

**JOURNAL OF THE SENATE**  
**OF THE**  
**STATE OF VERMONT**

**BIENNIAL SESSION, 2023**

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**VOLUME 1**



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**STATE OF VERMONT**

**BUILDINGS AND GENERAL SERVICES,**

**MIDDLESEX, VERMONT**

**JOHN H. BLOOMER, JR.**  
**SECRETARY OF THE SENATE**

**CHRISTINE F. GILHULY**  
**OPERATIONS MANAGER**  
**JOURNAL CLERK**

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# Journal of the Senate

## Of the STATE OF VERMONT BIENNIAL SESSION, 2023

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WEDNESDAY, JANUARY 4, 2023

Pursuant to the provisions of the Constitution and the laws of the State of Vermont, the Senate convened at the State House at Montpelier, on the first Wednesday, after the first Monday, the 4th day of January in the year of two thousand twenty-three.

At ten o'clock in the forenoon, eastern standard time, the Senate was called to order by the President, Lieutenant Governor Molly R. Gray.

### Devotional Exercises

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

### Pledge of Allegiance

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

### Roll Call

The roll of the Senate was thereupon called by the Secretary, John H. Bloomer, Jr., and it appeared that the following Senators were present.

Addison District	Senator Christopher A. Bray Senator Ruth Ellen Hardy
Bennington District	Senator Brian A. Campion Senator Richard W. Sears, Jr.
Caledonia District	Senator M. Jane Kitchel
Chittenden-Central District	Senator Philip E. Baruth Senator Martine Larocque Gulick Senator Tanya C. Vyhovsky
Chittenden-North District	Senator Irene Ava Wrenner
Chittenden-Southeast District	Senator Thomas I. Chittenden Senator Virginia V. Lyons Senator Kesha Ram Hinsdale

Essex District	Senator Russell H. Ingalls
Franklin District	Senator Robert W. Norris
Grand Isle District	Senator Richard T. Mazza
Orange District	Senator Mark A. MacDonald
Orleans District	Senator Robert A. Starr
Rutland District	Senator Brian P. Collamore Senator David H. Weeks Senator Terry K. Williams
Washington District	Senator Ann E. Cummings Senator Andrew J. Perchlik Senator Anne Elizabeth Watson
Windham District	Senator Wendy K. Harrison Senator Nader A. Hashim
Windsor District	Senator Alison Clarkson Senator Richard J. McCormack Senator Rebecca Elizabeth White

#### **Oath Administered**

The twenty-eight Senators-elect present and in their seats were duly sworn by the Secretary and severally subscribed the oath of office.

#### **Election of Officers**

The President announced that the next order of business was the election of officers, and that nominations for Secretary were in order:

Senator Clarkson of Windsor District nominated

**JOHN H. BLOOMER, JR.**

of the Town of Wallingford.

Senator Collamore of Rutland District seconded the nomination.

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

**JOHN H. BLOOMER JR.**

of the Town of Wallingford, as Secretary of the Senate for the two years next ensuing.

Thereupon, he presented himself at the bar of the Senate and received the oath of office from the President.

**Election of President *Pro Tempore***

The President then announced that the next order of business was the election of a President *pro tempore*.

Senator Bray of Addison District nominated

**PHILIP E. BARUTH**

of Chittenden-Central District.

Senator Gulick of Chittenden-Central District seconded the nomination.

There being no further nominations, on motion of Senator Clarkson, the nominations were closed and the Secretary was instructed to cast one ballot for

**PHILIP E. BARUTH**

of Chittenden-Central District as President *pro tempore* of the Senate for the two years next ensuing.

Thereupon, he presented himself at the bar of the Senate and received the oath of office from the President.

**Election of Third Member of Committee on Committees**

The Senate then proceeded to the election of a Senator to serve with the President and President *pro tempore* as a member of the Committee on Committees, which appoints the standing committees of the Senate.

Senator Kitchel of Caledonia District nominated

**RICHARD T. MAZZA**

of Grand Isle District.

Senator Collamore of Rutland District seconded the nomination.

There being no further nominations, on motion of Senator Baruth, the nominations were closed and the Secretary was instructed to cast one ballot for

**RICHARD T. MAZZA**

of Grand Isle District to serve with the President and President *pro tempore* as a member of the Committee on Committees.

Thereupon, he presented himself at the bar of the Senate and received the oath of office from the President.

**Appointments**

The President announced the appointment by the Secretary of

**MELISSA ROSE KUCSERIK**

of Montpelier, as Assistant Secretary of the Senate, and she presented herself at the bar of the Senate and received the oath of office from the Secretary.

The President announced the appointment by the Secretary of

**CHRISTINE F. GILHULY**

of Warren, as Operations Manager/Journal Clerk, and

**VANESSA J. DAVISON**

of Hardwick, as Operations Facilitator/Calendar Clerk, and

**PENNY M. CARPENTER**

of Waterbury, as Office Associate.

**Senate Resolutions Adopted**

Senate resolutions of the following titles were severally offered, read and adopted, and are as follows:

By Senator Baruth,

**S.R. 1.** Senate resolution relating to the rules of the Senate.

***Resolved by the Senate:***

That for the 2023 Biennial Session the Senate be governed by the Permanent Rules of the Senate as in effect at the end of the 2022 Adjourned Session, until others are adopted, with the following amendment:

*First:* Permanent Rule 2A is amended to read as follows:

2A. The Senators from the Addison Senatorial District shall occupy seats numbered 18 and 19; from the Bennington Senatorial District, seats numbered 5 and 6; from the Caledonia Senatorial District, seat number 26; from the Chittenden-Central Senatorial District, seats numbered 10, 11 and 12; from the Chittenden-North Senatorial District, seat number 27; from the Chittenden-Southeast Senatorial District, seats numbered 7, 8 and 9; from the Essex Senatorial District, seat number 3; from the Franklin Senatorial District, seats numbered 20 and 21; from the Grand Isle Senatorial District, seat number 25; from the Lamoille Senatorial District, seat number 1; from the Orange Senatorial District, seat number 4; from the Orleans Senatorial District, seat number 2; from the Rutland Senatorial District, seats numbered 22, 23 and 24; from the Washington Senatorial District, seats numbered 28, 29 and 30; from

the Windham Senatorial District, seats numbered 16 and 17; and from the Windsor Senatorial District, seats numbered 13, 14 and 15.

By Senator Baruth,

**S.R. 2.** Senate resolution relating to concurrently conducted electronic committee meetings.

***Resolved by the Senate:***

Notwithstanding the language in Permanent Senate Rule 32A limiting the applicability of Senate Rule 32A to Declarations of Emergency, the provisions of Permanent Senate Rule 32A regarding committee meetings shall be in effect until March 3, 2023.

By Senator Baruth,

**S.R. 3.** Senate resolution relating to electronic participation in Senate Sessions.

***Resolved by the Senate:***

That a temporary rule, to be designated by Rule 9B, be adopted to read as follows:

Rule 9B. Temporary Rule Regarding Electronic Participation in Senate Sessions

(a)(1) Senate Sessions shall return to in-person legislating, except a Senator may participate, debate, deliberate and vote pursuant to the procedures of Senate Rule 9A in concurrently conducted electronic sessions on a temporary, emergency basis if:

(A) the Senator has tested positive for, or is diagnosed with, COVID-19 and is within a required period of isolation;

(B) the Senator has COVID-19 symptoms and is awaiting the results of a diagnostic test;

(C) the Senator is the primary caregiver for a household member, and the household member is required to be home due to one of the reasons set forth in subdivisions (A)–(B) of this subdivision (1); or

(D) the Senator or the household member for which the Senator is the primary caregiver has a temporary emergency relating to care or health.

(2) A Senator may avail themselves of section (a)(1)(D) for no more than two (2) consecutive days. A Senator may request the Rules Committee authorize a longer duration of participation under section (a)(1)(D).

(b) This temporary rule shall remain in effect through Friday, March 3, 2023.

By Senator Clarkson,

**S.R. 4.** Senate resolution relating to appointment of a committee to inform the Governor of the organization of the Senate.

***Resolved by the Senate:***

That a committee of four Senators be appointed by the President to wait upon His Excellency, the Governor, and to inform him that the Senate has organized and is ready on its part to proceed with the business of the session.

By Senator Clarkson,

**S.R. 5.** Senate resolution relating to informing the House of the organization of the Senate.

***Resolved by the Senate:***

That the Secretary be directed to inform the House of Representatives that a quorum of the Senate has assembled and organized by the election of **John H. Bloomer, Jr.**, of Wallingford, as Secretary, and **Philip E. Baruth**, a Senator from Chittenden-Central District, as President *pro tempore*, and is ready on its part to proceed with the business of the session.

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

Joint Senate resolutions of the following titles were severally offered, read and adopted on the part of the Senate, and are as follows:

By Senator Mazza,

**J.R.S. 1.** Joint resolution relating to joint rules.

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

That the joint rules of the Senate and the House as adopted in 2021 be adopted as the joint rules of this biennial session until others are adopted.

By Senator Baruth,

**J.R.S. 2.** Joint resolution to provide for a Joint Assembly to receive the report of the committee appointed to canvass votes for state officers.

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

That the two Houses meet in Joint Assembly on Thursday, January 5, 2023, at ten o'clock in the forenoon to receive the report of the Joint Canvassing Committee appointed to canvass votes for Governor, Lieutenant Governor, State Treasurer, Secretary of State, Auditor of Accounts and Attorney General,



and if it shall be declared by said Committee that there had been no election by the voters of any of said state officers, then to proceed forthwith to elect such officers as have not been elected by the voters.

By Senator Baruth,

**J.R.S. 3.** Joint resolution to provide for a Joint Assembly to hear the inaugural message of the Governor.

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

That the two Houses meet in Joint Assembly on Thursday, January 5, 2023, at two o'clock in the afternoon to receive the inaugural message of the Governor.

By Senator Baruth,

**J.R.S. 4.** Joint resolution relating to Town Meeting adjournment.

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

That when the two Houses adjourn on Friday, March 3, 2023, or Saturday, March 4, 2023, it be to meet again no later than Tuesday, March 14, 2023.

By Senator Kitchel,

**J.R.S. 5.** Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

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

That the two Houses meet in Joint Assembly on Friday, January 20, 2023, at one o'clock in the afternoon to receive the budget message of the Governor.

**Committee Appointed**

Pursuant to the provisions of S.R. 4, the President appointed a Committee to wait upon His Excellency, the Governor, to inform him that the Senate is ready on its part to proceed with the business of the session:

Senator Clarkson  
Senator Perchlik  
Senator Collamore  
Senator Campion

**Report of Committee**

Senator Clarkson, of Windsor District, for the Committee appointed to wait upon His Excellency, the Governor, to inform him that the Senate is ready on its part to proceed with the business of the session, appeared at the bar of the Senate and reported that it had performed the duties assigned to it.

**Canvassing Committee Elected**

The President nominated as a committee on the part of the Senate to canvass votes for state officers,

Senator Hardy, of Addison District  
Senator Champion, of Bennington District  
Senator Kitchel, of Caledonia District  
Senator Gulick, of Chittenden-Central District  
Senator Wrenner, Chittenden-North District  
Senator Ram Hinsdale, Chittenden-Southeast District  
Senator Ingalls, of Essex  
Senator Norris, of Franklin District  
Senator Mazza, of Grand Isle District  
Senator Westman, of Lamoille District  
Senator MacDonald, of Orange District  
Senator Starr, of Orleans District  
Senator Williams, of Rutland District  
Senator Watson, of Washington District  
Senator Harrison, of Windham District  
Senator White, of Windsor District

Thereupon, Senator Baruth moved that the nominees be elected by the Senate, which was agreed to.

Thereupon, the President declared the nominees elected, and the fifteen Committee members present and elected received the oath of office from the Secretary.

The President designated Senator Hardy, of Addison District, as Chair of the Joint Canvassing Committee to canvass votes for state officers.

**Adjournment**

On motion of Senator Baruth, the Senate adjourned until nine o'clock and forty-five minutes in the morning.

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**THURSDAY, JANUARY 5, 2023**

The Senate was called to order by the President.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

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**Message from the House No. 1**

A message was received from the House of Representatives by Mr. Nigel Hicks-Tibbles, its First Assistant Clerk, as follows:

Madam President:

I am directed to inform the Senate that:

A quorum of the House has assembled and organized by the election of

**Jill Krowinski**

the Representative from Burlington, as Speaker, and

**BetsyAnn Wrask**

of Waterbury, as Clerk, who in turn has appointed Nigel Hicks-Tibbles of Northfield as First Assistant Clerk and Alona Tate of Montpelier as Second Assistant Clerk, and is ready on its part to proceed with the business of the session.

**Message from the House No. 2**

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 resolutions originating in the Senate of the following titles:

**J.R.S. 1.** Joint resolution relating to joint rules.

**J.R.S. 2.** Joint resolution to provide for a Joint Assembly to receive the report of the committee appointed to canvass votes for state officers.

**J.R.S. 3.** Joint resolution to provide for a Joint Assembly to hear the inaugural message of the Governor.

**J.R.S. 4.** Joint resolution relating to Town Meeting adjournment.

**J.R.S. 5.** Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

And has adopted the same in concurrence.

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**Message from the House No. 3**

A message was received from the House of Representatives by Mr. Nigel Hicks-Tibbles, its First Assistant Clerk, as follows:

Madam President:

I am directed to inform the Senate that:

The House has appointed as members of the Joint Canvassing Committee on the part of the House to canvass votes for state officers:

Addison District	Birong of Vergennes McGill of Bridport Elder of Starksboro
Bennington District	Corcoran of Bennington Pajala of Londonderry Rice of Dorset
Caledonia District	Troiano of Stannard Farlice-Rubio of Barnet Beck of St. Johnsbury
Chittenden-Central District	Chase of Colchester Small of Winooski Dolan of Essex Junction
Chittenden-North District	Andrews of Westford Mattos of Milton Black of Essex
Chittenden-Southeast District	Brown of Richmond Waters Evans of Charlotte Krasnow of South Burlington
Essex District	Labor of Morgan Page of Newport City Williams of Granby
Franklin District	McCarthy of St. Albans City Walker of Swanton Hango of Berkshire
Grand Isle District	Leavitt of Grand Isle Brennan of Colchester Austin of Colchester

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Lamoille District	Noyes of Wolcott Boyden of Cambridge Patt of Worcester
Orange District	Demrow of Corinth Graham of Williamstown Hooper of Randolph
Orleans District	Sims of Craftsbury Higley of Lowell Templeman of Brownington
Rutland District	Howard of Rutland City Canfield of Fair Haven Burditt of West Rutland
Washington District	Casey of Montpelier Goslant of Northfield Chapin of East Montpelier
Windham District	Sibilia of Dover Goldman of Rockingham Burke of Brattleboro
Windsor District	Bartholomew of Hartland Buss of Woodstock White of Bethel

**Oath Administered to Senate Member**

The Secretary reported that the oath of office was duly sworn to by Senator-elect Randolph D. Brock of Franklin District on January 4, 2023.

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

**J.R.S. 6.**

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

By Senator Baruth,

**J.R.S. 6.** Joint resolution relating to weekend adjournment.

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

That when the two Houses adjourn on Friday, January 6, 2023, it be to meet again no later than Tuesday, January 10, 2023.

**Recess**

The President declared a recess until the fall of the gavel.

**Joint Assembly**

At ten o'clock in the forenoon, the hour having arrived for the meeting of the two Houses in Joint Assembly pursuant to:

**J.R.S. 2.** Joint resolution to provide for a Joint Assembly to receive the report of the committee appointed to canvass votes for state officers.

The Senate repaired to the Hall of the House.

Having returned therefrom, at ten o'clock and twenty-five minutes, the President resumed the Chair.

**Called to Order**

The Senate was called to order by the President.

**Recess**

The President declared a recess 11:25 A.M.

**Called to Order**

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

**Incoming President Takes Oath of Office**

Senator Mazza moved that the President *pro tempore* appoint a Committee of two Senators to wait upon His Excellency, David E. Zuckerman, Lieutenant Governor-elect, and escort him to the bar of the Senate.

Which was agreed to.

Thereupon, the President *pro tempore* appointed as members of such Committee

Senator Clarkson  
Senator Brock

The Committee appointed to wait upon His Excellency, David E. Zuckerman, Lieutenant Governor-elect, performed the duties assigned to it and appeared at the bar of the Senate accompanied by His Excellency, David E. Zuckerman, who took and subscribed the oath of office required by the Constitution from Sha'an Moulert of Saint Johnsbury Center.

**Remarks of Incoming Lieutenant Governor David E. Zuckerman  
Journalized**

Thereupon, the incoming President addressed the Senate, assuring his full cooperation and accommodation on a nonpartisan and objective basis, and, on motion of Senator Baruth, his remarks were ordered entered in the Journal, and are as follows:

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“Welcome to the 2023-24 Vermont Legislative session. It is with deep gratitude, excitement and a bit of trepidation, that I return to this podium as Vermont’s Lieutenant Governor.

“First of all, I am extremely grateful to Vermonters for trusting me with the responsibility and the opportunity to serve again as your LG. I want to thank Vermonters for diligently paying attention and participating, for calling your representatives to alert them to your concerns and needs and for showing up to the polls and voting. In the past, when you engaged about stormwater run-off, cannabis reform, Patient choices at the end of life, or issues of inequality, or a woman’s right to choose, property taxes, marriage equality, gun safety and more, your calls made a difference. Your votes make a difference. We need you. We cannot work for you without your input. Thanks for your good work. This is what democracy looks like.

“I am also grateful for each of the candidates I faced: Rep. Kitty Toll, Patricia Preston, Rep. Charlie Kimball, and Senator Joe Benning who also ran for this office. It was a pleasure to share the campaign trail with such dedicated, capable, thoughtful individuals. You gave Vermonters good choices and you showed everyone in this state and beyond that candidates can vie for the same position respectfully and with integrity.

“I want to thank my family, and the families of all elected officials, who make it possible for us to do what we do. Campaigning and serving is hard and challenging. Yet what many folks don’t realize, is that it can also be hard on our loved ones and families. Mud slung at us is also slung at them. Their actions and behaviors can be viewed as appendages of ours. Late nights attending meetings are nights we are not there to read to our children, to tuck them into bed and to help them with their homework. We are not always there to eat dinner as a family, let alone to help clean up afterwards. We are not always there to massage our loved ones’ neck and ask them how their day went. Service to our state and our communities requires sacrifice and work. Work that we could never do without the love and sacrifices from those who hold us up and encourage us to keep fighting for others, even when it comes with a personal cost to them.

“While I am sorry to lose the valuable assets of many of our past Senators who have retired, I am grateful to each of you Senators before me today. Vermonters have spoken and they said they want you to bring your solutions to the table. I am excited for how new conversations and new combinations of insights and experiences will benefit our state.

“On each of your desks is a jar of maple cream from Cary and Main in St. Johnsbury and North Danville. The company’s name pays homage to George Cary, the man widely recognized as the Maple King of Vermont. Although we actually owe the development of maple syrup production to the indigenous

peoples of the area, Cary earned his title for his work early in the 20th century pioneering the expansion of maple from a local product to one prized across the country. I chose this gift to kick off the start of our new biennium, as a reminder of why we are here. Maple, in all its glorious forms, is a symbol of the beauty of Vermont. It's a symbol of hard work, ingenuity, natural beauty and resilience. It's a symbol of who we are, of all that we have, and also, all that we are on the precipice of losing.

"I can think of nothing more iconic to Vermont than the maple tree. The maple tree brings us together in sugar shacks every spring. Families, friends and neighbors flock together to boil sap, stoke the fire, or gather at their local 'sugar on snow' destination. We pour real maple syrup on pancakes, waffles and fried dough. A Vermont summer is not complete without indulging in a refreshing maple creemee. Yet we would have none of this sweetness without Vermonters working countless hours tapping trees, clearing sugar bushes, running lines, wading thigh-high in snow, gathering and then boiling the sap. The work of making something so delicious out of the sap of a tree, exemplifies the rugged, physical labor that so many Vermonters do regardless of weather, sore muscles, cold fingers or achy joints. The rugged spirit of Vermonters as well as the community energy around it, are epitomized in the sugaring season and all its products.

"Fall foliage season, with the yellow, orange and red maples lighting up our hillsides and communities, is truly a beauty to behold. We have something very special here and folks notice that. Vermont and all its 'mapleness' shines as a beacon of hope to the rest of this country. Currently, folks are flocking here from all over the nation to experience what it is that we have. They come here seeking a better life. They come here looking for community, safety, the arts, good schools, local food, decency and outdoor adventures. And this is a great boon for our state and our workforce.

"However, this better life they are seeking is ironically increasingly threatened. Increased population numbers lead to increased stresses on our housing options and costs, our roads, our waterways and our natural resources. This is why I return with trepidation; as Senators, the task before you, the task of steering this ship, of welcoming new families without forcing out the old, and of lessening these stressors on our institutions and our environment, can seem daunting indeed.

"As we gather here today to begin a new biennium, we have many complicated issues before us:

"Vermont has generational poverty.



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“Vermont has children who cannot learn well because they are hungry in their classrooms. Vermont has parents who go hungry so that their children can eat.

“Vermont has a housing shortage that has reached a crisis for our residents and our employers and driven costs out of reach for too many.

“Vermont's wages are not rising fast enough to keep up with inflation.

“Vermonters face public safety concerns in both rural and urban communities.

“Vermonters face a workforce shortage and a childcare crisis.

“Vermont’s healthcare system is broken. Hospitals and staff are collapsing. Costs keep going up while emergency rooms are burdened by caring for many with a range of issues beyond acute triage.

“Vermont has increased drug use, addiction and a record number of overdose deaths.

“As if all that isn’t enough to contend with, the climate crisis is here now and it is only going to get worse. Our strong agricultural and forestry sectors are at risk, further threatening our vibrant, local food supplies. Right now, because of the warm spell we are experiencing, the sap has already run. It’s too early and it adds work and labor costs to our maple production. What’s worse, with earlier spring warming, our maple trees risk budding out too early, turning our precious sweet sap bitter.

“In 50 short years, if we are not careful, the maple tree may not even be able to survive in our state any longer.

“So with all these challenges before us, why are we here? Why do we even bother?

“To answer that, I want to take a moment to acknowledge Sha’an Mouliert, the Vermonter who drove here today from St Johnsbury to swear me in. I am humbled that Sha’an agreed to be a part of this ceremony because in my eyes, Sha’an is herself real Vermont Maple Cream. Sha’an is resilient, hard-working, resourceful, creative and community-minded. Since moving to Derby line in 1983, she has weathered many storms and yet remained a constant and vital ingredient in our Vermont community. As the coordinator and photographer of the “I am Vermont Too” photo-story, she helped shine a light on the issue of micro-aggressions against people of color who live in and are contributors to our neighborhoods and communities. As a community organizer, inclusion consultant, artist and educator, she has used her artist’s eye and her big heart to creatively ‘tap into’ what is important or unique about whatever her chosen subject is and ‘boil it

down' to present it to the rest of us in a way we can understand and appreciate it in a new light.

“It is folks like Sha’an, who instead of giving up, create a way of moving up and through adversity, that make Vermont this special place we know and love.

“As daunting as our task may seem at times, it’s time to roll up our sleeves and, like the Sha’ans in our state, get to work being real Vermont creative. Each and every one of you has been elected to serve and each and every one of you possesses some special experience or expertise to bring to the table. While here to serve as Senators, you are also individuals. You are educators, social workers, public safety officials, business owners, scientists, healthcare workers and town managers by trade. But you may also have personal experiences with applying for permits, dealing with damage from an environmental disaster, parenting a special-needs child, seeking help with ageing parents, or losing a loved-one to drug-addiction or suicide, etc that makes you unique and knowledgeable.

“However, do not rely on just your own experiences. Recent technological improvements to the State House have given you the opportunity to hear and listen to the voices from Vermonters who otherwise would not be able to show up in person for testimony. Take this opportunity. Our democracy can only be stronger when we include as many voices as possible.

“The challenge before you is to not become stymied by what may look bleak but to instead, ‘tap into’ your wealth of hidden resources, your areas of expertise and your reserves and to 'boil your shared ideas down' into solutions that will work for Vermonters. The people of Vermont have elected each and every one of us to represent and serve them. It’s time to do them proud. It’s time to get Vermont-creative, to roll up our sleeves and do the hard work, to be brave enough to let old, tired approaches fall by the wayside and daring enough to imagine and fund innovative new ideas to take their place.

“For my part, I will work to make sure the process in this chamber is fair and that all voices are heard and respected in this chamber. We will follow the rules and my judgements will be guided by the principles set forth in the Senate rules. I look forward to working with you all and please know that my office is always open. Whether you want to discuss policy, or need a quiet place to gather your thoughts, please feel free to contact Lisa Gerlach, my Chief of Staff, and utilize my space if you need it. Thank you. Let's get to work to tackle Vermonters struggles.”

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**Appointment**

The President announced the appointment of

**LISA GERLACH**

of Burlington, as Chief of Staff to the incoming President.

**Standing Committee Appointed**

The President, on behalf of the Committee on Committees, reported the appointment of a standing committee, as follows:

**Rules**

At Call

Senator Baruth  
Mazza  
Perchlik  
Clarkson  
Brock

**Recess**

On motion of Senator Baruth the Senate recessed until 1:55 P.M.

**Called to Order**

The Senate was called to order by the President.

**Joint Assembly**

At two o'clock in the afternoon, the hour having arrived for the meeting of the two Houses in Joint Assembly pursuant to:

**J.R.S. 3.** Joint resolution to provide for a Joint Assembly to hear the inaugural message of the Governor.

The Senate repaired to the Hall of the House.

Having returned therefrom, at four o'clock and five minutes, the President resumed the Chair.

**Senate Resolution Adopted**

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

By the Committee on Rules,

**S.R. 6.** Senate resolution relating to the number of members of the Government Operations Committee.

***Resolved by the Senate:***

That the seventh paragraph of Senate Rule 24 (relating to the composition of the Senate Government Operations Committee) be amended to read as follows:

A committee on Government Operations, of five or six members, as determined by the Committee on Committees for each biennium, to whom shall be referred matters relating to the administration of government and justice; compensation of and retirement benefits for public officials and employees; suffrage; nominations and elections; municipal corporations; military affairs, including veterans and civil defense; public records and open meetings; and reapportionment.

**Standing Committees Appointed**

The President, on behalf of the Committee on Committees, reported the appointment of the standing committees, as follows:

**Agriculture**

A.M.	Senator Starr, Chair Collamore, Vice-Chair Westman Campion Wrenner	Room 28
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**Appropriations**

P.M.	Senator Kitchel, Chair Perchlik, Vice-Chair Westman Starr Sears Baruth Lyons	Room 5
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**Economic Development, Housing and General Affairs**

A.M.	Senator Ram Hinsdale, Chair Clarkson, Vice-Chair Brock Cummings Harrison	Room 27
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**Education**

P.M. Senator Champion, Chair Room 28  
Gulick, Vice-Chair  
Hashim  
Weeks  
Williams

**Finance**

P.M. Senator Cummings, Chair Room 6  
MacDonald, Vice-Chair  
Bray  
McCormack  
Brock  
Ram Hinsdale  
Chittenden

**Government Operations**

P.M. Senator Hardy, Chair Room 4  
Vyhovsky, Vice-Chair  
Clarkson  
White  
Norris  
Watson

**Health and Welfare**

A.M. Senator Lyons, Chair Room 17  
Weeks, Vice-Chair  
Hardy  
Gulick  
Williams

**Institutions**

P.M. Senator Ingalls, Chair Room 7  
Harrison, Vice-Chair  
Mazza  
Collamore  
Wrenner

**Judiciary**

A.M.                      Senator Sears, Chair                      Room 1  
    Hashim, Vice-Chair  
    Baruth  
    Vyhovsky  
    Norris

**Natural Resources and Energy**

A.M.                      Senator Bray, Chair                      Room 8  
    Watson, Vice-Chair  
    McCormack  
    MacDonald  
    White

**Transportation**

A.M.                      Senator Mazza, Chair                      Room 3  
    Chittenden, Vice-Chair  
    Kitchel  
    Perchlik  
    Ingalls

**Adjournment**

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

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**FRIDAY, JANUARY 6, 2023**

The Senate was called to order by the President.

**Devotional Exercises**

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

**Oath Administered to Senate Member**

The Secretary reported that the oath of office was duly sworn to by Senator-elect Richard A. Westman of Lamoille District on January 6, 2023 at 9:30 A.M.

**Bills Introduced**

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

**S. 1.**

By Senators Sears and Campion,

An act relating to Act 250 jurisdiction over aircraft hangars.

To the Committee on Natural Resources and Energy.

**S. 2.**

By Senators Lyons, Cummings and Hardy,

An act relating to legislative oversight of payment reform and conflict-free case management for developmental disability services.

To the Committee on Health and Welfare.

**S. 3.**

By Senator Baruth,

An act relating to prohibiting paramilitary training camps.

To the Committee on Judiciary.

**S. 4.**

By Senators Sears, Baruth and Campion,

An act relating to reducing crimes of violence associated with juveniles and dangerous weapons.

To the Committee on Judiciary.

**S. 5.**

By Senators Bray, Baruth, Campion, Clarkson, Cummings, Gulick, Hardy, MacDonald, McCormack, Perchlik, Ram Hinsdale, Watson and White,

An act relating to affordably meeting the mandated greenhouse gas reductions for the thermal sector through electrification, decarbonization, efficiency, and weatherization measures.

To the Committee on Natural Resources and Energy.

**S. 6.**

By Senators Sears, Baruth and Lyons,

An act relating to custodial interrogation of juveniles.

To the Committee on Judiciary.

**S. 7.**

By Senators Hashim, Vyhovsky and White,  
An act relating to qualifications for a public defender.  
To the Committee on Judiciary.

**S. 8.**

By Senator Hashim,  
An act relating to appointing counsel to represent a person found incompetent to stand trial or not guilty by reason of insanity.  
To the Committee on Judiciary.

**Adjournment**

On motion of Senator Baruth, the Senate adjourned, to reconvene on Tuesday, January 10, 2023, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 6.

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**TUESDAY, JANUARY 10, 2023**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Julian Asucan of Montpelier.

**Pledge of Allegiance**

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

**Message from the House No. 4**

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

Mr. 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. 6.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.



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**Message from the Governor  
Appointments Referred**

Three messages were 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:

Greenberg, Matthew of Montpelier - Member of the Board of Medical Practice from March 22, 2022 to February 28, 2023.

To the Committee on Health and Welfare.

Peterson, Eric of South Burlington - Member of the Community High School of Vermont Board - from September 15, 2022 to February 28, 2023.

To the Committee on Education.

Saudek, Karen of Montpelier - Member of the State Labor Relations Board - from May 4, 2022 to June 30, 2027.

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

Donegan, Roger of Hinesburg - Member of the State Labor Relations Board - from May 4, 2022 to June 30, 2026.

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

Recicar, Stuart of Colchester - Member of the Community High School of Vermont Board - from December 12, 2022 to February 28, 2025.

To the Committee on Education.

Lenes, Joan of Shelburne - Member of the Community High School of Vermont Board - from December 12, 2022 to February 29, 2024.

To the Committee on Education.

Flynn, Sarah of Williston - Member of the Community High School of Vermont Board - from December 12, 2022 to February 29, 2024.

To the Committee on Education.

Weinstein, Heather of Montpelier - Member of the Community High School of Vermont Board - from December 12, 2022 to February 28, 2023.

To the Committee on Education.

Werner, Richard of East Dover - Member of the State Board of Education - from December 12, 2022 to February 28, 2024.

To the Committee on Education.

Severtson, Amera of Barre - Member of the State Board of Education - from August 9, 2022 to June 30, 2024.

To the Committee on Education.

Troiano, Jo Ann of Montpelier - Member of the Vermont State Housing Authority - from December 12, 2022 to February 28, 2027.

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

Sullivan, Linda Joy of Dorset - Member of the Vermont State Housing Authority - from December 12, 2022 to February 28, 2025.

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

Thomas, Brian of Shrewsbury - Member of the Plumbers' Examining Board - from October 10, 2022 to June 30, 2024.

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

Nesbit, Tom of Waterbury Center - Member of the Plumbers' Examining Board - from October 10, 2022 to June 30, 2025.

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

Goodrich, Steve of North Bennington - Member of the Plumbers' Examining Board - from October 10, 2022 to June 30, 2023.

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

Marvin, David of Hyde Park - Member of the Vermont Economic Development Authority - from September 21, 2022 to February 29, 2028.

To the Committee on Finance.

Greemore, Robert of Barre - Member of the State Labor Relations Board - from September 21, 2022 to February 29, 2028.

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

Elwell, Peter of Brattleboro - Member of the Vermont Economic Development Authority - from September 21, 2022 to February 28, 2025.

To the Committee on Finance.

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Bourgeois, Kiersten of Swanton - Member of the Vermont Economic Development Authority - from September 21, 2022 to February 29, 2028.

To the Committee on Finance.

Hood, Peter of Middlesex - Member of the State Infrastructure Bank Board - from August 29, 2022 to February 28, 2027.

To the Committee on Finance.

Flory, Al of Barre - Member of the State Infrastructure Bank Board - from September 21, 2022 to February 28, 2025.

To the Committee on Finance.

Bullock, Fred of Bellows Falls - Member of the State Infrastructure Bank Board - from August 29, 2022 to February 28, 2026.

To the Committee on Finance.

Leavitt, Thomas of Waterbury - Member of the Vermont Housing Finance Agency - from August 26, 2022 to February 29, 2024.

To the Committee on Finance.

Morrissey, Jeanne of Richmond - Member of the Vermont Housing Finance Agency - from July 26, 2022 to February 28, 2025.

To the Committee on Finance.

Milord-Ajanma, Marie of Waterbury - Member of the Vermont Housing Finance Agency - from July 26, 2022 to February 28, 2026.

To the Committee on Finance.

Baser, Fred of Bristol - Member of the Vermont Housing Finance Agency - from July 26, 2022 to February 28, 2026.

To the Committee on Finance.

Gaffney, Kevin of Jericho - Commissioner, Department of Financial Regulation - from July 5, 2022 to February 28, 2023.

To the Committee on Finance.

Gibbons, Kenneth of Hyde Park - Member of the Vermont Educational and Health Buildings Financing Agency - from July 1, 2022 to February 29, 2028.

To the Committee on Finance.

Gallagher, Thomas of St. Albans - Member of the Vermont Economic Development Authority - from July 1, 2022 to February 29, 2028.

To the Committee on Finance.

Winters, Debbie of Swanton - Member of the Vermont Municipal Bond Bank - from April 20, 2022 to January 31, 2024.

To the Committee on Finance.

Ogorzalek, Ed of Rutland - Member of the Vermont Educational and Health Buildings Financing Agency - from April 20, 2022 to January 31, 2026.

To the Committee on Finance.

Bourgeois, Anita of Middlesex - Member of the Vermont Educational and Health Buildings Financing Agency - from April 20, 2022 to January 31, 2027.

To the Committee on Finance.

Foley, Mark of Rutland - Member of the Vermont Municipal Bond Bank - from April 20, 2022 to January 31, 2024.

To the Committee on Finance.

Filipek, John of Jericho - Member of the State Police Advisory Commission - from April 20, 2022 to February 28, 2026.

To the Committee on Government Operations.

Boyde, Glenn of Colchester - Member of the State Police Advisory Commission - from April 20, 2022 to February 28, 2025.

To the Committee on Government Operations.

Harris, Kyle of Roxbury - Member of the Cannabis Control Board - from March 28, 2022 to February 28, 2025.

To the Committee on Government Operations.

Philibert, Dawn of South Burlington - Chair of the Board of Health - from October 17, 2022 to February 28, 2027.

To the Committee on Health and Welfare.

Brown, Brody of Williamstown - Member of the Board of Health - from October 17, 2022 to February 28, 2023.

To the Committee on Health and Welfare.

Murman, David of Waterbury - Member of the Green Mountain Care Board - from October 1, 2022 to September 30, 2028.

To the Committee on Health and Welfare.

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Lunge, Robin of Berlin - Member of the Green Mountain Care Board - from October 1, 2022 to September 30, 2023.

To the Committee on Health and Welfare.

Foster, Owen of Jericho - Chair of the Green Mountain Care Board - from October 1, 2022 to September 30, 2024.

To the Committee on Health and Welfare.

Lorentz, Stephanie of Rutland - Member of the Board of Medical Practice - from September 21, 2022 to February 28, 2027.

To the Committee on Health and Welfare.

Sproul, Marga of Burlington - Member of the Board of Medical Practice - from August 29, 2022 to February 28, 2023.

To the Committee on Health and Welfare.

Payne, Christine of Peacham - Member of the Board of Medical Practice - from August 29, 2022 to February 29, 2024.

To the Committee on Health and Welfare.

