Service Department:

(A) one Administrative Services Coordinator;

(B) one Outreach Coordinator;

(C) one Grants Manager;

(D) one Financial Manager; and

(E) one Program Coordinator.

(4) Vermont Community Broadband Board:

(A) one Fiscal and Federal Reporting Specialist;

(B) one Rural Broadband Technical Specialist;

(C) one Business Office Manager; and

(D) one Digital Equity Office Manager.

(E) Vermont Community Broadband Board: one Fiber Optics Engineer.

(5) Natural Resources Board:

(A) two District Coordinators; and

(B) one Executive Director.

(6) Agency of Human Services, Office of Economic Opportunity:

(A) one Senior Energy Services Program Officer; and

(B) two Energy Services Program Officers.

(7) Department of Labor: three Program Technicians.

(8) Agency of Natural Resources, Department of Forests, Parks and Recreation: one Environmental Analyst III.

(9) Agency of Natural Resources, Central Office: one Environmental Analyst III.

(10) Agency of Transportation:

(A) one Grants Management Specialist; and

(B) one Grants Manager.

#### Sec. G.801 APPROPRIATION FOR ADMINISTRATIVE COSTS

(a) \$10,500,000 in fiscal year 2023 is appropriated from the American Rescue Plan Act - Coronavirus State Fiscal Recovery Funds to the Agency of Administration to be distributed as needed to address the statewide costs of

administering these funds, including the costs of related limited-service positions, and contracting for programs and services.

\* \* \* Effective Dates \* \* \*

#### Sec. H.100 EFFECTIVE DATES

(a) This section and Secs C.100 through C.111 (fiscal year 2022 one-time appropriations, adjustments, and amendments), E.240.1 (7 V.S.A. § 845), E.240.2 (32 V.S.A. § 7909), E.240.3 (repeal of 2020 Acts and Resolves No. 164, Sec. 6(c), and E.240.4 (repeal of 2020 Acts and Resolves No. 164, Sec. 33(h)); G.701(a) (offset capital funds by swap to ARPA) and Sec. G.702 (amendment to 2021 Acts and Resolves No.74, Sec. G.700(c)) shall take effect upon passage.

(b) Notwithstanding 1 V.S.A. § 214, Sec. E.702 (Fish and Wildlife) shall take effect on July 1, 2023.

(c) Notwithstanding 1 V.S.A. § 214, Sec. E.240.5 (7 V.S.A. § 845) and E.240.6 (32 V.S.A. § 7909(a)) shall take effect on July 1, 2025.

(d) Notwithstanding 1 V.S.A. § 214, Secs. E.709 and E.709.1 (definition of release; PCBs) shall take effect retroactively on July 1, 2021.

(e) All remaining sections shall take effect on July 1, 2022.

And by renumbering all of the sections of the bill to be numerically correct (including internal references) and adjusting all of the totals to be arithmetically correct.

And that the bill ought to pass in concurrence with such proposal of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the proposal of amendment was agreed to on a roll call, Yeas 28, Nays 2.

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

#### **Roll Call**

**Those Senators who voted in the affirmative were:** Balint, Baruth, Benning, Bray, \*Brock, Champion, Chittenden, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pearson, Perchlik, Pollina, Ram Hinsdale, Sears, Sirotkin, Starr, Westman, White.

**Those Senators who voted in the negative were:** Parent, Terenzini.

\*Senator Brock explained his vote as follows:

“My vote in favor of H.740 is made with mixed feelings. This budget contains many good things that I support. I am grateful to the Chair of the Appropriations Committee for successfully managing this gargantuan task. I think that much of this will strengthen our state and help our people and businesses recover from the Covid pandemic. But I am concerned that we have focused far too much on short-term government programs and far too little on making the transformational investments that we need to make lasting change. As the Governor has stated, we must not squander this once in a generation opportunity to use federal funds and state surpluses to give Vermonters relief from rising costs and create lasting transformative changes in our struggling rural communities.”

Thereupon, third reading of the bill was ordered.

### **House Proposals of Amendment Concurred In**

#### **S. 72.**

House proposals of amendment to Senate bill entitled:

An act relating to the Interstate Compact on the Placement of Children.

Were taken up.

The House proposes to the Senate to amend the bill as follows:

First: In Sec. 2, 33 V.S.A. chapter 59, in subdivision 5902(20), by striking out “he or she” and inserting in lieu thereof the person

Second: In Sec. 2, 33 V.S.A. chapter 59, in subdivision 5903(a)(3), by striking out “The” and inserting in lieu thereof the

Third: In Sec. 2, 33 V.S.A. chapter 59, in subdivision 5903(b)(4), by striking out “his or her” and inserting in lieu thereof the child’s

Fourth: In Sec. 2, 33 V.S.A. chapter 59, in subdivision 5903(b)(7), by striking out his or her

Fifth: In Sec. 2, 33 V.S.A. chapter 59, in subdivision 5904(d)(7), after the word “receiving”, by striking out the

Sixth: In Sec. 2, 33 V.S.A. chapter 59, in subdivision 5908(2)(D), by striking out “his or her” and inserting in lieu thereof the

Seventh: In Sec. 2, 33 V.S.A. chapter 59, in section 5924, by striking out “his or her” and inserting in lieu thereof the child’s

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

**House Proposals of Amendment Concurred In****S. 171.**

House proposals of amendment to Senate bill entitled:

An act relating to adoption of a State code of ethics.

Were taken up.

The House proposes to the Senate to amend the bill as follows:

First: In Sec. 1, 3 V.S.A. chapter 31, subchapter 1, by striking out section 1205 in its entirety and inserting in lieu thereof a new section 1205 to read as follows:

§ 1205. MANDATORY CODE OF ETHICS EDUCATION AND TRAINING

Within the first 120 days of public service, a public servant shall engage in State Code of Ethics training, which may be in person or online. Completion of State Code of Ethics training shall be documented by the department where the public servant is employed. A public servant shall participate in continuing State Code of Ethics education, which may be in person or online, at least once every three years thereafter. Approved continuing State Code of Ethics education providers are the State Ethics Commission, the Department of Human Resources – Center for Achievement in Public Service (CAPS), the Vermont House of Representatives Ethics Panel for the House of Representatives, the Vermont Senate Ethics Panel for the Senate, the Vermont Supreme Court and the Court Administrator’s Office for the Vermont Judiciary, and any education providers approved by the State Ethics Commission. Copies of State Code of Ethics training materials by ethics education providers shall be provided to the State Ethics Commission in advance of the training. On request, the State Ethics Commission may collaborate with or assist State Code of Ethics education providers.

Second: By adding a new section to be Sec. 2a to read as follows:

Sec. 2a. 3 V.S.A. § 1226 is amended to read:

§ 1226. COMMISSION REPORTS

Annually, on or before January 15, the Commission shall report to the General Assembly regarding the following issues:

(1) Complaints. The number and a summary of the complaints made to it, separating the complaints by topic, and the disposition of those complaints, including any prosecution, enforcement action, or dismissal. This summary of complaints shall not include any personal identifying information.

(2) Guidance and training.

(A) Guidance. The number of requests for and a summary of the guidance the Executive Director provided, separating the guidance by topic. This summary of guidance shall not include any personal identifying information.

(B) Training. An estimate of the number of Code of Ethics trainings conducted by each branch of government, a summary of the training activities undertaken by the Ethics Commission, and a summary of any recommendations the Commission or the Executive Director made to any branch of State government regarding additional training or more in-depth training for particular provisions of the Code of Ethics.

(3) Recommendations. Any recommendations for legislative action to address State governmental ethics or provisions of campaign finance law.

Third: In Sec. 1, 3 V.S.A. chapter 31, subchapter 1, in section 1203g, in subsection (a), by striking out subdivision (7) in its entirety and inserting in lieu thereof a new subdivision (7) to read as follows:

(7) Admission fees and tickets. A public servant may accept free attendance to a widely attended charitable, cultural, political, or civic event at which a public servant participates in the public servant's official capacity, provided such tickets or admission is provided by the primary sponsoring entity. Free attendance may include all or part of the cost of admission; transportation to and from the event; and food, refreshments, entertainment, and instructional materials provided to all event attendees.

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

**Senate Resolution Amended; Third Reading Ordered**

**S.R. 16.**

Senator White, for the Committee on Government Operations, to which was referred Senate resolution entitled:

Senate resolution urging the United States Postal Service to improve immediately the reliability and timeliness of its deliveries and requesting that Congress take any necessary legislative actions to effectuate this objective.

Reported recommending that the Senate resolution be amended by striking out all after the title and inserting in lieu thereof the following:

*Whereas*, even in the digital age, the U.S. Postal Service (USPS) remains essential for Vermonters and Vermont's economy, and



*Whereas*, to improve USPS revenues, U.S. Postmaster General Louis DeJoy and the Postal Board of Governors adopted a 10-year USPS transformation plan entitled “Delivering for America,” which focuses more on profitability and less on timely service, and

*Whereas*, the 10-year plan includes an intentional slowing, from three to six days, of the USPS delivery standard for first-class mail, and

*Whereas*, this standard is resulting in deteriorating postal service nationwide, as seen in the fact that approximately 92 percent of first-class mail was delivered on time in the first quarter of 2020 while, during the same period in 2021, that figure fell to 78 percent, and

*Whereas*, many Vermont communities, including Barre, Bennington, Marshfield, Montpelier, Pownal, Shaftsbury, Stowe, and Williston, have experienced extensive USPS delivery delays, and

*Whereas*, the late receipt of credit card and utility bills may result in damage to a person’s credit rating or the suspension of a basic utility service, and

*Whereas*, the tardy arrival of critical medications sent via USPS could be life threatening, and

*Whereas*, the Bennington Post Office informed an individual that the delivery of packages would be delayed until the post office had the time or staff, or both, to deliver them, and yet, a full workweek after a stated delivery date had passed, the parcels remained undelivered, and

*Whereas*, the shortcomings of the USPS are also impacting businesses such as Vermont News & Media, which publishes the *Bennington Banner*, the *Brattleboro Reformer*, and the *Manchester Journal*, and

*Whereas*, the company attributes the cancellation of over 200 newspaper subscriptions in Bennington and Windham Counties and an anticipated revenue loss of at least \$45,000 to the USPS, and this is merely one example of the negative financial effects of USPS delivery delays on Vermont corporations, and

*Whereas*, the USPS’s new “Delivering for America” plan is causing significant harm to the health and economic livelihoods of individuals and corporations in Vermont and nationally and should be immediately reassessed, and

*Whereas*, constraining directives from USPS headquarters limit the excellent customer service that dedicated employees have shown in the past, and

*Whereas*, the combination of climatic, road, and terrain conditions in Vermont necessitates that USPS vehicles be equipped to meet our State's challenging and, at times, unique travel circumstances, and

*Whereas*, the postal problems Vermonters are encountering are due to flawed national USPS policies and are not the fault of the hard-working USPS employees in Vermont, *now therefore be it*

***Resolved by the Senate:***

That the Senate of the State of Vermont urges the U.S. Postal Service to reassess its 10-year transformation plan with the goal of immediately restoring the reliability and timeliness of mail delivery to the standard that existed prior to the plan's implementation, *and be it further*

***Resolved:*** That the Senate of the State of Vermont urges USPS administrators to allow local USPS employees more autonomy in the provision of excellent customer service to local patrons, *and be it further*

***Resolved:*** That the Senate of the State of Vermont urges USPS to purchase vehicles that are equipped to meet our State's challenging and, at times, unique travel conditions, *and be it further*

***Resolved:*** That the Secretary of the Senate be directed to send a copy of this resolution to U.S. Postmaster General Louis DeJoy, the Postal Board of Governors, the Chair of the U.S. House Committee on Oversight and Reform's Subcommittee on Government Operations, the U.S. House and Senate Majority and Minority Leaders, and the Vermont Congressional Delegation.

And that when so amended the resolution ought to pass.

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

**Rules Suspended; Bill Committed**

Pending entry on the Calendar for notice, on motion of Senator Benning the rules were suspended and House bill entitled:

**H. 739.** An act relating to capital construction and State bonding budget adjustment.

was committed to the Committee on Appropriations pursuant to Rule 31 with the report of the Committee on Institutions *intact*,

Which was agreed to.

**Rules Suspended; Bill Committed****H. 466.**

Appearing on the Calendar for notice, on motion of Senator Bray, the rules were suspended and House bill entitled:

An act relating to surface water withdrawals and interbasin transfers.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Agriculture, Senator Bray moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Natural Resources and Energy with the report of the Committee on Agriculture *intact*,

Which was agreed to.

**Adjournment**

On motion of Senator Balint, the Senate adjourned until one o'clock in the afternoon on Wednesday, April 20, 2022.

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**WEDNESDAY, APRIL 20, 2022**

The Senate was called to order by the President.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Bills Referred**

Pursuant to Temporary Rule 44A the following bills having failed to meet cross-over and being released by the Committee on Rules were referred to their respective committees of jurisdictions:

**H. 741.**

An act relating to approval of amendments to the charter of the City of St. Albans.

To the Committee on Government Operations.

**H. 744.**

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

To the Committee on Government Operations.

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**Senate Resolution Adopted**

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

By All Members of the Senate,

**S.R. 24.** Senate resolution honoring Senator Patrick J. Leahy for his nearly half century of extraordinary public service in the U.S. Senate.

*Whereas*, the true origin of U.S. Senator Patrick Leahy's illustrious senatorial career can be traced back to the then four-year-old Montpelier boy's obtaining his first library card at the Kellogg-Hubbard Library in Montpelier, and

*Whereas*, after graduating from St. Michael's College and the Georgetown University Law Center, Pat Leahy turned his attention to public service, first as Chittenden County State's Attorney, and then, in 1974, at 34 years of age, as a U.S. Senator, beginning the longest tenure of any Vermonter in the nation's senior legislative chamber where he is currently the U.S. Senate's longest-serving member, and

*Whereas*, Senator Leahy has been honored to serve terms as Chair of the Senate Agriculture, Appropriations, and Judiciary Committees, and has twice been President *pro tempore*, the third in line to the presidency, and

*Whereas*, issues pertaining to the economic prosperity and environmental protection of Vermont have always been of paramount importance to him, and

*Whereas*, Senator Leahy's advocacy of open government earned him membership in the FOIA Hall of Fame and won him the John Peter Zenger Press Freedom Award, and his concern for personal privacy in the digital age influenced his co-founding of the Congressional Internet Caucus, and

*Whereas*, he was an early and ardent advocate for the banning of anti-personnel landmines and shepherded the legislation establishing the Leahy War Victims Fund, and

*Whereas*, unique among his colleagues, Senator Leahy's thousands of photographs of congressional life have been prominently published and exhibited, and they form an extraordinary congressional archive, and

*Whereas*, the fees and royalties Senator Leahy has earned for appearing in five *Batman* movies have all been donated to the Kellogg-Hubbard Library, whose children's wing is named in his honor, and

*Whereas*, Pat Leahy and the love of his life, Marcelle, are celebrating their 60th wedding anniversary this year, and, at the conclusion of his current term, he will end an amazing eight terms as Vermont's U.S. Senator, *now therefore be it*

***Resolved by the Senate:***

That this legislative body honors Senator Patrick J. Leahy for his nearly half century of extraordinary public service in the U.S. Senate, *and be it further*

**Resolved:** That the Secretary of the Senate be directed to send a copy of this resolution to U.S. Senator Patrick J. Leahy.

**Recess**

On motion of Senator Balint the Senate recessed until the fall of the gavel.

**Called to Order**

The Senate was called to order by the President.

**Proposal of Amendment; Third Reading Ordered**

**H. 534.**

Senator Benning, for the Committee on Judiciary, to which was referred House bill entitled:

An act relating to sealing criminal history records.

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

Sec. 1. 13 V.S.A. § 7601 is amended to read:

§ 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). [Repealed.]~~

(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 2802, 2802a, 2803, 2804, or 2804b of this title related to obscenity;
- (ix) a violation of section 1455 of this title related to hate motivated crimes; and
- (x) a violation of section 1456 of this title related to burning of a religious symbol; 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) a felony violation of 9 V.S.A. § 4043 related to fraudulent use of a credit card;

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

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

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

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

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

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

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

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

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

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

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

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

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

(O) section 2575 of this title related to retail theft;

(P) section 2582 of this title related to theft of services;

(Q) section 2591 of this title related to theft of rented property;

(R) section 2592 of this title related to failure to return a rented or leased motor vehicle;

(S) section 3016 of this title related to false claims;

(T) section 3701 of this title related to unlawful mischief;

(U) section 3705 of this title related to unlawful trespass;

(V) section 3733 of this title related to mills, dams, or bridges;

(W) section 3761 of this title related to unauthorized removal of human remains;

(X) section 3767 of this title related to grave markers and ornaments;



(Y) chapter 87 of this title related to computer crimes; and

(Z) 18 V.S.A. § 4223 related to fraud or deceit in obtaining a regulated drug.

(6) “Subsequent offense” means the conviction of a crime committed by the person who is the subject of a petition to seal a criminal history record that arose out of a new incident or occurrence after the person was convicted of the crime to be sealed.

Sec. 2. 13 V.S.A. § 7606 is amended to read:

§ 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 ~~he or she~~ 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.

\* \* \*

Sec. 3. 13 V.S.A. § 7607 is amended to read:

§ 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 ~~he or she~~ 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. The VCIC shall provide notice of the sealing to the Federal Bureau of Investigation’s National Crime Information Center.

\* \* \*

Sec. 4. 13 V.S.A. § 7611 is added to read:

§ 7611. UNAUTHORIZED ACCESS OR 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, 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. 5. 24 V.S.A. § 2002 is added to read:

§ 2002. EXPUNGEMENT OF MUNICIPAL VIOLATION RECORDS

(a) Expungement. Three 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, 2022.

Sec. 6. 23 V.S.A. § 2303 is amended to read:

§ 2303. EXPUNGEMENT OF VIOLATION RECORDS

\* \* \*

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

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

And that the bill ought to pass in concurrence with such proposal of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the proposal of amendment of the Committee on Judiciary was agreed to.

Thereupon, pending the question, Shall the bill be read a third time?, Senator Benning moved to amend the proposal of amendment as follows:

By inserting after Sec. 7, effective date, the following:

And that after passage the title of the bill be amended to read:

An act relating to expanding eligibility for expungement and sealing of criminal history records for nonviolent offenses.

Which was agreed to.

Thereupon, third reading of the bill was ordered.

**Proposal of Amendment; Consideration Postponed**

**H. 159.**

House bill entitled:

An act relating to community and economic development and workforce revitalization.

Was taken up.

Thereupon, pending third reading of the bill, Senator White moved to amend the Senate proposal of amendment by adding a new section to be Sec. 5a to read as follows:

Sec. 5a. INTENT; WINDHAM COUNTY ECONOMIC DEVELOPMENT

It is the intent of the General Assembly to take any legislative action necessary:

(1) to transfer all unobligated Windham County Economic Development Program grant funds and Program special fund balances from the Agency of Commerce and Community Development to the Brattleboro Development Credit Corporation not later than October 1, 2022;

(2) to move all Program-related loans and loan servicing functions from the Vermont Economic Development Authority to the Corporation not later than October 1, 2022; and

(3) to ensure that future payments of principal and interest on outstanding loans originally issued by the Authority are paid to the Corporation.

Which was agreed to.

Thereupon, Senators Sirotkin and Brock moved that the Senate proposal of amendment be amended as follows::

First: By adding a reader assistance heading and three new sections to be Secs. 17a–17c to read as follows:

\* \* \* SALT Deduction Cap Workaround \* \* \*

Sec. 17a. 32 V.S.A. chapter 151, subchapter 10C is added to read:

Subchapter 10C. Elective Pass-Through Entity Business Income Tax

§ 5921a. DEFINITIONS

As used in this subchapter:

(1) “Distributive proceeds” means the net income, dividends, royalties, interest, rents, guaranteed payments, and gains of a pass-through entity derived from or connected with sources within the State.

(2) “Member” means a member of a limited liability company; a partner in a general, limited, or limited liability partnership; or a shareholder of an S corporation, provided the member is a natural person.

(3) “Pass-through entity” means a limited liability company, a partnership, or an S corporation.

(4) “Pass-through entity business income tax” means the tax imposed under this subchapter.

(5) “Share of distributive proceeds” means the portion of distributive proceeds attributable to a member of a pass-through entity during a taxable year.

(6) “Taxed at the business entity level” means taxed pursuant to an election made under this subchapter.

§ 5921b. PASS-THROUGH ENTITY BUSINESS INCOME TAX;  
ELECTION

(a) A pass-through entity may elect to be liable for and pay a pass-through entity business income tax during the taxable year, provided:

(1) at least one member of the entity is liable for income tax under this chapter on that member’s share of distributive proceeds of the pass-through entity during a taxable year;

(2) each member of the pass-through entity is a natural person and no member is a C corporation or a pass-through entity; and

(3) consent is given by:

(A) each member of the electing entity who is a member at the time the election is filed; or

(B) any officer, manager, or member of the electing entity who is authorized, under law or the entity’s organizational documents, to make the election and who represents having such authority under penalties of perjury.

(b) The tax imposed on a pass-through entity under this section shall be equal to the sum of each member’s share of taxable distributive proceeds attributable to the pass-through entity for the taxable year, multiplied by the second-highest marginal tax rate in section 5822 of this title.

(c) The election under this section shall be made annually, on or before the due date for filing the entity’s return as established by the Commissioner, and shall not apply retroactively. An election made under this section shall be binding on all members of the pass-through entity for the year in which the election is made. If the members decide to revoke an election, that revocation shall occur on or before the due date for filing the entity’s return.

(d) Each pass-through entity that makes an election for a taxable year under this section shall annually report to each of its members the member’s share of distributive proceeds for the taxable year.

(e) Each pass-through entity that makes an election for a taxable year under this section shall file an entity tax return and make payments on or before the 15th day of the third month following the close of each entity's taxable year as determined for federal income tax purposes. A pass-through entity shall make estimated entity tax payments as provided under subchapter 5 of this chapter.

§ 5921c. REFUNDABLE INCOME TAX CREDIT; INDIVIDUAL MEMBERS OF PASS-THROUGH ENTITIES

An individual taxpayer of this State shall be entitled to a refundable credit against the income tax paid under this chapter for the taxable year, provided the individual is a member of a pass-through entity that elects under section 5921b of this title to be liable for and pay the pass-through entity business income tax during the taxable year. For each pass-through entity of which the individual is a member, the amount of the credit shall equal 90 percent of the individual's pro rata share of the tax paid under section 5921b of this title for the taxable year, and that credit shall be available to the member during the same taxable year. The credit under this section shall be available after the application of all other credits allowed by law and claimed by the individual during the taxable year.

Sec. 17b. 32 V.S.A. § 5825 is amended to read:

§ 5825. CREDIT FOR TAXES PAID TO OTHER STATES AND PROVINCES

\* \* \*

(c) The credit claimed under this section shall include an amount of the tax paid to another state that imposes a tax on the distributive proceeds of a pass-through entity, provided the other state's tax is substantially similar to the pass-through entity business income tax imposed under subchapter 10C of this chapter. The nonrefundable credit under this subsection shall equal 90 percent of the taxpayer's pro rata share of tax paid to another state, provided the amount of the credit does not exceed the amount of pass-through entity business income tax owed under subchapter 10C of this chapter. As used in this subsection, "distributive proceeds" and "pass-through entity" shall have the same meanings as under section 5921a of this title.

Sec. 17c. CONSENSUS ESTIMATE; REPORT TO JOINT FISCAL COMMITTEE AND EMERGENCY BOARD

The Commissioner of Taxes, in consultation with the Joint Fiscal Office, shall conduct a fiscal analysis and reach a consensus estimate of the revenue impact to this State of the elective pass-through entity business income tax and credits created under this act. On or before July 25, 2022, the Commissioner of Taxes shall submit a written report to the Joint Fiscal Committee and the

Emergency Board detailing the consensus estimate conducted under this section. Based on the consensus estimate, the Commissioner's report shall provide a recommendation in favor of or against implementing the tax and credits created under this act in taxable year 2022. The Commissioner shall make a favorable recommendation if:

(1) the consensus estimate under subsection (a) of this section demonstrates that the tax and credits created under this act are projected to have a neutral or positive impact on the revenues of this State; and

(2) the Commissioner determines that implementation of the tax and credits created under this act for the calendar year 2023 income tax filing season (taxable year 2022) will not impose undue administrative burden on the Department of Taxes.

Second: In Sec. 21, effective dates, by inserting a new subsection (g) to read as follows:

(g) Secs. 17a and 17b (SALT deduction cap work-around) shall take effect:

(1) notwithstanding 1 V.S.A. § 214, retroactively on January 1, 2022 and shall apply to taxable years beginning on and after January 1, 2022, provided the Commissioner's recommendation required pursuant to Sec. 17c is in favor of implementing the tax and credits created under this act; or

(2) on January 1, 2023 and shall apply to taxable years beginning on and after January 1, 2023.

And by relettering the remaining subsections to be alphabetically correct.

Thereupon, pending the question, Shall the Senate proposal of amendment be amended as recommended by Senators Sirotkin and Brock?, on motion of Senator Cummings consideration of the bill was postponed until the next legislative day.

**Proposal of Amendment; Bill Passed in Concurrence with Proposal of Amendment; Bill Messaged**

**H. 740.**

House bill entitled:

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

Was taken up.

Thereupon, pending third reading of the bill, Senators Kitchel, Balint, Baruth, Nitka, Sears, Starr and Westman moved to amend the Senate proposal of amendment as follows:

First: By striking out Sec. B.301, Secretary's office – global commitment, in its entirety and inserting in lieu thereof a new Sec. B.301 to read as follows:

Sec. B.301 Secretary's office - global commitment

Grants	<u>1,833,642,970</u>
Total	1,833,642,970
Source of funds	
General fund	607,567,996
Special funds	33,384,536
Tobacco fund	21,049,373
State health care resources fund	17,078,501
Federal funds	1,150,528,394
Interdepartmental transfers	<u>4,034,170</u>
Total	1,833,642,970

Second: By striking out Sec. B.307, Department of Vermont health access - Medicaid program - global commitment, in its entirety and inserting in lieu thereof a new Sec. B.307 to read as follows:

Sec. B.307 Department of Vermont health access - Medicaid program - global commitment

Personal services	547,983
Grants	<u>836,337,225</u>
Total	836,885,208
Source of funds	
Global Commitment fund	<u>836,885,208</u>
Total	836,885,208

Third: By striking out Sec. B.320, Department for Children and families – aid to aged, blind and disabled, in its entirety and inserting in lieu thereof a new Sec. B.320 to read as follows:

Sec. B.320 Department for children and families - aid to aged, blind and disabled

Personal services	2,252,206
Grants	<u>10,431,118</u>
Total	12,683,324
Source of funds	
General fund	7,533,333
Global Commitment fund	<u>5,149,991</u>
Total	12,683,324



Fourth: By striking out Sec. B.334.1, Disabilities, aging and independent living – Long Term Care, in its entirety and inserting in lieu thereof a new Sec. B.334.1 to read as follows:

Sec. B.334.1 Disabilities, aging and independent living - Long Term Care

Grants	<u>247,242,665</u>
Total	247,242,665
Source of funds	
General fund	498,579
Federal funds	2,083,333
Global Commitment fund	<u>244,660,753</u>
Total	247,242,665

Fifth: In Sec. B.1100, fiscal year 2023 one-time General Fund appropriations, subdivision (a)(8), by striking the number “\$1,910,000” and inserting in lieu of a new number \$2,010,000

Sixth: In Sec. B.1100, fiscal year 2023 one-time General Fund appropriations, by striking out subdivision (a)(8)(E) in its entirety and inserting in lieu thereof a new subdivision (a)(8)(E) to read as follows:

(E) \$300,000 of which \$200,000 is to establish a grant program for organic milk farmers that are transitioning to a new buyer to assist with the costs of modifications needed to accommodate the new buyer and \$100,000 to the Produce Safety Improvement grant program.

Seventh: In Sec. B.1100, fiscal year 2023 one-time General Fund appropriations, by striking out subdivision (a)(12) in its entirety and inserting in lieu thereof a new subdivision (a)(12) to read as follows:

(12) \$1,180,000 to the Department for Children and Families for the following:

(A) \$50,000 for a grant to the Vermont Donor Milk Center for statewide activities.

(B) \$750,000 to the Parent Child Centers for upgrades to facilities, systems, or new equipment.

(C) \$180,000 to be granted to the Vermont Food Bank for statewide provision of diapers to families in need.

(D) \$200,000 to be granted to the five youth service provider organizations that currently have contracts with the Department of Health and the Department for Children and Families. Each organization shall receive a grant of \$20,000 and the remaining funds shall be granted to each organization

in an equitable manner after consultation with the organizations and consideration of the scope of services by each organization.

Eighth: In Sec. B.1100, fiscal year 2023 one-time General Fund appropriations, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) \$11,000,000 is appropriated from the General Fund to the Department of Public Safety. Up to \$6,500,000 of this appropriation may be used to provide grants for establishing new regional dispatch facilities and grants to existing regional dispatch facilities. The Commissioner of Public Safety shall report to the Joint Fiscal Committee in September and November 2022 on the status of grants made under this provision. The remaining amount shall be held in reserve until further approval by the General Assembly is provided subsequent to the report required by Sec. E.209.1 of this act.

Ninth: In Sec. E.100, Executive Branch positions, by adding a subdivision (f) to read as follows:

(f) The establishment of two additional classified permanent Tax Examiner positions is authorized in the Department of Taxes beginning in fiscal year 2023.

(1) Department of Taxes:

(A) two Tax Examiners.

Tenth: By adding a new section to be Sec. E. 300.1 to read as follows:

Sec. E.300.1 PRIVATE NONMEDICAL INSTITUTIONS; COSTS

(a) On or before September 1, 2022, the Agency of Human Services shall report to Joint Fiscal Committee on a plan to address costs associated with contract staffing for private Nonmedical institutions. The plan shall include a timeline to address the rate setting process for future ongoing base costs starting in State fiscal year 2023.

Eleventh: By adding a new section to be Sec. E.134.4 to read as follows:

Sec. E.134.4 MEMBERSHIP TRANSFER OF CERTAIN SHERIFF  
DEPARTMENT EMPLOYEES; COSTS; MUNICIPAL  
EMPLOYEES' RETIREMENT SYSTEM; STATE  
TREASURER; REPORT

(a) The State Treasurer, in consultation with the Joint Pension Oversight Committee shall, with assistance of actuarial analysis, determine the costs associated with transferring the membership of:

(1) certified law enforcement officials employed by county sheriff departments from Group F in the Vermont State Employees' Retirement System to a Group D membership in the Vermont Municipal Employees' Retirement System; and

(2) support staff employed by county sheriff departments from Group F in the Vermont State Employees' Retirement System to Group A, B, or C in the Vermont Municipal Employees' Retirement System.

(b) On or before October 1, 2022, the State Treasurer shall submit a report to the House Committees on Appropriations and on Government Operations and the Senate Committees on Appropriations and on Government Operations that includes the results of the study described in subsection (a) of this section. The report shall include an inventory of all employees, as of a specified date, for each county sheriff department with the current enrollment status of each employee in a State or municipal pension system by group; or if the employee is not enrolled in a State or municipal pension system; or is enrolled in another retirement system.

Twelfth: In Sec. G.300, investments in Vermont's economy, workforce and communities, by striking out subdivision (b)(1) in its entirety and inserting in lieu thereof a new subdivision (b)(1) to read as follows:

(1) It is the intent of the General Assembly to provide \$26,900,000 from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds and the State General Fund to be allocated for workforce, including investment initiatives to address critical needs in nursing and the skilled trades and to provide training opportunities for young adult Vermonters seeking to acquire skills. The specific programs to be funded shall be included in H.703 or other legislation passed in the 2022 legislative session.

Thirteenth: In Sec. G.600, climate action investments, in subdivision (b)(1), after the words "Community Development to", by adding the word install at

Fourteenth: In Sec. G.700, water and sewer investments, in subdivision (a)(2)(C), by striking out the number "\$15,000,000" and inserting in lieu thereof the number \$10,000,000

Fifteenth: By striking out Sec. H.100, effective dates, in its entirety and inserting in lieu thereof a new Sec. H.100 to read as follows:

#### Sec. H.100 EFFECTIVE DATES

(a) This section; Secs. C.100 through C.111 (fiscal year 2022 one-time appropriations, adjustments, and amendments); Secs. E.240.1 (7 V.S.A. § 845), E.240.2 (32 V.S.A. § 7909), E.240.3 (repeal of 2020 Acts and

Resolves No. 164, Sec. 6(c), E.240.4 (repeal of 2020 Acts and Resolves No. 164, Sec. 33(h)), and Sec. G.702 (amendment to 2021 Acts and Resolves No.74, Sec. G.700(c)); and subsection G.701(a) (offset capital funds by swap to ARPA) shall take effect upon passage.

(b) Secs. E.240.5 (7 V.S.A. § 845) and E.240.6 (32 V.S.A. § 7909(a)) shall take effect on July 1, 2025.

(c) Notwithstanding 1 V.S.A. § 214, Secs. E.709 and E.709.1 (definition of release; PCBs) shall take effect retroactively on July 1, 2021.

(d) Sec. E.702 (Fish and Wildlife) shall take effect on July 1, 2023.

(e) All remaining sections shall take effect on July 1, 2022.

Which was agreed to.

Thereupon, Senator Kitchel moved that the Senate proposal of amendment be amended by adding a Sec. E.314.2 to read as follows:

Sec. E.314.2 29 V.S.A. § 821 is amended to read:

§ 821. STATE FACILITIES

(a) State buildings.

\* \* \*

(15) “River Valley Therapeutic Residence” shall be the name of the secure residential recovery facility in Essex.

\* \* \*

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Thereupon, on motion of Senator Balint, the rules were suspended and the bill was ordered messaged to the House forthwith.

### **Message from the House No. 52**

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

Madam President:

I am directed to inform the Senate that:

The House has adopted joint resolution of the following title:

**J.R.H. 20.** Joint resolution authorizing remote participation in joint committees through the remainder of 2022 for members with a disability as an accommodation under the Americans with Disabilities Act.

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

### **Adjournment**

On motion of Senator Balint, the Senate adjourned until one o'clock in the afternoon on Thursday, April 21, 2022.

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### **THURSDAY, APRIL 21, 2022**

The Senate was called to order by the President.

### **Devotional Exercises**

A moment of silence was observed in lieu of devotions.

### **Bills Referred to Committee on Appropriations**

House bills of the following titles, appearing on the Calendar for notice, and carrying an appropriation or requiring the expenditure of funds, under the rule were severally referred to the Committee Appropriations:

**H. 505.** An act relating to reclassification of penalties for unlawfully possessing, dispensing, and selling a regulated drug.

**H. 517.** An act relating to the Vermont National Guard Tuition Benefit Program.

### **Joint Resolution Referred**

#### **J.R.H. 20.**

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

Joint resolution authorizing remote participation in joint committees through the remainder of 2022 for members with a disability as an accommodation under the Americans with Disabilities Act.

Resolved by the Senate and House of Representatives:

That Temporary Joint Rule 22A is amended to read as follows:

Rule 22A. Temporary Rule Regarding Joint Committee Meetings

(a)(1) Joint committees shall return to in-person legislating, except that a member of a joint committee may debate and vote remotely in that committee

if the member notifies the committee's chair or a co-chair, as applicable, that the member meets one of the following conditions:

(A) the member has tested positive for COVID-19 and is within a required period of isolation;

(B) the member has been exposed to COVID-19 as a close contact and is within a required term of quarantine;

(C) the member has COVID-19 symptoms and is awaiting the results of a PCR test;

(D) the member has a household member who relies on the member for caregiving and the household member is required to be home due to one of the reasons set forth in subdivisions (A)–(C) of this subdivision (1) or because such a household member's daycare or school program has a short-term closure due to COVID-19; ~~or~~

(E) the member provides to the joint committee chair or a co-chair, as applicable, written documentation from a health care provider indicating that the ongoing COVID-19 pandemic requires the member to participate remotely due to the member's health condition; or

(F) the member has a disability and, upon the member's request, is approved for remote participation as an accommodation under the Americans with Disabilities Act by the chair or co-chair, as applicable, who shall consult with the Office of Legislative Counsel and the Office of Legislative Human Resources in considering any such request.

(2) The definitions, required time periods, and testing referenced in ~~subdivision (1)~~ subdivisions (1)(A)–(E) of this subsection are those provided by Vermont Department of Health guidelines, including any revisions or updates.

\* \* \*

(c) The remote authority set forth in this rule shall remain in effect through December 31, 2022.

\* \* \*

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was treated as a bill and referred to the Committee on Rules.

**Consideration Resumed; Proposal of Amended; Bill Passed in  
Concurrence with Proposal of Amendment**

**H. 159.**

Consideration was resumed on House bill entitled:

An act relating to community and economic development and workforce revitalization.

Thereupon, the pending question, Shall the Senate propose to the House to amend the bill as proposed by Senators Sirotkin and Brock?, Senator Sirotkin requested and was granted leave to withdraw the proposal of amendment.

Thereupon, Senators Sirotkin and Brock moved that the Senate proposal of amendment be amended by adding a reader assistance heading and a Sec. 17a to read as follows:

\* \* \* SALT Deduction Cap Workaround \* \* \*

Sec. 17a. REPORT; CONSENSUS ESTIMATE; SALT DEDUCTION CAP  
WORKAROUND

(a) On or before January 15, 2023, the Commissioner of Taxes shall submit a written report to the House Committees on Commerce and Economic Development and on Ways and Means and the Senate Committees on Economic Development, Housing and General Affairs and on Finance providing fiscal analysis and proposing options, including recommended legislation, for creating an elective pass-through entity income tax and offsetting structure. The proposed options required under this section shall be structured in a way that includes:

(1) compliance with Treasury Department regulations and Internal Revenue Service guidance relating to the inapplicability of the limitation on individual itemized deductions under 26 U.S.C. § 164(d)(6) to pass-through entities; and

(2) a projected impact on the revenues of this State that is revenue neutral or revenue positive.

(b) In preparing the report and associated fiscal analysis required under subsection (a) of this section, the Commissioner shall consult with the Joint Fiscal Office and reach a consensus estimate of the revenue impact of the Commissioner's proposed options for creating an elective pass-through entity income tax and offsetting structure.

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

**House Proposal of Amendment Concurred In**

**S. 265.**

House proposal of amendment to Senate bill entitled:

An act relating to expanding criminal threatening to include threats to third persons.

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. 13 V.S.A. § 1702 is amended to read:

§ 1702. CRIMINAL THREATENING

(a) A person shall not by words or conduct knowingly:

(1) threaten another person or a group of particular persons; and

(2) as a result of the threat, place the other person in reasonable apprehension of death, or serious bodily injury, or sexual assault to the other person, a person in the group of particular persons, or any other person.

(b) A person who violates subsection (a) of this section shall be imprisoned not more than one year or fined not more than \$1,000.00, or both.

(c) A person who violates subsection (a) of this section with the intent to prevent another person from reporting to the Department for Children and Families the suspected abuse or neglect of a child shall be imprisoned not more than two years or fined not more than ~~\$1,000.00~~ \$2,000.00, or both.

(d) A person who violates subsection (a) of this section by making a threat that places any person in reasonable apprehension that death, serious bodily injury, or sexual assault will occur at a public or private school; postsecondary education institution; place of worship; polling place during election activities; the Vermont State House; or any federal, State, or municipal building shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(e) A person who violates subsection (a) of this section with the intent to terrify, intimidate, or unlawfully influence a person to prevent that person from complying with State laws or rules, State court or administrative orders, or State executive orders shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(f) A person who violates subsection (a) of this section with the intent to terrify, intimidate, or unlawfully influence the conduct of a candidate for public office, a public servant, an election official, or a public employee in any decision, opinion, recommendation, vote, or other exercise of discretion taken in capacity as a candidate for public office, a public servant, an election official, or a public employee, or with the intent to retaliate against a candidate for public office, a public servant, an election official, or a public employee for any previous action taken in capacity as a candidate for public office, a public



servant, an election official, or a public employee, shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(g) As used in this section:

(1) “Serious bodily injury” ~~shall have~~ has the same meaning as in section 1021 of this title.

(2) “Threat” and “threaten” ~~shall~~ do not include constitutionally protected activity.

(3) “Candidate” has the same meaning as in 17 V.S.A. § 2103.

(4) “Election official” has the same meaning as in 17 V.S.A. § 2455.

(5) “Public employee” means a classified employee within the Legislative, Executive, or Judicial Branch of the State and any of its political subdivisions and any employee within a county or local government and any of the county’s or local government’s political subdivisions.

(6) “Public servant” has the same meaning as in 17 V.S.A. § 2103.

(7) “Polling place” has the same meaning as described in 17 V.S.A. chapter 51, subchapter 4.

(8) “Sexual assault” has the same meaning as sexual assault as described in section 3252 of this title.

~~(e)(h)~~ Any person charged under this section who is ~~under 18 years of age younger than the age identified in 33 V.S.A. § 5201(d)~~ shall be adjudicated as a ~~juvenile delinquent~~ subject to a juvenile proceeding.

~~(f) It shall be an affirmative defense to a charge under this section that the person did not have the ability to carry out the threat. The burden shall be on the defendant to prove the affirmative defense by a preponderance of the evidence.~~

## Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

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

### **Senate Resolution Adopted on the Part of the Senate**

#### **S.R. 16.**

Senate resolution of the following title was read the third time and adopted on the part of the Senate:

Senate resolution urging the United States Postal Service to improve immediately the reliability and timeliness of its deliveries and requesting that Congress take any necessary legislative actions to effectuate this objective.

**Bill Passed in Concurrence with Proposal of Amendment**

**H. 534.**

House bill of the following title was read the third time and passed in concurrence with proposal of amendment:

An act relating to sealing criminal history records.

**Third Reading Ordered**

**H. 399.**

Senator Benning, for the Committee on Judiciary, to which was referred House bill entitled:

An act relating to incarceration terms for criminal defendants who are primary caretakers of dependent children.

Reported that the bill ought to pass in concurrence.

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

**Rules Suspended; Bill Messaged**

On motion of Senator Balint, the rules were suspended, and the following bill was ordered messaged to the House forthwith:

**H.159.**

**Message from the Governor**

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam President:

I am directed by the Governor to inform the Senate that on the twenty-first day of April, 2022 he approved and signed bills originating in the Senate of the following titles:

**S. 113.** An act relating to establishing a cause of action for medical monitoring expenses.

**S. 183.** An act relating to midpoint probation review.

**S. 184.** An act relating to defense of others and justifiable homicide.

**Adjournment**

On motion of Senator Balint, the Senate adjourned until eleven o'clock and thirty minutes in the morning.

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**FRIDAY, APRIL 22, 2022**

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. 53**

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

Madam President:

I am directed to inform the Senate that:

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

**J.R.S. 51.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

The House has considered Senate proposal of amendment to House bill entitled:

**H. 740.** An act relating to making appropriations for the support of government.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses;

The Speaker appointed as members of such Committee on the part of the House:

Rep. Hooper of Montpelier

Rep. Fagan of Rutland City

Rep. Jessup of Middlesex

The House has considered Senate proposal of amendment to House bill of the following title:

**H. 447.** An act relating to approval of amendments to the charter of the Town of Springfield.

And has severally concurred therein with a further proposal of amendment thereto, in the adoption of which the concurrence of the Senate is requested.

The House has considered Senate proposal of amendment to the following House bill:

**H. 731.** An act relating to technical corrections for the 2022 legislative session.

And has severally concurred therein.

The Governor has informed the House that on April 20, 2022, he approved and signed bills originating in the House of the following titles:

**H. 448.** An act relating to approval of amendments to the charter of the City of Burlington.

**H. 491.** An act relating to the creation of the City of Essex Junction and the adoption of the City charter.

**H. 556.** An act relating to exempting property owned by Vermont-recognized Native American tribes from property tax.

**H. 627.** An act relating to the Vermont Economic Development Authority.

**H. 680.** An act relating to obtaining a marriage license in any town in Vermont.

#### **Bill Referred to Committee on Finance**

##### **H. 709.**

House bill of the following title, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule was referred to the Committee on Finance:

An act relating to miscellaneous agricultural subjects.

#### **Bills Referred to Committee on Appropriations**

House bills of the following titles, appearing on the Calendar for notice, and carrying an appropriation or requiring the expenditure of funds, under the rule were severally referred to the Committee Appropriations:

**H. 510.** An act relating to a Vermont Child Tax Credit and the Vermont Social Security income exclusion.

**H. 546.** An act relating to racial justice statistics.

**H. 729.** An act relating to miscellaneous judiciary procedures.

**Third Reading Ordered****H. 411.**

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

An act relating to the retrieval and use of covered wild animals.

Reported that the bill ought to pass in concurrence.

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

**Proposal of Amendment; Third Reading Ordered****H. 548.**

Senator Sears, for the Committee on Judiciary, to which was referred House bill entitled:

An act relating to miscellaneous cannabis establishment procedures.

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

Sec. 1. 7 V.S.A. § 861 is amended to read:

§ 861. DEFINITIONS

As used in this chapter:

\* \* \*

(16) “Child-deterrent packaging” means tear-resistant packaging that can be sealed in a manner that would deter children under five years of age from easily accessing the contents of the package within a reasonable time and not difficult for normal adults to use properly.

(17) “Child-resistant packaging” means packaging that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance in the container within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging that all children under five years of age cannot open or obtain a toxic or harmful amount of the substance in the container within a reasonable time.

(17)(18) “Controls,” “is controlled by,” and “under common control” mean the power to direct, or cause the direction or management and policies of a person, whether through the direct or beneficial ownership of voting securities, by contract, or otherwise. A person who directly or beneficially

owns 10 percent or more equity interest, or the equivalent thereof, of another person shall be deemed to control the person.

~~(18)~~(19) “Dispensary” means a business organization licensed pursuant to chapter 37 of this title or 18 V.S.A. chapter 86.

~~(19)~~(20) “Enclosed, locked facility” means a building, room, greenhouse, outdoor fenced-in area, or other location that is enclosed on all sides and prevents cannabis from easily being viewed by the public. The facility shall be equipped with locks or other security devices that permit access only by:

(A) Employees, agents, or owners of the cultivator, all of whom shall be 21 years of age or older.

(B) Government employees performing their official duties.

(C) Contractors performing labor that does not include cannabis cultivation, packaging, or processing. Contractors shall be accompanied by an employee, agent, or owner of the cultivator when they are in areas where cannabis is being grown, processed, packaged, or stored.

(D) Registered employees of other cultivators, members of the media, elected officials, and other individuals 21 years of age or older visiting the facility, provided they are accompanied by an employee, agent, or owner of the cultivator.

~~(20)~~(21) “Flavored oil cannabis product” means any oil cannabis product that contains an additive to give it a characterizing flavor.

~~(21)~~(22) “Integrated licensee” means a person licensed by the Board to engage in the activities of a cultivator, wholesaler, product manufacturer, retailer, and testing laboratory in accordance with this chapter.

~~(22)~~(23) “Municipality” means a town, city, or incorporated village.

~~(23)~~(24) “Owner” means a natural person who controls, or shares control of, a Cannabis Establishment.

~~(24)~~(25) “Person” shall include any natural person; corporation; municipality; the State of Vermont or any department, agency, or subdivision of the State; and any partnership, unincorporated association, or other legal entity.

~~(25)~~(26) “Plant canopy” means the square footage dedicated to live plant production and does not include areas such as office space or areas used for the storage of fertilizers, pesticides, or other products.

~~(25)(27)~~ “Principal” means ~~an individual vested with the authority to conduct, manage, or supervise the business affairs of a person, and may include the president, vice president, secretary, treasurer, manager, or similar executive officer of a business; a director of a corporation, nonprofit corporation, or mutual benefit enterprise; a member of a nonprofit corporation, cooperative, or member-managed limited liability company; and a partner of a partnership~~ one of the following:

(A) the president, vice president, secretary, treasurer, manager, or similar officer of a corporation as provided for by 11A V.S.A. § 8.40, nonprofit corporation as provided for by 11B V.S.A. § 8.40, mutual benefit enterprise as provided for by 11C V.S.A. § 822, cooperative as provided for by 11 V.S.A. § 1013, or worker cooperative corporation as provided for by 11 V.S.A. § 1089;

(B) a director of a corporation as provided for by 11A V.S.A. § 8.01, nonprofit corporation as provided for by 11B V.S.A. § 8.01, mutual benefit enterprise as provided for by 11C V.S.A. § 801, cooperative as provided for by 11 V.S.A. § 1006, or worker cooperative corporation as provided for by 11 V.S.A. § 1089;

(C) a member of a member-managed limited liability company as provided for by 11 V.S.A. § 4054;

(D) manager of a manager-managed limited liability company as provided for by 11 V.S.A. § 4054; or

(E) a partner of a partnership as provided for by 11 V.S.A. § 3212 or a general partner of a limited partnership as provided for by 11 V.S.A. chapter 23.

~~(26)(28)~~ “Small cultivator” means a cultivator with a plant canopy or space for cultivating plants for breeding stock of not more than 1,000 square feet.

Sec. 2. 7 V.S.A. § 862a is added to read:

§ 862a. SYNTHETIC AND HEMP-DERIVED CANNABINOIDS

The Board shall have the authority to regulate synthetic cannabinoids and hemp-derived cannabinoids, including delta-8 and delta-10 tetrahydrocannabinol.

Sec. 3. 7 V.S.A. § 868 is amended to read:

§ 868. PROHIBITED PRODUCTS

(a) The following are prohibited products and may not be cultivated, produced, or sold pursuant to a license issued under this chapter:

- (1) cannabis flower with greater than 30 percent tetrahydrocannabinol;
- (2) ~~solid concentrate cannabis products with greater than 60 percent tetrahydrocannabinol;~~
- (3) ~~oil cannabis products except for those that are sold prepackaged for use with battery-powered devices;~~
- (4) flavored oil cannabis products sold prepackaged for use with battery-powered devices and any cannabis flower that contains characterizing flavor that is not naturally occurring in the cannabis;
- (5)(3) cannabis products that contain delta-9 tetrahydrocannabinol and nicotine or alcoholic beverages; and
- (6)(4) any cannabis, cannabis products, or packaging of such items that are designed to make the product more appealing to persons under 21 years of age.

Sec. 4. 7 V.S.A. § 881 is amended to read:

§ 881. RULEMAKING; CANNABIS ESTABLISHMENTS

(a) The Board shall adopt rules to implement and administer this chapter in accordance with subdivisions (1)–(7) of this subsection.

(1) Rules concerning any cannabis establishment shall include:

\* \* \*

(I) regulation of additives to cannabis and cannabis products, including ~~those cannabidiol derived from hemp and substances that are toxic or designed to make the product more addictive, more appealing to persons under 21 years of age, or to mislead consumers;~~

\* \* \*

(3) Rules concerning product manufacturers shall include:

(A) requirements that a single package of a cannabis product shall not contain more than 50 milligrams of THC, except in the case of:

(i) cannabis products that are not consumable, including topical preparations; ~~and~~

(ii) solid concentrates, oils, and tinctures; and

(iii) cannabis products sold to a dispensary pursuant to 18 V.S.A. chapter 86 and regulations issued pursuant to that chapter;

\* \* \*

(5) Rules concerning retailers shall include:



\* \* \*

(C) requirements that if the retailer sells hemp or hemp products, the hemp and hemp products are clearly labeled as such ~~and displayed separately from cannabis and cannabis products;~~

(D) requirements for opaque, child-resistant packaging of ~~cannabis~~ and cannabis products and child-deterrent packaging for cannabis at point of sale to customer; and

\* \* \*

Sec. 5. 7 V.S.A. § 883 is amended to read:

§ 883. CRIMINAL BACKGROUND RECORD CHECKS; APPLICANTS

(a) The Board shall obtain from the Vermont Crime Information Center a copy of a ~~license applicant's~~ fingerprint-based Vermont criminal history records, out-of-state criminal history records, and criminal history records from the Federal Bureau of Investigation for each license applicant, principal of an applicant, and person who controls an applicant who is a natural person.

(b) The Board shall adopt rules that set forth standards for determining whether an applicant should be denied a cannabis establishment license because of his or her criminal history record based on factors that demonstrate whether the applicant presently poses a threat to public safety or the proper functioning of the regulated market. Nonviolent drug offenses shall not automatically disqualify an applicant.

(c) Notwithstanding subsection (a) of this section, the Board may accept third-party criminal background checks submitted by an applicant for a cannabis establishment license or renewal in lieu of obtaining the records from the Vermont Crime Information Center a copy of the person's Vermont fingerprint-based criminal history records, out-of-state criminal history records, and criminal history records from the Federal Bureau of Investigation. Any such third-party background check shall:

(1) be conducted by a third-party consumer reporting agency or background screening company that is in compliance with the federal Fair Credit Reporting Act; and

(2) include a multistate and multi-jurisdiction criminal record locator.

Sec. 6. 7 V.S.A. § 884 is amended to read:

§ 884. CANNABIS ESTABLISHMENT IDENTIFICATION CARD

(a) Every owner, principal, and employee of a cannabis establishment shall obtain an identification card issued by the Board. A person may apply for an

identification card prior to obtaining employment with a licensee. An employee identification card shall authorize the person to work for any licensee.

(b)(1)(A) Prior to issuing the identification card to an owner or principal of a cannabis establishment, the Board shall obtain from the Vermont Crime Information Center a copy of the person's Vermont fingerprint-based criminal history records, out-of-state criminal history records, and criminal history records from the Federal Bureau of Investigation.

(B) Prior to issuing the identification card to an employee of a cannabis establishment, the Board shall obtain a copy of a fingerprint-based identity history summary record from the Federal Bureau of Investigation.

(2) The Board shall adopt rules that set forth standards for determining whether a person should be denied a cannabis establishment identification card because of his or her criminal history record based on factors that demonstrate whether the applicant presently poses a threat to public safety or the proper functioning of the regulated market. Nonviolent drug offenses shall not automatically disqualify an applicant.