Liebow, David of Townshend - Member of the Board Medical Practice - from August 29, 2022 to February 28, 2023.

To the Committee on Health and Welfare.

Clattenburg, Richard of Perkinsville - Member of the Board of Medical Practice - from August 29, 2022 to February 29, 2024.

To the Committee on Health and Welfare.

McLain, Sarah of Lincoln - Member of the Board of Medical Practice - from August 29, 2022 to February 28, 2023.

To the Committee on Health and Welfare.

Larsen, Rachel B. of Burlington - Member of the Children and Family Council for Prevention Programs - from July 26, 2022 to February 29, 2024.

To the Committee on Health and Welfare.

Kersey, Kiersten of White River Junction - Member of the Children and Family Council for Prevention Programs - from July 26, 2022 to February 28, 2024.

To the Committee on Health and Welfare.

Aiken, Katie of Bennington - Member of the Human Services Board - from August 29, 2022 to February 28, 2025.

To the Committee on Health and Welfare.

Wolf, Matt of East Montpelier - Member of the Children and Family Council for Prevention Programs - from April 20, 2022 to February 28, 2023.

To the Committee on Health and Welfare.

Sheil, Bob of Montpelier - Member of the Children and Family Council for Prevention Programs - from April 20, 2022 to February 28, 2023.

To the Committee on Health and Welfare.

Mazza, Mackenzie of Colchester - Member of the Children and Family Council for Prevention Programs - from April 20, 2022 to February 28, 2025.

To the Committee on Health and Welfare.

Loner, Michael of Hinesburg - Member of the Children and Family Council for Prevention Programs - from April 20, 2022 to February 29, 2024.

Johnson, Linda of Montpelier - Member of the Children and Family Council for Prevention Programs - from April 20, 2022 to February 29, 2024.

To the Committee on Health and Welfare.

Burris, Laurey of Shelburne - Member of the Children and Family Council for Prevention Programs - from April 20, 2022 to February 29, 2024.

To the Committee on Health and Welfare.

McShane, Michael of Montpelier - Member of the Board of Health - from June 30, 2022 to February 28, 2025.

To the Committee on Health and Welfare.

Hollar, John of Montpelier - Member of the Capitol Complex Commission - from July 26, 2022 to February 28, 2024.

To the Committee on Institutions.

Billings, Jireh of Bridgewater - Member of the Capitol Complex Commission - from July 26, 2022 to February 28, 2024.

To the Committee on Institutions.

Dengler, Wayne of Isle La Motte - Member of the Parole Board - from April 20, 2022 to February 28, 2025.

To the Committee on Institutions.

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Barrett, Jennifer L. of Newport - Superior Court Judge - from September 23, 2022 to March 31, 2027.

To the Committee on Judiciary.

Besio, Nathan of Colchester - Member of the Human Rights Commission - from July 8, 2022 to February 28, 2027.

To the Committee on Judiciary.

Frazier, Allison of Richmond - Member of the Fish and Wildlife Board - from August 29, 2022 to February 28, 2026.

To the Committee on Natural Resources and Energy.

Arrison, John of Ascutney - Member of the Connecticut River Valley Flood Control Commission - from August 29, 2022 to February 29, 2024.

To the Committee on Natural Resources and Energy.

Moore, Gary of Bradford - Member of the Connecticut River Valley Flood Control Commission - from July 8, 2022 to February 28, 2026.

To the Committee on Natural Resources and Energy.

Wolcott, Julie of Enosburg - Alternate Member of the Natural Resources Board - from April 20, 2022 to January 31, 2024.

To the Committee on Natural Resources and Energy.

Hammond, Evan of Lunenburg - Member of the Connecticut River Valley Flood Control Commission - from June 30, 2022 to February 29, 2028.

To the Committee on Natural Resources and Energy.

Beling, John of East Montpelier - Commissioner of the Environmental Conservation, Department of - from July 13, 2022 to February 28, 2023.

To the Committee on Natural Resources and Energy.

Larrabee, Steve of West Danville - Member of the Natural Resources Board - from April 20, 2022 to January 31, 2024.

To the Committee on Natural Resources and Energy.

Courtney, Elizabeth of Montpelier - Alternate Member of the Natural Resources Board - from April 20, 2022 to January 31, 2024.

To the Committee on Natural Resources and Energy.

Aldrich, Brad of Shelburne - Member of the Natural Resources Board - from April 20, 2022 to January 31, 2025.

To the Committee on Natural Resources and Energy.

Kennett, Elizabeth of Rochester - Member of the Travel Information Council - from November 9, 2022 to February 29, 2024.

To the Committee on Transportation.

Morrison, Jennifer of North Hero - Commissioner of the Public Safety Department - from July 25, 2022 to February 28, 2023.

To the Committee on Transportation.

Lagerquist, Josh of Montpelier - Member of the Current Use Advisory Board - from July 26, 2022 to January 31, 2025.

To the Committee on Natural Resources and Energy.

Howrigan, Harold of Sheldon - Member of the Current Use Advisory Board - from July 26, 2022 to January 31, 2025.

To the Committee on Natural Resources and Energy.

Hogan, Michael of Marshfield - Member of the Current Use Advisory Board - from July 26, 2022 to January 31, 2025.

To the Committee on Natural Resources and Energy.

Hastings, Walter of South Royalton - Member of the Current Use Advisory Board - from July 26, 2022 to January 31, 2025.

To the Committee on Natural Resources and Energy.

Foster, Ted of New Haven - Member of the Current Use Advisory Board - from July 26, 2022 to January 31, 2025.

To the Committee on Natural Resources and Energy.

Fallar, Gail of Tinmouth - Member of the Current Use Advisory Board - from July 26, 2022 to January 31, 2025.

To the Committee on Natural Resources and Energy.

Heston, June of Richmond - Member of the State Police Advisory Commission - from August 29, 2022 to February 28, 2025.

To the Committee on Government Operations.

Lukasik, Christopher of Brattleboro - Member of the Children and Family Council for Prevention Programs - from April 20, 2022 to February 28, 2025.

To the Committee on Health and Welfare.

LaBarge, John of South Hero - Member of the Travel Information Board - from November 9, 2022 to February 29, 2024.

To the Committee on Transportation.



Giffin, Tom of Rutland - Member of the Parole Board - from April 20, 2022 to February 28, 2025.

To the Committee on Institutions.

Sweet, Grace of Waterbury Center - Member of the Community High School of Vermont Board - from December 12, 2022 to February 28, 2023.

To the Committee on Education.

Nicholson, Mark of West Danville - Member of the Transportation Board - from July 26, 2022 to February 28, 2025.

To the Committee on Transportation.

Heald, Francis of Rutland - Member of the Travel Information Council - from November 9, 2022 to February 29, 2024.

To the Committee on Transportation.

O' Brien, Benjamin of Randolph - Member of the Vermont Occupational Safety and Health Review Board - from July 1, 2022 to February 28, 2027.

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

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

#### **J.R.S. 7.**

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

By Senator Baruth,

**J.R.S. 7** Joint resolution relating to weekend adjournment

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

That when the two Houses adjourn on Friday, January 13, 2023, it be to meet again no later than Tuesday, January 17, 2023.

### **Bills Introduced**

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

#### **S. 9.**

By Senators Bray and Hardy,

An act relating to the authority of the State Auditor to examine the books and records of State contractors.

To the Committee on Government Operations.

**S. 10.**

By Senators Chittenden, Gulick, Lyons and Perchlik,

An act relating to the installation of water bottle filling stations in schools.

To the Committee on Education.

**S. 11.**

By Senator Baruth,

An act relating to persons prohibited from possessing firearms.

To the Committee on Judiciary.

**Adjournment**

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Wednesday, January 11, 2023.

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**WEDNESDAY, JANUARY 11, 2023**

The Senate was called to order by the President.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Bills Introduced**

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

**S. 12.**

By Senators Ram Hinsdale, Baruth, Gulick and Vyhovsky,

An act relating to authorizing card check elections.

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

**S. 13.**

By Senator Hashim,

An act relating to referral of domestic and sexual violence cases to community justice centers.

To the Committee on Judiciary.

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**Adjournment**

On motion of Senator Mazza, the Senate adjourned until one o'clock in the afternoon on Thursday, January 12, 2023.

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**THURSDAY, JANUARY 12, 2023**

The Senate was called to order by the President.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Bills Introduced**

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

**S. 14.**

By Senators Sears, Baruth, Hashim, Lyons, Norris and Vyhovsky,  
An act relating to Justice Reinvestment II reporting requirements.  
To the Committee on Judiciary.

**S. 15.**

By Senators Sears, Baruth, Hashim, Lyons and Vyhovsky,  
An act relating to establishing presumptive probation for nonviolent crimes.  
To the Committee on Judiciary.

**S. 16.**

By Senator Sears,  
An act relating to repealing the exception for clergy to report child abuse and neglect.  
To the Committee on Judiciary.

**Adjournment**

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

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**FRIDAY, JANUARY 13, 2023**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Rick Swanson of Stowe.

**Message from the House No. 5**

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

Mr. 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. 7.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

**Adjournment**

On motion of Senator Baruth, the Senate adjourned, to reconvene on Tuesday, January 17, 2023, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 7.

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**TUESDAY, JANUARY 17, 2023**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Joan Javier-Duval of Montpelier.

**Joint Senate Resolution Adopted on the Part of the Senate****J.R.S. 8.**

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

By Senator Baruth,

**J.R.S. 8.** Joint resolution relating to weekend adjournment.

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

That when the two Houses adjourn on Friday, January 20, 2023, it be to meet again no later than Tuesday, January 24, 2023.

**Bill Introduced**

Senate bill of the following title was introduced, read the first time and referred:

**S. 17.**

By Senators Sears, Hardy, Baruth, Campion, Clarkson, Hashim, Ram Hinsdale, Vyhovsky, Watson and White,

An act relating to sheriff reforms.

To the Committee on Judiciary.

**Message from the House No. 6**

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

Mr. President:

I am directed to inform the Senate that:

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

**H. 42.** An act relating to temporary alternative procedures for annual municipal meetings and electronic meetings of public bodies.

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

**Adjournment**

On motion of Senator Mazza, the Senate adjourned until one o'clock in the afternoon on Wednesday, January 18, 2023.

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**WEDNESDAY, JANUARY 18, 2023**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Dr. Lawrence Jones of East Craftsbury.

**Committee Relieved of Further Consideration; Bill Committed****S. 17.**

On motion of Senator Hardy, the Committee on Judiciary was relieved of further consideration of Senate bill entitled:

An act relating to sheriff reforms,  
and the bill was committed to the Committee on Government Operations.

**Bills Introduced**

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

**S. 18.**

By Senators Lyons, Chittenden, Clarkson, Gulick, Hashim, Ram Hinsdale and Wrenner,

An act relating to banning flavored tobacco products and e-liquids.

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

**S. 19.**

By Senators Lyons, Ram Hinsdale, Chittenden, Clarkson, Gulick, Hashim and Wrenner,

An act relating to eliminating prohibitions and penalties on the purchase, use, and possession of tobacco products.

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

**S. 20.**

By Senators Ram Hinsdale, Clarkson, Cummings, Harrison and Lyons,

An act relating to establishing the Basic Needs Budget Technical Advisory Commission and creating a State and federal assistance calculator.

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

**S. 21.**

By Senator Perchlik,

An act relating to establishing safety zones around occupied buildings.

To the Committee on Natural Resources and Energy.

**S. 22.**

By Senators Perchlik, Bray, Cummings, Ram Hinsdale, Watson and Westman,

An act relating to the posting of land against hunting or fishing.

To the Committee on Natural Resources and Energy.

**Bill Referred**

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

**H. 42.**

An act relating to temporary alternative procedures for annual municipal meetings and electronic meetings of public bodies.

To the Committee on Government Operations.

**Adjournment**

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Thursday, January 19, 2023.

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**THURSDAY, JANUARY 19, 2023**

The Senate was called to order by the President.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Rules Suspended; Bill Not Referred to Committee on Finance**

**H. 42**

Appearing on the Calendar for notice, and, pending referral of the bill to the Committee on Finance pursuant to Senate Rule 31, Senator Cummings moved that the rules be suspended and House bill entitled:

An act relating to temporary alternative procedures for annual municipal meetings and electronic meetings of public bodies.

*Not* be referred to the Committee on Finance pursuant to Senate Rule 31 (and thereby remain on the Calendar for notice),

Which was agreed to.

**Rules Suspended; Third Reading Ordered; Rules Suspended; Bill Passed  
in Concurrence; Bill Messaged**

**H. 42.**

Appearing on the Calendar for notice, on motion of Senator Baruth, the rules were suspended and House bill entitled:

An act relating to temporary alternative procedures for annual municipal meetings and electronic meetings of public bodies.

Was taken up for immediate consideration.

Senator Hardy, for the Committee on Government Operations, 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.

Thereupon, on motion of Senator Baruth, the rules were suspended and the bill was placed on all remaining stages of its passage in concurrence forthwith.

Thereupon, the bill was read the third time and passed in concurrence.

Thereupon, on motion of Senator Baruth, the rules were suspended and the bill was ordered messaged to the House forthwith.

**Bills Introduced**

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

**S. 23.**

By Senators Hardy, Gulick, Perchlik, Ram Hinsdale, Vyhovsky, Watson and White,

An act relating to prohibiting certain forms of discrimination.

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

**S. 24.**

By Senator White,

An act relating to the Clean Fuels Program.

To the Committee on Natural Resources and Energy.



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**Appointment of Senate Members to the Emergency Board**

Pursuant to the provisions of 32 V.S.A. § 131, the President announced the appointment of the following Senators to serve on the Emergency Board for terms of two years:

Senator Kitchel, *ex officio*  
Senator Cummings, *ex officio*

**Appointment of Senate Members to Joint Fiscal Committee**

Pursuant to the provisions of 2 V.S.A. § 501, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Fiscal Committee for terms of two years:

Senator Cummings, *ex officio*  
Senator Kitchel, *ex officio*  
Senator Sears  
Senator Westman  
Senator Baruth

**Appointment of Senate Member to Vermont Economic Progress Council**

Pursuant to the provisions of 32 V.S.A. § 3325, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Vermont Economic Progress Council for a term of two years:

Senator Chittenden

**Appointment of Senate Member to Vermont State Infrastructure Bank Board**

Pursuant to the provisions of 10 V.S.A. § 280e(b)(2), the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Vermont State Infrastructure Bank Board for a term of two years:

Senator Chittenden

**Appointment of Senate Member to Nuclear Decommissioning Citizens Advisory Panel**

Pursuant to the provisions of 18 V.S.A. §1700, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Nuclear Decommissioning Citizens Advisory Panel for a term of two years ending on January 15, 2025:

Senator MacDonald

**Appointment of Senate Members to the Joint Legislative Management Committee**

Pursuant to the provisions of 2 V.S.A. § 41(b)(2), the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Legislative Management Committee during this biennium:

Senator Baruth, *ex officio*  
Senator Kitchel  
Senator Hashim  
Senator Brock

**Appointment of Senate Members to Joint Rules Committee**

The President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Rules Committee for terms of two years pursuant to the provisions of Joint Rule No. 5:

Senator Baruth, *ex officio*  
Senator Mazza  
Senator Clarkson  
Senator Brock

**Appointment of Senate Members of the Legislative Committee on Administrative Rules**

Pursuant to the provisions of 3 V.S.A. §817, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Legislative Committee on Administrative Rules for terms of two years ending February 1, 2025:

Senator Bray  
Senator MacDonald  
Senator Lyons  
Senator Weeks

**Appointment of Senate Member to Governor's Snowmobile Council**

Pursuant to the provisions of 23 V.S.A. § 3216, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Governor's Snowmobile Council for a term of two years:

Senator Kitchel

**Standing Committee Appointed**

The President, on behalf of the Committee on Committees, reported the appointment of a standing committee, as follows:



**Senate Ethics Panel**

At Call

Senator Campion, Chair  
Hashim, Vice Chair  
Cummings  
Brock  
Vyhovsky

**Bills Introduced**

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

**S. 25.**

By Senators Lyons, Clarkson, Harrison, Ram Hinsdale, Vyhovsky, Watson, White and Wrenner,

An act relating to regulating cosmetic and menstrual products containing certain chemicals and chemical classes and textiles and athletic turf fields containing perfluoroalkyl and polyfluoroalkyl substances.

To the Committee on Health and Welfare.

**S. 26.**

By Senator Lyons,

An act relating to removing the residency requirement from Vermont's patient choice at end of life laws.

To the Committee on Health and Welfare.

**Bill Referred**

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

**H. 1.**

An act relating to legislative oversight of payment reform and conflict-free case management for developmental disability services.

To the Committee on Health and Welfare.

**Committee Relieved of Further Consideration; Bill Committed****S. 18.**

On motion of Senator Lyons, the Committee on Economic Development, Housing and General Affairs was relieved of further consideration of Senate bill entitled:

An act relating to banning flavored tobacco products and e-liquids, and the bill was committed to the Committee on Health and Welfare.

### **Recess**

On motion of Senator Baruth the Senate recessed until 12:50 P.M.

### **Called to Order**

The Senate was called to order by the President.

### **Joint Assembly**

At one o'clock in the afternoon, the hour having arrived for the meeting of the two Houses in Joint Assembly pursuant to:

**J.R.S. 5.** Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

The Senate repaired to the Hall of the House.

Having returned therefrom, at two o'clock and two minutes in the afternoon, the President assumed the Chair.

### **Message from the House No. 8**

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

Mr. President:

I am directed to inform the Senate that:

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

**H.C.R. 1.** House concurrent resolution congratulating the Green Mountain Girls Field Hockey Club on winning the 2022 National Hockey Festival U-14 Championship.

**H.C.R. 2.** House concurrent resolution congratulating Dan Yates on being named the 2022 Vermont Community Banker of the Year.

**H.C.R. 3.** House concurrent resolution in memory of former Representative Warren Fredrick Kitzmiller of Montpelier.

**H.C.R. 4.** House concurrent resolution honoring the Rev. Carl Hilton VanOsdall on the 25th anniversary of his ministry at the First Presbyterian Church of Barre.

**H.C.R. 5.** House concurrent resolution congratulating Ariana Wunderle on establishing a Guinness World Record for the longest distance walking a tight-rope while wearing high heels.

**H.C.R. 6.** House concurrent resolution honoring Susan Higby on the 20th anniversary of her outstanding service as Executive Director of Studio Place Arts in Barre.

**H.C.R. 7.** House concurrent resolution in memory of former Vermont Veterans' Home Trustee Arthur William Charron Jr. of Bennington.

**H.C.R. 8.** House concurrent resolution honoring Lisa Byer for her outstanding quarter-century association with Catamount Access Television in Bennington.

**H.C.R. 9.** House concurrent resolution in memory of former Representative Joseph L. Krawczyk Jr. of Bennington.

**H.C.R. 10.** House concurrent resolution congratulating the 2022 Mount Anthony Union High School Patriots Division II championship football team.

**H.C.R. 11.** House concurrent resolution designating January 23–27, 2023 as the first annual Holocaust Education Week in Vermont.

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

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

**S.C.R. 1.** Senate concurrent resolution honoring Steven D. Marshall of Swanton for his exemplary service as the Assistant Secretary of the Senate.

**S.C.R. 2.** Senate concurrent resolution honoring Helen Estroff of Montpelier for her outstanding public service in the executive branch, and as the Calendar Clerk of the Vermont Senate.

**S.C.R. 3.** Senate concurrent resolution honoring James Sullivan for his exemplary leadership at the Bennington County Regional Commission.

And has adopted the same in concurrence.

### **Senate 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 on the part of the Senate:

By All Members of the Senate,

#### **S.C.R. 1.**

Senate concurrent resolution honoring Steven D. Marshall of Swanton for his exemplary service as the Assistant Secretary of the Senate.

By All Members of the Senate,

**S.C.R. 2.**

Senate concurrent resolution honoring Helen Estroff of Montpelier for her outstanding public service in the executive branch, and as the Calendar Clerk of the Vermont Senate.

By Senators Campion and Sears,

By Reps. Bongartz and others,

**S.C.R. 3.**

Senate concurrent resolution honoring James Sullivan for his exemplary leadership at the Bennington County Regional Commission.

**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 on the part of the Senate:

By Reps. Arsenault and others,

**H.C.R. 1.**

House concurrent resolution congratulating the Green Mountain Girls Field Hockey Club on winning the 2022 National Hockey Festival U-14 Championship.

By Reps. Burke and others,

By Senators Harrison and Hashim,

**H.C.R. 2.**

House concurrent resolution congratulating Dan Yates on being named the 2022 Vermont Community Banker of the Year.

By Reps. Casey and McCann,

By Senators Cummings, Perchlik and Watson,

**H.C.R. 3.**

House concurrent resolution in memory of former Representative Warren Fredrick Kitzmiller of Montpelier.

By Rep. Anthony,

**H.C.R. 4.**

House concurrent resolution honoring the Rev. Carl Hilton VanOsdall on the 25th anniversary of his ministry at the First Presbyterian Church of Barre.

By Reps. Bos-Lun and Goldman,

By Senators Harrison and Hashim,

**H.C.R. 5.**

House concurrent resolution congratulating Ariana Wunderle on establishing a Guinness World Record for the longest distance walking a tight-rope while wearing high heels.

By Reps. Anthony and Williams,

**H.C.R. 6.**

House concurrent resolution honoring Susan Higby on the 20th anniversary of her outstanding service as Executive Director of Studio Place Arts in Barre.

By Reps. Morrissey and others,

By Senators Campion and Sears,

**H.C.R. 7.**

House concurrent resolution in memory of former Vermont Veterans' Home Trustee Arthur William Charron Jr. of Bennington.

By Reps. Morrissey and others,

By Senators Campion and Sears,

**H.C.R. 8.**

House concurrent resolution honoring Lisa Byer for her outstanding quarter-century association with Catamount Access Television in Bennington.

By Reps. Morrissey and others,

By Senators Campion and Sears,

**H.C.R. 9.**

House concurrent resolution in memory of former Representative Joseph L. Krawczyk Jr. of Bennington.

By Reps. Morrissey and others,

By Senators Campion and Sears,

**H.C.R. 10.**

House concurrent resolution congratulating the 2022 Mount Anthony Union High School Patriots Division II championship football team.

By All Members of the House,

By All Members of the Senate,



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**H.C.R. 11.**

House concurrent resolution designating January 23–27, 2023 as the first annual Holocaust Education Week in Vermont.

**Adjournment**

On motion of Senator Baruth, the Senate adjourned, to reconvene on Tuesday, January 24, 2023, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 8.

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**TUESDAY, JANUARY 24, 2023**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Tom Harty of Bethel.

**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. 9.**

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

By Senator Baruth,

**J.R.S. 9.** Joint resolution relating to weekend adjournment.

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

That when the two Houses adjourn on Friday, January 27, 2023, it be to meet again no later than Tuesday, January 31, 2023.

**Bills Introduced**

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

**S. 27.**

By Senators Ram Hinsdale, Gulick, Hardy, Vyhovsky and Watson,

An act relating to reducing the imposition of cash bail.

To the Committee on Judiciary.

**S. 28.**

By Senators White, Clarkson and McCormack,

An act relating to abusive litigation filed against survivors of domestic abuse, stalking, or sexual assault.

To the Committee on Judiciary.

**S. 29.**

By Senators Ram Hinsdale, Campion, Clarkson, Gulick, Hardy, Hashim and Vyhovsky,

An act relating to recognition and enforcement of a military protection order.

To the Committee on Judiciary.

**S. 30.**

By Senators Hardy, Chittenden, Clarkson, Gulick, Lyons, Perchlik, Ram Hinsdale, Watson and Weeks,

An act relating to creating a Sister State Program.

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

**S. 31.**

By Senators Ram Hinsdale, Clarkson, Gulick, Hardy, Lyons, Perchlik, Vyhovsky and Watson,

An act relating to the open carry of loaded firearms in public places and the use of force in defense of self and others.

To the Committee on Judiciary.

**Message from the House No. 9**

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

Mr. President:

I am directed to inform the Senate that:

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

**H. 28.** An act relating to diversion and expungement.

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

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**Adjournment**

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Wednesday, January 25, 2023.

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**WEDNESDAY, JANUARY 25, 2023**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Kevin Holland Sparrow of Montpelier.

**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

Bogosian, Maureen of Perkinsville - Member of the Board of Medical Practice - from March 28, 2022 to February 28, 2026.

To the Committee on Health and Welfare.

The nomination of

Nailor, Shawn of Worcester - Secretary and CIO of the Agency of Digital Services - from January 1, 2023 to February 28, 2023.

To the Committee on Government Operations.

The nomination of

Phelps, Michelle of Georgia - Member of the State Labor Relations Board - from January 12, 2023 to June 30, 2025.

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

**Joint Resolution Placed on Calendar**

**J.R.S. 10.**

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

By Senator Baruth,

**J.R.S. 10.** Joint resolution providing for the election of a Sergeant at Arms, and three Trustees of the University of Vermont and State Agricultural College.

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

That the two Houses meet in Joint Assembly on Thursday, February 16, 2023, at ten o'clock and thirty minutes in the forenoon to elect a Sergeant at Arms, and three trustees of the University of Vermont and State Agricultural College. In case election of all such officers shall not be made on that day, the two Houses shall meet in Joint Assembly at ten o'clock and thirty minutes in the forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed in such election, until all such officers are elected.

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

**Joint Resolution Placed on Calendar**

**J.R.S. 11.**

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

By Senator Baruth,

**J.R.S. 11.** Joint resolution establishing a procedure for the conduct of the election of the University of Vermont and State Agricultural College trustees by plurality vote by the General Assembly in 2023.

*Whereas*, in 1997 the election of three trustees of the University of Vermont and State Agricultural College was decided by plurality vote, which required one ballot only, and

*Whereas*, in 1999 the election of three trustees of the University of Vermont and State Agricultural College was decided by majority vote, which required a total of eight ballots, and

*Whereas*, in 2001 and subsequent bienniums the elections of three trustees of the University of Vermont and State Agricultural College were decided by plurality vote, each of which required one ballot only, and

*Whereas*, if an election for multiple vacancies is to be decided by a plurality vote, then a great savings of time can be effectuated, *now therefore be it*

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

That, notwithstanding the current provisions of Joint Rule 10, and for this election only, the election of three trustees of the University of Vermont and

State Agricultural College at a Joint Assembly to be held on February 16, 2023, shall be governed by the following procedure:

(1) All candidates for the office of Trustee shall be voted upon and decided on the same ballot; members may vote for any number of candidates up to and including the maximum number of vacancies to be filled, which in this case shall be three.

(2) The three candidates receiving the most votes shall be declared elected to fill the three vacancies.

(3) In the event that the first balloting for the Trustee vacancies results in a tie vote for one or more of the three vacant positions, then voting shall continue on successive ballots until the vacancies have been filled, again by election declared of those candidates receiving the most votes.

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

### **Bills Introduced**

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

#### **S. 32.**

By Senators Ram Hinsdale, Hardy, Perchlik, Vyhovsky, Watson and White,  
An act relating to ranked-choice voting for presidential primary elections.  
To the Committee on Government Operations.

#### **S. 33.**

By Senator Sears,  
An act relating to miscellaneous judiciary procedures.  
To the Committee on Judiciary.

#### **S. 34.**

By Senator Chittenden,  
An act relating to kindergarten enrollment age.  
To the Committee on Education.

#### **S. 35.**

By Senators White, Clarkson and McCormack,  
An act relating to the Town of Hartford's tax increment financing district.  
To the Committee on Finance.

**S. 36.**

By Senators Sears, Lyons, Campion, Chittenden, Collamore, Gulick and Ingalls,

An act relating to permitting an arrest without a warrant for assaults and threats against health care workers and disorderly conduct at health care facilities.

To the Committee on Judiciary.

**S. 37.**

By Senators Lyons, Hardy, Clarkson, Ram Hinsdale, Baruth, Bray, Campion, Chittenden, Cummings, Gulick, Harrison, Hashim, Kitchel, McCormack, Perchlik, Sears, Vyhovsky, Watson, White and Wrenner,

An act relating to access to legally protected health care activity and regulation of health care providers.

To the Committee on Health and Welfare.

**Bill Referred**

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

**H. 28.**

An act relating to diversion and expungement.

To the Committee on Judiciary.

**Adjournment**

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Thursday, January 26, 2023.

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**THURSDAY, JANUARY 26, 2023**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Ed Sunday-Winters of Greensboro.

**Message from the House No. 10**

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

Mr. President:

I am directed to inform the Senate that:

The Governor has informed the House that on January 25, 2023, he approved and signed a bill originating in the House of the following title:

**H. 42.** An act relating to temporary alternative procedures for annual municipal meetings and electronic meetings of public bodies.

### **Proposed Amendment to the Constitution Introduced**

The Proposed Amendment to the Constitution of the State of Vermont designated as Proposal 1 was introduced, read the first time and referred:

By Senators Hardy, Sears, Clarkson, Hashim, Lyons, Vyhovsky, Watson and White,

### **PROPOSAL 1**

#### Sec. 1. PURPOSE

This proposal would amend the Constitution of the State of Vermont to allow the General Assembly to establish by law qualifications for individuals to be elected to and hold the office of sheriff. Currently, there are no specific qualifications for being a sheriff in Vermont, including no requirement that a sheriff have or maintain law enforcement officer certification.

Sec. 2. Section 50 of Chapter II of the Vermont Constitution is amended to read:

#### § 50. ELECTION OF ASSISTANT JUDGES, SHERIFFS, AND STATE'S ATTORNEYS

The Assistant Judges shall be elected by the voters of their respective districts as established by law. Their judicial functions shall be established by law. Their term of office shall be four years and shall commence on the first day of February next after their election.

Sheriffs shall be elected by the voters of their respective districts as established by law. Their term of office shall be four years and shall commence on the first day of February next after their election. The General Assembly may establish by law qualifications for the election to and holding of such office.

State's Attorneys shall be elected by the voters of their respective districts as established by law. Their term of office shall be four years and shall commence on the first day of February next after their election.

#### Sec. 3. EFFECTIVE DATE

The amendment set forth in Sec. 2 shall become a part of the Constitution of the State of Vermont on the first Tuesday after the first Monday of

November 2026 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.

To the Committee on Government Operations.

### **Bills Introduced**

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

#### **S. 38.**

By Senators McCormack, Brock, Chittenden, Gulick, MacDonald, Vyhovsky, Weeks, White and Williams,

An act relating to Act 250 downtown master plan permits.

To the Committee on Natural Resources and Energy.

#### **S. 39.**

By Senators Hardy, Clarkson, Gulick, Hashim, Norris, Ram Hinsdale, Vyhovsky, Watson and White,

An act relating to compensation and benefits for members of the Vermont General Assembly.

To the Committee on Government Operations.

#### **S. 40.**

By Senators Clarkson, Hardy, Gulick, Harrison, McCormack, Ram Hinsdale, Watson and White,

An act relating to firearms procedures.

To the Committee on Judiciary.

#### **S. 41.**

By Senators Ram Hinsdale, Gulick, Hardy, Perchlik, Vyhovsky, Watson and White,

An act relating to eliminating life without parole.

To the Committee on Judiciary.

#### **S. 42.**

By Senators Ram Hinsdale, Clarkson, Hardy, McCormack, Perchlik, Vyhovsky, Watson and White,

An act relating to divestment of State pension funds of investments in the fossil fuel industry.



To the Committee on Government Operations.

**S. 43.**

By Senators Ram Hinsdale, Campion, Gulick, Hardy, Hashim, McCormack, Vyhovsky and White,

An act relating to the Child and Parent Representation Working Group.

To the Committee on Judiciary.

**Joint Resolutions Adopted on the Part of the Senate; Joint Resolutions Messaged**

Joint Senate resolutions entitled:

**J.R.S. 10.** Joint resolution providing for the election of a Sergeant at Arms, and three Trustees of the University of Vermont and State Agricultural College.

**J.R.S. 11.** Joint resolution establishing a procedure for the conduct of the election of the University of Vermont and State Agricultural College trustees by plurality vote by the General Assembly in 2023.

Having been placed on the Calendar for action, were taken up and adopted severally on the part of the Senate.

Thereupon, on motion of Senator Baruth, the rules were suspended and the joint resolutions were severally ordered messaged to the House forthwith.

**Adjournment**

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

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**FRIDAY, JANUARY 27, 2023**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Greta Getlein of Burlington.

**Message from the House No. 11**

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

Mr. 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. 9.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

#### **Bills Introduced**

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

#### **S. 44.**

By Senators Bray, Clarkson, MacDonald, McCormack, Watson and White,

An act relating to household products containing hazardous substances.

To the Committee on Natural Resources and Energy.

#### **S. 45.**

By Senators Chittenden, Baruth, Brock, Clarkson and Ram Hinsdale,

An act relating to an elective pass-through entity income tax and credit.

To the Committee on Finance.

#### **S. 46.**

By Senators Gulick, Campion, Clarkson, Cummings, Hashim, Lyons, McCormack, Perchlik, Ram Hinsdale, Vyhovsky, Watson, White and Wrenner,

An act relating to the Vermont Fair Repair Act.

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

#### **S. 47.**

By Senators Lyons, Sears and Chittenden,

An act relating to the transport of individuals requiring psychiatric care.

To the Committee on Health and Welfare.

#### **Appointments Confirmed**

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

Morrison, Jennifer of North Hero - Commissioner, Public Safety Department - July 25, 2022 to February 28, 2023.

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

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

### Roll Call

**Those Senators who voted in the affirmative were:** Baruth, Bray, Brock, Champion, Chittenden, Clarkson, Collamore, Cummings, Gulick, Hardy, Harrison, Hashim, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Norris, Perchlik, Ram Hinsdale, Starr, Vyhovsky, Watson, Weeks, Westman, White, Williams, Wrenner.

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

**The Senator absent and not voting was:** Sears.

### Message from the House No. 12

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

Mr. President:

I am directed to inform the Senate that:

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

**H.C.R. 12.** House concurrent resolution congratulating the Colchester 10-to-12 Little League Softball All-Stars on winning the 2022 Vermont Little League Softball Championship.

**H.C.R. 13.** House concurrent resolution in memory of Rebecca N. Ballard of Georgia.

**H.C.R. 14.** House concurrent resolution in memory of Anna E. MacWilliams Neville.

**H.C.R. 15.** House concurrent resolution in memory of former Representative and District 4 Act 250 Environmental Commissioner James McNamara of Burlington.

**H.C.R. 16.** House concurrent resolution celebrating the importance of mentoring programs for young persons in Vermont.

**H.C.R. 17.** House concurrent resolution congratulating the 2022 Montpelier High School Division II championship boys' soccer team.

**H.C.R. 18.** House concurrent resolution congratulating Alexander Collins of Norwich on winning the 2022 Vermont Open chess championship.

**H.C.R. 19.** House concurrent resolution in memory of Robert D. Murray of South Strafford.

**H.C.R. 20.** House concurrent resolution recognizing February 2023 as School Board Recognition Month in Vermont.

**H.C.R. 21.** House concurrent resolution honoring the organizations and individuals working to resolve Vermont's rural broadband access crisis.

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. 4.** Senate concurrent resolution honoring Barry Bernstein of Calais for his innovative leadership as president of the Washington Electric Cooperative Inc.

And has adopted the same in concurrence.

#### **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 Perchlik, Cummings and Watson,

#### **S.C.R. 4.**

Senate concurrent resolution honoring Barry Bernstein of Calais for his innovative leadership as president of the Washington Electric Cooperative Inc.

#### **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. Austin and others,

By Senator Mazza,

#### **H.C.R. 12.**

House concurrent resolution congratulating the Colchester 10-to-12 Little League Softball All-Stars on winning the 2022 Vermont Little League Softball Championship.

By Rep. Branagan,

#### **H.C.R. 13.**

House concurrent resolution in memory of Rebecca N. Ballard of Georgia.

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By Rep. Branagan,

**H.C.R. 14.**

House concurrent resolution in memory of Anna E. MacWilliams Neville.

By Reps. Hooper and others,

By Senators Baruth, Chittenden, Gulick, Lyons, Mazza, Ram Hinsdale and Vyhovsky,

**H.C.R. 15.**

House concurrent resolution in memory of former Representative and District 4 Act 250 Environmental Commissioner James McNamara of Burlington.

By Reps. Brown and Brady,

**H.C.R. 16.**

House concurrent resolution celebrating the importance of mentoring programs for young persons in Vermont.

By Reps. Casey and McCann,

By Senators Cummings, Perchlik and Watson,

**H.C.R. 17.**

House concurrent resolution congratulating the 2022 Montpelier High School Division II championship boys' soccer team.

By Reps. Holcombe and Masland,

**H.C.R. 18.**

House concurrent resolution congratulating Alexander Collins of Norwich on winning the 2022 Vermont Open chess championship.

By Reps. O'Brien and others,

**H.C.R. 19.**

House concurrent resolution in memory of Robert D. Murray of South Strafford.