(c) Once an identification card application has been submitted, a person may serve as an employee of a cannabis establishment pending the background check, provided the person is supervised in his or her duties by someone who is a cardholder. The Board shall issue a temporary permit to the person for this purpose, which shall expire upon the issuance of the identification card or disqualification of the person in accordance with this section.

(d) An identification card shall expire one year after its issuance or, in the case of owners and principals, upon the expiration of the cannabis establishment's license, whichever occurs first.

Sec. 7. 7 V.S.A. § 901(d)(3) is amended to read:

(3)(A) Except as provided in ~~subdivision~~ subdivisions (B) and (C) of this subdivision (3), an applicant and its affiliates may obtain a maximum of one type of each type of license as provided in subdivisions (1)(A)–(E) of this subsection (d). Each license shall permit only one location of the establishment.

(B) An applicant and its affiliates that are control a dispensary registered ~~pursuant to 18 V.S.A. chapter 86 on April 1, 2022~~ may obtain one integrated license provided in subdivision (1)(F) of this subsection (d) or a maximum of one of each type of license provided in subdivisions (1)(A)–(E) of this subsection (d). An integrated licensee may not hold a separate cultivator, wholesaler, product manufacturer, retailer, or testing laboratory license, and no applicant or its affiliates that control a dispensary shall hold

more than one integrated license. An integrated license shall permit only one location for each of the types of activities permitted by the license: cultivation, wholesale operations, product manufacturing, retail sales, and testing.

(C) An applicant and its affiliates may obtain multiple testing laboratory licenses.

Sec. 8. PURPOSE; LEGISLATIVE INTENT

The purpose of the amendment to 7 V.S.A. § 901(d)(3)(B) in Sec. 7 of this act is solely to make the language consistent with the defined terms used throughout 7 V.S.A. chapter 33. The amendment should not be construed to alter the meaning of the provision as it was originally enacted in 2019 Acts and Resolves No. 164, Sec. 7.

Sec. 9. 7 V.S.A. § 907 is amended to read:

§ 907. RETAILER LICENSE

(a) A retailer licensed under this chapter may:

(1) purchase cannabis from a licensed cultivator, wholesaler, or integrated licensee, and cannabis products from a licensed wholesaler, product manufacturer, integrated licensee, and dispensary; and

(2) transport, possess, package, and sell cannabis and cannabis products to the public for consumption off the registered premises.

\* \* \*

~~(e) Internet ordering and delivery~~ Delivery of cannabis to customers ~~are~~ is prohibited.

Sec. 10. 7 V.S.A. § 909(c) is added to read:

(c) An integrated licensee shall comply with the provisions of subsection 908(f) of this title and have its cannabis or cannabis products tested by an independent licensed testing laboratory.

Sec. 11. 18 V.S.A. § 4230h is amended to read:

§ 4230h. CHEMICAL EXTRACTION VIA BUTANE OR HEXANE  
PROHIBITED

(a) No person shall manufacture concentrated cannabis by chemical extraction or chemical synthesis using butane or hexane ~~unless authorized as a dispensary pursuant to a registration issued by the Department of Public Safety pursuant to chapter 86 of this title.~~

\* \* \*

Sec. 12. 2019 Acts and Resolves No. 164, Sec. 8(a)(1) is amended to read:

(a)(1) The cannabis plant, cannabis product, and useable cannabis possession limits for a registered dispensary set forth in 18 V.S.A. chapter 86 shall no longer apply on and after February 1, 2022. A dispensary shall be permitted to cultivate cannabis and manufacture cannabis products for the purpose of transferring or selling such products to an integrated licensee on or after April 1, 2022 until October 1, 2022 and engaging in the activities permitted by 7 V.S.A. chapter 33.

Sec. 13. EFFECTIVE DATE

This act shall take effect on passage.

And that the bill ought to pass in concurrence with such proposal of amendment.

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

**Proposal of Amendment; Third Reading Ordered; Rules Suspended; Bill Passed in Concurrence with Proposal of Amendment; Bill Messaged**

#### H. 736.

Senator Mazza, for the Committee on Transportation, to which was referred House bill entitled:

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

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

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

Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

(a) The Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program appended to the Agency of Transportation's proposed fiscal year 2023 budget, as amended by this act, is adopted to the extent federal, State, and local funds are available.

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

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

(2) "Candidate project" means a project approved by the General Assembly that is not anticipated to have significant expenditures for

preliminary engineering or right-of-way expenditures, or both, during the budget year and funding for construction is not anticipated within a predictable time frame.

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

(4) “Electric vehicle supply equipment (EVSE)” has the same meaning as in 30 V.S.A. § 201.

(5) “Front-of-book project” means a project approved by the General Assembly that is anticipated to have construction expenditures during the budget year or the following three years, or both, with expected expenditures shown over four years.

(6) “Level 3 charger,” “level 3 EVSE,” or “direct-current fast charger (DCFC),” means EVSE that uses dedicated direct current (DC) to provide energy to a plug-in electric vehicle.

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

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

(9) The table heading “As Proposed” means the Proposed Transportation Program referenced in subsection (a) of this section; the table heading “As Amended” means the amendments as made by this act; the table heading “Change” means the difference obtained by subtracting the “As Proposed” figure from the “As Amended” figure; and the terms “change” or “changes” in the text refer to the project- and program-specific amendments, the aggregate sum of which equals the net “Change” in the applicable table heading.

\* \* \* Summary of Transportation Investments \* \* \*

Sec. 2. FISCAL YEAR 2023 TRANSPORTATION INVESTMENTS  
INTENDED TO REDUCE TRANSPORTATION-RELATED  
GREENHOUSE GAS EMISSIONS, REDUCE FOSSIL FUEL  
USE, AND SAVE VERMONT HOUSEHOLDS MONEY

This act includes the State’s fiscal year 2023 transportation investments intended to reduce transportation-related greenhouse gas emissions, reduce fossil fuel use, and save Vermont households money in furtherance of the policies articulated in 19 V.S.A. § 10b and the goals of the Comprehensive Energy Plan and to satisfy the Executive and Legislative Branches’

commitments to the Paris Agreement climate goals. In fiscal year 2023, these efforts will include the following:

(1) Park and Ride Program. This act provides for a fiscal year expenditure of \$4,043,060.00, which will fund one construction project to create a new park and ride facility; the design of one additional park and ride facility scheduled for construction in future fiscal years; the design of improvements to one additional park and ride facility; and paving projects for existing park and ride facilities. This year's Park and Ride Program will create 254 new State-owned spaces. Specific additions and improvements include:

- (A) Berlin (Exit 6)—design for 62 spaces;
- (B) Manchester—design for 50 new spaces; and
- (C) Williston—construction of 142 new spaces.

(2) Bike and Pedestrian Facilities Program. This act, in concert with 2020 Acts and Resolves No. 139, Sec. 12(b)(1), provides for a fiscal year expenditure, including local match, of \$19,793,776.00, which will fund 29 bike and pedestrian construction projects and 18 bike and pedestrian design, right-of-way, or design and right-of way projects for construction in future fiscal years. The construction projects include the creation, improvement, or rehabilitation of walkways, sidewalks, shared-use paths, bike paths, and cycling lanes. In addition to completing the Lamoille Valley Rail Trail, which will run from Swanton to St. Johnsbury, projects are funded in Arlington, Bennington, Brattleboro, Bristol, Burlington, Chester, Colchester, Coventry, Dover, Enosburg Falls, Fairfax, Hardwick, Hartford, Hartland, Hinesburg, Lyndon, Manchester, Middlebury, Middlesex, Montpelier, Montpelier-Berlin, Moretown, New Haven, Pawlet, Plainfield, Poultney, Proctor, Richford, Roxbury, Royalton, Rutland City, Shelburne, South Burlington, Springfield, St. Albans City, Swanton, Vergennes, Waterbury, and Winooski. This act also provides State funding for some of Local Motion's operation costs to run the Bike Ferry on the Colchester Causeway, which is part of the Island Line Trail; funding for the small-scale municipal bicycle and pedestrian grant program for projects to be selected during the fiscal year; funding for projects funded through the Safe Routes to School program; and funding for education and outreach to K–8 schools to encourage higher levels of walking and bicycling to school.

(3) Transportation Alternatives Program. This act provides for a fiscal year expenditure of \$5,665,880.00, including local funds, which will fund 18 transportation alternatives construction projects and 24 transportation alternatives design, right-of-way, or design and right-of-way projects. Of these 42 projects, 12 involve environmental mitigation related to clean water or

stormwater concerns, or both clean water and stormwater concerns, and 23 involve bicycle and pedestrian facilities. Projects are funded in Bennington, Berlin, Brandon, Bridgewater, Bridport, Brighton, Burlington, Castleton, Chester, Colchester, Derby, Duxbury, Enosburg, Essex, Fair Haven, Fairfax, Franklin, Hartford, Hyde Park, Jericho, Montgomery, Newfane, Norwich, Pittsford, Proctor, Rutland Town, South Burlington, St. Johnsbury, Vergennes, Warren, West Rutland, Williston, Wilmington, and Winooski.

(4) Public Transit Program. This act authorizes \$50,239,278.00 in funding for public transit uses throughout the State, which is a 9.6 percent increase over fiscal year 2022 levels, a 21.8 percent increase over fiscal year 2021 levels, and a 30 percent increase over fiscal year 2020 levels. Included in the authorization are:

(A) Go! Vermont, with an authorization of \$873,000.00. This authorization supports transportation demand management (TDM) strategies, including the State's Trip Planner and commuter services, to promote the use of carpools and vanpools.

(B) Vermont Kidney Association Grant, with an authorization of \$50,000.00. This authorization supports the transit needs of Vermonters in need of dialysis services.

(C) Mobility and Transportation Innovation (MTI) Grant Program, with an authorization of \$1,500,000.00, through Sec. 15 of this act. This authorization continues to support projects that improve both mobility and access to services for transit-dependent Vermonters, reduce the use of single-occupancy vehicles, and reduce greenhouse gas emissions. Not less than \$1,250,000.00 of this authorization shall go towards microtransit projects.

(D) One-time public transit monies, with an authorization of \$1,200,000.00, through Sec. 16 of this act. This authorization will allow public transit providers to, as practicable, provide zero-fare public transit on routes other than commuter and LINK Express and restore service to pre-COVID-19 levels.

(5) Rail Program. This act authorizes \$35,363,182.00, including local funds, for intercity passenger rail service and rail infrastructure throughout the State, including the return of New York City–Burlington passenger rail service.

(6) Transformation of the State Vehicle Fleet. The Department of Buildings and General Services, which manages the State Vehicle Fleet, currently has 18 plug-in hybrid electric vehicles and 11 battery electric vehicles in the State Vehicle Fleet. In fiscal year 2023, the Commissioner of Buildings and General Services will continue to purchase and lease vehicles

for State use in accordance with 29 V.S.A. § 903(g), which requires, to the maximum extent practicable, that the Commissioner purchase or lease hybrid or plug-in electric vehicles, as defined in 23 V.S.A. § 4(85), with not less than 75 percent of the vehicles purchased or leased be hybrid or plug-in electric vehicles.

(7) Electric vehicle supply equipment. In furtherance of the State's goal to increase the presence of EVSE in Vermont:

(A) Sec. 3 of this act authorizes up to \$6,250,000.00 to install level 3 EVSE along the State highway network and to cover capped administrative costs.

(B) Sec. 4 of this act amends a State goal to have a level 3 EVSE charging port available to the public within one driving mile, down from five miles, of every exit of the Dwight D. Eisenhower National System of Interstate and Defense Highways within the State and 25 driving miles, down from 50 miles, of another level 3 EVSE charging port available to the public along a State highway.

(C) The fiscal year 2023 budget authorizes up to \$10,000,000.00 to install EVSE at multiunit dwellings, workplaces, and public venues and attractions, such as parks, State parks and access areas, downtowns, museums, and ski mountains, and to cover capped administrative costs.

(8) Vehicle incentive programs and expansion of the PEV market.

(A) Incentive Program for New PEVs. Sec. 5(a) of this act authorizes \$12,000,000.00 for PEV purchase and lease incentives under the Incentive Program for New PEVs, which is the State's program to incentivize the purchase and lease of new PEVs, and capped administrative costs.

(B) MileageSmart. Sec. 5(b) of this act authorizes up to \$3,000,000.00 for purchase incentives under MileageSmart, which is the State's used high-fuel-efficiency vehicle incentive program, and capped administrative costs.

(C) Replace Your Ride Program. Sec. 5(c) of this act authorizes \$3,000,000.00 for incentives under Replace Your Ride, which will be the State's program to incentivize Vermonters to remove older low-efficiency vehicles from operation and switch to modes of transportation that produce fewer greenhouse gas emissions, and capped administrative costs.

(D) Drive Electric Vermont. Sec. 5(d) of this act authorizes up to \$2,000,000.00 for the Agency to continue and expand the Agency's public-private partnership with Drive Electric Vermont to support the expansion of the PEV market in the State.



(9) Carbon Reduction Program. Sec. 18 of this act requires the Agency of Transportation to consult with the Vermont Climate Council and ensure that within the Agency of Transportation's Proposed Transportation Program for fiscal years 2024, 2025, and 2026 all federal monies that are proposed by the State for expenditure under the Carbon Reduction Program are allocated toward projects that align with the recommendations of the Climate Action Plan (CAP) issued under 10 V.S.A. § 592.

(10) Vermont State Standards. Sec. 19 of this act requires the Agency to develop a plan for updating the Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads, and Streets to create context sensitive, multimodal projects that support smart growth.

(11) Bicycle and Pedestrian Planning Integration Program. Sec. 25 of this act requires the Agency to establish a program to support the continued development and buildout of bicycle and pedestrian infrastructure.

(12) Sustainable building components. Secs. 55–57 of this act establish the Agency's statement of policy on the use of sustainable building components.

\* \* \* Electric Vehicle Supply Equipment (EVSE) Infrastructure \* \* \*  
\* \* \* Investments in EVSE \* \* \*

### Sec. 3. INVESTMENTS IN ELECTRIC VEHICLE SUPPLY EQUIPMENT INFRASTRUCTURE

(a) State highway network. The Agency of Transportation is authorized to spend up to \$6,250,000.00 as appropriated in the fiscal year 2023 budget to install level 3 EVSE along the State highway network consistent with the goals established in 2021 Acts and Resolves No. 55, Sec. 30, as amended by Sec. 4 of this act. This authorization shall be used by the Agency for one or more of the following:

(1) to purchase and install level 3 EVSE;

(2) to provide grants for persons to purchase and install level 3 EVSE;

or

(3) to enter into a public-private partnership for the purchase and installation of level 3 EVSE.

(b) Purpose. The purpose of the expenditures authorized in subsection (a) of this section is to respond to negative economic impacts to the tourism, travel, and hospitality industries caused by the COVID-19 public health emergency.

(c) Administrative costs. Unless prohibited by federal or State law, the Agency may use up to 15 percent of the authorization in subsection (a) of this section for any administrative costs associated with installing level 3 EVSE along the State highway network.

(d) Carryforward; deployment in fiscal year 2023.

(1) Notwithstanding any other provision of law and subject to the approval of the Secretary of Administration, appropriations to support the authorizations under this section remaining unexpended on June 30, 2023 shall be carried forward and designated for the same expenditures in the subsequent fiscal year.

(2) Every reasonable effort shall be made to obligate and deploy the monies authorized for expenditure under this section in fiscal year 2023 in order to achieve a pace of EVSE deployment necessary to meet the emissions reduction requirements of 10 V.S.A. § 578(a) and the recommendations of the Climate Action Plan (CAP) issued under 10 V.S.A. § 592.

(e) Outreach and marketing. The Agency of Transportation shall ensure that there is sufficient outreach and marketing, including the use of translation and interpretation services, of any EVSE grant program or public-private partnership implemented or entered into pursuant to subsection (a) of this section and such costs shall be considered administrative costs for purposes of subsection (c) of this section.

\* \* \* EVSE Goals \* \* \*

Sec. 4. 2021 Acts and Resolves No. 55, Sec. 30 is amended to read:

Sec. 30. EVSE NETWORK IN VERMONT; REPORT OF ANNUAL  
MAP

(a) It shall be the goal of the State to have, as practicable, a level 3 EVSE charging port available to the public within:

(1) ~~five miles~~ one driving mile of every exit of the Dwight D. Eisenhower National System of Interstate and Defense Highways within the State; and

(2) ~~50~~ 25 driving miles of another level 3 EVSE charging port available to the public along a State highway, as defined in 19 V.S.A. § 1(20).

(b) Notwithstanding 2 V.S.A. § 20(d), the Agency of Transportation shall file an up-to-date map showing the locations of all level 3 EVSE available to the public within the State with the House and Senate Committees on Transportation not later than January 15 each year until the goal identified in subsection (a) of this section is met.

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\* \* \* Vehicle Incentive Programs \* \* \*

Sec. 5. VEHICLE INCENTIVE PROGRAMS

(a) Incentive Program for New PEVs. The Agency is authorized to spend up to \$12,000,000.00 as appropriated in the fiscal year 2023 budget on the Incentive Program for New PEVs established in 2019 Acts and Resolves No. 59, Sec. 34, as amended.

(b) MileageSmart. The Agency is authorized to spend up to \$3,000,000.00 as appropriated in the fiscal year 2023 budget on MileageSmart as established in 2019 Acts and Resolves No. 59, Sec. 34, as amended.

(c) Replace Your Ride Program. The Agency is authorized to spend up to \$3,000,000.00 as appropriated in the fiscal year 2023 budget on the Replace Your Ride Program established in 2021 Acts and Resolves No. 55, Sec. 27, as amended.

(d) Public-private partnership. The Agency is authorized to spend up to \$2,000,000.00 as appropriated in the fiscal year 2023 budget on the Agency's existing partnership with Drive Electric Vermont, which shall support the expansion of the PEV market in the State through the provision of stakeholder coordination, policy engagement, consumer education and outreach, infrastructure development, and technical assistance.

(e) Administrative costs. The Agency may use up to 15 percent of any single authorization in subsections (a)–(c) of this section for any costs associated with administering and promoting the vehicle incentive programs.

(f) Carryforward; deployment in fiscal year 2023.

(1) Notwithstanding any other provision of law and subject to the approval of the Secretary of Administration, appropriations to support the authorizations under this section remaining unexpended on June 30, 2023 shall be carried forward and designated for the same expenditures in the subsequent fiscal year.

(2) Every reasonable effort shall be made to obligate and deploy the monies authorized for expenditure under this section in fiscal year 2023 in order to achieve a pace of plug-in electric vehicle deployment necessary to meet the emissions reduction requirements of 10 V.S.A. § 578(a) and the recommendations of the Climate Action Plan (CAP) issued under 10 V.S.A. § 592.

(g) Outreach and marketing. The Agency, in consultation with Drive Electric Vermont and the Vermont Vehicle and Automotive Distributors Association, shall ensure that there is sufficient outreach and marketing, including the use of translation and interpretation services, of the Incentive

Program for New PEVs, MileageSmart, and Replace Your Ride so that Vermonters who are eligible under one or more of the incentive programs can easily learn how to secure as many incentives as are available and such costs shall be considered administrative costs for purposes of subsection (e) of this section.

Sec. 6. 2019 Acts and Resolves No. 59, Sec. 34(b), as amended by 2020 Acts and Resolves No. 121, Sec. 14, 2020 Acts and Resolves No. 154, Sec. G.112, 2021 Acts and Resolves No. 3, Sec. 56, and 2021 Acts and Resolves No. 55, Sec. 19 is further amended to read:

(b) Electric vehicle incentive program. An incentive program for Vermont residents to purchase and lease new PEVs shall structure PEV purchase and lease incentive payments by income to help Vermonters benefit from electric driving, including Vermont's most vulnerable. The program shall be known as the Incentive Program for New PEVs. Specifically, the Incentive Program for New PEVs shall:

\* \* \*

(5) apply to:

(A) manufactured PEVs PHEVs with a Base Manufacturer's Suggested Retail Price (MSRP) of \$40,000.00 or less;

(B) manufactured BEVs with a Base MSRP of \$45,000.00 or less;  
and

(C) manufactured PEVs with any Base MSRP that will be issued a special registration plate by the Commissioner of Motor Vehicles pursuant to 23 V.S.A. § 304a or will predominately be used to provide accessible transportation for the incentive recipient or a member of the incentive recipient's household, provided that the incentive recipient or the member of the incentive recipient's household has a removable windshield placard issued by the Commissioner of Motor Vehicles pursuant to 23 V.S.A. § 304a; and

\* \* \*

\* \* \* Vermont Association of Snow Travelers Authorizations \* \* \*

Sec. 7. VERMONT ASSOCIATION OF SNOW TRAVELERS (VAST)  
AUTHORIZATIONS

(a) The Agency of Transportation, through the Department of Motor Vehicles, is authorized to spend:

(1) \$50,000.00 in one-time General Fund monies, as appropriated in the fiscal year 2023 budget, in grants to the Vermont Association of Snow Travelers (VAST) to support the Law Enforcement and Safety Program; and

(2) \$750,000.00 in one-time General Fund monies, as appropriated in the fiscal year 2023 budget, in grants to VAST to support the Equipment Grant-in-Aid Program.

(b) VAST shall ensure that the Equipment Grant-in-Aid Program maximizes the geographic distribution and utilization of equipment purchased in whole or in part with the monies authorized in subdivision (a)(2) of this section by implementing grant scoring criteria that awards equipment grants to applicants that have worked with neighboring clubs to groom at least 60 miles of trails and the equipment to be replaced is at least 15 years old.

\* \* \* Bridge Formula Program; Off-System Bridges \* \* \*

Sec. 8. BRIDGE FORMULA PROGRAM; OFF-SYSTEM BRIDGES;  
REPEAL

(a) Findings. The General Assembly finds that:

(1) the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58 (IIJA) provides Vermont with \$225,000,000.00 in Bridge Formula Program funding for federal fiscal years 2022 through 2026;

(2) the Bridge Formula Program funds are to be used for the preservation and replacement of bridges;

(3) as part of the Bridge Formula Program, states are required to allocate a minimum of 15 percent of the funding to address off-system bridge needs, where off-system bridges are those that are located along roadways off the federal aid system;

(4) in Vermont, roadways off the federal aid system are primarily owned and maintained by municipalities; and

(5) under the IIJA, the federal share of funding for municipally owned off-system bridges is 100 percent.

(b) Priority implementation. In order to implement and allocate the Bridge Formula Program funding, the Agency of Transportation is directed to simultaneously:

(1)(A) Fund at 100 percent federal share the construction phase of all off-system bridges in the Fiscal Year 2023 Transportation Program for Town Highway Bridges that:

(i) were not authorized for federal funds for the construction phase of the pending project prior to the Fiscal Year 2023 Transportation Program; and

(ii) are either listed as a front-of-book project or development and evaluation (D&E) project in the Fiscal Year 2023 Transportation Program.

(B) The engineering (PE) and right-of-way (ROW) phases of projects to be funded at 100 percent federal share under subdivision (A) of this subdivision (1) shall continue to be funded at 80 percent federal, 10 percent State, and 10 percent municipal.

(2)(A) In the Fiscal Year 2023 through 2029 Transportation Programs, fund the construction phase of off-system covered bridges and off-system historic truss bridges within the Transportation Programs for Town Highway Bridges based on the prioritization of covered bridges and historic truss bridges under the prioritization process outlined in 19 V.S.A. § 10g(l) at 100 percent federal share.

(B) The engineering (PE) and right-of-way (ROW) phases of projects to be funded at 100 percent federal share under subdivision (A) of this subdivision (2) shall continue to be funded at 80 percent federal, 10 percent State, and 10 percent municipal.

(c) Secondary implementation. Should funding through the federal Bridge Formula Program remain available following the implementation delineated under subsection (b) of this section, town highway bridges shall be advanced based on the prioritization process outlined in 19 V.S.A. § 10g(l).

(d) Repeal. This section is repealed on October 1, 2029, at the conclusion of the authorized implementation period for the IJA.

#### Sec. 9. TOWN HIGHWAY BRIDGE PROGRAM

(a) Within the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Town Highway Bridges, authorized spending for the construction phase of the following projects is amended to be 100 percent federal pursuant to Sec. 8(b)(1)(A) and (2)(A) of this act:

- (1) Clarendon BO 1443(55);
- (2) Hartford BO 1444(60);
- (3) Ludlow Village BO 1443(52);
- (4) Poultney BO 1443(53);
- (5) Stowe BO 1446(37);
- (6) Stowe BO 1446(39);
- (7) Statewide Preservation Easement Paint Program; and
- (8) Statewide Rehabilitation of Covered Bridges.

(b) Within the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Town Highway Bridges, authorized spending is amended as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	350,000	350,000	0
PE	4,294,487	4,294,487	0
ROW	355,000	355,000	0
Construction	25,314,700	25,314,700	0
Total	30,314,187	30,314,187	0
<u>Sources of funds</u>			
TIB	2,402,455	2,402,455	0
State	1,919,899	1,230,817	-689,082
Federal	24,251,350	25,529,514	1,278,164
Local	1,740,483	1,151,401	-589,082
Total	30,314,187	30,314,187	0

(c) Within the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program, the following covered bridges projects are added to the candidate list for Town Highway Bridges:

- (1) Belvidere (Bridge No. 12 on Town Highway 3);
- (2) Charlotte (Bridge No. 27 on Town Highway 9);
- (3) Chelsea (Bridge No. 46 on Town Highway 68);
- (4) Hartland (Bridge No. 22 on Town Highway 15);
- (5) Lyndon (Bridge No. 33 on Town Highway 58);
- (6) Northfield (Bridge No. 10 on Town Highway 3);
- (7) Northfield (Bridge No. 11 on Town Highway 3);
- (8) Northfield (Bridge No. 15 on Town Highway 3);
- (9) Troy (Bridge No. 8 on Town Highway 12); and
- (10) Weathersfield (Bridge No. 83 on Town Highway 65).

(d) Within the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program, the following metal truss bridges projects are added to the candidate list for Town Highway Bridges:

- (1) Berlin (Bridge No. 27 on Town Highway 61);
- (2) Bridgewater (Bridge No. 26 on Town Highway 34);
- (3) Enosburg (Bridge No. 45 on Town Highway 42);
- (4) Lincoln (Bridge No. 46 on Town Highway 6);

- (5) Moretown (Bridge No. 42 on Town Highway 39);  
 (6) Newfane (Bridge No. 49 on Town Highway 26);  
 (7) Northfield (Bridge No. 65 on Town Highway 57);  
 (8) Royalton (Bridge No. 30 on Town Highway 6); and  
 (9) Sheldon (Bridge No. 20 on Town Highway 22).

\* \* \* Amendments to Fiscal Year 2023 Authorizations \* \* \*

#### Sec. 10. PROGRAM DEVELOPMENT

Within the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Program Development Administration, authorized spending is amended as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Person. Svcs.	23,753,701	23,753,701	0
Operat. Exp.	9,039,403	8,985,192	-54,211
Grants	286,000	286,000	0
Total	33,079,104	33,024,893	-54,211
<u>Sources of funds</u>			
State	25,074,132	25,019,921	-54,211
Federal	7,929,972	7,929,972	0
Inter Unit	75,000	75,000	0
Total	33,079,104	33,024,893	-54,211

#### Sec. 11. TOWN HIGHWAY AID

Within the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Town Highway Aid, authorized spending is amended as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Grants	27,783,413	27,837,624	54,211
Total	27,783,413	27,837,624	54,211
<u>Sources of funds</u>			
State	27,783,413	27,837,624	54,211
Total	27,783,413	27,837,624	54,211

#### Sec. 12. POLICY AND PLANNING

Within the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Policy and Planning, authorized spending is amended as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Person. Svcs.	4,767,663	4,767,663	0



Operat. Exp.	1,035,700	1,035,700	0
Grants	7,389,725	10,784,247	3,394,522
Total	13,193,088	16,587,610	3,394,522
<u>Sources of funds</u>			
State	3,217,573	3,217,573	0
Federal	9,920,240	13,314,762	3,394,522
Inter Unit	55,275	55,275	0
Total	13,193,088	16,587,610	3,394,522

Sec. 13. TOWN HIGHWAY STRUCTURES AND TOWN HIGHWAY CLASS 2 ROADWAY

(a) Town highway structures. The Agency shall carry forward not less than \$866,500.00 of unexpended fiscal year 2022 appropriations and designate those monies for grant awards under the town highway structures program so as to meet the statutory minimum grant award totals required under 19 V.S.A. § 306(e) in fiscal year 2023.

(b) Town highway class 2 roadway. The Agency shall carry forward not less than \$951,250.00 of unexpended fiscal year 2022 appropriations and designate those monies for grant awards under the town highway class 2 roadway program so as to meet the statutory minimum grant award totals required under 19 V.S.A. § 306(h) in fiscal year 2023.

Sec. 14. ONE-TIME APPROPRIATION; DMV IT PROJECT

Within the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program, in one-time appropriations, the number "20,250,000" is struck out for "All Exp," "Total," "Transportation Fund," and "Total" and replaced with the number "0" so as to indicate that there is no appropriation to the Department of Motor Vehicles for the DMV Core System Modernization Phase II project, and a note is added to read as follows: "The fiscal year 2023 budget bill appropriates \$20,250,000 from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the Agency of Digital Services for the DMV Core System Modernization Phase II project."

\* \* \* Mobility and Transportation Innovation Grant Program \* \* \*

Sec. 15. MOBILITY AND TRANSPORTATION INNOVATION GRANT PROGRAM

(a) Project addition. The following project is added to the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Public Transit: Mobility and Transportation Innovation (MTI) Grant Program.

(b) Authorization. Spending authority for Mobility and Transportation Innovation (MTI) Grant Program is authorized as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Grants	0	1,500,000	1,500,000
Total	0	1,500,000	1,500,000
<u>Sources of funds</u>			
State	0	500,000	500,000
General Fund	0	1,000,000	1,000,000
Total	0	1,500,000	1,500,000

(c) Implementation. The Agency of Transportation shall continue to administer the Mobility and Transportation Innovation (MTI) Grant Program, which was created pursuant to 2020 Acts and Resolves No. 121, Sec. 16. The Program shall continue to support projects that improve both mobility and access to services for transit-dependent Vermonters, reduce the use of single-occupancy vehicles, and reduce greenhouse gas emissions. Not less than \$1,250,000.00 of this authorization shall go towards microtransit projects.

\* \* \* Public Transit; Zero Fare; Level of Service \* \* \*

#### Sec. 16. ONE-TIME PUBLIC TRANSIT MONIES

(a) Project addition. The following project is added to the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Public Transit: Increased One-Time Monies for Public Transit for Fiscal Year 2023.

(b) Authorization. Spending authority for Increased One-Time Monies for Public Transit for Fiscal Year 2023 is authorized as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	0	1,200,000	1,200,000
Total	0	1,200,000	1,200,000
<u>Sources of funds</u>			
General Fund	0	1,200,000	1,200,000
Total	0	1,200,000	1,200,000

(c) Implementation. Transit agencies that are eligible to receive grant funds pursuant to 49 U.S.C. § 5307 or 5311, or both, in the State shall, as practicable and in the sole discretion of the transit agencies, do the following during fiscal year 2023:

(1) operate routes other than commuter and LINK Express on a zero-fare basis; and

(2) provide service at pre-COVID-19 levels.

(d) Report. On or before January 31, 2023, the Agency of Transportation shall file a written report with the House and Senate Committees on Transportation that:

(1) shows changes in public transit ridership, by county and type of service, in fiscal years 2020, 2021, and 2022 and in fiscal year 2023 through the end of the second quarter; and

(2) estimates the amount of funding needed to provide zero-fare service on transit operated by public transit agencies that are eligible to receive grant funds pursuant to 49 U.S.C. § 5307 or 5311, or both, broken out by county and type of service in fiscal year 2024.

\* \* \* Burlington International Airport Study Committee; Report \* \* \*

Sec. 17. BURLINGTON INTERNATIONAL AIRPORT STUDY  
COMMITTEE; REPORT

(a) Project addition. The following project is added to the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Aviation: Burlington International Airport Study.

(b) Authorization.

(1) Spending authority for the Burlington International Airport Study is authorized as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	0	150,000	150,000
Total	0	150,000	150,000
<u>Sources of funds</u>			
State	0	150,000	150,000
Total	0	150,000	150,000

(2) Spending authority for South Burlington AV-FY18-001 is amended as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Const	12,650,000	12,650,000	0
Total	12,650,000	12,650,000	0
<u>Sources of funds</u>			
State	500,000	350,000	-150,000
Federal	11,385,000	11,385,000	0
Local	765,000	915,000	150,000
Total	12,650,000	12,650,000	0

(3) The note for the Agency of Transportation's Proposed Fiscal Year 2023 Transportation Program for Aviation is amended to read as follows: "Appropriation excludes \$11,385,000 of FAA Funds and \$915,000 of Local Funds (South Burlington AV-FY18-001, BTV Match)."

(c) Creation. There is created the Burlington International Airport Study Committee to examine the existing governance structure and alternatives to the existing governance structure of the Burlington International Airport (Airport) and to report the Committee's findings and recommendations.

(d) Membership. The Committee shall be composed of the following nine voting members and two nonvoting members:

(1) one voting member appointed by the Governor;

(2) one voting member designated by the mayor of the City of Burlington;

(3) one voting member designated by the city council of the City of Burlington;

(4) one voting member designated by the city council of the City of South Burlington;

(5) one voting member designated by the mayor of the City of Winooski;

(6) one voting member designated by the Chittenden County Regional Planning Commission to represent individuals, such as Black, Indigenous, and Persons of Color (BIPOC), immigrants, individuals with low income, and individuals residing in "disadvantaged communities" as defined in federal Executive Order 14008, "Tackling the Climate Crisis at Home and Abroad," adversely affected by the Airport;

(7) one voting member designated by the Chittenden County Regional Planning Commission to represent the general aviation organizations at the Airport;

(8) the Secretary of Transportation or designee, who shall be a voting member;

(9) one voting member designated by the President and CEO of the Lake Champlain Regional Chamber of Commerce;

(10) the current, including acting or interim, Director of Aviation for the Airport or designee, who shall be a nonvoting member of the Committee; and

(11) the Director of the Chittenden County Regional Planning Commission or designee, who shall be a nonvoting member of the Committee.

(e) Assistance; consultant.

(1) The Committee shall have the administrative, technical, and legal assistance of the Agency of Transportation, which shall contract with an independent third-party consultant with expertise in airport governance and

may contract with an additional person to serve as a neutral facilitator for the Committee if such assistance cannot be provided by an employee or employees of the Agency of Transportation.

(2) The Agency of Transportation shall work with the Committee to prepare a request for information and a request for proposal for the retention of the independent third-party consultant that is contracted with pursuant to subdivision (1) of this subsection.

(f) Powers and duties. The Committee, with the assistance of the consultant retained as required under subsection (e) of this section, shall:

(1) review prior reports and recommendations prepared on the governance structure of the Airport, including the January 1, 2020 memorandum from Eileen Blackwood, Burlington City Attorney to Mayor Miro Weinberger and the City Council regarding Burlington International Airport and Regional Governance Questions; the June 10, 2013 Burlington International Airport, Airport Strategic Planning Committee Recommendations (Airport Strategic Planning Committee Recommendations); and the December 1985 Final Report of the Burlington Airport Study Group;

(2) examine the advantages and disadvantages of each of the options identified in the Airport Strategic Planning Committee Recommendations;

(3) examine the advantages and disadvantages of any additional governance structure options for the Airport recommended by the consultant or identified by a majority of the voting members of the Committee as warranting study;

(4) identify any other issue relating to the governance of the Airport that a majority of the voting members of the Committee determine warrants study; and

(5) make recommendations on the governance structure of the Airport as supported by a majority of the voting members of the Committee.

(g) Report; recommendations. On or before January 15, 2024, the Committee shall submit a written report to the General Assembly with its findings and recommendations. Any recommendations from the Committee shall address how to ensure that there are not negative financial impacts on the City of Burlington.

(h) Meetings.

(1) The Secretary of Transportation or designee shall call the first meeting of the Committee to occur on or before September 30, 2022.

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

(3) A majority of the voting membership of the Committee shall constitute a quorum.

(4) The Committee shall cease to exist on January 16, 2024.

(i) Compensation and reimbursement. Members of the Committee who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than six meetings.

\* \* \* Future Transportation Programs \* \* \*

\* \* \* Carbon Reduction Program \* \* \*

#### Sec. 18. PROPOSED FISCAL YEAR 2024 TRANSPORTATION PROGRAM

The Agency of Transportation shall consult with the Vermont Climate Council and ensure that within the Agency of Transportation's Proposed Transportation Program for fiscal years 2024, 2025, and 2026 all federal monies that are proposed by the State for expenditure under the Carbon Reduction Program, codified at 23 U.S.C. § 175, are allocated toward projects that align with the recommendations of the Climate Action Plan (CAP) issued under 10 V.S.A. § 592.

\* \* \* Plan to Update Vermont State Standards \* \* \*

#### Sec. 19. PLAN TO UPDATE VERMONT STATE STANDARDS

(a) The Agency shall develop a plan for updating the Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads, and Streets (C.V.R. 14-010-019) (Vermont State Standards) to create context sensitive, multimodal projects that support smart growth as recommended in the Revising the Vermont State Standards (VSS) M2D2: Multimodal Development and Delivery Work Plan, March 2015 (State Standards Work Plan), prepared in accordance with 2014 Acts and Resolves No. 167, Sec. 26.

(b) As recommended in the State Standards Work Plan, the Agency of Transportation shall also prepare a plan to update documents, standards, guidance, and procedures related to the Vermont State Standards.

(c) The Agency shall budget for the plan to update the Vermont State Standards and related documents in the Proposed Fiscal Year 2024 Transportation Program.

(d) The Agency shall make staff available to the House and Senate Committees on Transportation for an oral presentation on the plan to update the Vermont State Standards and corresponding budget beginning on January 15, 2023.

\* \* \* Transportation Alternatives Grant Program \* \* \*

Sec. 20. 19 V.S.A. § 38 is amended to read:

§ 38. TRANSPORTATION ALTERNATIVES GRANT PROGRAM

(a), (b) [Repealed.]

(c) The Transportation Alternatives Grant Program is created. The Grant Program shall be administered by the Agency, and shall be funded in the amount provided for in 23 U.S.C. § 133(h), less the funds set aside for the Recreational Trails Program. Awards shall be made to eligible entities as defined under 23 U.S.C. § 133(h), and awards under the Grant Program shall be limited to the activities authorized under federal law and shall not exceed \$300,000.00 per grant allocation.

(d) Eligible entities awarded a grant must provide all funds required to match federal funds awarded for a Transportation Alternatives project. All grant awards shall be decided and awarded by the Agency.

\* \* \*

~~(f)(1) In fiscal years 2018 and 2019, all Grant Program funds shall be reserved for municipalities for environmental mitigation projects relating to stormwater and highways, including eligible salt and sand shed projects.~~

~~(2) In fiscal years 2020 and 2021, Grant Program funds shall be awarded for any eligible activity and in accordance with the priorities established in subdivision (4) of this subsection.~~

~~(3) In fiscal year 2022 2024 and thereafter, \$1,100,000.00 50 percent of Grant Program funds, or such lesser sum if all eligible applications amount to less than \$1,100,000.00 50 percent of Grant Program funds, shall be reserved for municipalities for environmental mitigation projects relating to stormwater and highways, including eligible salt and sand shed projects, and the balance of Grant Program funds shall be awarded for any eligible activity and in accordance with the priorities established in subdivision (2) of this subsection.~~

~~(4)(2) Regarding Grant Program funds awarded in fiscal years 2020 and 2021, and the balance of Grant Program funds not reserved for environmental mitigation projects in fiscal year 2022 and thereafter, in In evaluating applications for Transportation Alternatives grants, the Agency shall give preferential weighting to projects involving as a primary feature a bicycle or~~

pedestrian facility. The degree of preferential weighting and the circumstantial factors sufficient to overcome the weighting shall be in the complete discretion of the Agency.

\* \* \*

\* \* \* Amendments to the 2021 Transportation Bill \* \* \*

\* \* \* Electric Bicycle Incentives Administrative Costs \* \* \*

Sec. 21. 2021 Acts and Resolves No. 55, Sec. 2(8)(D) and (E) are amended to read:

(D) Replace Your Ride Program. Sec. 27 of this act creates a new program to be known as the Replace Your Ride Program, which will be the State's program to incentivize Vermonters to remove older low-efficiency vehicles from operation and switch to modes of transportation that produce fewer greenhouse gas emissions, and authorizes up to ~~\$1,500,000.00~~ \$1,495,000.00 for incentives under the Program and capped startup and administrative costs.

(E) Electric bicycle incentives. Sec. 28 of this act authorizes up to ~~\$50,000.00~~ \$55,000.00 for \$200.00 incentives for the purchase of an electric bicycle and capped administrative costs.

Sec. 22. 2021 Acts and Resolves No. 55, Sec. 27(d) is amended to read:

(d) Authorization. In fiscal year 2022, the Agency is authorized to spend up to ~~\$1,500,000.00~~ \$1,495,000.00 in one-time Transportation Fund monies on the Replace Your Ride Program established under this section, with up to ~~\$300,000.00~~ \$295,000.00 of that ~~\$1,500,000.00~~ \$1,495,000.00 available for startup costs, outreach education, and costs associated with developing and administering the Replace Your Ride Program.

Sec. 23. 2021 Acts and Resolves No. 55, Sec. 28(b) is amended to read:

(b) Authorization.

(1) In fiscal year 2022, the Agency is authorized to spend up to \$50,000.00 in one-time Transportation Fund monies on the electric bicycle incentives and up to \$5,000.00 on the costs associated with developing and administering the electric bicycle incentives.

(2) If less than \$5,000.00 is expended on administrative costs associated with developing and administering the electric bicycle incentives under subdivision (1) of this subsection, then the balance of that \$5,000.00 shall only be authorized for startup costs, outreach education, and costs associated with developing and administering the Replace Your Ride Program in addition to the authorization in Sec. 27(d) of this act.



\* \* \* EVSE Grant Program \* \* \*

Sec. 24. 2021 Acts and Resolves No. 55, Sec. 29 is amended to read:

Sec. 29. GRANT PROGRAMS FOR ~~LEVEL 2 CHARGERS~~ EVSE IN MULTI-UNIT MULTIUNIT DWELLINGS; REPORT

(a) As used in this section:

\* \* \*

(2) “~~Multi-unit~~ Multiunit affordable housing” means a ~~multi-unit~~ multiunit dwelling where:

\* \* \*

(3) “~~Multi-unit~~ Multiunit dwelling” means a housing project, such as cooperatives, condominiums, dwellings, or mobile home parks, with 10 or more units constructed or maintained on a tract or tracts of land.

(4) “~~Multi-unit~~ Multiunit dwelling owned by a nonprofit” means a ~~multi-unit~~ multiunit dwelling owned by a person that has nonprofit status under Section 501(c)(3) of the U.S. Internal Revenue Code, as amended, and is registered as a nonprofit corporation with the Office of the Secretary of State.

(5) “Electric vehicle supply equipment (EVSE)” includes both level 1 chargers, which connect directly into a standard 120-volt AC outlet and supply an average output of 1.3 to 2.4 kilowatts and are also known as level 1 EVSE, and level 2 chargers, which have a single-phase input voltage range from 208 to 240 volts AC and a maximum output current less than or equal to 80 amperes AC and are also known as level 2 EVSE.

(b) The Agency of Transportation shall establish and administer, through a memorandum of understanding with the Department of Housing and Community Development, a pilot program to support the continued buildout of electric vehicle supply equipment at ~~multi-unit~~ multiunit affordable housing and ~~multi-unit~~ multiunit dwellings owned by a nonprofit and build upon the existing ~~VW~~ EVSE Grant Program that the Department of Housing and Community Development has been administering on behalf of the Department of Environmental Conservation.

\* \* \*

(d) Pilot program funding shall be awarded with consideration of broad geographic distribution as well as service models ranging from restricted private parking to publicly accessible parking so as to examine multiple strategies to increase access to EVSE.

\* \* \*

(f) If the Agency of Transportation, in consultation with the interagency team, determines that programmatic funding remains available following the first round of grant awards, then the pilot program shall be opened up and made available to any ~~multi-unit~~ multiunit dwelling.

\* \* \*

\* \* \* Bicycle and Pedestrian Planning Integration Program \* \* \*

Sec. 25. BICYCLE AND PEDESTRIAN PLANNING INTEGRATION PROGRAM

(a) Establishment. The Agency of Transportation shall establish a program to support the continued development and buildout of bicycle and pedestrian infrastructure. The purpose of the program is to do at least one of the following:

(1) ensure alignment and integration of municipal and State bicycle and pedestrian infrastructure deployment and to provide a framework for municipal prioritization of bicycle and pedestrian projects that can be integrated into the VTrans Project Selection and Project Prioritization (VPSP2) process as projects are evaluated for funding through State-sponsored programs, including the Bike and Pedestrian Program, the Transportation Alternatives Program, and the Downtown Transportation Fund; or

(2) integrate bicycle and pedestrian elements into Agency-developed projects.

(b) Consultation and implementation. The Agency shall work with the State's Regional Planning Commissions (RPCs) in implementing the program by providing funding through the Transportation Planning Initiative (TPI) Program for RPCs to develop prioritized municipal bicycle and pedestrian plans or to assist member municipalities in developing prioritized municipal bicycle and pedestrian plans.

\* \* \* Transportation Board \* \* \*

Sec. 26. 5 V.S.A. chapter 3 is redesignated to read:

CHAPTER 3. PROCEEDINGS BY THE BOARD; APPEAL TO SUPERIOR COURT JUDICIAL REVIEW

Sec. 27. 5 V.S.A. § 37 is amended to read:

§ 37. MEMBERS; TERMS; RETIREMENT; APPEAL

(a) When a Board member who hears all or a substantial part of a case retires from office before the case is completed, ~~he or she~~ that individual shall remain a member of the Board for the purpose of concluding and deciding the

case, and signing the findings, orders, decrees, and judgments of the case. A retiring chair shall also remain a member for the purpose of certifying questions of law if appeal is taken.

(b) A case shall be deemed completed when the Board enters a final order even though ~~the order is appealed to a Superior Court and~~ judicial review is sought pursuant to 19 V.S.A. § 5(c) or the case remanded to the Board. Upon remand, the Board then in office may consider relevant evidence, including any part of the transcript of testimony in the proceedings prior to appeal.

Sec. 28. 5 V.S.A. § 40 is amended to read:

§ 40. PLEADINGS; RULES OF PRACTICE; FINDINGS OF FACT

(a) The forms, pleadings, and rules of practice and procedure before the Board shall be prescribed by the Board.

(b) The Board shall hear all matters within its jurisdiction and make findings of fact. It shall state its rulings of law when required. Upon ~~appeal to a Superior Court~~ judicial review pursuant to 19 V.S.A. § 5(c), the Board's findings of fact shall be accepted unless clearly erroneous.

Sec. 29. 5 V.S.A. §§ 43 and 44 are amended to read:

§ 43. ~~REVIEW BY SUPERIOR COURT~~ JUDICIAL REVIEW

A party to a cause who feels aggrieved by the final order, judgment, or decree of the Board may ~~appeal to a Superior Court under Rule 74 of the Vermont Rules of Civil Procedure~~ seek judicial review pursuant to 19 V.S.A. § 5(c). However, the Board, before final judgment, may permit an interlocutory appeal to be taken by any party pursuant to a Superior Court 19 V.S.A. § 5(c) for determination of questions of law in the same manner as the Supreme Court may by rule provide for appeals before final judgment from a Superior Court. Notwithstanding the provisions of the Vermont Rules of Civil Procedure or the Vermont Rules of Appellate Procedure, neither the time for filing a notice of appeal nor the filing of a notice of appeal, as provided in this section, shall operate as a stay of enforcement of an order of the Board unless the Board or ~~a Superior~~ the Supreme Court grants a stay under the provisions of section 44 of this ~~title~~ chapter.

§ 44. POWERS OF SUPERIOR THE SUPREME COURT

~~A Superior~~ Upon appeal to the Supreme Court, the Court may reverse or affirm the judgments, orders, or decrees of the Transportation Board and may remand a cause to it with mandates, as law or equity shall require; and the Board shall enter its judgment, order, or decree in accordance with these mandates. Appeals to the ~~Superior~~ Supreme Court shall not have the effect of vacating any judgment, order, or decree of the Board, but the ~~Superior~~

Supreme Court, upon notice to interested parties, may suspend execution of a Board judgment under a decree as justice and equity require unless otherwise specifically provided by law.

Sec. 30. 5 V.S.A. § 207(d) is amended to read:

(d) The application for a certificate of approval of the site selected shall be in writing and substantially describe the property involved and the general purposes for which it is to be acquired and the manner in which the acquisition is asserted to serve the public interest. The application shall designate the names of all owners or persons known to be interested in lands adjoining the property and their residences, if known, and shall contain such further matter as the Board by rule shall determine. The application shall be supported by documentation showing that the proposed facility has received municipal approval. After evaluating the application, the Board shall issue its order giving notice of the time and place of hearing on the application. The applicant shall give notice of the proceedings to all persons owning or interested in adjoining lands by delivery of a true copy of the application and order for hearing by registered or certified mail to the last known address of each of the persons; the notice to be mailed at least 12 days prior to the date of the hearing. Notice of the hearing and a general statement of the purpose shall be published at least once in a newspaper of common circulation in the town where the property described in the application is situated at least two days before the date of the hearing, and a similar notice shall be posted in a public place at least 12 days before the hearing. Upon compliance by the applicant with the foregoing provisions for notice, the Board shall hear the applicant and all parties interested on the question of approval of the site or sites and shall consider and determine whether in the public interest the application ought to be granted. Whenever the Board makes an order granting or denying a certificate of approval of an airport, or a restricted landing area, approval to use or operate an airport or a restricted landing area or other air navigation facility, an aggrieved person may ~~have the decision reviewed on the record by the Superior Court pursuant to Rule 74 of the Vermont Rules of Civil Procedure seek judicial review pursuant to 19 V.S.A. § 5(c).~~

Sec. 31. 5 V.S.A. § 652 is amended to read:

§ 652. SUPERIOR COURT JUDICIAL REVIEW

The Secretary of Transportation or the legislative body of a municipality, as defined in 24 V.S.A. § 2001, or the committee representing two or more municipalities, when authorized by vote of their legislative bodies, may proceed in Superior Court as provided in 19 V.S.A. chapter 5, except as otherwise provided in this subchapter.

Sec. 32. 5 V.S.A. § 3639 is amended to read:

§ 3639. FARM CROSSINGS AND CATTLE GUARDS; CONSTRUCTION AND MAINTENANCE; JUDICIAL REVIEW

(a) A person ~~or corporation~~ owning or operating a railroad shall construct and maintain farm crossings of the road for the use of the proprietors of lands adjoining the railroad, and cattle guards at all farm and road crossings sufficient to prevent cattle and animals from getting on the railroad. A farm crossing may be temporarily or permanently closed or discontinued by mutual agreement between all parties having an interest therein. If no such mutual agreement can be reached by such interested parties, then a person ~~or corporation~~ owning or operating a railroad and desiring to close any farm crossing shall make application to the Transportation Board. The Board shall thereupon give notice to all parties interested, in such manner as the Board may direct, of hearing on the application, the hearing to be in the county where such crossing is located. After the hearing, a person ~~or corporation~~ owning or operating a railroad shall not close such farm crossing without the approval of the Transportation Board. A person aggrieved by the closing of a farm crossing after January 1, 1955 by a person ~~or corporation~~ owning or operating a railroad may notify the Transportation Board by registered or certified mail of the closing, and thereupon the Board shall conduct a hearing. Notice and place of hearing shall be as set forth in this subsection. The Transportation Board may require the reopening of any such crossing and make such other order as is permitted in section 3649 of this title. At any such hearing, the burden of proof shall rest with the person or persons effecting or seeking to effect the closing of such farm crossing. Any person aggrieved by an the final order of the Transportation Board, who was a party to the proceedings, ~~in accordance with Rule 74 of the Vermont Rules of Civil Procedure, appeal to the Superior Court, whereupon such cause shall be tried as an original action brought under the provisions of 12 V.S.A. § 402~~ seek judicial review pursuant to 19 V.S.A. § 5(c).

(b) A person ~~or railroad corporation~~ closing any farm crossing in violation of a provision of this section or failing to comply with any such order shall be fined not less than \$50.00 nor more than \$500.00, and any person aggrieved by such violation may recover ~~his or her~~ the person's damages in an action on this statute.

Sec. 33. 5 V.S.A. § 3788 is amended to read:

§ 3788. ORDERS OF BOARD; APPEALS JUDICIAL REVIEW

The order of the Board relating to any matter upon which it may act under the authority of this chapter shall be communicated in writing to the petitioners

and to all persons to whom notice of the hearing on such petition was given. Any person aggrieved by such order, who was a party to such proceedings, may appeal from such order to the Superior Court in accordance with Rule 74 of the Vermont Rules of Civil Procedure seek judicial review pursuant to 19 V.S.A. § 5(c).

Sec. 34. 9 V.S.A. § 4100b is amended to read:

§ 4100b. ENFORCEMENT; TRANSPORTATION BOARD

(a) The Transportation Board established in 19 V.S.A. § 3 shall enforce the provisions of this chapter.

\* \* \*

(h) Within 20 days after any order or decision of the Board authorized under this chapter, any party to the proceeding may apply for a rehearing with respect to any matter determined in the proceeding or covered or included in the order or decision. The application for rehearing shall set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable. No appeal from any order or decision of the Board shall be taken unless the appellant makes an application for rehearing as provided in this subsection, and when the application for rehearing has been made, no ground not set forth in the application shall be urged, relied on, or given any consideration by the Board unless the Board for good cause shown allows the appellant to specify additional grounds. Any party to the proceeding may appeal the final order, including all interlocutory orders or decisions, pursuant to the Superior Court 19 V.S.A. § 5(c) within 30 days after the date the Board rules on the application for reconsideration of the final order or decision. All findings of the Board upon all questions of fact properly before the court shall be prima facie lawful and reasonable. The order or decision appealed from shall not be set aside or vacated except for errors of law. No additional evidence shall be heard or taken by the ~~Superior~~ Supreme Court on appeals from orders or decisions by the Board authorized under this title.

(i) In cases where the Board finds that a violation of this chapter has occurred or there has been a failure to show good cause under section 4089 or 4098 of this title, the ~~Superior Court~~ Board, upon petition, shall determine reasonable attorney's fees and costs and award them to the prevailing party.

Sec. 35. 19 V.S.A. § 5 is amended to read:

§ 5. TRANSPORTATION BOARD; POWERS AND DUTIES

(a) General duties and responsibilities; exceptions. The regulatory and quasi-judicial functions relating to transportation shall be vested in the Board,

except that the duties and responsibilities of the Commissioner of Motor Vehicles in Titles 23 and 32, including all quasi-judicial powers, shall continue to be vested in the Commissioner.

(b) Naming transportation facilities.

(1) Except as otherwise authorized by law, the Board is the sole authority responsible for naming transportation facilities owned, controlled, or maintained by the State, including highways and the bridges thereon, airports, rail facilities, rest areas, and welcome centers. The Board shall exercise its naming authority only upon petition of the legislative body of a municipality of the State, of the head of an Executive Branch agency or department of the State, or of 50 Vermont residents.

(2) The Board shall hold a public hearing for each facility requested to be named. The Board shall adopt rules governing notice and conduct of hearings, the standards to be applied in rendering decisions under this subsection, and any other matter necessary for the just disposition of naming requests. The Board shall issue a decision, which shall be subject to review on the record by a Superior Court pursuant to ~~Rule 74 of the Vermont Rules of Civil Procedure~~ subsection (c) of this section. The Board may delegate the responsibility to hold a hearing to a hearing officer or a single Board member, subject to the procedure of subsection (c) of this section, but shall not be bound by 3 V.S.A. chapter 25 in carrying out its duties under this subsection.

(c) Hearing examiners; report of findings; final orders; judicial review. The Board may delegate the responsibility to hear quasi-judicial matters, and other matters as it may deem appropriate, to a hearing examiner or a single Board member, to hear a case and make findings in accordance with 3 V.S.A. chapter 25, except that highway condemnation proceedings shall be conducted pursuant to the provisions of chapter 5 of this title. A hearing examiner or single Board member so appointed shall report the findings of fact in writing to the Board. Any order resulting from those findings shall be rendered only by a majority of the Board. Final orders of the Board issued pursuant to section 20 of this title (small claims against the Agency) may be reviewed on the record by a Superior Court pursuant to Rule 74 of the Vermont Rules of Civil Procedure. All other final orders of the Board may be reviewed on the record by the Supreme Court.

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

\* \* \*

(e) Offices and assistance. Suitable offices and office equipment shall be provided by the State for the Board at Montpelier. The Board may employ clerical or other employees and assistants whom it deems necessary in the

performance of its duties and in the investigation of matters within its jurisdiction.

(f) Jurisdiction; subpoenas; witness fees. The Board shall have the power to determine and adjudicate all matters over which it is given jurisdiction. It may render judgments and make orders and decrees. Whenever the Board is sitting in a quasi-judicial capacity, it may issue subpoenas for the testimony of witnesses or the production of evidence. The fees for travel and attendance of witnesses shall be the same as for witnesses and officers appearing before a Civil Division of the Superior Court.

(g) Reports to the General Assembly. From time to time, the Board may report to the General Assembly with suggestions of amendment to existing law or of new legislation as it deems necessary and any information concerning the companies, matters, and things under the jurisdiction of the Board and Agency that, in its opinion, will be of interest to the General Assembly.

(h) Appeals from the Agency to the Board. Unless otherwise provided by law, when an appeal is allowed from the Agency to the Board, the appeal shall be taken by filing a notice of appeal with the Secretary within 30 days of the date of the Agency decision from which the appeal is taken. The Secretary shall promptly forward the notice of appeal to the Board, together with the Agency's record of decision.

\* \* \* Repeal of 5 V.S.A. Chapter 5 \* \* \*

Sec. 36. REPEAL

5 V.S.A. chapter 5 (assessments to support Agency of Transportation and Transportation Board) is repealed.

\* \* \* On-Premises Signs \* \* \*

Sec. 37. 10 V.S.A. § 493 is amended to read:

§ 493. ON-PREMISES SIGNS

Owners or occupants of real property may erect and maintain on the property, on-premises signs advertising the sale or lease of the property or activities being conducted on the property. Those signs shall be subject to the regulations set forth below.

(1) On-premises signs may be erected or maintained, with a total area of not more than 150 square feet, advertising activities being conducted on the same premises. However, this limitation does not apply to signs existing on May 1, 1971, or attached to or part of the building in which the activities are being carried on. An on-premises sign shall not be located more than 1,500 feet from a main entrance from the highway to the activity or premises



advertised. The 1,500-foot distance shall be measured along the centerline of the highway or highways between the sign and a main entrance or a straight line, but only if the difference in elevation between the on-premises sign and a main entrance is more than 100 feet. A main entrance shall be a principal, private roadway or driveway that leads from a public highway to the advertised activity. For the purposes of this subdivision, premises shall not include land that is separated from the activity by a public highway, or other intervening land use not related to the advertised activity. Undeveloped land or farmland shall not be considered as an intervening land use.

\* \* \*

\* \* \* Right-of-Way Permits; 1111 Permits; Municipal  
Site Plan Review \* \* \*

Sec. 38. 19 V.S.A. § 1112 is amended to read:

§ 1112. DEFINITIONS; FEES

(a) As used in this section:

\* \* \*

(4) “Subsurface stormwater system” means a stormwater system, as defined in 10 V.S.A. § 1264(b)(15), that is beneath the surface.

(b) The Secretary shall collect the following fees for each application for the following types of permits issued pursuant to section 1111 of this title:

\* \* \*

(2) utility installations, including each direct connection to the State highway subsurface stormwater system: \$100.00

\* \* \*

Sec. 39. 24 V.S.A. § 4416(b) is amended to read:

(b) Whenever a proposed site plan involves access to a State highway or other work in the State highway right-of-way such as excavation, grading, paving, or utility installation, the application for site plan approval shall include a letter from the Agency of Transportation confirming that the Agency has reviewed the proposed site plan and determined whether a permit is required under 19 V.S.A. § 1111. If the Agency determines that a permit for the proposed site plan is required under 19 V.S.A. § 1111, then the letter from the Agency shall may set out any conditions that the Agency proposes to attach to the permit required under 19 V.S.A. § 1111.

## \* \* \* Smugglers' Notch Motor Vehicle Limitations \* \* \*

Sec. 40. 23 V.S.A. § 1006b is amended to read:

§ 1006b. SMUGGLERS' NOTCH; WINTER CLOSURE OF VERMONT  
ROUTE 108; ~~COMMERCIAL VEHICLE OPERATION~~  
PROHIBITED

(a) Winter closure. The Agency of Transportation may close the Smugglers' Notch segment of Vermont Route 108 during periods of winter weather.

(b) Vehicle operation prohibition.

(1) ~~As used in this subsection, "commercial vehicle" means truck-tractor-semitrailer combinations and truck-tractor-trailer combinations.~~

(2) ~~Commercial~~ Single-frame motor vehicles over 40 feet in length and tractor units with one or more attached trailers over 45 feet in total length are prohibited from operating on the Smugglers' Notch segment of Vermont Route 108.

(3)(2) ~~Either the~~ The employer of the operator of a commercial vehicle who violates this subsection, or the operator's employer, shall be subject to a civil penalty of \$1,000.00. ~~If or, if the violation results in substantially impeding the flow of traffic on Vermont Route 108, the penalty shall be a civil penalty of \$2,000.00. For a second or subsequent conviction within a three-year period, the applicable penalty or penalties shall be doubled.~~

(3) The prohibition in subdivision (1) of this subsection shall not apply to law enforcement, fire, emergency medical services, and search and rescue vehicles involved in training or responding to real-world incidents.

(c) Required signage. The Agency shall erect signs conforming to the standards established by section 1025 of this title to indicate the closures and restrictions authorized under this section.

\* \* \* Municipal Restrictions; Covered Bridges;  
Damages and Expenses \* \* \*

Sec. 41. 19 V.S.A. § 313 is amended to read:

§ 313. ~~RESTRICTING USE OF COVERED BRIDGES~~

~~The Agency and the selectmen of the town where a covered bridge is located or, if parts of such a bridge are located in more than one town, the selectmen of the towns acting jointly, may restrict the use of the bridge to vehicles that are within limits as to weight, height, and width as they shall establish. The limitation shall be plainly posted at the approaches to the bridge~~

~~at approximately 100 feet from each end of the bridge, and at intersections as may be required to enable operators of restricted vehicles to proceed by the most direct alternate unrestricted route. Posting shall be by means of permanent signs of a standard size of at least 24 inches by 24 inches, and with lettering not less than three inches high. [Repealed.]~~

Sec. 42. 19 V.S.A. § 315 is amended to read:

§ 315. PENALTIES

~~A person who operates a vehicle exceeding the limit prescribed on a bridge thus restricted shall be fined not more than \$200.00 for the first offense and not more than \$300.00 for each subsequent offense. [Repealed.]~~

Sec. 43. 23 V.S.A. § 1396 is redesignated to read:

§ 1396. SPECIAL WEIGHT LIMITS FOR BRIDGES AND HIGHWAYS

Sec. 44. 23 V.S.A. § 1397 is redesignated to read:

§ 1397. WEIGHT LIMIT SIGNS

Sec. 45. 23 V.S.A. § 1397a is added to read:

§ 1397a. SPECIAL LIMITS FOR COVERED BRIDGES

The legislative body of a municipality where a covered bridge is located or, if parts of such a bridge are located in more than one municipality, the legislative bodies of the municipalities where a covered bridge is located acting jointly may, after consultation with the Agency of Transportation, restrict the use of the bridge to vehicles that are within limits as to one or more of the following, as they shall establish: weight, height, or width. Any limitation shall be permanently posted by the municipality, with signs that conform to the standards established by section 1025 of this title, approximately 100 feet from the approaches to the bridge and at intersections as may be required to enable operators of restricted vehicles to proceed by the most direct alternate unrestricted route.

Sec. 46. 23 V.S.A. § 1398 is amended to read:

§ 1398. CERTIFIED STATEMENT TO BE FILED

A certified statement shall be filed with the clerk in each town, village, or city municipality in which the a posting occurs, as provided in section sections 1397 and 1397a of this title subchapter, stating occurs that states the location of the highway or bridge posted, the legal load limit or limits to which such the highway or bridge is restricted, and the date of posting. If such a restriction is removed at any time by the Secretary of Transportation, selectboard, trustees, or city council, or legislative body of the municipality, or

~~both~~, a similar certified statement of the removal shall be filed with the clerk of the ~~town, village, or city as the case may be~~ municipality.

Sec. 47. 23 V.S.A. § 1399(b) is amended to read:

(b) Nothing contained in sections 1391–1398 of this ~~title~~ subchapter shall restrict the weight of:

(1) Snow plows, road machines, oilers, traction engines, tractors, rollers, power shovels, dump wagons, trucks, or other construction or maintenance equipment when used by any town, incorporated village, city, or the State in the construction or the maintenance of any highway, provided that such construction or maintenance is performed by persons employed by or under contract with such town, incorporated village, city, or the State for this purpose. However, any operation of motorized highway building equipment or road making appliances used in construction work contracted by a town, incorporated village, city, or the State shall be unrestricted as to weight only within a construction area.

(2) Municipal and volunteer fire apparatus and law enforcement motor vehicles.

(3) Heavy-duty tow and recovery vehicles on the Dwight D. Eisenhower System of Interstate and Defense Highways.

Sec. 48. 23 V.S.A. § 1400d is amended to read:

§ 1400d. AGRICULTURAL SERVICE VEHICLES

(a) An agricultural service vehicle, as defined in subdivision 4(71) of this title, shall be exempt from the provisions of sections 1400 and 1400a and subsection 1434(c) of this ~~title~~ subchapter if the gross weight does not exceed 60,000 pounds.

(b) Municipalities shall not be liable for injuries or damages to agricultural service vehicles or their operators that result from crossing a posted bridge with an agricultural service vehicle that weighs more than the posted weight limit.

Sec. 49. 23 V.S.A. § 1434 is amended to read:

§ 1434. OPERATION IN EXCESS OF WEIGHT, HEIGHT, OR WIDTH LIMITS; PENALTIES

(a) General limits. The operation of a vehicle on a public highway in excess of the legal height, width, or length limits as prescribed in section 1431 or 1432 of this ~~title~~ subchapter without first obtaining a permit to operate the vehicle, whether or not a permit is available, shall be a traffic violation, as defined in section 2302 of this title. ~~A violation shall be, and~~ punishable by a

civil penalty of \$300.00 for a first offense, \$600.00 for a second offense within a two-year period, and \$800.00 for a third or subsequent offense within a two-year period.

(b) Permit limits. The operation of a vehicle on a public highway in excess of the legal height, width, or length limits as prescribed in section 1431 or 1432 of this ~~title~~ subchapter in violation of the terms of a permit issued in conformance with section 1400 of this ~~title~~ subchapter shall be a traffic violation, as defined in section 2302 of this title, and ~~shall be~~ punishable by a civil penalty of \$300.00 for a first offense, \$600.00 for a second offense within a two-year period, and \$800.00 for a third or subsequent offense within a two-year period.

(c) Covered bridges. The operation of a vehicle on a public highway in excess of the legal limits designated for a covered bridge under section 1397a of this subchapter or applicable under subdivisions 1392(1) and (2) of this subchapter shall be a traffic violation, as defined in section 2302 of this title, and punishable by a civil penalty of \$1,000.00 or, if the violation results in substantially impeding the flow of traffic, \$2,000.00. For a second or subsequent conviction within a three-year period, the applicable penalty shall be doubled.

(d) Refusal to issue a permit. In the case of a violation under subsection (a) of this section, the Commissioner may refuse to issue a permit to the violator under section 1400 of this ~~title~~ subchapter for a period not to exceed three months, if the owner or lessee commits four or more violations within a two-year period. If the holder of a permit commits four or more violations under subsection (b) of this section within a two-year period, the Commissioner may suspend, for a period not to exceed three months, any permit issued to the violator under section 1400 of this ~~title~~ subchapter. For the purposes of this section, the owner or lessee of the vehicle shall be considered the holder of, or applicant for, the permit.

Sec. 50. 23 V.S.A. § 1492 is amended to read:

§ 1492. LIABILITY FOR DAMAGE DEFINED; LIMITATIONS

The owner, driver, operator, or mover of any motor truck, tractor, trailer, wagon, cart, carriage, or other object or contrivance ~~which~~ that is moved or operated on any highway in violation of any of the provisions of sections ~~1098, 1145~~ 1083, 1092, 1302, 1305, and 1431 and subsection ~~1434(c)~~ of this ~~title, subchapter;~~ such portion of ~~section 1141~~ sections 1003 and 1081 of this ~~title subchapter~~ as pertains to trucks and buses; and such portion of section 1391 of this ~~title subchapter~~ as relates to weight in relation to tire surface, shall be liable to the State or municipal corporation in which the act is committed

for damages to a public highway or bridge occasioned by such moving or operating, to be recovered in a civil action, in the name of the State or municipal corporation, or in an action on the bond provided in this chapter in connection with the issuance of permits, provided the action is brought within two years after such act is committed.

Sec. 51. 23 V.S.A. § 1112 is amended to read:

§ 1112. CLOSED HIGHWAYS

(a) Except by the written permit of the authority responsible for the closing, a person shall not drive any vehicle over any highway across which there is a barrier or a sign indicating that the highway is closed to public travel.

\* \* \*

~~(c) A municipal, county, or State entity that deploys police, fire, ambulance, rescue, or other emergency services in order to aid a stranded operator of a vehicle, or to move a disabled vehicle, operated on a closed highway in violation of this section, may recover from the operator in a civil action the cost of providing the services, if at the time of the violation a sign satisfying the requirements of subsection (b) of this section was installed. [Repealed.]~~

Sec. 52. 24 V.S.A. § 2296a is added to read:

§ 2296a. RIGHT TO RECOVER EXPENSES FOR EMERGENCY SERVICES

A municipal, county, or State entity that deploys police, fire, ambulance, rescue, or other services to aid an operator of a vehicle who is stranded due to a violation of 23 V.S.A. § 1006b, 1112, or 1434(c) or to move a vehicle that is disabled due to a violation of 23 V.S.A. § 1006b, 1112, or 1434(c) may recover in civil action the costs of providing services from the operator or the operator's employer, provided that the operator was acting during or incidental to the operator's scope of employment.

\* \* \* Municipal Weight Limits; Filing of Restrictions \* \* \*

Sec. 53. 23 V.S.A. § 1400b is amended to read:

§ 1400b. FILING OF RESTRICTIONS, PUBLICATION

(a) Any municipality that has enacted special weight limits that are other than State legal limits for highways or bridges within its jurisdiction shall file a complete copy of the limitations with the Department of Motor Vehicles ~~not later than February 10~~ of each year. The information filed shall contain a concise listing of each highway or bridge posted, the time of the year the restrictions apply, weight limitations in effect on that highway or bridge, and

the name, address, and telephone number of the principal person or persons responsible for issuing the local permit. Additions or deletions to the listing may be made from time to time, as required, by filing with the Department.

(b) Any special municipal weight limits on highways or bridges shall be unenforceable unless they are on file with the Department of Motor Vehicles within three working days of the date of posting. It shall be the responsibility of the municipality to keep records documenting the time and date a highway or bridge is posted, and to keep current restrictions on file with the Department. The Department may prescribe the format that is to be used when filing restrictions under this section.

\* \* \*

\* \* \* Use of Sustainable Building Components \* \* \*

#### Sec. 54. FINDINGS

The General Assembly finds:

(1) With the passage of the Universal Recycling Law, the State of Vermont committed to providing convenient and efficient recycling services to all Vermonters.

(2) Efficient recycling systems save energy, conserve natural resources, and reduce greenhouse gas emissions.

(3) Recycled glass can currently be used in the following ways:

(A) as an aggregate to substitute for virgin or manufactured sand;

(B) ground and used as a pozzolan, which can be a partial substitute for Portland Cement in a concrete-mix design; or

(C) converted into a building component.

(4) Mining sand is a practice that is known to have an adverse effect on the environment.

(5) Fly ash, which is a pozzolan, is the byproduct of the burning of coal, and ground granulated blast-furnace slag, which is also a pozzolan, is the byproduct of steel manufacturing.

(6) The Agency of Transportation is already, pursuant to 2020 Acts and Resolves No. 121, Sec. 21, encouraged to, wherever practicable, use pozzolans and alternatives to Portland Cement as part of the concrete-mix design for all transportation infrastructure projects.

(7) Reusing recycled glass as a substitute for virgin or manufactured sand conserves natural resources by reducing the need to mine or manufacture sand.

(8) Using materials recycled in Vermont as a partial substitute for aggregate and non-aggregate components in maintenance, construction, and improvement projects could reduce greenhouse gas emissions and the State's carbon footprint by eliminating the need to transport recycled glass out of State for further processing.

(9) Using materials recycled in Vermont as a partial substitute for aggregate and non-aggregate components in maintenance, construction, and improvements projects could provide an economic benefit to the local recycling industry.

(10) There will continue to be advances in the availability and use of sustainable building components, such as recycled materials and manufacturing byproducts, in maintenance, construction, and improvement projects.

Sec. 55. 19 V.S.A. § 10c(m) is amended to read:

~~(m) Recycled asphalt pavement (RAP) shall be used on all Agency paving projects to the extent sources of quality RAP are available consistent with producing quality hot mix asphalt. To that extent, the Agency shall define paving project specifications and contract bid documents to allow the use of up to 50 percent RAP. The Agency shall compare the cost-benefit of the State's retaining the RAP versus the contractor's retaining the RAP, and the Agency shall report to the House and Senate Committees on Transportation on the results of the comparison in the 2009 and 2010 legislative sessions. [Repealed.]~~

Sec. 56. 19 V.S.A. § 10m is added to read:

§ 10m. STATEMENT OF POLICY; SUSTAINABLE BUILDING COMPONENTS; ANNUAL REPORT

(a) Policy. It shall be the State's policy to use sustainable building components, including recycled materials and manufacturing byproducts, in all maintenance, construction, and improvement projects within the State's Transportation Program to the extent that sources of quality sustainable building components are available and the use is consistent with producing transportation assets with a demonstrated evidence of long-term durability.

(b) Specifications. The Agency shall define its performance and related specifications and contract bid documents to allow and, as practicable, encourage the use of sustainable building components.

(c) Recycled asphalt pavement. Recycled asphalt pavement (RAP) shall be used on all Agency paving projects to the extent sources of RAP of a quality comparable to hot mix asphalt is available. The Agency shall define paving



project specifications and contract bid documents to allow for the use of up to 50 percent RAP.

(d) Research and testing. The Agency is encouraged to continue researching, testing, and, wherever practicable, using sustainable building components, pozzolans, and alternatives to Portland Cement as part of the construction specifications for all transportation infrastructure projects.

(e) Annual report. The Agency, in consultation with the Recycled Materials Working Group, shall, during each session of the General Assembly, provide an oral report to the House and Senate Committees on Transportation on the use of sustainable building components in maintenance, construction, and improvement projects within the State's Transportation Program.

\* \* \* Fees for State Electric Vehicle Supply Equipment; Sunset \* \* \*

Sec. 57. 2019 Acts and Resolves No. 59, Sec. 38 is amended to read:

Sec. 38. ELECTRIC VEHICLE SUPPLY EQUIPMENT FEES REPEAL

32 V.S.A. § 604 (electric vehicle supply equipment fees) is repealed on July 1, ~~2022~~ 2025.

Sec. 58. 32 V.S.A. § 604 is amended to read:

§ 604. ELECTRIC VEHICLE SUPPLY EQUIPMENT FEES

(a) Notwithstanding any other provision of this subchapter, any agency or department that owns or controls electric vehicle supply equipment (EVSE), as defined in 30 V.S.A. § 201, may establish, set, and adjust fees for the use of that ~~electric vehicle supply equipment~~ EVSE. The agency or department may establish fees for electric vehicle charging at less than its costs, to cover its costs, or equal to the retail rate charged for the use of ~~electric vehicle supply equipment~~ EVSE available to the public. Fees collected under this section shall be deposited in the same fund or account within a fund from which the electric operating expense for the ~~electric vehicle supply equipment~~ EVSE originated.

(b) The Agency of Transportation and the Department of Buildings and General Services shall make staff available to standing committees of the General Assembly beginning on January 15 each year to give an oral presentation that provides an update on the State's efforts to collect fees for the use of EVSE that is owned or controlled by the State pursuant to subsection (a) of this section and shall make available as part of that presentation a copy of any applicable fee schedules, along with an explanation as to whether or not the fee schedule accounts for expenses associated with the EVSE, including electricity costs.

\* \* \* Relinquishment of Vermont Route 207 Extension  
in the Town of St. Albans \* \* \*

Sec. 59. 2012 Acts and Resolves No. 153, Sec. 23(a) is amended to read:

(a) Pursuant to 19 V.S.A. § 15(a)(2), the ~~general assembly~~ General Assembly approves the ~~secretary of transportation~~ Secretary of Transportation to enter into an agreement with the ~~town~~ Town of St. Albans to relinquish to the ~~town's~~ Town's jurisdiction a segment of ~~state~~ State highway right-of-way in the ~~town~~ Town of St. Albans, which has not been constructed to be a traveled road, and which was to be known as the Vermont Route 207 Extension. This authority shall expire on June 30, ~~2022~~ 2032. The segment authorized to be relinquished measures approximately 1.7 acres, is approximately 160 feet in width, and starts at a point 200 feet west of the intersection of the U.S. Route 7/Vermont Route 207 centerline of highway project S0297(2), and continues westerly for 463 feet.

\* \* \* Codified Law Technical Corrections \* \* \*

Sec. 60. REPEAL

19 V.S.A. § 22 (fine applicable for a violation of the since repealed 19 V.S.A. § 21(c)) is repealed.

Sec. 61. 19 V.S.A. § 11a(b) is amended to read:

(b) ~~In fiscal year 2017, of the funds appropriated to the Department of Public Safety pursuant to subsection (a) of this section, the amount of \$1,680,000.00 is allocated exclusively for the purchase, outfitting, assignment, and disposal of State Police vehicles. In fiscal year 2018 and in succeeding fiscal years, of the funds appropriated to the Department of Public Safety pursuant to subsection (a) of this section, the amount of \$2,100,000.00 is allocated exclusively for the purchase, outfitting, assignment, and disposal of State Police vehicles. Any unexpended and unencumbered funds remaining in this allocation at the close of a fiscal year shall revert to the Transportation Fund. The Department of Public Safety may periodically recommend to the General Assembly that this allocation be adjusted to reflect market conditions for the vehicles and equipment.~~

Sec. 62. 19 V.S.A. § 996(a) is amended to read:

(a) The Agency of Transportation shall work with municipal representatives to revise the Agency of Transportation's Town Road and Bridge Standards in order to incorporate a suite of practical and cost-effective best management practices, as approved by the Agency of Natural Resources, for the construction, maintenance, and repair of all existing and future State and town highways. These best management practices shall address activities

that have a potential for causing pollutants to enter the groundwater and waters of the State, including stormwater runoff and direct discharges to State waters. The best management practices shall not supersede any requirements for stormwater management already set forth in 10 V.S.A. §§ 1264 and 1264a that apply to State and town highways. ~~The Agency of Transportation shall report to the House and Senate committees on Transportation, the house committee on fish, wildlife and water resources, and the Senate Committee on Natural Resources and Energy by January 15, 2011, on the best management practices to be incorporated into the Agency of Transportation's Town Road and Bridge Standards.~~

\* \* \* Effective Dates \* \* \*

#### Sec. 63. EFFECTIVE DATES

(a) This section and Secs. 57 (amendment to sunset of 32 V.S.A. § 604) and 59 (extension of authority to relinquish State highway right-of-way for Vermont Route 207 Extension) shall take effect on passage.

(b) Notwithstanding 1 V.S.A. § 214, Secs. 21–24 (amendments to the 2021 Transportation Bill) shall take effect retroactively on July 1, 2021.

(c) All other sections shall take effect on July 1, 2022.

And that the bill ought to pass in concurrence with such proposal of amendment.

Senator Brock, for the Committee on Finance, to which the bill was referred, reported recommending that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Transportation.

Senator Kitchel, for the Committee on Appropriations, to which the bill was referred, reported recommending that the Senate propose to the House that the bill be amended as recommended by the Committee on Transportation with the following amendment thereto:

In Sec. 17, Burlington International Airport Study Committee; report, by striking out subsection (b) in its entirety and inserting in lieu thereof the following:

(b) Authorization.

(1) Spending authority for the Burlington International Airport Study is authorized as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	0	150,000	150,000
Total	0	150,000	150,000

Sources of funds

State	0	15,000	15,000
Federal	0	135,000	135,000
Total	0	150,000	150,000

(2) Spending authority for South Burlington AV-FY18-001 is amended as follows:

<u>FY23</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Const	12,650,000	12,500,000	-150,000
Total	12,650,000	12,500,000	-150,000
<u>Sources of funds</u>			
State	500,000	485,000	-15,000
Federal	11,385,000	11,250,000	-135,000
Local	765,000	765,000	0
Total	12,650,000	12,500,000	-150,000

(3) The City of Burlington, which is the sponsor of the Burlington International Airport, and the Agency of Transportation shall work together to secure a grant from the Federal Aviation Administration to cover the \$135,000.00 in federal monies authorized for expenditure under subdivision (1) of this subsection for the Burlington International Airport Study.

And that the bill ought to pass in concurrence with such proposal of amendment.

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

Thereupon, pending the question, Shall the Senate propose to the House that the bill be amended as recommended by the Committee on Transportation, as amended?, Senators Perchlik, Mazza, Chittenden, Ingalls and Kitchel moved to amend the proposal of amendment of the Committee on Transportation, as amended, as follows:

First: By striking out the section heading for Sec. 18, proposed fiscal year 2024 Transportation Program, in its entirety and inserting in lieu thereof a new section heading to read as follows:

Sec. 18. FUTURE FISCAL YEAR TRANSPORTATION PROGRAMS;  
CARBON REDUCTION PROGRAM

Second: In Sec. 40, 23 V.S.A. § 1006b, by striking out redesignated subdivision (b)(2) in its entirety and inserting in lieu thereof a new subdivision (b)(2) to read as follows:

~~(3)(2) Either the The employer of an operator of a commercial vehicle who is operating a vehicle in the scope of employment and violates this subsection; or the operator's employer, or the operator of a vehicle who is operating a vehicle for personal purposes and violates this subsection shall be subject to a civil penalty of \$1,000.00.—If or, if the violation results in substantially impeding the flow of traffic on Vermont Route 108, the penalty shall be a civil penalty of \$2,000.00. For a second or subsequent conviction within a three-year period, the applicable penalty or penalties shall be doubled.~~

Third: In Sec. 49, 23 V.S.A. § 1434, in subsection (c), by striking out the words “on a public highway” preceding the words “in excess of the legal limits”

Which was agreed to.

Thereupon, pending the question, Shall the Senate propose to the House that the bill be amended as recommended by the Committee on Transportation, as amended?, Senators Chittenden, Mazza, Ingalls, Kitchel and Perchlik moved to amend the proposal of amendment of the Committee on Transportation, as amended, by striking out Sec. 63, effective dates, and its corresponding reader assistance heading in their entireties and inserting in lieu thereof the following:

\* \* \* Zoning; Municipal Airports; Parking \* \* \*

Sec. 63. 24 V.S.A. § 4413(i) is added to read:

(i) Notwithstanding 1 V.S.A. § 213, no bylaw adopted under this chapter shall regulate the location of parking facilities at or adjacent to a municipally owned and operated airport.

\* \* \* Effective Dates \* \* \*

Sec. 64. EFFECTIVE DATES

(a) This section and Secs. 57 (amendment to sunset of 32 V.S.A. § 604), 59 (extension of authority to relinquish State highway right-of-way for Vermont Route 207 Extension), and 63 (24 V.S.A. § 4413(i)) shall take effect on passage.

(b) Notwithstanding 1 V.S.A. § 214, Secs. 21–24 (amendments to the 2021 Transportation Bill) shall take effect retroactively on July 1, 2021.

(c) All other sections shall take effect on July 1, 2022.

Which was agreed to.

Thereupon, the proposal of amendment of the Committee on Transportation, as amended, was agreed to and third reading of the bill was ordered.

Thereupon, on motion of Senator Balint, the rules were suspended and the bill was placed on all remaining stages of its passage in concurrence with proposal of amendment.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment 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:** Balint, Baruth, Benning, Bray, Brock, Campion, Chittenden, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Parent, Perchlik, Pollina, Ram Hinsdale, Sears, Sirotkin, Starr, Terenzini, Westman, White.

**Those Senators who voted in the negative were:** None.

**The Senator absent and not voting was:** Pearson.

Thereupon, on motion of Senator Balint, the rules were suspended and the bill was ordered messaged to the House forthwith.

### **House Proposal of Amendment Concurred In with Amendment**

#### **S. 254.**

House proposal of amendment to Senate bill entitled:

An act relating to recovering damages for Article 11 violations by law enforcement and a report on qualified immunity.

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. REPORT ON ACCESS TO CIVIL JUSTICE REMEDIES AND LAW ENFORCEMENT QUALIFIED IMMUNITY IN VERMONT**

(a) On or before November 15, 2022, the Office of Legislative Counsel shall submit a written legal analysis to the Senate Committee on Judiciary, the House Committee on Judiciary, and the Joint Legislative Justice Oversight Committee concerning the impact of the doctrine of qualified immunity on access to civil justice remedies in the State of Vermont and the U.S. Court of Appeals for the Second Circuit. In particular, the analysis shall identify:

(1) the origins of the doctrine of qualified immunity and its present interpretation and application by the State courts of Vermont;

(2) existing constitutional, statutory, and common law causes of action for redressing the alleged misconduct of Vermont law enforcement under Vermont law;

(3) existing immunities from suit concerning allegations of Vermont law enforcement misconduct under Vermont law;

(4) existing defenses to liability concerning allegations of Vermont law enforcement misconduct under Vermont law;

(5) existing statutory and common law limitations on damages concerning allegations of Vermont law enforcement misconduct under Vermont law;

(6) the applicability of the doctrine of qualified immunity to all certified law enforcement officers;

(7) the level of specificity necessary for a statute to be considered clearly established law pursuant to a qualified immunity analysis under Vermont law;

(8) the difference between remedies available pursuant to a direct private right of action based on self-executing provisions of the Vermont Constitution and remedies available in an action pursuant to 42 U.S.C § 1983; and

(9) a survey of states that maintain a central database of all final judgments and settlements paid by a law enforcement agency for allegations of law enforcement officer misconduct.

(b) The written analysis shall be confined to legal analysis and shall not make any policy recommendations.

(c) In the preparation of the legal analysis, the Office of Legislative Counsel shall have the administrative, technical, and legal assistance of the Office of the Vermont Attorney General, the Office of the Vermont Defender General, the Center for Justice Reform at Vermont Law School, and other stakeholders interested in assisting with the report.

## Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

And that after passage the title of the bill be amended to read:

An act relating to a report on qualified immunity.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, Senator Sears moved that the Senate concur in the House proposal of amendment with an amendment as follows:

By adding a new Sec. 1 to read as follows:

Sec. 1. 20 V.S.A. § 2370 is added to read:

§ 2370. RECORD OF CASE DISPOSITION

Each law enforcement agency shall maintain a record of all final judgments and settlements paid by the law enforcement agency for court claims related to alleged violations of constitutional rights established under the Constitution of the State of Vermont. All judgments, settlements, and their underlying complaints are subject to public disclosure unless an exemption applies pursuant to the Vermont Public Records Act. Any record disclosed shall include the name of the law enforcement agency and the monetary amount paid pursuant to the judgment or settlement.

And by renumbering the remaining sections to be numerically correct.

And that after passage the title of the bill be amended to read:

An act relating to maintaining records of judgments and settlements paid by law enforcement agencies and a legal analysis of qualified immunity.

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

**Bill Passed in Concurrence**

**H. 399.**

House bill of the following title was read the third time and passed in concurrence:

An act relating to incarceration terms for criminal defendants who are primary caretakers of dependent children.

**Proposal of Amendment; Third Reading Ordered**

**H. 711.**

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

An act relating to the creation of the Opioid Settlement Advisory Committee and the Opioid Abatement Special Fund.

Reported recommending that the Senate propose to the House to amend the bill as follows:



First: In Sec. 1, 18 V.S.A. chapter 93, section 4772, subsection (c), in the second sentence by striking out “Substance Misuse Advisory Council” and inserting in lieu thereof Substance Misuse Oversight Prevention and Advisory Council

Second: In Sec. 1, 18 V.S.A. chapter 93, section 4774, subsection (a), by striking out subdivisions (1) and (2) in their entireties and inserting in lieu thereof the following:

(a)(1) There is created the Opioid Abatement Special Fund, a special fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5 and administered by the Department of Health. The Opioid Abatement Special Fund shall consist of all abatement account fund monies disbursed to the Department from the national settlement fund administrator, the national opioid abatement trust, the supplemental opioid abatement fund, or any other settlement funds that must be utilized exclusively for opioid prevention, intervention, treatment, recovery, and harm reduction services.

(2) The Department shall include a spending plan, informed by the recommendations of the Opioid Settlement Advisory Committee established pursuant to section 4772 of this subchapter, as part of its annual budget submission, and once approved, the Department shall request to have the funds formally released from the national settlement fund administrator, the national opioid abatement trust, the supplemental opioid abatement fund, or any other settlement funds that must be utilized exclusively for opioid prevention, intervention, treatment, recovery, and harm reduction services. The Department shall disburse monies from the Opioid Abatement Special Fund pursuant to 32 V.S.A. chapter 7, subchapter 3.

Third: By striking out Sec. 2, sunset; Opioid Settlement Advisory Committee, in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

## Sec. 2. SUNSET; OPIOID SETTLEMENT ADVISORY COMMITTEE

The Opioid Settlement Advisory Committee shall cease to exist upon written certification by the Chair of the Opioid Settlement Advisory Committee to the Governor, the Speaker of the House, and the President Pro Tempore that Vermont’s share of monies from the national settlement fund administrator, the national opioid abatement trust, the supplemental opioid abatement fund, or any other settlement funds that must be utilized exclusively for opioid prevention, intervention, treatment, recovery, and harm reduction services has been fully expended.

And that the bill ought to pass in concurrence with such proposal of amendment.

Senator Kitchel, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Health and Welfare.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and pending the question, Shall the Senate propose to the House that the bill be amended as recommended by the Committee on Health and Welfare?, Senators Lyons, Cummings, Hardy, Hooker and Terenzini moved to amend the proposal of amendment of the Committee on Health and Welfare in Sec. 1, 18 V.S.A. chapter 93, section 4774, subsection (a), in both subdivisions (1) and (2), and in Sec. 2, sunset; Opioid Settlement Advisory Committee, by striking out the phrase “national settlement fund administrator” and inserting in lieu thereof national abatement account fund

Which was agreed to.

Thereupon, the proposal of amendment of the Committee on Health and Welfare, as amended, was agreed to and third reading of the bill was ordered.

### **Committee of Conference Appointed**

#### **H. 740.**

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

Was taken up. Pursuant to the request of the House, the President announced the appointment of

Senator Kitchel  
Senator Baruth  
Senator Westman

as members of the Committee of Conference on the part of the Senate to consider the disagreeing votes of the two Houses.

### **Message from the House No. 54**

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

Madam President:

I am directed to inform the Senate that:

The House has adopted House concurrent resolutions of the following titles:

**H.C.R. 144.** House concurrent resolution congratulating Blake Hill Preserves’ owners Vicki Allard and Joe Hanglin on being named the U.S. Small Business Administration’s 2022 Vermont Small Business Persons of the Year.

**H.C.R. 145.** House concurrent resolution recognizing June 27, 2022 as Post-Traumatic Stress Injury Awareness Day in Vermont.

**H.C.R. 146.** House concurrent resolution congratulating Megan Nick on winning the bronze medal in women's individual aerials at the 2022 Winter Olympics.

**H.C.R. 147.** House concurrent resolution congratulating Ryan Cochran-Siegle of Starksboro on winning the silver medal in the super-G alpine skiing race at the 2022 Winter Olympics.

**H.C.R. 148.** House concurrent resolution recognizing April 2022 as World Landscape Architecture Month and designating April 26, 2022 as Fredrick Law Olmsted Day in Vermont.

**H.C.R. 149.** House concurrent resolution honoring former Sunderland Town Clerk and Treasurer Rose Keough.

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

#### **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:

By Reps. Bartholomew and others,

By Senators Balint, Clarkson, McCormack, Nitka and White,

#### **H.C.R. 144.**

House concurrent resolution congratulating Blake Hill Preserves' owners Vicki Allard and Joe Hanglin on being named the U.S. Small Business Administration's 2022 Vermont Small Business Persons of the Year.

By Reps. Copeland Hanzas and others,

#### **H.C.R. 145.**

House concurrent resolution recognizing June 27, 2022 as Post-Traumatic Stress Injury Awareness Day in Vermont.

By Reps. Brumsted and Webb,

#### **H.C.R. 146.**

House concurrent resolution congratulating Megan Nick on winning the bronze medal in women's individual aerials at the 2022 Winter Olympics.

By Reps. Brown and others,

**H.C.R. 147.**

House concurrent resolution congratulating Ryan Cochran-Siegle of Starksboro on winning the silver medal in the super-G alpine skiing race at the 2022 Winter Olympics.

By Rep. Yantachka,

**H.C.R. 148.**

House concurrent resolution recognizing April 2022 as World Landscape Architecture Month and designating April 26, 2022 as Fredrick Law Olmsted Day in Vermont.

By Reps. Durfee and others,

By Senators Campion and Sears,

**H.C.R. 149.**

House concurrent resolution honoring former Sunderland Town Clerk and Treasurer Rose Keough.

**Adjournment**

On motion of Senator Balint, the Senate adjourned, to reconvene on Monday, April 25, 2022, at one o'clock in the afternoon.

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**MONDAY, APRIL 25, 2022**

Pursuant to Rule 8 of the Senate Rules, in the absence of the President and the President *pro tempore*, the time for convening of the Senate having been set at 1:00 P.M., the Senate was called to order by John H. Bloomer, Jr., Secretary of the Senate.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Bill Referred to Committee on Finance**

**H. 716.**

House bill of the following title, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule was referred to the Committee on Finance:

An act relating to making miscellaneous changes in education law.

**Bills Referred to Committee on Appropriations**

House bills of the following titles, appearing on the Calendar for notice, and carrying an appropriation or requiring the expenditure of funds, under the rule were severally referred to the Committee Appropriations:

**H. 279.** An act relating to miscellaneous changes affecting the duties of the Department of Vermont Health Access.

**H. 410.** An act relating to the use and oversight of artificial intelligence in State government.

**H. 728.** An act relating to opioid overdose response services.

**Adjournment**

At 1:15 P.M. in the afternoon and no quorum of the Senate having assembled, pursuant to Rule 9 of the Senate Rules, the Senate adjourned until ten o'clock in the forenoon on Tuesday, April 26, 2022.

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**TUESDAY, APRIL 26, 2022**

The Senate was called to order by the President.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Pledge of Allegiance**

The President then led the members of the Senate in the pledge of allegiance.

**Joint Senate Resolution Adopted on the Part of the Senate****J.R.S. 52.**

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senator Balint,

**J.R.S. 52.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, April 29, 2022, it be to meet again no later than Tuesday, May 3, 2022.

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**Consideration Postponed****H. 411.**

House bill entitled:

An act relating to the retrieval and use of covered wild animals.

Was taken up.

Thereupon, pending third reading of the bill, Senator Parent moved that the Senate propose to the House to amend the bill as follows:

First: In Sec. 1, 10 V.S.A. chapter 113, subchapter 7, in section 4921, subdivision (1), by striking out “, fur-bearing animal, or crow” and inserting in lieu thereof , or fur-bearing animal

Second: In Sec. 1, 10 V.S.A. chapter 113, subchapter 7, in section 4921, subdivision (3) after “the covered wild animal itself is” and before “decayed, rotting, diseased”, by inserting damaged, destroyed,

Third: In Sec. 1, 10 V.S.A. chapter 113, subchapter 7, in section 4923, subsection (a), in the first sentence, after “processed for its fur, hide,” and before “or feathers”, by inserting bones,

Fourth: In Sec. 1, 10 V.S.A. chapter 113, subchapter 7, in section 4924, subdivision (5), after “retrieval of a covered wild animal” and before “when a practice is”, by inserting , including

Thereupon, pending the question, Shall the Senate propose to the House to amend the bill as recommended by Senator Parent?, on motion of Senator Bray consideration of the bill was postponed until the next legislative day.

**Bills Passed in Concurrence with Proposal of Amendment**

House bills of the following titles were severally read the third time and passed in concurrence with proposal of amendment:

**H. 548.** An act relating to miscellaneous cannabis establishment procedures.

**H. 711.** An act relating to the creation of the Opioid Settlement Advisory Committee and the Opioid Abatement Special Fund.

**Proposal of Amendment; Third Reading Ordered; Rules Suspended; Bill Passed in Concurrence with Proposal of Amendment; Bill Messaged****H. 510.**

Senator Cummings, for the Committee on Finance, to which was referred House bill entitled:

An act relating to a Vermont Child Tax Credit and the Vermont Social Security income exclusion.

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

\* \* \* Child Tax Credit \* \* \*

Sec. 1. 32 V.S.A. § 5830f is added to read:

§ 5830f. VERMONT CHILD TAX CREDIT

(a) A resident individual or part-year resident individual who is entitled to a child tax credit under the laws of the United States shall be entitled to a refundable credit against the tax imposed by section 5822 of this title for the taxable year. The total credit per taxable year shall be in the amount of \$1,000.00 per qualifying child, as defined under 26 U.S.C. § 152(c), who is five years of age or younger as of the close of the calendar year in which the taxable year of the taxpayer begins. For a part-year resident individual, the amount of the credit shall be multiplied by the percentage that the individual's income that is earned or received during the period of the individual's residency in this State bears to the individual's total income.

(b) Notwithstanding subsection (a) of this section, the amount of the credit per child under this section shall be reduced, but not below zero, by \$125.00 for each \$10,000.00, or fraction thereof, by which the individual's adjusted gross income exceeds \$55,000.00, irrespective of the individual's filing status. For purposes of this subsection, spouses filing jointly shall be considered an individual.

(c) Notwithstanding any provision of law to the contrary, the refundable credit and its payment authorized under this section shall be treated in the same manner as the federal Earned Income Tax Credit and shall not be considered as assets, income, or resources to the same extent the credit and its payment would be disregarded pursuant to 26 U.S.C. § 6409 and the general welfare doctrine for purposes of determining eligibility for benefits or assistance, or the amount or extent of those benefits or assistance, under any State or local program, including programs established under 33 V.S.A. § 3512 and chapters 11, 17, 19, 21, 25, and 26. This subsection shall only apply to the extent that it does not conflict with federal law relating to the benefit or assistance program and that any required federal approval or waiver is first obtained for that program.

(d) An individual who is eligible for the credit under this section but who is not required to file a tax return under section 5861 of this title may claim the credit in the form and manner prescribed by the Commissioner of Taxes,

provided the form and manner are as simple and easy to understand as possible.

\* \* \* Child and Dependent Care Tax Credit \* \* \*

Sec. 2. 32 V.S.A. § 5822(d) is amended to read:

(d)(1) A taxpayer shall be entitled to a credit against the tax imposed under this section of 24 percent of each of the credits allowed against the taxpayer's federal income tax for the taxable year as follows: the credit for people who are elderly or permanently totally disabled, and the investment tax credit attributable to the Vermont-property portion of the investment, ~~and child care and dependent care credits.~~

\* \* \*

Sec. 3. 32 V.S.A. § 5828c is amended to read:

§ 5828c. ~~LOW-INCOME CHILD AND DEPENDENT CARE CREDIT~~

~~A resident of this State with federal adjusted gross income less than \$30,000.00 (or \$40,000.00 for married, filing jointly) shall be eligible for a refundable credit against the tax imposed under section 5822 of this title. The credit shall be equal to 50 percent of the federal child and dependent care credit allowed to the taxpayer for the taxable year for child or dependent care services provided in this State in a registered home or licensed facility certified by the Agency of Human Services as meeting national accreditation or national credential standards endorsed by the Agency. A credit under this section shall be in lieu of any child and dependent care credit available under subsection 5822(d) of this title.~~

\* \* \* Student Loan Interest Deduction \* \* \*

Sec. 4. 32 V.S.A. § 5811 is amended to read:

§ 5811. DEFINITIONS

~~The following definitions shall apply throughout~~ As used in this chapter unless the context requires otherwise:

\* \* \*

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

\* \* \*

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

\* \* \*



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

\* \* \*

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

\* \* \*

(29) As used in subdivision (21)(B)(vi) of this section:

(A) “Qualified education loan” and “eligible educational institution” shall have the same meanings as under 26 U.S.C. § 221(d).

(B) “Qualified resident taxpayer” means an individual qualifying for residency as defined under subdivision (11) of this section and whose adjusted gross income is equal to or less than:

(i) \$120,000.00 if the individual’s filing status is single, head of household, or married filing separately; or

(ii) \$200,000.00 if the individual’s filing status is married filing jointly.

\* \* \* Statutory Purposes for Tax Expenditures \* \* \*

Sec. 5. 32 V.S.A. § 5813 is amended to read:

§ 5813. STATUTORY PURPOSES

\* \* \*

~~(c) The statutory purpose of the Vermont credit for child and dependent care in subsection 5822(d) of this title is to provide financial assistance to employees who must incur dependent care expenses to stay in the workforce in the absence of prekindergarten programming. [Repealed.]~~

\* \* \*

(r) The statutory purpose of the Vermont low-income child and dependent care tax credit in section 5828c of this title is to provide cash relief to lower-income employees who incur dependent care expenses in certified centers to enable them to remain in the workforce.

\* \* \*

(y) The statutory purpose of the Vermont child tax credit in section 5830f of this title is to provide financial support to families with young children.

(z) The statutory purpose of the exclusion from income of student loan interest paid in subdivision 5811(21)(B)(vi) of this title is to lessen the financial impact of higher education debt on Vermonters.

\* \* \* Sunsets; Tax Credits and Deduction \* \* \*

Sec. 6. REPEAL; CHILD TAX CREDIT

32 V.S.A. § 5830f (Vermont child tax credit) is repealed.

Sec. 7. 32 V.S.A. § 5822(d) is amended to read:

(d)(1) A taxpayer shall be entitled to a credit against the tax imposed under this section of 24 percent of each of the credits allowed against the taxpayer's federal income tax for the taxable year as follows: ~~the credit for people who are elderly or permanently totally disabled, and the investment tax credit attributable to the Vermont-property portion of the investment, and child care and dependent care credits.~~

\* \* \*

Sec. 8. 32 V.S.A. § 5828c is amended to read:

§ 5828c. LOW-INCOME CHILD AND DEPENDENT CARE CREDIT

A resident of this State with federal adjusted gross income less than \$30,000.00 (or \$40,000.00 for married, filing jointly) shall be eligible for a refundable credit against the tax imposed under section 5822 of this title. The credit shall be equal to 50 percent of the federal child and dependent care credit allowed to the taxpayer for the taxable year for child or dependent care services provided in this State in a registered home or licensed facility certified by the Agency of Human Services as meeting national accreditation or national credential standards endorsed by the Agency. A credit under this section shall be in lieu of any child and dependent care credit available under subsection 5822(d) of this title.

Sec. 9. 32 V.S.A. § 5811(21)(B) is amended to read:

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

\* \* \*

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

\* \* \*

~~(vi) the amount of interest paid by a qualified resident taxpayer during the taxable year on a qualified education loan for the costs of~~

~~attendance at an eligible educational institution; and [Repealed.]~~

\* \* \*

(29) As used in subdivision (21)(B)(vi) of this section:

(A) ~~“Qualified education loan” and “eligible educational institution” shall have the same meanings as under 26 U.S.C. § 221(d).~~

(B) ~~“Qualified resident taxpayer” means an individual qualifying for residency as defined under subdivision (11) of this section and whose adjusted gross income is equal to or less than:~~

(i) ~~\$120,000.00 if the individual’s filing status is single, head of household, or married filing separately; or~~

(ii) ~~\$200,000.00 if the individual’s filing status is married filing jointly. [Repealed.]~~

Sec. 10. 32 V.S.A. § 5813 is amended to read:

§ 5813. STATUTORY PURPOSES

\* \* \*

(c) The statutory purpose of the Vermont credit for child and dependent care in subsection 5822(d) of this title is to provide financial assistance to employees who must incur dependent care expenses to stay in the workforce in the absence of prekindergarten programming.

\* \* \*

(r) The statutory purpose of the Vermont low-income child and dependent care tax credit in section 5828c of this title is to provide cash relief to lower-income employees who incur dependent care expenses in certified centers to enable them to remain in the workforce.

\* \* \*

~~(y) The statutory purpose of the Vermont child tax credit in section 5830f of this title is to provide financial support to families with young children. [Repealed.]~~

~~(z) The statutory purpose of the exclusion from income of student loan interest paid in subdivision 5811(21)(B)(vi) of this title is to lessen the financial impact of higher education debt on Vermonters. [Repealed.]~~

\* \* \* Retirement Income Exclusions \* \* \*

Sec. 11. 32 V.S.A. § 5811(21)(B)(iv) is amended to read:

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

Sec. 12. 32 V.S.A. § 5830e is amended to read:

§ 5830e. RETIREMENT INCOME; SOCIAL SECURITY INCOME

(a) Social Security income. The portion of federally taxable Social Security benefits excluded from taxable income under subdivision 5811(21)(B)(iv) of this chapter shall be as follows:

(1) For taxpayers whose filing status is single, married filing separately, head of household, or ~~qualifying widow or widower~~ surviving spouse:

(A) If the federal adjusted gross income of the taxpayer is less than or equal to ~~\$45,000.00~~ \$50,000.00, all federally taxable benefits received under the federal Social Security Act shall be excluded.

(B) If the federal adjusted gross income of the taxpayer is greater than ~~\$45,000.00~~ \$50,000.00 but less than ~~\$55,000.00~~ \$60,000.00, the percentage of federally taxable benefits received under the Social Security Act to be excluded shall be proportional to the amount of the taxpayer's federal adjusted gross income over ~~\$45,000.00~~ \$50,000.00, determined by:

(i) subtracting the federal adjusted gross income of the taxpayer from ~~\$55,000.00~~ \$60,000.00;

(ii) dividing the value under subdivision (i) of this subdivision (B) by \$10,000.00; and

(iii) multiplying the value under subdivision (ii) of this subdivision (B) by the federally taxable benefits received under the Social Security Act.

(C) If the federal adjusted gross income of the taxpayer is equal to or greater than ~~\$55,000.00~~ \$60,000.00, no amount of the federally taxable benefits received under the Social Security Act shall be excluded under this section.

(2) For taxpayers whose filing status is married filing jointly:

(A) If the federal adjusted gross income of the taxpayer is less than or equal to ~~\$60,000.00~~ \$65,000.00, all federally taxable benefits received under the Social Security Act shall be excluded.

(B) If the federal adjusted gross income of the taxpayer is greater than ~~\$60,000.00~~ \$65,000.00 but less than ~~\$70,000.00~~ \$75,000.00, the percentage of federally taxable benefits received under the Social Security Act to be excluded shall be proportional to the amount of the taxpayer's federal adjusted gross income over ~~\$60,000.00~~ \$65,000.00, determined by:

(i) subtracting the federal adjusted gross income of the taxpayer from ~~\$70,000.00~~ \$75,000.00;

(ii) dividing the value under subdivision (i) of this subdivision (B) by \$10,000.00; and

(iii) multiplying the value under subdivision (ii) of this subdivision (B) by the federally taxable benefits received under the Social Security Act.