By Reps. Sibia and others,

**H.C.R. 20.**

House concurrent resolution recognizing February 2023 as School Board Recognition Month in Vermont.

By All Members of the House,

**H.C.R. 21.**

House concurrent resolution honoring the organizations and individuals working to resolve Vermont's rural broadband access crisis.

**Adjournment**

On motion of Senator Baruth, the Senate adjourned, to reconvene on Tuesday, January 31, 2023, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 9.

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**TUESDAY, JANUARY 31, 2023**

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. 12.**

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

By Senator Baruth,

**J.R.S. 12.** Joint resolution relating to weekend adjournment.

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

That when the two Houses adjourn on Friday, February 3, 2023, it be to meet again no later than Tuesday, February 7, 2023.

**Bills Introduced**

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

**S. 48.**

By Senators Chittenden, Ingalls and Perchlik,

An act relating to regulating the sale of catalytic converters.

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

**S. 49.**

By Senators Lyons, Chittenden, Clarkson, Gulick, Hardy, Harrison and Watson,

An act relating to protecting genetic information privacy and consumer health information.

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

**S. 50.**

By Senator Cummings,

An act relating to patient access to and payment for health care services.

To the Committee on Finance.

**S. 51.**

By Senator Lyons,

An act relating to adult protective services.

To the Committee on Health and Welfare.

**S. 52.**

By Senators Hardy, Clarkson, Gulick, Lyons, Ram Hinsdale and Vyhovsky,

An act relating to expanding eligibility for health insurance to all income-eligible adults regardless of immigration status.

To the Committee on Health and Welfare.

**Appointment of Senate Member to New England Board of Higher Education**

Pursuant to the provisions of 16 V.S.A. § 2731, the President announced the appointment of the following Senator to serve on the New England Board of Higher Education for a term of six years:

Senator Chittenden

**Appointment of Senate Members to the Joint Committee on Judicial Retention**

Pursuant to the provisions of 4 V.S.A. § 607, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Committee on Judicial Retention during this biennium:

Senator Hardy  
Senator McCormack  
Senator Collamore  
Senator Gulick

**Appointment of Senate Member to Public Transit Advisory Council**

Pursuant to the provisions of 24 V.S.A. § 5084, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Public Transit Advisory Council during this biennium:

Senator Harrison

**Appointment of Senate Member to the Education Committee of the States**

Pursuant to Interstate Compact for Education (as previously set forth in 16 V.S.A. § 1503, now repealed), the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Education Commission of the States during this biennium:

Senator Campion

**Appointment of Senate Members to the Joint Public Pension Oversight Committee**

Pursuant to the provisions of 2 V.S.A. § 1001, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Public Pension Oversight Committee during this biennium:

Senator Kitchel  
Senator Collamore  
Senator Vyhovsky

**Adjournment**

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Wednesday, February 1, 2023.

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**WEDNESDAY, FEBRUARY 1, 2023**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Devon Thomas of Jeffersonville.



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**Senate Resolution Placed on Calendar****S.R. 7.**

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

By Senator Baruth,

**S.R. 7.** Senate resolution relating to adoption of a temporary Rule 44A.

***Resolved by the Senate:***

That a temporary rule, to be designated Rule 44A, be adopted by the Senate, to read as follows:

Rule 44A. (a) Any bill failing to make the crossover dates of March 17, 2023 and March 24, 2023 shall be referred to the Committee on Rules. This provision shall not apply to the following measures:

- (1) The transportation capital bill;
- (2) The capital construction bill;
- (3) The general appropriations bill (“The Big Bill”);
- (4) The fees bill; and
- (5) The miscellaneous tax/revenue bill.

(b) The Committee on Rules may release any bills referred to it for reference to another committee of jurisdiction pursuant to Senate Rule 24 or to the Notice Calendar, as applicable.

(c) All bills referred to the Committee on Rules pursuant to this temporary Rule 44A and still in the Committee on Rules on the convening of the 2024 adjourned session shall be referred to another committee of jurisdiction pursuant to Senate Rule 24 or placed on the Notice Calendar, as applicable.

(d) This Temporary Rule 44A shall expire on the convening of the 2024 adjourned session.

Thereupon, under Rule 34 and 51, the resolution was placed on the Calendar for notice.

**Bills Introduced**

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

**S. 53.**

By Senator Ram Hinsdale,

An act relating to the Vermont Climate Corps.

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

**S. 54.**

By Senators Cummings, Perchlik, Watson and Wrenner,

An act relating to individual and small group insurance markets.

To the Committee on Finance.

**S. 55.**

By Senators Clarkson, Chittenden, Gulick, Hardy, Hashim, McCormack, Ram Hinsdale, Vyhovsky, Watson, White and Wrenner,

An act relating to authorizing public bodies to meet electronically under Vermont's Open Meeting Law.

To the Committee on Government Operations.

**S. 56.**

By Senators Hardy, Lyons, Baruth, Bray, Campion, Chittenden, Clarkson, Cummings, Gulick, Hashim, McCormack, Perchlik, Ram Hinsdale, Sears, Vyhovsky, Watson and White,

An act relating to child care and early childhood education.

To the Committee on Health and Welfare.

**Third Reading Ordered****H. 1.**

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

An act relating to legislative oversight of payment reform and conflict-free case management for developmental disability services.

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.

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**Adjournment**

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Thursday, February 2, 2023.

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**THURSDAY, FEBRUARY 2, 2023**

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. 13**

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

Mr. President:

I am directed to inform the Senate that:

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

**J.R.S. 10.** Joint resolution providing for the election of a Sergeant at Arms, and three Trustees of the University of Vermont and State Agricultural College.

**J.R.S. 11.** Joint resolution establishing a procedure for the conduct of the election of the University of Vermont and State Agricultural College trustees by plurality vote by the General Assembly in 2023.

And has adopted the same in concurrence.

**Committee Relieved of Further Consideration; Bill Committed****S. 50.**

On motion of Senator Cummings, the Committee on Finance was relieved of further consideration of Senate bill entitled:

An act relating to patient access to and payment for health care services, and the bill was committed to the Committee on Health and Welfare.

**Bills Introduced**

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

**S. 57.**

By Senators Clarkson, Gulick, Hardy, McCormack, Watson and White,

An act relating to municipal authority over the discharge of firearms.

To the Committee on Government Operations.

**S. 58.**

By Senator Sears,

An act relating to increasing the penalties for subsequent offenses for trafficking and dispensing or sale of a regulated drug with death resulting.

To the Committee on Judiciary.

**Bill Passed**

**H. 1.**

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

An act relating to legislative oversight of payment reform and conflict-free case management for developmental disability services.

**Adjournment**

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

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**FRIDAY, FEBRUARY 3, 2023**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Stannard Baker of Burlington.

**Message from the House No. 14**

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

Mr. 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. 12.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

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**Bill Introduced**

Senate bill of the following title was introduced, read the first time and referred:

**S. 59.**

By Senators Perchlik, Baruth, Bray, Campion, Chittenden, Clarkson, Cummings, Gulick, Hardy, Harrison, Lyons, MacDonald, McCormack, Ram Hinsdale, Watson, White and Wrenner,

An act relating to the replacement of heating systems owned or controlled by the State.

To the Committee on Institutions.

**Senate Resolution Adopted****S.R. 7.**

Senate resolution entitled:

Senate resolution relating to adoption of a temporary Rule 44A

Appearing on the Calendar for action, was taken up and adopted.

**Message from the House No. 15**

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

Mr. President:

I am directed to inform the Senate that:

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

**H. 45.** An act relating to abusive litigation filed against survivors of domestic abuse, stalking, or sexual assault.

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

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

**H.C.R. 22.** House concurrent resolution recognizing July 2023 as Park and Recreation Month in Vermont and designating July 21, 2023 as Vermont Park and Recreation Professionals Day in Vermont.

**H.C.R. 23.** House concurrent resolution recognizing the importance of mental health treatment in Vermont.

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. Krasnow and others,

**H.C.R. 22.**

House concurrent resolution recognizing July 2023 as Park and Recreation Month in Vermont and designating July 21, 2023 as Vermont Park and Recreation Professionals Day in Vermont.

By Reps. Cina and others,

**H.C.R. 23.**

House concurrent resolution recognizing the importance of mental health treatment in Vermont.

**Adjournment**

On motion of Senator Baruth, the Senate adjourned, to reconvene on Tuesday, February 7, 2023, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 12.

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**TUESDAY, FEBRUARY 7, 2023**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Rameen Zahed of East Montpelier.

**Pledge of Allegiance**

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

**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:

Coates, David of Colchester - Member of the Vermont Municipal Bond Bank - from February 1, 2023 to January 31, 2025.

To the Committee on Finance.

Mackenzie, Mary Alice of Colchester - Member of the Vermont Municipal Bond Bank - from February 1, 2023 to January 31, 2025.

To the Committee on Finance.

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

#### **J.R.S. 13.**

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

By Senator Baruth,

**J.R.S. 13.** Joint resolution relating to weekend adjournment.

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

That when the two Houses adjourn on Friday, February 10, 2023, it be to meet again no later than Tuesday, February 14, 2023.

### **Bills Introduced**

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

#### **S. 60.**

By Senators Chittenden and Ram Hinsdale,

An act relating to local option taxes.

To the Committee on Finance.

#### **S. 61.**

By Senators Cummings, Clarkson, Harrison and Ram Hinsdale,

An act relating to Medicare Savings Program eligibility.

To the Committee on Health and Welfare.

#### **S. 62.**

By Senators Ram Hinsdale, Bray, Campion, Clarkson, Gulick, Hardy, Harrison, Hashim, MacDonald, McCormack, Perchlik, Vyhovsky, Watson, White and Wrenner,

An act relating to paid family and medical leave insurance.

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

**S. 63.**

By Senators Hardy, Lyons, Perchlik, Ram Hinsdale, Vyhovsky, Watson and White,

An act relating to health insurance and Medicaid coverage for fertility-related services.

To the Committee on Finance.

**S. 64.**

By Senators White and Hardy,

An act relating to miscellaneous changes related to vehicles, infrastructure, and transportation planning.

To the Committee on Transportation.

**S. 65.**

By Senators Vyhovsky and Lyons,

An act relating to commercial insurance coverage of epinephrine auto-injectors.

To the Committee on Finance.

**S. 66.**

By Senators Hardy, Cummings, Gulick, Lyons, MacDonald, McCormack, Ram Hinsdale, Vyhovsky, Watson, White and Wrenner,

An act relating to the provision of State-funded education in districts that do not maintain an elementary or high school.

To the Committee on Education.

**Bill Referred**

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

**H. 45.**

An act relating to abusive litigation filed against survivors of domestic abuse, stalking, or sexual assault.

To the Committee on Judiciary.



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**Appointment of Senate Members to the Legislative Committee on Judicial Rules**

Pursuant to the provisions of 12 V.S.A. § 3, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Legislative Committee on Judicial Rules for terms of two (2) years ending February 1, 2025:

Senator Sears  
Senator Clarkson  
Senator Brock  
Senator Vyhovsky

**Appointment of Senate Members to the Joint Legislative Justice Oversight Committee**

Pursuant to the provisions of 2 V.S.A. § 801(b), the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Legislative Justice Oversight Committee for terms of two years:

Senator Sears  
Senator Lyons  
Senator Ram Hinsdale  
Senator Wrenner  
Senator Norris

**Message from the House No. 16**

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

Mr. President:

I am directed to inform the Senate that:

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

**H. 145.** An act relating to fiscal year 2023 budget adjustments.

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

**Adjournment**

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Wednesday, February 8, 2023.

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**WEDNESDAY, FEBRUARY 8, 2023**

Pursuant to the Senate Rules, in the absence of the President, the Senate was called to order by the President *pro tempore*.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Mark Pitton of Sharon.

**Bills Introduced**

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

**S. 67.**

By Senator Perchlik,  
An act relating to sales and use tax on candy.  
To the Committee on Finance.

**S. 68.**

By Senator Lyons,  
An act relating to the deduction for student loan payments.  
To the Committee on Finance.

**S. 69.**

By Senators Hardy and Ram Hinsdale,  
An act relating to a surcharge on nonprimary dwellings.  
To the Committee on Finance.

**S. 70.**

By Senators Hardy, Clarkson, Gulick, Hashim, Lyons, Perchlik, Ram Hinsdale and Vyhovsky,  
An act relating to a harm-reduction criminal justice response to drug use.  
To the Committee on Judiciary.

**S. 71.**

By Senators Sears and Ram Hinsdale,  
An act relating to miscellaneous amendments to the adult-use and medical cannabis programs.

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

**S. 72.**

By Senators Sears and Ram Hinsdale,

An act relating to lifting the potency limits on concentrated cannabis products.

To the Committee on Judiciary.

**S. 73.**

By Senator Baruth,

An act relating to workers' compensation coverage for firefighters with cancer.

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

**Bill Referred**

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

**H. 145.** An act relating to fiscal year 2023 budget adjustments.

To the Committee on Appropriations.

**Election of Senate Members to Judicial Nominating Board**

The President *pro tempore* announced that the next order of business was the election of three members of the Senate to serve on the Judicial Nominating Board pursuant to 4 V.S.A. § 601.

Senator Clarkson, on behalf of the Committee on Committees, placed in nomination the names of the following Senators to serve on the Board:

**BRIAN A. CAMPION**

of Bennington District, as the majority party member of the Board.

**ROBERT W. NORRIS**

of Franklin District, as the minority party member of the Board.

**ANNE E. WATSON**

of Washington District, as the third member of the Board.

Senator Mazza of Grand Isle District seconded these nominations.

There being no further nominations, on motion of Senator Clarkson, the nominations were closed, and the Secretary was instructed to cast one ballot for

**BRIAN A. CAMPION**

of Bennington District, as the majority party member of the Board, for a term of two years or until his successor is elected and has qualified.

**ROBERT W. NORRIS**

of Franklin District, as the minority party member of the Board, for a term of two years or until his successor is elected and has qualified.

**ANNE E. WATSON**

of Washington District, as the third member of the Board, for a term of two years or until her successor is elected and has qualified.

**Adjournment**

On motion of Senator Clarkson, the Senate adjourned until one o'clock in the afternoon on Thursday, February 9, 2023.

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**THURSDAY, FEBRUARY 9, 2023**

Pursuant to the Senate Rules, in the absence of the President, the Senate was called to order by the President *pro tempore*.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**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 committee as indicated:

Tierney, June of Randolph Center - Commissioner of the Vermont Department of Public Service - from February 1, 2023 to January 31, 2025.

To the Committee on Finance.

**Bills Introduced**

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

**S. 74.**

By Senators Bray, Campion, Clarkson, Hashim, McCormack, Perchlik, Ram Hinsdale, Vyhovsky, Watson and White,

An act relating to incremental implementation of Green Mountain Care.

To the Committee on Health and Welfare.

**S. 75.**

By Senators Sears and Campion,

An act relating to civilian oversight of law enforcement.

To the Committee on Government Operations.

**S. 76.**

By Senators Ram Hinsdale, Campion, Lyons and Vyhovsky,

An act relating to Vermont's adoption of the Audiology and Speech-Language Pathology Interstate Compact.

To the Committee on Health and Welfare.

**Committee Relieved of Further Consideration; Bill Committed****S. 48.**

On motion of Senator Ram Hinsdale, the Committee on Economic Development, Housing and General Affairs was relieved of further consideration of Senate bill entitled:

An act relating to regulating the sale of catalytic converters,

and the bill was committed to the Committee on Transportation.

**Adjournment**

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

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**FRIDAY, FEBRUARY 10, 2023**

In the absence of the President (who was Acting Governor in the absence of the Governor) the Senate was called to order by the President *pro tempore*.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Rick Swanson of Stowe.

**Message from the House No. 17**

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

Mr. President:

I am directed to inform the Senate that:

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

**H. 161.** An act relating to issuance of burning permits.

In the passage 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. 13.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

**Message from the House No. 18**

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

Mr. President:

I am directed to inform the Senate that:

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

**H. 46.** An act relating to approval of the dissolution of Colchester Fire District No. 3.

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

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

**H.C.R. 24.** House concurrent resolution honoring teenage Rockingham volunteer firefighter Alex Leonard for his heroism and decisive action.

**H.C.R. 25.** House concurrent resolution recognizing the critical importance of 3SquaresVT for thousands of Vermonters.

**H.C.R. 26.** House concurrent resolution honoring Putney Selectboard Vice Chair Joshua Laughlin for his outstanding municipal public service.

**H.C.R. 27.** House concurrent resolution honoring Edwin G. Camp of Derby for his outstanding 58-year career in the Vermont insurance industry.

**H.C.R. 28.** House concurrent resolution honoring the Vermont Creative Network for its effective initiatives to develop a thriving creative sector in Vermont.

**H.C.R. 29.** House concurrent resolution congratulating the Vermont Housing and Conservation Board on its 35th anniversary.

**H.C.R. 30.** House concurrent resolution congratulating World Learning Inc on its 90th anniversary.

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.

Chase Cassel of Barre Town  
William Cunningham of Burlington  
Sara DiGuglielmo of Shelburne  
Grace Donahue of Roxbury  
Nadia Frazier of Montpelier  
Elliot Palm of Essex Junction  
Hannah Young of Tunbridge

### **Rules Suspended; Bill Committed**

#### **S. 36.**

Appearing on the Calendar for notice, on motion of Senator Hashim, the rules were suspended and Senate bill entitled:

An act relating to permitting an arrest without a warrant for assaults and threats against health care workers and disorderly conduct at health care facilities.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Judiciary, Senator Hashim moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Health and Welfare with the report of the Committee on Judiciary *intact*,

Which was agreed to.

### **Bills Introduced**

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

#### **S. 77.**

By Senators Chittenden, Perchlik and Westman,

An act relating to civil penalties for global positioning system (GPS) navigation providers related to the Smugglers' Notch segment of Vermont Route 108.

To the Committee on Transportation.

**S. 78.**

By Senator Vyhovsky,

An act relating to temporary State employees.

To the Committee on Government Operations.

**S. 79.**

By Senators Vyhovsky, Baruth, Bray, Clarkson, Gulick, Hardy, Harrison, Hashim, MacDonald, McCormack, Perchlik, Ram Hinsdale, Starr, Watson, White and Wrenner,

An act relating to limitations on hospital liens.

To the Committee on Judiciary.

**Bills Referred**

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

**H. 46.**

An act relating to approval of the dissolution of Colchester Fire District No. 3.

To the Committee on Government Operations.

**H. 161.**

An act relating to issuance of burning permits.

To the Committee on Natural Resources and Energy.

**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 on the part of the Senate:



By Reps. Goldman and Bos-Lun,  
By Senators Harrison and Hashim,

**H.C.R. 24.**

House concurrent resolution honoring teenage Rockingham volunteer firefighter Alex Leonard for his heroism and decisive action.

By Rep. Williams,

**H.C.R. 25.**

House concurrent resolution recognizing the critical importance of 3SquaresVT for thousands of Vermonters.

By Rep. Mrowicki,  
By Senators Harrison and Hashim,

**H.C.R. 26.**

House concurrent resolution honoring Putney Selectboard Vice Chair Joshua Laughlin for his outstanding municipal public service.

By Reps. Page and others,

**H.C.R. 27.**

House concurrent resolution honoring Edwin G. Camp of Derby for his outstanding 58-year career in the Vermont insurance industry.

By Rep. Jerome,

**H.C.R. 28.**

House concurrent resolution honoring the Vermont Creative Network for its effective initiatives to develop a thriving creative sector in Vermont.

By Reps. Stevens and Sheldon,

**H.C.R. 29.**

House concurrent resolution congratulating the Vermont Housing and Conservation Board on its 35th anniversary.

By Reps. Burke and others,  
By Senators Harrison and Hashim,

**H.C.R. 30.**

House concurrent resolution congratulating World Learning Inc on its 90th anniversary.

**Adjournment**

On motion of Senator Clarkson, the Senate adjourned, to reconvene on Tuesday, February 14, 2023, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 13.

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**TUESDAY, FEBRUARY 14, 2023**

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. 14.**

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

By Senator Baruth,

**J.R.S. 14.** Joint resolution relating to weekend adjournment.

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

That when the two Houses adjourn on Friday, February 17, 2023, it be to meet again no later than Tuesday, February 21, 2023.

**Bills Introduced**

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

**S. 80.**

By Senators Bray, McCormack and White,

An act relating to miscellaneous environmental conservation subjects.

To the Committee on Natural Resources and Energy.

**S. 81.**

By Senators McCormack, Bray, Chittenden, Gulick, Hardy and White,

An act relating to establishing the Chloride Contamination Reduction Program at the Agency of Natural Resources.

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To the Committee on Natural Resources and Energy.

**S. 82.**

By Senator Lyons,

An act relating to the development of a committee to study the impacts of PFAS in leachate from landfills in the State.

To the Committee on Natural Resources and Energy.

**S. 83.**

By Senators Ram Hinsdale and Clarkson,

An act relating to the creation of a project-based tax increment financing program.

To the Committee on Finance.

**Third Reading Ordered**

**S. 54.**

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

An act relating to individual and small group insurance markets.

Reported that the bill ought to pass.

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

**Message from the House No. 19**

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

Mr. President:

I am directed to inform the Senate that:

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

**H. 89.** An act relating to civil and criminal procedures concerning legally protected health care activity.

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

The Governor has informed the House that on February 13, 2023, he approved and signed a bill originating in the House of the following title:

**H. 1.** An act relating to legislative oversight of payment reform and conflict-free case management for developmental disability services.

**Adjournment**

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Wednesday, February 15, 2023.

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**WEDNESDAY, FEBRUARY 15, 2023**

The Senate was called to order by the President.

**Devotional Exercises**

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

**Bill Referred to Committee on Appropriations****S. 6.**

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 custodial interrogation of juveniles.

**Bill Introduced**

Senate bill of the following title was introduced, read the first time and referred:

**S. 84.**

By Senator Hardy,

An act relating to strengthening primary care and primary care providers.

To the Committee on Health and Welfare.

**Bill Referred**

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

**H. 89.**

An act relating to civil and criminal procedures concerning legally protected health care activity.

To the Committee on Judiciary.

**Bill Passed****S. 54.**

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

An act relating to individual and small group insurance markets.

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**Adjournment**

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Thursday, February 16, 2023.

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**THURSDAY, FEBRUARY 16, 2023**

The Senate was called to order by the President.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Bills Introduced**

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

**S. 85.**

By Senators Collamore, Brock, Ingalls, Norris, Starr, Weeks, Westman and Williams,

An act relating to allowing probation and parole officers to carry firearms while on duty.

To the Committee on Institutions.

**S. 86.**

By Senator Westman,

An act relating to replacing the term "cider" with "hard cider" within Title 7.

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

**S. 87.**

By Senators Lyons and Ram Hinsdale,

An act relating to Holocaust education in public schools.

To the Committee on Education.

**S. 88.**

By Senator Mazza,

An act relating to the charter of the Town of South Hero.

To the Committee on Government Operations.

**S. 89.**

By Senators Baruth, Lyons and Sears,  
An act relating to establishing a forensic facility.  
To the Committee on Judiciary.

**Bill Amended; Third Reading Ordered****S. 3.**

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

An act relating to prohibiting paramilitary training camps.

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

Sec. 1. 13 V.S.A. chapter 85 is amended to read:

**CHAPTER 85. WEAPONS**

\* \* \*

**Subchapter 3. Unauthorized Military Training****§ 4071. PARAMILITARY TRAINING PROHIBITED**

(a) A person shall not:

(1) teach, train, or demonstrate to any other person the use, application, or making of a firearm, explosive, or incendiary device capable of causing injury or death, or in techniques capable of causing injury or death to persons, if the person knows or reasonably should know that the teaching, training, or demonstrating will be unlawfully employed for use in or in furtherance of a civil disorder; or

(2) assemble with one or more other persons for the purpose of being taught, trained, or instructed in the use, application, or making of a firearm, explosive, or incendiary device capable of causing injury or death, or in techniques capable of causing injury or death to persons, if the person knows or reasonably should know that the teaching, training, or instruction will be unlawfully employed for use in or in furtherance of a civil disorder.

(b) A person who violates this section shall be imprisoned not more than five years or fined not more than \$5,000.00, or both.

(c) This section shall not apply to:

(1) activity engaged in for legitimate law enforcement purposes by a federal law enforcement officer or a law enforcement officer certified as a law

enforcement officer by the Vermont Criminal Justice Council pursuant to 20 V.S.A. § 2358;

(2) lawful activity engaged in by students at Norwich University or any other educational institution where military science is taught as a prescribed part of the course of instruction;

(3) any activity undertaken without knowledge of or intent to cause or further a civil disorder that is intended to teach or practice self-defense or self-defense techniques, including karate clubs, self-defense clinics, and similar lawful activity;

(4) any facility, program, or lawful activity related to firearms instruction and training that is intended to teach the safe handling and use of firearms; or

(5) any lawful sports or activities related to the individual recreational use of possession of firearms, including hunting pursuant to 10 V.S.A. part 4, target shooting, self-defense, and firearms collection.

#### § 4072. DEFINITIONS

As used in this chapter:

(1) “Civil disorder” means any public disturbance involving acts of violence by an assemblage of two or more persons that causes an immediate danger of or results in damage or injury to the property or person of any other individual.

(2) “Explosive” has the same meaning as in subdivision 1603(2) of this title.

(3) “Firearm” has the same meaning as in subdivision 4016(a)(3) of this title.

(4) “Incendiary device” means a device so constructed that an ignition by fire, friction, concussion, detonation, or other method may produce destructive effects primarily through combustion rather than explosion. The term does not include a manufactured device or article in common use by the general public that is designed to produce combustion for a lawful purpose, including matches, lighters, flares, or devices commercially manufactured primarily for the purpose of illumination, heating, or cooking. The term does not include firearms ammunition.

#### § 4073. CIVIL ENFORCEMENT; INJUNCTIVE RELIEF

If the Attorney General or a State’s Attorney has reason to believe that a person is violating or is about to violate section 4071 of this title, and that proceedings would be in the public interest, the Attorney General or State’s

Attorney may bring an action in the name of the State in the Civil Division of the Superior Court to restrain the violation by temporary or permanent injunction. The action shall be brought in the Superior Court of the county in which the person resides, has a place of business, or is doing business. The courts are authorized to issue temporary or permanent injunctions to restrain and prevent violations of section 4071 of this title.

## Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to on a roll call, Yeas 29, Nays 1.

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

### **Roll Call**

**Those Senators who voted in the affirmative were:** Baruth, Bray, Brock, Campion, Chittenden, Clarkson, Collamore, Cummings, Gulick, Hardy, Harrison, Hashim, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Norris, Perchlik, Ram Hinsdale, Sears, Starr, Vyhovsky, Watson, Weeks, Westman, White, Wrenner.

**The Senator who voted in the negative was:** Williams.

Thereupon, third reading of the bill was ordered.

### **Message from the House No. 20**

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

Mr. 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. 14.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

### **Adjournment**

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



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**FRIDAY, FEBRUARY 17, 2023**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Katelyn Macrae of Richmond.

**Message from the House No. 21**

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

Mr. President:

I am directed to inform the Senate that:

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

**H. 35.** An act relating to the Victims Assistance Program.

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

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

**H.C.R. 31.** House concurrent resolution in memory of Marshall Webb.

**H.C.R. 32.** House concurrent resolution congratulating Jody Stahlman on winning the 2023 Vermont State Women's Pinball Championship.

**H.C.R. 33.** House concurrent resolution honoring Raymond and Joyce Ballantine for their enduring community service in the Town of Jamaica.

**H.C.R. 34.** House concurrent resolution congratulating the 2022 Montpelier High School Division III championship field hockey team.

**H.C.R. 35.** House concurrent resolution honoring Barre Town Manager Carl Rogers for his outstanding municipal public service.

**H.C.R. 36.** House concurrent resolution congratulating Shawna Wakeham-Smith of Shelburne on the tenth anniversary of her leadership as Director of Wish Granting at Make-A-Wish Vermont.

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

**Bills Introduced**

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

**S. 90.**

By Senators Ram Hinsdale, Gulick, Hardy, Harrison, Perchlik, Vyhovsky, Watson, White and Wrenner,

An act relating to regulating search warrants and prohibiting no-knock warrants.

To the Committee on Judiciary.

**S. 91.**

By Senators Lyons and Sears,

An act relating to competency to stand trial and insanity as a defense.

To the Committee on Judiciary.

**S. 92.**

By Senators White, Bray, Gulick, Hardy, Harrison, Hashim, Lyons, McCormack, Perchlik, Ram Hinsdale, Vyhovsky and Watson,

An act relating to a pilot program to provide direct cash transfers to youth exiting foster care.

To the Committee on Health and Welfare.

**Bill Referred**

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

**H. 35.**

An act relating to the Victims Assistance Program.

To the Committee on Judiciary.

**Bill Passed****S. 3.**

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

An act relating to prohibiting paramilitary training camps.

**Proposal of Amendment; Third Reading Ordered****H. 145.**

Senator Kitchel, for the Committee on Appropriations, to which was referred House bill entitled:

An act relating to fiscal year 2023 budget adjustments.

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. 2022 Acts and Resolves No. 185, Sec. B.105 is amended to read:

Sec. B.105 Agency of digital services - communications and information technology

Personal services	<del>99,364,395</del>	82,655,019
Operating expenses	<u>34,833,539</u>	<u>34,833,539</u>
Total	<del>134,197,934</del>	117,488,558
Source of funds		
General fund	179,572	179,572
Special funds	<del>17,159,341</del>	449,965
Internal service funds	<u>116,859,021</u>	<u>116,859,021</u>
Total	<del>134,197,934</del>	117,488,558

Sec. 2. 2022 Acts and Resolves No. 185, Sec. B.145 is amended to read:

Sec. B.145 Total general government

Source of funds		
General fund	104,811,247	104,811,247
Transportation fund	4,059,343	4,059,343
Special funds	<del>35,893,006</del>	19,183,630
Federal funds	1,308,858	1,308,858
Internal service funds	178,033,418	178,033,418
Interdepartmental transfers	4,447,671	4,447,671
Enterprise funds	6,979	6,979
Pension trust funds	2,669,072	2,669,072
Private purpose trust funds	<u>1,156,575</u>	<u>1,156,575</u>
Total	<del>332,386,169</del>	315,676,793

Sec. 3. 2022 Acts and Resolves No. 185, Sec. B.209 is amended to read:

Sec. B.209 Public safety - state police

Personal services	<del>62,598,426</del>	62,396,849
Operating expenses	12,660,950	12,660,950
Grants	<u>1,467,153</u>	<u>1,467,153</u>
Total	<del>76,726,529</del>	76,524,952
Source of funds		
General fund	<del>46,676,421</del>	46,474,844
Transportation fund	20,250,000	20,250,000
Special funds	3,116,711	3,116,711
Federal funds	4,820,645	4,820,645

Interdepartmental transfers	<u>1,862,752</u>	<u>1,862,752</u>
Total	<u>76,726,529</u>	<u>76,524,952</u>

Sec. 4. 2022 Acts and Resolves No. 185, Sec. B.225 is amended to read:

Sec. B.225 Agriculture, food and markets - agricultural resource management and environmental stewardship

Personal services	2,830,318	2,830,318
Operating expenses	950,906	950,906
Grants	<u>545,334</u>	<u>295,334</u>
Total	<u>4,326,558</u>	<u>4,076,558</u>
Source of funds		
General fund	1,191,645	941,645
Special funds	2,325,153	2,325,153
Federal funds	472,695	472,695
Interdepartmental transfers	<u>337,065</u>	<u>337,065</u>
Total	<u>4,326,558</u>	<u>4,076,558</u>

Sec. 5. 2022 Acts and Resolves No. 185, Sec. B.225.2 is amended to read:

Sec. B.225.2 Agriculture, Food and Markets - Clean Water

Personal services	3,351,394	3,351,394
Operating expenses	518,202	518,202
Grants	<u>5,253,111</u>	<u>5,503,111</u>
Total	<u>9,122,707</u>	<u>9,372,707</u>
Source of funds		
General fund	1,100,802	1,350,802
Special funds	7,266,122	7,266,122
Federal funds	441,907	441,907
Interdepartmental transfers	<u>313,876</u>	<u>313,876</u>
Total	<u>9,122,707</u>	<u>9,372,707</u>

Sec. 6. 2022 Acts and Resolves No. 185, Sec. B.240 is amended to read:

Sec. B.240 Cannabis Control Board

Personal services	3,211,914	3,497,225
Operating expenses	<u>278,608</u>	<u>1,383,608</u>
Total	<u>3,490,522</u>	<u>4,880,833</u>
Source of funds		
Special funds	<u>3,490,522</u>	<u>4,880,833</u>
Total	<u>3,490,522</u>	<u>4,880,833</u>

Sec. 7. 2022 Acts and Resolves No. 185, Sec. B.241 is amended to read:

Sec. B.241 Total protection to persons and property

Source of funds

General fund	<del>187,158,391</del>	186,956,814
Transportation fund	20,250,000	20,250,000
Special funds	<del>98,238,728</del>	99,629,039
Tobacco fund	561,843	561,843
Federal funds	127,115,612	127,115,612
ARRA funds	510,535	510,535
Interdepartmental transfers	12,413,144	12,413,144
Enterprise funds	<u>13,619,207</u>	<u>13,619,207</u>
Total	<del>459,867,460</del>	461,056,194

Sec. 8. 2022 Acts and Resolves No. 185, Sec. B.300 is amended to read:

Sec. B.300 Human services - agency of human services - secretary's office

Personal services	<del>12,307,314</del>	14,990,385
Operating expenses	<del>5,340,825</del>	5,356,835
Grants	<u>2,895,202</u>	<u>3,160,202</u>
Total	<del>20,543,341</del>	23,507,422

Source of funds

General fund	<del>9,056,662</del>	12,020,743
Special funds	135,517	135,517
Federal funds	10,569,851	10,569,851
Interdepartmental transfers	<u>781,311</u>	<u>781,311</u>
Total	<del>20,543,341</del>	23,507,422

Sec. 9. 2022 Acts and Resolves No. 185, Sec. B.301 is amended to read:

Sec. B.301 Secretary's office - global commitment

Grants	<del>1,835,603,282</del>	<u>1,934,679,638</u>
Total	<del>1,835,603,282</del>	<u>1,934,679,638</u>

Source of funds

General fund	<del>608,430,925</del>	515,071,925
Special funds	<del>33,384,536</del>	29,121,769
Tobacco fund	21,049,373	21,049,373
State health care resources fund	<del>17,078,501</del>	25,102,272
Federal funds	<del>1,151,625,777</del>	1,340,818,340
Interdepartmental transfers	<u>4,034,170</u>	<u>3,515,959</u>
Total	<del>1,835,603,282</del>	<u>1,934,679,638</u>

Sec. 10. 2022 Acts and Resolves No. 185, Sec. B.304 is amended to read:

Sec. B.304 Human services board

Personal services	766,312	619,083
Operating expenses	<u>89,396</u>	<u>89,396</u>
Total	855,708	708,479
Source of funds		
General fund	490,779	343,550
Federal funds	<u>364,929</u>	<u>364,929</u>
Total	855,708	708,479

Sec. 11. 2022 Acts and Resolves No. 185, Sec. B.306 is amended to read:

Sec. B.306 Department of Vermont health access - administration

Personal services	133,258,216	133,258,216
Operating expenses	27,050,784	27,115,536
Grants	<u>2,912,301</u>	<u>8,712,301</u>
Total	<del>163,221,301</del>	169,086,053
Source of funds		
General fund	<del>34,666,169</del>	38,830,921
Special funds	4,738,197	4,738,197
Federal funds	<del>114,997,590</del>	116,697,590
Global Commitment fund	3,986,316	3,986,316
Interdepartmental transfers	<u>4,833,029</u>	<u>4,833,029</u>
Total	<del>163,221,301</del>	169,086,053

Sec. 12. 2022 Acts and Resolves No. 185, Sec. B.307 is amended to read:

Sec. B.307 Department of Vermont health access - Medicaid program - global commitment

Personal services	547,983	547,983
Grants	<u>837,108,046</u>	<u>965,640,677</u>
Total	<del>837,656,029</del>	966,188,660
Source of funds		
Global Commitment fund	<u>837,656,029</u>	<u>966,188,660</u>
Total	<del>837,656,029</del>	966,188,660

Sec. 13. 2022 Acts and Resolves No. 185, Sec. B.309 is amended to read:

Sec. B.309 Department of Vermont health access - Medicaid program - state only

Grants	<u>54,104,191</u>	<u>49,357,135</u>
Total	<del>54,104,191</del>	49,357,135

Source of funds		
General fund	44,533,864	49,352,443
Global Commitment fund	<u>9,570,327</u>	<u>4,692</u>
Total	54,104,191	49,357,135