(C) If the federal adjusted gross income of the taxpayer is equal to or greater than ~~\$70,000.00~~ \$75,000.00, no amount of the federally taxable benefits received under the Social Security Act shall be excluded under this section.

(b) Civil Service Retirement System income. The portion of income received from the Civil Service Retirement System excluded from taxable income under subdivision 5811(21)(B)(iv) of this title shall be subject to the limitations under subsection (e) of this section and shall be determined as follows:

(1) For taxpayers whose filing status is single, married filing separately, head of household, or surviving spouse:

(A) If the federal adjusted gross income of the taxpayer is less than or equal to \$50,000.00, the first \$10,000.00 of income received from the Civil Service Retirement System shall be excluded.

(B) If the federal adjusted gross income of the taxpayer is greater than \$50,000.00 but less than \$60,000.00, the percentage of the first \$10,000.00 of income received from the Civil Service Retirement System to be excluded shall be proportional to the amount of the taxpayer's federal adjusted gross income over \$50,000.00, determined by:

(i) subtracting the federal adjusted gross income of the taxpayer from \$60,000.00;

(ii) dividing the value under subdivision (i) of this subdivision (B) by \$10,000.00; and

(iii) multiplying the value under subdivision (ii) of this subdivision (B) by the income received from the Civil Service Retirement System.

(C) If the federal adjusted gross income of the taxpayer is equal to or greater than \$60,000.00, no amount of the income received from the Civil Service Retirement System shall be excluded under this section.

(2) For taxpayers whose filing status is married filing jointly:

(A) If the federal adjusted gross income of the taxpayer is less than or equal to \$65,000.00, the first \$10,000.00 of income received from the Civil Service Retirement System shall be excluded.

(B) If the federal adjusted gross income of the taxpayer is greater than \$65,000.00 but less than \$75,000.00, the percentage of the first \$10,000.00 of income received from the Civil Service Retirement System to be excluded shall be proportional to the amount of the taxpayer's federal adjusted gross income over \$65,000.00, determined by:

(i) subtracting the federal adjusted gross income of the taxpayer from \$75,000.00;

(ii) dividing the value under subdivision (i) of this subdivision (B) by \$10,000.00; and

(iii) multiplying the value under subdivision (ii) of this subdivision (B) by the income received from the Civil Service Retirement System.

(C) If the federal adjusted gross income of the taxpayer is equal to or greater than \$75,000.00, no amount of the income received from the Civil Service Retirement System shall be excluded under this section.

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

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

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

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

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

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

(d) U.S. military retirement income. U.S. military retirement income received by a taxpayer of this State shall be excluded pursuant to subsection (b) of this section as though the income were received from the Civil Service

Retirement System and shall be subject to the limitations under subsection (e) of this section.

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

\* \* \* Affordable Housing Tax Credit; Manufactured Homes \* \* \*

Sec. 13. 32 V.S.A. § 5930u(g) is amended to read:

(g)(1) In any fiscal year, the allocating agency may award up to:

(A) ~~\$400,000.00~~ in total first-year credit allocations to all applicants for rental housing projects, for an aggregate limit of \$2,000,000.00 over any given five-year period that credits are available under this subdivision (A);

(B) ~~\$425,000.00~~ \$675,000.00 in total first-year credit allocations for loans or grants for owner-occupied unit financing or down payment loans as provided in subdivision (b)(2) of this section consistent with the allocation plan, including for new construction and manufactured housing, for an aggregate limit of ~~\$2,125,000.00~~ \$3,375,000.00 over any given five-year period that credits are available under this subdivision (B). Of the total first-year credit allocations made under this subdivision (B), \$250,000.00 shall be used each fiscal year for manufactured home purchase and replacement.

(2) If the full amount of first-year credits authorized by an award are not allocated to a taxpayer, the Agency may reclaim the amount not allocated and re-award such allocations to other applicants, and such re-awards shall not be subject to the limits set forth in subdivision (1) of this subsection.

\* \* \* Appropriations \* \* \*

Sec. 14. APPROPRIATION; AID FOR THE AGED, BLIND, AND DISABLED

(a) In fiscal year 2023, in addition to other funds provided to the Department for Children and Families, a total of \$1,700,000.00 in Global Commitment funds is appropriated to increase the payments to eligible individuals in the Aid for the Aged, Blind, and Disabled program. It is the intent of the General Assembly that this increase should be incorporated into the annual budget funding for the Aid for the Aged, Blind, and Disabled program in fiscal year 2024 and after.

(b) In fiscal year 2023, to fund the Global Commitment investment authorized under subsection (a) of this section, there is appropriated to the Secretary's Office of the Agency of Human Services:

- (1) the sum of \$750,000.00 from the General Fund; and
- (2) the sum of \$950,000.00 from federal funds.

(c) To the extent permitted under federal law, any increase in payments provided under subsection (a) of this section is intended to be retained by recipients in residential care settings by increasing the individuals' personal needs allowance.

Sec. 15. FY 2023 APPROPRIATION; CHILD CARE WORKER  
RETENTION GRANT PROGRAM

In fiscal year 2023, the sum of \$3,500,000.00 is appropriated from the General Fund to the Department for Children and Families to continue to fund the early childhood staff and home-based provider retention grant program established in 2021 Acts and Resolves No. 74, Sec. G.300(a)(30), as added by 2022 Acts and Resolves No. 83, Sec. 68.

\* \* \* Effective Dates \* \* \*

Sec. 16. EFFECTIVE DATES

- (a) This section shall take effect on passage.
- (b) Notwithstanding 1 V.S.A. § 214, Secs. 1–5 (income tax credits and exclusions) and 11 and 12 (retirement income exclusions) shall take effect retroactively on January 1, 2022 and shall apply to taxable years beginning on and after January 1, 2022.
- (c) Secs. 6–10 (sunsets; tax credits and deduction) shall take effect on January 1, 2025.
- (d) Secs. 13 (affordable housing tax credit) and 14 and 15 (appropriations) shall take effect on July 1, 2022.

And that after passage the title of the bill be amended to read:

An act relating to tax reductions and other aid for Vermonters.

And that the bill ought to pass in concurrence with such proposal of amendment.

Senator Kitchel, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Finance.



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

Thereupon, on motion of Senator Balint, the rules were suspended and the bill was placed on all remaining stages of its passage in concurrence with proposal of amendment.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment on a roll call, Yeas 30, Nays 0.

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

### **Roll Call**

**Those Senators who voted in the affirmative were:** Balint, Baruth, Benning, Bray, Brock, Campion, Chittenden, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Parent, Pearson, Perchlik, Pollina, Ram Hinsdale, Sears, Sirotkin, Starr, Terenzini, Westman, White.

**Those Senators who voted in the negative were:** None.

Thereupon, on motion of Senator Balint, the rules were suspended and the bill was ordered messaged to the House forthwith.

### **Third Readings Ordered**

#### **H. 293.**

Senator Pollina, for the Committee on Government Operations, to which was referred House bill entitled:

An act relating to creating the State Youth Council.

Reported that the bill ought to pass in concurrence.

Senator Westman, for the Committee on Appropriations, to which the bill was referred, reported that the bill ought to pass in concurrence.

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

#### **H. 655.**

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

An act relating to telehealth licensure and registration and to provisional licensure for professions regulated by the Office of Professional Regulation.

Reported that the bill ought to pass in concurrence.

Senator Hardy, for the Committee on Finance, to which the bill was referred, reported that the bill ought to pass in concurrence.

Senator Starr, for the Committee on Appropriations, to which the bill was referred, reported that the bill ought to pass in concurrence.

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

#### **H. 741.**

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

An act relating to approval of amendments to the charter of the City of St. Albans.

Reported that the bill ought to pass in concurrence.

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

#### **H. 744.**

Senator Ram Hinsdale, for the Committee on Government Operations, to which was referred House bill entitled:

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

Reported that the bill ought to pass in concurrence.

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

### **Proposals of Amendment; Third Reading Ordered**

#### **H. 266.**

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

An act relating to health insurance coverage for hearing aids.

Reported recommending that the Senate propose to the House to amend the bill as follows:

First: By striking out Sec. 2, essential health benefits; benchmark plan; hearing aids; report, in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. ESSENTIAL HEALTH BENEFITS; BENCHMARK PLAN;  
HEARING AIDS; REPORT

On or before November 1, 2022, the Departments of Vermont Health Access and of Financial Regulation shall provide an update to the Health Reform Oversight Committee regarding the status of the State's application to the Center for Medicare and Medicaid Innovation within the Centers for Medicare and Medicaid Services to modify the essential health benefits in Vermont's benchmark plan to include coverage of hearing aids and related services beginning in plan year 2024.

Second: In Sec. 3, 33 V.S.A. § 1901k, following "as defined by the", by striking out "Department of Vermont Health Access" and inserting in lieu thereof Agency of Human Services

Third: In Sec. 4, 8 V.S.A. § 4088l, in subdivision (a)(2), in the second sentence, following "does not include", by striking out "cords."

Fourth: In Sec. 4, 8 V.S.A. § 4088l, by striking out subsections (b) and (c) in their entirety and inserting in lieu thereof new subsections (b) and (c) to read as follows:

(b)(1) A health insurance plan shall cover the cost of a hearing aid for each ear and the associated hearing aid professional services when the hearing aid or aids are prescribed, fitted, and dispensed by a hearing care professional. The coverage shall include hearing aid batteries when prescribed by a hearing care professional.

(2) A health insurance plan may limit coverage to not more than one hearing aid per ear every three years, except that a plan shall cover the cost of one or more new hearing aids for a covered individual prior to the expiration of the three-year period based on a hearing care professional's determination that a new hearing aid for one or both ears is medically necessary.

(c)(1) Subject to the limitations set forth in subdivision (b)(2) of this section, the coverage provided by a health plan for hearing aids and associated services shall be limited only by medical necessity.

(2) A covered individual may select a hearing aid that exceeds the limits set forth in subdivision (1) of this subsection and pay the additional cost.

And that the bill ought to pass in concurrence with such proposals of amendment.

Senator Westman, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill ought to pass in concurrence with proposals of amendment as recommended by the Committee on Health and Welfare.

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

**Proposal of Amendment; Third Reading Ordered**

**H. 462.**

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

An act relating to miscellaneous Department of Health programs.

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

\* \* \* Division of Substance Use Programs \* \* \*

Sec. 1. 3 V.S.A. § 3004 is amended to read:

§ 3004. PERSONNEL DESIGNATION

The Secretary, Deputy Secretary, commissioners, deputy commissioners, attorneys, Directors of the Offices of State Economic Opportunity, ~~of Alcohol and Drug Abuse Programs~~, and of Child Support, and all members of boards, committees, commissions, or councils attached to the Agency for support are exempt from the classified State service. Except as authorized by section 311 of this title or otherwise by law, all other positions shall be within the classified service.

Sec. 2. 18 V.S.A. § 4255 is amended to read:

§ 4255. VERMONT PRESCRIPTION DRUG ADVISORY COUNCIL

\* \* \*

(b)(1) The Advisory Council shall consist of the following members:

(A) the Commissioner of Health or designee, who shall serve as chair;

(B) ~~the Deputy Commissioner of Health for Alcohol and Drug Abuse~~ a designee of the Division of Substance Use Programs ~~or designee~~;

\* \* \*

(CC) a drug and alcohol abuse counselor licensed pursuant to 26 V.S.A. chapter 62, to be selected by the ~~Deputy Commissioner of Health for Alcohol and Drug Abuse Programs~~;

\* \* \*

Sec. 3. 18 V.S.A. 4806 is amended to read:

§ 4806. ~~DIVISION OF ALCOHOL AND DRUG ABUSE~~ SUBSTANCE USE PROGRAMS

(a) The Division of ~~Alcohol and Drug Abuse~~ Substance Use Programs shall plan, operate, and evaluate a consistent, effective program of substance ~~abuse~~ use programs. All duties, responsibilities, and authority of the Division shall be carried out and exercised by and within the Department of Health.

\* \* \*

(c) Under the direction of the Commissioner of Health, ~~the Deputy Commissioner of Alcohol and Drug Abuse Programs~~ the Division shall review and approve all alcohol and drug programs developed or administered by any State agency or department, ~~except for alcohol and drug education programs developed by the Agency of Education in conjunction with the Alcohol and Drug Abuse Council pursuant to 16 V.S.A. § 909.~~

\* \* \*

Sec. 4. 18 V.S.A. § 7253 is amended to read:

§ 7253. CLINICAL RESOURCE MANAGEMENT AND OVERSIGHT

The Commissioner of Mental Health, in consultation with health care providers as defined in section 9432 of this title, including designated hospitals, designated agencies, individuals with mental conditions or psychiatric disabilities, and other stakeholders, shall design and implement a clinical resource management system that ensures the highest quality of care and facilitates long-term, sustained recovery for individuals in the custody of the Commissioner.

\* \* \*

(2) For the purpose of maintaining the integrity and effectiveness of the clinical resource management system, the Department of Mental Health shall:

\* \* \*

(B) coordinate care across the mental and physical health care systems as well as ensure coordination within the Agency of Human Services, particularly the Department of Corrections, the Department of Health's ~~Alcohol and Drug Abuse~~ Division of Substance Use Programs, and the Department of Disabilities, Aging, and Independent Living;

\* \* \*

Sec. 5. 23 V.S.A. § 1216 is amended to read:

§ 1216. PERSONS UNDER 21 YEARS OF AGE; ALCOHOL  
CONCENTRATION OF 0.02 OR MORE

\* \* \*

(g) The Alcohol and Driving Program required under this section shall be administered by the ~~Office of Alcohol and Drug Abuse~~ Department of Health's Division of Substance Use Programs and shall take into consideration any particular treatment needs of operators under ~~the age of 21 years of age.~~

\* \* \*

Sec. 6. 23 V.S.A. § 3207f is amended to read:

§ 3207f. PERSONS UNDER 21 YEARS OF AGE; ALCOHOL  
CONCENTRATION OF 0.02 OR MORE

\* \* \*

(f) The alcohol program required under this section shall be administered by the ~~Office of Alcohol and Drug Abuse~~ Department of Health's Division of Substance Use Programs and shall take into consideration any particular treatment needs of operators under ~~the age of 21 years of age.~~

\* \* \*

Sec. 7. 23 V.S.A. § 3323a is amended to read:

§ 3323a. PERSONS UNDER 21 YEARS OF AGE; ALCOHOL  
CONCENTRATION OF 0.02 OR MORE

\* \* \*

(f) The alcohol program required under this section shall be administered by the ~~Office of Alcohol and Drug Abuse~~ Department of Health's Division of Substance Use Programs and shall take into consideration any particular treatment needs of operators under ~~the age of 21 years of age.~~

\* \* \*

Sec. 8. 33 V.S.A. § 5272 is amended to read:

§ 5272. JUVENILE JUSTICE UNIT; JUVENILE JUSTICE DIRECTOR

\* \* \*

(c) The Juvenile Justice Director shall ensure that the following occur:

\* \* \*

(3) cooperation among appropriate departments, including the Department; the Agency of Education; the Departments of Corrections, of Labor, of Mental Health, of Public Safety, and of Disabilities, Aging, and Independent Living; and the Department of Health's Division of Alcohol and Drug Abuse Substance Use Programs;

\* \* \*

\* \* \* Expansion of Drug Disposal Kiosks \* \* \*

Sec. 9. 18 V.S.A. § 4224 is amended to read:

§ 4224. UNUSED PRESCRIPTION DRUG DISPOSAL PROGRAM

(a) The Department of Health shall establish and maintain the Statewide Unused Prescription Drug Disposal Program to provide for the safe disposal of Vermont residents' unused and unwanted prescription drugs. The Program may include establishing secure collection and disposal sites and providing medication envelopes for sending unused prescription drugs to an authorized collection facility for destruction.

(b) Pharmacies that operate 10 or more establishments in the United States, while concurrently conducting business in Vermont, shall enroll in a drug disposal kiosk program on or before December 31, 2022. If the physical dimensions of a pharmacy make an onsite collection receptacle impossible under State and federal law, a pharmacy shall provide a mail-back option for consumers.

\* \* \* Child Fatality Review Team \* \* \*

Sec. 10. 18 V.S.A. § 1561 is amended to read:

§ 1561. CHILD FATALITY REVIEW TEAM

\* \* \*

(g)(4) Confidentiality.

(1)(A) The records produced or acquired by the Team are exempt from public inspection and copying under the Public Records Act and shall be kept confidential. The records of the Team are not subject to subpoena, discovery, or introduction into evidence in a civil or criminal action. Nothing in this section shall be construed to limit or restrict the right to discover or use in any civil or criminal proceedings information or records that are available from another source and entirely outside the Team's review. The Team shall not use the information or records generated during the course of its review for purposes other than those described in this section.

(B) The Department may share deidentified data produced or acquired by the Team with other states that have child fatality review panels, provided access under such agreements is consistent with the privacy, security, and disclosure protections in this chapter.

\* \* \*

\* \* \* Autopsy Reports \* \* \*

Sec. 11. 18 V.S.A. § 5205 is amended to read:

§ 5205. DEATH CERTIFICATE WHEN NO ATTENDING PHYSICIAN  
AND IN OTHER CIRCUMSTANCES; AUTOPSY

\* \* \*

(f) The State's Attorney or Chief Medical Examiner, if either deem it necessary and in the interest of public health, welfare, and safety, or in furtherance of the administration of the law, may order an autopsy to be performed by the Chief Medical Examiner or under ~~his or her~~ the Chief Medical Examiner's direction. Upon completion of the autopsy, the Chief Medical Examiner shall submit a report to such State's Attorney and the Attorney General and shall submit a report of death to the State Registrar. Upon the written request of a federal prosecutor or a prosecutor in another state, the Chief Medical Examiner shall submit a report of a death to the requesting office.

\* \* \*

\* \* \* Regulation of Health Care Professions \* \* \*

Sec. 12. 26 V.S.A. § 3108 is amended to read:

§ 3108. PRELIMINARY ASSESSMENT OF SCOPE OF PRACTICE

\* \* \*

(d) Impacted persons; statements and replies.

\* \* \*

(e) Consultation with Commissioner and boards.

(1) If an assessment under this section addresses activities that would constitute the "practice of medicine" as defined in subdivision 1311(1) of this title, the Office shall give written notice to the Commissioner of Health and any professional regulatory board or boards having jurisdiction over some or all of the regulated acts. The Office shall include with such notice a copy of the supporting information received from the requestor pursuant to subsection (b) of this section. Notice shall be given within 14 days after receipt of the requestor's supporting information.



(2) The Office shall consult the Commissioner and relevant board or boards with respect to the requestor's assertions under subsection (b) of this section. After consulting with the Office, and on or before November 15 of the year preceding the next regular session of the General Assembly, the Commissioner or relevant board or boards may file with the Office any written commentary they wish the Office to consider. Submitted commentary shall be appended to the Office's final report or assessment filed with the General Assembly.

\* \* \* Working Group on Services for Individuals with Eating Disorders \* \* \*

Sec. 13. WORKING GROUP ON SERVICES FOR INDIVIDUALS WITH  
EATING DISORDERS; REPORT

(a) Creation. There is created the Working Group on Services for Individuals with Eating Disorders to assess those services available to individuals with an eating disorder in Vermont and make recommendations to the General Assembly as to how access for services might be improved.

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

(1) the Commissioner of Mental Health or designee, who shall serve as Chair;

(2) the Commissioner of Health or designee;

(3) a representative, appointed by Vermont Care Partners;

(4) a representative, appointed by the Vermont State School Nurses Association;

(5) a representative of Vermont colleges and universities, appointed by the Vermont Higher Education Council;

(6) a physician with relevant expertise, appointed by the Vermont Medical Society; and

(7) a representative, appointed by the Vermont chapter of the American Nutrition Association.

(c) Powers and duties.

(1) The Working Group shall:

(A) conduct an inventory of existing services in Vermont for individuals with eating disorders; and

(B) provide recommendations for expanding and improving existing services for individuals with eating disorders.

(2) In completing its duties pursuant to this section, the Working Group shall consult with individuals with lived experience with eating disorders, parents of individuals with eating disorders, medical or public health professionals with expertise in treatment and research related to eating disorders, and other relevant stakeholders.

(d) Assistance. The Working Group shall have the administrative, technical, and legal assistance of the Department of Mental Health.

(e) Report. On or before February 1, 2023, the Working Group shall submit a written report to the House Committees on Health Care and on Human Services and to the Senate Committee on Health and Welfare with its findings and any recommendations for legislative action.

(f) Meetings.

(1) The Chair shall call the first meeting of the Working Group to occur on or before September 1, 2022.

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

(3) The Working Group shall cease to exist on February 1, 2023.

\* \* \* Effective Date \* \* \*

#### Sec. 14. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

And that the bill ought to pass in concurrence with such proposal of amendment.

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

#### **Proposal of Amendment; Third Reading Ordered**

#### **H. 505.**

Senator Baruth, for the Committee on Judiciary, to which was referred House bill entitled:

An act relating to reclassification of penalties for unlawfully possessing, dispensing, and selling a regulated drug.

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

Sec. 1. 18 V.S.A. § 4230 is amended to read:

§ 4230. CANNABIS

\* \* \*

(d) ~~Canabis-infused~~ Cannabis-infused products. Only the portion of a cannabis-infused product that is attributable to cannabis shall count toward the possession limits of this section. ~~The weight of cannabis that is attributable to cannabis-infused products shall be determined according to methods set forth in rule by the Department of Public Safety in accordance with chapter 86 of this title (therapeutic use of cannabis).~~

Sec. 2. 18 V.S.A. § 4231 is amended to read:

§ 4231. COCAINE

\* \* \*

(c) Trafficking.

(1) ~~Trafficking.~~ A person knowingly and unlawfully possessing cocaine in an amount consisting of 150 grams or more of one or more preparations, compounds, mixtures, or substances containing cocaine with the intent to sell or dispense the cocaine shall be imprisoned not more than 30 years or fined not more than \$1,000,000.00, or both. There shall be a permissive inference that a person who possesses cocaine in an amount consisting of 150 grams or more of one or more preparations, compounds, mixtures, or substances containing cocaine intends to sell or dispense the cocaine. The amount of possessed cocaine under this subdivision to sustain a charge of conspiracy under 13 V.S.A. § 1404 shall be ~~no~~ not less than 400 grams in the aggregate.

(2) ~~A person knowingly and unlawfully possessing crack cocaine in an amount consisting of 60 grams or more of one or more preparations, compounds, mixtures, or substances containing crack cocaine with the intent to sell or dispense the crack cocaine shall be imprisoned not more than 30 years or fined not more than \$1,000,000.00, or both. There shall be a permissive inference that a person who possesses crack cocaine in an amount consisting of 60 grams or more of one or more preparations, compounds, mixtures, or substances containing crack cocaine intends to sell or dispense the crack cocaine. [Repealed.]~~

Sec. 3. 13 V.S.A. § 5453 is added to read:

§ 5453. DRUG USE STANDARDS ADVISORY BOARD

(a) There is hereby created the Drug Use Standards Advisory Board established within the Vermont Sentencing Commission composed of experts

in the fields of general and mental health care, substance use disorder treatment, and drug user communities.

(b) The primary objective of the Board shall be to determine, for each regulated and unregulated drug, the benchmark personal use dosage and the benchmark personal use supply. The benchmarks determined pursuant to this subsection shall be determined with a goal of preventing and reducing the criminalization of personal drug use. The Board may provide additional recommendations to the Commission and the General Assembly regarding how to transition from a criminal justice approach to a public health approach to addressing drug possession.

(c)(1) The Board shall be convened and chaired by the Deputy Commissioner of Alcohol and Drug Abuse Programs. After receiving nominations from harm reduction service providers, the Deputy Commissioner shall appoint three consumer representatives to the Board who have lived experience in drug use and consumption practices. The Deputy Commissioner, after consulting with the three consumer representatives, shall strive for geographic diversity in appointing the remaining Board members as follows:

(A) two representatives from harm reduction service providers;

(B) an expert on medication-assisted treatment programs;

(C) an expert on human behavior and addiction;

(D) an expert on substance use disorder treatment;

(E) an expert on legal reform from the Vermont Law School Center for Justice Reform;

(F) an academic researcher specializing in drug use or drug policy;  
and

(G) a representative of law enforcement.

(2) The Chief Prevention Officer shall be a nonvoting member of the Board.

(d) The Board shall have the administrative assistance of the Division of Alcohol and Drug Abuse Programs.

(e) Members of the Board shall be entitled to per diems pursuant to 32 V.S.A. § 1010 for not more than three meetings to develop initial recommendations required by subsection (f) of this section and once annually thereafter.

(f) On or before September 1, 2022, the Board shall provide to the Commission and the General Assembly:

(1) the recommended quantities for both the benchmark personal use dosage and benchmark personal use supply for each category of regulated drug listed in 18 V.S.A. § 4201(29); and

(2) a recommendation as to whether 18 V.S.A. § 4233 (heroin) and 18 V.S.A. § 4233a (fentanyl) should be combined into one statute.

(g) On or before December 1, 2022, based on the benchmark personal use dosage and benchmark personal use supply recommendations of the Board, the Commission shall make recommendations to the General Assembly regarding adjustments in the amounts for possession, dispensing, and sale of regulated drugs under this chapter and a proposal for combining the heroin and fentanyl statutes if recommended by the Board.

(h) Starting in 2023, the Board shall convene at least one time per year to review benchmarks established pursuant to this section and recommend any necessary amendments to the Commission and the General Assembly.

(i) As used in this section:

(1) “Benchmark personal use dosage” means the quantity of a drug commonly consumed over a 24-hour period for any therapeutic, medicinal, or recreational purpose.

(2) “Benchmark personal use supply” means the quantity of a drug commonly possessed for consumption by an individual for any therapeutic, medicinal, or recreational purpose.

#### Sec. 4. SUNSET OF DRUG USE STANDARDS ADVISORY BOARD

13 V.S.A. § 5453 (Drug Use Standards Advisory Board) is repealed on July 1, 2027.

#### Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

And that after passage the title of the bill be amended to read:

An act relating to the creation of the Drug Use Standards Advisory Board within the Vermont Sentencing Commission.

And that the bill ought to pass in concurrence with such proposal of amendment.

Senator Baruth, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Judiciary.

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

### **Proposals of Amendment; Third Reading Ordered**

#### **H. 515.**

Senator Cummings, for the Committee on Finance, to which was referred House bill entitled:

An act relating to banking, insurance, and securities.

Reported recommending that the Senate propose to the House to amend the bill as follows:

First: In Sec. 10, 8 V.S.A. chapter 148, section 7122, subsection (b), by striking out “herein”

Second: In Sec. 20, 8 V.S.A. § 4728, subdivision (c)(2), by striking out “but not limited to”

Third: In Sec. 20, 8 V.S.A. § 4728, subdivision (c)(3)(A), immediately preceding “process” by inserting the word protective

Fourth: By adding a new section 23a to read as follows:

Sec. 23a. DEPARTMENT OF FINANCIAL REGULATION; BROADBAND CONSTRUCTION; INSURANCE; GUIDANCE

(a) The availability of significant federal funds coupled with the State’s commitment to achieving universal broadband connectivity has resulted in an unprecedented period of broadband construction in our State. It is the purpose of this section to provide educational risk management guidance to broadband service providers engaged in broadband construction projects to reduce the risk of harm or injury to Vermonters, generally. It is not the intent of this section to establish new or expand existing rights, obligations, or remedies. Broadband service providers should consult with insurance professionals and legal counsel when developing specific contractual terms and conditions.

(b) The Department of Financial Regulation, in consultation with the Public Utility Commission, shall develop a guidance document that includes recommendations related to standard insurance requirements and measures that ensure adequate coverage is in force for the duration of broadband construction projects. The guidance shall be posted on a website maintained by the Public Utility Commission and shall be distributed by the Commission to every broadband service provider that registers with the State as well as to the Vermont Community Broadband Board for distribution to recipients of State broadband construction grants.

(c) The Department of Financial Regulation may include in the guidance any recommendations for mitigating liability risk through safe cleanup practices on a broadband construction worksite and may include notification of the requirements pertaining to the proper disposal of solid waste as established in 24 V.S.A. § 2201.

(d) The guidance required by this section shall be published on or before September 15, 2022.

And that the bill ought to pass in concurrence with such proposals of amendment.

Senator Baruth, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill ought to pass in concurrence with proposals of amendment as recommended by the Committee on Finance.

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

### **Adjournment**

On motion of Senator Balint, the Senate adjourned until ten o'clock in the forenoon on Wednesday, April 27, 2022.

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### **WEDNESDAY, APRIL 27, 2022**

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. 55**

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

Madam President:

I am directed to inform the Senate that:

The House has considered a bill originating in the Senate of the following title:

**S. 197.** An act relating to the provision of mental health supports.

And has passed the same in concurrence.

The House has considered a bill originating in the Senate of the following title:

**S. 206.** An act relating to planning and support for individuals and families impacted by Alzheimer's Disease and related disorders.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the Senate is requested.

#### **Bills Referred to Committee on Appropriations**

House bills of the following titles, appearing on the Calendar for notice, and carrying an appropriation or requiring the expenditure of funds, under the rule were severally referred to the Committee Appropriations:

**H. 96.** An act relating to creating the Truth and Reconciliation Commission.

**H. 482.** An act relating to the Petroleum Cleanup Fund.

**H. 606.** An act relating to community resilience and biodiversity protection.

#### **Bill Passed in Concurrence with Proposal of Amendment**

##### **H. 266.**

House bill of the following title was read the third time and passed in concurrence with proposal of amendment:

An act relating to health insurance coverage for hearing aids.

#### **Bill Passed in Concurrence**

##### **H. 293.**

House bill of the following title was read the third time and passed in concurrence:

An act relating to creating the State Youth Council.

#### **Proposal of Amendment; Bill Passed in Concurrence with Proposal of Amendment**

##### **H. 462.**

House bill entitled:

An act relating to miscellaneous Department of Health programs.

Was taken up.

Thereupon, pending third reading of the bill, Senators Terenzini, Cummings, Hardy, Hooker and Lyons moved to amend the Senate proposal of amendment in Sec. 9, 18 V.S.A. § 4224, subsection (b), in the first sentence, by striking out "December 31, 2022" and inserting in lieu thereof July 1, 2023



Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

#### **Bills Passed in Concurrence**

House bills of the following titles were severally read the third time and passed in concurrence:

**H. 655.** An act relating to telehealth licensure and registration and to provisional licensure for professions regulated by the Office of Professional Regulation.

**H. 741.** An act relating to approval of amendments to the charter of the City of St. Albans.

**H. 744.** An act relating to approval of an amendment to the charter of the City of Burlington.

#### **Bills Passed in Concurrence with Proposal of Amendment**

House bills of the following titles were severally read the third time and passed in concurrence with proposal of amendment:

**H. 505.** An act relating to reclassification of penalties for unlawfully possessing, dispensing, and selling a regulated drug.

**H. 515.** An act relating to banking, insurance, and securities.

#### **Proposal of Amendment; Third Reading Ordered**

##### **H. 739.**

Senator Benning, for the Committee on Institutions, to which was referred House bill entitled:

An act relating to capital construction and State bonding budget adjustment.

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

Sec. 1. 2021 Acts and Resolves No. 50, Sec. 1 is amended to read:

Sec. 1. LEGISLATIVE INTENT

(a) It is the intent of the General Assembly that of the ~~\$127,378,694.00~~ \$143,757,972.00 authorized in this act, not more than ~~\$70,074,988.00~~ \$69,549,988.00 shall be appropriated in the first year of the biennium, and the remainder shall be appropriated in the second year.

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

(c) It is also the intent of the General Assembly that in the second year of the biennium, the General Assembly address the impacts of the COVID-19 pandemic by offsetting capital projects with funds appropriated to the State from the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (ARPA) to the extent these appropriations are in compliance with federal law and guidance.

Sec. 2. 2021 Acts and Resolves No. 50, Sec. 2 is amended to read:

Sec. 2. STATE BUILDINGS

\* \* \*

(c) The following sums are appropriated in FY 2023:

(1) Statewide, major maintenance: ~~\$7,350,000.00~~ \$7,096,521.00

(2) ~~Statewide, BGS engineering and architectural project costs:~~  
~~\$3,747,442.00~~ [Repealed.]

\* \* \*

(12) Burlington, 32 Cherry Street, parking garage renovations planning, design, and construction: ~~\$865,000.00~~ \$565,000.00

\* \* \*

(15) Montpelier, State House, HVAC renovations:  
~~\$2,535,000.00~~ \$6,800,000.00

\* \* \*

(17) ~~Statewide, three-acre parcel, stormwater planning, design and implementation:~~ ~~\$600,000.00~~

(18) ~~Statewide, correctional facilities, door control system replacements:~~ ~~\$670,000.00~~

(18) Burlington, 108 Cherry Street, parking garage repairs:  
\$2,000,000.00

(19) Springfield, Southern State Correctional Facility, door control system replacement: \$750,000.00

(20) Windsor, former Southeast State Correctional Facility, necessary demolition, salvage, dismantling, and improvements to facilitate future use of the facility: \$400,000.00

<u>(21) 133 State Street, renovations for the Office of Legislative Information Technology and shared common spaces:</u>	<u>\$1,400,000.00</u>
Appropriation – FY 2022	\$19,316,774.00
Appropriation – FY 2023	<del>\$24,800,442.00</del> <u>\$28,714,521.00</u>
Total Appropriation – Section 2	<del>\$44,117,216.00</del> <u>\$48,031,295.00</u>

Sec. 3. 2021 Acts and Resolves No. 50, Sec. 3 is amended to read:

Sec. 3. HUMAN SERVICES

\* \* \*

(b) The following sums are appropriated in FY 2023 to the Department of Buildings and General Services for the Agency of Human Services for the following projects described in this subsection:

(1) Women’s correctional facilities, replacement:	\$1,000,000.00
(2) Statewide, correctional facility, life safety and security needs and enhancements:	\$200,000.00
<u>(3) Secure Residential Recovery Facility, design and construction:</u>	<u>\$3,200,000.00</u>
<u>(4) Statewide, correctional facilities, accessibility improvements, Americans with Disabilities Act (ADA) compliance:</u>	<u>\$1,200,000.00</u>
<u>(5) Statewide, correctional facilities, HVAC, programming, schematic design, and design documents:</u>	<u>\$500,000.00</u>
<u>(6) Nursing school programs, capital grants, renovation or expansion of simulation laboratories:</u>	<u>\$1,000,000.00</u>

\* \* \*

(e) For the amount appropriated in subdivision (b)(6) of this section, the Agency of Human Services shall provide capital grants to nursing school programs to enable them to renovate or expand their simulation laboratories, or both, in order to enable them to increase student enrollment. The amount of the grant funds shall be divided among the nursing schools in Vermont based on each school’s projected nursing student enrollment following completion of the renovation or expansion.

\* \* \*

Appropriation – FY 2022	\$12,350,000.00
Appropriation – FY 2023	<del>\$1,200,000.00</del> <u>\$7,100,000.00</u>
Total Appropriation – Section 3	<del>\$13,550,000.00</del> <u>\$19,450,000.00</u>

Sec. 4. 2021 Acts and Resolves No. 50, Sec. 4 is amended to read:

Sec. 4. COMMERCE AND COMMUNITY DEVELOPMENT

\* \* \*

(b) The following sums are appropriated in FY 2023 to the Agency of Commerce and Community Development for the following projects described in this subsection:

- (1) Major maintenance at statewide historic sites: \$350,000.00 \$683,000.00

\* \* \*

(d) The Division of Historic Preservation shall conduct a facilities condition assessment on all the buildings and structures of the State Historic Sites within the next five years, with a cyclical update plan. Those buildings and structures open to the public shall be prioritized for investigation.

(e) It is the intent of the General Assembly to encourage the Lake Champlain Maritime Museum to, in addition to the development of a decommissioning plan, explore all options for the ongoing use of the Schooner Lois McClure.

<u>Appropriation – FY 2022</u>	<u>\$473,000.00</u>
<u>Appropriation – FY 2023</u>	<u>\$733,000.00</u>
<u>Total Appropriation – Section 4</u>	<u>\$1,206,000.00</u>

Sec. 5. 2021 Acts and Resolves No. 50, Sec. 8 is amended to read:

Sec. 8. VERMONT STATE COLLEGES

\* \* \*

(b) The following sums are appropriated in FY 2023 to the Vermont State Colleges for the projects described in this subsection:

- (1) construction, renovation, and major maintenance at any facility owned or operated in the State by the Vermont State Colleges: \$2,000,000.00
- (2) infrastructure transformation planning and space modification:  
\$100,000.00 \$900,000.00

Appropriation – FY 2022	\$2,000,000.00
Appropriation – FY 2023	\$2,100,000.00 <u>\$2,900,000.00</u>
Total Appropriation – Section 8	\$4,100,000.00 <u>\$4,900,000.00</u>

Sec. 6. 2021 Acts and Resolves No. 50, Sec. 9 is amended to read:

Sec. 9. NATURAL RESOURCES

\* \* \*

(e) The following sums are appropriated in FY 2023 to the Agency of Natural Resources for the Department of Environmental Conservation for the projects described in this subsection:

\* \* \*

(2) ~~Dam safety and hydrology projects~~ High and Significant Hazard Dam, dam safety improvements: ~~\$805,000.00~~ \$3,115,000.00

\* \* \*

(4) Little Hosmer Dam, rehabilitation: \$190,000.00

(5) Infrastructure Investment and Jobs Act, Drinking and Clean Water State Revolving Fund, State match: \$2,833,980.00

(f) The following sums are appropriated in FY 2023 to the Agency of Natural Resources for the Department of Forests, Parks and Recreation for the following projects:

(1) Infrastructure rehabilitation, including statewide small-scale rehabilitation, wastewater repairs, preventive improvements and upgrades of restrooms and bathhouses, and statewide small-scale road rehabilitation projects: ~~\$4,476,553.00~~ \$4,251,553.00

(2) Rustic Cabin Construction Program: ~~\$500,000.00~~ \$700,000.00

(g) The following amounts are appropriated in FY 2023 to the Agency of Natural Resources for the Department of Fish and Wildlife for the projects described in this subsection:

(1) General infrastructure projects, including small-scale maintenance and rehabilitation of infrastructure: \$1,083,500.00

(2) Lake Champlain Walleye Association, Inc., to upgrade and repair the Walleye rearing, restoration, and stocking infrastructure: ~~\$25,000.00~~ \$50,000.00

(h) The following shall apply to the amounts appropriated in this section:

(1) For the amounts appropriated in subdivision (e)(5) of this section, the funds shall not be released until the federal grant has been received by the State.

(2) For the amount appropriated in subdivision (f)(2) of this section, the Department of Forests, Parks and Recreation is authorized to use not more

than \$200,000.00 to work with career technical education centers for assistance with the Rustic Cabin Construction Program.

Appropriation – FY 2022	\$11,455,214.00
Appropriation – FY 2023	<del>\$9,853,264.00</del> <u>\$15,187,244.00</u>
Total Appropriation – Section 9	<del>\$21,308,478.00</del> <u>\$26,642,458.00</u>

Sec. 7. 2021 Acts and Resolves No. 50, Sec. 10 is amended to read:

Sec. 10. CLEAN WATER INITIATIVES

\* \* \*

(c) The sum of \$500,000.00 is appropriated in FY 2022 to the Agency of Natural Resources for forestry access roads, recreation access roads, and water quality improvements. [Repealed.]

\* \* \*

(e) The sum of \$11,000,000.00 is appropriated in FY 2023 to the Agency of Natural Resources for the Department of Environmental Conservation for clean water implementation projects. The amount of \$200,000.00 is appropriated in FY 2023 to the Agency of Agriculture, Food and Markets for water quality grants and contracts.

\* \* \*

(i) The following amounts are appropriated in FY 2023 to the Agency of Natural Resources for the Department of Environmental Conservation for the projects described in this subsection:

(1) Water Pollution Control Fund, Clean Water State/EPA Revolving Loan Fund (CWSRF) match: \$1,548,219.00

(2) Municipal Pollution Control Grants, pollution control projects and planning advances for feasibility studies: \$2,715,000.00

(j)(1) The following amounts are appropriated in FY 2023 to the Vermont Housing and Conservation Board for the projects described in this subsection:

(A) Agricultural water quality projects: \$200,000.00

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

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

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

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

Appropriation – FY 2022	\$11,000,000.00	<u>\$10,500,000.00</u>
Appropriation – FY 2023	\$11,000,000.00	<u>\$6,663,219.00</u>
Total Appropriation – Section 10	\$22,000,000.00	<u>\$17,163,219.00</u>

Sec. 8. 2021 Acts and Resolves No. 50, Sec. 11 is amended to read:

Sec. 11. MILITARY

(a) The sum of \$900,000.00 is appropriated in FY 2022 to the Department of Military for maintenance, renovations, and ADA compliance at State armories.

(b) ~~The sum of \$900,000.00~~ are \$1,100,000.00 is appropriated in FY 2023 to the Department of Military for the projects described in subsection (a) of this section.

Appropriation – FY 2022		\$900,000.00
Appropriation – FY 2023	<del>\$900,000.00</del>	<u>\$1,100,000.00</u>
Total Appropriation – Section 11	<del>\$1,800,000.00</del>	<u>\$2,000,000.00</u>

Sec. 9. 2021 Acts and Resolves No. 50, Sec. 12 is amended to read:

Sec. 12. PUBLIC SAFETY

\* \* \*

~~(b) The sum of \$50,000.00 is appropriated in FY 2023 to the Department of Public Safety for a feasibility study for the Vermont Police Academy in Pittsford. The following amounts are appropriated in FY 2023 to the Department of Public Safety for the projects described in this subsection:~~

- ~~(1) Pittsford, Vermont Policy Academy, feasibility study: \$50,000.00~~
- ~~(2) Williston Public Safety Field Station, construction: \$3,500,000.00~~

Appropriation – FY 2022		\$6,120,000.00
Appropriation – FY 2023	<del>\$50,000.00</del>	<u>\$3,550,000.00</u>
Total Appropriation – Section 12	<del>\$6,170,000.00</del>	<u>\$9,670,000.00</u>

Sec. 10. 2021 Acts and Resolves No. 50, Sec. 13 is amended to read:

Sec. 13. AGRICULTURE, FOOD AND MARKETS

\* \* \*

(b) The sum of ~~\$350,000.00~~ \$1,400,000.00 is appropriated in FY 2023 to the Department of Buildings and General Services for the Agency of Agriculture, Food and Markets for the project described in subsection (a) of this section major maintenance, renovation, and modernization planning and design at the Vermont Building at the Eastern States Exhibition.

Appropriation – FY 2022	\$260,000.00
Appropriation – FY 2023	<del>\$350,000.00</del> <u>\$1,400,000.00</u>
Total Appropriation – Section 13	<del>\$610,000.00</del> <u>\$1,660,000.00</u>

Sec. 11. 2021 Acts and Resolves No. 50, Sec. 17a is added to read:

Sec. 17a. SERGEANT AT ARMS

The amount of \$185,000.00 is appropriated in FY 2023 to the Sergeant at Arms for upgrades to 2 Governor Aiken Avenue.

<u>Total Appropriation – Section 17a</u>	<u>\$185,000.00</u>
--	---------------------

Sec. 12. 2021 Acts and Resolves No. 50, Sec. 17b is added to read:

Sec. 17b. FY 2022 AND FY 2023; AMERICAN RESCUE PLAN ACT;  
STATE AND LOCAL FISCAL RECOVERY FUND; CAPITAL  
PROJECTS; AUTHORIZATIONS

(a) Findings. The General Assembly finds:

(1) In 2021 Acts and Resolves No. 74, Sec. G.700(c), the General Assembly authorized the Commissioner of Finance and Management to use not more than \$15,000,000.00 in American Rescue Plan Act (ARPA) funds to offset capital funds appropriated to projects supporting water and sewer infrastructure in fiscal year 2022 to the extent feasible under federal law and guidance.

(2) The Governor’s fiscal year 2022–2023 capital budget adjustment report included recommendations for water and sewer infrastructure projects historically funded in the State’s capital construction act that could be funded in fiscal years 2022 and 2023 with ARPA funds.

(3) The General Assembly finds that in addition to the capital projects identified by the Governor’s fiscal year 2022–2023 capital budget adjustment report, there are other capital projects that can be funded in fiscal year 2023 with ARPA funds.

(b) Intent. It is the intent of the General Assembly to authorize certain projects that are eligible for ARPA funds in this act but appropriate the funds for these projects in the FY 2023 Annual Appropriations Act.



(c) Authorizations. In fiscal years 2022 and 2023, the following capital projects are authorized to be undertaken with funds appropriated in the FY 2023 Annual Appropriations Act:

(1) In FY 2022 and FY 2023, the Department of Forests, Parks and Recreation is authorized to upgrade forestry access roads, recreation access roads, and make water quality improvements to these roads.

(2) In FY 2023, in addition to the amounts appropriated in Sec. 10(e) of this act, the Agency of Agriculture, Food and Markets is authorized to issue water quality grants and contracts.

(3) In FY 2023, in addition to the amounts appropriated in Sec. 10(i)(2) of this act, the Department of Environmental Conservation is authorized to issue municipal pollution control grants.

(4) In FY 2023, the Department of Forests, Parks and Recreation is authorized to make wastewater repairs and water and sewer infrastructure improvements and upgrades to restrooms and bathhouses at State parks.

(5) In FY 2023, in addition to the amount appropriated in Sec. 10(j)(1)(A) of this act, the Vermont Housing and Conservation Board is authorized to issue grants for water quality improvement projects.

(6) In FY 2023, the Vermont Historical Society is authorized to make upgrades and repairs to the HVAC system at the Vermont History Center in Barre.

(7) The Department of Buildings and General Services is authorized to begin design and construction for the expansion of the State House in Montpelier.

(8) The Judiciary is authorized to make HVAC improvements to county courthouses.

Sec. 13. 2021 Acts and Resolves No. 50, Sec. 18 is amended to read:

Sec. 18. REALLOCATION OF FUNDS; TRANSFER OF FUNDS

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

\* \* \*

(4) of the amount appropriated in 2015 Acts and Resolves No. 26, Sec. 2(b)(5) (major maintenance): \$35,475.94

(5) of the amount appropriated in 2015 Acts and Resolves No. 26, Sec. 2(c)(11) (Southern State Correctional Facility, copper waterline replacement): \$82,851.42

(6) of the amount appropriated in 2016 Acts and Resolves No. 160, Sec. 2(c)(15) (Southern State Correctional Facility, steam line replacement):

\$147,068.63

(7) of the amount appropriated in 2016 Acts and Resolves No. 160, Sec. 2(c)(16) (Statewide, ADA projects, State-owned buildings and courthouses):

\$52,460.30

(8) of the amount appropriated in 2016 Acts and Resolves No. 160, Sec. 2(c)(19) (Waterbury State Office Complex project, true up):

\$11,016.00

(9) of the amount appropriated in 2016 Acts and Resolves No. 160, Sec. 13(c)(2) (Westminster, DPS Facility, project cost adjustment for unanticipated site conditions and code modifications):

\$4,522.99

(10) of the amount appropriated in 2017 Acts and Resolves No. 84 Sec. 2(b)(2) (Statewide – Major Maintenance):

\$53,755.21

(11) of the amount appropriated in 2017 Acts and Resolves No. 84, Sec. 2(b)(6) (Randolph, Agencies of Agriculture, Food and Markets and of Natural Resources, collaborative laboratory, construction):

\$156,275.91

(12) of the amount appropriated in 2017 Acts and Resolves No. 84, Sec. 2(b)(7) (Springfield, Southern State Correctional Facility, completion of the steamline replacement):

\$36,382.55

(13) of the amount appropriated in 2017 Acts and Resolves No. 84 Sec. 2(b)(9) (Newport, Northern State Correctional Facility Door Control replacement):

\$72,287.54

(14) of the amount appropriated in 2018 Acts and Resolves No. 190, Sec. 2(c)(2) (Statewide, major maintenance):

\$26,921.21

(15) of the amount appropriated in 2018 Acts and Resolves No. 190, Sec. 2(c)(18) (Rutland, Marble Valley Regional Correctional Facility):

\$2,850.00

(16) of the amount appropriated in 2018 Acts and Resolves No. 190, Sec. 2(c)(8) (Waterbury State Office Complex, Weeks building renovation and fit-up):

\$224,387.21

(17) of the amount appropriated in 2018 Acts and Resolves No. 190, Sec. 2(c)(17) (Waterbury State Office Complex, Stanley and Wasson, demolition of Stanley Hall, and programming, schematic design, and design development for Wasson Hall):

\$265,247.20

(18) of the amount appropriated in 2018 Acts and Resolves No. 190, Sec. 6(a)(9) (E-911 compliance grants):

\$39,156.48

(19) of the amount appropriated in 2018 Acts and Resolves No. 190, Sec. 11(e)(1)(B) (phosphorous removal equipment): \$58,890.00

(20) of the amount appropriated in 2018 Acts and Resolves No. 190, Sec. 16(c)(a) (NEK fiber network): \$209,291.36

(21) of the amount appropriated in 2019 Acts and Resolves No. 42, Sec. 2(b)(6) (120 State Street): \$800,000.00

(22) of the amount appropriated in 2019 Acts and Resolves No. 42, Sec. 10(b)(2) rustic cabin construction): \$775,409.25

(23) of the amount appropriated in 2019 Acts and Resolves No. 42, Sec. 17(a)(1) (stand-alone digital public address system): \$147,177.00

(24) of the amount appropriated in 2019 Acts and Resolves No. 42, Sec. 17(b) (stand-alone digital public address system): \$174,888.00

(25) of the amount appropriated in 2019 Acts and Resolves No. 42, Sec. 3(c)(5), as added by 2020 Acts and Resolves No. 139, Sec. 2 (Windsor and St. Johnsbury, site preparation, relocation, and rebuild of a greenhouse at the Caledonia County Workcamp from the former Southeast State Correctional Facility): \$162,872.00

\* \* \*

Total Reallocations and Transfers – Section 18 \$4,198,694.44 \$7,737,808.64

Sec. 14. 2021 Acts and Resolves No. 50, Sec. 19 is amended to read:

Sec. 19. GENERAL OBLIGATION BONDS AND APPROPRIATIONS

(a) The State Treasurer is authorized to issue general obligation bonds in the amount of \$123,180,000.00 for the purpose of funding the appropriations of this act. The State Treasurer, with the approval of the Governor, shall determine the appropriate form and maturity of the bonds authorized by this section consistent with the underlying nature of the appropriation to be funded. The State Treasurer shall allocate the estimated cost of bond issuance or issuances to the entities to which funds are appropriated pursuant to this section and for which bonding is required as the source of funds, pursuant to 32 V.S.A. § 954.

(b) The State Treasurer is authorized to issue additional general obligation bonds in the amount of \$12,840,163.00 that were previously appropriated but unissued under 2021 Acts and Resolves No. 50 for the purpose of funding the appropriations in this act.

Total Revenues – Section 19 \$123,180,000.00 \$136,020,163.00

Sec. 15. 2013 Acts and Resolves No. 1, Sec. 100(c), as amended by 2014 Acts and Resolves No. 179, Sec. E.113.1, 2015 Acts and Resolves No. 58, Sec. E.113.1, 2017 Acts and Resolves No. 84, Sec. 29, 2018 Acts and Resolves No. 190, Sec. 18, 2019 Acts and Resolves No. 42, Sec. 25, 2020 Acts and Resolves No. 139, Sec. 19, and 2021 Acts and Resolves No. 50, Sec. 24, is further amended to read:

(c) Sec. 97 (general obligation debt financing) shall take effect on ~~July 1, 2023~~ June 30, 2022.

Sec. 16. 2021 Acts and Resolves No. 50, Sec. 21a is amended to read:

Sec. 21a. ~~13 BALDWIN STREET; SALE OF PROPERTY~~ PROPERTIES

(a) The Commissioner of Buildings and General Services is authorized to sell the property located at 13 Baldwin Street in Montpelier, Vermont, pursuant to the requirements of 29 V.S.A. § 166. ~~The~~ To the extent that there are sufficient proceeds from the sale shall be appropriated to future capital construction projects, the Department of Buildings and General Services is authorized to use up to \$300,000.00 in FY 2023 for the project described in Sec. 2(c)(1) of this act.

(b) The Commissioner of Buildings and General Services is authorized to sell the property located at 14–16 Baldwin Street in Montpelier, Vermont, pursuant to the requirements of 29 V.S.A. § 166. The proceeds of the sale of 14–16 Baldwin Street shall be appropriated to future capital construction projects.

(c) The Commissioner of Buildings and General Services is authorized to sell the property located at 9 Baldwin Street in Montpelier, Vermont, contingent upon the completed relocation of the Office of Legislative Information Technology to 133 State Street. The proceeds from the sale shall be appropriated to future capital construction projects.

Sec. 17. 2021 Acts and Resolves No. 50, Sec. 25b is added to read:

Sec. 25b. REDUCING CARBON INTENSITY; STATE BUILDINGS;  
STATE ENERGY MANAGEMENT PROGRAM; INTENT

(a) It is the intent of the General Assembly that the Department of Buildings and General Services implement strategies as soon as practicable to reduce carbon intensity in buildings under the jurisdiction of the Department. These strategies may include the use of:

(1) non-fossil-fuel alternatives when installing or replacing any space conditioning or water heating systems; and

(2) carbon-storing and least-embodied-carbon materials, as evidenced by appropriate documentation from contractors and suppliers, when constructing, renovating, or substantially repairing a building or facility.

(b) It is also the intent of the General Assembly that the Department of Forests, Parks and Recreations and the Agency of Transportation use the technical assistance of the State Energy Management Program, created in 29 V.S.A. § 168, for eligible projects.

Sec. 18. 2019 Acts and Resolves No. 42, Sec. 10 is amended to read:

Sec. 10. NATURAL RESOURCES

\* \* \*

(b) The following sums are appropriated in FY 2020 to the Agency of Natural Resources for the Department of Forests, Parks and Recreation for the following projects:

\* \* \*

(2) Rustic Cabin Construction Program:                   \$797,586.00 \$22,176.75

\* \* \*

Sec. 19. EFFECTIVE DATE

This act shall take effect on passage.