Sec. 14. 2022 Acts and Resolves No. 185, Sec. B.310 is amended to read:

Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched

Grants	<u>35,125,592</u>	<u>35,226,509</u>
Total	35,125,592	35,226,509
Source of funds		
General fund	12,736,699	12,342,078
Federal funds	<u>22,388,893</u>	<u>22,884,431</u>
Total	35,125,592	35,226,509

Sec. 15. 2022 Acts and Resolves No. 185, Sec. B.311 is amended to read:

Sec. B.311 Health - administration and support

Personal services	7,880,051	7,232,181
Operating expenses	7,161,896	8,283,741
Grants	<u>15,416,408</u>	<u>15,416,408</u>
Total	30,458,355	30,932,330
Source of funds		
General fund	3,120,538	3,594,513
Special funds	2,123,150	2,123,150
Federal funds	19,371,027	19,371,027
Global Commitment fund	5,779,334	5,779,334
Interdepartmental transfers	<u>64,306</u>	<u>64,306</u>
Total	30,458,355	30,932,330

Sec. 16. 2022 Acts and Resolves No. 185, Sec. B.312 is amended to read:

Sec. B.312 Health - public health

Personal services	58,557,637	59,756,793
Operating expenses	10,504,324	10,504,324
Grants	<u>45,237,061</u>	<u>45,237,061</u>
Total	114,299,022	115,498,178
Source of funds		
General fund	12,217,471	13,416,627
Special funds	22,422,908	22,422,908
Tobacco fund	1,088,918	1,088,918
Federal funds	61,398,428	61,398,428
Global Commitment fund	16,159,672	16,159,672

Interdepartmental transfers	986,625	986,625
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	<del>114,299,022</del>	115,498,178

Sec. 17. 2022 Acts and Resolves No. 185, Sec. B.313 is amended to read:

Sec. B.313 Health - alcohol and drug abuse programs

Personal services	5,533,379	4,982,093
Operating expenses	511,500	511,500
Grants	<u>55,582,806</u>	<u>55,595,616</u>
Total	<u>61,627,685</u>	61,089,209
Source of funds		
General fund	4,706,142	4,167,666
Special funds	1,392,101	1,392,101
Tobacco fund	949,917	949,917
Federal funds	21,131,903	21,131,903
Global Commitment fund	<u>33,447,622</u>	<u>33,447,622</u>
Total	<u>61,627,685</u>	61,089,209

Sec. 18. 2022 Acts and Resolves No. 185, Sec. B.314 is amended to read:

Sec. B.314 Mental health - mental health

Personal services	37,550,464	45,679,048
Operating expenses	5,023,808	5,406,921
Grants	<u>251,958,650</u>	<u>252,383,242</u>
Total	<u>294,532,922</u>	303,469,211
Source of funds		
General fund	12,966,387	23,720,891
Special funds	1,690,187	1,690,187
Federal funds	10,279,911	10,279,911
Global Commitment fund	269,471,344	267,653,129
Interdepartmental transfers	<u>125,093</u>	<u>125,093</u>
Total	<u>294,532,922</u>	303,469,211

Sec. 19. 2022 Acts and Resolves No. 185, Sec. B.316 is amended to read:

Sec. B.316 Department for children and families - administration & support services

Personal services	41,932,610	41,930,824
Operating expenses	17,284,575	23,063,394
Grants	<u>3,819,106</u>	<u>3,415,106</u>
Total	<u>63,036,291</u>	68,409,324
Source of funds		
General fund	36,020,845	36,525,221



Special funds	<del>2,789,842</del>	2,788,056
Federal funds	<del>22,463,191</del>	27,083,191
Global Commitment fund	<del>1,409,481</del>	1,659,924
Interdepartmental transfers	<u>352,932</u>	<u>352,932</u>
Total	<del>63,036,291</del>	68,409,324

Sec. 20. 2022 Acts and Resolves No. 185, Sec. B.317 is amended to read:

Sec. B.317 Department for children and families - family services

Personal services	41,455,253	41,755,292
Operating expenses	5,392,584	5,392,584
Grants	<u>88,864,318</u>	<u>89,022,405</u>
Total	<del>135,712,155</del>	136,170,281
Source of funds		
General fund	56,028,109	66,085,811
Special funds	729,587	729,587
Federal funds	32,206,285	32,206,285
Global Commitment fund	46,710,437	37,110,861
Interdepartmental transfers	<u>37,737</u>	<u>37,737</u>
Total	<del>135,712,155</del>	136,170,281

Sec. 21. 2022 Acts and Resolves No. 185, Sec. B.318 is amended to read:

Sec. B.318 Department for children and families - child development

Personal services	5,486,947	5,487,235
Operating expenses	860,622	860,581
Grants	<u>106,205,300</u>	<u>100,677,216</u>
Total	<del>112,552,869</del>	107,025,032
Source of funds		
General fund	33,130,398	27,602,602
Special funds	16,820,011	16,820,011
Federal funds	50,457,478	50,457,478
Global Commitment fund	12,144,941	12,144,941
Interdepartmental transfers	<u>41</u>	<u>0</u>
Total	<del>112,552,869</del>	107,025,032

Sec. 22. 2022 Acts and Resolves No. 185, Sec. B.320 is amended to read:

Sec. B.320 Department for children and families - aid to aged, blind and disabled

Personal services	2,252,206	2,252,206
Grants	<u>10,431,118</u>	<u>9,624,177</u>
Total	<del>12,683,324</del>	11,876,383
Source of funds		
General fund	<del>7,533,333</del>	6,726,392

Global Commitment fund	<u>5,149,991</u>	<u>5,149,991</u>
Total	<u>12,683,324</u>	11,876,383

Sec. 23. 2022 Acts and Resolves No. 185, Sec. B.321 is amended to read:

Sec. B.321 Department for children and families - general assistance

Personal services	15,000	15,000
Grants	<u>2,823,574</u>	<u>2,147,995</u>
Total	<u>2,838,574</u>	2,162,995
Source of funds		
General fund	<u>2,541,239</u>	1,865,660
Federal funds	11,320	11,320
Global Commitment fund	<u>286,015</u>	<u>286,015</u>
Total	<u>2,838,574</u>	2,162,995

Sec. 24. 2022 Acts and Resolves No. 185, Sec. B.323 is amended to read:

Sec. B.323 Department for children and families - reach up

Operating expenses	30,633	30,633
Grants	<u>27,235,606</u>	<u>37,028,703</u>
Total	<u>27,266,239</u>	37,059,336
Source of funds		
General fund	<u>15,097,457</u>	24,581,158
Special funds	5,955,834	5,955,834
Federal funds	3,531,330	3,531,330
Global Commitment fund	<u>2,681,618</u>	<u>2,991,014</u>
Total	<u>27,266,239</u>	37,059,336

Sec. 25. 2022 Acts and Resolves No. 185, Sec. B.325 is amended to read:

Sec. B.325 Department for children and families - office of economic opportunity

Personal services	707,738	707,738
Operating expenses	80,979	80,979
Grants	<u>19,896,892</u>	<u>19,096,328</u>
Total	<u>20,685,609</u>	19,885,045
Source of funds		
General fund	<u>14,328,930</u>	13,528,366
Special funds	58,135	58,135
Federal funds	4,942,559	4,942,559
Global Commitment fund	<u>1,355,985</u>	<u>1,355,985</u>
Total	<u>20,685,609</u>	19,885,045

Sec. 26. 2022 Acts and Resolves No. 185, Sec. B.326 is amended to read:

Sec. B.326 Department for children and families - OEO - weatherization assistance

Personal services	376,286	376,286
Operating expenses	47,090	247,090
Grants	<u>12,038,018</u>	<u>11,838,018</u>
Total	12,461,394	12,461,394
Source of funds		
Special funds	7,643,920	7,643,920
Federal funds	<u>4,817,474</u>	<u>4,817,474</u>
Total	12,461,394	12,461,394

Sec. 27. [DELETED]

Sec. 28. 2022 Acts and Resolves No. 185, Sec. B.329 is amended to read:

Sec. B.329 Disabilities, aging, and independent living - administration & support

Personal services	37,398,355	38,484,107
Operating expenses	<u>6,178,888</u>	<u>6,214,683</u>
Total	43,577,243	44,698,790
Source of funds		
General fund	19,725,270	20,846,817
Special funds	1,390,457	1,390,457
Federal funds	21,360,232	21,360,232
Global Commitment fund	35,000	35,000
Interdepartmental transfers	<u>1,066,284</u>	<u>1,066,284</u>
Total	43,577,243	44,698,790

Sec. 29. 2022 Acts and Resolves No. 185, Sec. B.330 is amended to read:

Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants

Grants	<u>19,709,925</u>	<u>20,278,107</u>
Total	19,709,925	20,278,107
Source of funds		
General fund	7,754,865	7,754,865
Federal funds	7,148,466	7,148,466
Global Commitment fund	<u>4,806,594</u>	<u>5,374,776</u>
Total	19,709,925	20,278,107

Sec. 30. 2022 Acts and Resolves No. 185, Sec. B.333 is amended to read:

Sec. B.333 Disabilities, aging, and independent living - developmental services

Grants	<u>282,169,830</u>	284,711,348
Total	<u>282,169,830</u>	284,711,348
Source of funds		
General fund	155,125	555,125
Special funds	15,463	15,463
Federal funds	359,857	359,857
Global Commitment fund	<u>281,589,385</u>	283,730,903
Interdepartmental transfers	<u>50,000</u>	<u>50,000</u>
Total	<u>282,169,830</u>	284,711,348

Sec. 31. 2022 Acts and Resolves No. 185, Sec. B.334 is amended to read:

Sec. B.334 Disabilities, aging, and independent living - TBI home and community based waiver

Grants	<u>6,163,669</u>	6,620,179
Total	<u>6,163,669</u>	6,620,179
Source of funds		
Global Commitment fund	<u>6,163,669</u>	6,620,179
Total	<u>6,163,669</u>	6,620,179

Sec. 32. 2022 Acts and Resolves No. 185, Sec. B.334.1 is amended to read:

Sec. B.334.1 Disabilities, aging and independent living - Long Term Care

Grants	<u>247,242,665</u>	269,943,753
Total	<u>247,242,665</u>	269,943,753
Source of funds		
General fund	498,579	1,598,579
Federal funds	2,083,333	2,083,333
Global Commitment fund	<u>244,660,753</u>	266,261,841
Total	<u>247,242,665</u>	269,943,753

Sec. 33. 2022 Acts and Resolves No. 185, Sec. B.338 is amended to read:

Sec. B.338 Corrections - correctional services

Personal services	124,883,844	129,447,504
Operating expenses	<u>24,337,405</u>	<u>24,571,221</u>
Total	<u>149,221,249</u>	154,018,725
Source of funds		
General fund	<u>144,682,340</u>	149,264,201
Special funds	935,963	935,963
Federal funds	460,376	675,991

Global Commitment fund	2,746,255	2,746,255
Interdepartmental transfers	<u>396,315</u>	<u>396,315</u>
Total	<del>149,221,249</del>	154,018,725

Sec. 34. 2022 Acts and Resolves No. 185, Sec. B.338.1 is amended to read:

Sec. B.338.1 Corrections - Justice Reinvestment II

<u>Personal services</u>	0	160,140
Grants	<u>9,868,567</u>	<u>12,467,844</u>
Total	<u>9,868,567</u>	12,627,984
Source of funds		
General fund	<u>7,290,879</u>	10,050,296
Federal funds	13,147	13,147
Global Commitment fund	<u>2,564,541</u>	<u>2,564,541</u>
Total	<u>9,868,567</u>	12,627,984

Sec. 35. [DELETED]

Sec. 36. 2022 Acts and Resolves No. 185, Sec. B.342 is amended to read:

Sec. B.342 Vermont veterans' home - care and support services

Personal services	18,693,897	23,557,937
Operating expenses	<u>4,698,211</u>	<u>5,719,013</u>
Total	<u>23,392,108</u>	29,276,950
Source of funds		
General fund	<u>4,068,733</u>	5,655,522
Special funds	<u>11,892,624</u>	16,190,677
Federal funds	<u>7,430,751</u>	<u>7,430,751</u>
Total	<u>23,392,108</u>	29,276,950

Sec. 37. 2022 Acts and Resolves No. 185, Sec. B.346 is amended to read:

Sec. B.346 Total human services

Source of funds		
General fund	<del>1,118,252,689</del>	1,071,972,923
Special funds	<u>122,249,086</u>	122,282,586
Tobacco fund	23,088,208	23,088,208
State health care resources fund	<u>17,078,501</u>	25,102,272
Federal funds	<u>1,651,894,729</u>	1,848,118,445
Global Commitment fund	<u>1,788,710,309</u>	1,921,586,651
Internal service funds	1,699,065	1,699,065
Interdepartmental transfers	<u>28,014,227</u>	27,495,975
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	<u>4,751,011,814</u>	5,041,371,125

Sec. 38. 2022 Acts and Resolves No. 185, Sec. B.505 is amended to read:

Sec. B.505 Education - adjusted education payment

Grants	<u>1,561,661,000</u>	<u>1,577,649,173</u>
Total	1,561,661,000	1,577,649,173
Source of funds		
Education fund	<u>1,561,661,000</u>	<u>1,577,649,173</u>
Total	1,561,661,000	1,577,649,173

Sec. 39. 2022 Acts and Resolves No. 185, Sec. B.514 is amended to read:

Sec. B.514 State teachers' retirement system

Grants	<u>187,273,782</u>	<u>188,073,782</u>
Total	187,273,782	188,073,782
Source of funds		
General fund	154,345,678	154,645,678
Education fund	<u>32,928,104</u>	<u>33,428,104</u>
Total	187,273,782	188,073,782

Sec. 40. 2022 Acts and Resolves No. 185, Sec. B.516 is amended to read:

Sec. B.516 Total general education

Source of funds		
General fund	204,865,262	205,165,262
Special funds	19,450,491	19,450,491
Tobacco fund	750,388	750,388
Education fund	<u>1,900,680,013</u>	<u>1,917,168,186</u>
Federal funds	512,572,265	512,572,265
Global Commitment fund	260,000	260,000
Interdepartmental transfers	365,324	365,324
Pension trust funds	<u>1,846,063</u>	<u>1,846,063</u>
Total	2,640,789,806	2,657,577,979

Sec. 41. 2022 Acts and Resolves No. 185, Sec. B.802 is amended to read:

Sec. B.802 Housing and community development

Personal services	5,321,306	5,321,306
Operating expenses	673,807	673,807
Grants	<u>76,513,512</u>	<u>77,056,152</u>
Total	82,508,625	83,051,265

Source of funds		
General fund	4,065,708	4,065,708
Special funds	7,204,966	7,747,606
Federal funds	68,364,457	68,364,457
Interdepartmental transfers	<u>2,873,494</u>	<u>2,873,494</u>
Total	82,508,625	83,051,265

Sec. 42. 2022 Acts and Resolves No. 185, Sec. B.813 is amended to read:

Sec. B.813 Total commerce and community development

Source of funds		
General fund	18,279,159	18,279,159
Special funds	32,584,165	33,126,805
Federal funds	160,118,217	160,118,217
Interdepartmental transfers	<u>5,532,656</u>	<u>5,532,656</u>
Total	216,514,197	217,056,837

Sec. 43. 2022 Acts and Resolves No. 185, Sec. B.903 is amended to read:

Sec. B.903 Transportation - program development

Personal services	67,084,877	67,084,877
Operating expenses	317,718,748	317,718,748
Grants	<u>28,106,566</u>	<u>28,106,566</u>
Total	412,910,191	412,910,191
Source of funds		
Transportation fund	63,006,826	59,806,826
TIB fund	16,199,908	19,399,908
Federal funds	330,355,267	330,355,267
Interdepartmental transfers	75,000	75,000
Local match	<u>3,273,190</u>	<u>3,273,190</u>
Total	412,910,191	412,910,191

Sec. 44. 2022 Acts and Resolves No. 185, Sec. B.907 is amended to read:

Sec. B.907 Transportation - rail

Personal services	4,662,380	4,662,380
Operating expenses	30,650,803	30,650,803
Grants	<u>50,000</u>	<u>50,000</u>
Total	35,363,183	35,363,183
Source of funds		
Transportation fund	14,201,368	10,701,368
Federal funds	18,015,401	21,515,401

Interdepartmental transfers	2,985,206	2,985,206
Local match	<u>161,208</u>	<u>161,208</u>
Total	35,363,183	35,363,183

Sec. 44a. 2022 Acts and Resolves No. 185, Sec. B.922 is amended to read:

Sec. B.922 Total transportation

Source of funds

Transportation fund	<del>298,509,742</del>	291,809,742
TIB fund	<del>19,802,363</del>	23,002,363
Special funds	4,367,498	4,367,498
Federal funds	<del>438,299,601</del>	441,799,601
Internal service funds	22,754,095	22,754,095
Interdepartmental transfers	3,597,177	3,597,177
Local match	<u>4,585,799</u>	<u>4,585,799</u>
Total	791,916,275	791,916,275

Sec. 45. 2022 Acts and Resolves No. 185, Sec. B.1100 is amended to read:

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:

\* \* \*

(18) ~~\$1,500,000~~ \$3,600,000 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 as specified in subdivisions (A) and (B) of this subdivision.~~

(A) ~~The funds \$1,500,000~~ shall be allocated on a 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.

(B) \$2,100,000 shall be granted to existing adult day service providers to maintain the existing program infrastructure through fiscal year



2023. The Department shall request that the Vermont Association of Adult Day Services provide a spreadsheet to the Department detailing the amount of grants to be distributed to each adult day program for the remainder of fiscal year 2023.

\* \* \*

(24) \$3,000,000 to the Secretary of Administration to provide funding for municipal technical assistance and related services.

(25) \$3,345,000 to the Secretary of Administration to be used as the 10 percent State match required for FEMA COVID funds starting on July 1, 2022.

(26) \$1,734,000 to the Agency of Digital Services to be used as State match for a U.S. Geological Survey (USGS) Light Detection and Ranging (LIDAR) grant.

(27) \$1,115,000 to the Military Department to be used as State match for the federal Facilities Sustainment, Restoration and Modernization (SRM) funds eligible for receipt in federal fiscal year 2023.

(28) \$30,000,000 to the Public Service Department for the Vermont Community Broadband Board to be used to leverage federal dollars and programs, including the National Telecommunications and Information Administration (NTIA) broadband grant (Middle Mile), to reduce the overall cost of universal broadband access as described in 2021 Acts and Resolves No. 71.

(29) \$350,000 to the State Refugee Office, located within the Agency of Human Services Central Office, to implement Employment Assistance Grants for New Americans. Funds remaining at the end of fiscal year 2025 shall revert to the General Fund.

(30) \$3,000,000 to the Department for Children and Families Office of Economic Opportunity for the CARES Housing Voucher Program.

(31) \$5,000,000 to the Department of Housing and Community Development as additional support for the Vermont Housing Improvement Program (VHIP).

(32) \$350,000 is appropriated to the Agency of Commerce and Community Development in fiscal year 2023 to provide state match for the Northeast Kingdom Build to Scale proposal to be submitted to the U.S. Economic Development Administration for federal funding.

(33) \$18,778,775 to the Department for Children and Families to provide funding for the General Assistance Emergency Housing Program as

specified in this subsection as follows:

(A) \$13,778,775 of these funds are for the purpose of providing temporary housing to vulnerable households as defined in this subdivision from April 1, 2023 through June 30, 2023. These funds are in addition to the amount of \$4,820,000 allocated within the appropriation listed in 2022 Acts and Resolves No. 185, § 53(b)(10). During this period, eligible households that seek temporary housing shall receive it, regardless of the number of nights previously received or adverse weather conditions. A household is eligible if it meets one or more of the following:

(i) a household that lost its housing due to a natural disaster, such as a flood, fire, or hurricane;

(ii)(I) a household that has a member who has experienced domestic violence, dating violence, sexual assault, stalking, or human trafficking; or

(II) a household that has a member who has experienced a dangerous or life-threatening incident related to violence against the member that either occurred within the member's home or caused the member to reasonably believe that the member was at risk of further harm if the member remained in the home;

(iii) a household with a child or children who are either under 18 years of age or who are 18 or 19 years of age and attending secondary school on full-time basis or an equivalent level of vocational or technical training;

(iv) a household that has a member who is 60 years of age or older;

(v) a household that has a member who receives SSI or SSDI;

(vi) a household that has a member who is pregnant;

(vii) a household that is pursuing legal resolution of violations of the Rental Housing Health Code through the Department of Health or appropriate local officials; or

(viii) a household that has been physically barred from entering their residence through an intentional act of the landlord.

(B) \$5,000,000 of these funds are for the purpose of providing temporary housing from April 1, 2023 through May 31, 2023 for other households that are not eligible pursuant the criteria in subdivision (A) of this subdivision, but would be eligible for General Assistance emergency housing under the Adverse Weather Conditions policy in effect on January 15, 2023.

(34) \$952,000 to the Department of Mental Health to be granted to the

Howard Center to purchase properties located at 71, 73, and 77 Park Street in Rutland, Vermont.

(A) Prior to granting funds greater than an amount required for a refundable purchase deposit, the Commissioners of Mental Health and for Children and Families, with the assistance of the Secretary of Human Services and Commissioner of Buildings and General Services, shall review the accuracy and comprehensiveness of the financial analysis of the Howard Center proposal to purchase these properties for the continued use as a community-based residential and educational program for adolescent males with sexually harming behaviors. The review should include comparative ongoing operational and additional capital investment costs at this site with reasonable alternative relocation rental or purchase options. A status update on this review and appropriation shall be provided to the General Assembly by the Commissioners of Mental Health and for Children and Families on or before April 1, 2023.

(B) An accounting of the respective State and Howard Center shares of investment in this property shall be maintained in order to refund to the State an appropriate share of any net proceeds resulting from future divestiture of the property.

(35) \$1,550,000 to the Judiciary as follows:

(A) \$750,000 for internal network cabling upgrade.

(B) \$500,000 for courthouses sound system replacement.

(C) \$300,000 for correctional facilities remote hearings improvement.

(36) \$27,500,000 to the Vermont Housing Conservation Board (VHCB):

(A) \$2,500,000 of this funding shall be allocated to provide support and enhance capacity for emergency shelter for those experiencing homelessness. Allocations for emergency shelter for those experiencing homelessness shall be made in consultation with the Secretary of Human Services.

(B) \$25,000,000 is to provide support and enhance capacity for the production and preservation of affordable mixed-income rental housing and homeownership units; including but not limited to improvements to manufactured homes and communities, shelter, and permanent homes for those experiencing homelessness, recovery residences, and housing available to farm workers and refugees.

(37) \$1,200,000 to the Department for Children and Families for a grant to the Lund Center for its Residential Treatment program.

(38) \$30,000 to the Department of Health for a grant to the American Heart Association for CPR and First Aid Training kits to facilitate training in schools.

(39) \$100,000 to the Office of the State Treasurer for a study and report on Other Postemployment Benefits; Governance Structure.

(40) \$4,626,506 to the Department for Children and Families for a temporary secure youth residential facility. The Department shall provide an update to the House Committees on Appropriations, on Corrections and Institutions, and on Human Services and to the Senate Committees on Appropriations, on Judiciary, and on Health and Welfare on the status of the facility, including site location, time frame, design, and budget on or before April 15, 2023.

Sec. 46. 2022 Acts and Resolves No. 185, Sec. B.1101 is added to read:

Sec. B.1101 FISCAL YEAR 2023 ONE-TIME ENVIRONMENTAL  
CONTINGENCY FUND APPROPRIATIONS

(a) In fiscal year 2023, funds are appropriated from the Environmental Contingency Fund (21275) for new and ongoing initiatives as follows:

(1) \$3,000,000 to the Department of Environmental Conservation for PFAS remediation.

Sec. 47. 2022 Acts and Resolves No. 185, Sec. B.1102 is added to read:

Sec. B.1102 FISCAL YEAR 2023 ONE-TIME TECHNOLOGY  
MODERNIZATION SPECIAL FUND APPROPRIATIONS

(a) In fiscal year 2023, funds are appropriated from the Technology Modernization Special Fund (21951) for new and ongoing initiatives as follows:

(1) \$40,010,000 to the Agency of Digital Services to be used as follows:

(A) \$11,800,000 for Enterprise Resource Planning (ERP) system upgrade of core statewide financial accounting system and integration with the Department of Labor and Agency of Transportation financial systems;

(B) \$1,800,000 for continued implementation of the Workplace Information Management System for property management at the Department of Buildings and General Services;

(C) \$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;

(D) \$2,200,000 for a case management system at the Office of the Attorney General;

(E) \$20,250,000 for the Department of Motor Vehicles (DMV) Core System Modernization Phase II; and

(F) \$3,000,000 for the Department of Labor Unemployment Insurance Modernization project.

Sec. 48. 2022 Acts and Resolves No. 185, Sec. D.101 is amended to read:

Sec. D.101 FUND TRANSFERS, REVERSIONS, AND RESERVES

(a) Notwithstanding any other provision of law, the following amounts are transferred from the funds indicated:

\* \* \*

(8) From the General Fund to the Emergency Relief and Assistance Fund (21555): \$2,100,000.

(9) From the General Fund to the Environmental Contingency Fund (21275): \$3,000,000.

(10) From the General Fund to the Cannabis Regulation Fund (21998): \$1,390,311.

(11) From the Transportation Infrastructure Bond Debt Service Fund to the Transportation Infrastructure Bond Fund (20191): \$721,240.62.

(b) Notwithstanding any provision 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>21220</u> <u>Mental Health Risk Pool</u>	<u>\$449.17</u>
<u>21910</u> <u>Counselor Regulatory Fee Fund</u>	<u>\$2,125.00</u>
<u>21945</u> <u>DOC - Corrections Donations</u>	<u>\$4.52</u>
22005 AHS Central Office earned federal receipts	\$4,641,960
50300 Liquor Control Fund	\$20,400,000
Caledonia Fair	\$5,000
North Country Hospital Loan	\$24,047
Springfield Hospital promissory note repayment	\$121,416
<u>50400</u> <u>Vermont Life Magazine Fund</u>	<u>\$374,000.26</u>

(2) The Notwithstanding any other laws related to these special fund balances, the following estimated amounts, which may be all or a portion of

unencumbered fund balances, shall ~~may~~ be transferred from the following funds to the General Fund. ~~The upon determination of the~~ Commissioner of Finance and Management ~~that such transfers are integral for the financial closure of the fiscal year.~~ The Commissioner 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.

21638	AG-Fees & reimbursement – Court order	\$2,000,000
21928	Secretary of State Services Funds	\$1,200,000
62100	Unclaimed Property Fund	<del>\$1,773,425</del> \$4,442,485
	<u>Combined estimate for 21075 Insurance Regulatory and Supervision Fund, 21805 Captive Insurance Regulatory and Supervision Fund, 21080 Regulatory and Supervision Fund</u>	<u>\$58,564,476</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)(3) 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:

1210002000	Legislature	\$205,000
1100030000	Executive Branch Pay Act	<del>\$4,405,000</del> \$4,559,966.09
1100010000	Secretary of Administration	\$261,019.35
1110003000	Budget & Management	\$46,983.65
1140040000	Homeowner Rebates	\$2,593,580.53
1140070000	Use Tax Reimbursement Program	\$103,001.75
1140330000	Renter Rebates	\$4,374,661.25
1260010000	Office of the Treasurer	\$206,201.60
2100001000	Attorney General	\$1,181.15
2140010000	Department of Public Safety - State Police	\$329,311.26
2140090000	Forensic Laboratory	\$60,701.18
2150010000	Military Administration/TAGO	\$347,364.99
3330892202	GMCB - Benchmarking Analyses	\$80,443.00

<u>3400891804</u>	<u>Medicaid Financial Requirements</u>	<u>\$40,341.34</u>
<u>3400892109</u>	<u>St Match - Act 155 4(a),5(a)</u>	<u>\$277,500.00</u>
<u>3400892112</u>	<u>AHS - VT Food Bank-Food Box</u>	<u>\$1,376,000.00</u>
<u>3420892203</u>	<u>VDH - Recovery Centers</u>	<u>\$1.09</u>
<u>3440892203</u>	<u>DCF - Parent Child Ctrs Cap Imp</u>	<u>\$10.00</u>
<u>5100010000</u>	<u>Administration</u>	<u>\$282.00</u>
<u>5100060000</u>	<u>Adult Basic Education</u>	<u>\$7,192.22</u>
<u>5100070000</u>	<u>Education Services</u>	<u>\$3,870.00</u>
<u>5100210000</u>	<u>Education - Flexible Pathways</u>	<u>\$182,072.00</u>
<u>5100400000</u>	<u>State Board of Education</u>	<u>\$54,755.46</u>
<u>5100892214</u>	<u>AOA School Food Program Administration</u>	<u>\$50,670.70</u>
<u>5100892216</u>	<u>AOE Vaccine Incentive Program</u>	<u>\$50,000.00</u>
<u>6100040000</u>	<u>Property Tax Assessment Appropriation</u>	<u>\$4,263.13</u>
<u>6130030000</u>	<u>Parks</u>	<u>\$504.96</u>

\* \* \*

(d) Notwithstanding any provision of law to the contrary, in fiscal year 2023, the following amounts shall revert to the Education Fund from the accounts indicated:

<u>5100010000</u>	<u>Administration</u>	<u>\$1,607,144.76</u>
<u>5100040000</u>	<u>Special Education Formula</u>	<u>\$27,333,400.07</u>
<u>5100050000</u>	<u>State - Placed Students</u>	<u>\$1,443,542.45</u>
<u>5100090000</u>	<u>Education Grant</u>	<u>\$11,754,133.93</u>
<u>5100110000</u>	<u>Small School Grant</u>	<u>\$34,348.00</u>
<u>5100200000</u>	<u>Education - Technical Education</u>	<u>\$1,497,300.35</u>
<u>5100210000</u>	<u>Education - Flexible Pathways</u>	<u>\$1,843,900.61</u>

(e) Notwithstanding any provision of law to the contrary, in fiscal year 2023, the following amounts shall revert to the Transportation Fund from the accounts indicated:

<u>8100000100</u>	<u>Finance and Administration</u>	<u>\$100,000</u>
<u>8100000300</u>	<u>Town Highway Structures</u>	<u>\$8,734,480</u>
<u>8100000800</u>	<u>Transportation Board</u>	<u>\$25,398</u>

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<u>8100001000</u>	<u>Town Highway State Aid Federal Disasters</u>	<u>\$18,247</u>
<u>8100001100</u>	<u>Program Development</u>	<u>\$3,288,991</u>
<u>8100001400</u>	<u>Town Highway State Aid</u> <u>Non-Federal Disasters</u>	<u>\$533,098</u>
<u>8100001700</u>	<u>Rest Areas</u>	<u>\$135,990</u>
<u>8100001900</u>	<u>Town Highway VT Local Roads</u>	<u>\$101,089</u>
<u>8100002000</u>	<u>Maintenance &amp; Operations Bureau</u>	<u>\$1,817,000</u>
<u>8100002100</u>	<u>Department of Motor Vehicles</u>	<u>\$261,000</u>
<u>8100002200</u>	<u>Policy and Planning</u>	<u>\$893,611</u>
<u>8100002600</u>	<u>Town Highway Class 2 Roadway</u>	<u>\$4,818,108</u>

Sec. 49. 2022 Acts and Resolves No. 185, Sec. D.102(a) is amended to read:

(a) \$3,020,000 from the General Fund shall be reserved in the 27/53 reserve in fiscal year ~~2022~~ 2023. 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. 50. 2022 Acts and Resolves No. 185, Sec. E.100 is amended to read:

Sec. E.100 EXECUTIVE BRANCH POSITIONS

(a) The establishment of the following new positions is authorized in fiscal year 2023:

(1) Permanent classified positions:

\* \* \*

(F) Cannabis Control Board:

(i) two enforcement officers; ~~and~~

(ii) one data analyst;

(iii) two chemists; and

(iv) one Cannabis Quality Assurance Program and Laboratory

Director.

\* \* \*

(2) Permanent Exempt Positions:

(A) Vermont Pension Investment Commission: one Principal Assistant.

(B) Office of Child, Youth and Family Advocate:



(i) One Child, Youth and Family Advocate; and

(ii) One Deputy Child, Youth and Family Advocate.

\* \* \*

(g) The establishment of the following exempt limited-service positions is authorized in the fiscal year beginning on July 1, 2022 through June 30, 2026.

(1) Truth and Reconciliation Commission

(A) Three Commissioners.

Sec. 51. 2022 Acts and Resolves No. 185, Sec. E.105.2 is amended to read:

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 Sec. B.1102 of this act 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.~~

~~(e)(b) In fiscal year ~~2023~~ 2024, if funds are available per section C.102(b)~~

of this act, the following expenditures are authorized from the Technology Modernization Special Fund to the projects described in this section:

(1) ~~The sum of \$20,250,000 for the Department of Motor Vehicles (DMV) Core System Modernization Phase II.~~

(2) The sum of up to ~~\$30,000,000~~ \$27,000,000 for the Department of Labor Unemployment Insurance Modernization project. These funds shall be released as follows:

(A) ~~the sum of \$3,000,000 on July 1, 2022;~~

(B) the sum of \$10,000,000 on July 1, 2023 upon approval by the Joint Information Technology Oversight Committee of the actions outlined in a Project Schedule; and

~~(C)~~(B) remaining funds shall be released upon request as needed by the Agency of Digital Services and approval of the Joint Information Technology Oversight Committee in accordance with actions outlined in a Project Schedule.

\* \* \*

(3) For the amounts released in subdivisions ~~(2)(B)–(C)~~ (1)(A)–(B) of this subsection, the Joint Information Technology Oversight Committee shall consider the Project Schedule developed between the Department of Labor and the Agency of Digital Services, as approved by the Agency of Administration. The Joint Information Technology Oversight Committee shall also consider any actions proposed by the U.S. Department of Labor that may impact current or future plans developed by the State's Department of Labor.

Sec. 52. 2022 Acts and Resolves No. 185, Sec. E.233.2(a) is amended to read:

(a) In fiscal year 2023 there is appropriated to the Vermont Community Broadband Board a total of ~~\$1,500,000~~ \$1,435,531 from special funds and \$684,127 from federal 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. 53. EMPLOYMENT SUPPORTS FOR NEW AMERICANS

(a) Employment Assistance Grants. The State Refugee Office, in consultation with the Vermont Department of Labor, shall administer a grant program to support the development of coordinated community-based systems, with consideration of regional networks and resources, to assist in achieving economic self-sufficiency for New Americans, including refugees, humanitarian parolees, special immigrant visa holders, asylees, asylum-seekers

and other immigrants with low income who are or intend to become residents of Vermont.

(b) Grant funds may be allocated to:

(1) assess the current ability of a municipality or region supporting the resettlement of New Americans, including the availability of English language learning services, transportation, housing, employment supports and economic and health services:

(2) provide employment and related support services for refugees, asylum seekers and other New Americans including technical support, employment training before or during employment, English language learning, employment-related case management, job placement, transportation or other related services; and

(3) provide staff support for the coordination of local and State resources to secure partnerships with organizations employing refugees, development of sustainable New American support systems for regions where New Americans are being settled, creation of employer partnerships to serve multiple refugees, identification of cultural barriers for individual or groups of refugees, and facilitation with necessary stakeholders to remove barriers and prepare for successful employment.

(c) The funding for this grant program is provided in 2022 Acts and Resolves No. 185, Sec. B.1100, as amended by Sec. 45 of this act.

Sec. 54. 2022 Acts and Resolves No. 185, Sec. E.301 is amended to read:

Sec. E.301 SECRETARY'S OFFICE – GLOBAL COMMITMENT:

\* \* \*

(b) In addition to the State funds appropriated in this section, a total estimated sum of ~~\$25,231,144~~ \$22,682,952 is anticipated to be certified as State matching funds under the Global Commitment as follows:

(1) ~~\$22,230,100~~ \$19,881,850 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~~ \$30,618,150 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~~ \$2,801,102 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~~ \$3,515,959 is transferred from the AHS Federal Receipts Holding Account to the Interdepartmental Transfer Fund consistent with the amount appropriated in Sec. B.301 of this act – Secretary’s Office – Global Commitment.

Sec. 55. DEPARTMENT OF MENTAL HEALTH: REIMBURSEMENT  
RATES FOR PRIVATE NONMEDICAL INSTITUTIONS

(a) Of the amounts appropriated to the Department of Mental Health in fiscal year 2023, \$420,000 is for the purposes of increasing reimbursement rates for Private Nonmedical Institutions that have rates set according to the Department of Vermont Health Access, Division of Rate Setting’s Methods, Standards and Principles for Establishing Payment Rates for Private Nonmedical Institutions Providing Residential Child Care Services. This amount shall be distributed by increasing the per diem rates set by the Department of Vermont Health Access, Division of Rate Setting for each Private Nonmedical Institution. The Division of Rate Setting shall increase the treatment and room and board portions of the final per diem rate for each Private Nonmedical Institution whose rate is set by the Division of Rate Setting by an amount sufficient to ensure the appropriation in this section is fully utilized from January 1, 2023 through June 30, 2023.

Sec. 56. DEPARTMENT FOR CHILDREN AND FAMILIES:  
REIMBURSEMENT RATES FOR PRIVATE NONMEDICAL  
INSTITUTIONS

(a) Of the amounts appropriated to the Department for Children and Families in fiscal year 2023, \$1,900,000 is for the purposes of increasing reimbursement rates for Private Nonmedical Institutions that have rates set according to the Department of Vermont Health Access, Division of Rate Setting’s Methods, Standards and Principles for Establishing Payment Rates for Private Nonmedical Institutions Providing Residential Child Care Services. This amount shall be distributed by increasing the per diem rates set by the Department of Vermont Health Access, Division of Rate Setting for each Private Nonmedical Institution. The Division of Rate Setting shall increase the treatment and room and board portions of the final per diem rate for each Private Nonmedical Institution whose rate is set by the Division of Rate Setting by an amount sufficient to ensure the appropriation in this section is fully utilized from January 1, 2023 through June 30, 2023.

Sec. 57. ESSER: EDUCATION RECOVERY AND REVITALIZATION

(a) The Agency of Education may adjust any of the allocations concerning ESSER II and ARP ESSER state set aside funds made in 2021 Acts and Resolves Nos. 9, 67, 72, and 74 and 2022 Acts and Resolves Nos. 28, 83, 112, 166, and this act during the final reconciliation process to ensure the entirety of the federal awards are expended. The Agency of Education shall provide a final reconciliation report to the Joint Fiscal Committee on the reallocation of these funds in October 2023 and October 2024.

Sec. 58. 2022 Acts and Resolves No. 185, Sec. E.514 is amended to read:

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~~ \$194,961,651 of which ~~\$187,273,782~~ \$188,073,782 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~~ \$34,842,965 is the "normal contribution," and ~~\$159,818,686~~ \$160,118,686 is the "accrued liability contribution."

Sec. 59. 1 V.S.A. § 317(c) is amended to read:

(c) The following public records are exempt from public inspection and copying:

\* \* \*

~~(21) Lists of names compiled or obtained by Vermont Life magazine for the purpose of developing and maintaining a subscription list, which list may be sold or rented in the sole discretion of Vermont Life magazine, provided that such discretion is exercised in furtherance of that magazine's continued financial viability and is exercised pursuant to specific guidelines adopted by the editor of the magazine [Repealed].~~

\* \* \*

Sec. 60. 3 V.S.A. § 2042 is amended to read:

§ 2402. COMMERCE AND COMMUNITY DEVELOPMENT

(a) An Agency of Commerce and Community Development is created consisting of the following:

\* \* \*

~~(4) Vermont Life magazine. [Repealed.]~~

\* \* \*

## Sec. 61. REPEAL OF VERMONT LIFE MAGAZINE

3 V.S.A. § 2473a (Vermont Life magazine) is repealed.

## Sec. 62. CLOSURE OF VERMONT LIFE MAGAZINE FUND

The Vermont Life Magazine Fund (50400) is closed. Any residual balance remaining at or after the close of fiscal year 2023 shall also be transferred to the General Fund to bring the Vermont Life Magazine Fund to a \$0.00 balance for closure.

Sec. 63. FISCAL YEAR 2022 TRANSPORTATION FUND BUDGET  
STABILIZATION RESERVE

For the purpose of calculating the fiscal year 2022 Transportation Fund stabilization requirement of five percent of prior year appropriations, reversions of \$1,360,563 are excluded from the fiscal year 2021 total appropriations amount.

Sec. 64. FISCAL YEAR 2023 TRANSPORTATION FUND  
BUDGET STABILIZATION RESERVE:

For the purpose of calculating the fiscal year 2023 Transportation Fund stabilization requirement of five percent of prior year appropriations, reversions of \$3,933,027 are excluded from fiscal year 2022 total appropriations.

Sec. 65. 2022 Acts and Resolves No. 185, Sec. G.300(c)(2) is amended to read:

(2) \$6,000,000 to the Department of Economic Development for the remediation and redevelopment of brownfield sites 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 grants per parcel. The Agency of Commerce and Community Development shall award the amount of \$1,000,000.00 in fiscal year 2023 to regional planning commissions for the purposes of brownfields assessment. In awarding funds under this section, the Secretary, in consultation with Vermont Association of Planning and Development Agencies, shall select one regional planning commission to administer these funds. To ensure statewide availability, the selected regional planning commission shall subgrant to regional planning commissions with brownfield programs, with not more than 10 percent of the funds being used for administrative purposes.

Sec. 66. 2022 Acts and Resolves No. 185, Sec. G. 500(a) is amended to read:

(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~~ used to make grants through the Broadband Construction Grant Program. The Board may use monies appropriated in this subsection to fund any match requirements applicable to broadband grants funded by the federal ~~Infrastructure~~ Infrastructure Investment and Jobs Act.

Sec. 67. 2022 Acts and Resolves No. 185, Sec. G. 600(a)(2) is amended to read:

(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~~2026. Households approved for assistance in this section will also be offered services outlined in subdivision (4) of this subsection.

Sec. 68. 2022 Acts and Resolves No. 185, Sec. G. 800(a) is amended to read:

(a) The establishment of the following ~~23~~ 32 new classified limited-service positions is authorized in fiscal year 2023.

Sec. 69. 2021 Acts and Resolves No. 74, Sec. E.127.1(d) is amended to read:

(d) ~~To fund this work for fiscal year 2022 and fiscal year 2023, notwithstanding 32 V.S.A. § 706, at the close of fiscal year 2021, \$250,000.00 in carryforward from the legislative budget shall be transferred to the JFO. [Repealed.]~~

Sec. 70. 2021 Acts and Resolves No. 74, Sec. D.101, as amended by 2022 Acts and Resolves No. 83, Sec. 48 is further amended to read:

Sec. D.101 FUND TRANSFERS, REVERSIONS AND RESERVES

\* \* \*

(d) Notwithstanding any provision of law to the contrary, in fiscal year 2022, the following amounts shall revert to the General Fund from the accounts indicated:

\* \* \*

1225001000	Legislative IT	<del>\$60,000.00</del> <u>\$120,000.00</u>
<u>1230001000</u>	<u>Sergeant-at-Arms</u>	<u>\$60,000.00</u>

\* \* \*

Sec. 71. 2021 Acts and Resolves No. 74, Sec. G.300, as amended by 2022 Acts and Resolves No. 83, Sec. 68 is further amended to read:

Sec. G.300 INVESTMENTS IN VERMONT'S ECONOMY,  
WORKFORCE, AND COMMUNITIES

\* \* \*

(28) ~~\$12,803,996~~ \$12,803,993 to the Department of Labor to cover pandemic related operating costs in the Unemployment system and other programs.

\* \* \*

Sec. 72. 2021 Acts and Resolves No. 74, Sec. G.600(a)(4) is amended to read:

(4) \$2,000,000 to the Department of Public Service to grant to Efficiency Vermont for the purpose of workforce development initiatives and to support the expansion of NeighborWorks of Western Vermont's Heat Squad program. 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, ~~2023~~ 2024.

Sec. 73. 2022 Acts and Resolves No. 83, Sec. 72 is amended to read:

Sec. 72. WORKFORCE RECRUITMENT AND RETENTION  
INCENTIVE GRANT FUNDING FOR EMPLOYEES OF  
ELIGIBLE HEALTH CARE AND SOCIAL SERVICE  
EMPLOYERS

(a)(1) Program established. The Secretary of Human Services shall establish a workforce recruitment and retention incentive grant program for employees of eligible employers, as defined in this section. Eligible employers may apply for a grant within the grant application period determined by the Secretary.

(2) ~~The~~ For all eligible employers except for home health agencies, the total grant award amount for each eligible employer shall be calculated at a rate of \$2,000 per full-time equivalent employee (FTE) based on the number of FTEs identified by the eligible employer in its grant application. For home health agencies, the total grant award amount for each eligible employer shall be calculated at a rate of \$3,000 per full-time equivalent employee (FTE) based on the number of FTEs identified by the eligible employer in its grant application.

\* \* \*



~~(4) Eligible employers shall distribute the full amount of their awards within 12 months following receipt of the grant funds.~~

\* \* \*

(f) Allocations.

(1) Of the funds made available in subsection (e) of this section, \$45,000,000 shall be allocated for a first round of funding, to be made available to the eligible employers identified in subsection (b) of this section. The remaining \$15,000,000 shall be reserved for a second round of funding pending identification of a set of additional health care and social service provider employers with a demonstrated need for the recruitment and retention incentive grant funding, as recommended by the Agency of Human Services and accepted by the General Assembly, or by the Joint Fiscal Committee if the General Assembly is not in session, except that the Agency is authorized to access all or a portion of the reserved funding to the extent that a funding deficiency is identified when meeting the needs of the first round of eligible employers.

(2) Any remaining funds following a second round of funding may be used for one or more of the following workforce recruitment and retention purposes:

(A)(i) Incentive grants to nurses employed by health care employers in Vermont for serving as preceptors for nursing students enrolled in Vermont nursing schools. The Agency shall distribute all or a portion of the remaining funds to health care employers employing nurses who provide student preceptor supervision based on the number of preceptor hours to be provided, at a rate of \$5.00 per preceptor hour, or a lesser hourly rate if the need exceeds the available funds. The Agency shall prioritize funding for health care employers that provide matching funds for additional preceptor compensation or that commit to providing future compensation and support to expanding the number of preceptors.

(ii) If nurse preceptors receiving compensation pursuant to a grant awarded to a health care employer under this section are subject to a collective bargaining agreement, the use of the grant funds provided to the health care employer for the nurse preceptors shall be subject to bargaining between the health care employer and the collective bargaining representative of the nurses to the extent required by the collective bargaining agreement.

(B) Grants to health care employers, including hospitals, long-term care facilities, designated and specialized service agencies, federally qualified health centers, and other health care providers, to establish or expand partnerships with Vermont nursing schools to create nursing pipeline or

apprenticeship programs, or both, that will train members of the health care employers' existing staff, including personal care attendants, licensed nursing assistants, and licensed practical nurses, to become higher-level nursing professionals. Through a combination of scholarship awards; grants awarded to health care employers pursuant to this section; grants awarded to health care employers pursuant to 2022 Acts and Resolves No. 183, Sec. 22; and the health care employer's contributions, there will be no out-of-pocket costs toward tuition and fees incurred by the trainees. Trainees may also receive assistance in meeting their living costs, such as housing and child care, while attending the program as allocated funding allows.

Sec. 74. 2022 Acts and Resolves No. 183, Sec. 21 is amended to read:

Sec. 21. NURSE PRECEPTOR INCENTIVE GRANTS; HOSPITALS;  
WORKING GROUP; REPORT

(a)(1) In fiscal year 2023, the amount of \$400,000.00 is appropriated from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the Agency of Human Services to provide incentive grants to nurses employed by critical access hospitals in Vermont for serving as preceptors for nursing students enrolled in Vermont nursing school programs. The Agency shall distribute the funds to critical access hospitals employing nurses who provide student preceptor supervision based on the number of preceptor hours to be provided, at a rate of \$5.00 per preceptor hour, or a lesser hourly rate if the need exceeds the available funds. The Agency shall prioritize funding for hospitals that provide matching funds for additional preceptor compensation or that commit to providing future compensation and support to expanding the number of preceptors. If funding is not fully obligated after offering an initial grant opportunity to critical access hospitals, the Agency may open the grant opportunity to other health care employers, including non-critical access hospitals, long-term care facilities, designated and specialized service agencies, federally qualified health centers, and other health care providers.

(2) If nurse preceptors receiving compensation pursuant to a grant awarded to a hospital or other health care employer under this section are subject to a collective bargaining agreement, the use of the grant funds provided to the hospital or other health care employer for the nurse preceptors shall be subject to impact bargaining between the hospital or other health care employer and the collective bargaining representative of the nurses to the extent required by the collective bargaining agreement.

Sec. 75. 2022 Acts and Resolves No. 182, Sec. 3 is amended to read:

Sec. 3. MANUFACTURED HOME IMPROVEMENT AND  
REPLACEMENT PROGRAM

Of the amounts available from ~~federal COVID-19 relief~~ the American Rescue Plan Act (ARPA) recovery funds, the following amounts are appropriated to the Department of Housing and Community Development for the purposes specified:

\* \* \*

Sec. 76. 2022 Acts and Resolves No. 182, Sec. 28 is amended to read:

Sec. 28. APPROPRIATION ALLOCATION

~~To the extent that increased funding is provided in fiscal year 2023 to the Municipal and Regional Planning Fund, \$650,000.00 shall be used for Municipal Bylaw Modernization Grants established in 24 V.S.A. § 4307. An amount not to exceed \$650,000 of Municipal and Regional Planning Funds, as appropriated to the Department of Housing and Community Development per 2022 Acts and Resolves No. 185, Sec. B.802, may be used to provide Municipal Bylaw Modernization Grants in accordance with 24 V.S.A § 4307.~~

Sec. 77. 2022 Acts and Resolves No. 178, Sec. 3 is amended to read:

Sec. 3. DISBURSEMENT PLAN; POLYCHLORINATED  
BIPHENYLS (PCBs); REMEDIATION; SIGNIFICANT  
HEALTH THREAT

\* \* \*

(c) Expenditures made pursuant to this section shall be authorized notwithstanding 16 V.S.A. § 4025(d).

Sec. 78. 2022 Acts and Resolves No. 183, Sec. 16(b)(1) is amended to read:

(1) ~~In Notwithstanding 16 V.S.A. § 4025(d);~~ in fiscal year 2023, the amount of \$15,000,000.00 is appropriated from the Education Fund to the Vermont Housing and Conservation Board to create and administer the CTE Construction and Rehabilitation Experiential Learning Program and Revolving Loan Fund pursuant to this section

Sec. 79. 2022 Acts and Resolves No. 183, Sec. 25 is amended to read:

Sec. 25. VERMONT NURSING FORGIVABLE LOAN INCENTIVE  
PROGRAM; APPROPRIATION

(a) In fiscal year 2023, the amount of \$227,169.00 in Global Commitment funds is appropriated to the Department of Health for forgivable loans for nursing students under the Vermont Nursing Forgivable Loan Incentive

Program established in 18 V.S.A. § 34 by Sec. 23 of this act.

(b) In fiscal year 2023, the amount of \$100,000.00 is appropriated from the General Fund to the Agency of Human Services, Global Commitment ~~appropriation~~ Program for the State match for the Vermont Nursing Forgivable Loan Incentive Program established in 18 V.S.A. § 34 by Sec. 23 of this act.

(c) In fiscal year 2023, \$127,169.00 in federal funds is appropriated to the Agency of Human Services, Global Commitment ~~appropriation~~ Program for the Vermont Nursing Forgivable Loan Incentive Program established in 18 V.S.A. § 34 by Sec. 23 of this act.

Sec. 80. 2022 Acts and Resolves No. 183, Sec. 47(d)(3) is amended to read:

(3) the amount of the cumulative decline in adjusted net operating income during the COVID-19 public health emergency in 2020 and 2021, or other appropriate basis of comparison used to determine eligibility under subdivision (c)(4) of this section.

Sec. 81. 2022 Acts and Resolves No. 183, Sec. 53(a) is amended to read:

(a) Reversion. In fiscal year ~~2022~~ 2023, 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~~ \$25,042,000.00 shall revert to the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds.

Sec. 82. 2022 Acts and Resolves No. 183, Sec. 54 is amended to read:

Sec. 54. ~~APPROPRIATION;~~ DOWNTOWN AND VILLAGE CENTER  
TAX CREDIT PROGRAM: ONE-TIME SUPPLEMENTAL  
CAPACITY

~~There is appropriated the sum of \$2,450,000.00 from the General Fund to the Vermont Downtown and Village Center Tax Credit Program to be used in fiscal years 2023 and 2024. Notwithstanding 32 V.S.A. § 5930ee, the funds shall be used in the period from July 1, 2022 through June 30, 2024, the tax credit capacity for the Downtown and Village Center Tax Credit program shall be increased by a cumulative total of \$2,450,000 to increase the amount of tax credits that may be awarded to qualified projects. Of these the supplemental tax credits awarded in fiscal years 2023 and 2024, up to \$2,000,000.00 may be awarded to qualified projects located in designated neighborhood development areas.~~

Sec. 83. 2022 Acts and Resolves No. 184, Sec. 2(8)(C) and (D) are amended to read:

(C) Replace Your Ride Program. Sec. 5(c) of this act authorizes ~~\$3,000,000.00~~ \$2,900,000.00 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) eBike Incentives. Sec. 5(d) of this act authorizes ~~\$50,000.00~~ \$150,000.00 for eBike incentives and capped administrative costs.

Sec. 84. 2022 Acts and Resolves No. 184, Sec. 5(c) and (d) are amended to read:

(c) Replace Your Ride Program. The Agency is authorized to spend up to ~~\$3,000,000.00~~ \$2,900,000.00 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) eBike Incentives. The Agency is authorized to spend up to ~~\$50,000.00~~ \$150,000.00 as appropriated in the fiscal year 2023 budget on an eBike incentive program.

Sec. 85. 2022 Acts and Resolves No. 185, Sec. G.600(b) is amended to read:

(b) In fiscal year 2023, \$32,200,000 is appropriated from the General Fund and \$550,000 is appropriated from the Transportation Fund for electric vehicle charging infrastructure, electrification incentives and public transportation investments as follows:

\* \* \*

(5) ~~\$3,000,000.00~~ \$2,900,000.00 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 \$550,000 Transportation funds to the Agency of Transportation for the following:

\* \* \*

(C) \$50,000 Transportation funds and \$100,000 general funds to the Agency of Transportation for electric bicycle incentives.

Sec. 86. 2022 Acts and Resolves No. 186, Sec. 4(b) is amended to read:

(b) In fiscal year 2023, \$102,000.00 is ~~appropriated~~ allocated to the Department of Disabilities, Aging, and Independent Living from the Global Commitment Federal Medical Assistance Percentage (FMAP) home- and

community-based services monies appropriated in 2022 Acts and Resolves No. 83, Sec. 72a, as amended by 2022 Acts and Resolves No. 185, Sec. 105, to fund the Residential Program Developer position established in subsection (a) of this section.

Sec. 87. 2022 Acts and Resolves No. 186, Sec. 5(b)(1) is amended to read:

(b)(1) In fiscal year 2023, \$500,000.00 is ~~appropriated~~ allocated to the Department of Disabilities, Aging, and Independent Living from the Global Commitment Federal Medical Assistance Percentage (FMAP) home- and community-based services monies appropriated in 2022 Acts and Resolves No. 83, Sec. 72a, as amended by 2022 Acts and Resolves No. 185, Sec. 105, 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 issue a request for proposals seeking entities to develop regional pilot planning grants with not more than one grant per designated agency catchment area.

Sec. 88. 33 V.S.A. § 3543 is amended to read:

#### § 3543. STUDENT LOAN REPAYMENT ASSISTANCE

(a)(1) There is established a need-based student loan repayment assistance program for the purpose of providing student loan repayment assistance to any individual employed by a regulated, privately operated center-based child care program or family child care home.

(2) An eligible individual shall:

(A)(i) work in a privately operated center-based child care program or in a family child care home that is regulated by the Division for at least an average of 30 hours per week for 48 weeks of the year; or

(ii) if the individual is an employee of a Vermont Head Start program that operates fewer than 48 weeks per year, work a minimum of nine months of the year, inclusive of any employer-approved time off; or

(B) receive an annual salary of not more than \$50,000.00 \$60,000.00 through the individual's work in regulated childcare; and

(C)(i) have earned an associate's, ~~or~~ bachelor's, or master's degree with a major or concentration in early childhood, child and human development, elementary education, special education with a birth to age eight focus, or child and family services within the preceding five years; or

(ii) have earned an associate's, bachelor's, or master's degree that contributes to an Early Childhood Career Ladder Certificate Level IIIB or

higher through Northern Lights at the Community College of Vermont.

(3) To participate in the program set forth in this section, an eligible individual shall submit to the Department for Children and Families documentation expressing the individual's intent to work in a regulated, privately operated center-based child care program or family child care home for at least the 12 months following the annual loan repayment award notification. A participant may receive up to \$4,000.00 annually in student loan repayment assistance, which shall be distributed by the Department in four allotments. The Department shall distribute at least one-quarter of the individual's total annual benefit after the individual has completed three months of employment in accordance with the program. The remainder of an individual's total annual benefit shall be distributed by the Department every three months after the initial payment.

\* \* \*

(d) An individual who has not received student loan repayment assistance pursuant to subdivision (a)(3) of this section and regardless of a current outstanding student loan balance shall be eligible for a one-time retroactive payment of up to \$4,000.00 if the individual met all eligibility requirements within the 12 months preceding the date of application. The purpose of this provision is to acknowledge that long-serving employees of childcare providers may be unable to access the program but may have had educational debt that is now retired.

#### Sec. 89. TRANSITION OF SCHOLARSHIPS FOR PROSPECTIVE EARLY CHILDHOOD PROVIDERS PROGRAM

(a) As a result of timing constraints on the American Rescue Plan Act–Child Care Development Block Grant funds (ARPA–CCDBG), utilization of the Scholarships for Prospective Early Childhood Providers program established in 33 V.S.A. § 3542 has been limited requiring funding and program transition.

(1) Notwithstanding subdivisions E.318.3(a)(1) and (2) of 2021 Acts and Resolves No. 74 or other ARPA–CCDBG funding allocations to the Prospective Early Childhood Providers established in 33 V.S.A. § 3542, the Department for Children and Families may allocate any unexpended and unobligated ARPA–CCDBG funding to any of the initiatives listed in 2021 Acts and Resolves No. 45 to the extent allowed by ARPA–CCDBG.

(2) Notwithstanding Sec. E.318.3(a)(1) and (2) of 2021 Acts and Resolves No. 74, the Department for Children and Families shall transition the program in coordination with the Vermont Student Assistance Corporation for the existing participants including the release of participants from work

requirements. The Department for Children and Families shall fund any transition costs associated with the current participants enrolled in the Scholarships for Prospective Early Childhood Providers established in 33 V.S.A. § 3542 from the existing allocation of ARPA-CCDBG monies.

Sec. 90. 2020 Acts and Resolves No. 164, Sec. 6d. is amended to read:

Sec. 6d. AUDITOR OF ACCOUNTS REPORT

On or before November 15, ~~2023~~ 2025, the Auditor of Accounts shall report to the General Assembly regarding the organizational structure and membership of the Cannabis Control Board and whether the structure continues to be the most efficient for carrying out the statutory duties of the Board.

Sec. 91. 32 V.S.A. § 7811 is amended to read:

§ 7811. IMPOSITION OF TOBACCO PRODUCTS TAX

\* \* \*

(b) The tax established in this section shall not be imposed on:

(1) cannabis-related supplies sold by a dispensary registered under ~~18 V.S.A. chapter 86~~ 7 V.S.A. chapter 37 to registered patients and registered caregivers, as those terms are defined in ~~18 V.S.A. § 4472~~ 7 V.S.A. § 972;

(2) cannabis products, as defined in 7 V.S.A. § 831, that do not contain tobacco; or

(3) hemp or hemp products, as defined in 6 V.S.A. § 562, that do not contain tobacco.

\* \* \*

Sec. 92. REPEALS; MENTAL HEALTH RISK POOL

1998 Acts and Resolves No. 147, Sec. 138a is repealed.

Sec. 93. JUDICIARY NETWORK REPLACEMENT REVIEW

(a) On or before April 15, 2023, the Judiciary shall obtain an independent expert review for their proposed Network Replacement project. The review shall include:

(1) an acquisition cost assessment;

(2) a technology architecture and standards review;

(3) an implementation plan assessment, including a review of the staffing plan for the ongoing operation of the network;

(4) a cost analysis and a model for benefit analysis;



- (5) an analysis of alternatives;
- (6) an impact analysis on the Judiciary's net operating costs; and
- (7) a security assessment.

(b) The Judiciary shall submit a copy of the review described in subsection (a) of this section to the House Committees on Appropriations and on Government Operations and Military Affairs and the Senate Committees on Appropriations and on Government Operations. No funds shall be appropriated for the Judiciary's Network Replacement project until the results of the review are assessed by the General Assembly.

(c) Any costs associated with the review described in subsection (a) of this section shall be paid for from the Judiciary's fiscal year 2023 operating budget.

Sec. 94. LEGISLATIVE INTENT FOR ADDRESSING THE HOUSING SHORTAGE AND ENDING HOMELESSNESS

(a) It is the intent of the General Assembly that all future funding and policy development for addressing the housing shortage and ending homelessness be aligned with the strategies presented in the 2016 Agency of Human Services Roadmap to End Homelessness report to reduce both homelessness and reliance on the temporary housing program.

Sec. 95. MUNICIPAL TECHNICAL ASSISTANCE TO ACCESS STATE AND FEDERAL FUNDING

(a) Expanding municipal access to State and federal funding. The Agency of Administration, consistent with the provisions of this section, shall design and implement a process to provide expanded technical and administrative assistance to municipalities with high need that may be eligible for State or federal funding for the following activities:

(1) Community needs assessment. Conducting a review of community assets and needs, strategic planning, and identifying potential eligible projects, including in the following categories:

- (A) water supply and wastewater infrastructure;
- (B) housing;
- (C) community recovery, workforce development, and business support;
- (D) climate change mitigation and resilience; and
- (E) other community economic development projects identified by a municipality and approved by the Agency of Administration.

(2) Opportunity assessment. Assessing the technical assistance and funding available from State, federal, and private sources; evaluating eligibility and compliance requirements; and conducting a feasibility analysis of whether the municipality has, or can develop, the capacity to complete a project and meet applicable requirements.

(3) Application and permit assistance. Providing technical and administrative assistance with completing funding applications, permit applications, and satisfying initial regulatory requirements.

(4) Project management and implementation. Providing ongoing support to successful grant recipients with project management, funding program implementation, funding program compliance, and administrative and regulatory compliance through project completion.

(5) Other capacity-building activities. Providing additional assistance, subject to approval by the Agency, to advance priority projects identified by municipalities.

(b) Eligible service providers; service delivery.

(1) Eligibility.

(A) The Agency shall develop eligibility criteria, issue a request for proposals, and implement an approval process for service providers within each region to provide the technical assistance and services specified in subsection (a) of this section.

(B) The Agency may exercise its discretion in structuring the terms of service and payments, provided that the Agency shall adopt a set of minimum standards, duties, and performance requirements applicable to all service providers.

(2) Providers; mode of delivery. The Agency may:

(A) award a grant or contract for services to a regional planning commission, regional development corporation, or other similar instrumentality; to a private for-profit or nonprofit contractor; or to a combination of these;

(B) award funding to two or more municipalities to create a shared full-time, part-time, or limited-service position; or

(C) authorize an eligible municipality to directly contract for services from one or more providers approved by the Agency, subject to terms approved by the Agency.

(3) Regional collaboration. In approving service providers, the Agency shall give priority to applicants that demonstrate a commitment and ability to

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promote regional collaboration and maximize the efficient use of resources.

(c) Eligible municipalities; communities index.

(1) The Agency shall develop an index that ranks Vermont municipalities based on their relative administrative capacity to access and maximize the benefits of technical assistance and funding that is available from State, federal, and other sources.

(2) In developing the index, for each municipality in this State, the Agency shall consider its demographic profile, geographic location, and economic resources; the current size and administrative capacity of the municipal government; the availability of regional partners and supports; and other factors the Agency determines to be relevant in assessing the municipality's capacity to fully access available funding and related assistance.

(d) Eligible municipalities; priority.

(1) The Agency shall approve funding on a first-come, first-served basis to municipalities that rank in the top 25th percentile on the index developed pursuant to subsection (c) of this section.

(2) Notwithstanding subdivision (1) of this subsection, the Agency may adopt a process to consider and approve funding for a municipality that ranks below the top 25th percentile but demonstrates exceptional circumstances.

(3) If funds remain available after meeting the funding requirements of municipalities that qualify under subdivisions (1)–(2) of this subsection, the Agency may award funding to other municipalities according to index ranking.

(e) Outreach; implementation.

(1) The Agency, in coordination with the Vermont League of Cities and Towns, shall conduct a general public engagement campaign to make municipalities aware of the potential opportunity for services and funding pursuant to this section.

(2) The Agency, the Vermont League of Cities and Towns, and each regional planning commission and regional development corporation that serves a municipality that is eligible for funding priority under subdivision (d)(1) of this section shall work collaboratively to ensure that individual outreach to each eligible municipality occurs:

(A) to inform the municipality that it is eligible for funding for technical assistance and related services based on its index ranking;

(B) to educate the municipality on the process for identifying the types of services and assistance available, identifying eligible service providers, and accessing funding pursuant to this section; and

(C) to determine whether the municipality intends to further pursue funding for technical assistance and related services or waives its priority for funding.

(f) Reporting.

(1) The Agency shall report to the House and Senate Committees on Appropriations, the Senate Committee on Government Operations, the House Committee on Government Operations and Military Affairs, the House Committee on Commerce and Economic Development, and the Senate Committee on Economic Development, Housing and General Affairs on or before the following dates:

(A) April 1, 2023;

(B) July 1, 2023; and

(C) January 15, 2024.

(2) The Agency shall address in its reports the design and implementation of the process for providing municipal technical assistance pursuant to this section, including information addressing:

(A) the activities specified in subsection (a) of this section for which the Agency provided funding and the type and amount of State, federal, or other funds that were leveraged for each activity;

(B) the eligibility criteria, request for proposals, and approval process for service providers; the standards, duties, and performance requirements applicable to service providers; and the identity and scope of services performed by approved service providers;

(C) the mode of delivery, amount, and purpose of funding awarded to municipalities;

(D) the design, methodology, and efficacy of the index; the effectiveness of the index in identifying relative priority and capacity of municipalities; and, if applicable, the basis of any funding awards made due to exceptional circumstances pursuant to subdivision (d)(3) of this section; and

(E) the design, implementation, and effectiveness of outreach efforts undertaken pursuant to subsection (e) of this section.

(g) Funding. The funding is provided in 2022 Acts and Resolves No. 185, Sec. B.1100 as amended by Sec. 45 of this act.

Sec. 96. 3 V.S.A. § 455 is amended to read:

§ 455. DEFINITIONS

(a) As used in this subchapter:

---

\* \* \*

(11) “Member” means any employee included in the membership of the Retirement System under section 457 of this title.

\* \* \*

(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~~ July 1, 2023, 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.

(12) “Membership service” ~~shall mean~~ means service rendered while a member of the Retirement System.

(13) “Normal retirement date” means:

\* \* \*

(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;<sub>2</sub>

(II) completion of 30 years of creditable service;<sub>2</sub> 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 the earlier of:

(I) attainment of 55 years of age and following completion of 20 years of creditable service; or

(II) 65 years of age and following completion of five years of creditable service.

\* \* \*

Sec. 97. 3 V.S.A. § 470 is amended to read:

§ 470. POSTRETIREMENT ADJUSTMENTS TO RETIREMENT ALLOWANCES

\* \* \*

(b) 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:

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\* \* \*

(E) For Group F and Group G 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.

\* \* \*

(c) 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:

\* \* \*

(2) In service on or before June 30, 2022. For all Group A, C, ~~and F,~~ and G 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.

\* \* \*

Sec. 98. 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.

\* \* \*

(2)(A) Group A members. Commencing on July 1, 2016, contributions shall be 6.55 percent of compensation for Group A members.

\* \* \*

(C) Group D members. Commencing on July 1, 2022, the contribution rate for Group D members shall be based on the highest 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:

\* \* \*

(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 combined hourly rate of pay of all Group F and 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 F and Group G 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 and Group G 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 and Group G 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.



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(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 and Group G 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 combined hourly rate of pay of all Group F and 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 F and 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 F and 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 F and 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 F and 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.

Sec. 99. 3 V.S.A. § 500(b) is amended to read:

§ 500. DEFINED CONTRIBUTION RETIREMENT PLAN

\* \* \*

(b) Employees who are not members of the classified system who are first employed by the State on and after January 1, 1999, and would otherwise be members of Group A, B, C, D, ~~or F,~~ or G of the Vermont State Retirement System shall be eligible to participate in the Defined Contribution Retirement Plan.

\* \* \*

Sec. 100. 2022 Acts and Resolves No. 114, Sec. 14 is amended to read:

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.

\* \* \*

(c) In establishing any new ~~corrections~~ classified Department of Corrections or Department of Mental Health 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) of this section, or Group F.

\* \* \*

#### Sec. 101. OTHER POSTEMPLOYMENT BENEFITS; GOVERNANCE STRUCTURE; REPORT

(a) The Office of the State Treasurer, in consultation with the Vermont Pension Investment Commission and the Agency of Administration, shall produce a report that examines and makes recommendations on the governance structure of the two OPEB funds, other possible governance structures, and whether changes should be made to better align the governance structure with nature of the OPEB funds. In reviewing the governance structure, the report shall evaluate both the manner in which the funds are overseen as well as the underlying section 115 trusts in which they are held. Specifically, the report shall address the following:

- (1) the advantages and disadvantages of retaining the existing governance structure of the OPEB funds with the State Treasurer as sole trustee;
- (2) alternative governance structures for the OPEB funds, the advantages and disadvantages of each alternative examined, and the steps and timeline required to implement each alternative; and
- (3) to the extent possible, other issues relating to the OPEB funds identified as warranting study.

(b) Assistance. The Office of the State Treasurer shall have the administrative support of the Vermont Pension Investment Commission as well as the Agency of Administration in producing the report.

(c) Funding. \$100,000 is provided in 2022 Acts and Resolves No. 185, Sec. B.1100, as amended by Sec. 45 of this act for the purpose of subsection (a) of this section.

(d) Report. On or before January 15, 2024, the Treasurer shall submit a written report to the General Assembly with findings and recommendations.

Sec. 102. 32 V.S.A. § 3102 is amended to read:

§ 3102. CONFIDENTIALITY OF TAX RECORDS

\* \* \*

(e) The Commissioner may, in the Commissioner's discretion and subject to such conditions and requirements as the Commissioner may provide, including any confidentiality requirements of the Internal Revenue Service, disclose a return or return information:

\* \* \*

(22) to the Agency of Natural Resources and the Department of Public Service, provided that the disclosure relates to the sales and use tax for aviation jet fuel and natural gas under chapter 233 of this title or to the fuel tax under 33 V.S.A. chapter 25 and is subject to any confidentiality requirements of the Internal Revenue Service and the disclosure exemption provisions of 1 V.S.A. § 317.

Sec. 103. DEPARTMENT OF TAXES; FORM OF RETURNS

(a) On or before July 1, 2023, the Commissioner of Taxes shall update the form of returns required by 32 V.S.A. § 9775, including the Sales and Use Tax Return for Aviation Jet Fuel and Natural Gas, known as Form SUT-458, and the Fuel Tax and Petroleum Distributor Licensing Fee Return, known as Form FGR-615, in consultation with the Secretary of Natural Resources to provide further information necessary to understand the volume of each fuel product type sold or consumed.

Sec. 104. 2022 Acts and Resolves No. 182, Sec. 11 is amended to read:

Sec. 11. MISSING MIDDLE-INCOME HOMEOWNERSHIP  
DEVELOPMENT PILOT PROGRAM

(a) The following amounts are appropriated ~~from the America Rescue Plan Act (ARPA) Coronavirus State Fiscal Recovery Funds~~ to the Department of Housing and Community Development to grant to the Vermont Housing

Finance Agency to establish the Missing Middle-Income Homeownership Development Pilot Program:

(1) from the America Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds: \$5,000,000.00 in fiscal year 2022; and

(2) from the America Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds: \$10,000,000.00 in fiscal year 2023; and

(3) from the General Fund \$9,000,000 in fiscal year 2023.

\* \* \*

Sec. 105. SUPPLEMENTAL NON-EMERGENCY MEDICAID  
TRANSPORTATION FUNDING

It is the intent of the General Assembly that supplemental fiscal year 2023 Global Commitment funding of \$1,700,000 provided to DVHA for the Non-Emergency Medicaid Transportation program in this act be applied only prospectively as soon as reasonably possible to provide services to Vermont Medicaid members through the existing contract #41132 with the Vermont Public Transportation Association. The Association shall allocate the funds to address financial deficits incurred by its members in providing NEMT services.