And that the bill ought to pass in concurrence with such proposal of amendment.

Senator Starr, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Institutions.

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

**Proposal of Amendment; Third Reading Ordered**

**H. 517.**

Senator Chittenden, for the Committee on Education, to which was referred House bill entitled:

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

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

\* \* \* Vermont National Guard Tuition Benefit Program \* \* \*

Sec. 1. 16 V.S.A. § 2857 is amended to read:

§ 2857. VERMONT NATIONAL GUARD TUITION BENEFIT PROGRAM

(a) Program creation. The Vermont National Guard Tuition Benefit Program (Program) is created, under which a member of the Vermont National Guard (member) who meets the eligibility requirements in subsection (c) of this section is entitled to the following tuition benefit for up to full-time attendance:

(1) For courses at ~~either campus of the Northern Vermont University (NVU), the Vermont Technical College (VTC), the University of Vermont and State Agricultural College (UVM), or at the Community College of Vermont (CCV)~~ any Vermont State College institution or the University of Vermont and State Agricultural College (UVM), the benefit shall be the in-state residence tuition rate for the relevant institution.

(2) For courses at ~~a Vermont State College, other than NVU, VTC, or CCV, or at any eligible Vermont private postsecondary institution,~~ the benefit shall be the in-state tuition rate charged by ~~NVU~~ UVM.

(3) For courses at an eligible training institution offering nondegree, certificate training, or continuing education programs, the benefit shall be the lower of the institution's standard tuition or the in-state tuition rate charged by ~~NVU~~ UVM.

\* \* \*

(c) Eligibility.

(1) To be eligible for the Program, an individual, whether a resident or nonresident, shall satisfy all of the following requirements:

~~(1)(A)~~ be an active member of the Vermont National Guard;

~~(2)(B)~~ have successfully completed basic training;

~~(3)(C)~~ be enrolled at UVM, a Vermont State College, or any other college or university located in Vermont in a program that leads to an undergraduate certificate or degree or at an eligible training institution in a program that leads to a certificate or other credential recognized by VSAC;

~~(4)(D)~~ have not previously earned an undergraduate bachelor's degree;

~~(5)~~(E) continually demonstrate satisfactory academic progress as determined by criteria established by the Vermont National Guard and VSAC, in consultation with the educational institution at which the individual is enrolled under the Program;

~~(6)~~(F) have used available post-September 11, 2001 tuition benefits and other federally funded military tuition assistance; provided, however, that this subdivision shall not apply to:

~~(A)~~(i) tuition benefits and other federally funded military tuition assistance for which the individual has not yet earned the full amount of the benefit or tuition;

~~(B)~~(ii) Montgomery GI Bill benefits;

~~(C)~~(iii) post-September 11, 2001 educational program housing allowances;

~~(D)~~(iv) federal educational entitlements;

~~(E)~~(v) National Guard scholarship grants;

~~(F)~~(vi) loans under section 2856 of this title; and

~~(G)~~(vii) other nontuition benefits; and

~~(7)~~(G) have submitted a statement of good standing to VSAC signed by the individual's commanding officer within 30 days prior to the beginning of each semester.

(2) An individual may receive more than one undergraduate certificate or other credential recognized by VSAC under the Program, provided that the cost of all certificates and credentials received by the individual under the Program does not exceed the full-time in-state tuition rate charged by UVM for completion of an undergraduate baccalaureate degree.

\* \* \*

Sec. 2. VERMONT NATIONAL GUARD TUITION BENEFIT  
PROGRAM EXTENSION; MASTER'S DEGREE OR A SECOND  
BACCALAUREATE DEGREE; PILOT

(a) The provisions of this section shall apply notwithstanding 16 V.S.A. § 2857.

(b) A National Guard member shall be eligible to pursue a second undergraduate baccalaureate degree under the Vermont National Guard Tuition Benefit Program, whether a resident or nonresident, if the individual received a first undergraduate baccalaureate degree that was not funded under the Program or any other State funding source designed exclusively for members of the Vermont National Guard.

(c)(1) A National Guard member shall be eligible to pursue a graduate degree under the Program, whether a resident or nonresident, if the individual agrees in the promissory note under 16 V.S.A. § 2857(b) to, upon receipt of the graduate degree and until the individual's service commitment under 16 V.S.A. § 2857(d) is satisfied, be employed full time in Vermont or, if unemployed, be actively seeking full-time employment in Vermont.

(2) An individual may pursue a graduate degree under the Program even if the individual has received an undergraduate baccalaureate degree under the Program.

(3) The Office of the Vermont Adjutant and Inspector General may terminate the tuition benefit provided to an individual who has earned a graduate degree under the Program for failure to satisfy the work requirement under subdivision (1) this subsection.

### Sec. 3. REPEAL

Sec. 2 of this act is repealed on July 1, 2025.

\* \* \* Education of Military Families \* \* \*

Sec. 4. 16 V.S.A. § 1073 is amended to read:

§ 1073. "LEGAL PUPIL" DEFINED; ACCESS TO SCHOOL

\* \* \*

(d) If one or both of a child's parents or guardians are being relocated to the State under military orders, a school district shall allow registration of the student by mail, telephone, or electronically and shall not require the parent or legal guardian of the student or the student themselves to physically appear at a location within the district to register the student. Proof of required residency shall not be required at the time of the remote registration but shall be required within 10 days of the student's attendance in the school district.

Sec. 5. 16 V.S.A. § 2185 is amended to read:

§ 2185. DETERMINATION OF RESIDENCY FOR TUITION PURPOSES

(a) The Board of Trustees shall adopt policies related to residency for tuition purposes, consistent with State and federal requirements.

(b) Any member of the U.S. Armed Forces on active duty who is transferred to Vermont for duty other than for the purpose of education shall, upon transfer and for the period of active duty served in Vermont, be considered a resident for in-state tuition purposes at the start of the next semester or academic period.



(c) The spouse and dependent child of any person who is a member of the U.S. Armed Forces and stationed in this State pursuant to military orders shall be entitled to be considered, upon taking up a residence in the State, a resident for in-state tuition purposes at the start of the next semester or academic period. The spouse or dependent child shall not lose classification as an in-state student if the spouse or dependent child continues to reside in the State and the member of the U.S. Armed Forces is transferred on military orders or retires. The spouse or dependent child shall lose this classification as an in-state student under this subsection if the spouse or dependent child no longer resides in the State and shall regain this classification upon again taking up a residency in the State only if the member of the U.S. Armed Forces is stationed in this State pursuant to military orders.

Sec. 6. 16 V.S.A. § 2282a is amended to read:

§ 2282a. DETERMINATION OF RESIDENCY FOR TUITION PURPOSES

(a) Enrollment at an institution for higher learning, or presence within the State for the purposes of attending an institution of higher learning, shall not by itself constitute residence for in-state tuition purposes or for the purpose of eligibility for assistance from the Vermont Student Assistance Corporation.

(b) Any member of the U.S. Armed Forces ~~of the United States~~ on active duty who is transferred to Vermont for duty other than for the purpose of education shall, upon transfer and for the period of active duty served in Vermont, be considered a resident for in-state tuition purposes at the start of the next semester or academic period.

(c) The spouse and dependent child of any person who is a member of the U.S. Armed Forces and stationed in this State pursuant to military orders shall be entitled to be considered, upon taking up a residence in the State, a resident for in-state tuition purposes at the start of the next semester or academic period. The spouse or dependent child shall not lose classification as an in-state student if the spouse or dependent child continues to reside in the State and the member of the U.S. Armed Forces is transferred on military orders or retires. The spouse or dependent child shall lose this classification as an in-state student under this subsection if the spouse or dependent child no longer resides in the State and shall regain this classification upon again taking up a residency in the State only if the member of the U.S. Armed Forces is stationed in this State pursuant to military orders.

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\* \* \* Purple Star School Programs \* \* \*

Sec. 7. 16 V.S.A. § 568 is added to read:

§ 568. PURPLE STAR CAMPUS DESIGNATION

(a) As used in this section, “military-connected student” means a student who is a dependent of a current or former member of:

(1) the U.S. military serving in the Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard on active duty;

(2) the Vermont National Guard;

(3) a reserve force of the U.S. Armed Forces; or

(4) a member of a military or reserve force described in subdivision (1), (2), or (3) of this subsection who was killed in the line of duty.

(b) The Agency of Education shall designate a school district as a Purple Star Campus if the school district applies and qualifies for the designation under this section.

(c) To qualify as a Purple Star Campus, a school district shall:

(1) designate a staff member as a military liaison, whose duties include:

(A) identifying military-connected students enrolled in the district’s schools;

(B) serving as the point of contact between the school district and military-connected students and their families;

(C) determining appropriate school services available to military-connected students; and

(D) assisting in coordinating school programs relevant to military-connected students;

(2) maintain within the school district an Internet website with an easily accessible web page that includes resources for military-connected students and their families, including information regarding:

(A) relocation to, enrollment at, registration at, and transferring records to the school district;

(B) academic planning, course sequences, and advanced classes available at the school district; and

(C) counseling and other support services available for military-connected students enrolled in the school district;

(3) maintain a transition program led by students, where appropriate, that assists military-connected students in transitioning into the school district;

(4) offer professional development for staff members on issues related to military-connected students; and

(5) offer at least one of the following initiatives:

(A) a resolution showing support for military-connected students and their families;

(B) recognition of the Month of the Military Child or Military Family Month with relevant events hosted by the school district; or

(C) a partnership with a local military installation that provides opportunities for active duty military members to volunteer with the school district, speak at an assembly, or host a field trip.

(d) To comply with the requirements under subdivisions (c)(2), (4), or (5) of this section, a school district may partner with a third party to provide those services and initiatives.

\* \* \* Eligibility for Election to Serve as Adjutant and Inspector General \* \* \*

Sec. 8. 2 V.S.A. § 10 is amended to read:

#### § 10. ELECTION OF STATE AND JUDICIAL OFFICERS

(a) At 10 o'clock and 30 minutes, forenoon, on the seventh Thursday after their biennial meeting and organization, the Senate and House of Representatives shall meet in joint assembly and proceed therein to elect the State officers, except judicial officers, whose election by the Constitution and laws devolves in the first instance upon them in joint assembly, including the Sergeant at Arms, ~~the Adjutant and Inspector General~~, and legislative trustees of the University of Vermont and State Agricultural College. In case election of all such officers shall not be made on that day, they shall meet in joint assembly at 10 o'clock and 30 minutes, forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed in such election, until all such officers are elected.

\* \* \*

(c) At 10 o'clock and 30 minutes, forenoon, on the seventh Thursday of the second year of the biennial session, the Senate and House of Representatives shall meet in joint assembly and proceed therein to elect the ~~legislative trustees of the Vermont State Colleges Corporation~~ State Officers, whose election by the Constitution and laws devolves in the first instance upon them in joint assembly, including the legislative trustees of the Vermont State Colleges Corporation and the Adjutant and Inspector General. In case election of all

such ~~legislative trustees~~ officers shall not be made on that day, they shall meet in joint assembly at 10 o'clock and 30 minutes, forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed in such election, until all such ~~legislative trustees~~ officers are elected.

Sec. 9. 20 V.S.A. § 363 is amended to read:

§ 363. OFFICERS GENERALLY

(a)(1) The General Assembly shall biennially elect an Adjutant and Inspector General for a term of two years.

\* \* \*

(3) In order to be eligible for election to serve as Adjutant and Inspector General, an individual shall:

(A) have attained the rank of Colonel (O-6) or above;

(B) be a current member of the U.S. Army, the U.S. Air Force, the U.S. Army Reserve, the U.S. Air Force Reserve, the Army National Guard, or the Air National Guard or be eligible to return to active service in the Army National Guard or the Air National Guard;

(C) be a graduate of a Senior Service College; and

(D) be eligible for federal recognition.

\* \* \*

Sec. 10. CURRENT TERM OF ADJUTANT AND INSPECTOR GENERAL

Notwithstanding any provision of law to the contrary, the term of the Adjutant and Inspector General in office on the effective date of this act shall end on March 1, 2024.

\* \* \* Effective Date \* \* \*

Sec. 11. 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 educational benefits for members of the military and their families and eligibility for election to serve as Adjutant and Inspector General.

And that the bill ought to pass in concurrence with such proposal of amendment.

Senator Starr, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Education.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the proposal of amendment was agreed to, 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:** Balint, Baruth, Benning, Bray, Brock, Campion, Chittenden, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Parent, Pearson, Perchlik, Pollina, Ram Hinsdale, Sears, Sirotkin, Starr, Terenzini, Westman, White.

**Those Senators who voted in the negative were:** None.

Thereupon, third reading of the bill was ordered.

### **Consideration Resumed; Proposal of Amendment; Bill Passed in Concurrence with Proposal of Amendment**

#### **H. 411.**

Consideration was resumed on House bill entitled:

An act relating to the retrieval and use of covered wild animals.

Thereupon, pending the question, Shall the Senate propose to the House to amend the bill as recommended by Senator Parent?, Senator Parent requested and was granted leave to withdraw the proposal of amendment

Thereupon, pending third reading of the bill, Senator Benning moved that the Senate propose to the House to amend the bill in Sec. 1, 10 V.S.A. chapter 113, subchapter 7, section 4922, retrieval of covered wild animals, after "A person shall not" and before "kill a covered wild animal" by striking out "intentionally, knowingly, or recklessly" and inserting in lieu thereof the words intentionally or knowingly

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

### **Rules Suspended; Bills Messaged**

On motion of Senator Balint, the rules were suspended, and the following bills were severally ordered messaged to the House forthwith:

**H. 266, H. 293, H. 411, H. 462, H. 505, H. 515, H. 655, H. 741, H. 744.**

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**Adjournment**

On motion of Senator Balint, the Senate adjourned until ten o'clock in the forenoon on Thursday, April 28, 2022.

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**THURSDAY, APRIL 28, 2022**

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. 56**

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

Madam President:

I am directed to inform the Senate that:

The House has considered a bill originating in the Senate of the following title:

**S. 162.** An act relating to the collective bargaining rights of teachers.

And has passed the same in concurrence.

The House has considered bills originating in the Senate of the following titles:

**S. 210.** An act relating to rental housing health and safety and affordable housing.

**S. 280.** An act relating to miscellaneous changes to laws related to vehicles.

**S. 286.** An act relating to amending various public pension and other postemployment benefits.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the Senate is requested.

**Message from the Governor**

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam President:

I am directed by the Governor to inform the Senate that on the twenty-seventh day of April, 2022 he approved and signed bills originating in the Senate of the following titles:

**S. 74.** An act relating to modifications to Vermont's patient choice at end of life laws.

**S. 163.** An act relating to State court petitions for vulnerable noncitizen youth.

**S. 239.** An act relating to enrollment in Medicare supplemental insurance policies.

#### **Bills Referred to Committee on Finance**

House bills of the following titles, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule were severally referred to the Committee on Finance:

**H. 518.** An act relating to municipal energy resilience initiatives.

**H. 572.** An act relating to the retirement allowance for interim educators.

**H. 697.** An act relating to eligibility of reserve forestland for enrollment in the Use Value Appraisal Program.

#### **Message from the Governor Appointment Referred**

A message was received from the Governor, by Brittney L. Wilson, Secretary of Civil and Military Affairs, submitting the following appointment, which was referred to the committee as indicated:

The nomination of

Richardson, Daniel P. of Montpelier - Superior Judge - from April 26, 2022 to March 31, 2027.

To the Committee on Judiciary.

#### **Proposal of Amendment; Third Reading Ordered**

##### **H. 553.**

Senator Sears, for the Committee on Judiciary, to which was referred House bill entitled:

An act relating to eligibility of domestic partners for reimbursement from the Victims Compensation Program.

Reported recommending that the Senate propose to the House to amend the bill in Sec. 1, 13 V.S.A. § 5351, subdivision (2), by striking out “prohibited from legally marrying one another by 15 V.S.A. § 1a” and inserting in lieu thereof not be related by blood closer than would bar marriage under State law

And that the bill ought to pass in concurrence with such proposal of amendment.

Senator Sears, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Judiciary.

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

### **Proposals of Amendment; Third Reading Ordered**

#### **H. 661.**

Senator White, for the Committee on Government Operations, to which was referred House bill entitled:

An act relating to licensure of mental health professionals.

Reported recommending that the Senate propose to the House to amend the bill as follows:

First: In Sec. 8, mental health professional licensure; study, in subdivision (b)(4), following “organizations” by inserting and a representative of Vermont Care Partners

Second: By striking out Sec. 10, effective date, and its reader assistance heading in their entireties and inserting in lieu thereof two new sections with reader assistance headings to be Secs. 10–11 to read as follows:

\* \* \* Position Created \* \* \*

Sec. 10. CREATION OF POSITION WITHIN THE OFFICE OF  
SECRETARY OF STATE; OFFICE OF PROFESSIONAL  
REGULATION

There is created within the Secretary of State’s office one new classified Licensing Board Administrator position in the Office of Professional Regulation.

\* \* \* Effective Dates \* \* \*

Sec. 11. EFFECTIVE DATES

This act shall take effect on July 1, 2022, except that Secs. 1–7 (continuing education units) shall take effect on July 1, 2023.



And that the bill ought to pass in concurrence with such proposals of amendment.

Senator Starr, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill ought to pass in concurrence with proposals of amendment as recommended by the Committee on Government Operations.

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

### **Proposal of Amendment; Third Reading Ordered**

#### **H. 720.**

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

An act relating to the system of care for individuals with developmental disabilities.

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

\* \* \* Legislative Intent \* \* \*

#### Sec. 1. LEGISLATIVE INTENT

It is the intent of the General Assembly that:

(1) Individuals who qualify for developmental services and who meet a funding priority as outlined in the State system of care plan for developmental services receive full and complete information in plain language regarding their options and services.

(2) Individuals with developmental disabilities, their family members, allies, and advocates be respected and active participants in systems change activities, including payment reform, development of resources to comply with the federal home- and community-based services regulations, and development of additional residential service options. Information provided to stakeholders shall be in plain language.

\* \* \* System of Care Plan \* \* \*

Sec. 2. 18 V.S.A. § 8725 is amended to read:

#### § 8725. SYSTEM OF CARE PLAN

(a) Every three years, the Department shall adopt a plan for the nature, extent, allocation, and timing of services consistent with the principles of

service set forth in section 8724 of this title that will be provided to people with developmental disabilities and their families. ~~Each plan shall include the following categories, which shall be adopted by rule pursuant to 3 V.S.A. chapter 25:~~

- ~~(1) priorities for continuation of existing programs or development of new programs;~~
- ~~(2) criteria for receiving services or funding;~~
- ~~(3) type of services provided; and~~
- ~~(4) a process for evaluating and assessing the success of programs.~~

\* \* \*

~~(c) No Not later than 60 days before adopting the proposed plan, the Commissioner shall submit it to the Advisory Board established in section 8733 of this title, for advice and recommendations, except that the Commissioner shall submit those categories within the plan subject to 3 V.S.A. chapter 25 to the Advisory Board at least 30 days prior to filing the proposed plan in accordance with the Vermont Administrative Procedure Act. The Advisory Board shall provide the Commissioner with written comments on the proposed plan. It may also submit public comments pursuant to 3 V.S.A. chapter 25.~~

\* \* \*

(f) If the Department requires an extension to complete the system of care plan, it shall submit a written request indicating the anticipated completion date to the House Committee on Human Services and to the Senate Committee on Health and Welfare at least two months prior to the expiration of the existing system of care plan. The request for an extension may be granted upon the approval of both the Chairs of the House Committee on Human Services and the Senate Committee on Health and Welfare.

\* \* \* Quality Services Reviews \* \* \*

Sec. 3. 18 V.S.A. chapter 204A is amended to read:

CHAPTER 204A. SUPPORTING INDIVIDUALS WITH  
DEVELOPMENTAL DISABILITIES ACT

Subchapter 1. Developmental Disabilities Act

\* \* \*

§ 8723. DEPARTMENT OF DISABILITIES, AGING, AND  
INDEPENDENT LIVING; DUTIES

The Department shall plan, coordinate, administer, monitor, and evaluate State and federally funded services for people with developmental disabilities

and their families within Vermont. The Department shall be responsible for coordinating the efforts of all agencies and services, government and private, on a statewide basis in order to promote and improve the lives of individuals with developmental disabilities. Within the limits of available resources, the Department shall:

(1) promote the principles stated in section 8724 of this title and shall carry out all functions, powers, and duties required by this ~~chapter~~ subchapter by collaborating and consulting with people with developmental disabilities, their families, guardians, community resources, organizations, and people who provide services throughout the State;

\* \* \*

#### § 8724. PRINCIPLES OF SERVICE

Services provided to people with developmental disabilities and their families shall foster and adhere to the following principles:

\* \* \*

(11) Trained staff. In order to ~~assure~~ ensure that the goals of this ~~chapter~~ subchapter are attained, all individuals who provide services to people with developmental disabilities and their families must receive training as required by section 8731 of this title.

\* \* \*

#### § 8727. COMPLAINTS; APPEALS

(a) Notice. The Department or agency or program funded by the Department shall provide notice:

(1) To an applicant or the applicant's guardian, as applicable, of the rights provided under this ~~chapter~~ subchapter, State and federal law, and any other available rights of appeal for violations of any of those rights.

\* \* \*

#### § 8733. ADVISORY BOARD

\* \* \*

(e) Members shall be entitled to reimbursement for necessary and actual expenses incurred in performance of their duties under this ~~chapter~~ subchapter.

#### Subchapter 2. Supports for Individuals with Developmental Disabilities

#### § 8741. QUALITY SERVICES REVIEWS

The Department shall perform at least annual on-site quality assurance and improvement visits to the designated and specialized service agencies and

other contracted agencies. The Department shall, at a minimum, assess the quality of services provided, including health and safety, in accordance with personalized service plans for the individuals served.

\* \* \* Creation of New Position \* \* \*

Sec. 4. DEPARTMENT OF DISABILITIES, AGING, AND INDEPENDENT LIVING; RESIDENTIAL PROGRAM DEVELOPER

(a) There is created a limited-service position of the Residential Program Developer within the Department of Disabilities, Aging, and Independent Living for the purposes of:

(1) expanding housing and residential services options for individuals with developmental disabilities, in accordance with federal home- and community-based services regulations;

(2) assisting individuals with developmental disabilities and their families navigate publicly and privately funded housing and residential services options;

(3) investigating public and private funding opportunities for residential program development for individuals with developmental disabilities;

(4) working with individuals with developmental disabilities, their families, and allies to identify potential models for residential services;

(5) developing requests for proposals and identifying at least three pilot planning grants for different regions of the State focused on the needs identified in those regions; and

(6) working with appropriate designated and specialized service agencies or other providers to implement selected pilots.

(b) In fiscal year 2023, \$102,000.00 is appropriated to the Department of Disabilities, Aging, and Independent Living from the Global Commitment Federal Medical Assistance Percentage (FMAP) home- and community-based services monies to fund the Residential Program Developer position established in subsection (a) of this section.

\* \* \* Housing and Residential Service Pilot Planning Grants \* \* \*

Sec. 5. DEPARTMENT OF DISABILITIES, AGING, AND INDEPENDENT LIVING; DEVELOPMENT OF HOUSING AND RESIDENTIAL SERVICES PILOT PLANNING GRANTS

(a) The Department of Disabilities, Aging, and Independent Living shall work with the Vermont Developmental Disabilities Council and a statewide self-advocacy group to review housing models in other states for the purpose

of informing the pilot planning grants developed pursuant to subsection (b) of this section.

(b)(1) In fiscal year 2023, \$500,000.00 is appropriated to the Department of Disabilities, Aging, and Independent Living from the Global Commitment Federal Medical Assistance Percentage (FMAP) home- and community-based services monies to develop housing and residential service pilot planning grants in at least three regions of the State, in partnership with designated and specialized service agencies, for individuals with developmental disabilities and their families. The Department shall consult with the Vermont Housing and Conservation Board and other housing providers to prioritize successful housing projects for adults with developmental disabilities. The Department shall issue a request for proposals seeking entities to develop regional pilot planning grants with not more than one grant per designated agency catchment area.

(2) The pilot planning grants shall:

(A) reflect the diversity of needs expressed by individuals with developmental disabilities and their families, including individuals with high support needs who require 24-hour care and those with specific communication needs;

(B) be consistent with the federal home- and community-based services regulations;

(C) include new service-supported housing models; and

(D) include a vision statement, the number of and description of the support needs of individuals with developmental disabilities anticipated to be served, a draft budget, and an implementation plan.

(c)(1) The Department shall convene a steering committee to provide advice and guidance as it develops and selects the pilot planning grants required pursuant to this section.

(2) The steering committee shall be composed of the following members:

(A) three individuals with a developmental disability, appointed by the Green Mountain Self Advocates;

(B) two family members of individuals with a developmental disability, appointed by the Vermont Family Network;

(C) two advocates who are either individuals with a developmental disability or a family member of an individual with a developmental disability, appointed by the State Program Standing Committee and the Advisory Board established pursuant to 18 V.S.A. § 8733; and

(D) two representatives of the designated and specialized service agencies, appointed by Vermont Care Partners.

(3)(A) The steering committee shall have the technical, legal, and administrative assistance of the Department.

(B) The steering committee shall cease to exist on January 1, 2024.

(4) Information provided for the steering committee's consideration shall be in plain language.

(5) Members of the steering committee 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 Department.

(d) On or before April 15, 2023, the Department shall submit a report to the House Committee on Human Services and to the Senate Committee on Health and Welfare describing the pilot planning grant selection process, the implementation plan, and any resources necessary for implementation of selected pilots.

\* \* \* Payment Reform and Conflict-Free Case Management \* \* \*

#### Sec. 6. PAYMENT REFORM AND CONFLICT-FREE CASE MANAGEMENT

(a) At a minimum, the following shall be included in the payment reform process impacting individuals with developmental disabilities, their families, and designated and specialized service agencies:

(1) in addition to any standardized assessment utilized by the Department of Disabilities, Aging, and Independent Living, a process for consideration of additional information relevant to the life circumstances of service recipients or applicants;

(2) in addition to any standardized rates or rate ranges developed by the Department, a process for consideration of budgets to reflect the individualized support needs of service recipients or applicants; and

(3) a process for evaluating the fiscal and service impact on individual service recipients and the designated and specialized service agencies.

(b)(1) Prior to implementing the federally required conflict-free case management system, the Department shall seek and consider input from a variety of stakeholders, including individuals with developmental disabilities, their families, designated and specialized service agencies, and other providers and advocates.

(2) As part of the changes necessary to come into federal compliance, consideration shall be given to performing initial clinical eligibility and service planning within the Department.

(c) On or before February 1, 2023, the Department shall present any proposed policy changes related to payment reform and conflict-free case management to the House Committee on Human Services and the Senate Committee on Health and Welfare and seek and consider input from the Committees.

\* \* \* HCBS Spending Plan Amendment \* \* \*

#### Sec. 7. HOME- AND COMMUNITY-BASED SERVICE SPENDING PLAN AMENDMENT

The Agency of Human Services shall seek to amend its federal Home- and Community-Based Service Spending Plan to enable the Department of Disabilities, Aging, and Independent Living to use Global Commitment Federal Medical Assistance Percentage (FMAP) home- and community-based services monies to fund the new Residential Program Developer position created in Sec. 4 of this act and the pilot planning grants in Sec. 5 of this act.

\* \* \* Effective Dates \* \* \*

#### Sec. 8. EFFECTIVE DATES

This section and Sec. 2 (system of care plan) shall take effect on passage, and the remaining sections shall take effect on July 1, 2022.

And that the bill ought to pass in concurrence with such proposal of amendment.

Senator Westman, for the Committee on Appropriations, to which the bill was referred, reported recommending that the Senate propose to the House that the bill be amended as recommended by the Committee on Health and Welfare with the following amendments thereto:

First: By striking out Sec. 3, 18 V.S.A. chapter 204A, and its reader assistance heading in their entirety and inserting in lieu thereof the following:

Sec. 3. [Deleted.]

Second: In Sec. 4, Department of Disabilities, Aging, and Independent Living; residential program developer, in subsection (b), by striking out “appropriated” and inserting in lieu thereof allocated

Third: In Sec. 5, Department of Disabilities, Aging, and Independent Living; development of housing and residential services pilot planning grants,

subsection (b), subdivision (1), in the first sentence, by striking out “appropriated” and inserting in lieu thereof allocated

And that the bill ought to pass in concurrence with such proposals of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the recommendation of proposal of amendment of the Committee on Health and Welfare was amended as recommended by the Committee on Appropriations.

Thereupon, the proposal of amendment recommended by the Committee on Health and Welfare, as amended, was agreed to and third reading of the bill was ordered.

### **Third Reading Ordered**

#### **H. 287.**

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

An act relating to patient financial assistance policies and medical debt protection.

Reported that the bill ought to passage in concurrence.

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

### **Bill Passed in Concurrence with Proposal of Amendment**

#### **H. 517.**

House bill of the following title was read the third time and passed in concurrence with proposal of amendment:

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

### **Proposal of Amendment; Consideration Postponed**

#### **H. 739.**

House bill entitled:

An act relating to capital construction and State bonding budget adjustment.

Was taken up.

Thereupon, pending third reading of the bill, Senators Perchlik, Chittenden, Clarkson, Hardy, Hooker, MacDonald, Pearson, Pollina and Ram Hinsdale moved to amend the Senate proposal of amendment by striking out Sec. 17,



2021 Acts and Resolves No. 50, Sec. 25b, in its entirety and inserting in lieu thereof the following:

Sec. 17. 2021 Acts and Resolves No. 50, Sec. 25b is added to read:

Sec. 25b. STATE BUILDINGS; HEATING SYSTEMS; DEPARTMENTS OF BUILDINGS AND GENERAL SERVICES AND OF FORESTS, PARKS AND RECREATION; AGENCY OF TRANSPORTATION

(a) Definitions. As used in this section:

(1) “Fossil fuel space heating system” is any space heating system that is not a non-fossil fuel space heating system.

(2) “Non-fossil fuel space heating system” means a space heating system that is not designed to utilize fossil fuels or that exclusively utilizes renewable liquid fuel.

(b) Replacement system.

(1) Space heating system. Except as provided in subsection (c) of this section, beginning in fiscal year 2024, the Department of Buildings and General Services; the Department of Forests, Parks and Recreation; and the Agency of Transportation shall only install non-fossil fuel space heating systems as the primary heating source in buildings owned or controlled by each Department or Agency, respectively.

(2) Exemption. For any building owned or controlled by each Department or Agency, the Commissioner of Buildings and General Services; the Commissioner of Forests, Parks and Recreation; or the Secretary of Transportation, respectively, may provide a written exemption to the replacement required in subdivision (1) of this subsection if the Commissioner or Secretary determines that it is financially impracticable to install a non-fossil fuel space heating system as a primary heating source.

(c) Backup systems. Notwithstanding subsection (b) of this section, for any building owned or controlled by each Department or Agency, respectively, after a non-fossil fuel space heating system is installed as a primary heating source, if a non-fossil fuel backup space heating system is not available, the Commissioner or Secretary, respectively, may continue to use fossil fuel space heating systems as backup heating or as supplemental heating during peak heating periods.

(d) Report. On or before January 15 each year, the Commissioner of Buildings and General Services; the Commissioner of Forests, Parks and Recreation; and the Secretary of Transportation shall, for any building owned or controlled by each Department or Agency, respectively, report to the House

Committee on Corrections and Institutions and the Senate Committee on Institutions with the basis of each exemption provided pursuant to subdivision (b)(2) of this section, and any fossil fuel space heating systems installed, in the previous calendar year. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Thereupon, pending the question, Shall the Senate proposal of amendment be amended as recommended by Senators Perchlik, Chittenden, Clarkson, Hardy, Hooker, MacDonald, Pearson, Pollina and Ram Hinsdale?, Senator MacDonald moved that consideration be postponed until later in the legislative day.

### **Proposal of Amendment; Third Reading Ordered**

#### **H. 715.**

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

An act relating to the Clean Heat Standard.

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

#### Sec. 1. FINDINGS

The General Assembly finds:

(1) All of the legislative findings made in 2020 Acts and Resolves No. 153, Sec. 2, the Vermont Global Warming Solutions Act of 2020, remain true and are incorporated by reference here.

(2) Under the Vermont Global Warming Solutions Act of 2020 and 10 V.S.A. § 578, Vermont has a legal obligation to reduce greenhouse gas emissions to specific levels by 2025, 2030, and 2050.

(3) The Vermont Climate Council was established under the Vermont Global Warming Solutions Act of 2020 and was tasked with, among other things, recommending necessary legislation to reduce greenhouse gas emissions. The Initial Vermont Climate Action Plan calls for the General Assembly to adopt legislation authorizing the Public Utility Commission to administer the Clean Heat Standard consistent with the recommendations of the Energy Action Network's Clean Heat Standard Working Group.

(4) As required by the Vermont Global Warming Solutions Act of 2020, the Vermont Climate Council published the Initial Vermont Climate Action Plan on December 1, 2021. As noted in that plan, over one-third of Vermont's greenhouse gas emissions come from the thermal sector. Approximately

72 percent of Vermont's thermal energy use is fossil-based, including 43 percent from the combustion of fossil gas and propane and 29 percent from the burning of heating oil.

(5) To meet the greenhouse gas emission reductions required by the Vermont Global Warming Solutions Act of 2020, Vermont needs to transition away from its current carbon-intensive building heating practices to lower-carbon alternatives. It also needs to do this equitably, recognizing economic effects on energy users, especially energy-burdened users; on the workforce currently providing these services; and on the overall economy.

Sec. 2. 30 V.S.A. chapter 94 is added to read:

#### CHAPTER 94. CLEAN HEAT STANDARD

##### § 8121. CLEAN HEAT STANDARD

(a) The Clean Heat Standard is established. Under this program, obligated parties shall reduce greenhouse gas emissions attributable to the Vermont thermal sector by retiring required amounts of clean heat credits to meet the thermal sector portion of the greenhouse gas emission reduction obligations of the Global Warming Solutions Act.

(b) By rule or order, the Commission shall establish or adopt a system of tradeable clean heat credits earned from the delivery of clean heat measures that reduce greenhouse gas emissions.

(c) An obligated party may obtain the required amount of clean heat credits through delivery of eligible clean heat measures, through contracts for delivery of eligible clean heat measures, through the market purchase of clean heat credits, or through delivery of eligible clean heat measures by a designated statewide default delivery agent.

(d) The Public Utility Commission shall adopt rules and may issue orders to design and implement the Clean Heat Standard.

##### § 8122. DEFINITIONS

As used in this chapter:

(1) "Clean heat credit" means a tradeable, non-tangible commodity that represents the amount of greenhouse gas reduction caused by a clean heat measure. The Commission shall establish a system of recognition for clean heat credits pursuant to this chapter.

(2) "Clean heat measure" means fuel and technologies delivered and installed to end-use customers in Vermont that reduce greenhouse gas emissions. Clean heat measures shall not include switching from one fossil fuel use to another fossil fuel use. The Commission may adopt a list of acceptable actions that qualify as clean heat measures.

(3) “Commission” means the Public Utility Commission.

(4) “Default delivery agent” means the entity designated by the Commission to provide services that generate tradeable clean heat credits.

(5) “Entity” means any individual, trustee, agency, partnership, association, corporation, company, municipality, political subdivision, or any other form of organization.

(6) “Heating fuel” means fossil-based heating fuel, including oil, propane, natural gas, coal, and kerosene.

(7) “Obligated party” means:

(A) a regulated natural gas utility serving customers in Vermont; or

(B) for other heating fuels, the entity that makes the first sale of the heating fuel into or in the State for consumption within the State.

(8) “Thermal sector” has the same meaning as the “Residential, Commercial and Industrial Fuel Use” sector as used in the Vermont Greenhouse Gas Emissions Inventory and Forecast.

#### § 8123. CLEAN HEAT STANDARD COMPLIANCE

(a) Required amounts.

(1) The Commission shall establish the number of clean heat credits that each obligated party is required to retire each calendar year. The size of the annual requirement shall be set at a pace sufficient for Vermont’s thermal sector to achieve lifecycle carbon dioxide equivalent (CO<sub>2</sub>e) emission reductions consistent with the requirements of 10 V.S.A. § 578(a) expressed as lifecycle greenhouse gas emissions pursuant to subsection 8124(d) of this title.

(2) Annual requirements shall be expressed as a percent of each obligated party’s contribution to the thermal sector’s lifecycle CO<sub>2</sub>e emissions in the previous year with the annual percentages being the same for all parties. To ensure understanding among obligated parties, the Commission shall, in a timely manner, publicly provide a description of the annual requirements in plain terms.

(3) The Commission may adjust the annual requirements for good cause after notice and opportunity for public process. Good cause may include a shortage of clean heat credits or undue adverse financial impacts on particular customers or demographic segments. Any downward adjustment shall be allowed for only a short, temporary period.

(4) To support the ability of the obligated parties to plan for the future, the Commission shall establish annual clean heat credit requirements for

10 years with the required amounts being updated so 10 years' worth of requirements are always available. Every three years, the Commission shall extend the requirements three years, shall assess emission reductions actually achieved in the thermal sector, and, if necessary, revise the pace of clean heat credit requirements for future years to ensure that the thermal sector portion of the emission reduction requirements of 10 V.S.A. § 578(a) for 2030 and 2050 will be achieved.

(b) Annual registration.

(1) Each entity that sells heating fuel into or in Vermont shall register annually with the Commission by an annual deadline established by the Commission. The form and information required in the registration shall be determined by the Commission and shall include all data necessary to establish annual requirements under this chapter. The Commission shall use the information provided in the registration to determine whether the entity shall be considered an obligated party and the amount of its annual requirement.

(2) At a minimum, the Commission shall require registration information to include legal name, doing business as name if applicable, municipality, state, type of heating fuel sold, and the volume of sales of heating fuels into or in the State for final sale or consumption in the State in the calendar year immediately preceding the calendar year in which the entity is registering with the Commission.

(3) Each year, and not later than 30 days following the annual registration deadline established by the Commission, the Commission shall share complete registration information of obligated parties with the Agency of Natural Resources and the Department of Public Service for purposes of conducting the Vermont Greenhouse Gas Emissions Inventory and Forecast and meeting the requirements of 10 V.S.A. § 591(b)(3).

(4) The Commission shall maintain, and update annually, a list of registered entities on its website that contains the required registration information, except that the public list shall not include heating fuel volumes reported.

(5) For any entity not registered, the first registration form shall be due 30 days after the first sale of heating fuel to a location in Vermont.

(6) Clean heat requirements shall transfer to entities that acquire an obligated party.

(c) Early action credits. Beginning on January 1, 2022, clean heat measures that are installed and provide emission reductions are creditable and therefore count towards the future clean heat credit requirements of an obligated party. Upon the establishment of the clean heat credit system,

entities may register credits for actions taken starting in 2022.

(d) Equitable distribution of clean heat measures.

(1) The Clean Heat Standard shall be designed and implemented to enhance social equity by minimizing adverse impacts to low-income and moderate-income customers and those households with the highest energy burdens. The design shall ensure all customers have an equitable opportunity to participate in, and benefit from, clean heat measures regardless of heating fuel used, income level, geographic location, or homeownership status.

(2) A substantial portion of clean heat credits retired by each obligated party shall be sourced from clean heat measures delivered to low-income and moderate-income customers. The portion of each obligated party's required amount needed to satisfy the annual Clean Heat Standard requirement shall be at least 16 percent from low-income customers and 16 percent from moderate-income customers. The definitions of low-income customer and moderate-income customer shall be set by the Commission in consultation with the Equity Advisory Group and in alignment with other existing definitions.

(3) The Commission may consider frontloading the credit requirements for low-income and moderate-income customers so that the greatest proportion of clean heat measures reach low-income and moderate-income Vermonters in the earlier years.

(4) In order to best serve low-income and moderate-income customers, the Commission shall have authority to change these portions and the criteria used to define low-income and moderate-income customers for good cause, after notice and opportunity for public process.

(5) In determining whether to exceed the minimum percentages of clean heat measures that must be delivered to low-income and moderate-income customers, the Commission shall take into account participation in other government-sponsored low-income and moderate-income weatherization programs.

(6) A clean heat measure delivered to a customer qualifying for a government-sponsored, low-income energy subsidy shall qualify for clean heat credits required by subdivision (2) of this subsection.

(e) Credit banking. The Commission shall allow an obligated party that has met its annual requirement in a given year to retain clean heat credits in excess of that amount for future sale or application to the obligated party's annual requirements in future compliance periods as determined by the Commission.

(f) Default delivery agent.

(1) An obligated party may meet its annual requirement through a designated default delivery agent appointed by the Commission. The default delivery agent shall deliver creditable clean heat measures to Vermont homes and businesses when:

(A) an obligated party chooses to assign its annual requirement to the default delivery agent; or

(B) an obligated party fails to produce or acquire its required amount of clean heat credits.

(2) The Commission shall designate the default delivery agent. The default delivery agent shall be a single statewide entity capable of providing a variety of clean heat measures and contracted for a multiyear period through a competitive procurement process. The entity selected as the default delivery agent may also be a market participant but shall not be an obligated party.

(3) By rule or order, the Commission shall adopt annually the cost per clean heat credit to be paid to the default delivery agent by an obligated party that chooses this option. In adjusting the default delivery agent credit cost, the Commission shall consider the default delivery agent's anticipated costs to deliver clean heat measures and costs borne by customers, among other factors determined by the Commission. Changes to the cost of credits shall take effect not less than 180 days after adopted.

(4) All funds received from noncompliance payments pursuant to subdivision (g)(2) of this section shall be used by the default delivery agent to provide clean heat measures to low-income customers.

(g) Enforcement.

(1) The Commission shall have the authority to enforce the requirements of this chapter and any rules or orders adopted to implement the provisions of this chapter. The Commission may use its existing authority under this title. As part of an enforcement order, the Commission may order penalties and injunctive relief.

(2) The Commission may order an obligated party that fails to retire the number of clean heat credits required in a given year, including the required amounts from low-income and moderate-income customers, to make a noncompliance payment to the default delivery agent. The per-credit amount of the noncompliance payment shall be three times the amount established by the Commission under subsection (f) of this section for timely per-credit payments to the default delivery agent.

(3) Any statements or other representations made by obligated parties related to compliance with the Clean Heat Standard are subject to the

Commission's enforcement authority, including the power to investigate and assess penalties, under this title.

(h) Records. The Commission shall establish requirements for the types of records to be submitted by obligated parties, a record retention schedule for required records, and a process for verification of records and data submitted in compliance with the requirements of this chapter.

(i) Reports.

(1) For purposes of this subsection, "standing committees" means the House Committees on Energy and Technology and on Natural Resources, Fish, and Wildlife and the Senate Committees on Finance and on Natural Resources and Energy.

(2) After the adoption of the rules implementing this chapter, the Commission shall submit a written report to the standing committees detailing the efforts undertaken to establish the Clean Heat Standard pursuant to this chapter.

(3) On or before August 31 of each year following the year in which the rules are first adopted under this section, the Commission shall submit to the standing committees a written report detailing the implementation and operation of the Clean Heat Standard. This report shall include an assessment on the equitable adoption of clean heat measures required by subsection (d) of this section, along with recommendations to increase participation for the households with the highest energy burdens. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

#### § 8124. TRADEABLE CLEAN HEAT CREDITS

(a) By rule or order, the Commission shall establish or adopt a system of tradeable clean heat credits that may be earned by reducing greenhouse gas emissions through the delivery of clean heat measures. While credit denominations may be in simple terms for public understanding and ease of use, the underlying value shall be based on units of carbon dioxide equivalent (CO<sub>2</sub>e). The system shall provide a process for the recognition, approval, and monitoring of the clean heat credits. The Department of Public Service shall perform the verification of clean heat credit claims and submit results of the verification and evaluation to the Commission annually.

(b) Clean heat credits shall be based on the lifecycle CO<sub>2</sub>e emission reductions that result from the delivery of eligible clean heat measures to end-use customer locations into or in Vermont. For clean heat measures that are installed, the value of the clean heat credits in each year shall be the lifecycle CO<sub>2</sub>e emissions of the heating fuel avoided by the installation of the measure,



minus the lifecycle CO2e emissions of the energy that is used instead. Eligible clean heat measures delivered to or installed in Vermont shall include:

- (1) thermal energy efficiency improvements and weatherization;
- (2) the supply of sustainably sourced biofuels;
- (3) renewable natural gas;
- (4) green hydrogen;
- (5) cold-climate heat pumps and efficient electric appliances providing thermal end uses;
- (6) advanced wood heating; and
- (7) renewable energy-based district heating services.

(c) For pipeline renewable natural gas and other renewably generated natural gas substitutes to be eligible, an obligated party shall purchase renewable natural gas and its associated renewable attributes and demonstrate that it has secured a contractual pathway for the physical delivery of the gas from the point of injection into the pipeline to the obligated party's delivery system.

(d) To promote certainty for obligated parties and clean heat providers, the Commission shall, by rule or order, establish a schedule of lifecycle emission rates for heating fuels and eligible clean heat measures. The schedule shall be based on transparent and accurate emissions accounting adapting the Argonne National Laboratory GREET Model, Intergovernmental Panel on Climate Change (IPCC) modeling, or an alternative of comparable analytical rigor to achieve the thermal sector greenhouse gas emissions reductions necessary in order to meet the sector's share of the requirements of 10 V.S.A. § 578(a), to accurately account for emissions from biogenic and geologic sources, and to deter substantial unintended harmful consequences. The schedule may be amended based upon changes in technology or evidence on emissions, but clean heat credits previously awarded shall not be adjusted retroactively.

(e) Clean heat credits shall be "time stamped" for the year in which the clean heat measure is delivered as well as each subsequent year during which the measure produces emission reductions. Only clean heat credits with the current year time stamp, and credits banked from previous years, shall be eligible to satisfy the current year obligation.

(f) Clean heat credits can be earned only in proportion to the deemed or measured thermal sector greenhouse gas emission reductions achieved by a clean heat measure delivered in Vermont. Other emissions offsets, wherever located, shall not be eligible measures.

(g)(1) All eligible clean heat measures that are delivered in Vermont shall be eligible for clean heat credits and may be retired and count towards an obligated party's emission reduction obligations, regardless of who creates or delivers them and regardless of whether their creation or delivery was required by other State policies and programs. This includes individual initiatives, emission reductions resulting from the State's energy efficiency programs, the low-income weatherization program, and the Renewable Energy Standard Tier 3 program.

(2) The Commission shall determine whether the total value of a clean heat credit for an installed measure shall be claimed in the year it is installed or whether the annual value of that credit shall be applied each year of the measure's life.

(3) The Commission shall determine whether to require a certain portion of clean heat credits be acquired each year from weatherization projects in order to further the State's building efficiency goals. The Commission shall recommend legislative changes, if needed, to accomplish this.

(h)(1) The Commission shall create a registration system to lower administrative barriers to individuals and businesses seeking to register qualified actions eligible to earn clean heat credits and to facilitate the transfer of credits to obligated parties. The Commission may hire a third-party consultant to evaluate, develop, implement, maintain, and support a database or other means for tracking clean heat credits and compliance with the annual requirements of obligated parties.

(2) The system shall require entities to submit the following information to receive the credit: the location of the clean heat measure, whether the customer or tenant has a low or moderate income, the type of property where the clean heat measure was installed or sold, the type of clean heat measure, and any other information as required by the Commission.

(i) Nothing in this chapter shall limit the authority of the Secretary of Natural Resources to compile and publish the Vermont Greenhouse Gas Emissions Inventory and Forecast in accordance with 10 V.S.A. § 582.

#### § 8125. CLEAN HEAT STANDARD TECHNICAL ADVISORY GROUP

(a) The Commission shall establish the Clean Heat Standard Technical Advisory Group (TAG) to assist the Commission in the ongoing management of the Clean Heat Standard. Its duties shall include:

(1) establishing and revising the lifecycle carbon dioxide equivalent (CO<sub>2</sub>e) emissions accounting methodology to be used to determine each obligated party's annual requirement pursuant to subdivision 8123(a)(2) of this

chapter;

(2) establishing and revising the clean heat credit value for different clean heat measures;

(3) periodically assessing and reporting to the Commission on the sustainability of the production of clean heat measures by considering factors including greenhouse gas emissions; carbon sequestration and storage; human health; land use changes; ecological and biodiversity impacts; groundwater and surface water impacts; air, water, and soil pollution; and impacts on food costs;

(4) setting the lifespan length of clean heat measures for the purpose of calculating credit values;

(5) establishing credit values for each year over a clean heat measure's life, including adjustments to account for increasing interactions between clean heat measures over time so as to not double-count emission reductions;

(6) facilitating the program's coordination with other energy programs;

(7) calculating the impact of the cost of clean heat credits and the cost savings associated with delivered clean heat measures on per-unit heating fuel prices;

(8) coordinating with the Agency of Natural Resources to ensure that greenhouse gas emissions reductions achieved in another sector through the implementation of the Clean Heat Standard are not double-counted in the Vermont Greenhouse Gas Emissions Inventory and Forecast produced by the Agency of Natural Resources;

(9) advising the Commission on the periodic assessment and revision requirement established in subdivision 8123(a)(4) of this chapter; and

(10) any other matters referred to the TAG by the Commission.

(b) Members of the TAG shall be appointed by the Commission and shall include the Department of Public Service, the Agency of Natural Resources, and parties who have, or whose representatives have, expertise in one or more of the following areas: technical and analytical expertise in measuring lifecycle greenhouse gas emissions; energy modeling and data analysis; clean heat measures and energy technologies; sustainability and non-greenhouse gas emissions strategies designed to reduce and avoid impacts to the environment; delivery of heating fuels in cold climates; and climate change mitigation policy and law. The Commission shall accept and review motions to join the TAG from interested parties who have, or whose representatives have, expertise in one or more of the areas listed in this subsection. Members who are not otherwise compensated by their employer shall be entitled to per diem compensation and reimbursement for expenses under 32 V.S.A. § 1010.

(c) The Commission shall hire a third-party consultant responsible for developing clean heat measure characterizations and relevant assumptions, including CO2e lifecycle emissions analyses. The TAG shall provide input and feedback on the consultant's work.

(d) Emission analyses and associated assumptions developed by the consultant shall be reviewed and approved annually by the Commission. In reviewing the consultant's work, the Commission shall provide a public comment period on the work. The Commission may approve or adjust the consultant's work as it deems necessary based on its review and the public comments received.

§ 8126. CLEAN HEAT STANDARD EQUITY ADVISORY GROUP

(a) The Commission shall establish the Clean Heat Standard Equity Advisory Group to assist the Commission in developing and implementing the Clean Heat Standard in a manner that ensures an equitable share of clean heat measures are delivered to low-income and moderate-income Vermonters, and that low-income and moderate-income Vermonters who are not early participants in clean heat measures are not negatively impacted in their ability to afford heating fuel. Its duties shall include:

(1) providing feedback to the Commission on strategies for engaging low-income and moderate-income Vermonters in the public process around development of the Clean Heat Standard;

(2) supporting the Commission in assessing whether customers are equitably served by clean heat measures and how to increase equity in this area;

(3) identifying actions needed to provide better service to and mitigate the fuel price impacts calculated in section 8125 of this title on low-income and moderate-income customers;

(4) assisting the Commission in defining low-income and moderate-income customers;

(5) recommending any additional programs, incentives, or funding needed to support low-income and moderate-income customers, and organizations that provide social services to Vermonters, in affording heating fuel and other heating expenses;

(6) providing feedback to the Commission on the impact of the Clean Heat Standard on the everyday experience of low-income and moderate-income Vermonters; and

(7) providing information to the Commission on the challenges renters face in being equitably served by clean heat measures and recommendations to ensure that renters have equitable access to clean heat measures.

(b) The Clean Heat Standard Equity Advisory Group shall consist of up to 10 members appointed by the Commission and at a minimum shall include at least one representative from each of the following groups: the Department of Public Service; the Department for Children and Families Office of Economic Opportunity; community action agencies; Efficiency Vermont; individuals with socioeconomically, racially, and geographically diverse backgrounds; renters and rental property owners; and a member of the Vermont Fuel Dealers Association. Members who are not otherwise compensated by their employer shall be entitled to per diem compensation and reimbursement for expenses under 32 V.S.A. § 1010.

#### § 8127. SEVERABILITY

If any provision of this chapter or its application to any person or circumstance is held invalid or in violation of the Constitution or laws of the United States or in violation of the Constitution or laws of Vermont, the invalidity or the violation shall not affect other provisions of this chapter that can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are severable.

#### § 8128. INTENT

It is the intent of the General Assembly that the Clean Heat Standard be designed and implemented in a manner that achieves Vermont's thermal sector greenhouse gas emissions reductions necessary to meet the requirements of 10 V.S.A. § 578(a), minimizes costs to customers, and recognizes that affordable heating is essential for Vermonters. It shall minimize adverse impacts to low-income and moderate-income customers and those households with the highest energy burdens.

### Sec. 3. PUBLIC UTILITY COMMISSION IMPLEMENTATION

#### (a) Commencement.

(1) On or before August 31, 2022, the Public Utility Commission shall commence a proceeding to implement Sec. 2 (Clean Heat Standard) of this act.

(2) On or before October 1, 2023, the Commission shall commence rulemaking to implement Sec. 2 (Clean Heat Standard) of this act. The Commission shall finally adopt these rules by July 1, 2024, unless this period is extended by the Legislative Committee on Administrative Rules.

(b) Facilitator. On or before October 1, 2022, the Commission shall hire a third-party consultant to design and conduct public engagement. The

Commission may use funds appropriated under this act on hiring the consultant.

(c) Public engagement process. Before commencing rulemaking, the Commission shall use the forms of public engagement described in this subsection to inform the design and implementation of the Clean Heat Standard. Any failure by the Commission to meet the specific procedural requirements of this section shall not affect the validity of the Commission's actions.

(1) The Commission shall hold at least six public meetings and of those meetings three shall allow members of the public to participate in person and remotely. The meetings shall be held in at least six different geographically diverse counties of the State. The meetings shall be recorded and publicly posted on the Commission's website.

(2) In order to receive focused feedback from specific constituents, the Commission, with the assistance of the consultant, shall also hold at least four meetings using deliberative polling. The facilitator shall assist the Commission in developing a format for using deliberative polling at the meetings. Each of these meetings shall focus on seeking input from a specific group, including heating fuel dealers; low-income, moderate-income, and fixed-income customers and advocates; and customers who use large amounts of heating fuel.

(3) The Commission shall hold at least two workshops to solicit the input of potentially affected parties. To reach as many potentially interested entities as possible, such as Vermont's fuel wholesalers and retail fuel suppliers, renewable energy advocacy organizations, environmental and consumer advocacy organizations, organizations that specialize in serving low- and moderate-income Vermonters, organizations that specialize in serving older Vermonters, entities that provide weatherization services, energy transition providers, regional planning commissions, municipal energy commissions, community action agencies, environmental justice organizations, financial institutions that specialize in implementing low-income financing programs, affordable housing advocates, the Office of Economic Opportunity, and regional development corporations, the Commission shall provide notice of the workshops on its website, shall publish the notice once in a newspaper of general circulation in each county of Vermont, and shall also provide direct notice to any person that requests direct notice or to whom the Commission may consider direct notice appropriate. The Commission also shall provide an opportunity for submission of written comments, which the notice shall include.

(d) Draft proposed rules. The Commission shall publicly publish draft proposed rules and provide notice of it to the stakeholders who registered their names and e-mail addresses with the Commission during the workshops. The Commission shall provide a 30-day comment period on the draft and accept written comments from the public and stakeholders. The Commission shall incorporate necessary changes in response to the public comments before filing the proposed rules with the Secretary of State and the Legislative Committee on Rules.

(e) Advertising. The Commission shall use funding appropriated in this act on advertising the public meetings in order to provide notice to a wide variety of segments of the public.

(f) Final rules. On or before July 1, 2024, the Commission shall adopt final rules to take effect on January 1, 2025 that initially implements Sec. 2 (Clean Heat Standard) of this act. In its review of the final proposed rules, the Legislative Committee on Rules (LCAR) shall consult with the committees of jurisdiction pursuant to 3 V.S.A. § 817(c).

(g) Consultant. On or before January 15, 2023, the Commission shall contract with a consultant to assist with implementation of 30 V.S.A. § 8124 (clean heat credits).

(h) Funding. On or before January 15, 2023, the Commission shall report to the General Assembly on suggested revenue streams that may be used or created to fund the Commission's administration of the Clean Heat Standard program.

(i) Check-back reports.

(1) On or before February 15, 2023 and January 15, 2024, the Commission shall submit a written report to and hold hearings with the House Committees on Energy and Technology and on Natural Resources, Fish, and Wildlife and the Senate Committees on Finance and on Natural Resources and Energy detailing the efforts undertaken to establish the Clean Heat Standard. The reports shall include, to the extent available, estimates of the impact of the Clean Heat Standard on customers, including impacts to customer rates and fuel bills for participating and nonparticipating customers, net impacts on total spending on energy for thermal sector end uses, fossil fuel reductions, greenhouse gas emission reductions and, if possible, impacts on economic activity and employment. In conducting this analysis, the Commission shall incorporate the social cost of carbon as established by the Vermont Climate Council, take into account the economic modeling conducted in the Vermont Pathways Analysis Report 2.0, and consider the potential costs of delaying action to achieve the requirements of 10 V.S.A. § 578(a). The modeled

impacts shall estimate high-, medium-, and low-price impacts. The reports shall recommend any legislative action needed to address enforcement of the Clean Heat Standard.

(2) Based on the information regarding projected costs and benefits, the Commission shall recommend cost-containment mechanisms to be included in statute.

(3) Upon receiving the recommendations regarding cost-containment mechanisms provided by the Commission, the General Assembly shall determine whether to enact legislation adopting the Commission's recommendations.

#### Sec. 4. PUBLIC UTILITY COMMISSION AND DEPARTMENT OF PUBLIC SERVICE POSITIONS; APPROPRIATION

(a) The following new positions are created in the Public Utility Commission for the purpose of carrying out this act:

- (1) one permanent exempt Staff Attorney 3;
- (2) one permanent exempt analyst; and
- (3) one limited-service exempt analyst.

(b) The sum of \$600,000.00 is appropriated to the Public Utility Commission from the General Fund in fiscal year 2023 for the positions established in subsection (a) of this section, for the consultant required by Sec. 3 of this act, and for additional operating costs required to implement the Clean Heat Standard, including marketing and public outreach for Sec. 3 of this act.

(c) The following new positions are created in the Department of Public Service for the purpose of carrying out this act:

- (1) one permanent exempt Staff Attorney; and
- (2) two permanent classified program analysts.

(d) The sum of \$600,000.00 is appropriated to the Department of Public Service from the General Fund in fiscal year 2023 for the positions established in subsection (c) of this section, to retain consultants that may be required to support verification and evaluation required by 30 V.S.A. § 8124(a), and for associated operating costs related to the implementation of the Clean Heat Standard.

#### Sec. 5. SECTORAL PROPORTIONALITY REPORT

(a)(1) On or before November 15, 2023, the Agency of Natural Resources and the Department of Public Service, in consultation with the Agencies of



Agriculture, Food and Markets, of Commerce and Community Development, and of Transportation and the Vermont Climate Council, shall report to the House Committees on Energy and Technology and on Natural Resources, Fish, and Wildlife and to the Senate Committees on Finance and on Natural Resources and Energy regarding:

(A) the role of individual economic sectors in achieving the greenhouse gas emission reduction requirements pursuant to 10 V.S.A. § 578(a);

(B) each economic sector's proportional contribution to greenhouse gas emissions in Vermont as inventoried pursuant to 10 V.S.A. 582; and

(C) the extent to which cost-effective, feasible, and co-beneficial reasonably available greenhouse gas emission reduction measures are available commensurate with each sector's proportional contribution and emissions reduction impact.

(2) The report shall consider the analyses performed in support of the December 1, 2021 Climate Action Plan and the 2022 Comprehensive Energy Plan. The report shall consider additional analyses, as necessary.

(b) The report shall make recommendations to the General Assembly to amend 10 V.S.A. § 578 to include sector-specific greenhouse emissions reduction requirements and, as necessary, subsector-specific greenhouse emission reduction requirements for the purposes of informing and appropriately scaling the implementation of programs and policies that achieve greenhouse gas emission reductions. As used in this section, "sector" means those established in the annual Vermont Greenhouse Gas Emissions Inventory and Forecast produced by the Agency of Natural Resources pursuant to 10 V.S.A. § 582. The recommendations shall be made in consideration of the factors established in 10 V.S.A. § 592(d).

(c) The Agency of Natural Resources and the Department of Public Service, in consultation with the Vermont Climate Council, shall submit an updated report and any corresponding recommendations in accordance with this section on July 1 of a year immediately preceding a year in which an updated Climate Action Plan is adopted pursuant to 10 V.S.A. § 592(a).

#### Sec. 6. EFFECTIVE DATE

This act shall take effect on passage.

And that the bill ought to pass in concurrence with such proposal of amendment.

Senator Nitka, for the Committee on Appropriations, to which the bill was referred, reported recommending that the Senate propose to the House that the

bill be amended as recommended by the Committee on Natural Resources and Energy with the following amendments thereto:

First: In Sec. 2, 30 V.S.A. chapter 94, by adding a new section 8129 to read as follows:

§ 8129. RULEMAKING AUTHORITY

Notwithstanding any other provision of law to the contrary, the Commission shall not file proposed rules with the Secretary of State or issue any orders implementing the Clean Heat Standard without specific authorization enacted by the General Assembly.

Second: In Sec. 3, Public Utility Commission implementation, subsection (a), by striking out subdivision (2) in its entirety and inserting in lieu thereof the following:

(2) On or before October 1, 2023, the Commission shall submit to the General Assembly an interim report on the development of the Clean Heat Standard.

Third: In Sec. 3, Public Utility Commission implementation, by striking out subsection (f) in its entirety and by inserting in lieu thereof the following:

(f) Final rules.

(1) On or before January 15, 2024, the Commission shall submit to the General Assembly final proposed rules to implement the Clean Heat Standard. The Commission shall not file the final proposed rules with the Secretary of State until specific authorization is enacted by the General Assembly to do so.

(2) Notwithstanding 3 V.S.A. §§ 820, 831, 836–840, and 841(a), upon affirmative authorization enacted by the General Assembly authorizing the adoption of rules implementing the Clean Heat Standard, the Commission shall file, as the final proposed rule, the rules implementing the Clean Heat Standard approved by the General Assembly with the Secretary of State and Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 841. The filing shall include everything that is required under 3 V.S.A. §§ 838(a)(1)–(5), (8)–(13), (15), and (16) and 841(b)(1).

(3) The review, adoption, and effect of the rules implementing the Clean Heat Standard shall be governed by 3 V.S.A. §§ 841(c); 842, exclusive of subdivision (b)(4); 843; 845; and 846, exclusive of subdivision (a)(3).

(4) Once adopted and effective, any amendments to the rules implementing the Clean Heat Standard shall be made in accordance with the Administrative Procedure Act, 3 V.S.A. chapter 25.

And that the bill ought to pass in concurrence with such proposals of amendment.

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

Thereupon, pending the question, Shall the Senate propose to the House that the bill be amended as recommended by the Committee on Natural Resources and Energy, as amended?, Senators Bray, Campion, MacDonald, McCormack and Westman moved to amend the proposal of amendment of the Committee on Natural Resources and Energy, as amended, as follows:

First: In Sec. 2, 30 V.S.A. chapter 94, section 8122, by adding a subsection (9) as follows:

(9) "Energy burden" means the annual spending on thermal energy as a percentage of household income.

Second: In Sec. 3, Public Utility Commission implementation, by striking out subdivision (c)(2) in its entirety and inserting in lieu thereof the following:

(2) In order to receive focused feedback from specific constituents, the Commission, with the assistance of the consultant, may also hold at least four meetings using deliberative polling or another method of receiving focused feedback from specific constituents. The facilitator shall assist the Commission in developing a format for soliciting feedback at the meetings. Each of these meetings shall focus on seeking input from a specific group, including heating fuel dealers; low-income, moderate-income, and fixed-income customers and advocates; and customers who use large amounts of heating fuel.

Third: In Sec. 3, Public Utility Commission implementation, subdivision (i)(1), by striking out the first sentence in its entirety and inserting in lieu thereof the following:

(1) On or before February 15, 2023 and January 15, 2024, the Commission shall submit a written report to and be available to provide oral testimony to the House Committees on Energy and Technology and on Natural Resources, Fish, and Wildlife and the Senate Committees on Finance and on Natural Resources and Energy detailing the efforts undertaken to establish the Clean Heat Standard.

Which was agreed to.

Thereupon, the question, Shall the Senate propose to the House to amend the bill as recommended by the Committee on Natural Resources and Energy, as amended?, was decided in the affirmative on a roll call, Yeas 23, Nays 7.

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

### Roll Call

**Those Senators who voted in the affirmative were:** Balint, Baruth, Bray, Campion, Chittenden, Clarkson, Cummings, Hardy, Hooker, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pearson, Perchlik, Pollina, Ram Hinsdale, Sears, Sirotkin, Westman, White.

**Those Senators who voted in the negative were:** Benning, Brock, Collamore, Ingalls, Parent, Starr, Terenzini.

Thereupon, third reading of the bill was ordered.

### Message from the House No. 57

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

Madam President:

I am directed to inform the Senate that:

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

**H. 743.** An act relating to amending the charter of the Town of Hardwick.

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

The House has considered bills originating in the Senate of the following titles:

**S. 100.** An act relating to universal school breakfast and the creation of the Task Force on Universal School Lunch.

**S. 127.** An act relating to the procedures and review of community supervision furlough revocation or interruption appeals.

**S. 195.** An act relating to the certification of mental health peer support specialists.

And has passed the same in concurrence with proposals of amendment 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. 52.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

The House has considered Senate proposals of amendment to House bill of the following title:

**H. 510.** An act relating to a Vermont Child Tax Credit and the Vermont Social Security income exclusion.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses;

And the Speaker appointed as members of such Committee on the part of the House:

Rep. Ancel of Calais  
Rep. Kornheiser of Brattleboro  
Rep. Beck of St. Johnsbury.

The House has considered Senate proposals of amendment to the following House bills:

**H. 534.** An act relating to sealing criminal history records.

**H. 635.** An act relating to secondary enforcement of minor traffic offenses.

And has severally concurred therein.

The Governor has informed the House that on April 27, 2022, he approved and signed bills originating in the House of the following titles:

**H. 461.** An act relating to excluding the income of asylum seekers and refugees from household income.

**H. 718.** An act relating to approval of the dissolution of Colchester Fire District No. 1.

### **Adjournment**

On motion of Senator Balint, the Senate adjourned until ten o'clock in the forenoon on Friday, April 29, 2022.

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### **FRIDAY, APRIL 29, 2022**

The Senate was called to order by the President.

### **Devotional Exercises**

Devotional exercises were conducted by the Reverend Stannard Baker of Burlington.

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**Bills Referred to Committee on Finance**

House bills of the following titles, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule were severally referred to the Committee on Finance:

**H. 175.** An act relating to the beverage container redemption system.

**H. 466.** An act relating to surface water withdrawals and interbasin transfers.

**H. 512.** An act relating to modernizing land records and notarial acts law.

**Bill Referred**

House bill of the following title was read the first time:

**H. 743.** An act relating to amending the charter of the Town of Hardwick.

And pursuant to Temporary Rule 44A was referred to the Committee on Rules.

**House Proposal of Amendment Concurred In**

**S. 286.**

House proposal of amendment to Senate bill entitled:

An act relating to amending various public pension and other postemployment benefits.

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:

\* \* \* Intent \* \* \*

Sec. 1. 32 V.S.A. § 311a is added to read:

§ 311a. PUBLIC RETIREMENT BENEFITS; UNFUNDED LIABILITY; FINDINGS; PURPOSE; INTENT

(a) Findings. The General Assembly finds:

(1) The actuarially determined employer contribution (ADEC) for the Vermont State Employees' Retirement System (VSERS) has increased by an annual growth rate of 12.1 percent between FY 2009 and FY 2023, and the funded ratio of the VSERS has declined from 94.1 percent from FY 2008 to 67.6 percent by year-end FY 2021.

(2) The ADEC for the Vermont State Teachers' Retirement System (VSTRS) has increased by an annual growth rate of 13 percent between

FY 2009 and FY 2023, and the funded ratio of the VSTRS has declined from 80.9 percent from FY 2008 to 52.9 percent by year-end FY 2021.

(3) The General Assembly has appropriated sufficient funds to fully pay the ADEC for both VSERS and VSTRS at the recommended amounts since FY 2007 and throughout the current amortization period.

(4) Since FY 2009, the accrued liabilities of VSERS and VSTRS have grown faster than the assets of each plan, resulting in a gap between the expected payout of future benefits and the assets VSERS and VSTRS have to pay out those benefits to retired State employees and teachers. This gap is also known as the unfunded liabilities for VSERS and VSTRS.

(5) In FY 2015, the General Assembly created the Retired Teachers' Health and Medical Benefits Fund, and health care premiums are paid for on a pay-as-you-go basis from this Fund.

(6) The FY 2022 State budget expense for retiree health care benefits, known as other postemployment benefits (OPEB), for State employees was approximately \$37.2 million and \$35.1 million for teachers.

(7) As of the beginning of FY 2022, the State's unfunded liabilities for health care benefits for retired State employees and teachers is \$2.75 billion.

(b) Purpose. The purpose of this section is to provide economic stability for retired State employees and teachers by maintaining the financial health of VSERS and VSTRS, while also addressing the unfunded liabilities in the State's pension and OPEB plans and the decline in the funded ratios of those retirement systems.

(c) Intent.

(1) It is the intent of the General Assembly to address the unfunded liabilities and decline in funded ratios of VSERS and VSTRS by implementing several measures, including:

(A) continuing the General Assembly's policy since FY 2007 to fully fund the actuarially determined employer contributions rates for the VSERS and VSTRS at the amounts recommended by the respective boards of each retirement system to the General Assembly each year; and

(B) beginning in FY 2024, annually funding an additional payment to the actuarially recommended unfunded liability amortization payments for VSERS and VSTRS that will increase to not more than \$15,000,000.00 each year to each retirement system and remain until the VSERS plan and the VSTRS plan respectively reach a 90 percent funded ratio.

(2) It is also the intent of the General Assembly to prefund other postemployment benefits to create more security and predictability in health care benefits for retired State employees and teachers.

\* \* \* Vermont State Employees' Retirement System \* \* \*  
\* \* \* Pension Benefits \* \* \*

Sec. 2. 3 V.S.A. § 455 is amended to read:

§ 455. DEFINITIONS

(a) As used in this subchapter:

\* \* \*

(4) "Average final compensation" means:

(A) For a Group A ~~and a~~ Group F, or Group G member, the average annual earnable compensation of a member during the three consecutive fiscal years beginning July 1 and ending June 30 of creditable service affording the highest average, or during all of the years of creditable service if fewer than three years. If the member's highest three years of earnable compensation are the three years prior to separation of service and the member separates prior to the end of a fiscal year, average final compensation shall be determined by adding:

(i) The actual earnable compensation earned in the fiscal year of separation through the date of separation and the service credit to correspond with the last pay date.

(ii) The earnable compensation and service credit earned in the preceding two fiscal years.

(iii) The remaining service credit that is needed to complete the three full years, which shall be factored from the fiscal year preceding the two fiscal years described in subdivision (ii) of this subdivision (A). The earnable compensation associated with this remaining service credit shall be calculated by multiplying the annual earnable compensation reported by the remaining service credit that is needed.

\* \* \*

(C) For purposes of determining average final compensation for Group A or Group C members, a member who has accumulated unused sick leave at retirement shall be deemed to have worked the full normal working time for ~~his or her~~ the member's position for 50 percent of such leave, at ~~his or her~~ the member's full rate of compensation in effect at the date of ~~his or her~~ the member's retirement. For purposes of determining average final compensation for Group F or Group G members, unused annual or sick leave,



termination bonuses, and any other compensation for service not actually performed shall be excluded. The average final compensation for a State's Attorney and the Defender General shall be determined by the State's Attorney's or the Defender General's highest annual compensation earned during ~~his or her~~ the member's creditable service.

(D) For purposes of determining average final compensation for a member who has accrued service in more than one group plan within the System, the highest consecutive years of earnings shall be based on the formulas set forth in subdivision (A) or (B) of this subdivision (4) using the earnable compensation received while a member of the System.

(E) For Group A, C, ~~or F,~~ or G members who retire on or after July 1, 2012, an increase in compensable hours in any year used to calculate average final compensation that exceeds 120 percent of average compensable hours shall be excluded from that year when calculating average final compensation.

(F) For a Group D member:

(i) Who retires on or before June 30, 2022, the member's final salary.

(ii) Who retires on or after July 1, 2022, but who, on or before June 30, 2022, has five years or more of service as a Supreme Court Justice, a Superior judge, an Environmental judge, a District judge, or a Probate judge, or any combination thereof, and has attained 57 years of age or older, or is a Group D member on or before June 30, 2022 and has 15 years or more of creditable service, the member's final salary.

(iii) Who retires on or after July 1, 2022 and who does not meet the requirements set forth in subdivisions (i) and (ii) of this subdivision (F), the average annual earnable compensation of a member during the two consecutive fiscal years beginning on July 1 and ending on June 30 of creditable service affording the highest such average, or during all of the years in the member's creditable service if fewer than two years. If the member separates prior to the end of a fiscal year, average final compensation shall be determined by adding:

(I) The actual earnable compensation earned in the fiscal year of separation through the date of separation and the service credit to correspond with the last pay date.

(II) The earnable compensation and service credit earned in the preceding fiscal year.

(III) The remaining service credit that is needed to complete the two full years, which shall be factored from the fiscal year preceding the fiscal year described in subdivision (II) of this subdivision (F)(iii). The earnable compensation associated with this remaining service credit shall be calculated by multiplying the annual earnable compensation reported by the remaining service credit that is needed.

\* \* \*

(11) “Member” ~~shall mean~~ means any employee included in the membership of the Retirement System under section 457 of this title.

(A) “Group A members” ~~shall mean~~ means employees classified under subdivision (A) of subdivision (9) of this subsection (a).

(B) [Repealed.]

(C) “Group C members” ~~shall mean~~ means employees classified under subdivision (B) of subdivision (9) of this subsection (a) who become members as of the date of establishment, any person who is first included in the membership of the System on or after July 1, 1998, any person who was a Group B member on June 30, 1998, who was in service on that date, and any person who was a Group B member on June 30, 1998, who was absent from service on that date who returns to service on or after July 1, 1998.

(D) “Group D members” ~~shall mean~~ means Justices of the Supreme Court, Superior judges, district judges, environmental judges, and probate judges.

(E) “Group F member” ~~shall mean~~ means any person who is first included in the membership of the System on or after January 1, 1991, any person who was a Group E member on December 31, 1990, who was in service on that date, and any person who was a Group E member on December 31, 1990, who was absent from service on that date who returns to service on or after January 1, 1991.

(F) “Group G member” means the following employees who are first employed in the positions listed in this subdivision (F) on or after July 1, 2022, or who are members of the System as of June 30, 2022 and make an irrevocable election to prospectively join Group G on or before June 30, 2023, pursuant to the terms set by the Board: facility employees of the Department of Corrections, as Department of Corrections employees who provide direct security and treatment services to offenders under supervision in the community, as employees of a facility for justice-involved youth, or as Vermont State Hospital employees or as employees of its successor in interest, who provide direct patient care.

\* \* \*

(13) “Normal retirement date” ~~shall mean~~ means:

(A) with respect to a Group A member, the first day of the calendar month next following (i) attainment of age 65 years of age, and following completion of five years of creditable service for those members hired on or after July 1, 2004, or (ii) attainment of age 62 and completion of 20 years of creditable service, whichever is earlier;

(B) with respect to a Group C member, the first day of the calendar month next following attainment of age 55 years of age, and following completion of five years of creditable service for those members hired on or after July 1, 2004, or completion of 30 years of service, whichever is earlier;

(C) with respect to a Group D member,;

(i) for those members first appointed or elected on or before June 30, 2022, the first day of the calendar month next following attainment of age 62 years of age and completion of five years of creditable service; or

(ii) for those members first appointed or elected on or after July 1, 2022, the first day of the calendar month next following attainment of 65 years of age and completion of five years of creditable service; and

(D) with respect to a Group F member, the first day of the calendar month next following attainment of age 62 years of age, and following completion of five years of creditable service for those members hired on or after July 1, 2004, or completion of 30 years of creditable service, whichever is earlier; and with respect to a Group F member first included in the membership of the system on or after July 1, 2008, the first day of the calendar month next following attainment of age 65 years of age and following completion of five years of creditable service, or attainment of 87 points reflecting a combination of the age of the member and number of years of service, whichever is earlier.

(E) with respect to a Group G member:

(i) for facility employees of the Department of Corrections, Department of Corrections employees who provide direct security and treatment services to offenders under supervision in the community, employees of a facility for justice-involved youth, or employees of the Vermont State Hospital or its successor in interest, who provide direct patient care, who were first included in the membership of the System on or before June 30, 2008, who were employed as of June 30, 2022, and who made an irrevocable election to prospectively join Group G on or before July 1, 2023, pursuant to the terms set by the Board, the first day of the calendar month next following

the earlier of (I) 62 years of age and following completion of five years of creditable service, (II) completion of 30 years of creditable service, or (III) 55 years of age and following completion of 20 years of creditable service; or

(ii) for facility employees of the Department of Corrections, Department of Corrections employees who provide direct security and treatment services to offenders under supervision in the community, as employees of a facility for justice-involved youth, or employees of the Vermont State Hospital or its successor in interest, who provide direct patient care, who were first included in the membership of the System on or after July 1, 2008, who were employed as of June 30, 2022, and who made an irrevocable election to prospectively join Group G on or before July 1, 2023, pursuant to the terms set by the Board, the first day of the calendar month next following the earlier of (I) 65 years of age and following completion of five years of creditable service, (II) attainment of 87 points reflecting a combination of the age of the member and number of years of service, or (III) 55 years of age and following completion of 20 years of creditable service; or

(iii) for facility employees of the Department of Corrections, Department of Corrections employees who provide direct security and treatment services to offenders under supervision in the community, employees of a facility for justice-involved youth, or employees of the Vermont State Hospital or its successor in interest, who provide direct patient care, who first become a Group G member on or after July 1, 2023, the first day of the calendar month next following attainment of 55 years of age and following completion of 20 years of creditable service.

\* \* \*

Sec. 3. 3 V.S.A. § 457 is amended to read:

§ 457. MEMBERS

\* \* \*

(d) Should any Group A, C, D, ~~or F,~~ or G member who has less than five years of creditable service in any period of five consecutive years after last becoming a member be absent from service more than three years or should ~~he or she~~ the member withdraw his or her contributions, or become a beneficiary or die, ~~he or she~~ the member shall thereupon cease to be a member. However, the membership of any employee entering such classes of military or naval service of the United States as may be approved by resolution of the Retirement Board, shall be continued during such military or naval service if ~~he or she~~ the member does not withdraw his or her contributions, but no such member shall be considered in the service of the State for the purpose of the Retirement System during such military or naval service, except as provided in subsection 458(e) of this title.

\* \* \*

Sec. 4. 3 V.S.A. § 458 is amended to read:

§ 458. CREDITABLE SERVICE; MILITARY SERVICE

\* \* \*

(b) All service of a ~~group~~ Group A, ~~group~~ Group C, ~~group~~ Group D, ~~or~~ ~~group~~ Group F, or Group G member since ~~he or she~~ the member last became a member on account of which contributions are made shall be credited as membership service.

\* \* \*

Sec. 5. 3 V.S.A. § 459 is amended to read:

§ 459. NORMAL AND EARLY RETIREMENT

(a) Normal retirement.

(1) Group A, ~~group~~ Group D, ~~and~~ ~~group~~ Group F, and Group G members. Any ~~group~~ Group A, ~~group~~ Group D, ~~or~~ ~~group~~ Group F, or Group G member who has reached ~~his or her~~ the member's normal retirement date may retire on a normal retirement allowance on the first day of any month after ~~his or her~~ the member's separation from service by filing an application in the manner outlined in subdivision (3) of this subsection.

(2) Group C members. Any ~~group~~ Group C member who is an officer or employee of the Department of Public Safety assigned to police and law enforcement duties, including the Commissioner of Public Safety appointed before July 1, 2000, and who has reached his or her normal retirement date may retire on a normal retirement allowance, on the first day of any month after ~~he or she~~ the member may have separated from service, by filing an application in the manner outlined in subdivision (3) of this subsection. Any ~~group~~ Group C member in service shall be retired on a normal retirement allowance on the first day of the calendar month next following attainment of ~~age 55~~ 57 years of age. Notwithstanding, it is provided that any such member who is an official appointed for a term of years may remain in service until the end of ~~his or her~~ the member's term of office or any extension thereto, resulting from reappointment.

\* \* \*

(b) Normal retirement allowance.

(1) Upon normal retirement, a ~~group~~ Group A member shall receive a normal retirement allowance ~~which that~~ shall be equal to 50 percent of ~~his or her~~ the member's average final compensation; provided, however, that if the

member has not completed 30 years of creditable service at retirement, or, if earlier, the date of attainment of such age as may be applicable under the provisions of subdivision (a)(4) of this section, ~~his or her~~ the member's allowance shall be multiplied by the ratio that the number of ~~his or her~~ the member's years of creditable service at retirement, or such earlier date, bears to 30.

(2)(A) Upon normal retirement, a ~~group~~ Group C member shall receive a normal retirement allowance ~~which that~~ shall be equal to 50 percent of ~~his or her~~ the member's average final compensation; provided, however, that if the member has not completed 20 years of creditable service at retirement, or, if earlier, the date of attainment of such age as may be applicable under the provisions of subdivision (a)(4) of this section, the member's allowance shall be multiplied by the ratio that the number of ~~his or her~~ the member's years of creditable service at retirement, or such earlier date, bears to 20.

(B) For a Group C member, for each year of service that is completed on or after July 1, 2022 after attaining the later of 50 years of age or completing 20 years of service, a member's maximum normal retirement allowance shall increase by an amount equal to one and one-half percent of the member's average final compensation.

~~(3)(A) Group D members who are Justices of the Supreme Court, Superior judges, Environmental judges, and District judges; additional retirement allowance. — Justices of the Supreme Court, Superior judges, Environmental judges, and District judges, upon normal retirement under this section, shall receive a normal retirement allowance equal to one and two-thirds percent of the member's average final compensation times the years of Group D membership service up to 12 years. Group D members shall receive an additional retirement allowance according to years of service as a Supreme Court Justice, a Superior judge, an Environmental judge, or a District judge, or a Probate judge, or any combination thereof, as follows:~~

~~(i) After 12 years of service, an additional retirement allowance of an amount which that, together with the normal service retirement allowance for the first 12 years, will make the total equal to two-fifths of their salary at retirement average final compensation.~~

~~(ii) For each year of service in excess of 12 years, an amount equal to 3-1/3 three and one-third percent of their salary at retirement average final compensation shall be added to the retirement allowance as computed in ~~subsection (a) subdivision (i) of this section~~ subdivision (b)(3)(A). However, at no time shall the total retirement allowance exceed their salary at retirement. ~~Such~~ In addition to the normal retirement allowance, such additional retirement allowance shall be treated as the normal retirement allowance ~~for all~~~~

purposes of the retirement act.

~~(B) In order to qualify for the benefits provided by this title each Justice or judge shall have the maximum employee contribution in accordance with the requirements of the State Employees' Retirement System. These provisions shall apply to surviving Justices and judges retired before its enactment, but only from the effective date of its enactment, and not retroactively. The total retirement allowance for Group D members shall be as follows:~~

~~(i) For a Group D member who retires on or before June 30, 2022, the total retirement allowance shall not exceed the member's salary at retirement.~~

~~(ii) For a Group D member who, on or before June 30, 2022, has five years or more of service as a Supreme Court Justice, a Superior judge, an Environmental judge, a District judge, or a Probate judge, or any combination thereof, and has attained 57 years of age or older, or is a Group D member on or before June 30, 2022 and has 15 years or more of creditable service, the total retirement allowance shall not exceed the member's salary at retirement.~~

~~(iii) For a Group D member who retires on or after July 1, 2022, and who does not meet the requirements set forth in subdivision (i) or (ii) of this subdivision (B), the member's total retirement allowance shall not exceed 80 percent of the member's average final compensation.~~

~~(C) For the purposes of this section, years of service as a municipal judge are to be counted as years of service in determining the additional retirement allowance, insofar as they represent years of membership service. [Repealed.]~~

~~(4) Group D members who are Probate judges; additional retirement allowance. Probate judges, having retired under this section, shall be entitled to an additional retirement allowance according to their years in service as follows:~~

~~(A) Upon completion of 12 years of service an amount which with service retirement allowance will equal two-fifths of the salary at retirement.~~

~~(B) For each additional year of service, an amount equal to 3 1/3 percent of the salary at retirement shall be added to the retirement allowance as computed in subsection (a) of this section. Such additional retirement allowance shall be treated as the normal retirement allowance for all purposes of the retirement act. [Repealed.]~~

\* \* \*

(6)(A) Upon normal retirement pursuant to subdivisions 455(a)(13)(E)(i) and (iii) of this chapter, a group G member shall receive a normal retirement allowance equal to two and one-half of a percent of the member's average final compensation times years of membership service in Group G. The maximum retirement allowance shall be 50 percent of average final compensation.

(B) Upon normal retirement pursuant to subdivision 455(a)(13)(E)(ii) of this chapter, a Group G member shall receive a normal retirement allowance equal to two and one-half of a percent of the member's average final compensation times years of membership service in Group G. The maximum retirement allowance shall be 60 percent of average final compensation.

(c) Early retirement.

\* \* \*

(4) Group G members. Any Group G member who has attained 55 years of age and has completed five years of creditable service may retire on an early retirement allowance.

(d) Early retirement allowance.

\* \* \*

(3) Upon early retirement, a ~~group~~ Group D member shall receive an early retirement allowance ~~which that~~ shall be equal to the normal retirement allowance reduced by one-quarter of one percent for each month the member is under age ~~62~~ the member's normal retirement date at the time of early retirement.

(4)(A) Upon early retirement, a Group G member who was previously a Group F member first included in the membership of the System on or before June 30, 2008, and who elected to transfer into Group G on July 1, 2023 pursuant to the terms set by the Board, shall receive an early retirement allowance that shall be equal to the normal retirement allowance reduced by the lesser of (i) one-half of one percent for each month equal to the difference between the 240 months and the member's months of creditable service, or (ii) an amount that shall be the actuarial equivalent of the normal retirement allowance computed under subsection (b) of this section.

(B) Upon early retirement, a Group G member who was previously a Group F member first included in the membership of the System on or after July 1, 2008, and who elected to transfer into Group G on July 1, 2023 pursuant to the terms set by the Board, shall receive an early retirement allowance that shall be equal to the normal retirement allowance reduced by



the lesser of (i) five-ninths of one percent for each month equal to the difference between the 240 months and the member's months of creditable service, or (ii) an amount that shall be the actuarial equivalent of the normal retirement allowance computed under subsection (b) of this section.

(C) Upon early retirement, all Group G members other than those specified in subdivision (d)(4)(A) of this section shall receive an early retirement allowance that shall be equal to the normal retirement allowance reduced by an amount that shall be the actuarial equivalent of the normal retirement allowance computed under subsection (b) of this section.

~~(4)~~(5) Notwithstanding subdivisions (1) and (2) of this subsection, an employee of the Department of Fish and Wildlife assigned to law enforcement duties, an employee of the Military Department assigned to airport firefighting duties, or a ~~group~~ Group C member shall, upon early retirement, receive an early retirement allowance ~~which~~ that shall be equal to his or her the normal retirement allowance computed under subsection (b) of this section.

~~(5)~~(6) Notwithstanding subdivisions (1) and (2) of this subsection, a State's Attorney, the Defender General, or sheriff who has completed 20 years of creditable service, of which 15 years has been as a State's Attorney, the Defender General, or sheriff, shall receive an early retirement allowance equal to the normal retirement allowance, at ~~age~~ 55 years of age, without reductions.

\* \* \*

Sec. 6. 3 V.S.A. § 459a is amended to read:

§ 459a. RESTORATION OF SERVICE

\* \* \*

(b)(1) Upon the subsequent retirement of an employee who once again became a member under subsection (a) of this section, the employee shall once again become a beneficiary whose former retirement allowance shall be restored under the same plan provisions applicable at the time of the initial retirement, but the beneficiary shall not be entitled to cost of living adjustments for the period during which ~~he or she~~ the beneficiary was restored to service. In addition to the former retirement allowance, a beneficiary shall be entitled to a retirement allowance separately computed for the period beginning with ~~his or her~~ the beneficiary's last restoration to service for which the member has made a contribution. If the beneficiary is not vested in the system since ~~he or she~~ the beneficiary was last restored to service, the member's contributions plus accumulated interest shall be returned to ~~him or her~~ the beneficiary.

(2) Notwithstanding subdivision (1) of this subsection, for a Group C member who has attained the later of 50 years of age and has completed 20 or more years of service, in no event shall the member's separately computed retirement allowance increase by an amount equal to more than one and one-half percent of the member's average final compensation per year of service actually performed during the period beginning with the member's last restoration to service.

Sec. 7. 3 V.S.A. § 460 is amended to read:

§ 460. ORDINARY DISABILITY RETIREMENT

(a) Upon the application of a member or of ~~his or her~~ the member's department head not later than 90 days, or longer for cause shown, after the date the member may have separated from service, any ~~group~~ Group A, group Group C, group Group D, or group Group F, or Group G member who has had five or more years of creditable service may be retired by the retirement board on an ordinary disability retirement allowance, not less than 30 nor more than 90 days after filing such application; provided ~~he or she~~ the member is not eligible for accidental disability retirement; provided ~~he or she~~ the member has requested application prior to death; and provided that the Medical Board, after a medical examination of such member, shall certify that the member is mentally or physically incapacitated for the further performance of duty, that such incapacity has existed since the time of the member's separation from service and is likely to be permanent, and that he or she should be retired. The Retirement Board may consider, or may ask the Medical Board or a certified vocational rehabilitation counselor to consider whether the individual is disabled from performing other types of suitable work. However, if disability is denied because the individual is found to be suitable for other work, the member shall be advised at the time of denial of the following provisions ~~which~~ that shall apply:

(1) the individual will retain ~~his or her~~ the individual's existing retirement accrual status;

(2) the State shall provide any necessary retraining;

(3) there shall be no loss in pay;

(4) involuntary geographical moves beyond normal commuting distance are not permitted; and

(5) before any individual who is reassigned to another position rather than retired on disability may be terminated for performance reasons, the individual must first be reconsidered for disability retirement by the Retirement Board.

(b)(1) Upon ordinary disability retirement, a ~~group~~ Group A, ~~group~~ Group D, ~~or group~~ Group F, or Group G member shall receive a normal retirement allowance equal to the normal retirement benefit accrued to the effective date of the disability retirement; provided, however, that such allowance shall not be less than 25 percent of ~~his or her~~ the member's average final compensation at the time of ~~his or her~~ the member's disability retirement.

(2) Employees who are not eligible for representation by the Vermont State Employees' Association, including managerial, confidential, elected, and appointed officials, judicial, legislative, and exempt employees, who are employed on February 1, 1997, and whose application for the State's long-term disability plan is denied solely because of a preexisting condition, shall, if they are otherwise eligible for ordinary disability retirement, be entitled to a retirement allowance which, when added to Social Security and/or other disability payments, equals  $66\frac{2}{3}$  percent of ~~his or her~~ the employee's final average compensation at the time of the disability retirement.

\* \* \*

Sec. 8. 3 V.S.A. § 464 is amended to read:

§ 464. ACCIDENTAL AND OCCUPATIONALLY RELATED DEATH  
BENEFIT

(a) If the Retirement Board shall find on the basis of such evidence as may come before it that a ~~group~~ Group A, ~~group~~ Group D, ~~or group~~ Group F, or ~~group~~ Group G member in service died prior to his or her retirement under the system as the natural and proximate result of an accident occurring at a definite time and place during the course of his or her performance of duty as an employee and that such accident was not the result of the member's own gross negligence or willful misconduct, a retirement allowance shall be paid to ~~his or her~~ the member's designated dependent beneficiary during ~~his or her~~ the member's life.

\* \* \*

Sec. 9. 3 V.S.A. § 465 is amended to read:

§ 465. TERMINATION OF SERVICE; ORDINARY DEATH BENEFIT

\* \* \*

(c) If a Group A, Group D, ~~or~~ Group F, or Group G member dies in service after becoming eligible for early retirement or after completing 10 years of creditable service, a retirement allowance will be payable to the member's designated dependent beneficiary during ~~his or her~~ the member's life. If the designated dependent beneficiary so elects, however, the return of the member's accumulated contributions shall be made in lieu thereof.

\* \* \*

Sec. 10. 3 V.S.A. § 470 is amended to read:

§ 470. POSTRETIREMENT ADJUSTMENTS TO RETIREMENT ALLOWANCES

~~(a) For Group A, Group C, and Group D members, as of June 30th in each year, commencing June 30, 1972, a determination shall be made of any increase or decrease, to the nearest one-tenth of a percent, in the ratio of the average of the Consumer Price Index for the month ending on that date to the average of said index for the month ending on June 30, 1971, or the month ending on June 30th of the most recent year subsequent thereto. In the event of an increase, and provided that the net increase following the application of any offset as provided in this subsection equals or exceeds one percent, the retirement allowance of each beneficiary in receipt of an allowance for at least one year on the next following December 31st shall be increased by an equal percentage. Such increase shall commence on the January 1st immediately following such December 31st. Such percentage increase shall also be made in the retirement allowance payable to a beneficiary in receipt of an allowance under an optional election, provided the member on whose account the allowance is payable and such other person shall have received a total of at least 12 monthly payments by such December 31st. In the event of a decrease of the Consumer Price Index as of June 30th for the preceding year, the retirement allowance of a beneficiary shall not be subject to any adjustment on the next following January 1st; provided, however, that:~~

~~(1) such decrease shall be applied as an offset against the first subsequent year's increase of the Consumer Price Index when such increase equals or exceeds one percent, up to the full amount of such increase; and~~

~~(2) to the extent that such decrease is greater than such subsequent year's increase, such decrease shall be offset in the same manner against two or more years of such increases, for up to but not exceeding five subsequent years of such increases, until fully offset. Postretirement adjustments to retirement allowance. Beginning January 1, 2023 and each year thereafter, the retirement allowance of each beneficiary of the System who is in receipt of a retirement allowance and who meets the eligibility criteria set forth in this section shall be adjusted by the amount described in subsection (d) of this section. In no event shall a beneficiary receive a negative adjustment to the beneficiary's retirement allowance.~~

~~(b) For Group F members, as of June 30th in each year, commencing January 1, 1991, a determination shall be made of any increase or decrease, to the nearest one-tenth of a percent of the Consumer Price Index for the~~

~~preceding fiscal year. In the event of an increase, and provided that there exists a net increase following the application of any offset as provided in this subsection, the retirement allowance of each beneficiary in receipt of an allowance for at least one year on the next following December 31st shall be increased by an amount equal to one-half of the net percentage increase. Commencing January 1, 2014, the retirement allowance of each beneficiary who was an active contributing member of the Group F plan on or after June 30, 2008, and who retires on or after July 1, 2008, shall be increased by an amount equal to the net percentage increase. The increase shall commence on the January 1st immediately following such December 31st. The increase shall apply to Group F members receiving an early retirement allowance only in the year following attainment of normal retirement age, provided the member has received benefits for at least 12 months as of December 31st of the year preceding any January adjustment. In the event of a decrease of the Consumer Price Index as of June 30th for the preceding year, the retirement allowance of a beneficiary shall not be subject to any adjustment on the next following January 1st; provided, however, that:~~

~~(1) such decrease shall be applied as an offset against the first subsequent year's increase of the Consumer Price Index, up to the full amount of such increase; and~~

~~(2) to the extent that such decrease is greater than such subsequent year's increase, such decrease shall be offset in the same manner against two or more years of such increases, for up to but not exceeding five subsequent years of such increases, until fully offset. Calculation of net percentage increase.~~

~~(1) Consumer Price Index; maximum and minimum amounts. Prior to October 1 of each year, a determination shall be made of any increase or decrease, to the nearest one-tenth of a percent, in the Consumer Price Index for the month ending on June 30 of that year to the average of said index for the month ending on June 30 of the previous year. Any increase or decrease in the Consumer Price Index shall be subject to adjustment so as to remain within the following maximum and minimum amounts:~~

~~(A) For Group A members, the maximum amount of any increase or decrease used to determine the net percentage increase shall be five percent.~~

~~(B) For Group C members who are first eligible for normal retirement or unreduced early retirement on or before June 30, 2022, or who are vested deferred members as of June 30, 2022, the maximum amount of any increase or decrease used to determine the net percentage increase shall be five percent.~~

(C) For Group C members who are first eligible for normal retirement or unreduced early retirement on or after July 1, 2022, the maximum amount of any increase or decrease used to determine the net percentage increase shall be four percent.

(D) For Group D members, the maximum amount of any increase or decrease used to determine the net percentage increase shall be five percent.

(E) For Group F members who are first eligible for normal retirement or unreduced early retirement on or before June 30, 2022, or who are vested deferred members as of June 30, 2022, the maximum amount of any increase or decrease used to determine the net percentage increase shall be five percent. In the event that there is an increase or decrease of less than one percent, the net percentage increase shall be assigned a value of one percent and shall not be subject to further adjustment pursuant to subsection (d) of this section.

(F) For Group F and Group G members who are first eligible for normal retirement or unreduced early retirement on or after July 1, 2022, the maximum amount of any increase or decrease used to determine the net percentage increase shall be four percent.

(2) Consumer Price Index; decreases. In the event of a decrease in the Consumer Price Index, there shall be no adjustment to retirement allowances for the subsequent year beginning January 1; provided, however, that:

(A) such decrease shall be applied as an offset against the first subsequent year's increase of the Consumer Price Index, up to the full amount of such increase; and

(B) to the extent that such decrease is greater than such subsequent year's increase, such decrease shall be offset in the same manner against two or more years of such increases, for up to but not exceeding five subsequent years of such increases, until fully offset.

(3) Consumer Price Index; increases. In the event of an increase in the Consumer Price Index, and provided there remains an increase following the application of any offset as in subdivision (2) of this subsection, that amount shall be identified as the net percentage increase and used to determine the members' postretirement adjustment as described herein.

~~(c) For purposes of subsection (a) of this section, the maximum amount of any increase or decrease utilized to determine the net percentage increase shall be five percent. For purposes of subsection (b) of this section, the maximum amount of any increase or decrease utilized to determine the net percentage increase shall be five percent, and any increase or decrease of less than one percent shall be assigned a value of one percent. Eligibility for postretirement~~

adjustment. In order for a beneficiary to receive a postretirement adjustment to the beneficiary's retirement allowance, the beneficiary must meet the following eligibility requirements:

(1) Retired and vested deferred on or before June 30, 2022. For all members who are retired or vested deferred on or before June 30, 2022, other than those Group F members on an early retirement allowance who have not reached normal retirement age, as specified in subdivision (4) of this subsection, the member must be in receipt of a retirement allowance for at least 12 months prior to the January 1 effective date of any postretirement adjustment.

(2) In service on or before June 30, 2022. For all Group A, C, and F members who are first eligible for normal retirement or unreduced early retirement on or before June 30, 2022, and for Group D members first appointed or elected on or before June 30, 2022, the member must be in receipt of a retirement allowance for at least 12 months prior to the January 1 effective date of any postretirement adjustment.

(3) In service on or after July 1, 2022. For all Group A, C, F, and G members who are first eligible for normal retirement or unreduced early retirement on or after July 1, 2022, and for Group D members first appointed or elected on or after July 1, 2022, the member must be in receipt of a retirement allowance for at least 24 months prior to the January 1 effective date of any postretirement adjustment.

(4) Special rule for Group F and Group G early retirement. A Group F or Group G member in receipt of an early retirement allowance shall not receive a postretirement adjustment to the member's retirement allowance until such time as the member has reached normal retirement age, provided the member has also met the other eligibility criteria set forth in this subsection.

(d) For purposed of this section, Consumer Price Index shall mean the Northeast Region Consumer Price Index for all urban consumers, designated as "CPI-U," in the northeast region, as published by the U.S. Department of Labor, Bureau of Labor Statistics. Amount of postretirement adjustment. The postretirement adjustment for each member who meets the eligibility criteria set forth in subsection (c) of this section shall be as follows:

(1) the full amount of the net percentage increase calculated in subsection (b) of this section for the following:

(A) Group A and C members, provided that the net increase following the application of any offset as provided in this section equals or exceeds one percent;

(B) Group D members first appointed or elected on or before June 30, 2022, provided that the net increase following the application of any offset as provided in this section equals or exceeds one percent; and

(C) commencing January 1, 2014, any active contributing member of the Group F or Group G plan on or after June 30, 2008, and who retires as a Group F or Group G member on or after July 1, 2008;

(2) one-half of the net percentage increase calculated in subsection (b) of this section for Group F members who retired on or before June 30, 2008;

(3) for Group D members first appointed or elected on or after July 1, 2022, provided that the net increase following the application of any offset as provided in this section equals or exceeds one percent, the full amount of the net percentage increase calculated in subsection (b) of this section for amounts equal to or less than \$75,000.00 of annual retirement allowance and one-half the net percentage increase calculated in subsection (b) of this section for amounts \$75,000.01 or greater of annual retirement allowance.

(e) Definition. For purposes of this section:

(1) “Consumer Price Index” means the Northeast Region Consumer Price Index for all urban consumers, designated as “CPI-U,” in the northeast region, as published by the U.S. Department of Labor, Bureau of Labor Statistics.

(2) “Vested deferred” means a member who receives a vested deferred allowance payable pursuant to subsection 465(a) of this title.

(f) Deferred vested allowance. No increase shall be made pursuant to this section in a deferred vested allowance payable pursuant to subsection 465(a) of this title prior to its commencement.

Sec. 11. 3 V.S.A. § 473 is amended to read:

§ 473. FUNDS

(a) Assets. All of the assets of the Retirement System shall be credited to the Vermont State Retirement Fund.

(b) Member contributions.

(1)(A) Allocations. Contributions deducted from the compensation of members together with any member contributions transferred thereto from the predecessor systems shall be accumulated in the Fund and separately recorded for each member. The amounts so transferred on account of Group A members shall be allocated between regular and additional contributions. The amounts so allocated as regular contributions shall be determined as if the rate



of contribution of four percent has been continuously in effect in the predecessor system from which such amounts were transferred and the balance of any amount so transferred on account of any Group A member shall be deemed additional contributions. In the case of Group C members who were members as of the date of establishment and Group D members, all contributions transferred from predecessor systems shall be deemed regular contributions. Those members who, prior to the date of establishment of this system, had been contributing at a rate less than four percent shall have any benefit otherwise payable on their behalf actuarially reduced to reflect such prior contribution rate of less than four percent. Upon a member's retirement or other withdrawal from service on the basis of which a retirement allowance is payable, the member's additional contributions, with interest thereon, shall be paid as an additional allowance equal to an annuity ~~which~~ that is the actuarial equivalent of such amount, in the same manner as the benefit otherwise payable under the System.

(B) Periodic review. When the State Employees' Retirement System has been determined by the actuary to have assets at least equal to its accrued liability, contribution rates will be reevaluated by the actuary with a subsequent recommendation to the General Assembly. In determining the amount earnable by a member in a payroll period, the Retirement Board may consider the annual or other periodic rate of earnable compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and it may omit deduction from compensation for any period less than a full payroll period if an employee was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as, on an annual basis, shall not exceed one-tenth of one percent of the annual earnable compensation upon the basis of which such deduction is to be made. Each of the amounts shall be deducted until the member retires or otherwise withdraws from service and when deducted shall be paid into the Annuity Savings Fund and shall be credited to the individual account of the member from whose compensation the deduction was made.

~~(2)(A) Group A members. Commencing on July 1, 2016, contributions shall be 6.55 percent of compensation for Group A, D, and F members and 8.43 percent of compensation for Group C members. When the State Employees' Retirement System has been determined by the actuary to have assets at least equal to its accrued liability, contribution rates will be reevaluated by the actuary with a subsequent recommendation to the General Assembly. In determining the amount earnable by a member in a payroll period, the Retirement Board may consider the annual or other periodic rate of earnable compensation payable to such member on the first day of the payroll~~

~~period as continuing throughout such payroll period, and it may omit deduction from compensation for any period less than a full payroll period if an employee was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as, on an annual basis, shall not exceed one-tenth of one percent of the annual earnable compensation upon the basis of which such deduction is to be made. Each of the amounts shall be deducted until the member retires or otherwise withdraws from service, and when deducted shall be paid into the Annuity Savings Fund, and shall be credited to the individual account of the member from whose compensation the deduction was made.~~

(B) Group C members.

(i) Commencing the first full pay period in fiscal year 2023, the contribution rate for Group C members shall be 8.93 percent of compensation.

(ii) Commencing the first full pay period in fiscal year 2024, the contribution rate for Group C members shall be 9.43 percent of compensation.

(iii) Commencing the first full pay period in fiscal year 2025 and annually thereafter, the contribution rate for Group C members shall be 9.93 percent of compensation.

(C) Group D members. Commencing on July 1, 2022, the contribution rate for Group D members shall be based on the quartile in which a member's hourly rate of pay falls. Quartiles shall be determined annually in the first full pay period of each fiscal year by the Department of Human Resources based on the hourly rate of pay by all Group D members. The contribution rates shall be based on the schedule set forth below:

(i) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period below the 25th percentile of Group D member hourly rates of pay, the contribution rate shall be 6.55 percent of compensation.

(ii) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at the 25th percentile and below the 50th percentile of Group D member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2023, 7.05 percent of compensation;

(II) commencing in fiscal year 2024, 7.55 percent of compensation; and

(III) commencing in fiscal year 2025 and annually thereafter, 8.05 percent of compensation.

(iii) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at the 50th percentile and below the 75th percentile of Group D member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2023, 7.05 percent of compensation;

(II) commencing in fiscal year 2024, 7.55 percent of compensation;

(III) commencing in fiscal year 2025, 8.05 percent of compensation; and

(IV) commencing in fiscal year 2026 and annually thereafter, 8.55 percent of compensation.

(iv) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at or above the 75th percentile of Group D member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2023, 7.05 percent of compensation;

(II) commencing in fiscal year 2024, 7.55 percent of compensation;

(III) commencing in fiscal year 2025, 8.05 percent of compensation;

(IV) commencing in fiscal year 2026, 8.55 percent of compensation; and

(V) commencing in fiscal year 2027 and annually thereafter, 9.05 percent of compensation.

(D) Group F members. Commencing on July 1, 2022, the contribution rate for Group F members shall be based on the quartile in which a member's hourly rate of pay falls. Quartiles shall be determined annually in the first full pay period of each fiscal year by the Department of Human

Resources based on the hourly rate of pay of all Group F members. The contribution rates shall be based on the schedule set forth below:

(i) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period below the 25th percentile of Group F member hourly rates of pay, the contribution rate shall be 6.55 percent of compensation.

(ii) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at the 25th percentile and below the 50th percentile of Group F member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2023, 7.05 percent of compensation;

(II) commencing in fiscal year 2024, 7.55 percent of compensation; and

(III) commencing in fiscal year 2025 and annually thereafter, 8.05 percent of compensation.

(iii) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at the 50th percentile and below the 75th percentile of Group F member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2023, 7.05 percent of compensation;

(II) commencing in fiscal year 2024, 7.55 percent of compensation;

(III) commencing in fiscal year 2025, 8.05 percent of compensation; and

(IV) commencing in fiscal year 2026 and annually thereafter, 8.55 percent of compensation.