Sec 106. DEPARTMENT OF CORRECTIONS FISCAL YEAR 2022 OUT  
OF STATE BEDS CARRYFORWARD FUNDS AND JUSTICE  
REINVESTMENT II FUNDING

(a) Notwithstanding 2021 Acts and Resolves No. 74, Sec. E.335, as amended by 2022 Acts and Resolves No. 83, Sec. 62, and by 2022 Acts and Resolves No. 185, Sec. C.111, \$1,982,247 of Department of Corrections Out of State Bed General Fund appropriation carried forward from fiscal year 2022 shall revert to the General Fund in fiscal year 2023 for appropriation to Justice Reinvestment II in fiscal year 2023.

(b) \$290,000 of the funds appropriated to the Justice Reinvestment II in fiscal year 2023 are for the Department's Offender Management System (OMS) intelligence layer consistent with the actions of the Joint Legislative Justice Oversight Committee.

(c) \$350,000 of the funds appropriated to the Justice Reinvestment II in fiscal year 2023 shall be granted by the Department to VT Network Against Sexual Violence consistent with the actions of the Joint Legislative Justice Oversight Committee.

(d) \$1,000,000 of the funds appropriated to the Justice Reinvestment II in fiscal year 2023 for procurement of a case management and continuity of care

management tool with data and disparity analytics capabilities to be used in conjunction with the Department's Offender Management System (OMS).

(e) \$342,247 of the funds appropriated to the Justice Reinvestment II in fiscal year 2023 for Community Justice Centers (CJCs) whose work is focused on services and programs that enhance community safety and include best-practice and cost-effective approaches to reducing recidivism.

Sec. 107. 2021 Acts and Resolves No. 74, Sec. E.335, as amended by 2022 Acts and Resolves No. 83, Sec. 62, and by 2022 Acts and Resolves No. 185, Sec. C.111 is further amended to read:

Sec. E.335 CORRECTIONS APPROPRIATIONS; UNEXPENDED  
FUNDS TRANSFER; JUSTICE REINVESTMENT; REPORT

\* \* \*

~~(c) Any funds expended authorized to be used on community-based service programs justice reinvestment 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 may be spent over multiple fiscal years until fully expended.~~

Sec. 108. 2022 Acts and Resolves No. 185, Sec. E.335 is amended to read:

Sec. E.335 CORRECTIONS APPROPRIATIONS; UNEXPENDED  
FUNDS TRANSFER; JUSTICE REINVESTMENT; REPORT

\* \* \*

~~(e) 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. 109. CARRYFORWARD AUTHORITY

(a) Notwithstanding any other provisions of law and subject to the approval of the Secretary of Administration, General, Transportation, Transportation Infrastructure Bond, Education Fund, Clean Water Fund (21932), and Agricultural Water Quality Fund (21933) appropriations remaining unexpended on June 30, 2023 in the Executive Branch shall be carried forward and shall be designated for expenditure.

(b) Notwithstanding any other provisions of law, General Fund appropriations remaining unexpended on June 30, 2023 in the Legislative and Judicial Branches shall be carried forward and shall be designated for expenditure.

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**Sec. 110. EFFECTIVE DATES**

This act shall take effect upon passage except that, notwithstanding 1 V.S.A. § 214:

(1) Sec. 63 of this act (regarding the calculation of the fiscal year 2022 transportation fund stabilization reserve requirement) shall take effect retroactively on June 30, 2022;

(2) Sec. 70 of this act (amending 2021 Acts and Resolves No. 74, Sec. D.101(d)) shall take effect retroactively on June 30, 2022;

(3) Sec. 80 (amending 2022 Acts and Resolves No. 183, Sec. 47(d)(3)) shall take effect retroactively on July 1, 2022 and shall apply to applications received on or after that date; and

(4) Sec. 91 (amending 32 V.S.A. § 7811; imposition of tobacco products tax) shall take effect on July 1, 2023, except that 32 V.S.A. § 7811(b)(1) (exemption for cannabis sold by dispensaries) shall take effect retroactively on March 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, and the proposal of amendment was agreed to on a roll call, Yeas 30, Nays 0.

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

**Roll Call**

**Those Senators who voted in the affirmative were:** Baruth, Bray, Brock, Campion, Chittenden, Clarkson, Collamore, Cummings, Gulick, Hardy, Harrison, Hashim, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Norris, Perchlik, Ram Hinsdale, Sears, Starr, Vyhovsky, Watson, Weeks, Westman, White, Williams, Wrenner.

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

Thereupon, third reading was ordered.

**Appointments Confirmed**

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

Harris, Kyle of Roxbury - Member of the Cannabis Control Board - March 28, 2022 to February 28, 2025.

Heston, June of Richmond - Member of the State Police Advisory Commission - August 9, 2022 to February 28, 2025.

Boyde, Glenn of Colchester - Member of the State Police Advisory Commission - April 20, 2022 to February 28, 2025.

Filipek, John of Jericho - Member of the State Police Advisory Commission - April 20, 2022 to February 28, 2026.

Besio, Nathan of Colchester - Member of the Human Rights Commission - July 8, 2022 to February 28, 2027.

Billings, Jireh of Bridgewater - Member Capitol Complex Commission - July 26, 2022 to February 28, 2024.

Heald, Francis of Rutland - Member of the Travel Information Council - November 9, 2022 to February 29, 2024.

Kennett, Elizabeth of Rochester - Member of the Travel Information Council - November 9, 2022 to February 29, 2024.

LaBarge, John of South Hero - Member of the Travel Information Council - November 9, 2022 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

Gaffney, Kevin of Jericho - Commissioner, Department of Financial Regulation - July 5, 2022 to February 28, 2023.

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

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



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**Roll Call**

**Those Senators who voted in the affirmative were:** Baruth, Bray, Brock, Champion, Chittenden, Clarkson, Collamore, Cummings, Gulick, Hardy, Harrison, Hashim, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Norris, Perchlik, Ram Hinsdale, Sears, Starr, Vyhovsky, Watson, Weeks, Westman, White, Williams, Wrenner.

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

**Consideration Postponed**

The appointment of:

Barrett, Jennifer L. of Newport - Superior Judge - September 23, 2022 to March 31, 2027.

Was taken up.

After the report was given, on motion of Senator Ram Hinsdale, action on the appointment was postponed until the next legislative day.

**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 All Members of the House,

By All Members of the Senate,

**H.C.R. 31.**

House concurrent resolution in memory of Marshall Webb.

By Rep. Casey,

**H.C.R. 32.**

House concurrent resolution congratulating Jody Stahlman on winning the 2023 Vermont State Women's Pinball Championship.

By Rep. Sibilja,

**H.C.R. 33.**

House concurrent resolution honoring Raymond and Joyce Ballantine for their enduring community service in the Town of Jamaica.

By Reps. Casey and McCann,

By Senators Watson, Cummings and Perchlik,

**H.C.R. 34.**

House concurrent resolution congratulating the 2022 Montpelier High School Division III championship field hockey team.

By Reps. McFaun and Galfetti,

**H.C.R. 35.**

House concurrent resolution honoring Barre Town Manager Carl Rogers for his outstanding municipal public service.

By Reps. James and others,

By Senators Lyons, Baruth, Chittenden, Gulick, Ram Hinsdale, Vyhovsky and Wrenner,

**H.C.R. 36.**

House concurrent resolution congratulating Shawna Wakeham-Smith of Shelburne on the tenth anniversary of her leadership as Director of Wish Granting at Make-A-Wish Vermont.

**Adjournment**

On motion of Senator Baruth, the Senate adjourned, to reconvene on Tuesday, February 21, 2023, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 14.

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**TUESDAY, FEBRUARY 21, 2023**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Jeff Fuller of Waterbury Center.

**Pledge of Allegiance**

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

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**Bill Referred to Committee on Appropriations****S. 5.**

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 affordably meeting the mandated greenhouse gas reductions for the thermal sector through electrification, decarbonization, efficiency, and weatherization measures.

**Joint Senate Resolution Adopted on the Part of the Senate****J.R.S. 15.**

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

By Senator Baruth,

**J.R.S. 15.** Joint resolution relating to weekend adjournment.

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

That when the two Houses adjourn on Friday, February 24, 2023, it be to meet again no later than Tuesday, February 28, 2023.

**Bill Introduced**

Senate bill of the following title was introduced, read the first time and referred:

**S. 93.**

By Senators Perchlik and Chittenden,

An act relating to the sales tax exemption for advanced wood boilers.

To the Committee on Finance.

**Consideration Resumed; Appointment Confirmed**

Consideration was resumed on the following Gubernatorial appointment,

Barrett, Jennifer L. of Newport - Superior Judge - September 23, 2022 to March 31, 2027.

Which was confirmed by the Senate on a roll call, Yeas 26, Nays 4.

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

**Roll Call**

**Those Senators who voted in the affirmative were:** Baruth, Bray, Brock, Campion, Chittenden, Clarkson, Collamore, Cummings, Gulick, Harrison, Hashim, Ingalls, Kitchel, Lyons, MacDonald, Mazza, Norris, Perchlik, Sears, Starr, Vyhovsky, Watson, Weeks, Westman, White, Williams.

**Those Senators who voted in the negative were:** Hardy, McCormack, Ram Hinsdale, Wrenner.

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

**H. 145.**

House bill entitled:

An act relating to fiscal year 2023 budget adjustments.

Was taken up.

Thereupon, pending third reading of the bill, Senators Kitchel, Baruth, Lyons, Perchlik, Sears, Starr and Westman moved to amend the Senate proposal of amendment as follows:

First: By inserting a new section to be Sec. 1a to read as follows:

Sec. 1a. 2022 Acts and Resolves No. 185, Sec. B.133 is amended to read:

Sec. B.133 Vermont state retirement system

Personal services	180,911
Operating expenses	<del>1,399,555</del> <u>2,276,023</u>
Total	<del>1,580,466</del> <u>2,456,934</u>
Source of funds	
Pension trust funds	<del>1,580,466</del> <u>2,456,934</u>
Total	<del>1,580,466</del> <u>2,456,934</u>

Second: By inserting a new section to be Sec. 1b to read as follows:

Sec. 1b. 2022 Acts and Resolves No. 185, Sec. B.134 is amended to read:

Sec. B.134 Municipal employees' retirement system

Personal services	198,399
Operating expenses	<del>890,207</del> <u>1,221,607</u>
Total	<del>1,088,606</del> <u>1,420,006</u>
Source of funds	
Pension trust funds	<del>1,088,606</del> <u>1,420,006</u>
Total	<del>1,088,606</del> <u>1,420,006</u>

Third: By inserting a new section to be Sec. 39a to read as follows:

Sec. 39a. 2022 Acts and Resolves No. 185, Sec. B.514.1 is amended to read:

Sec. B.514.1 State teachers' retirement system administration

Personal services	236,503
Operating expenses	1,609,560 <u>2,538,377</u>
Total	1,846,063 <u>2,774,880</u>
Source of funds	
Pension trust funds	1,846,063 <u>2,774,880</u>
Total	1,846,063 <u>2,774,880</u>

Fourth: By inserting a new section to be Sec. 106a to read as follows:

Sec. 106a. 2022 Acts and Resolves No. 185, Sec. E.134.2 is amended to read:

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~~ 522(i) of this title. Monies in the Fund shall be used to pay expenses associated with carrying out the Commission's duties.

\* \* \*

Fifth: By inserting a new section to be Sec. 106b to read as follows:

Sec. 106b. 2022 Acts and Resolves No. 185, Sec. E.134.2 is amended to read:

Sec. E.134.3 VERMONT RETIREMENT SYSTEMS AND 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)~~(a) 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~~ cover the operating costs of the State's pensions systems, including transferring funds from the State's pension systems to the Treasurers Retirement Admin Costs fund (21520) and to the Vermont Pension Investment Commission Special Fund (21521) to cover the

portion of the Treasurer's budget attributable to the State's pension systems and the Vermont Pension Investment Commission's budget.

(1) Of the \$2,456,934 appropriated in Section B.133 of this act, \$1,580,466 constitutes the Vermont State Employees' Retirement System operating budget, and \$876,468 constitutes the portion of the Vermont Pension Investment Commission's budget attributable to Vermont State Employees' Retirement System.

(2) Of the 1,420,006 appropriated in Section B.134 of this act, \$1,088,606 constitutes the Vermont Municipal Employees' Retirement System operating budget, and \$331,400 constitutes the portion of the Vermont Pension Investment Commission's budget attributable to Vermont Municipal Employees' Retirement System.

(3) Of the 2,774,880 appropriated in Section B.514.1 of this act, \$1,846,063 constitutes the Vermont State Teachers' Retirement System operating budget, and \$928,817 constitutes the portion of the Vermont Pension Investment Commission's budget attributable to Vermont State Teachers' Retirement System.

Sixth: By striking out Sec. 88, amending 33 V.S.A. § 3543, in its entirety and inserting in lieu thereof a new Sec. 88 to read as follows:

Sec. 88. 33 V.S.A. § 3543 is amended to read:

§ 3543. STUDENT LOAN REPAYMENT ASSISTANCE

(a)(1) There is established a need-based student loan repayment assistance program for the purpose of providing student loan repayment assistance to any individual employed by a regulated, privately operated center-based child care program or family child care home.

(2) An eligible individual shall:

(A)(i) work in a privately operated center-based child care program or in a family child care home that is regulated by the Division for at least an average of 30 hours per week for 48 weeks of the year; or

(ii) if the individual is an employee of a Vermont Head Start program that operates fewer than 48 weeks per year, work a minimum of nine months of the year, inclusive of any employer-approved time off; or

(B) receive an annual salary of not more than \$50,000.00 \$60,000.00 through the individual's work in regulated childcare; and

(C)(i) have earned an associate's, ~~or~~ bachelor's, or master's degree with a major or concentration in early childhood, child and human

development, elementary education, special education with a birth to age eight focus, or child and family services ~~within the preceding five years; or~~

(ii) have earned an associate's, bachelor's, or master's degree that contributes to an Early Childhood Career Ladder Certificate Level IIIB or higher through Northern Lights at the Community College of Vermont.

(3) To participate in the program set forth in this section, an eligible individual shall submit to the Department for Children and Families documentation expressing the individual's intent to work in a regulated, privately operated center-based child care program or family child care home for at least the 12 months following the annual loan repayment award notification. A participant may receive up to \$4,000.00 annually in student loan repayment assistance, which shall be distributed by the Department in four allotments. The Department shall distribute at least one-quarter of the individual's total annual benefit after the individual has completed three months of employment in accordance with the program. The remainder of an individual's total annual benefit shall be distributed by the Department every three months after the initial payment.

Seventh: By inserting a new section to be Sec. 88a to read as follows:

Sec. 88a. RETROACTIVE STUDENT LOAN REPAYMENT ASSISTANCE

(a) In recognition that many long-serving child care providers had student loan debt that is now retired, the Department for Children and Families shall provide to an eligible applicant a one-time retroactive payment of up to \$4,000.00. An eligible applicant shall:

(1) have not previously received student loan repayment assistance pursuant to 33 V.S.A. section 3543;

(2) have met all eligibility requirements listed in 33 V.S.A. section 3543 within the 12 months preceding the date of application; and

(3) not currently have any student loan debt.

Which was agreed to.

Thereupon, pending the question, Shall the bill be read third time?, Senators Vyhovsky and Wrenner moved to further amend the Senate proposal of amendment in Sec. 45, 2022 Acts and Resolves No. 185, Sec. B.1100, in subdivision (a)(33), by striking out subdivision (B) in its entirety and inserting a new subdivision (B) in lieu thereof to read as follows:

(B) \$7,500,000 to the Department for Children and Families to extend the General Assistance Temporary Housing program from March 15, 2023 to July 1, 2023 for all other households that are otherwise eligible for

General Assistance housing pursuant to section 2652.3 of the Department's General Assistance rule (CVR 13-170-260) for temporary housing independent of maximum nights received or weather forecasts or conditions.

Which was disagreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

### **Message from the House No. 22**

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

Mr. President:

I am directed to inform the Senate that:

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

**H. 190.** An act relating to removing the residency requirement from Vermont's patient choice at end of life laws.

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

### **Adjournment**

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Wednesday, February 22, 2023.

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## **WEDNESDAY, FEBRUARY 22, 2023**

The Senate was called to order by the President.

### **Devotional Exercises**

A moment of silence was observed in lieu of devotions.

### **Bills Introduced**

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

### **S. 94.**

By Senator Cummings,

An act relating to the City of Barre tax increment financing district.

To the Committee on Finance.



**S. 95.**

By Senator Cummings,  
An act relating to banking and insurance.  
To the Committee on Finance.

**S. 96.**

By Senators Vyhovsky, McCormack, Perchlik, Watson and White,  
An act relating to privatization contracts.  
To the Committee on Government Operations.

**Bill Referred**

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

**H. 190.**

An act relating to removing the residency requirement from Vermont's  
patient choice at end of life laws.  
To the Committee on Health and Welfare.

**Third Reading Ordered**

**H. 46.**

Senator Vyhovsky, 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. 3.

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 Clarkson, the Senate adjourned until one o'clock in  
the afternoon on Thursday, February 23, 2023.

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**THURSDAY, FEBRUARY 23, 2023**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Kenzan of Calais.

**Joint Resolution Placed on Calendar****J.R.S. 16.**

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

By Senator McCormack,

**J.R.S. 16.** Joint resolution providing for a Joint Assembly to vote on the retention of a Chief Justice and four Associate Justices of the Supreme Court and eight Superior Court Judges.

*Whereas*, declarations have been submitted by the following Justices and Judges that they be retained for another six-year term: the Honorable Chief Justice Paul Reiber, Justice Harold Eaton, Jr., Justice Karen Carroll, Justice William Cohen, Justice Nancy Waples, Judge Alison Arms, Judge Thomas Carlson, Judge Cortland Corsones, Judge Justin Jiron, Judge Michael Kainen, Judge Mary Morrissey, Judge A. Gregory Rainville and Judge Kirstin Schoonover, and

*Whereas*, the procedures of the Joint Committee on Judicial Retention require numerous public hearings and the review of information provided by each Justice and Judge and the comments of members of the Vermont bar and the public, and

*Whereas*, the Committee anticipates that it will be unable to fulfill its responsibilities under 4 V.S.A. § 608(b) to evaluate the judicial performance of the Justices and Judges seeking to be retained in office by March 9, 2023, the date specified in 4 V.S.A. § 608(e), and for a vote in Joint Assembly to be held on March 16, 2023, the date specified in 2 V.S.A § 10(b), and

*Whereas*, 4 V.S.A. § 608(g) permits the General Assembly to defer action on the retention of Justices and Judges to a subsequent Joint Assembly when the Committee is not able to make a timely recommendation, *now therefore be it*

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

That the two Houses meet in Joint Assembly on Tuesday, March 28, 2023, at one o'clock in the afternoon to vote on the retention of a Chief Justice and four Associate Justices of the Supreme Court and eight Superior Court Judges. In case the vote to retain said Justices and Judges shall not be made on that day, the two Houses shall meet in Joint Assembly at ten o'clock and thirty minutes in the forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed until the above is completed.

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

### **Bills Introduced**

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

#### **S. 97.**

By Senators Williams, Collamore, Gulick, Lyons, Weeks and White,  
An act relating to guardianship proceedings.  
To the Committee on Judiciary.

#### **S. 98.**

By Senators Ram Hinsdale, Cummings, Gulick, Hashim, Lyons, MacDonald and Watson,  
An act relating to Green Mountain Care Board authority over prescription drug costs.  
To the Committee on Health and Welfare.

### **Committee Bills Introduced**

Senate committee bills of the following titles were severally introduced, read the first time, and, under the rule, placed on the Calendar for notice the next legislative day:

#### **S. 99.**

By the Committee on Transportation,  
An act relating to miscellaneous changes to laws related to vehicles.

#### **S. 100.**

By the Committee on Economic Development, Housing and General Affairs,  
An act relating to housing opportunities made for everyone.

### **Bill Passed**

#### **H. 46.**

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. 3.

**Rules Suspended; Bill Committed**

Pending entry on the Calendar for notice, on motion of Senator Ram Hinsdale the rules were suspended and Senate Committee bill entitled:

**S. 100.** An act relating to housing opportunities made for everyone.

Was taken up for immediate consideration.

Thereupon, pending second reading of the bill, on motion of Senator Ram Hinsdale the bill was committed to the Committee on Natural Resources and Energy.

**Adjournment**

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

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**FRIDAY, FEBRUARY 24, 2023**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Karen Mendes of Burlington.

**Message from the House No. 23**

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

Mr. 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. 15.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

**Message from the House No. 24**

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

Mr. President:

I am directed to inform the Senate that:

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

**H. 145.** An act relating to fiscal year 2023 budget adjustments.

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. Lanpher of Vergennes  
Rep. Scheu of Middlebury  
Rep. Squirrell of Underhill.

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

**H.C.R. 37.** House concurrent resolution honoring former Halifax Fire Chief Wayne Courser for his exemplary volunteer leadership and community service.

**H.C.R. 38.** House concurrent resolution congratulating the 2023 Hartford High School Hurricanes Division II championship boys' indoor track team.

**H.C.R. 39.** House concurrent resolution honoring former Waterbury Municipal Manager William Shepeluk in recognition of his extraordinary public service career.

**H.C.R. 40.** House concurrent resolution congratulating the Essex High School girls' volleyball team on winning a second consecutive State championship.

**H.C.R. 41.** House concurrent resolution honoring South Burlington City Clerk Donna Kinville for her dedicated municipal public service.

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

#### **Bill Referred to Committee on Finance**

#### **S. 99.**

Senate 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 changes to laws related to vehicles.

#### **Bills Introduced**

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

**S. 101.**

By Senators Ram Hinsdale and Clarkson,

An act relating to miscellaneous workers' compensation amendments.

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

**S. 102.**

By Senators Ram Hinsdale, Clarkson, Cummings, Gulick, Harrison, Hashim, Lyons, McCormack, Perchlik, Vyhovsky, Watson, White and Wrenner,

An act relating to expanding employment protections and collective bargaining rights.

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

**S. 103.**

By Senators Ram Hinsdale, Chittenden, Clarkson, Gulick, Hardy, Harrison, Perchlik, Vyhovsky, Watson and White,

An act relating to amending the prohibitions against discrimination.

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

**S. 104.**

By Senators Ram Hinsdale, Baruth, Bray, Brock, Campion, Chittenden, Clarkson, Collamore, Cummings, Gulick, Hardy, Harrison, Hashim, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Norris, Perchlik, Sears, Starr, Vyhovsky, Watson, Weeks, Westman, White, Williams and Wrenner,

An act relating to designating August 31 as Overdose Awareness Day.

To the Committee on Government Operations.

**S. 105.**

By Senators Sears, Westman, Campion and Ram Hinsdale,

An act relating to sports wagering.

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

**S. 106.**

By Senator Baruth,

An act relating to employer communications regarding religious or political matters.

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

**S. 107.**

By Senator Westman,

An act relating to authorizing off-site tasting rooms for alcoholic beverage manufacturers.

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

**Joint Resolution Adopted on the Part of the Senate****J.R.S. 16.**

Joint Senate resolution entitled:

Joint resolution providing for a Joint Assembly to vote on the retention of a Chief Justice and four Associate Justices of the Supreme Court and eight Superior Court Judges.

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

**Bill Not Committed**

Appearing on the Calendar for notice, Senator Ingalls moved that the rules be suspended and that Senate bill entitled:

**S. 9.** An act relating to the authority of the State Auditor to examine the books and records of State contractors.

be committed to the Committee on Institutions with the report of the Committee on Government Operations *intact*,

Thereupon pending the question, Shall the rules be suspended and the bill be committed to the Committee on Institutions with the report of the Committee on Government Operations intact?, Senator Ingalls requested and was granted leave to withdraw his motion.

**Committee of Conference Appointed****H. 145.**

An act relating to fiscal year 2023 budget adjustments.

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

Senator Kitchel  
Senator Perchlik  
Senator Westman

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

### **Point of Personal Privilege Journalized**

During announcements on a point of personal privilege, Senator Vyhovsky addressed the Chair, and on a motion of Senator McCormack, her remarks were ordered enter in the Journal, are as follow:

“Thank you Mr. President,

I rise on a point of personal privilege. Today marks one year since the government in Russia, under direction of Vladimir Putin, invaded the free and sovereign nation of Ukraine. For one year the Ukrainian people, under the brave leadership of President Zelenskyy, have been fighting for their freedom.

Last year, the General Assembly supported me in adopting a joint resolution standing in solidarity with Ukraine and some of you may recall my emotional floor speech on that resolution. The Ukrainian people are no strangers to fighting for their freedom – this fight is tied directly to me as a member of my own family was a leader in the Cossack Revolution many generations ago. The last year has been difficult on me and my family and all Ukrainian Americans worried about their family in Ukraine, and devastated as their homeland is destroyed. This unprovoked and devastating war, while deeply personal to me, is also a much larger attack and threat to democracy everywhere.

Tonight at 5:30 p.m., there will be a vigil for Ukraine on the State House Lawn to renew our support of Ukraine and their fight for freedom and to stand with all Ukrainian Americans. I hope you will consider joining us. I know it is cold but it is cold in Ukraine as well, where people are still sheltering in subways and destroyed buildings with the constant chorus of air raid sirens overhead.

Thank you.”

### **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:



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By Rep. Roberts,

**H.C.R. 37.**

House concurrent resolution honoring former Halifax Fire Chief Wayne Courser for his exemplary volunteer leadership and community service.

By Reps. Cole and Christie,

By Senators White, Clarkson and McCormack,

**H.C.R. 38.**

House concurrent resolution congratulating the 2023 Hartford High School Hurricanes Division II championship boys' indoor track team.

By Reps. Stevens and Wood,

**H.C.R. 39.**

House concurrent resolution honoring former Waterbury Municipal Manager William Shepeluk in recognition of his extraordinary public service career. By Reps. Dodge and others,

By Senators Baruth, Gulick, Vyhovsky and Wrenner,

**H.C.R. 40.**

House concurrent resolution congratulating the Essex High School girls' volleyball team on winning a second consecutive State championship.

By Reps. Krasnow and others,

By Senator Chittenden,

**H.C.R. 41.**

House concurrent resolution honoring South Burlington City Clerk Donna Kinville for her dedicated municipal public service.

**Adjournment**

On motion of Senator Clarkson, the Senate adjourned, to reconvene on Tuesday, February 28, 2023, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 15.

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**TUESDAY, FEBRUARY 28, 2023**

Pursuant to the Senate Rules, in the absence of the President, the Senate was called to order by the President *pro tempore*.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Gilles Gentley of Jericho.

**Pledge of Allegiance**

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

**Bills Introduced**

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

**S. 108.**

By Senators Clarkson, Cummings, Hardy, Ram Hinsdale, Vyhovsky, Watson and White,

An act relating to increasing the minimum wage and studying increasing the wages of inmates and workers who are not subject to the minimum wage.

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

**S. 109.**

By Senators Gulick, Campion, Hardy, Harrison, Hashim, Lyons, McCormack, Perchlik, Ram Hinsdale, Vyhovsky, Watson, Weeks and White,

An act relating to Medicaid coverage for doula services.

To the Committee on Health and Welfare.

**S. 110.**

By Senators Westman and Ram Hinsdale,

An act relating to direct-to-consumer shipping of spirits and fortified wines.

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

**S. 111.**

By Senators Campion, Baruth, Chittenden, Gulick, Hashim, Ram Hinsdale, Vyhovsky and White,

An act relating to trapping.

To the Committee on Natural Resources and Energy.

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**Bill Amended; Third Reading Ordered****S. 45.**

Senator Chittenden, for the Committee on Finance, to which was referred Senate bill entitled: An act relating to an elective pass-through entity income tax and credit.

Reported recommending that the bill be amended by striking out Sec. 4, effective date, in its entirety and inserting in lieu thereof the following:

**Sec. 4. REPEALS; SALT DEDUCTION CAP WORKAROUND**

(a) 32 V.S.A. chapter 151, subchapter 10C (Elective Pass-Through Entity Income Tax) is repealed.

(b) 32 V.S.A. § 5825(c) (credit for taxes paid to other states and provinces) is repealed.

**Sec. 5. EFFECTIVE DATES**

(a) Notwithstanding 1 V.S.A. § 214, this section and Secs. 1–3 (SALT deduction cap workaround) shall take effect retroactively on January 1, 2023 and shall apply to taxable years beginning on and after January 1, 2023.

(b) Sec. 4 (repeals; SALT deduction cap workaround) shall take effect on the later of December 31, 2025 or the date on which the federal limitation on individual deductions for state and local taxes under 26 U.S.C. § 164(b)(6) is repealed or otherwise abrogated.

And that when so amended the bill ought to pass.

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

**Message from the House No. 25**

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

Mr. President:

I am directed to inform the Senate that:

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

**H. 76.** An act relating to captive insurance.

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

**Adjournment**

On motion of Senator Mazza, the Senate adjourned until one o'clock in the afternoon on Wednesday, March 1, 2023.

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**WEDNESDAY, MARCH 1, 2023**

Pursuant to the Senate Rules, in the absence of the President, the Senate was called to order by the President *pro tempore*.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Lincoln Sprague of Waitsfield.

**Bills Referred to Committee on Appropriations**

Senate 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 on Appropriations:

**S. 4.** An act relating to reducing crimes of violence associated with juveniles and dangerous weapons.

**S. 37.** An act relating to access to legally protected health care activity and regulation of health care providers.

**Joint Resolution Referred****J.R.S. 17.**

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

By Senators Harrison, Baruth, Bray, Brock, Campion, Chittenden, Clarkson, Collamore, Cummings, Gulick, Hardy, Hashim, Ingalls, Lyons, MacDonald, Mazza, McCormack, Ram Hinsdale, Starr, Vyhovsky, Watson, Weeks, White and Williams,

**J.R.S. 17.** Joint resolution urging U.S. Citizenship and Immigration Services to comply with the expedited asylum hearing provisions of the Afghan Supplemental Appropriations Act of 2022.

*Whereas*, the final departure of American military personnel from Afghanistan in August 2021 meant that the Taliban would assume complete control of the Afghan government and society, greatly endangering Afghans and members of their families who worked for or were otherwise associated with the United States government, and

*Whereas*, recognizing that this imminent departure would pose an immediate threat, the United States Department of Homeland Security established an evacuation and resettlement program known as Operation Allies Welcome that paroled certain Afghan nationals into the United States for a two-year period, and

*Whereas*, despite the activation of Operation Allies Welcome, in the tumult of the Americans' departure, many Afghans, including Hazaras, human rights activists, journalists, members of the LGBTQI community, Shias, and others who are associated with the U.S. government, were unable to depart, and

*Whereas*, Congress also responded to this dire situation and adopted the Afghan Supplemental Appropriations Act of 2022 (the Act), Pub. L. 117-43, Division C, and

*Whereas*, as provided in Sec. 2502 (a) of the Act, "a citizen or national of Afghanistan (or a person with no nationality who last habitually resided in Afghanistan)" is entitled, per section 2502(c), to an expedited U.S. Citizenship and Immigration Services (USCIS) asylum review process directing that the initial interview on the asylum application be conducted not later than 45 days after the application's filing date, and that, "in the absence of exceptional circumstances, [USCIS shall] issue a final administrative adjudication on the asylum application within 150 days after the date the application is filed," and

*Whereas*, USCIS has not been observing the 150-day asylum decision deadline, even when the application does not present extraordinary circumstances, and

*Whereas*, lawyers from the Association of Africans Living in Vermont and the U.S. Committee for Refugees and Immigrants Vermont have filed more than 40 Afghan asylum applications for which no federal government response has been received for a period of longer than 150 days, and

*Whereas*, Afghans living in the United States on parole status must have their own asylum application approved before petitioning for relatives who remain in Afghanistan or who have fled to Pakistan to be admitted into the United States, and

*Whereas*, for Afghan asylum applicants residing in Vermont, this bureaucratic delay is preventing them from building new lives, but it is life-threatening for their family members who remain in Afghanistan or are living as refugees in a third country, *now therefore be it*

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

That the General Assembly urges USCIS to comply fully with the accelerated asylum hearing provisions of the Afghan Supplemental Appropriations Act of 2022, *and be it further*

***Resolved:*** That the Secretary of State be directed to send a copy of this resolution to USCIS Director Ur M. Jaddou and to the Vermont Congressional Delegation.

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

**Bills Introduced**

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

**S. 112.**

By Senator Bray,

An act relating to miscellaneous subjects related to the Public Utility Commission.

To the Committee on Finance.

**S. 113.**

By Senators Chittenden and Perchlik,

An act relating to requiring gas stations and convenience stores to provide notice to customers of holds on payment at the point of sale.

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

**S. 114.**

By Senators Gulick, Hashim, Lyons, McCormack, Perchlik, Ram Hinsdale, Vyhovsky, Watson and White,

An act relating to removal of criminal penalties for possessing, dispensing, or selling psilocybin and establishment of the Psychedelic Therapy Advisory Working Group.

To the Committee on Health and Welfare.

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**Committee Bill Introduced**

Senate committee bill of the following title was introduced, read the first time, and, under the rule, placed on the Calendar for notice the next legislative day:

**S. 115.**

By the Committee on Agriculture,

An act relating to miscellaneous agricultural subjects.

**Bill Referred**

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

**H. 76.**

An act relating to captive insurance.

To the Committee on Finance.

**Bill Passed****S. 45.**

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

An act relating to an elective pass-through entity income tax and credit.

**Rules Suspended; Report of Committee of Conference Accepted and Adopted on the Part of the Senate; Bill Messaged****H. 145.**

Appearing on the Calendar for notice, on motion of Senator Mazza, the rules were suspended and the report of the Committee of Conference on House bill entitled:

An act relating to fiscal year 2023 budget adjustments.

Was taken up for immediate consideration.