(iv) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at or above the 75th percentile of Group F member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2023, 7.05 percent of compensation;

(II) commencing in fiscal year 2024, 7.55 percent of compensation;

(III) commencing in fiscal year 2025, 8.05 percent of compensation;

(IV) commencing in fiscal year 2026, 8.55 percent of compensation; and

(V) commencing in fiscal year 2027 and annually thereafter, 9.05 percent of compensation.

(E) Group G members. Commencing on July 1, 2023, the contribution rate for Group G members shall be based on the quartile in which a member's hourly rate of pay falls. Quartiles shall be determined annually in the first full pay period of each fiscal year by the Department of Human Resources based on the hourly rate of pay of all Group G members. The contribution rates shall be based on the schedule set forth below:

(i) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period below the 25th percentile of Group G member hourly rates of pay, the contribution rate shall be 11.23 percent of compensation.

(ii) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at the 25th percentile and below the 50th percentile of Group G member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2024, 12.23 percent of compensation; and

(II) commencing in fiscal year 2025 and annually thereafter, 12.73 percent of compensation.

(iii) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at the 50th percentile and below the 75th percentile of Group G member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2024, 12.23 percent of compensation;

(II) commencing in fiscal year 2025, 12.73 percent of compensation; and

(III) commencing in fiscal year 2026 and annually thereafter, 13.23 percent of compensation.

(iv) Based on the quartiles for the first full pay period of each fiscal year and effective the first full pay period in that fiscal year, for members who have an hourly rate of pay in any pay period at or above the 75th percentile of Group G member hourly rates of pay, the contribution rate shall be as follows:

(I) commencing in fiscal year 2024, 12.23 percent of compensation;

(II) commencing in fiscal year 2025, 12.73 percent of compensation;

(III) commencing in fiscal year 2026, 13.23 percent of compensation; and

(IV) commencing in fiscal year 2027 and annually thereafter, 13.73 percent of compensation.

(3) Deductions. The deductions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided herein and shall receipt for full compensation, and payment of compensation less such deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to the benefits provided under this subchapter.

(4) Additional contributions. Subject to the approval of the Retirement Board, in addition to the contributions deducted from compensation as hereinbefore provided, any member may redeposit in the Fund by a single payment or by an increased rate of contribution an amount equal to the total amount ~~which~~ that the member previously withdrew from this System or one of the predecessor systems; or any member may deposit therein by a single payment or by an increased rate of contribution an amount computed to be sufficient to purchase an additional annuity ~~which~~ that, together with prospective retirement allowance, will provide for the member a total retirement allowance not in excess of one-half of average final compensation at normal retirement date, with the exception of Group D members for whom creditable service shall be restored upon redeposits of amounts previously withdrawn from the System, or for whom creditable service shall be granted upon deposit of amounts equal to what would have been paid if payment had

been made during any period of service during which such a member did not contribute. Such additional amounts so deposited shall become a part of the member's accumulated contributions as additional contributions.

(5) Beneficiaries. The contributions of a member and such interest as may be allowed thereon ~~which~~ that are withdrawn by the member or paid to the member estate or to a designated beneficiary in event of the member's death, shall be paid from the Fund.

(6) Scope. Contributions required under this subsection shall be limited to contributions from Group A, Group C, Group D, ~~and~~ Group F, and Group G members.

(7) [Repealed.]

(c) Employer contributions, earnings, and payments.

\* \* \*

(8) Annually, the Board shall certify an amount to pay the annual actuarially determined employer contribution, as calculated in this subsection, and additional amounts as follows:

(A) in fiscal year 2024, the amount of \$9,000,000.00;

(B) in fiscal year 2025, the amount of \$12,000,000.00; and

(C) in fiscal year 2026 and in any year thereafter when the Fund is calculated to have a funded ratio of less than 90 percent, the amount of \$15,000,000.00.

\* \* \*

Sec. 12. 3 V.S.A. § 477a is amended to read:

§ 477a. ELECTIONS

\* \* \*

(h) When a Group F member has a minimum of 25 years of creditable service, ~~he or she~~ the member may elect to purchase up to five years of additional service credit. A member who makes an election under this subsection shall deposit in the fund by a single contribution, an amount computed at regular interest to be sufficient to provide at normal retirement an annuity equal to 1-2/3 percent of the member's average final compensation multiplied by the number of years purchased.

Sec. 13. 3 V.S.A. § 479 is amended to read:

§ 479. GROUP INSURANCE

(a) As provided under section 631 of this title, a member who is insured by the respective group insurance plans immediately preceding the member's

effective date of retirement shall be entitled to continuation of group insurance as follows:

(1)(A) coverage in the group medical benefit plan provided by the State of Vermont for active State employees; or

(B) for a Group F and Group G plan member first included in the membership of the system on or after July 1, 2008, coverage in the group medical benefit plan offered by the State of Vermont for active State employees and pursuant to the following, provided:

(i) a member who has completed five years and less than 10 years of creditable service at ~~his or her~~ the member's retirement shall pay the full cost of the premium;

(ii) a member who has completed 10 years and less than 15 years of creditable service at ~~his or her~~ the member's retirement shall pay 60 percent of the cost of the premium;

(iii) a member who has completed 15 years and less than 20 years of creditable service at his or her retirement shall pay 40 percent of the cost of the premium;

(iv) a member who has completed 20 years or more of creditable service at his or her retirement shall pay 20 percent of the cost of the premium; and

(2) members who have completed 20 years of creditable service at their effective date of retirement shall be entitled to the continuation of life insurance in the amount of \$10,000.00.

\* \* \*

(g) A member of the Group F or Group G plan who is first included in the membership of the System on or after July 1, 2008, who separates from service prior to being eligible for retirement benefits under this chapter, who has at least 20 years of creditable service, and who participated in the group medical benefit plan at the time of separation from service shall have a one-time option at the time retirement benefits commence to reinstate the same level of coverage, in the group medical benefit plan provided by the State of Vermont for active State employees, that existed at the date of separation from service. Premiums for the plan shall be prorated between the retired member and the Retirement System pursuant to subsection 479(a) of this title.

\* \* \*



Sec. 14. ONE-TIME IRREVOCABLE ELECTION FOR CERTAIN  
CORRECTIONS WORKERS

(a) On or before September 15, 2022, the Department of Human Resources, in consultation with the State Treasurer's office, shall establish a list of positions eligible for Group G of the Vermont State Employees' Retirement System. The list of Group G-eligible positions shall be limited to the following State employees:

(1) facility employees of the Department of Corrections;

(2) Department of Corrections employees who provide direct security and treatment services to offenders under supervision in the community;

(3) employees of a facility for justice-involved youth; and

(4) employees of the Vermont State Hospital or its successor in interest, who provide direct patient care.

(b) It is the intent of the General Assembly that Group G-eligible positions include those positions that are currently eligible for unreduced early retirement pursuant to 3 V.S.A. § 459(d)(2).

(c) In establishing any new corrections position on and after July 1, 2023, the Department of Human Resources shall identify that position as eligible for either Group G, pursuant to the criteria set forth in subsection (a), or Group F.

(d)(1) Each person employed in a Group G-eligible position on or before June 30, 2023 shall have a one-time option to transfer to the Group G plan pursuant to the following schedule:

(A) For Group G-eligible employees who are employed on or before March 31, 2023, election to join Group G under this subsection (d) shall be made on or before June 1, 2023.

(B) For Group G-eligible employees who are first employed on or after April 1, 2023, election to join Group G under this subsection (d) shall be made not more than 60 days from the employee's date of hire.

(2) Election to join the Group G plan under this subsection shall be irrevocable.

(e) The effective date of participation in a new group plan for those employees covered under this section and who elect to transfer shall be the first full pay period in fiscal year 2024. All past service accrued through the date of transfer shall be calculated based upon the plan in which it was accrued, with all provisions and penalties, if applicable, applied.

\* \* \* Other Postemployment Benefits \* \* \*

Sec. 15. 3 V.S.A. § 479a is amended to read:

§ 479a. STATE EMPLOYEES' POSTEMPLOYMENT BENEFITS TRUST FUND

\* \* \*

(b) Into the Benefits Fund shall be deposited:

(1) all assets remitted to the State as a subsidy on behalf of the members of the Vermont State Employees' Retirement System for employer-sponsored qualified prescription drug plans pursuant to the Medicare Prescription Drug Improvement and Modernization Act of 2003, except that any subsidy received from an Employer Group Waiver Program is not subject to this requirement;

(2) any appropriations by the General Assembly for the purposes of paying current and future retiree postemployment benefits for members of the Vermont State Employees' Retirement System; ~~and~~

(3) amounts contributed or otherwise made available by members of the System or their beneficiaries for the purpose of paying current or future postemployment benefits costs; and

(4) any monies pursuant to subsection (e) of this section.

(c) The Benefits Fund shall be administered by the State Treasurer. The Treasurer may invest monies in the Benefits Fund in accordance with the provisions of 32 V.S.A. § 434 or, in the alternative, may enter into an agreement with the Commission to invest such monies in accordance with the standards of care established by the prudent investor rule under 14A V.S.A. § 902, in a manner similar to the ~~Committee's~~ Commission's investment of ~~retirements~~ retirement system monies. All balances in the Benefits Fund at the end of the fiscal year shall be carried forward. Interest earned shall remain in the Benefits Fund. The Treasurer's annual financial report to the Governor and the General Assembly shall contain an accounting of receipts, disbursements, and earnings of the Benefits Fund.

\* \* \*

(e) State Contribution.

(1) Beginning on July 1, 2022 and annually thereafter, the State shall make annual contributions to the Benefits Fund known as the "normal contribution" and the "accrued liability contribution," each of which shall be fixed on the basis of the liabilities of the System as shown by the most recent actuarial valuation and made by the payroll assessment included in annual agency and department budgets:

(A) The “normal contribution” shall be the amount that, if contributed over each member’s prospective period of service, will be sufficient to provide for the payment of all future retiree postemployment benefits after subtracting the unfunded actuarial liability and the total assets of the Benefits Fund. The “normal contribution” shall be identified using the actuarial cost method known as “projected unit credit” and applying a rate of return equal to the most recently adopted actuarial rate of return pursuant to section 523 of this title.

(B) The “accrued liability contribution” shall be the annual payment set forth in the most recent actuarial valuation that is necessary to liquidate the unfunded accrued liability over a closed period of 26 years and determined based on the funding schedule set forth in this section.

(i) It is the policy of the State of Vermont to liquidate fully the unfunded accrued liability for the payment of retiree health and medical benefits.

(ii) Beginning on July 1, 2022, until the unfunded accrued liability is liquidated, the accrued liability contribution shall be the annual payment required to liquidate the unfunded accrued liability over a closed period of 26 years ending on June 30, 2048, provided that the amount of each annual basic accrued liability contribution shall be determined by amortization of the unfunded liability over the remainder of the closed 26-year period in installments.

(2) Any variation in the contribution of normal or accrued liability contributions from those recommended by the actuary and any actuarial gains and losses shall be added or subtracted to the unfunded accrued liability and amortized over the remainder of the closed 26-year period.

(3) The Board shall review annually the amount of State contributions recommended by the actuary. Based on this review, the Board shall determine the amount of State contribution necessary for the next fiscal year to achieve and preserve the financial integrity of the funds and certify a statement of the percentage of the payroll of all members sufficient to fund the normal cost and the accrued liability contribution. On or before December 15 of each year, the Board shall inform the Governor and the House and Senate Committees on Government Operations and on Appropriations in writing about the amount needed. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

\* \* \* VSERS Actuarial Studies \* \* \*

Sec. 16. 3 V.S.A. § 523 is amended to read:

§ 523. VERMONT PENSION INVESTMENT COMMISSION; DUTIES

\* \* \*

(f) Asset and liability study. Beginning on July 1, ~~2022~~ 2023, and every three years thereafter, based on the most recent actuarial valuations of each Plan, the Commission shall study the assets and liabilities of each Plan over a 20-year period. The study shall:

(1) project the expected path of the key indicators of each Plan's financial health based on all current actuarial and investment assumptions; current contribution and benefit policies, including the Plans' mark-to-market funded ratio; actuarially required contributions by source; payout ratio; and related liquidity obligations; and

(2) project the effect on each Plan's financial health resulting from:

(A) possible material deviations from Plan assumptions in investment assumptions, including returns versus those expected and embedded in the actuary's estimate of actuarially required contributions and any material changes in capital markets volatility; and

(B) possible material deviations from key plan actuarial assumptions, including retiree longevity, potential benefit increases, and inflation.

\* \* \*

Sec. 17. 3 V.S.A. § 471 is amended to read:

§ 471. RETIREMENT BOARD; MEDICAL BOARD; ACTUARY; RATES OF CONTRIBUTION; SAFEKEEPING OF SECURITIES

\* \* \*

(j) The Retirement Board shall designate an actuary who shall be the technical advisor of the Board on matters regarding the operation of the Fund of the Retirement System, and shall perform such other duties as are required in connection therewith. Immediately after the establishment of the Retirement System, the Retirement Board shall adopt for the Retirement System such mortality and service tables as shall be deemed necessary and shall certify the rates of contribution payable under the provisions of this subchapter. At Beginning July 1, 2023, at least once in each three-year period every three fiscal years following the establishment of the System, the actuary shall make an actuarial investigation into the mortality, service, and compensation experience of the members and beneficiaries of the Retirement System, and taking into account the results of such investigation, the Retirement Board shall adopt for the Retirement System such mortality, service, and other tables as shall be deemed necessary and shall certify the rates of contribution payable under the provisions of this subchapter.

\* \* \*

\* \* \* Vermont State Teachers' Retirement System \* \* \*

\* \* \* VSTRS Actuarial Studies \* \* \*

Sec. 18. 16 V.S.A. § 1942 is amended to read:

§ 1942. BOARD OF TRUSTEES; MEDICAL BOARD; ACTUARY; RATE OF CONTRIBUTION; SAFEKEEPING OF SECURITIES

\* \* \*

(m) Immediately after the establishment of the System, the actuary shall make such investigation of the mortality, service, and compensation experience of the members of the System, as the actuary shall recommend and the Board shall authorize, for the purpose of determining the proper mortality and service tables to be prepared and submitted to the Board for adoption. Having regard to such investigation and recommendation, the Board shall adopt for the System such mortality and service tables as shall be deemed necessary and shall certify the rates of contribution payable under the provisions of this chapter. ~~At least once in each three-year period~~ Beginning July 1, 2023, at least once every three fiscal years following the establishment of the System, the actuary shall make an actuarial investigation into the mortality, service, and compensation experience of the members and beneficiaries of the System, and taking into account the results of such investigation, the Board shall adopt for the System such mortality, service, and other tables as shall be deemed necessary and shall certify the rates of contribution payable under the provisions of this chapter.

\* \* \*

\* \* \* Pension Benefits \* \* \*

\* \* \*

Sec. 19. 16 V.S.A. § 1944 is amended to read:

§ 1944. VERMONT TEACHERS' RETIREMENT FUND

(a) Pension Fund. All of the assets of the System shall be credited to the Vermont Teachers' Retirement Fund.

(b) Member contributions.

(1) Contributions deducted from the compensation of members shall be accumulated in the Pension Fund and separately recorded for each member.

(2) The proper authority or officer responsible for making up each employer payroll shall cause to be deducted from the compensation:

~~(A) of~~ Of each Group A member, five and one-half percent of the member's total earnable compensation, including compensation paid for absence as provided by subsection 1933(d) of this title.

~~(B) from~~ Of each Group C member ~~with at least five years of membership service as of July 1, 2014,~~ five percent of the member's earnable compensation; ~~and from each Group C member with less than five years of membership service as of July 1, 2014,~~ six percent of the member's earnable compensation, including the following shall apply:

(i) Beginning on July 1, 2022, a Group C member shall have the rate set forth in this subdivision (b)(2)(B)(i) applied to the member's total earnable compensation for the fiscal year, which shall include compensation paid for absence as provided by subsection 1933(d) of this title, and any additional stipends identified as of July 1. A member's rate shall not be adjusted during the fiscal year. For a member who works a part-time equivalency status, the rate shall apply to the member's total earnable compensation and not to an amount equal to an annualized base salary. If a member is employed on a part-time equivalency status with two or more employers, the highest rate shall be applied to the amounts deducted from each employer. A member's rate shall be calculated according to the following rates and income brackets:

(I) If a member's base salary is at or below \$40,000.00, the rate is 6.0 percent.

(II) If a member's base salary is \$40,000.01 or more but not more than \$50,000.00, the rate is 6.05 percent.

(III) If a member's base salary is \$50,000.01 or more but not more than \$60,000.00, the rate is 6.10 percent.

(IV) If a member's base salary is \$60,000.01 or more but not more than \$70,000.00, the rate is 6.20 percent.

(V) If a member's base salary is \$70,000.01 or more but not more than \$80,000.00, the rate is 6.25 percent.

(VI) If a member's base salary is \$80,000.01 or more but not more than \$90,000.00, the rate is 6.35 percent.

(VII) If a member's base salary is \$90,000.01 or more but not more than \$100,000.00, the rate is 6.50 percent.

(VIII) If a member's base salary is \$100,000.01 or more, the rate is 6.65 percent.

(ii) Beginning on July 1, 2023, a Group C member shall have the rate set forth in this subdivision (b)(2)(B)(ii) applied to the member's total earnable compensation for the fiscal year, which shall include compensation paid for absence as provided by subsection 1933(d) of this title, and any additional stipends identified as of July 1. A member's rate shall not be adjusted during the fiscal year unless the member's full-time equivalency status changes, which shall require that the member's rate be recalculated and the new rate applied for the remainder of that fiscal year. For a member who works a part-time equivalency status, the rate shall apply to the member's total earnable compensation and not to an amount equal to an annualized base salary. If a member is employed on a part-time equivalency status with two or more employers, the highest rate shall be applied to the amounts deducted from each employer. A member's rate shall be calculated according to the following rates and income brackets:

(I) If a member's base salary is at or below \$40,000.00, the rate is 6.10 percent.

(II) If a member's base salary is \$40,000.01 or more but not more than \$50,000.00, the rate is 6.15 percent.

(III) If a member's base salary is \$50,000.01 or more but not more than \$60,000.00, the rate is 6.25 percent.

(IV) If a member's base salary is \$60,000.01 or more but not more than \$70,000.00, the rate is 6.35 percent.

(V) If a member's base salary is \$70,000.01 or more but not more than \$80,000.00, the rate is 6.50 percent.

(VI) If a member's base salary is \$80,000.01 or more but not more than \$90,000.00, the rate is 6.75 percent.

(VII) If a member's base salary is \$90,000.01 or more but not more than \$100,000.00, the rate is 7.0 percent.

(VIII) If a member's base salary is \$100,000.01 or more, the rate is 7.25 percent.

(iii) Beginning on July 1, 2024 and annually thereafter, a Group C member shall have an effective rate, rounded to the nearest hundredth of a percent, that is calculated based on the member's base salary as of July 1 each year, which equals the member's total earnable compensation, including compensation paid for absence as provided by subsection 1933(d) of this title, and any additional stipends identified as of July 1 for the next fiscal year. A member's effective rate shall not be adjusted during any fiscal year unless the member's full-time equivalency status changes, which shall require that the

member's effective rate be recalculated and the new rate applied for the remainder of that fiscal year. For a member who works a part-time equivalency status, the effective rate shall apply to the member's total earnable compensation and not to an amount equal to an annualized base salary. If a member is employed on a part-time equivalency status with two or more employers, the highest effective rate shall be applied to the amounts deducted from each employer. A member's effective rate shall be calculated according to the following marginal rates and income brackets:

(I) if a member's base salary is at or below \$40,000.00, the rate is 6.25 percent;

(II) if a member's base salary is \$40,000.01 or more but not more than \$60,000.00, the rate is the equivalent of \$2,900.00 on \$40,000.00 and 6.75 percent of the member's salary that is \$40,000.01 or more;

(III) if a member's base salary is \$60,000.01 or more but not more than \$80,000.00, the rate is the equivalent of \$3,850.00 on \$60,000.00 and 7.5 percent of the member's salary that is \$60,000.01 or more;

(IV) if a member's base salary is \$80,000.01 or more but not more than \$100,000.00, the rate is the equivalent of \$5,350.00 on \$80,000.00 and 8.25 percent of the member's salary that is \$80,000.01 or more; and

(V) if a member's base salary is \$100,000.01 or more, the rate is the equivalent of \$7,000.00 on \$100,000.00 and 9.0 percent of the member's salary that is \$100,000.01 or more.

(C) In determining the amount earnable by a member set forth in this subdivision (2) in a payroll period, the Board may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period, and it may omit deduction from compensation for any period less than a full payroll period if a teacher was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed one-tenth of one percent of the annual earnable compensation upon the basis of which such deduction is made. The actuary shall make annual valuations of the reduction to the recommended State contribution attributable to the increase from five to six percent, and the Board shall include the amount of this reduction in its written report pursuant to subsection 1942(r) of this title.

\* \* \*

(c) State contributions, earnings, and payments.



(1) All State appropriations and all reserves for the payment for all pensions including all interest and dividends earned on the assets of the Retirement System shall be accumulated in the Pension Fund. All benefits payable under the System, except for retired teacher health and medical benefits, shall be paid from the Pension Fund. Annually, the Retirement Board shall allow regular interest on the individual accounts of members in the Pension Fund ~~which~~ that shall be credited to each member's account.

(2) Beginning with the actuarial valuation as of June 30, 2006, the contributions to be made to the Pension Fund by the State shall be determined on the basis of the actuarial cost method known as "entry age normal." On account of each member, there shall be paid annually by the State into the Pension Fund a percentage of the earnable compensation of each member to be known as the "normal contribution" and an additional percentage of the member's earnable compensation to be known as the "accrued liability contribution." The percentage rate of such contributions shall be fixed on the basis of the liabilities of the System as shown by actuarial valuation. "Normal contributions" and "accrued liability contributions" shall be by separate appropriation in the annual budget enacted by the General Assembly.

(3) The normal contribution shall be the uniform percentage of the total compensation of members that, if contributed over each member's prospective period of service and added to such member's prospective contributions, if any, will be sufficient to provide for the payment of all future pension benefits after subtracting the sum of the unfunded accrued liability and the total assets of the Pension Fund.

(4) It is the policy of the State of Vermont to liquidate fully the unfunded accrued liability to the System. Beginning on July 1, 2008, until the unfunded accrued liability is liquidated, the accrued liability contribution shall be the annual payment required to liquidate the unfunded accrued liability over a closed period of 30 years ending on June 30, 2038, provided that:

(A) From July 1, 2009 to June 30, 2019, the amount of each annual basic accrued liability contribution shall be determined by amortization of the unfunded liability over the remainder of the closed 30-year period in installments increasing at a rate of five percent per year.

(B) Beginning on July 1, 2019 and annually thereafter, the amount of each annual basic accrued liability contribution shall be determined by amortization of the unfunded liability over the remainder of the closed 30-year period in installments increasing at a rate of three percent per year.

(C) Any variation in the contribution of normal or unfunded accrued liability contributions from those recommended by the actuary and any

actuarial gains and losses shall be added or subtracted to the unfunded accrued liability and amortized over the remainder of the closed 30-year period.

\* \* \*

(13) Annually, the Board shall certify an amount to pay the annual actuarially determined employer contribution, as calculated in this subsection, and additional amounts as follows:

(A) in fiscal year 2024, the amount of \$9,000,000.00;

(B) in fiscal year 2025, the amount of \$12,000,000.00; and

(C) in fiscal year 2026 and in any year thereafter until the Fund is calculated to have a funded ratio of at least 90 percent, the amount of \$15,000,000.00.

\* \* \*

Sec. 20. FISCAL YEAR 2025; VERMONT STATE TEACHERS'  
RETIREMENT SYSTEM; CONTRIBUTION RATES; STUDY

(a) The Secretary of Digital Services and the State Treasurer, in consultation with the Vermont Association of School Business Officers, the Vermont Superintendents Association, and the Vermont-NEA, shall study and make recommendations on the implementation of the marginal rates set forth in 16 V.S.A. § 1944(b)(2)(B)(iii) in FY 2025 and annually thereafter, including whether any adjustments need to be made to the marginal rate structure.

(b) On or before January 15, 2023, the Secretary of Digital Services and the State Treasurer shall submit a report on the study and recommendations described in subsection (a) of this section to the Joint Pension Oversight Committee and the House and Senate Committees on Appropriations and on Government Operations.

Sec. 21. 16 V.S.A. § 1949a is added to read:

§ 1949a. POSTRETIREMENT ADJUSTMENT ALLOWANCE ACCOUNT

(a) Intent. It is the intent of the General Assembly to recognize members who are in active service on or before June 30, 2022 and made contributions for the duration of fiscal year 2023 and members who are in active service on or after July 1, 2022 and made contributions for at least one year, as part of a broader effort to improve the health of the System. As an acknowledgment of these additional contributions, once the System is in a healthier financial position, it is the intent of the General Assembly that these members should receive postretirement adjustment allowances that will more fully reflect the net percentage increase in the Consumer Price Index. It is also the intent of the General Assembly that the postretirement adjustment allowance formula

should be incrementally increased to 100 percent of the net percentage increase in the Consumer Price Index, but that no increase should occur to the formula unless the funded ratio of the System is at least 80 percent funded on an actuarial value basis and the accumulated assets of the Account are equal to or exceed the present value of the benefits to accrue to members.

(b) Creation. There is established the Postretirement Adjustment Allowance Account, to be maintained under the Retirement System, which shall be used to provide funding for postretirement adjustment formula enhancements or other benefits that may accrue to eligible members pursuant to the requirements of subsection (d) of this section.

(c) Funds. The Account shall consist of:

(1) any amounts transferred to it from the General Fund Balance Reserve established in 32 V.S.A. § 308c;

(2) any amounts transferred or appropriated to it by the General Assembly; and

(3) interest earned pursuant to subsection (d) of this section.

(d) Account administration. The Postretirement Adjustment Allowance Account shall be subordinate to the retirement benefits provided by the Retirement System. Contributions to the Account shall be irrevocable, and it shall be impossible at any time before satisfaction of all liabilities to provide funding for postretirement adjustment formula enhancements or other benefits that may accrue to eligible members for any part of the corpus or income of the Account to be used for, or diverted to, any purpose other than providing funding for postretirement adjustment formula enhancements or other benefits that may accrue to eligible members. All balances in the Account at the end of the fiscal year shall be carried forward, and interest earned shall remain in the Account.

(e) Recommendation of Board. In any fiscal year, the Board may recommend to the General Assembly that the monies in the Account be used to provide for postretirement adjustment formula enhancements or other benefits that may accrue to eligible members in the System, provided that:

(1) an evaluation has been conducted pursuant to section 1949b of this chapter;

(2) the actuary has certified that the System has a funded ratio of at least 80 percent in the most recent fiscal year; and

(3) the actuary has certified that the Account has sufficient assets to pay for the present value of any benefit being recommended.

(f) Use of funds. In the event that the General Assembly approves of the Board's recommended postretirement adjustment formula enhancements or other benefit change pursuant to subsection (e) of this section, the Board may direct that funds sufficient to pay the present value of change be charged from the Account for that purpose.

(g) Account charges. In no event shall the funds charged from the Account exceed the outstanding Account balance.

(h) Account assets.

(1) For funding purposes, any asset value utilized in the calculation of the actuarial value of assets of a system shall exclude the Account as of the asset determination date for such calculation.

(2) For all purposes other than funding, the funds in the Account shall be considered assets of the System.

(i) Definition. As used in this section, "eligible member" means:

(1) a member of the System who is in active service on or before June 30, 2022 and made contributions for the duration of fiscal year 2023; or

(2) a member of the System who is in active service on or after July 1, 2022 and made contributions for at least one year.

Sec. 22. 16 V.S.A. § 1949b is added to read:

§ 1949b. POSTRETIREMENT ADJUSTMENT TO RETIREMENT ALLOWANCE; FORMULA; EVALUATION

(a) On or before September 1, 2027 and every three years thereafter, or at the request of the Board in conjunction with any proposed changes to the amortization schedule, the Board shall consider the intent set forth in subsection 1949a(a) of this chapter and evaluate whether to modify the postretirement adjustment formula or any other benefit that may accrue to the members of the System who are in active service on or before June 30, 2022 and made contributions for the duration of fiscal year 2023 and members in active service on or after July 1, 2022 and made contributions for at least one year. The evaluation shall only include a proposed benefit change if the Postretirement Adjustment Allowance Fund has sufficient assets to pay for the present value of that benefit.

(b) On or before January 15, 2028 and every three years thereafter, or following a request for an evaluation by the Board, the Board shall submit a report to the House and Senate Committees on Government Operations with the results of the evaluation described in subsection (a) of this section.

Sec. 23. 16 V.S.A. § 1949 is amended to read:

§ 1949. POSTRETIREMENT ADJUSTMENTS TO RETIREMENT ALLOWANCES

~~(a) For all Group A members, as of June 30 in each year, beginning June 30, 1972, the Board shall determine any increase or decrease, to the nearest one-tenth of one percent, in the ratio of the average of the Consumer Price Index for the month ending on that date to the average of the Index for the month ending on June 30, 1971, or the month ending on June 30 of the most recent year thereafter. In the event of an increase, and provided that the net increase following the application of any offset as provided in this subsection equals or exceeds one percent, the retirement allowance of each beneficiary in receipt of an allowance for at least one year on the next following December 31 shall be increased by an equal percentage. Such increase shall begin on the January 1 immediately following that December 31. An equivalent percentage increase shall also be made in the retirement allowance payable to a beneficiary in receipt of an allowance under an optional election, provided the member on whose account the allowance is payable and such other person shall have received a total of at least 12 monthly payments by such December 31. In the event of a decrease of the Consumer Price Index as of June 30 for the preceding year, the retirement allowance of a beneficiary shall not be subject to any adjustment on the next following January 1; provided, however, that:~~

~~(1) such decrease shall be applied as an offset against the first subsequent year's increase of the Consumer Price Index when such increase equals or exceeds one percent, up to the full amount of such increase; and~~

~~(2) to the extent that such decrease is greater than such subsequent year's increase, such decrease shall be offset in the same manner against two or more years of such increases, for up to but not exceeding five subsequent years of such increases, until fully offset. Postretirement Adjustments to Retirement allowance. On January 1 of each year, the retirement allowance of each beneficiary of the System who is in receipt of a retirement allowance for at least a one-year period as of December 31 in the previous year, and who meets the eligibility criteria set forth in this section, shall be adjusted by the amount described in subsection (b) of this section. In no event shall a beneficiary receive a negative adjustment to the beneficiary's retirement allowance.~~

~~(b) For Group C members, as of June 30 in each year, commencing June 30, 1981, a determination shall be made of any increase or decrease, to the nearest one-tenth of a percent of the Consumer Price Index for the preceding fiscal year. In the event of an increase, and provided that there~~

~~exists a net increase following the application of any offset as provided in this subsection, the retirement allowance of each beneficiary in receipt of an allowance for at least one year on the next following December 31 shall be increased by an amount equal to one-half of the net percentage increase. The increase shall commence on the January 1 immediately following that December 31. The increase shall apply to Group C members having attained 57 years of age or completed at least 25 years of creditable service as of June 30, 2010, and receiving an early retirement allowance only in the year following attainment of age 62, and shall apply to Group C members not having attained 57 years of age or having completed at least 25 years of creditable service as of June 30, 2010, and receiving an early retirement allowance only in the year following the member's attainment of 65 years of age, provided the member has received benefits for at least 12 months as of December 31 of the year preceding any January adjustment. In the event of a decrease of the Consumer Price Index as of June 30 for the preceding year, the retirement allowance of a beneficiary shall not be subject to any adjustment on the next following January 1; provided, however, that:~~

~~(1) such decrease shall be applied as an offset against the first subsequent year's increase of the Consumer Price Index, up to the full amount of such increase; and~~

~~(2) to the extent that such decrease is greater than such subsequent year's increase, such decrease shall be offset in the same manner against two or more years of such increases, for up to but not exceeding five subsequent years of such increases, until fully offset. Calculation of Net Percentage Increase. Each year, a determination shall be made of any increase or decrease, to the nearest one-tenth of a percent, in the Consumer Price Index for the month ending on June 30 of that year to the average of the Consumer Price Index for the month ending on June 30 of the previous year.~~

~~(1) Consumer Price Index; maximum and minimum amounts. Any increase or decrease in the Consumer Price Index shall be subject to adjustment so as to remain within the following maximum and minimum amounts:~~

~~(A) For Group A members and Group C members who are eligible for normal retirement or unreduced early retirement on or before June 30, 2022, the maximum amount of any increase or decrease utilized to determine the net percentage increase shall be five percent.~~

~~(B) For Group C members who are eligible for retirement and leave active service on or after July 1, 2022, the maximum amount of any increase or decrease utilized to determine the net percentage increase shall be four percent.~~

(2) Consumer Price Index; decreases. In the event of a decrease of the Consumer Price Index as of June 30 for the preceding year, there shall be no adjustment to the retirement allowance of a beneficiary for the subsequent year beginning January 1; provided, however, that:

(A) such decrease shall be applied as an offset against the first subsequent year's increase of the Consumer Price Index up to the full amount of such increase; and

(B) to the extent that such decrease is greater than such subsequent year's increase, such decrease shall be offset in the same manner against two or more years of such increases, for up to but not exceeding five subsequent years of such increases, until fully offset.

(3) Consumer Price Index; increases. Subject to the maximum and minimum amounts set forth in subdivision (1) of this subsection, in the event of an increase in the Consumer Price Index, and provided there remains an increase following the application of any offset as in subdivision (2) of this subsection, that amount shall be identified as the net percentage increase and used to determine the members' postretirement adjustment as set forth in subsection (d) of this section.

~~(c) For purposes of subsection (a) of this section, the maximum amount of any increase or decrease utilized to determine the net percentage increase shall be five percent. For purposes of subsection (b) of this section, the maximum amount of any increase or decrease utilized to determine the net percentage increase shall be five percent, and any increase or decrease less than one percent shall be assigned a value of one percent. Eligibility for postretirement adjustment. In order for a beneficiary to receive a postretirement adjustment allowance, the beneficiary must meet the following eligibility requirements:~~

(1) for any Group A or Group C member eligible for retirement on or before June 30, 2022, the member must be in receipt of a retirement allowance for at least 12 months prior to the January 1 effective date of any postretirement adjustment; and

(2) for any Group C member who is eligible for retirement and leaves active service on or after July 1, 2022, the member must be in receipt of a retirement allowance for at least 24 months prior to the January 1 effective date of any postretirement adjustment.

(d) As used in this section, "Consumer Price Index" shall mean the Northeast Region Consumer Price Index for all urban consumers, designated as "CPI-U," in the northeast region, as published by the U.S. Department of Labor, Bureau of Labor Statistics.

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\* \* \* Other Postemployment Benefits \* \* \*

Sec. 24. 16 V.S.A. § 1944b is amended to read:

§ 1944b. RETIRED TEACHERS' HEALTH AND MEDICAL BENEFITS  
FUND

(a) There is established the Retired Teachers' Health and Medical Benefits Fund (Benefits Fund) to pay ~~retired teacher health and medical~~ retiree postemployment benefits, ~~including prescription drug benefits~~, when due in accordance with the terms established by the Board of Trustees of the State Teachers' Retirement System of Vermont pursuant to subsection 1942(p) and section 1944e of this title. The Benefits Fund is intended to comply with and be a tax exempt governmental trust under Section 115 of the Internal Revenue Code of 1986, as amended. The Benefits Fund shall be administered by the Treasurer.

(b) The Benefits Fund shall consist of:

(1) all monies remitted to the State on behalf of the members of the State Teachers' Retirement System of Vermont for prescription drug plans, including manufacturer rebates, as well as monies pursuant to the Employer Group Waiver Plan with Wrap pursuant to the Medicare Prescription Drug Improvement and Modernization Act of 2003;

(2) any monies appropriated by the General Assembly for the purpose of paying ~~the health and medical~~ postemployment benefits for retired members and their dependents provided by subsection 1942(p) and section 1944e of this title;

(3) any monies pursuant to subsection ~~(e)~~ (h) of this section; and

(4) [Repealed.]

(5) any monies pursuant to section 1944d of this title.

(c) No employee contributions shall be deposited in the Benefits Fund.

(d) The Treasurer may invest monies in the Benefits Fund in accordance with the provisions of 32 V.S.A. § 434 or, in the alternative, may enter into an agreement with the Vermont Pension Investment ~~Committee~~ Commission to invest such monies in accordance with the standards of care established by the prudent investor rule under 14A V.S.A. § 902, in a manner similar to the ~~Committee's~~ Commission's investment of retirement system monies. Interest earned shall remain in the Benefits Fund, and all balances remaining at the end of a fiscal year shall be carried over to the following year. The Treasurer's annual financial report to the Governor and the General Assembly shall contain an accounting of receipts, disbursements, and earnings of the Benefits Fund.



(e) [Repealed.]

(f) Contributions to the Benefits Fund shall be irrevocable and it shall be impossible at any time prior to the satisfaction of all liabilities, with respect to employees and their beneficiaries, for any part of the corpus or income of the Benefits Fund to be used for, or diverted to, purposes other than the payment of retiree postemployment benefits to members and their beneficiaries and reasonable expenses of administering the Benefits Fund and related benefit plans.

(g) [Repealed.]

(h) State contribution.

(1) Beginning on July 1, 2022, and annually thereafter, the State shall make annual contributions to the Benefits Fund known as the “normal contribution” and the “accrued liability contribution,” each of which shall be fixed on the basis of the liabilities of the System as shown by the most recent actuarial valuation and made by separate appropriation in the annual budget enacted by the General Assembly:

(A) The “normal contribution” shall be the amount that, if contributed over each member’s prospective period of service, will be sufficient to provide for the payment of all future retiree postemployment benefits after subtracting the unfunded actuarial liability and the total assets of the Benefits Fund. The “normal cost” shall be identified using the actuarial cost method known as “projected unit credit” and applying a rate of return equal to the most recently adopted actuarial rate of return pursuant to 3 V.S.A. § 523.

(B) The “accrued liability contribution” shall be the annual payment set forth in the most recent actuarial valuation that is necessary to liquidate the unfunded accrued liability over a closed period of 26 years and determined based on the funding schedule set forth in this section.

(i) It is the policy of the State of Vermont to liquidate fully the unfunded accrued liability for the payment of retiree postemployment benefits.

(ii) Beginning on July 1, 2022, until the unfunded accrued liability is liquidated, the accrued liability contribution shall be the annual payment required to liquidate the unfunded accrued liability over a closed period of 26 years ending on June 30, 2048, provided that the amount of each annual basic accrued liability contribution shall be determined by amortization of the unfunded liability over the remainder of the closed 26-year period in installments.

(2) Any variation in the contribution of normal or accrued liability contributions from those recommended by the actuary and any actuarial gains and losses shall be added or subtracted to the unfunded accrued liability and amortized over the remainder of the closed 26-year period.

(3) The Board shall review annually the amount of State contributions recommended by the actuary of the Retirement System. Based on this review, the Board shall determine the amount of State contribution necessary for the next fiscal year to achieve and preserve the financial integrity of the funds. On or before December 15 of each year, the Board shall inform the Governor and the House and Senate Committees on Government Operations and on Appropriations in writing about the amount needed. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 25. 16 V.S.A. § 4025 is amended to read:

§ 4025. EDUCATION FUND

\* \* \*

(b) Monies in the Education Fund shall be used for the following:

\* \* \*

(4) To make payments to the Vermont Teachers' Retirement Fund and the Retired Teachers' Health and Medical Benefits Fund for the normal contribution contributions in accordance with subsection subsections 1944(c) of this title and 1994b(h) of this title.

\* \* \*

Sec. 26. VERMONT TEACHERS' RETIREMENT SYSTEM; REPEAL OF PRIOR SUNSET AND REPORTING PROVISIONS

2018 (Sp. Sess.) Acts and Resolves No.11, Secs. E.515.3 and E.515.4 are hereby repealed.

\* \* \* Vermont Municipal Employees' Retirement System \* \* \*

Sec. 27. 24 V.S.A. § 5062 is amended to read:

§ 5062. RETIREMENT BOARD; MEDICAL BOARD; ACTUARY; RATES OF CONTRIBUTION; SAFEKEEPING OF SECURITIES

\* \* \*

(k) Immediately after the establishment of the Retirement System, the Retirement Board shall adopt for the Retirement System such mortality and service tables as shall be deemed necessary and shall certify the rates of contribution payable under the provisions of this chapter. ~~At least once in each~~

~~three-year period~~ Beginning July 1, 2023, at least once every three fiscal years following the establishment of the System, the actuary shall make an actuarial investigation into the mortality, service, and compensation experience of the members and beneficiaries of the Retirement System, and taking into account the results of such investigation, the Retirement Board shall adopt for the Retirement System such mortality, service, and other tables as shall be deemed necessary and shall certify the rates of contribution payable under the provisions of this chapter.

\* \* \*

\* \* \* Funding \* \* \*

Sec. 28. FY 2022; APPROPRIATION; STATE EMPLOYEES’  
POSTEMPLOYMENT BENEFITS TRUST FUND; RETIRED  
TEACHERS’ HEALTH AND MEDICAL BENEFITS FUND

(a) In FY 2022, of the amount of General Funds reserved in 2021 Acts and Resolves No. 74, Sec. C.101(a) is unreserved as follows:

(1) the sum of \$75,000,000.00 is appropriated to the Vermont State Retirement Fund, established in 3 V.S.A. § 473, to address the unfunded accrued liability in pension benefits; and

(2) the sum of \$75,000,000.00 is appropriated to the Vermont Teachers’ Retirement Fund, established in 16 V.S.A. § 1944, to address the unfunded accrued liability in pension benefits.

(b) In FY 2022, the amount of \$50,000,000.00 in General Funds shall be appropriated to the to the Vermont Teachers’ Retirement Fund, established in 16 V.S.A. § 1944, to address the unfunded accrued liability in pension benefits.

(c) In FY 2022, of the amount of Education Funds reserved in 2021 Acts and Resolves No. 74, Sec. C.101(a) is unreserved and the sum of \$13,300,000.00 is appropriated to the Retired Teachers’ Health and Medical Benefits Fund, established in 16 V.S.A. § 1944b, to support the normal cost of other postemployment benefits as set forth in 16 V.S.A. § 1944f.

(d) The appropriations in subsections (a) and (b) of this section shall not be included for the purposes of calculating the reserve total for fiscal year 2023 pursuant to 32 V.S.A. § 308 (General Fund budget stabilization reserve).

Sec. 29. 32 V.S.A. § 308c is amended to read:

§ 308c. GENERAL FUND AND TRANSPORTATION FUND BALANCE  
RESERVES

(a) There is hereby created within the General Fund a General Fund Balance Reserve, also known as the “Rainy Day Reserve.” After satisfying the

requirements of section 308 of this title, and after other reserve requirements have been met, any remaining unreserved and undesignated end of fiscal year General Fund surplus shall be reserved in the General Fund Balance Reserve. The General Fund Balance Reserve shall not exceed five percent of the appropriations from the General Fund for the prior fiscal year without legislative authorization.

(1), (2) [Repealed.]

(3) Of the funds that would otherwise be reserved in the General Fund Balance Reserve under this subsection, ~~50 percent of any such funds~~ the following amounts shall be reserved as necessary and transferred from the General Fund ~~to the Vermont State Employees' Postemployment Benefits Trust Fund established by 3 V.S.A. § 479a~~ as follows:

(A) 25 percent to the Vermont State Retirement Fund established by 3 V.S.A. § 473; and

(B) 25 percent to the Postretirement Adjustment Allowance Account established in 16 V.S.A. § 1949a.

\* \* \*

\* \* \* Effective Dates \* \* \*

#### Sec. 30. EFFECTIVE DATES

This act shall take effect on July 1, 2022, except that Sec. 28 (FY 2022 appropriation) shall take effect on passage.

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

#### **House Proposals of Amendment to Senate Proposal of Amendment Concurred In**

#### **H. 447.**

House proposals of amendment to Senate proposal of amendment to House bill entitled:

An act relating to approval of amendments to the charter of the Town of Springfield.

Was taken up.

The House proposes to the Senate to amend the Senate proposal of amendment as follows:

First: In Sec. 2, 24 App. V.S.A. chapter 149, in section 3, in subdivision (b)(1), by striking out subdivision (B) in its entirety and inserting in lieu thereof a new subdivision (B) to read as follows:

(B) may physically injure other property in the vicinity; or

Second: In Sec. 2, 24 App. V.S.A. chapter 149, in section 11, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) In addition to the procedure set forth above in subsections (a) and (b) of this section, the charter may be revised or amended by the submission of a citizen initiative (petition) specifying the amendments or revisions desired and signed by 10 percent of the registered voters. The petition and subsequent action shall conform to the requirements of State statutes relating to charter amendment procedures, ~~shall be subject to the determination of the Selectboard as to whether or not they are comprehensive in nature,~~ and shall be approved by a an annual Town meeting vote with at least 25 15 percent of voters participating. If a proposed amendment or revision under this subsection is voted down at the annual Town meeting, it or a substantially similar amendment may not be petitioned again for a period of one year.

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

**Consideration Resumed; Proposal of Amendment; Bill Passed in Concurrence with Proposal of Amendment; Rules Suspended; Bill Messaged**

**H. 739.**

Consideration was resumed on House bill entitled:

An act relating to capital construction and State bonding budget adjustment.

Thereupon, pending question, Shall the Senate proposal of amendment be amended as recommended by Senators Perchlik, Chittenden, Clarkson, Hardy, Hooker, MacDonald, Pearson, Pollina and Ram Hinsdale?, Senator Perchlik requested and was granted leave to withdraw the proposal of amendment.

Thereupon, Senators Lyons, Hardy and Kitchel moved that the Senate proposal of amendment be amended in Sec. 3, 2021 Acts and Resolves No. 50, Sec. 3, by striking out subsection (e) in its entirety and inserting in lieu thereof the following:

(e)(1) For the amount appropriated in subdivision (b)(6) of this section, the Secretary of Administration shall establish a capital grant program for nursing

school programs to enable them to increase student enrollment by renovating or expanding their simulation laboratories, or both. On or before August 15, 2022, the Secretary of Administration shall issue a request for information (RFI) to assess the capital needs at nursing programs in the State and develop the guidelines and eligibility criteria for the grant and determine the appropriate State entity to administer the program. The ROI process shall include a survey of nursing school programs at Vermont colleges and universities to determine what, if any, capital needs exist for the expansion of nursing school simulation laboratories. The process shall also include an assessment of capital needs relating to technology upgrades to allow for remote access.

(2) On or before January 15, 2023, the Agency or Department responsible for distributing the grant funds shall submit a report to the House Committees on Corrections and Institutions and on Health Care and the Senate Committee on Health and Welfare and on Institutions with the results of the assessment described in subdivision (1) of this subsection.

Which was agreed to.

Thereupon, the bill was read the third and passed in concurrence with proposal of amendment.

Thereupon, on motion of Senator Balint, the rules were suspended, and the bill was ordered messaged to the House forthwith.

### **Rules Suspended; Bill Delivered**

On motion of Senator Balint, the rules were suspended, and the following bill was ordered delivered to the Governor forthwith:

**S.286.**

### **Proposals of Amendment; Third Reading Ordered**

**H. 464.**

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

An act relating to miscellaneous changes to the Reach Up Program.

Reported recommending that the Senate propose to the House to amend the bill as follows:

First: By striking out Sec. 8, 33 V.S.A. § 1114, in its entirety and inserting in lieu thereof a new Sec. 8 and a Sec. 8a to read as follows:

Sec. 8. 33 V.S.A. § 1114 is amended to read:

§ 1114. DEFERMENTS, MODIFICATIONS, AND REFERRAL

\* \* \*

(b) The work requirements shall be either modified or deferred for:

\* \* \*

(5) A participant who is needed in the home on a full- or part-time basis in order to care for an ill or disabled parent, spouse, or child. In granting deferments, the Department shall fully consider the participant's preference as to the number of hours the participant is able to leave home to participate in work activities. ~~A deferral or modification of the work requirement exceeding 60 days due to the existence of illness or disability pursuant to this subdivision shall be confirmed by the independent medical review of one or more physicians, physician assistants, advanced practice registered nurses, or other health care providers designated by the Secretary of Human Services prior to receipt of continued financial assistance under the Reach Up program.~~

\* \* \*

(d) Absent an apparent condition or claimed physical, emotional, or mental condition, participants are presumed to be able-to-work. A participant shall have the burden of demonstrating the existence of the condition asserted as the basis for a deferral or modification of the work requirement. ~~A deferral or modification of the work requirement exceeding 60 days due to the existence of conditions rendering the participant unable to work shall be confirmed by the independent medical review of one or more physicians, physician assistants, advanced practice registered nurses, or other health care providers designated by the Secretary of Human Services prior to receipt of continued financial assistance under the Reach Up program.~~

\* \* \*

Sec. 8a. 33 V.S.A. § 1114 is amended to read:

§ 1114. DEFERMENTS, MODIFICATIONS, AND REFERRAL

~~(a) The Commissioner shall establish by rule criteria, standards, and procedures for granting deferments from or modifications to the work requirements established in section 1113 of this title, in accordance with the provisions of this section and for referring individuals with disabilities to the Office of Vocational Rehabilitation.~~

~~(b) The work requirements shall be either modified or deferred for:~~

~~(1) A participant for whom no unsubsidized or subsidized job or other equivalent supervised work activity recognized by the Commissioner by rule is available.~~

~~(2) A participant for whom support services that are essential to employment and other work activities and identified in the family development plan cannot be arranged. Such services shall include case management, education and job training, child care, and transportation.~~

~~(3) A primary caretaker parent in a two-parent family in which one parent is able to work part-time or unable to work, a single parent, or a caretaker who is caring for a child who has not attained 24 months of age for no more than 24 months of the parent's or caretaker's lifetime receipt of financial assistance. To qualify for such deferment, a parent or caretaker of a child older than the age of six months but younger than 24 months shall cooperate in the development of and participate in a family development plan.~~

~~(4) An individual who has exhausted the 24 months of deferment provided for in subdivision (3) of this subsection and who is caring for a child who is not yet 13 weeks of age or a primary caretaker parent in a family with two parents who are able to work if the primary caretaker is caring for a child under 13 weeks of age and is otherwise subject to a work requirement because the other parent in the family is being sanctioned in accordance with section 1116 of this title.~~

~~(5) A participant who is needed in the home on a full- or part-time basis in order to care for an ill or disabled parent, spouse, or child. In granting deferments, the Department shall fully consider the participant's preference as to the number of hours the participant is able to leave home to participate in work activities.~~

~~(6) A participant who is under 20 years of age, who is a single head of household or married, and who maintains satisfactory attendance at secondary school or the equivalent during the month, or participates in education directly related to employment for an average of 20 or more hours per week during the month.~~

~~(7) A participant who has attained 20 years of age and who is engaged in at least 15 hours per week of classes and related learning activities for the purpose of attaining a high school diploma or General Educational Development (GED) certificate or completing a literacy program approved by the Department; provided that the participant is making satisfactory progress toward the attainment of the diploma or certificate; and provided further that a deferment or modification granted for this purpose does not exceed 18 months.~~

~~(8) A participant who is enrolled in, attending, and making satisfactory progress toward the completion of a full-time vocational training program that has a normal duration of no more than two years and who is within 12 months of expected completion of such program. Such deferment or modification~~



~~shall continue until he or she has completed the program, he or she is no longer attending the program, or the 12-month expected completion period has ended, whichever occurs first.~~

~~(9) A participant for whom, due to the effects of domestic violence, fulfillment of the work requirement can be reasonably anticipated to result in serious physical or emotional harm to the participant that significantly impairs his or her capacity either to fulfill the work requirement or to care for his or her child adequately, or can be reasonably anticipated to result in serious physical or emotional harm to the child.~~

~~(10) Any other participant designated by the Commissioner in accordance with criteria established by rule.~~

~~(c) A participant who is able to work part-time or is unable to work shall be referred for assessment of the individual's skills and strengths, accommodations and support services, and vocational and other services in accordance with the provisions of his or her family development plan. The work requirement hours shall reflect the individual's ability to work. Participants with disabilities that do not meet the standards used to determine disability under Title XVI of the Social Security Act shall participate in rehabilitation, education, or training programs as appropriate. A participant who qualifies for a deferment or modification and who is able to work part-time shall have his or her work requirement hours modified or deferred. In granting deferments, the Department shall fully consider the participant's estimation of the number of hours the participant is able to work.~~

~~(d) Absent an apparent condition or claimed physical, emotional, or mental condition, participants are presumed to be able to work. A participant shall have the burden of demonstrating the existence of the condition asserted as the basis for a deferral or modification of the work requirement.~~

~~(e) Deferments and modifications granted pursuant to this section shall continue for as long as the grounds for the deferment or modification exist or until expiration of a related time period specified in subsection (b) of this section, whichever occurs first.~~

~~(f) As used in this section, "health care provider" means a person, partnership, or corporation, other than a facility or institution, licensed or certified or authorized by law to provide professional health care service in this State to an individual during that individual's medical care, treatment, or confinement. The program participation requirements established in section 1113 of this chapter shall be deferred when:~~

(1) a participating adult is 60 years of age or older;

(2) a participating adult is caring for a child under six weeks of age;

(3) a participating adult for whom, due to the effects of domestic violence, engaging in the program participation requirements can be reasonably anticipated to result in serious physical or emotional harm to the participating adult or participating adult's child; or

(4) any other participant designated by the Commissioner in accordance with criteria established by the Commissioner in rule pursuant to 3 V.S.A. chapter 25.

Second: In Sec. 12, effective dates, after "This section", by inserting the following:

, Sec. 8 (deferments, modifications, and referral),

And that the bill ought to pass in concurrence with such proposals of amendment.

Senator Westman, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill ought to pass in concurrence with proposals of amendment as recommended by the Committee on Health and Welfare.

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

### **Proposal of Amendment; Bill Passed in Concurrence with Proposal of Amendment**

#### **H. 715.**

House bill entitled:

An act relating to the Clean Heat Standard.

Was taken up.

Thereupon, pending third reading of the bill, Senators Ram Hinsdale and Pollina moved to amend the Senate proposal of amendment as follows:

First: In Sec. 2, 30 V.S.A. chapter 94, section 8122, by inserting a subdivision (10) to read as follows:

(10) "Sustainably sourced" means meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Second: In Sec. 2, 30 V.S.A. chapter 94, section 8123, subsection (d), by adding a subdivision (7) to read as follows:

(7) To the extent possible, the required clean heat credits from low-income and moderate-income customers shall be in the form of efficiency and other fossil fuel-reducing technology, which reduces ongoing costs, and not fuels which perpetuate dependence on price-volatile fuel sources.

Third: In Sec. 2, 30 V.S.A. chapter 94, section 8124, by inserting a subdivision (g)(4) to read as follows:

(4) The Commission shall determine whether to require a cap on the number of clean heat credits acquired each year from liquid biofuels and renewable natural gas and whether to establish a sunset on those fuels being eligible for clean heat credits.

Fourth: In Sec. 2, 30 V.S.A. chapter 94, section 8125, subdivision (a)(3), by inserting the word globally following the words “impacts on food costs”

Fifth: In Sec. 2, 30 V.S.A. chapter 94, section 8125, subsection (b) by inserting regenerative agriculture; following “heating fuels in cold climates;”

Sixth: In Sec. 2, 30 V.S.A. chapter 94, section 8126, by striking out subdivision (a)(3) and inserting in lieu thereof the following:

(3) identifying actions needed to provide better service to and mitigate the impacts on equity for Vermonters and global citizens from the fuel choices made as part of the Clean Heat Standard;

Seventh: In Sec. 3, Public Utility Commission implementation, in subdivision (f)(2), by inserting ; 838(c); following “and (16)”

Which was disagreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

### **House Proposals of Amendment Concurred In**

#### **S. 206.**

House proposals of amendment to Senate bill entitled:

An act relating to planning and support for individuals and families impacted by Alzheimer's Disease and related disorders.

Was taken up.

The House proposes to the Senate to amend the bill as follows:

First: By striking out Sec. 5 in its entirety and inserting a new Sec. 5 to read as follows:

---

**Sec. 5. ALZHEIMER'S DISEASE COORDINATOR**

On or before December 15, 2022, the Agency of Human Services shall submit a plan to the Senate Committee on Health and Welfare and to the House Committee on Human Services to fund, within existing budgets, grants, or other external funding sources, a permanent Alzheimer's Disease Coordinator position to be shared between the Departments of Health and of Disabilities, Aging, and Independent Living for the purpose of planning, public education, and coordination as informed by the recommendations of the Commission on Alzheimer's and Related Disorders established pursuant to 3 V.S.A. § 3085b, the State Plan on Aging required pursuant to 33 V.S.A. § 6206, and other relevant statewide plans on Alzheimer's disease and related disorders.

Second: By inserting a new section with reader assistance heading to be Sec. 6a to read as follows:

\* \* \* Missing Persons with Alzheimer's Disease;  
Response Communications \* \* \*

**Sec. 6a. DEPARTMENT OF PUBLIC SAFETY; MISSING PERSONS  
EMERGENCY RESPONSE AND COMMUNICATIONS; REPORT**

On or before November 1, 2022, the Department of Public Safety shall submit a written report to the House Committee on Human Services, the Senate Committee on Health and Welfare, and the House and Senate Committees on Government Operations with its recommendations regarding broadcasting information on missing persons with Alzheimer's Disease or related disorders or cognitive disabilities to aid in locating those individuals, including any proposals for legislative action. In forming its recommendations, the Department shall consult with interested stakeholders, including the Vermont Chapter of the Alzheimer's Association, Vermont Care Partners, and the Vermont Association on Mental Health and Addiction Recovery, and shall notify the Chairs of the House Committee on Human Services, the Senate Committee on Health and Welfare, and the House and Senate Committees on Government Operations as to the date, time, and location of stakeholder meetings.

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

**Proposal of Amendment; Third Reading Ordered****H. 729.**

Senator Sears, for the Committee on Judiciary, to which was referred House bill entitled:

An act relating to miscellaneous judiciary procedures.

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

\* \* \* Cross Reference Corrections \* \* \*

Sec. 1. 12 V.S.A. § 4853a is amended to read:

§ 4853a. PAYMENT OF RENT INTO COURT; EXPEDITED HEARING

\* \* \*

(c) Any memorandum in opposition filed by the defendant pursuant to Rule ~~78(b)~~ (7)(b)(6) of the Vermont Rules of Civil Procedure shall be accompanied by affidavit setting forth particular facts in support of the memorandum.

\* \* \*

Sec. 2. 12 V.S.A. § 4853b is amended to read:

§ 4853b. UNLAWFUL OCCUPANT; EXPEDITED HEARING

\* \* \*

(c) At any time before the hearing, the defendant may oppose the motion pursuant to Rule ~~78(b)~~ (7)(b)(6) of the Vermont Rules of Civil Procedure by filing an affidavit, a signed written statement, or a memorandum in opposition to the motion. The affidavit, signed written statement, or memorandum shall set forth particular facts to show that a genuine dispute of fact exists in relation to the motion.

\* \* \*

\* \* \* Notarization of Affidavits in Relief from Abuse Proceedings \* \* \*

Sec. 3. 15 V.S.A. § 1104 is amended to read:

§ 1104. EMERGENCY RELIEF

(a) In accordance with the Vermont Rules of Civil Procedure, temporary orders under this chapter may be issued ex parte, without notice to the defendant, upon motion and findings by the court that the defendant has abused the plaintiff or the plaintiff's children, or both. The plaintiff shall submit an affidavit in support of the order, which may be sworn to or affirmed by administration of the oath over the telephone to the applicant by an employee of the Judiciary authorized to administer oaths and shall conclude with the following statement: "I declare under the penalty of perjury pursuant to the laws of the State of Vermont that the foregoing is true and accurate. I

understand that making false statements is a crime subject to a term of imprisonment or a fine, or both, as provided by 13 V.S.A. § 2904.” The authorized person shall note on the affidavit the date and time that the oath was administered. A minor 16 years of age or older, or a minor of any age who is in a dating relationship as defined in subdivision 1101(2) of this chapter, may seek relief on ~~his or her~~ the minor’s own behalf. Relief under this section shall be limited as follows:

\* \* \*

Sec. 4. 15 V.S.A. § 1106 is amended to read:

§ 1106. PROCEDURE

\* \* \*

(b)(1) The Court Administrator shall establish procedures to ensure access to relief after regular court hours, or on weekends and holidays. The Court Administrator is authorized to contract with public or private agencies to assist plaintiffs to seek relief and to gain access to Superior Courts. Law enforcement agencies shall assist in carrying out the intent of this section.

(2)(A) The court shall designate an authorized person to receive requests for ex parte temporary relief from abuse orders submitted after regular court hours pursuant to section 1104 of this title, including requests made by reliable electronic means according to the procedures in this subdivision.

\* \* \*

(C) The affidavit shall be sworn to or affirmed by administration of the oath over the telephone to the applicant by the authorized person, and shall conclude with the following statement: “I declare under the penalty of perjury pursuant to the laws of the State of Vermont that the foregoing is true and accurate. I understand that ~~the penalty for perjury is imprisonment of not more than 15 years or a fine of not more than \$10,000.00, or both~~ making false statements is a crime subject to a term of imprisonment or a fine, or both, as provided by 13 V.S.A. § 2904.” The authorized person shall note on the affidavit the date and time that the oath was administered.

\* \* \*

\* \* \* Sealing Criminal History Records \* \* \*

Sec. 5. 13 V.S.A. § 7607 is amended to read:

§ 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 ~~he or she~~ 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 Victims Services, and any other entity that may have a record related to the order to seal. The VCIC shall provide notice of the sealing to the Federal Bureau of Investigation's National Crime Information Center.

\* \* \*

Sec. 6. 13 V.S.A. § 7611 is added to read:

§ 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, who in the course of their official duties knowingly 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. 6a. 4 V.S.A. § 1102 is amended to read:

§ 1102. JUDICIAL BUREAU; JURISDICTION

\* \* \*

(b) The Judicial Bureau shall have jurisdiction of the following matters:

\* \* \*

(30) Violations of 13 V.S.A. § 7611, relating to the unauthorized disclosure of sealed criminal history record information.

\* \* \*

Sec. 7. 32 V.S.A. § 1431 is amended to read:

§ 1431. FEES IN SUPREME AND SUPERIOR COURTS

\* \* \*

(e) Prior to the filing of any postjudgment motion in the Civil, Criminal, or Environmental Division of the Superior Court, including motions to reopen civil suspensions or motions to reopen existing cases in the Probate Division of the Superior Court, there shall be paid to the clerk of the court for the benefit of the State a fee of \$90.00 except for small claims actions, estates, and motions to confirm the sale of property in foreclosure. A filing fee of \$90.00 shall be paid to the clerk of the court for a civil petition for minor settlements. The \$90.00 filing fee shall only apply for a motion to seal a criminal history

record of a violation of 23 V.S.A. § 1201(a) pursuant to 13 V.S.A. § 7602(a)(1)(C), but shall not apply for any other motion to seal or expunge a criminal history record pursuant to 13 V.S.A. § 7602, 33 V.S.A. § 5119(g), or other applicable records clearance provisions.

\* \* \*

\* \* \* Correcting Title of Chief Superior Judge \* \* \*

Sec. 8. 4 V.S.A. § 21a is amended to read:

§ 21a. DUTIES OF THE ~~ADMINISTRATIVE~~ CHIEF SUPERIOR JUDGE

(a) The ~~Administrative~~ Chief Superior Judge shall assign and specially assign Superior judges, including ~~himself or herself~~ themselves, and Environmental judges to the Superior Court. All Superior judges except Environmental judges shall be subject to the requirements of rotation as ordered by the Supreme Court. Assignments made pursuant to the rotation schedule shall be subject to the approval of the Supreme Court.

(b) In making any assignment under this section, the ~~Administrative~~ Chief Superior Judge shall give consideration to the experience, temperament, and training of a judge and the needs of the court. In making an assignment to the Environmental Division, the ~~Administrative~~ Chief Superior Judge shall give consideration to experience and expertise in environmental and land use law and shall assign or specially assign judges in a manner to provide appropriate attention to all geographic areas of the State.

(c) In making any assignments to the Environmental Division under this section, the ~~Administrative~~ Chief Superior Judge shall regularly assign two judges, at least one of whom shall be an Environmental judge. An Environmental judge may be assigned to other divisions in the Superior Court for a period of time not exceeding two years. When assigned to other divisions in the Superior Court, the Environmental judge shall have all the powers and responsibilities of a Superior judge.

Sec. 9. 4 V.S.A. § 22 is amended to read:

§ 22. DESIGNATION AND SPECIAL ASSIGNMENT OF JUDICIAL OFFICERS AND RETIRED JUDICIAL OFFICERS

(a)(1) The Chief Justice may appoint and assign a retired Justice or judge with ~~his or her~~ the Justice's or judge's consent or a Superior or Probate judge to a special assignment on the Supreme Court. The Chief Justice may appoint, and the ~~Administrative~~ Chief Superior Judge shall assign, an active or retired Justice or a retired judge, with ~~his or her~~ the Justice's or judge's consent, to any special assignment in the Superior Court or the Judicial Bureau.



(2) The Administrative Chief Superior Judge may appoint and assign a judge to any special assignment in the Superior Court. As used in this subdivision, a judge shall include a Superior judge, a Probate judge, a Family Division magistrate, or a judicial hearing officer.

(b) The Administrative Chief Superior Judge may appoint and assign a member of the Vermont Bar residing within the State of Vermont to serve temporarily as:

- (1) an acting judge in Superior Court;
- (2) an acting magistrate;
- (3) an acting Probate judge; or
- (4) an acting hearing officer to hear cases in the Judicial Bureau.

\* \* \*

(f) In making an appointment under subsection (b) of this section, the Administrative Chief Superior Judge shall apply the criteria and standards for judicial appointments contained in section 601 of this title.

Sec. 10. 4 V.S.A. § 36 is amended to read:

§ 36. COMPOSITION OF THE COURT

\* \* \*

(C) Use of the term “judicial officer” in subdivisions (A) and (B) of this subdivision (2) shall not be construed to expand a judicial officer’s ~~subject matter~~ subject-matter jurisdiction or conflict with the authority of the Chief Justice or Administrative Chief Superior Judge to make special assignments pursuant to section 22 of this title.

\* \* \*

Sec. 11. 4 V.S.A. § 38 is amended to read:

§ 38. JUDICIAL MASTERS

(a) The Administrative Chief Superior Judge may appoint a licensed Vermont lawyer who has been engaged in the practice of law in Vermont for at least the last five years to serve as a Judicial Master. The Judicial Master shall be an employee of the Judiciary and be subject to the Code of Judicial Conduct. A Judicial Master shall not engage in the active practice of law for remuneration while serving in this position. In making this appointment, the Administrative Judge shall apply the criteria and standards for judicial appointments contained in section 601 of this title. The Judicial Master may hear and decide the following matters as designated by the Administrative Judge:

---

\* \* \*

Sec. 12. 4 V.S.A. § 71 is amended to read:

§ 71. APPOINTMENT AND TERM OF SUPERIOR JUDGES

\* \* \*

(e) The Supreme Court shall designate one of the Superior judges to serve as Administrative Chief Superior Judge. The Administrative Chief Superior Judge shall serve at the pleasure of the Supreme Court.

Sec. 13. 4 V.S.A. § 73 is amended to read:

§ 73. ASSIGNMENT

(a) In accordance with the direction of the Supreme Court, the Administrative Chief Superior Judge shall assign the Superior judges among the units and divisions of the Superior Court. The Administrative Chief Superior Judge shall assign a presiding judge to each unit and may assign a judge to preside in more than one unit. In a case where a Superior judge is disqualified or unable to attend any term of court or part thereof to which ~~he or she~~ the Superior Judge has been assigned, the Administrative Chief Superior Judge may assign another Superior judge to act as judge at that term or part thereof for that period during which the assigned judge is disqualified or unable to attend. If during a term of the Superior Court the court in a unit is unable to complete all or part of the work before it in a reasonable time, the Administrative Chief Superior Judge, with the approval of the Supreme Court, may modify judge assignments to reduce delays in that unit. The court shall publish the judicial rotation schedule in electronic format and distribute it electronically to attorneys licensed in Vermont.

(b) Pursuant to section 21a of this title, the Administrative Chief Superior Judge shall assign Superior judges to hear and determine Family Court matters. The Administrative Chief Superior Judge shall ensure that such hearings are held promptly. Any contested divorce case ~~which~~ that has been pending for more than one year shall be advanced for prompt hearing upon the request of any party.

(c) As necessary to ensure the efficient operation of the Superior Court, the presiding judge of the unit may specially assign a Superior judge assigned to a division in the unit, including the presiding judge, to preside over one or more cases in a different division. As the Administrative Chief Superior Judge determines necessary for the operation of the Superior Court throughout the State, and with the approval of the Supreme Court, the Administrative Chief Superior Judge may additionally assign for a specified period of time a Superior judge to preside over a particular type of case, or over a particular

type of motion or other judicial proceeding, in all or part of the units in the State.

Sec. 14. 4 V.S.A. § 111 is amended to read:

§ 111. SUPERIOR COURT SESSIONS

(a) When the business of a Superior Court cannot otherwise be disposed of with reasonable dispatch, by direction of the ~~Administrative~~ Chief Superior Judge, there may be held additional sessions of that Superior Court simultaneously with the regular session consisting of a presiding judge and one or more assistant judges, if available.

(b) A Superior Court may be temporarily recessed or adjourned from the place designated for holding a regular term or session to another place having adequate facilities, when the regular facilities at the designated courthouse are not adequate.

(c) The ~~Administrative~~ Chief Superior Judge may assign assistant judges, with their consent, to a special assignment in a court where they have jurisdiction in another county when assistant judges of that county are unavailable or the business of the courts so requires.

Sec. 15. 4 V.S.A. § 115 is amended to read:

§ 115. STATED TERMS OF SUPERIOR COURT

The Superior Court shall operate continuously irrespective of the term in which events occur. Terms are designated for purposes of determining the rotation schedule of Superior judges and the responsibility of a Superior judge once a term has expired. When at the expiration of a term a Superior judge is no longer assigned to a specified unit, the judge shall complete any matters that have been heard or taken under advisement for that unit. The ~~Administrative~~ Chief Superior Judge, pursuant to rules of the Supreme Court, may specially assign a Superior judge to continue to preside over one or more cases even though the judge is no longer assigned to the unit of origin of the case or cases. In the absence of such a direction or of an assignment made pursuant to subsection 73(c) of this title, a judge who at the end of a term is no longer assigned to a unit shall have no further responsibility for cases in that unit.

Sec. 16. 4 V.S.A. § 272 is amended to read:

§ 272. PROBATE DISTRICTS; PROBATE JUDGES

\* \* \*

(c) The ~~Administrative~~ Chief Superior Judge may specially assign a Probate judge to hear a case in a geographical district other than the district for which the Probate judge was elected.

Sec. 17. 4 V.S.A. § 461a is amended to read:

§ 461a. ESSEX COUNTY; POWERS OF ASSISTANT JUDGES AND  
MAGISTRATES IN FAMILY COURT PROCEEDINGS

\* \* \*

(b) The ~~Administrative~~ Chief Superior Judge may appoint and may specially assign a magistrate to serve as the presiding judge in the Family Division of the Superior Court in Essex County.

\* \* \*

Sec. 18. 4 V.S.A. § 461c is amended to read:

§ 461c. POWERS OF ASSISTANT JUDGES IN DIVORCE  
PROCEEDINGS

\* \* \*

(c) Prior to hearing an uncontested domestic matter, an assistant judge shall sit with a Superior judge on domestic proceedings for a minimum of 100 hours, satisfactorily complete a minimum of 30 hours of training on subjects relevant to domestic proceedings and the Code of Judicial Conduct, and conduct a minimum of three uncontested domestic hearings with a Superior judge who shall, in ~~his or her~~ the Superior judge's sole discretion, certify to the ~~Administrative~~ Chief Superior Judge that the assistant judge is qualified to preside over matters under this section. Upon application of an assistant judge, some or all of these requirements may be waived by the ~~Administrative~~ Chief Superior Judge based on equivalent experience. The requirements set forth herein shall only apply to assistant judges who elect to conduct uncontested final hearings in domestic cases after July 1, 2010. An assistant judge already conducting hearings under this section as of July 1, 2010 shall be deemed to have complied with these requirements.

Sec. 19. 4 V.S.A. § 906 is amended to read:

§ 906. CONFLICTING APPOINTMENTS, EXCUSE FROM ATTENDING  
BY ~~ADMINISTRATIVE~~ CHIEF SUPERIOR JUDGE

When an attorney is required to attend more than one trial, hearing, or other proceeding before a court or commission having judicial or quasi-judicial functions, or both, at times which conflict so that ~~he or she~~ the attorney cannot reasonably attend each appointment, the attorney may request the ~~Administrative~~ Chief Superior Judge to designate which appointment ~~he or she~~

the attorney shall attend. The ~~Administrative~~ Chief Superior Judge shall designate the appointment the attorney shall attend and shall notify the presiding magistrate of each court and commission of ~~his or her~~ the Justice's or judge's decision. The attorney shall be excused from attending at that time any proceedings other than the one designated by the ~~Administrative~~ Chief Superior Judge, and the other proceedings shall be rescheduled.

Sec. 20. 4 V.S.A. § 1001 is amended to read:

§ 1001. ENVIRONMENTAL DIVISION

\* \* \*

(b) Two environmental judges shall be appointed to hear matters in the Environmental Division and to hear other matters in the Superior Court when so assigned by the ~~administrative judge~~ Chief Superior Judge pursuant to subsection 21a(c) of this title.

\* \* \*

Sec. 21. 4 V.S.A. § 1104 is amended to read:

§ 1104. APPOINTMENT OF HEARING OFFICERS

The ~~Administrative~~ Chief Superior Judge shall appoint members of the Vermont Bar to serve as hearing officers to hear cases. Hearing officers shall be subject to the Code of Judicial Conduct.

Sec. 22. 4 V.S.A. § 1108 is amended to read:

§ 1108. JUDICIAL BUREAU VIOLATIONS; JURISDICTION OF ASSISTANT JUDGES

\* \* \*

(c) The ~~Administrative~~ Chief Superior Judge may assign or direct assignment of an assistant judge with ~~his or her~~ the assistant judge's consent to hear matters in the Judicial Bureau within the county in which the assistant judge presides or in a county other than the county in which the assistant judge presides if the assistant judge has elected to hear and decide such matters.

Sec. 23. 12 V.S.A. § 5538 is amended to read:

§ 5538. APPEALS

Any party may appeal from a small claims judgment to Superior Court. The ~~Administrative~~ Chief Superior Judge shall assign the appeal to a Superior judge who shall not have participated in any way in the decision being appealed. The appeal shall be heard and decided, based on the record made in the small claims procedure. No appeal as of right exists to the Supreme Court. On motion made to the Supreme Court by a party to the action, the Supreme Court may allow an appeal from the Superior Court.

Sec. 24. 12 V.S.A. § 5540a is amended to read:

§ 5540a. JURISDICTION OVER SMALL CLAIMS; ASSISTANT JUDGES

\* \* \*

(d) An assistant judge upon successful completion of the training under subsection (b) of this section, shall cause the Superior Court clerk to notify the Court Administrator of the assistant judge's successful completion of training. Upon receipt of such notification, small claims cases ~~which~~ that require a hearing shall first be set for hearing before an assistant judge in the Superior Court in the county and shall be heard by the assistant judge. If the assistant judge is unavailable due to illness, vacation, administrative leave, disability, or disqualification, the ~~Administrative~~ Chief Superior Judge pursuant to 4 V.S.A. § 22 may assign a judge, or appoint and assign a member of the Vermont bar to serve temporarily as an acting judge, to hear small claims cases in the county. No action filed or pending shall be heard at or transferred to any other location unless agreed to by the parties. If both assistant judges of the county elect to successfully complete training to hear these matters, the senior assistant judge shall make the assignment of cases to be heard by each assistant judge. The assistant judges, once qualified to preside in these matters, shall work with the Court Administrator's office and the ~~Administrative~~ Chief Superior Judge such that the scheduling of small claims cases before the assistant judges are at such times as to permit adequate current court personnel to be available when these cases are heard.

\* \* \*

Sec. 25. 13 V.S.A. § 5451 is amended to read:

§ 5451. CREATION OF COMMISSION

(a) The Vermont Sentencing Commission is established for the purpose of overseeing criminal sentencing practices in the State, reducing geographical disparities in sentencing, and making recommendations regarding criminal sentencing to the General Assembly.

(b) The Commission shall consist of the following members:

- (1) the Chief Justice of the Vermont Supreme Court or designee;
- (2) the Chief Superior Judge or designee, provided that the designee is a sitting or retired Vermont judge;
- (3) a ~~District or~~ Superior Court Judge with substantial criminal law experience appointed by the ~~administrative judge~~ Chief Superior Judge;
- (4) the Chair of the Senate Committee on Judiciary;

- (5) the Chair of the House Committee on Judiciary;
- (6) the Attorney General or designee;
- (7) the Defender General or designee;
- (8) the Executive Director of the Department of State's Attorneys and Sheriffs or designee;
- (9) the Appellate Defender;
- (10) a State's Attorney appointed by the Executive Director of the Department of State's Attorneys and Sheriffs;
- (11) a staff public defender with experience in juvenile defense matters appointed by the Defender General;
- (12) an attorney with substantial criminal law experience appointed by the Vermont Bar Association;
- (13) the Commissioner of Corrections or designee;
- (14) the Commissioner of Public Safety or designee;
- (15) the Executive Director of the Vermont Center for Crime Victim Services or designee;
- (16) the Executive Director of the Vermont Crime Research Group; and
- (17) one member of the public appointed by the Governor.

\* \* \*

Sec. 26. 24 V.S.A. § 139 is amended to read:

§ 139. ASSISTANT JUDGE JUDICIAL EDUCATION

The assistant judges, either collectively or through a duly authorized committee of assistant judges established by a majority vote of the assistant judges after consultation with the ~~administrative judge~~ Chief Superior Judge, shall, by majority vote:

- (1) identify the training needs of assistant judges, including needs ~~which~~ that are required by law; and
- (2) design, organize, and implement training for assistant judges, including training ~~which~~ that is required by law.

Sec. 27. 24 V.S.A. § 3211 is amended to read:

§ 3211. DETERMINATION OF NECESSITY

\* \* \*

(b) The Superior Court judge to whom the petition is presented shall fix the time for hearing, which shall not be more than 60 nor less than 40 days from the date the judge signs such order. Likewise, the judge shall fix the place for hearing, which shall be the county courthouse or any other place within the county in which the land in question is located. If the Superior Court judge to whom the petition is presented cannot hear the petition at the time set therefor, the judge shall call upon the ~~administrative judge~~ Chief Superior Judge to assign another Superior Court judge to hear the cause at the time and place assigned in the order.

\* \* \*

Sec. 28. 24 V.S.A. § 3605 is amended to read:

§ 3605. HEARING TO DETERMINE NECESSITY

The judge to whom such petition is presented shall fix the time for hearing, which shall not be more than 60 nor less than 30 days from the date ~~he or she~~ the judge signs such order. Likewise, ~~he or she~~ the judge shall fix the place for hearing, which shall be the county courthouse or any other convenient place within the county in which the land in question is located. If the Superior judge to whom such petition is presented cannot hear the petition at the time set therefore ~~he or she~~, the Superior judge shall call upon the ~~Administrative~~ Chief Superior Judge to assign another Superior judge to hear such cause at the time and place assigned in the order.

Sec. 29. 32 V.S.A. § 8361 is amended to read:

§ 8361. GENERAL RULES FOR APPEALS

(a) A party aggrieved, including the State represented by the State Treasurer, on or before February 15 following such an appraisal, may appeal therefrom to a Superior judge designated by the ~~administrative judge~~ Chief Superior Judge, not excluding ~~himself or herself~~ themselves, who shall hear such appeal.

\* \* \*

Sec. 30. 32 V.S.A. § 9272 is amended to read:

§ 9272. SUSPENSION AND REVOCATION OF LICENSES; APPEAL

\* \* \*

(b) Any operator aggrieved by such suspension, revocation, or refusal may appeal therefrom to any Superior judge within 10 days after written notice of such suspension, revocation, or refusal has been mailed or delivered to ~~him or her~~ the operator. Such Superior judge or another Superior judge designated by the ~~administrative judge~~ Chief Superior Judge shall hear such appeal forthwith.



\* \* \*

Sec. 31. 32 V.S.A. § 9816 is amended to read:

§ 9816. SUSPENSION OR REVOCATION OF CERTIFICATES; APPEAL

\* \* \*

(b) Any person required to collect the tax aggrieved by a suspension, revocation, or refusal may appeal therefrom to any Superior judge within 10 days after written notice of the suspension, revocation, or refusal has been mailed or delivered to ~~him or her~~ the person. The Superior judge or another Superior judge designated by the ~~administrative judge~~ Chief Superior Judge shall hear the appeal forthwith.

\* \* \*

\* \* \* Report on Collection of Racial Data in Civil Court Filings \* \* \*

Sec. 32. REPORT BY CHIEF SUPERIOR JUDGE ON COLLECTION OF RACIAL DATA IN CIVIL COURT FILINGS

On or before December 1, 2022, the Chief Superior Judge shall report to the House and Senate Committees on Judiciary on practices for the collection of racial demographic data in civil court filings. The report shall describe whether and in what manner data about the race of parties in civil court actions, including eviction and debt collection proceedings, is collected by courts in Vermont and other jurisdictions. The report may include recommendations for future practices and strategies to collect racial demographic data for civil court filings in Vermont. A copy of the report shall be sent to the Executive Director of Racial Equity.

\* \* \* Sunset Extensions \* \* \*

Sec. 33. 2017 Acts and Resolves No. 142, Sec. 5, as amended by 2021 Acts and Resolves No. 65, Sec. 4, is further amended to read:

Sec. 5. REPEAL

13 V.S.A. §§ 5451 (creation of Vermont Sentencing Commission) and 5452 (creation of Vermont Sentencing Commission) shall be repealed on July 1, ~~2022~~ 2023.

Sec. 34. 2013 Acts and Resolves No. 69, Sec. 3, subsection (b), as amended by 2015 Acts and Resolves No. 32, Sec. 1, as further amended by 2016 Acts and Resolves No. 169, Sec. 6, 2018 Acts and Resolves No. 175, Sec. 1, and 2020 Acts and Resolves No. 134, Sec. 3 (July 1, 2022 repeal of Automated License Plate Recognition system standards), is further amended to read:

(b) Secs. 1–2 of this act, 23 V.S.A. §§ 1607 and 1608, shall be repealed on July 1, ~~2022~~ 2024.

\* \* \* Fees for Service of Civil Process and Fingerprinting \* \* \*

Sec. 35. 32 V.S.A. § 1591 is amended to read:

§ 1591. SHERIFFS AND OTHER OFFICERS

There shall be paid to sheriffs' departments and constables in civil causes and to sheriffs, deputy sheriffs, and constables for the transportation and care of prisoners, juveniles, and patients with a mental condition or psychiatric disability the following fees:

(1) Civil process:

(A) For serving each process, the fees shall be as follows:

(i) \$10.00 for each reading or copy wherein the officer is directed to make an arrest;

(ii) ~~\$50.00~~ \$75.00 upon presentation of each return of service for the service of papers relating to divorce, annulments, separations, or support complaints;

(iii) ~~\$50.00~~ \$75.00 upon presentation of each return of service for the service of papers relating to civil suits except as provided in subdivisions (1)(A)(ii) and (1)(A)(vii) of this section;

(iv) ~~\$50.00~~ \$75.00 upon presentation of each return of service for the service of a subpoena and shall be limited to that one fee for each return of service;

\* \* \*

(E) Quarterly, 15 percent of the gross civil process fees received by a sheriff's department or constable during that quarter shall be forwarded to the State Treasurer for deposit in the State's General Fund.

\* \* \*

Sec. 36. 20 V.S.A. § 2062 is amended to read:

§ 2062. FINGERPRINTING FEES

State, county, and municipal law enforcement agencies may charge a fee of not more than ~~\$25.00~~ \$35.00 for providing persons with a set of classifiable fingerprints. No fee shall be charged to retake fingerprints determined by the Vermont Crime Information Center not to be classifiable. Fees collected by the State of Vermont under this section shall be credited to the Fingerprint Fee Special Fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the Department of Public Safety to offset the costs of providing these services.

Sec. 37. 16 V.S.A. § 257 is amended to read:

§ 257. FEES FOR FINGERPRINTING; FINGERPRINT FEE SPECIAL FUND

State, county, and municipal law enforcement agencies may charge a fee of up to ~~\$15.00~~ \$35.00 for providing applicants or other individuals with a set of classifiable fingerprints as required by this subchapter. No fee shall be charged to retake fingerprints determined by the Vermont Crime Information Center not to be classifiable. Fees collected by the State of Vermont under this section shall be credited to the Fingerprint Fee Special Fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the Department of Public Safety to offset the costs of providing these services.

\* \* \* Effective Date \* \* \*

Sec. 38. EFFECTIVE DATE

This act shall take effect on passage.

And that the bill ought to pass in concurrence with such proposal of amendment.

Senator Hardy, for the Committee on Finance, to which the bill was referred, reported recommending that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Judiciary.

Senator Sears, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Judiciary.

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

Thereupon, Senator Sears, Baruth, Benning, Nitka and White moved that the Senate proposal of amendment be amended by striking out Secs. 5 and 6 in their entireties and inserting in lieu thereof three new sections to be Secs. 5, 5a, and 6 to read as follows:

Sec. 5. 13 V.S.A. § 7606 is amended to read:

§ 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 ~~he or she~~ 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.

\* \* \*

Sec. 5a. 13 V.S.A. § 7607 is amended to read:

§ 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 ~~he or she~~ 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 Victims Services, and any other entity that may have a record related to the order to seal. The VCIC shall provide notice of the sealing to the Federal Bureau of Investigation's National Crime Information Center.

\* \* \*

(f) Upon request, the Victim's 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) 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.

Sec. 6. 13 V.S.A. § 7611 is added to read:

§ 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, 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.

Which was agreed to.

Thereupon, Senator Sears and Baruth moved that the Senate proposal of amendment be amended by inserting a new Sec. 38 and its reader assistance heading to read as follows:

\* \* \* Statute of Limitations for Discrimination Claims \* \* \*

Sec. 38. 12 V.S.A. § 525 is added to read:

§ 525. ACTIONS BASED ON DISCRIMINATION

An action under 9 V.S.A. § 4506(a) (discrimination in public accommodations or housing) or 21 V.S.A. § 495b (employment discrimination) shall be commenced within six years after the cause of action accrues and not after.

And by renumbering the remaining section to be numerically correct.

Which was agreed to.

Thereupon, third reading of the bill was ordered.

**Bill Passed in Concurrence**

**H. 287.**

House bill of the following title was read the third time and passed in concurrence:

An act relating to patient financial assistance policies and medical debt protection.

**Bills Passed in Concurrence with Proposal of Amendment**

House bills of the following titles were severally read the third time and passed in concurrence with proposal of amendment:

**H. 553.** An act relating to eligibility of domestic partners for reimbursement from the Victims Compensation Program.

**H. 661.** An act relating to licensure of mental health professionals.

**Proposal of Amendment; Bill Passed in Concurrence with Proposal of Amendment**

**H. 720.**

House bill entitled:

An act relating to the system of care for individuals with developmental disabilities.

Was taken up.

Thereupon, pending third reading of the bill, Senators Hooker, Cummings, Hardy, Lyons and Terenzini moved to amend the Senate proposal of amendment by striking out Sec. 3 in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

**Sec. 3. REPORT; CASE MANAGER QUALITY ASSURANCE REVIEW**

On or before November 15, 2022, the designated and specialized service agencies and other contracted agencies providing services to individuals with developmental disabilities shall jointly submit a written report to the House Committee on Human Services and to the Senate Committee on Health and Welfare regarding the oversight of residential placements for individuals with developmental disabilities. The report shall, at a minimum:

(1) address the quality of services provided, including health and safety, in accordance with personalized service plans for the individuals served in these settings;

(2) identify the current required level of oversight and on-site visitation by case managers at the designated and specialized service agencies and other contracted agencies providing services to individuals with developmental disabilities and recommend any modifications to these requirements; and

(3) analyze the fiscal and workforce impacts of ensuring at least one annual on-site visit is made by the Department of Disabilities, Aging, and Independent Living to the designated and specialized service agencies and other contracted agencies providing services to individuals with developmental disabilities.

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

**Proposal of Amendment; Third Reading Ordered**

**H. 456.**

Senator Hooker, for the Committee on Education, to which was referred House bill entitled:

An act relating to establishing strategic goals and reporting requirements for the Vermont State Colleges.

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

\* \* \* Vermont State Colleges; Strategic Goals and Reporting \* \* \*

Sec. 1. 16 V.S.A. § 2171a is added to read:

§ 2171a. STRATEGIC GOALS

(a) The Corporation shall establish its priorities, budget and allocate its resources, and develop its capabilities to ensure that students successfully achieve their academic goals in a manner and in an environment that provides a high-quality education and that is:

- (1) affordable;
- (2) accessible;
- (3) equitable; and
- (4) relevant to Vermont's needs.

(b) As used in this chapter:

(1) "Accessible" means each student, regardless of where the student's home campus is located, has increased access to academic opportunities, majors, and courses across the Corporation's academic system.

(2) "Affordability standard" means the extent to which affordability is being achieved for students and for the Corporation as determined jointly by the Corporation and VSAC.

(3) "Affordable" means a level of financial commitment that results from the application of the affordability standard.

(4) "Equitable" means the extent to which gaps in educational access and success are being reduced for students from economically deprived backgrounds, first-generation students, students of color, and other marginalized groups.

(5) "Relevant to Vermont's needs" means that students graduate as informed and engaged citizens who are prepared for the world of work and for participating in a democratic society.

(6) "Total cost of attendance" has the meaning provided in 20 U.S.C. § 1087ll, as amended.

(7) "Unmet need" means the total cost of attendance minus:

(A) the Student Aid Index, as determined under 20 U.S.C. § 1087mm, as in effect on July 31, 2023; and

(B) all nonloan student financial assistance.

(8) "VSAC" means the Vermont Student Assistance Corporation.

(c) The Corporation's Board of Trustees shall approve and maintain institutional missions that align to the strategic goals set out in subsection (a) of this section.

Sec. 2. 16 V.S.A. § 2171b is added to read:

§ 2171b. VERMONT STUDENT ASSISTANCE CORPORATION AND  
VERMONT STATE COLLEGES; REPORTING

On or before January 15, 2024 and on or before January 15 annually thereafter, VSAC, with the assistance of and in collaboration with the Corporation, shall submit a written report to the House and Senate Committees on Education containing:

(1) the Corporation's progress in attaining affordability for full-time students enrolled with the Corporation for the first time;

(2) the Corporation's progress in attaining affordability for all other students;

(3) the average and median amount of unmet need for full-time students enrolled with the Corporation for the first time and the average and median amount of unmet need for all other students;

(4) the average, median, annual, and cumulative student and parent debt by loan type (federal direct to student, federal direct to parent, state, or private) for students obtaining a two-year or four-year degree; and

(5) for students enrolled with the Corporation, their average:

(A) yearly continuation rate;

(B) academic progress, showing satisfactory and unsatisfactory progress; and

(C) graduation rate.

Sec. 3. REPORT

On or before July 1, 2023, the Vermont Student Assistance Corporation, in collaboration with the Agency of Education, shall submit a written report to the House and Senate Committees on Education on whether and how to implement a requirement that all high school students complete the Free Application for Federal Student Aid as a condition of graduation.

Sec. 4. 16 V.S.A. § 2171(c) is amended to read:

(c) The Corporation may acquire, hold, and dispose of property in fee or in trust, or any other estate, except as provided in subsection (d) of this section; shall have a common seal; and shall be an instrumentality of the State for the purposes set forth in this section. The State of Vermont shall support and



maintain the Corporation. The sale, lease, demolition, or disposal of property by the Corporation shall comply with the applicable requirements of 32 V.S.A. § 962.

Sec. 5. REPEAL

16 V.S.A. § 2188 is repealed.

Sec. 6. AFFORDABILITY STANDARD; DETERMINATION

On or before July 1, 2023, the Vermont State Colleges and the Vermont Student Assistance Corporation shall jointly recommend to the Senate and House Committees on Education and the Senate and House Committees on Appropriations the definition of the affordability standard under Sec. 1 of this act.

\* \* \* Vermont State Colleges Corporation; Board of Trustees \* \* \*

Sec. 7. 16 V.S.A. § 2172 is amended to read:

§ 2172. TRUSTEES; APPOINTMENT; VACANCIES

(a) The Corporation shall be governed by a board of ~~15~~ 17 trustees who shall be appointed or elected as follows:

(1) Biennially, the Governor, with the advice and consent of the Senate, shall appoint trustees to serve for four-year terms expiring March 1 of the year of the biennial session. Five trustees may be in office at one time under this subdivision. In the event of any vacancy occurring between biennial sessions in an office under this subdivision, the Governor, pursuant to 3 V.S.A. § 257, shall fill the vacancy, and the term of a person so appointed shall expire on March 1 in the year of the next following biennial session.

(2)(A) ~~One trustee~~ Two trustees shall be a student ~~trustee~~ trustees:

(i) ~~who is a~~ are matriculated ~~student~~ students at an educational institution operated by the Vermont State Colleges Corporation;

(ii) ~~who is~~ are pursuing a degree program; and

(iii) ~~who has~~ have reached the age of majority.

(B) The student ~~trustee~~ trustees shall serve a one-year ~~term~~ terms expiring on June 1. The student ~~trustee~~ trustees shall be appointed, and a vacancy may be filled, from among those eligible students applying for the position by the decision of those members of the steering committee of the Vermont State Colleges Student Association who have been elected at large to that committee by the students at their respective colleges. No student trustee may serve more than two consecutive terms.

(3) Four trustees shall be legislative trustees who are members of the General Assembly at the time of their election. Legislative trustees shall serve four-year terms expiring on March 1 of the second year of the biennial session, and they shall be elected by joint assembly of the Legislature. Vacancies for any cause shall be filled by the General Assembly at its earliest opportunity, and the term of a person so appointed shall expire on March 1 of the next even numbered year.

(4) Four trustees shall be elected by the Board of Trustees to four-year terms expiring on March 1. Vacancies for any cause shall be filled by the remaining members of the Board of Trustees, and the term of the person so appointed shall expire on the next following March 1.

(5) One trustee shall be faculty or staff employed by the Vermont State Colleges Corporation and elected by the faculty and staff to a four-year term expiring on August 1. The faculty assembly or assemblies shall oversee all trustee elections under this subdivision, which shall be open to all faculty and staff. Vacancies for any cause shall be filled through an election, and the term of the person so appointed shall expire on the next following August 1.

(b) Appointments by the Governor ~~and~~, elections by the General Assembly, and student appointments shall be made with consideration of the geographic distribution of members to prevent an unfair focus on any single college or campus.

(c) No trustee shall be a member of the Board of Trustees of the University of Vermont.

(d)(1) The Board of Trustees, after notice and a hearing, may remove a trustee for incompetency, failure to discharge duties, malfeasance, illegal acts, or other cases inimical to the welfare of the Corporation.

(2) Gubernatorial-appointed trustees shall serve at the pleasure of the Governor pursuant to 3 V.S.A. § 2004.

(3) In the event of a vacancy occurring under this subsection, the ~~Governor or the Board~~ appointing or electing authority of the vacant position, as applicable, shall fill the vacancy pursuant to subsection (a) of this section.

Sec. 8. 16 V.S.A. § 2173 is amended to read:

#### § 2173. BOARD OF TRUSTEES; ORGANIZATION

In addition to the ~~14~~ 16 elected and appointed trustees, the Board of Trustees shall include as a member the Governor of Vermont. A majority of the trustees shall constitute a quorum for the transaction of business. Biennially, the Board shall elect one of its voting members to serve as its chair.

## Sec. 9. TRANSITION

(a) On or before August 1, 2022, the new faculty or staff member of the Board of Trustees of the Vermont State Colleges Corporation shall be elected under Sec. 7 of this act.

(b) On or before September 15, 2022, the new student member shall be appointed under Sec. 7 of this act. The new student trustee shall serve a partial term, commencing on September 15, 2022 and ending on March 1, 2023.

\* \* \* University of Vermont and State Agricultural College; Board of Trustees \* \* \*

Sec. 10. 16 App. V.S.A. Chapter 1, § 1-2 is amended to read:

§ 1-2. BOARD OF TRUSTEES; MEMBERSHIP; TERMS OF SERVICE;  
PRESIDING CHAIR

The Board of Trustees of the University of Vermont and State Agricultural College shall be composed of ~~25~~ 27 members, whose term of office shall be six years, except as to those who are members ex officio and to those who are student members. Three members shall be appointed by the Governor with the consent of the Senate. During the legislative session of 1955, the Governor shall appoint one member for a term of two years, one member for a term of four years, and one member for a term of six years, and it shall be the duty of the Governor during the session of the Legislature prior to expiration of the term of office of any of the members to appoint for the term of six years a successor to the member whose term is expiring. The terms of office of the ~~Trustees~~ trustees shall expire on the last day of February in the respective years of expiration, and the terms of office of their successors shall thereafter begin on March 1 and expire on the last day of February.

Nine members shall be those who have been heretofore elected by the Legislature as members of the Board of Trustees of the University of Vermont and State Agricultural College, and whose terms have not expired, and their successors, and it shall be the duty of the Legislature at its session during which the terms of office of any class of the members expire to elect three successor members for terms of six years. The terms shall commence on March 1 in the year of election. The nine ~~Trustees~~ trustees and their successors shall also constitute the Board of Trustees of the Vermont Agricultural College.

~~Nine~~ Ten members shall be those who have been heretofore elected on behalf of the University of Vermont as members of the Board of Trustees of the University of Vermont and State Agricultural College and whose terms have not expired, and their successors, and it shall be the duty of said ~~nine~~ ten ~~Trustees~~ trustees to elect successors to fill vacancies occurring among their

number upon expiration of the terms of office of any of them or otherwise. The ~~nine Trustees~~ ten trustees and their successors shall also constitute the Board of Trustees of the University of Vermont.

Two members shall be students enrolled at the University of Vermont and State Agricultural College. Their terms of office shall be two years. Prior to February 1, 1978, the Associated Directors for the Appointment of the University of Vermont and State Agricultural College Student Trustees, Incorporated shall select and appoint one student for a term of one year and one student for a term of two years, both of whom shall be enrolled as full-time undergraduate or full-time graduate students. Annually thereafter, the Directors shall meet to select and appoint one student trustee for a term of two years in accordance with the provisions of this section. The Directors shall fill any vacancy occurring among the student trustee members upon the expiration of the term of office of any of them or otherwise. A student shall be eligible to serve as a ~~Trustee~~ trustee, provided the student is a full-time undergraduate or full-time graduate student matriculating in accordance with the degree qualifications and requirements established by the University of Vermont and State Agricultural College and if the student remains in that status throughout the length of the term of office. The term of office of a ~~Student Trustee~~ student trustee shall begin on March 1 following the date of appointment, and the term of office shall end the last day of February in the year of expiration. Any student elected hereunder shall have reached ~~the age of 18 years of age~~.

One member shall be faculty or staff employed by the University of Vermont and State Agricultural College and elected by the faculty and staff to a six-year term expiring on August 1. The Faculty Senate shall oversee all trustee elections under this subdivision, which shall be open to all faculty and staff. Vacancies for any cause shall be filled through an election, and the term of the person so elected shall expire on the next following August 1.

All ~~Trustees~~ trustees so appointed and elected as hereinbefore provided, shall, together with ~~his or her Excellency~~, the Governor of the State, and the President, who shall be, ex officio, a member, constitute an entire Board of Trustees of the corporation known as the University of Vermont and State Agricultural College, who shall have the entire management and control of its property and affairs, and in all things relating thereto, except in the elections to fill vacancies, as aforesaid, shall act together jointly, as one entire Board of Trustees; provided, that all future elections or appointments to the Board of Trustees shall be made with special reference to preventing any religious denominational preponderance in the Board. The Board shall annually, at its first regular meeting after the election of new trustees, elect one of its members to serve as Chair.

## Sec. 11. TRANSITION

On or before August 1, 2022, new members of the Board of Trustees of the University of Vermont and State Agricultural College shall be appointed or elected under Sec. 10 of this act.

## Sec. 12. EFFECTIVE DATES

Secs. 1 and 2 shall take effect on July 1, 2023, and Secs. 3–6, 7–11 (VSC and UVM Board of Trustees), and this section shall take effect on passage.

And that after passage the title of the bill be amended to read:

An act relating to the Vermont State Colleges and the University of Vermont and State Agricultural College.

And that the bill ought to pass in concurrence with such proposal of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and pending the question, Shall the Senate propose to the House to amend the bill as recommended by the Committee on Education?, Senator White requested that the question be divided.

Thereupon, the question, Shall the Senate propose to the House to amend the bill as proposed in Secs. 1, 2, 3, 4, 5 and 6 were collectively agreed to.

Thereupon, the question, Shall the Senate propose to the House to amend the bill as proposed in Secs. 7, 8 and 9 were collectively agreed to on a roll call, Yeas 21, Nays 8.

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

**Roll Call**

**Those Senators who voted in the affirmative were:** Balint, Baruth, Bray, Chittenden, Clarkson, Collamore, Cummings, Hardy, Hooker, Kitchel, MacDonald, McCormack, Nitka, Pearson, Perchlik, Pollina, Ram Hinsdale, Sears, Sirotkin, Starr, Westman.

**Those Senators who voted in the negative were:** Benning, Brock, Campion, Ingalls, Lyons, Mazza, Parent, White.

**The Senator absent and not voting was:** Terenzini.

Thereupon, the question, Shall the Senate propose to the House to amend the bill as proposed in Secs. 10 and 11 were collectively agreed to on a roll call, Yeas 17, Nays 12.

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

### **Roll Call**

**Those Senators who voted in the affirmative were:** Balint, Baruth, Bray, Chittenden, Clarkson, Cummings, Hardy, Hooker, Kitchel, MacDonald, McCormack, Nitka, Pearson, Perchlik, Pollina, Ram Hinsdale, Sirotkin.

**Those Senators who voted in the negative were:** Benning, Brock, Campion, Collamore, Ingalls, Lyons, Mazza, Parent, Sears, Starr, Westman, White.

**The Senator absent and not voting was:** Terenzini.

Thereupon, the question, Shall the Senate propose to the House to amend the bill as proposed in Secs. 12 was agreed to.

Thereupon, third reading of the bill was ordered.

### **Rules Suspended; Bills Messaged**

On motion of Senator Balint, the rules were suspended, and the following bills were severally ordered messaged to the House forthwith:

**H. 287, H. 447, H. 553, H. 661, H. 715, H. 720.**

### **Recess**

On motion of Senator Balint the Senate recessed until the fall of the gavel.

### **Called to Order**

The Senate was called to order by the President.

### **Message from the House No. 58**

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

Madam President:

I am directed to inform the Senate that:

The House has considered a bill originating in the Senate of the following title:

**S. 220.** An act relating to State-paid deputy sheriffs.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the Senate is requested.

**Message from the House No. 59**

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

Madam President:

I am directed to inform the Senate that:

The House has considered Senate proposal of amendment to the following House bill:

**H. 736.** An act relating to the Transportation Program and miscellaneous changes to laws related to transportation.

And has severally concurred therein with a further proposal of amendment thereto, in the adoption of which the concurrence of the Senate is requested.

**Proposals of Amendment; Third Reading Ordered****H. 523.**

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

An act relating to reducing hydrofluorocarbon emissions.

Reported recommending that the Senate propose to the House to amend the bill as follows:

First: In Sec. 1, 10 V.S.A. § 586, subsection (b), by striking out subdivision (4)(G) in its entirety and inserting in lieu thereof the following:

(G) July 1, 2022, for refrigeration systems used in ice skating rinks;  
and

Second: In Sec. 3, 20 V.S.A. § 2731, by striking out subsection (m) in its entirety and inserting in lieu thereof the following:

(m) Refrigerants. No rule adopted under this section or any other requirement of this title shall prohibit or otherwise limit the use of a refrigerant designated as acceptable for use pursuant to and in accordance with 42 U.S.C. 7671k or 10 V.S.A. § 586, provided any equipment containing such refrigerant is listed and installed in accordance with safety standards and use conditions imposed pursuant to such designation.

And that the bill ought to pass in concurrence with such proposals of amendment.

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

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**Third Readings Ordered****H. 482.**

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

An act relating to the Petroleum Cleanup Fund.

Reported that the bill ought to pass in concurrence.

Senator Nitka, for the Committee on Appropriations, to which the bill was referred, reported that the bill ought to pass in concurrence.

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

**H. 606.**

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

An act relating to community resilience and biodiversity protection.

Reported that the bill ought to passage in concurrence.

Senator Nitka, for the Committee on Appropriations, to which the bill was referred, reported that the bill ought to pass in concurrence.

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

**Committee of Conference Appointed; Rules Suspended; Action Messaged****H. 510.**

An act relating to a Vermont Child Tax Credit and the Vermont Social Security income exclusion.

Was taken up. Pursuant to the request of the House, the President announced the appointment of

Senator Cummings  
Senator Pearson  
Senator Westman

as members of the Committee of Conference on the part of the Senate to consider the disagreeing votes of the two Houses.

Thereupon, on motion of Senator Balint, the rules were suspended, and action on the bill was ordered messaged to the House forthwith.



**Senate Concurrent Resolution**

The following joint concurrent resolution, 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, was adopted on the part of the Senate:

By Senator MacDonald,

By Reps. Graham and Lefebvre,

**S.C.R. 19.**

Senate concurrent resolution honoring Williamstown High School boys' basketball Head Coach Jack Carrier on his outstanding career.

**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:

By Reps. Lefebvre and others,

**H.C.R. 150.**

House concurrent resolution designating April 2022 as Vermont Public Safety Telecommunicators Month.

By Reps. Bluemle and others,

By Senators Chittenden, Lyons and Ram Hinsdale,

**H.C.R. 151.**

House concurrent resolution congratulating the Burlington High School Seahorses girls' Nordic skiing team on winning a second consecutive Division I championship.

By Reps. Palasik and others,

**H.C.R. 152.**

House concurrent resolution honoring the Vermont Thunder Ride on its 30th anniversary.

By Reps. Hango and others,

By Senator Collamore,

**H.C.R. 153.**

House concurrent resolution celebrating the State Partnership Program recently established between the Vermont National Guard and Austria.

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By Rep. Rogers,  
By Senator Westman,

**H.C.R. 154.**

House concurrent resolution honoring Waterville Selectboard Chair Donald W. Lynch Sr. for his outstanding municipal leadership.

By Reps. Bluemle and others,

**H.C.R. 155.**

House concurrent resolution honoring Rita Markley for her superb leadership in the effort to eradicate homelessness in Vermont.

By All Members of the House,

**H.C.R. 156.**

House concurrent resolution recognizing National Foster Care Month in Vermont.

By Reps. Dolan and others,

**H.C.R. 157.**

House concurrent resolution honoring Vermont's correctional personnel and recognizing National Correctional Officers Week in Vermont.

By Reps. Scheuermann and others,

**H.C.R. 158.**

House concurrent resolution welcoming the 2022 International Workshop on Agritourism to Vermont.

By Reps. Burditt and Peterson,

**H.C.R. 159.**

House concurrent resolution congratulating the 2022 West Rutland High School Golden Horde Division IV girls' basketball championship team.

By All Members of the House,

By All Members of the Senate,

**H.C.R. 160.**

House concurrent resolution honoring the General Assembly's venerable head doorkeeper, Cornelius F. Reed Jr. of Wolcott.