Senator Kitchel, for the Committee of Conference, submitted the following report:

To the Senate and House of Representatives:

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

**H. 145.** An act relating to fiscal year 2023 budget adjustments.

Respectfully reports that it has met and considered the same and recommends that the Senate recede from its proposal of amendment and that

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

Sec. 1. 2022 Acts and Resolves No. 185, Sec. B.105 is amended to read:

Sec. B.105 Agency of digital services - communications and information technology

Personal services	99,364,395	82,655,019
Operating expenses	<u>34,833,539</u>	<u>34,833,539</u>
Total	134,197,934	117,488,558
Source of funds		
General fund	179,572	179,572
Special funds	17,159,341	449,965
Internal service funds	<u>116,859,021</u>	<u>116,859,021</u>
Total	134,197,934	117,488,558

Sec. 1a. 2022 Acts and Resolves No. 185, Sec. B.133 is amended to read:

Sec. B.133 Vermont state retirement system

Personal services		180,911
Operating expenses	1,399,555	<u>2,276,023</u>
Total	1,580,466	<u>2,456,934</u>
Source of funds		
Pension trust funds	1,580,466	<u>2,456,934</u>
Total	1,580,466	<u>2,456,934</u>

Sec. 1b. 2022 Acts and Resolves No. 185, Sec. B.134 is amended to read:

Sec. B.134 Municipal employees' retirement system

Personal services		198,399
Operating expenses	890,207	<u>1,221,607</u>
Total	1,088,606	<u>1,420,006</u>
Source of funds		
Pension trust funds	1,088,606	<u>1,420,006</u>
Total	1,088,606	<u>1,420,006</u>

Sec. 2. 2022 Acts and Resolves No. 185, Sec. B.145 is amended to read:

Sec. B.145 Total general government

Source of funds		
General fund	104,811,247	104,811,247
Transportation fund	4,059,343	4,059,343
Special funds	<u>35,893,006</u>	19,183,630
Federal funds	1,308,858	1,308,858
Internal service funds	178,033,418	178,033,418



Interdepartmental transfers	4,447,671	4,447,671
Enterprise funds	6,979	6,979
Pension trust funds	<u>2,669,072</u>	<u>3,876,940</u>
Private purpose trust funds	<u>1,156,575</u>	<u>1,156,575</u>
Total	332,386,169	316,884,661

Sec. 3. 2022 Acts and Resolves No. 185, Sec. B.209 is amended to read:

Sec. B.209 Public safety - state police

Personal services	62,598,426	62,396,849
Operating expenses	12,660,950	12,660,950
Grants	<u>1,467,153</u>	<u>1,467,153</u>
Total	76,726,529	76,524,952
Source of funds		
General fund	46,676,421	46,474,844
Transportation fund	20,250,000	20,250,000
Special funds	3,116,711	3,116,711
Federal funds	4,820,645	4,820,645
Interdepartmental transfers	<u>1,862,752</u>	<u>1,862,752</u>
Total	76,726,529	76,524,952

Sec. 4. 2022 Acts and Resolves No. 185, Sec. B.225 is amended to read:

Sec. B.225 Agriculture, food and markets - agricultural resource management and environmental stewardship

Personal services	2,830,318	2,830,318
Operating expenses	950,906	950,906
Grants	<u>545,334</u>	<u>295,334</u>
Total	4,326,558	4,076,558
Source of funds		
General fund	1,191,645	941,645
Special funds	2,325,153	2,325,153
Federal funds	472,695	472,695
Interdepartmental transfers	<u>337,065</u>	<u>337,065</u>
Total	4,326,558	4,076,558

Sec. 5. 2022 Acts and Resolves No. 185, Sec. B.225.2 is amended to read:

Sec. B.225.2 Agriculture, Food and Markets - Clean Water

Personal services	3,351,394	3,351,394
Operating expenses	518,202	518,202
Grants	<u>5,253,111</u>	<u>5,503,111</u>
Total	9,122,707	9,372,707

Source of funds		
General fund	1,100,802	1,350,802
Special funds	7,266,122	7,266,122
Federal funds	441,907	441,907
Interdepartmental transfers	<u>313,876</u>	<u>313,876</u>
Total	9,122,707	9,372,707

Sec. 6. 2022 Acts and Resolves No. 185, Sec. B.240 is amended to read:

Sec. B.240 Cannabis Control Board

Personal services	3,211,914	3,497,225
Operating expenses	<u>278,608</u>	<u>1,383,608</u>
Total	3,490,522	4,880,833
Source of funds		
Special funds	<u>3,490,522</u>	<u>4,880,833</u>
Total	3,490,522	4,880,833

Sec. 7. 2022 Acts and Resolves No. 185, Sec. B.241 is amended to read:

Sec. B.241 Total protection to persons and property

Source of funds		
General fund	187,158,391	186,956,814
Transportation fund	20,250,000	20,250,000
Special funds	98,238,728	99,629,039
Tobacco fund	561,843	561,843
Federal funds	127,115,612	127,115,612
ARRA funds	510,535	510,535
Interdepartmental transfers	12,413,144	12,413,144
Enterprise funds	<u>13,619,207</u>	<u>13,619,207</u>
Total	459,867,460	461,056,194

Sec. 8. 2022 Acts and Resolves No. 185, Sec. B.300 is amended to read:

Sec. B.300 Human services - agency of human services - secretary's office

Personal services	12,307,314	14,990,385
Operating expenses	5,340,825	5,356,835
Grants	<u>2,895,202</u>	<u>3,160,202</u>
Total	20,543,341	23,507,422
Source of funds		
General fund	9,056,662	12,020,743
Special funds	135,517	135,517
Federal funds	10,569,851	10,569,851
Interdepartmental transfers	<u>781,311</u>	<u>781,311</u>
Total	20,543,341	23,507,422

Sec. 9. 2022 Acts and Resolves No. 185, Sec. B.301 is amended to read:

Sec. B.301 Secretary's office - global commitment

Grants	<u>1,835,603,282</u>	1,934,679,638
Total	<u>1,835,603,282</u>	1,934,679,638
Source of funds		
General fund	<u>608,430,925</u>	515,071,925
Special funds	<u>33,384,536</u>	29,121,769
Tobacco fund	<u>21,049,373</u>	21,049,373
State health care resources fund	<u>17,078,501</u>	25,102,272
Federal funds	<u>1,151,625,777</u>	1,340,818,340
Interdepartmental transfers	<u>4,034,170</u>	<u>3,515,959</u>
Total	<u>1,835,603,282</u>	1,934,679,638

Sec. 10. 2022 Acts and Resolves No. 185, Sec. B.304 is amended to read:

Sec. B.304 Human services board

Personal services	<u>766,312</u>	619,083
Operating expenses	<u>89,396</u>	<u>89,396</u>
Total	<u>855,708</u>	708,479
Source of funds		
General fund	<u>490,779</u>	343,550
Federal funds	<u>364,929</u>	<u>364,929</u>
Total	<u>855,708</u>	708,479

Sec. 11. 2022 Acts and Resolves No. 185, Sec. B.306 is amended to read:

Sec. B.306 Department of Vermont health access - administration

Personal services	133,258,216	133,258,216
Operating expenses	27,050,784	27,115,536
Grants	<u>2,912,301</u>	<u>8,712,301</u>
Total	<u>163,221,301</u>	169,086,053
Source of funds		
General fund	<u>34,666,169</u>	38,830,921
Special funds	<u>4,738,197</u>	4,738,197
Federal funds	<u>114,997,590</u>	116,697,590
Global Commitment fund	<u>3,986,316</u>	3,986,316
Interdepartmental transfers	<u>4,833,029</u>	<u>4,833,029</u>
Total	<u>163,221,301</u>	169,086,053

Sec. 12. 2022 Acts and Resolves No. 185, Sec. B.307 is amended to read:

Sec. B.307 Department of Vermont health access - Medicaid program - global commitment

Personal services	547,983	547,983
Grants	<u>837,108,046</u>	<u>965,640,677</u>
Total	<u>837,656,029</u>	<u>966,188,660</u>
Source of funds		
Global Commitment fund	<u>837,656,029</u>	<u>966,188,660</u>
Total	<u>837,656,029</u>	<u>966,188,660</u>

Sec. 13. 2022 Acts and Resolves No. 185, Sec. B.309 is amended to read:

Sec. B.309 Department of Vermont health access - Medicaid program - state only

Grants	<u>54,104,191</u>	<u>49,357,135</u>
Total	<u>54,104,191</u>	<u>49,357,135</u>
Source of funds		
General fund	44,533,864	49,352,443
Global Commitment fund	<u>9,570,327</u>	<u>4,692</u>
Total	<u>54,104,191</u>	<u>49,357,135</u>

Sec. 14. 2022 Acts and Resolves No. 185, Sec. B.310 is amended to read:

Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched

Grants	<u>35,125,592</u>	<u>35,226,509</u>
Total	<u>35,125,592</u>	<u>35,226,509</u>
Source of funds		
General fund	12,736,699	12,342,078
Federal funds	<u>22,388,893</u>	<u>22,884,431</u>
Total	<u>35,125,592</u>	<u>35,226,509</u>

Sec. 15. 2022 Acts and Resolves No. 185, Sec. B.311 is amended to read:

Sec. B.311 Health - administration and support

Personal services	7,880,051	7,232,181
Operating expenses	7,161,896	8,283,741
Grants	<u>15,416,408</u>	<u>15,416,408</u>
Total	<u>30,458,355</u>	<u>30,932,330</u>
Source of funds		
General fund	<u>3,120,538</u>	3,594,513
Special funds	2,123,150	2,123,150
Federal funds	19,371,027	19,371,027

Global Commitment fund	5,779,334	5,779,334
Interdepartmental transfers	<u>64,306</u>	<u>64,306</u>
Total	30,458,355	30,932,330

Sec. 16. 2022 Acts and Resolves No. 185, Sec. B.312 is amended to read:

Sec. B.312 Health - public health

Personal services	58,557,637	59,756,793
Operating expenses	10,504,324	10,504,324
Grants	<u>45,237,061</u>	<u>45,237,061</u>
Total	<del>114,299,022</del>	115,498,178

Source of funds

General fund	12,217,471	13,416,627
Special funds	22,422,908	22,422,908
Tobacco fund	1,088,918	1,088,918
Federal funds	61,398,428	61,398,428
Global Commitment fund	16,159,672	16,159,672
Interdepartmental transfers	986,625	986,625
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	<del>114,299,022</del>	115,498,178

Sec. 17. 2022 Acts and Resolves No. 185, Sec. B.313 is amended to read:

Sec. B.313 Health - alcohol and drug abuse programs

Personal services	5,533,379	4,982,093
Operating expenses	511,500	511,500
Grants	<u>55,582,806</u>	<u>55,595,616</u>
Total	<del>61,627,685</del>	61,089,209

Source of funds

General fund	4,706,142	4,167,666
Special funds	1,392,101	1,392,101
Tobacco fund	949,917	949,917
Federal funds	21,131,903	21,131,903
Global Commitment fund	<u>33,447,622</u>	<u>33,447,622</u>
Total	<del>61,627,685</del>	61,089,209

Sec. 18. 2022 Acts and Resolves No. 185, Sec. B.314 is amended to read:

Sec. B.314 Mental health - mental health

Personal services	37,550,464	45,679,048
Operating expenses	5,023,808	5,406,921
Grants	<u>251,958,650</u>	<u>252,383,242</u>
Total	<del>294,532,922</del>	303,469,211

Source of funds		
General fund	12,966,387	23,720,891
Special funds	1,690,187	1,690,187
Federal funds	10,279,911	10,279,911
Global Commitment fund	269,471,344	267,653,129
Interdepartmental transfers	<u>125,093</u>	<u>125,093</u>
Total	294,532,922	303,469,211

Sec. 19. 2022 Acts and Resolves No. 185, Sec. B.316 is amended to read:

Sec. B.316 Department for children and families - administration & support services

Personal services	41,932,610	41,930,824
Operating expenses	17,284,575	23,063,394
Grants	<u>3,819,106</u>	<u>3,415,106</u>
Total	63,036,291	68,409,324
Source of funds		
General fund	36,020,845	36,525,221
Special funds	2,789,842	2,788,056
Federal funds	22,463,191	27,083,191
Global Commitment fund	1,409,481	1,659,924
Interdepartmental transfers	<u>352,932</u>	<u>352,932</u>
Total	63,036,291	68,409,324

Sec. 20. 2022 Acts and Resolves No. 185, Sec. B.317 is amended to read:

Sec. B.317 Department for children and families - family services

Personal services	41,455,253	41,755,292
Operating expenses	5,392,584	5,392,584
Grants	<u>88,864,318</u>	<u>89,022,405</u>
Total	135,712,155	136,170,281
Source of funds		
General fund	56,028,109	66,085,811
Special funds	729,587	729,587
Federal funds	32,206,285	32,206,285
Global Commitment fund	46,710,437	37,110,861
Interdepartmental transfers	<u>37,737</u>	<u>37,737</u>
Total	135,712,155	136,170,281

Sec. 21. 2022 Acts and Resolves No. 185, Sec. B.318 is amended to read:

Sec. B.318 Department for children and families - child development

Personal services	5,486,947	5,487,235
Operating expenses	860,622	860,581

Grants	<u>106,205,300</u>	<u>100,677,216</u>
Total	<u>112,552,869</u>	<u>107,025,032</u>
Source of funds		
General fund	33,130,398	27,602,602
Special funds	16,820,011	16,820,011
Federal funds	50,457,478	50,457,478
Global Commitment fund	12,144,941	12,144,941
Interdepartmental transfers	<u>41</u>	<u>0</u>
Total	<u>112,552,869</u>	<u>107,025,032</u>

Sec. 22. 2022 Acts and Resolves No. 185, Sec. B.320 is amended to read:

Sec. B.320 Department for children and families - aid to aged, blind and disabled

Personal services	2,252,206	2,252,206
Grants	<u>10,431,118</u>	<u>9,624,177</u>
Total	<u>12,683,324</u>	<u>11,876,383</u>
Source of funds		
General fund	<u>7,533,333</u>	6,726,392
Global Commitment fund	<u>5,149,991</u>	<u>5,149,991</u>
Total	<u>12,683,324</u>	<u>11,876,383</u>

Sec. 23. 2022 Acts and Resolves No. 185, Sec. B.321 is amended to read:

Sec. B.321 Department for children and families - general assistance

Personal services	15,000	15,000
Grants	<u>2,823,574</u>	<u>2,147,995</u>
Total	<u>2,838,574</u>	<u>2,162,995</u>
Source of funds		
General fund	<u>2,541,239</u>	1,865,660
Federal funds	11,320	11,320
Global Commitment fund	<u>286,015</u>	<u>286,015</u>
Total	<u>2,838,574</u>	<u>2,162,995</u>

Sec. 24. 2022 Acts and Resolves No. 185, Sec. B.323 is amended to read:

Sec. B.323 Department for children and families - reach up

Operating expenses	30,633	30,633
Grants	<u>27,235,606</u>	<u>37,028,703</u>
Total	<u>27,266,239</u>	<u>37,059,336</u>
Source of funds		
General fund	<u>15,097,457</u>	24,581,158
Special funds	5,955,834	5,955,834
Federal funds	3,531,330	3,531,330

Global Commitment fund	<u>2,681,618</u>	<u>2,991,014</u>
Total	<u>27,266,239</u>	<u>37,059,336</u>

Sec. 25. 2022 Acts and Resolves No. 185, Sec. B.325 is amended to read:

Sec. B.325 Department for children and families - office of economic opportunity

Personal services	707,738	707,738
Operating expenses	80,979	80,979
Grants	<u>19,896,892</u>	<u>19,096,328</u>
Total	<u>20,685,609</u>	<u>19,885,045</u>
Source of funds		
General fund	14,328,930	13,528,366
Special funds	58,135	58,135
Federal funds	4,942,559	4,942,559
Global Commitment fund	<u>1,355,985</u>	<u>1,355,985</u>
Total	<u>20,685,609</u>	<u>19,885,045</u>

Sec. 26. 2022 Acts and Resolves No. 185, Sec. B.326 is amended to read:

Sec. B.326 Department for children and families - OEO - weatherization assistance

Personal services	376,286	376,286
Operating expenses	47,090	247,090
Grants	<u>12,038,018</u>	<u>11,838,018</u>
Total	<u>12,461,394</u>	<u>12,461,394</u>
Source of funds		
Special funds	7,643,920	7,643,920
Federal funds	<u>4,817,474</u>	<u>4,817,474</u>
Total	<u>12,461,394</u>	<u>12,461,394</u>

Sec. 27. [DELETED]

Sec. 28. 2022 Acts and Resolves No. 185, Sec. B.329 is amended to read:

Sec. B.329 Disabilities, aging, and independent living - administration & support

Personal services	<u>37,398,355</u>	<u>38,484,107</u>
Operating expenses	<u>6,178,888</u>	<u>6,214,683</u>
Total	<u>43,577,243</u>	<u>44,698,790</u>
Source of funds		
General fund	<u>19,725,270</u>	<u>20,846,817</u>
Special funds	1,390,457	1,390,457
Federal funds	21,360,232	21,360,232
Global Commitment fund	35,000	35,000



Interdepartmental transfers	<u>1,066,284</u>	<u>1,066,284</u>
Total	43,577,243	44,698,790

Sec. 29. 2022 Acts and Resolves No. 185, Sec. B.330 is amended to read:

Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants

Grants	<u>19,709,925</u>	<u>20,278,107</u>
Total	19,709,925	20,278,107
Source of funds		
General fund	7,754,865	7,754,865
Federal funds	7,148,466	7,148,466
Global Commitment fund	<u>4,806,594</u>	<u>5,374,776</u>
Total	19,709,925	20,278,107

Sec. 30. 2022 Acts and Resolves No. 185, Sec. B.333 is amended to read:

Sec. B.333 Disabilities, aging, and independent living - developmental services

Grants	<u>282,169,830</u>	<u>284,711,348</u>
Total	282,169,830	284,711,348
Source of funds		
General fund	155,125	555,125
Special funds	15,463	15,463
Federal funds	359,857	359,857
Global Commitment fund	281,589,385	283,730,903
Interdepartmental transfers	<u>50,000</u>	<u>50,000</u>
Total	282,169,830	284,711,348

Sec. 31. 2022 Acts and Resolves No. 185, Sec. B.334 is amended to read:

Sec. B.334 Disabilities, aging, and independent living - TBI home and community based waiver

Grants	<u>6,163,669</u>	<u>6,620,179</u>
Total	6,163,669	6,620,179
Source of funds		
Global Commitment fund	<u>6,163,669</u>	<u>6,620,179</u>
Total	6,163,669	6,620,179

Sec. 32. 2022 Acts and Resolves No. 185, Sec. B.334.1 is amended to read:

Sec. B.334.1 Disabilities, aging and independent living - Long Term Care

Grants	<u>247,242,665</u>	<u>269,943,753</u>
Total	247,242,665	269,943,753

## Source of funds

General fund	498,579	1,598,579
Federal funds	2,083,333	2,083,333
Global Commitment fund	<u>244,660,753</u>	<u>266,261,841</u>
Total	<u>247,242,665</u>	<u>269,943,753</u>

Sec. 33. 2022 Acts and Resolves No. 185, Sec. B.338 is amended to read:

## Sec. B.338 Corrections - correctional services

Personal services	124,883,844	129,447,504
Operating expenses	<u>24,337,405</u>	<u>24,571,221</u>
Total	<u>149,221,249</u>	<u>154,018,725</u>

## Source of funds

General fund	144,682,340	149,264,201
Special funds	935,963	935,963
Federal funds	460,376	675,991
Global Commitment fund	2,746,255	2,746,255
Interdepartmental transfers	<u>396,315</u>	<u>396,315</u>
Total	<u>149,221,249</u>	<u>154,018,725</u>

Sec. 34. 2022 Acts and Resolves No. 185, Sec. B.338.1 is amended to read:

## Sec. B.338.1 Corrections - Justice Reinvestment II

<u>Personal services</u>	0	160,140
Grants	<u>9,868,567</u>	<u>12,467,844</u>
Total	<u>9,868,567</u>	<u>12,627,984</u>

## Source of funds

General fund	7,290,879	10,050,296
Federal funds	13,147	13,147
Global Commitment fund	<u>2,564,541</u>	<u>2,564,541</u>
Total	<u>9,868,567</u>	<u>12,627,984</u>

Sec. 35. [DELETED].

Sec. 36. 2022 Acts and Resolves No. 185, Sec. B.342 is amended to read:

## Sec. B.342 Vermont veterans' home - care and support services

Personal services	18,693,897	23,557,937
Operating expenses	<u>4,698,211</u>	<u>5,719,013</u>
Total	<u>23,392,108</u>	<u>29,276,950</u>

## Source of funds

General fund	4,068,733	5,655,522
Special funds	11,892,624	16,190,677
Federal funds	<u>7,430,751</u>	<u>7,430,751</u>
Total	<u>23,392,108</u>	<u>29,276,950</u>

Sec. 37. 2022 Acts and Resolves No. 185, Sec. B.346 is amended to read:

Sec. B.346 Total human services

Source of funds

General fund	<del>1,118,252,689</del>	1,071,972,923
Special funds	<del>122,249,086</del>	122,282,586
Tobacco fund	23,088,208	23,088,208
State health care resources fund	<del>17,078,501</del>	25,102,272
Federal funds	<del>1,651,894,729</del>	1,848,118,445
Global Commitment fund	<del>1,788,710,309</del>	1,921,586,651
Internal service funds	1,699,065	1,699,065
Interdepartmental transfers	<del>28,014,227</del>	27,495,975
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	<del>4,751,011,814</del>	5,041,371,125

Sec. 38. 2022 Acts and Resolves No. 185, Sec. B.505 is amended to read:

Sec. B.505 Education - adjusted education payment

Grants	<del>1,561,661,000</del>	1,577,649,173
Total	<del>1,561,661,000</del>	1,577,649,173

Source of funds

Education fund	<del>1,561,661,000</del>	1,577,649,173
Total	<del>1,561,661,000</del>	1,577,649,173

Sec. 39. 2022 Acts and Resolves No. 185, Sec. B.514 is amended to read:

Sec. B.514 State teachers' retirement system

Grants	<del>187,273,782</del>	188,073,782
Total	<del>187,273,782</del>	188,073,782

Source of funds

General fund	<del>154,345,678</del>	154,645,678
Education fund	<del>32,928,104</del>	33,428,104
Total	<del>187,273,782</del>	188,073,782

Sec. 39a. 2022 Acts and Resolves No. 185, Sec. B.514.1 is amended to read:

Sec. B.514.1 State teachers' retirement system administration

Personal services		236,503
Operating expenses	<del>1,609,560</del>	<u>2,538,377</u>
Total	<del>1,846,063</del>	<u>2,774,880</u>

Source of funds

Pension trust funds	<del>1,846,063</del>	<u>2,774,880</u>
Total	<del>1,846,063</del>	<u>2,774,880</u>

Sec. 40. 2022 Acts and Resolves No. 185, Sec. B.516 is amended to read:

Sec. B.516 Total general education

Source of funds

General fund	<del>204,865,262</del>	<u>205,165,262</u>
Special funds	19,450,491	19,450,491
Tobacco fund	750,388	750,388
Education fund	<del>1,900,680,013</del>	<u>1,917,168,186</u>
Federal funds	512,572,265	512,572,265
Global Commitment fund	260,000	260,000
Interdepartmental transfers	365,324	365,324
Pension trust funds	<u>2,774,880</u>	<u>2,774,880</u>
Total	<del>2,640,789,806</del>	<u>2,658,506,796</u>

Sec. 41. 2022 Acts and Resolves No. 185, Sec. B.802 is amended to read:

Sec. B.802 Housing and community development

Personal services	5,321,306	5,321,306
Operating expenses	673,807	673,807
Grants	<del>76,513,512</del>	<u>77,056,152</u>
Total	<del>82,508,625</del>	<u>83,051,265</u>

Source of funds

General fund	4,065,708	4,065,708
Special funds	<del>7,204,966</del>	<u>7,747,606</u>
Federal funds	68,364,457	68,364,457
Interdepartmental transfers	<u>2,873,494</u>	<u>2,873,494</u>
Total	<del>82,508,625</del>	<u>83,051,265</u>

Sec. 42. 2022 Acts and Resolves No. 185, Sec. B.813 is amended to read:

Sec. B.813 Total commerce and community development

Source of funds

General fund	18,279,159	18,279,159
Special funds	<del>32,584,165</del>	<u>33,126,805</u>
Federal funds	160,118,217	160,118,217
Interdepartmental transfers	<u>5,532,656</u>	<u>5,532,656</u>
Total	<del>216,514,197</del>	<u>217,056,837</u>

Sec. 43. 2022 Acts and Resolves No. 185, Sec. B.903 is amended to read:

Sec. B.903 Transportation - program development

Personal services	67,084,877	67,084,877
Operating expenses	317,718,748	317,718,748
Grants	<u>28,106,566</u>	<u>28,106,566</u>

Total	412,910,191	412,910,191
Source of funds		
Transportation fund	<del>63,006,826</del>	59,806,826
TIB fund	<del>16,199,908</del>	19,399,908
Federal funds	330,355,267	330,355,267
Interdepartmental transfers	75,000	75,000
Local match	<u>3,273,190</u>	<u>3,273,190</u>
Total	412,910,191	412,910,191

Sec. 44. 2022 Acts and Resolves No. 185, Sec. B.907 is amended to read:

Sec. B.907 Transportation - rail

Personal services	4,662,380	4,662,380
Operating expenses	30,650,803	30,650,803
Grants	<u>50,000</u>	<u>50,000</u>
Total	35,363,183	35,363,183
Source of funds		
Transportation fund	<del>14,201,368</del>	10,701,368
Federal funds	<del>18,015,401</del>	21,515,401
Interdepartmental transfers	2,985,206	2,985,206
Local match	<u>161,208</u>	<u>161,208</u>
Total	35,363,183	35,363,183

Sec. 44a. 2022 Acts and Resolves No. 185, Sec. B.922 is amended to read:

Sec. B.922 Total transportation

Source of funds

Transportation fund	<del>298,509,742</del>	291,809,742
TIB fund	<del>19,802,363</del>	23,002,363
Special funds	4,367,498	4,367,498
Federal funds	<del>438,299,601</del>	441,799,601
Internal service funds	22,754,095	22,754,095
Interdepartmental transfers	3,597,177	3,597,177
Local match	<u>4,585,799</u>	<u>4,585,799</u>
Total	791,916,275	791,916,275

Sec. 45. 2022 Acts and Resolves No. 185, Sec. B.1100 is amended to read:

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:

\* \* \*

(18) ~~\$1,500,000~~ \$3,600,000 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 as specified in subdivisions (A) and (B) of this subdivision.~~

(A) ~~The funds \$1,500,000~~ 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.

(B) \$2,100,000 shall be granted to existing adult day service providers to maintain the existing program infrastructure through fiscal year 2023. The Department shall request that the Vermont Association of Adult Day Services provide a spreadsheet to the Department detailing the amount of grants to be distributed to each adult day program for the remainder of fiscal year 2023.

\* \* \*

(24) \$3,000,000 to the Secretary of Administration to provide funding for municipal technical assistance and related services.

(25) \$3,345,000 to the Secretary of Administration to be used as the 10 percent State match required for FEMA COVID funds starting on July 1, 2022.

(26) \$1,734,000 to the Agency of Digital Services to be used as State match for a U.S. Geological Survey (USGS) Light Detection and Ranging (LIDAR) grant.

(27) \$1,115,000 to the Military Department to be used as State match for the federal Facilities Sustainment, Restoration and Modernization (SRM) funds eligible for receipt in federal fiscal year 2023.

(28) \$30,000,000 to the Public Service Department for the Vermont Community Broadband Board to be used to leverage federal dollars and programs, including the National Telecommunications and Information Administration (NTIA) broadband grant (Middle Mile), to reduce the overall

cost of universal broadband access as described in 2021 Acts and Resolves No. 71.

(29) \$350,000 to the State Refugee Office, located within the Agency of Human Services Central Office, to implement Employment Assistance Grants for New Americans. Funds remaining at the end of fiscal year 2025 shall revert to the General Fund.

(30) \$3,000,000 to the Department for Children and Families Office of Economic Opportunity for the CARES Housing Voucher Program.

(31) \$5,000,000 to the Department of Housing and Community Development as additional support for the Vermont Housing Improvement Program (VHIP).

(32) \$350,000 is appropriated to the Agency of Commerce and Community Development in fiscal year 2023 to provide State match for the Northeast Kingdom Build to Scale proposal to be submitted to the U.S. Economic Development Administration for federal funding.

(33) \$18,778,775 to the Department for Children and Families to provide funding for the General Assistance Emergency Housing Program as specified in this subsection as follows:

(A) \$13,778,775 of these funds are for the purpose of providing temporary housing to vulnerable households as defined in this subdivision from April 1, 2023 through June 30, 2023. These funds are in addition any additional expenditures for emergency housing funded through 2022 Acts and Resolves No. 185, § C.102. During this period, eligible households that seek emergency housing shall receive it, regardless of the number of nights previously received or adverse weather conditions. The Department shall use the income and resource eligibility criteria in effect as of June 2021. A household is eligible if it meets one or more of the following:

(i) a household that lost its housing due to a natural disaster, such as a flood, fire, or hurricane;

(ii)(I) a household that has a member who has experienced domestic violence, dating violence, sexual assault, stalking, or human trafficking; or

(II) a household that has a member who has experienced a dangerous or life-threatening incident related to violence against the member that either occurred within the member's home or caused the member to reasonably believe that the member was at risk of further harm if the member remained in the home;

(iii) a household with a child or children who are either under 18 years of age or who are 18 or 19 years of age and attending secondary school on full-time basis or an equivalent level of vocational or technical training;

(iv) a household that has a member who is 60 years of age or older;

(v) a household that has a member who receives SSI or SSDI;

(vi) a household that has a member who is pregnant;

(vii) a household that is pursuing legal resolution of violations of the Rental Housing Health Code through the Department of Health or appropriate local officials; or

(viii) a household that has been physically barred from entering their residence through an intentional act of the landlord.

(B) \$5,000,000 of these funds are for the purpose of providing emergency housing from March 16, 2023 through May 31, 2023 for other households that are not eligible pursuant the criteria in subdivision (A) of this subdivision, but would be eligible for General Assistance emergency housing under the Adverse Weather Conditions policy in effect on January 15, 2023.

(34) \$952,000 to the Department of Mental Health to be granted to the Howard Center to purchase properties located at 71, 73, and 77 Park Street in Rutland, Vermont.

(A) Prior to granting funds greater than an amount required for a refundable purchase deposit, the Commissioners of Mental Health and for Children and Families, with the assistance of the Secretary of Human Services and Commissioner of Buildings and General Services, shall review the accuracy and comprehensiveness of the financial analysis of the Howard Center proposal to purchase these properties for the continued use as a community-based residential and educational program for adolescent males with sexually harming behaviors. The review should include comparative ongoing operational and additional capital investment costs at this site with reasonable alternative relocation rental or purchase options. A status update on this review and appropriation shall be provided to the General Assembly by the Commissioners of Mental Health and for Children and Families on or before April 1, 2023.

(B) An accounting of the respective State and Howard Center shares of investment in this property shall be maintained in order to refund to the State an appropriate share of any net proceeds resulting from future divestiture of the property.

(35) \$1,550,000 to the Judiciary as follows:



(A) \$750,000 for internal network cabling upgrade.

(B) \$500,000 for courthouses sound system replacement.

(C) \$300,000 for correctional facilities remote hearings improvement.

(36) \$27,500,000 to the Vermont Housing Conservation Board (VHCB):

(A) \$2,500,000 of this funding shall be allocated to provide support and enhance capacity for emergency shelter for those experiencing homelessness. Allocations for emergency shelter for those experiencing homelessness shall be made in consultation with the Secretary of Human Services.

(B) \$25,000,000 is to provide support and enhance capacity for the production and preservation of affordable mixed-income rental housing and homeownership units; including but not limited to improvements to manufactured homes and communities, shelter, and permanent homes for those experiencing homelessness, recovery residences, and housing available to farm workers and refugees.

(37) \$1,200,000 to the Department for Children and Families for a grant to the Lund Center for its Residential Treatment program.

(38) \$30,000 to the Department of Health for a grant to the American Heart Association for CPR and First Aid Training kits to facilitate training in schools.

(39) \$100,000 to the Office of the State Treasurer for a study and report on Other Postemployment Benefits; Governance Structure.

(40) \$4,626,506 to the Department for Children and Families for a temporary secure youth residential facility. The Department shall provide an update to the House Committees on Appropriations, on Corrections and Institutions, and on Human Services and to the Senate Committees on Appropriations, on Judiciary, and on Health and Welfare on the status of the facility, including site location, time frame, design, and budget on or before April 15, 2023.

Sec. 46. 2022 Acts and Resolves No. 185, Sec. B.1101 is added to read:

Sec. B.1101 FISCAL YEAR 2023 ONE-TIME ENVIRONMENTAL  
CONTINGENCY FUND APPROPRIATIONS

(a) In fiscal year 2023, funds are appropriated from the Environmental Contingency Fund (21275) for new and ongoing initiatives as follows:

(1) \$3,000,000 to the Department of Environmental Conservation for PFAS remediation.

Sec. 47. 2022 Acts and Resolves No. 185, Sec. B.1102 is added to read:

Sec. B.1102 FISCAL YEAR 2023 ONE-TIME TECHNOLOGY  
MODERNIZATION SPECIAL FUND APPROPRIATIONS

(a) In fiscal year 2023, funds are appropriated from the Technology Modernization Special Fund (21951) for new and ongoing initiatives as follows:

(1) \$40,010,000 to the Agency of Digital Services to be used as follows:

(A) \$11,800,000 for Enterprise Resource Planning (ERP) system upgrade of core statewide financial accounting system and integration with the Department of Labor and Agency of Transportation financial systems;

(B) \$1,800,000 for continued implementation of the Workplace Information Management System for property management at the Department of Buildings and General Services;

(C) \$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;

(D) \$2,200,000 for a case management system at the Office of the Attorney General;

(E) \$20,250,000 for the Department of Motor Vehicles (DMV) Core System Modernization Phase II; and

(F) \$3,000,000 for the Department of Labor Unemployment Insurance Modernization project.

Sec. 48. 2022 Acts and Resolves No. 185, Sec. D.101 is amended to read:

Sec. D.101 FUND TRANSFERS, REVERSIONS, AND RESERVES

(a) Notwithstanding any other provision of law, the following amounts are transferred from the funds indicated:

\* \* \*

(8) From the General Fund to the Emergency Relief and Assistance Fund (21555): \$2,100,000.

(9) From the General Fund to the Environmental Contingency Fund (21275): \$3,000,000.

(10) From the General Fund to the Cannabis Regulation Fund (21998): \$1,390,311.

(11) From the Transportation Infrastructure Bond Debt Service Fund to the Transportation Infrastructure Bond Fund (20191): \$721,240.62.

(b) Notwithstanding any provision of law to the contrary, in fiscal year 2023:

(1) The following amounts shall be transferred to the General Fund from the funds indicated:

21220	<u>Mental Health Risk Pool</u>	\$449.17
21910	<u>Counselor Regulatory Fee Fund</u>	\$2,125.00
21945	<u>DOC - Corrections Donations</u>	\$4.52
22005	AHS Central Office earned federal receipts	\$4,641,960
50300	Liquor Control Fund	\$20,400,000
	Caledonia Fair	\$5,000
	North Country Hospital Loan	\$24,047
	Springfield Hospital promissory note repayment	\$121,416
50400	<u>Vermont Life Magazine Fund</u>	\$374,000.26

(2) The Notwithstanding any other laws related to these special fund balances, the following estimated amounts, which may be all or a portion of unencumbered fund balances, shall may be transferred from the following funds to the General Fund. The upon determination of the Commissioner of Finance and Management that such transfers are integral for the financial closure of the fiscal year. The Commissioner 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.

21638	AG-Fees & reimbursement – Court order	\$2,000,000
21928	Secretary of State Services Funds	\$1,200,000
62100	Unclaimed Property Fund	<u>\$1,773,425</u> <u>\$4,442,485</u>
	<u>Combined estimate for 21075 Insurance Regulatory and Supervision Fund, 21805 Captive Insurance Regulatory and Supervision Fund, 21080 Regulatory and Supervision Fund</u>	<u>\$58,564,476</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:

1210002000	Legislature		\$205,000
1100030000	Executive Branch Pay Act	<del>\$4,450,000</del>	<u>\$4,559,966.09</u>
1100010000	Secretary of Administration		<u>\$261,019.35</u>
1110003000	Budget & Management		<u>\$46,983.65</u>
1140040000	Homeowner Rebates		<u>\$2,593,580.53</u>
1140070000	Use Tax Reimbursement Program		<u>\$103,001.75</u>
1140330000	Renter Rebates		<u>\$4,374,661.25</u>
1260010000	Office of the Treasurer		<u>\$206,201.60</u>
2100001000	Attorney General		<u>\$1,181.15</u>
2140010000	Department of Public Safety - State Police		<u>\$329,311.26</u>
2140090000	Forensic Laboratory		<u>\$60,701.18</u>
2150010000	Military Administration/TAGO		<u>\$347,364.99</u>
3330892202	GMCB - Benchmarking Analyses		<u>\$80,443.00</u>
3400891804	Medicaid Financial Requirements		<u>\$40,341.34</u>
3400892109	St Match - Act 155 4(a),5(a)		<u>\$277,500.00</u>
3400892112	AHS - VT Food Bank-Food Box		<u>\$1,376,000.00</u>
3420892203	VDH - Recovery Centers		<u>\$1.09</u>
3440892203	DCF - Parent Child Ctrs Cap Imp		<u>\$10.00</u>
5100010000	Administration		<u>\$282.00</u>
5100060000	Adult Basic Education		<u>\$7,192.22</u>
5100070000	Education Services		<u>\$3,870.00</u>
5100210000	Education - Flexible Pathways		<u>\$182,072.00</u>
5100400000	State Board of Education		<u>\$54,755.46</u>
5100892216	AOE Vaccine Incentive Program		<u>\$50,000.00</u>
6100040000	Property Tax Assessment Appropriation		<u>\$4,263.13</u>

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<u>6130030000</u> <u>Parks</u>	<u>\$504.96</u>
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(d) Notwithstanding any provision of law to the contrary, in fiscal year 2023, the following amounts shall revert to the Education Fund from the accounts indicated:

<u>5100010000</u> <u>Administration</u>	<u>\$1,607,144.76</u>
<u>5100040000</u> <u>Special Education Formula</u>	<u>\$27,333,400.07</u>
<u>5100050000</u> <u>State-Placed Students</u>	<u>\$1,443,542.45</u>
<u>5100090000</u> <u>Education Grant</u>	<u>\$11,754,133.93</u>
<u>5100110000</u> <u>Small School Grant</u>	<u>\$34,348.00</u>
<u>5100200000</u> <u>Education - Technical Education</u>	<u>\$1,497,300.35</u>
<u>5100210000</u> <u>Education - Flexible Pathways</u>	<u>\$1,843,900.61</u>

(e) Notwithstanding any provision of law to the contrary, in fiscal year 2023, the following amounts shall revert to the Transportation Fund from the accounts indicated:

<u>8100000100</u> <u>Finance and Administration</u>	<u>\$100,000</u>
<u>8100000300</u> <u>Town Highway Structures</u>	<u>\$8,734,480</u>
<u>8100000800</u> <u>Transportation Board</u>	<u>\$25,398</u>
<u>8100001000</u> <u>Town Highway State Aid Federal Disasters</u>	<u>\$18,247</u>
<u>8100001100</u> <u>Program Development</u>	<u>\$3,288,991</u>
<u>8100001400</u> <u>Town Highway State Aid</u>	<u>\$533,098</u>
	<u>Non-Federal Disasters</u>
<u>8100001700</u> <u>Rest Areas</u>	<u>\$135,990</u>
<u>8100001900</u> <u>Town Highway VT Local Roads</u>	<u>\$101,089</u>
<u>8100002000</u> <u>Maintenance &amp; Operations Bureau</u>	<u>\$1,817,000</u>
<u>8100002100</u> <u>Department of Motor Vehicles</u>	<u>\$261,000</u>
<u>8100002200</u> <u>Policy and Planning</u>	<u>\$893,611</u>
<u>8100002600</u> <u>Town Highway Class 2 Roadway</u>	<u>\$4,818,108</u>

Sec. 49. 2022 Acts and Resolves No. 185, Sec. D.102(a) is amended to read:

(a) \$3,020,000 from the General Fund shall be reserved in the 27/53 reserve in fiscal year ~~2022~~ 2023. 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. 50. 2022 Acts and Resolves No. 185, Sec. E.100 is amended to read:

Sec. E.100 EXECUTIVE BRANCH POSITIONS

(a) The establishment of the following new positions is authorized in fiscal year 2023:

(1) Permanent classified positions:

\* \* \*

(F) Cannabis Control Board:

(i) two enforcement officers; ~~and~~

(ii) one data analyst;

(iii) two chemists; and

(iv) one Cannabis Quality Assurance Program and Laboratory Director.

\* \* \*

(2) Permanent Exempt Positions:

(A) Vermont Pension Investment Commission: one Principal Assistant.

(B) Office of Child, Youth and Family Advocate:

(i) One Child, Youth and Family Advocate; and

(ii) One Deputy Child, Youth and Family Advocate.

\* \* \*

(g) The establishment of the following exempt limited-service positions is authorized in the fiscal year beginning on July 1, 2022 through June 30, 2026.

(1) Truth and Reconciliation Commission

(A) Three Commissioners.

Sec. 51. 2022 Acts and Resolves No. 185, Sec. E.105.2 is amended to read:

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 Sec. B.1102 of this act 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.~~

~~(e)(b) In fiscal year ~~2023~~ 2024, if funds are available per section C.102(b) of this act, the following expenditures are authorized from the Technology Modernization Special Fund to the projects described in this section:~~

~~(1) The sum of \$20,250,000 for the Department of Motor Vehicles (DMV) Core System Modernization Phase II.~~

~~(2) The sum of up to ~~\$30,000,000~~ \$27,000,000 for the Department of Labor Unemployment Insurance Modernization project. These funds shall be released as follows:~~

~~(A) the sum of \$3,000,000 on July 1, 2022;~~

~~(B) the sum of \$10,000,000 on July 1, 2023 upon approval by the Joint Information Technology Oversight Committee of the actions outlined in a Project Schedule; and~~

~~(C)(B) remaining funds shall be released upon request as needed by the Agency of Digital Services and approval of the Joint Information~~

Technology Oversight Committee in accordance with actions outlined in a Project Schedule.

\* \* \*

(3) For the amounts released in subdivisions ~~(2)(B)-(C)~~ ~~(1)(A)-(B)~~ of this subsection, the Joint Information Technology Oversight Committee shall consider the Project Schedule developed between the Department of Labor and the Agency of Digital Services, as approved by the Agency of Administration. The Joint Information Technology Oversight Committee shall also consider any actions proposed by the U.S. Department of Labor that may impact current or future plans developed by the State's Department of Labor.

Sec. 52. 2022 Acts and Resolves No. 185, Sec. E.233.2(a) is amended to read:

(a) In fiscal year 2023 there is appropriated to the Vermont Community Broadband Board a total of ~~\$1,500,000~~ \$1,435,531 from special funds and \$684,127 from federal 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. 53. EMPLOYMENT SUPPORTS FOR NEW AMERICANS

(a) Employment Assistance Grants. The State Refugee Office, in consultation with the Vermont Department of Labor, shall administer a grant program to support the development of coordinated community-based systems, with consideration of regional networks and resources, to assist in achieving economic self-sufficiency for New Americans, including refugees, humanitarian parolees, special immigrant visa holders, asylees, asylum-seekers and other immigrants with low income who are or intend to become residents of Vermont.

(b) Grant funds may be allocated to:

(1) assess the current ability of a municipality or region supporting the resettlement of New Americans, including the availability of English language learning services, transportation, housing, employment supports and economic and health services:

(2) provide employment and related support services for refugees, asylum seekers and other New Americans including technical support, employment training before or during employment, English language learning, employment-related case management, job placement, transportation or other related services; and

(3) provide staff support for the coordination of local and State resources to secure partnerships with organizations employing refugees,



development of sustainable New American support systems for regions where New Americans are being settled, creation of employer partnerships to serve multiple refugees, identification of cultural barriers for individual or groups of refugees, and facilitation with necessary stakeholders to remove barriers and prepare for successful employment.

(c) The funding for this grant program is provided in 2022 Acts and Resolves No. 185, Sec. B.1100, as amended by Sec. 45 of this act.

Sec. 54. 2022 Acts and Resolves No. 185, Sec. E.301 is amended to read:

Sec. E.301 SECRETARY'S OFFICE – GLOBAL COMMITMENT:

\* \* \*

(b) In addition to the State funds appropriated in this section, a total estimated sum of ~~\$25,231,144~~ \$22,682,952 is anticipated to be certified as State matching funds under the Global Commitment as follows:

(1) ~~\$22,230,100~~ \$19,881,850 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~~ \$30,618,150 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~~ \$2,801,102 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~~ \$3,515,959 is transferred from the AHS Federal Receipts Holding Account to the Interdepartmental Transfer Fund consistent with the amount appropriated in Sec. B.301 of this act – Secretary's Office – Global Commitment.

Sec. 55. DEPARTMENT OF MENTAL HEALTH: REIMBURSEMENT RATES FOR PRIVATE NONMEDICAL INSTITUTIONS

(a) Of the amounts appropriated to the Department of Mental Health in fiscal year 2023, \$420,000 is for the purposes of increasing reimbursement rates for Private Nonmedical Institutions that have rates set according to the Department of Vermont Health Access, Division of Rate Setting's Methods, Standards and Principles for Establishing Payment Rates for Private Nonmedical Institutions Providing Residential Child Care Services. This amount shall be distributed by increasing the per diem rates set by the

Department of Vermont Health Access, Division of Rate Setting for each Private Nonmedical Institution. The Division of Rate Setting shall increase the treatment and room and board portions of the final per diem rate for each Private Nonmedical Institution whose rate is set by the Division of Rate Setting by an amount sufficient to ensure the appropriation in this section is fully utilized from January 1, 2023 through June 30, 2023.

Sec. 56. DEPARTMENT FOR CHILDREN AND FAMILIES:  
REIMBURSEMENT RATES FOR PRIVATE NONMEDICAL  
INSTITUTIONS

(a) Of the amounts appropriated to the Department for Children and Families in fiscal year 2023, \$1,900,000 is for the purposes of increasing reimbursement rates for Private Nonmedical Institutions that have rates set according to the Department of Vermont Health Access, Division of Rate Setting's Methods, Standards and Principles for Establishing Payment Rates for Private Nonmedical Institutions Providing Residential Child Care Services. This amount shall be distributed by increasing the per diem rates set by the Department of Vermont Health Access, Division of Rate Setting for each Private Nonmedical Institution. The Division of Rate Setting shall increase the treatment and room and board portions of the final per diem rate for each Private Nonmedical Institution whose rate is set by the Division of Rate Setting by an amount sufficient to ensure the appropriation in this section is fully utilized from January 1, 2023 through June 30, 2023.

Sec. 57. ESSER: EDUCATION RECOVERY AND REVITALIZATION

(a) The Agency of Education may adjust any of the allocations concerning ESSER II and ARP ESSER state set aside funds made in 2021 Acts and Resolves Nos. 9, 67, 72, and 74 and 2022 Acts and Resolves Nos. 28, 83, 112, 166, and 185 during the final reconciliation process to ensure the entirety of the federal awards are expended. The Agency of Education shall provide a final reconciliation report to the Joint Fiscal Committee on the reallocation of these funds in October 2023 and October 2024.

Sec. 58. 2022 Acts and Resolves No. 185, Sec. E.514 is amended to read:

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~~ \$194,961,651 of which ~~\$187,273,782~~ \$188,073,782 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~~ \$34,842,965 is the “normal contribution,” and ~~\$159,818,686~~ \$160,118,686 is the “accrued liability contribution.”

Sec. 59. 1 V.S.A. § 317(c) is amended to read:

(c) The following public records are exempt from public inspection and copying:

\* \* \*

~~(21) Lists of names compiled or obtained by Vermont Life magazine for the purpose of developing and maintaining a subscription list, which list may be sold or rented in the sole discretion of Vermont Life magazine, provided that such discretion is exercised in furtherance of that magazine’s continued financial viability and is exercised pursuant to specific guidelines adopted by the editor of the magazine [Repealed].~~

\* \* \*

Sec. 60. 3 V.S.A. § 2042 is amended to read:

§ 2402. COMMERCE AND COMMUNITY DEVELOPMENT

(a) An Agency of Commerce and Community Development is created consisting of the following:

\* \* \*

~~(4) Vermont Life magazine [Repealed].~~

\* \* \*

Sec. 61. REPEAL OF VERMONT LIFE MAGAZINE

3 V.S.A. § 2473a (Vermont Life magazine) is repealed.

Sec. 62. CLOSURE OF VERMONT LIFE MAGAZINE FUND

The Vermont Life Magazine Fund (50400) is closed. Any residual balance remaining at or after the close of fiscal year 2023 shall also be transferred to the General Fund to bring the Vermont Life Magazine Fund to a \$0.00 balance for closure.

Sec. 63. FISCAL YEAR 2022 TRANSPORTATION FUND BUDGET  
STABILIZATION RESERVE

For the purpose of calculating the fiscal year 2022 Transportation Fund stabilization requirement of five percent of prior year appropriations, reversions of \$1,360,563 are excluded from the fiscal year 2021 total appropriations amount.

Sec. 64. FISCAL YEAR 2023 TRANSPORTATION FUND  
BUDGET STABILIZATION RESERVE:

For the purpose of calculating the fiscal year 2023 Transportation Fund stabilization requirement of five percent of prior year appropriations, reversions of \$3,933,027 are excluded from fiscal year 2022 total appropriations.

Sec. 65. 2022 Acts and Resolves No. 185, Sec. G.300(c)(2) is amended to read:

(2) \$6,000,000 to the Department of Economic Development for the remediation and redevelopment of brownfield sites 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 grants per parcel. The Agency of Commerce and Community Development shall award the amount of \$1,000,000.00 in fiscal year 2023 to regional planning commissions for the purposes of brownfields assessment. In awarding funds under this section, the Secretary, in consultation with Vermont Association of Planning and Development Agencies, shall select one regional planning commission to administer these funds. To ensure statewide availability, the selected regional planning commission shall subgrant to regional planning commissions with brownfield programs, with not more than 10 percent of the funds being used for administrative purposes.

Sec. 66. 2022 Acts and Resolves No. 185, Sec. G. 500(a) is amended to read:

(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~~ used to make grants through the Broadband Construction Grant Program. The Board may use monies appropriated in this subsection to fund any match requirements applicable to broadband grants funded by the federal ~~Infrastructure~~ Infrastructure Investment and Jobs Act.

Sec. 67. 2022 Acts and Resolves No. 185, Sec. G. 600(a)(2) is amended to read:

(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~~2026. Households

approved for assistance in this section will also be offered services outlined in subdivision (4) of this subsection.

Sec. 68. 2022 Acts and Resolves No. 185, Sec. G. 800(a) is amended to read:

(a) The establishment of the following ~~23~~ 32 new classified limited-service positions is authorized in fiscal year 2023.

Sec. 69. 2021 Acts and Resolves No. 74, Sec. E.127.1(d) is amended to read:

~~(d) To fund this work for fiscal year 2022 and fiscal year 2023, notwithstanding 32 V.S.A. § 706, at the close of fiscal year 2021, \$250,000.00 in carryforward from the legislative budget shall be transferred to the JFO [Repealed].~~

Sec. 70. 2021 Acts and Resolves No. 74, Sec. D.101, as amended by 2022 Acts and Resolves No. 83, Sec. 48 is further amended to read:

Sec. D.101 FUND TRANSFERS, REVERSIONS AND RESERVES

\* \* \*

(d) Notwithstanding any provision of law to the contrary, in fiscal year 2022, the following amounts shall revert to the General Fund from the accounts indicated:

\* \* \*

1225001000 Legislative IT	\$60,000.00	<u>\$120,000.00</u>
<u>1230001000 Sergeant-at-Arms</u>		<u>\$60,000.00</u>

\* \* \*

Sec. 71. 2021 Acts and Resolves No. 74, Sec. G.300, as amended by 2022 Acts and Resolves No. 83, Sec. 68 is further amended to read:

Sec. G.300 INVESTMENTS IN VERMONT'S ECONOMY,  
WORKFORCE, AND COMMUNITIES

\* \* \*

(28) ~~\$12,803,996~~ \$12,803,993 to the Department of Labor to cover pandemic related operating costs in the Unemployment system and other programs.

\* \* \*

Sec. 72. 2021 Acts and Resolves No. 74, Sec. G.600(a)(4) is amended to read:

(4) \$2,000,000 to the Department of Public Service to grant to Efficiency Vermont for the purpose of workforce development initiatives and to support the expansion of NeighborWorks of Western Vermont's Heat Squad program.

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, ~~2023~~ 2024.

Sec. 73. 2022 Acts and Resolves No. 83, Sec. 72 is amended to read:

Sec. 72. WORKFORCE RECRUITMENT AND RETENTION  
INCENTIVE GRANT FUNDING FOR EMPLOYEES OF  
ELIGIBLE HEALTH CARE AND SOCIAL SERVICE  
EMPLOYERS

(a)(1) Program established. The Secretary of Human Services shall establish a workforce recruitment and retention incentive grant program for employees of eligible employers, as defined in this section. Eligible employers may apply for a grant within the grant application period determined by the Secretary.

(2) ~~The~~ For all eligible employers except for home health agencies, the total grant award amount for each eligible employer shall be calculated at a rate of \$2,000 per full-time equivalent employee (FTE) based on the number of FTEs identified by the eligible employer in its grant application. For home health agencies, the total grant award amount for each eligible employer shall be calculated at a rate of \$3,000 per full-time equivalent employee (FTE) based on the number of FTEs identified by the eligible employer in its grant application.

\* \* \*

~~(4) Eligible employers shall distribute the full amount of their awards within 12 months following receipt of the grant funds.~~

\* \* \*

(f) Allocations.

(1) Of the funds made available in subsection (e) of this section, \$45,000,000 shall be allocated for a first round of funding, to be made available to the eligible employers identified in subsection (b) of this section. The remaining \$15,000,000 shall be reserved for a second round of funding pending identification of a set of additional health care and social service provider employers with a demonstrated need for the recruitment and retention incentive grant funding, as recommended by the Agency of Human Services and accepted by the General Assembly, or by the Joint Fiscal Committee if the General Assembly is not in session, except that the Agency is authorized to access all or a portion of the reserved funding to the extent that a funding deficiency is identified when meeting the needs of the first round of eligible employers.

(2) Any remaining funds following a second round of funding may be used for one or more of the following workforce recruitment and retention purposes:

(A)(i) Incentive grants to nurses employed by health care employers in Vermont for serving as preceptors for nursing students enrolled in Vermont nursing schools. The Agency shall distribute all or a portion of the remaining funds to health care employers employing nurses who provide student preceptor supervision based on the number of preceptor hours to be provided, at a rate of \$5.00 per preceptor hour, or a lesser hourly rate if the need exceeds the available funds. The Agency shall prioritize funding for health care employers that provide matching funds for additional preceptor compensation or that commit to providing future compensation and support to expanding the number of preceptors.

(ii) If nurse preceptors receiving compensation pursuant to a grant awarded to a health care employer under this section are subject to a collective bargaining agreement, the use of the grant funds provided to the health care employer for the nurse preceptors shall be subject to bargaining between the health care employer and the collective bargaining representative of the nurses to the extent required by the collective bargaining agreement.

(B) Grants to health care employers, including hospitals, long-term care facilities, designated and specialized service agencies, federally qualified health centers, and other health care providers, to establish or expand partnerships with Vermont nursing schools to create nursing pipeline or apprenticeship programs, or both, that will train members of the health care employers' existing staff, including personal care attendants, licensed nursing assistants, and licensed practical nurses, to become higher-level nursing professionals. Through a combination of scholarship awards; grants awarded to health care employers pursuant to this section; grants awarded to health care employers pursuant to 2022 Acts and Resolves No. 183, Sec. 22; and the health care employer's contributions, there will be no out-of-pocket costs toward tuition and fees incurred by the trainees. Trainees may also receive assistance in meeting their living costs, such as housing and child care, while attending the program as allocated funding allows.

Sec. 74. 2022 Acts and Resolves No. 183, Sec. 21 is amended to read:

Sec. 21. NURSE PRECEPTOR INCENTIVE GRANTS; HOSPITALS;  
WORKING GROUP; REPORT

(a)(1) In fiscal year 2023, the amount of \$400,000.00 is appropriated from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the Agency of Human Services to provide incentive grants

to nurses employed by critical access hospitals in Vermont for serving as preceptors for nursing students enrolled in Vermont nursing school programs. The Agency shall distribute the funds to critical access hospitals employing nurses who provide student preceptor supervision based on the number of preceptor hours to be provided, at a rate of \$5.00 per preceptor hour, or a lesser hourly rate if the need exceeds the available funds. The Agency shall prioritize funding for hospitals that provide matching funds for additional preceptor compensation or that commit to providing future compensation and support to expanding the number of preceptors. If funding is not fully obligated after offering an initial grant opportunity to critical access hospitals, the Agency may open the grant opportunity to other health care employers, including non-critical access hospitals, long-term care facilities, designated and specialized service agencies, federally qualified health centers, and other health care providers.

(2) If nurse preceptors receiving compensation pursuant to a grant awarded to a hospital or other health care employer under this section are subject to a collective bargaining agreement, the use of the grant funds provided to the hospital or other health care employer for the nurse preceptors shall be subject to impact bargaining between the hospital or other health care employer and the collective bargaining representative of the nurses to the extent required by the collective bargaining agreement.

Sec. 75. 2022 Acts and Resolves No. 182, Sec. 3 is amended to read:

Sec. 3. MANUFACTURED HOME IMPROVEMENT AND  
REPLACEMENT PROGRAM

Of the amounts available from ~~federal COVID-19 relief~~ the American Rescue Plan Act (ARPA) recovery funds, the following amounts are appropriated to the Department of Housing and Community Development for the purposes specified:

\* \* \*

Sec. 76. 2022 Acts and Resolves No. 182, Sec. 28 is amended to read:

Sec. 28. APPROPRIATION ALLOCATION

~~To the extent that increased funding is provided in fiscal year 2023 to the Municipal and Regional Planning Fund, \$650,000.00 shall be used for Municipal Bylaw Modernization Grants established in 24 V.S.A. § 4307. An amount not to exceed \$650,000 of Municipal and Regional Planning Funds, as appropriated to the Department of Housing and Community Development per 2022 Acts and Resolves No. 185, Sec. B.802, may be used to provide Municipal Bylaw Modernization Grants in accordance with 24 V.S.A § 4307.~~



Sec. 77. 2022 Acts and Resolves No. 178, Sec. 3 is amended to read:

Sec. 3. DISBURSEMENT PLAN; POLYCHLORINATED  
BIPHENYLS (PCBs); REMEDIATION; SIGNIFICANT  
HEALTH THREAT

\* \* \*

(c) Expenditures made pursuant to this section shall be authorized notwithstanding 16 V.S.A. § 4025(d).

Sec. 78. 2022 Acts and Resolves No. 183, Sec. 16(b)(1) is amended to read:

(1) ~~In Notwithstanding 16 V.S.A. § 4025(d);~~ in fiscal year 2023, the amount of \$15,000,000.00 is appropriated from the Education Fund to the Vermont Housing and Conservation Board to create and administer the CTE Construction and Rehabilitation Experiential Learning Program and Revolving Loan Fund pursuant to this section

Sec. 79. 2022 Acts and Resolves No. 183, Sec. 25 is amended to read:

Sec. 25. VERMONT NURSING FORGIVABLE LOAN INCENTIVE  
PROGRAM; APPROPRIATION

(a) In fiscal year 2023, the amount of \$227,169.00 in Global Commitment funds is appropriated to the Department of Health for forgivable loans for nursing students under the Vermont Nursing Forgivable Loan Incentive Program established in 18 V.S.A. § 34 by Sec. 23 of this act.

(b) In fiscal year 2023, the amount of \$100,000.00 is appropriated from the General Fund to the Agency of Human Services, Global Commitment ~~appropriation~~ Program for the State match for the Vermont Nursing Forgivable Loan Incentive Program established in 18 V.S.A. § 34 by Sec. 23 of this act.

(c) In fiscal year 2023, \$127,169.00 in federal funds is appropriated to the Agency of Human Services, Global Commitment ~~appropriation~~ Program for the Vermont Nursing Forgivable Loan Incentive Program established in 18 V.S.A. § 34 by Sec. 23 of this act.

Sec. 80. 2022 Acts and Resolves No. 183, Sec. 47(d)(3) is amended to read:

(3) the amount of the cumulative decline in adjusted net operating income during the COVID-19 public health emergency in 2020 and 2021, or other appropriate basis of comparison used to determine eligibility under subdivision (c)(4) of this section.

Sec. 81. 2022 Acts and Resolves No. 183, Sec. 53(a) is amended to read:

(a) Reversion. In fiscal year ~~2022~~ 2023, 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~~ \$25,042,000.00 shall revert to the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds.

Sec. 82. 2022 Acts and Resolves No. 183, Sec. 54 is amended to read:

Sec. 54. APPROPRIATION; DOWNTOWN AND VILLAGE CENTER TAX CREDIT PROGRAM: ONE-TIME SUPPLEMENTAL CAPACITY

~~There is appropriated the sum of \$2,450,000.00 from the General Fund to the Vermont Downtown and Village Center Tax Credit Program to be used in fiscal years 2023 and 2024. Notwithstanding 32 V.S.A. § 5930ee, the funds shall be used in the period from July 1, 2022 through June 30, 2024, the tax credit capacity for the Downtown and Village Center Tax Credit program shall be increased by a cumulative total of \$2,450,000 to increase the amount of tax credits that may be awarded to qualified projects. Of those the supplemental tax credits awarded in fiscal years 2023 and 2024, up to \$2,000,000.00 may be awarded to qualified projects located in designated neighborhood development areas.~~

Sec. 83. 2022 Acts and Resolves No. 184, Sec. 2(8)(C) and (D) are amended to read:

(C) Replace Your Ride Program. Sec. 5(c) of this act authorizes ~~\$3,000,000.00~~ \$2,900,000.00 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) eBike Incentives. Sec. 5(d) of this act authorizes ~~\$50,000.00~~ \$150,000.00 for eBike incentives and capped administrative costs.

Sec. 84. 2022 Acts and Resolves No. 184, Sec. 5(c) and (d) are amended to read:

(c) Replace Your Ride Program. The Agency is authorized to spend up to ~~\$3,000,000.00~~ \$2,900,000.00 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) eBike Incentives. The Agency is authorized to spend up to ~~\$50,000.00~~ \$150,000.00 as appropriated in the fiscal year 2023 budget on an eBike incentive program.

Sec. 85. 2022 Acts and Resolves No. 185, Sec. G.600(b) is amended to read:

(b) In fiscal year 2023, \$32,200,000 is appropriated from the General Fund and \$550,000 is appropriated from the Transportation Fund for electric vehicle charging infrastructure, electrification incentives and public transportation investments as follows:

\* \* \*

(5) ~~\$3,000,000.00~~ \$2,900,000.00 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 \$550,000 Transportation funds to the Agency of Transportation for the following:

\* \* \*

(C) \$50,000 Transportation funds and \$100,000 general funds to the Agency of Transportation for electric bicycle incentives.

Sec. 86. 2022 Acts and Resolves No. 186, Sec. 4(b) is amended to read:

(b) In fiscal year 2023, \$102,000.00 is ~~appropriated~~ allocated to the Department of Disabilities, Aging, and Independent Living from the Global Commitment Federal Medical Assistance Percentage (FMAP) home- and community-based services monies appropriated in 2022 Acts and Resolves No. 83, Sec. 72a, as amended by 2022 Acts and Resolves No. 185, Sec. 105, to fund the Residential Program Developer position established in subsection (a) of this section.

Sec. 87. 2022 Acts and Resolves No. 186, Sec. 5(b)(1) is amended to read:

(b)(1) In fiscal year 2023, \$500,000.00 is ~~appropriated~~ allocated to the Department of Disabilities, Aging, and Independent Living from the Global Commitment Federal Medical Assistance Percentage (FMAP) home- and community-based services monies appropriated in 2022 Acts and Resolves No. 83, Sec. 72a, as amended by 2022 Acts and Resolves No. 185, Sec. 105, 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 issue a request for proposals seeking entities to develop regional pilot planning grants with not more than one grant per designated agency catchment area.

Sec. 88. 33 V.S.A. § 3543 is amended to read:

#### § 3543. STUDENT LOAN REPAYMENT ASSISTANCE

(a)(1) There is established a need-based student loan repayment assistance program for the purpose of providing student loan repayment assistance to any

individual employed by a regulated, privately operated center-based child care program or family child care home.

(2) An eligible individual shall:

(A)(i) work in a privately operated center-based child care program or in a family child care home that is regulated by the Division for at least an average of 30 hours per week for 48 weeks of the year; or

(ii) if the individual is an employee of a Vermont Head Start program that operates fewer than 48 weeks per year, work a minimum of nine months of the year, inclusive of any employer-approved time off; or

(B) receive an annual salary of not more than ~~\$50,000.00~~ \$60,000.00 through the individual's work in regulated childcare; and

(C)(i) have earned an associate's, ~~or~~ bachelor's, or master's degree with a major or concentration in early childhood, child and human development, elementary education, special education with a birth to age eight focus, or child and family services ~~within the preceding five years; or~~

(ii) have earned an associate's, bachelor's, or master's degree that contributes to an Early Childhood Career Ladder Certificate Level IIIB or higher through Northern Lights at the Community College of Vermont.

(3) To participate in the program set forth in this section, an eligible individual shall submit to the Department for Children and Families documentation expressing the individual's intent to work in a regulated, privately operated center-based child care program or family child care home for at least the 12 months following the annual loan repayment award notification. A participant may receive up to \$4,000.00 annually in student loan repayment assistance, which shall be distributed by the Department in four allotments. The Department shall distribute at least one-quarter of the individual's total annual benefit after the individual has completed three months of employment in accordance with the program. The remainder of an individual's total annual benefit shall be distributed by the Department every three months after the initial payment.

#### Sec. 88a. RETROACTIVE STUDENT LOAN REPAYMENT ASSISTANCE

(a) In recognition that many long-serving child care providers had student loan debt that is now retired, the Department for Children and Families shall provide to an eligible applicant a one-time retroactive payment of up to \$4,000.00. An eligible applicant shall:

(1) have not previously received student loan repayment assistance pursuant to 33 V.S.A. section 3543;

(2) have met all eligibility requirements listed in 33 V.S.A. section 3543 within the 12 months preceding the date of application; and

Sec. 89. TRANSITION OF SCHOLARSHIPS FOR PROSPECTIVE EARLY CHILDHOOD PROVIDERS PROGRAM

(a) As a result of timing constraints on the American Rescue Plan Act–Child Care Development Block Grant funds (ARPA–CCDBG), utilization of the Scholarships for Prospective Early Childhood Providers program established in 33 V.S.A. § 3542 has been limited requiring funding and program transition.

(1) Notwithstanding subdivisions E.318.3(a)(1) and (2) of 2021 Acts and Resolves No. 74 or other ARPA–CCDBG funding allocations to the Prospective Early Childhood Providers established in 33 V.S.A. § 3542, the Department for Children and Families may allocate any unexpended and unobligated ARPA–CCDBG funding to any of the initiatives listed in 2021 Acts and Resolves No. 45 to the extent allowed by ARPA–CCDBG.

(2) Notwithstanding Sec. E.318.3(a)(1) and (2) of 2021 Acts and Resolves No. 74, the Department for Children and Families shall transition the program in coordination with the Vermont Student Assistance Corporation for the existing participants including the release of participants from work requirements. The Department for Children and Families shall fund any transition costs associated with the current participants enrolled in the Scholarships for Prospective Early Childhood Providers established in 33 V.S.A. § 3542 from the existing allocation of ARPA–CCDBG monies.

Sec. 90. 2020 Acts and Resolves No. 164, Sec. 6d. is amended to read:

Sec. 6d. AUDITOR OF ACCOUNTS REPORT

On or before November 15, ~~2023~~ 2025, the Auditor of Accounts shall report to the General Assembly regarding the organizational structure and membership of the Cannabis Control Board and whether the structure continues to be the most efficient for carrying out the statutory duties of the Board.

Sec. 91. 32 V.S.A. § 7811 is amended to read:

§ 7811. IMPOSITION OF TOBACCO PRODUCTS TAX

\* \* \*

(b) The tax established in this section shall not be imposed on:

(1) cannabis-related supplies sold by a dispensary registered under ~~18 V.S.A. chapter 86~~ 7 V.S.A. chapter 37 to registered patients and registered caregivers, as those terms are defined in ~~18 V.S.A. § 4472~~ 7 V.S.A. § 972;

(2) cannabis products, as defined in 7 V.S.A. § 831, that do not contain tobacco; or

(3) hemp or hemp products, as defined in 6 V.S.A. § 562, that do not contain tobacco.

\* \* \*

Sec. 92. REPEALS; MENTAL HEALTH RISK POOL

1998 Acts and Resolves No. 147, Sec. 138a is repealed.

Sec. 93. JUDICIARY NETWORK REPLACEMENT REVIEW

(a) On or before April 15, 2023, the Judiciary shall obtain an independent expert review for their proposed Network Replacement project. The review shall include:

(1) an acquisition cost assessment;

(2) a technology architecture and standards review;

(3) an implementation plan assessment, including a review of the staffing plan for the ongoing operation of the network;

(4) a cost analysis and a model for benefit analysis;

(5) an analysis of alternatives;

(6) an impact analysis on the Judiciary's net operating costs; and

(7) a security assessment.

(b) The Judiciary shall submit a copy of the review described in subsection (a) of this section to the House Committees on Appropriations and on Government Operations and Military Affairs and the Senate Committees on Appropriations and on Government Operations. No funds shall be appropriated for the Judiciary's Network Replacement project until the results of the review are assessed by the General Assembly.

(c) Any costs associated with the review described in subsection (a) of this section shall be paid for from the Judiciary's fiscal year 2023 operating budget.

Sec. 94. [DELETED].

Sec. 95. MUNICIPAL TECHNICAL ASSISTANCE TO ACCESS STATE  
AND FEDERAL FUNDING

(a) Expanding municipal access to State and federal funding. The Agency of Administration, consistent with the provisions of this section, shall design and implement a process to provide expanded technical and administrative

assistance to municipalities with high need that may be eligible for State or federal funding for the following activities:

(1) Community needs assessment. Conducting a review of community assets and needs, strategic planning, and identifying potential eligible projects, including in the following categories:

(A) water supply and wastewater infrastructure;

(B) housing;

(C) community recovery, workforce development, and business support;

(D) climate change mitigation and resilience; and

(E) other community economic development projects identified by a municipality and approved by the Agency of Administration.

(2) Opportunity assessment. Assessing the technical assistance and funding available from State, federal, and private sources; evaluating eligibility and compliance requirements; and conducting a feasibility analysis of whether the municipality has, or can develop, the capacity to complete a project and meet applicable requirements.

(3) Application and permit assistance. Providing technical and administrative assistance with completing funding applications, permit applications, and satisfying initial regulatory requirements.

(4) Project management and implementation. Providing ongoing support to successful grant recipients with project management, funding program implementation, funding program compliance, and administrative and regulatory compliance through project completion.

(5) Other capacity-building activities. Providing additional assistance, subject to approval by the Agency, to advance priority projects identified by municipalities.

(b) Eligible service providers; service delivery.

(1) Eligibility.

(A) The Agency shall develop eligibility criteria, issue a request for proposals, and implement an approval process for service providers within each region to provide the technical assistance and services specified in subsection (a) of this section.

(B) The Agency may exercise its discretion in structuring the terms of service and payments, provided that the Agency shall adopt a set of

minimum standards, duties, and performance requirements applicable to all service providers.

(2) Providers; mode of delivery. The Agency may:

(A) award a grant or contract for services to a regional planning commission, regional development corporation, or other similar instrumentality; to a private for-profit or nonprofit contractor; or to a combination of these;

(B) award funding to two or more municipalities to create a shared full-time, part-time, or limited-service position; or

(C) authorize an eligible municipality to directly contract for services from one or more providers approved by the Agency, subject to terms approved by the Agency.

(3) Regional collaboration. In approving service providers, the Agency shall give priority to applicants that demonstrate a commitment and ability to promote regional collaboration and maximize the efficient use of resources.

(c) Eligible municipalities; communities index.

(1) The Agency shall develop an index that ranks Vermont municipalities based on their relative administrative capacity to access and maximize the benefits of technical assistance and funding that is available from State, federal, and other sources.

(2) In developing the index, for each municipality in this State, the Agency shall consider its demographic profile, geographic location, and economic resources; the current size and administrative capacity of the municipal government; the availability of regional partners and supports; and other factors the Agency determines to be relevant in assessing the municipality's capacity to fully access available funding and related assistance.

(d) Eligible municipalities; priority.

(1) The Agency shall approve funding on a first-come, first-served basis to municipalities that rank in the top 25th percentile on the index developed pursuant to subsection (c) of this section.

(2) Notwithstanding subdivision (1) of this subsection, the Agency may adopt a process to consider and approve funding for a municipality that ranks below the top 25th percentile but demonstrates exceptional circumstances.

(3) If funds remain available after meeting the funding requirements of municipalities that qualify under subdivisions (1)–(2) of this subsection, the Agency may award funding to other municipalities according to index ranking.



(e) Outreach; implementation.

(1) The Agency, in coordination with the Vermont League of Cities and Towns, shall conduct a general public engagement campaign to make municipalities aware of the potential opportunity for services and funding pursuant to this section.

(2) The Agency, the Vermont League of Cities and Towns, and each regional planning commission and regional development corporation that serves a municipality that is eligible for funding priority under subdivision (d)(1) of this section shall work collaboratively to ensure that individual outreach to each eligible municipality occurs:

(A) to inform the municipality that it is eligible for funding for technical assistance and related services based on its index ranking;

(B) to educate the municipality on the process for identifying the types of services and assistance available, identifying eligible service providers, and accessing funding pursuant to this section; and

(C) to determine whether the municipality intends to further pursue funding for technical assistance and related services or waives its priority for funding.

(f) Reporting.

(1) The Agency shall report to the House and Senate Committees on Appropriations, the Senate Committee on Government Operations, the House Committee on Government Operations and Military Affairs, the House Committee on Commerce and Economic Development, and the Senate Committee on Economic Development, Housing and General Affairs on or before the following dates:

(A) April 1, 2023;

(B) July 1, 2023; and

(C) January 15, 2024.

(2) The Agency shall address in its reports the design and implementation of the process for providing municipal technical assistance pursuant to this section, including information addressing:

(A) the activities specified in subsection (a) of this section for which the Agency provided funding and the type and amount of State, federal, or other funds that were leveraged for each activity;

(B) the eligibility criteria, request for proposals, and approval process for service providers; the standards, duties, and performance

requirements applicable to service providers; and the identity and scope of services performed by approved service providers;

(C) the mode of delivery, amount, and purpose of funding awarded to municipalities;

(D) the design, methodology, and efficacy of the index; the effectiveness of the index in identifying relative priority and capacity of municipalities; and, if applicable, the basis of any funding awards made due to exceptional circumstances pursuant to subdivision (d)(3) of this section; and

(E) the design, implementation, and effectiveness of outreach efforts undertaken pursuant to subsection (e) of this section.

(g) Funding. The funding is provided in 2022 Acts and Resolves No. 185, Sec. B.1100 as amended by Sec. 45 of this act.

Sec. 96. 3 V.S.A. § 455 is amended to read:

§ 455. DEFINITIONS

(a) As used in this subchapter:

\* \* \*

(11) “Member” means any employee included in the membership of the Retirement System under section 457 of this title.

\* \* \*

(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~~ July 1, 2023, 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.

(12) “Membership service” ~~shall mean~~ means service rendered while a member of the Retirement System.

(13) “Normal retirement date” means:

\* \* \*

(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 the earlier of:

(I) attainment of 55 years of age and following completion of 20 years of creditable service; or

(II) 65 years of age and following completion of five years of creditable service.

\* \* \*

Sec. 97. 3 V.S.A. § 470 is amended to read:

§ 470. POSTRETIREMENT ADJUSTMENTS TO RETIREMENT ALLOWANCES

\* \* \*

(b) 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:

\* \* \*

(E) For Group F and Group G 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.

\* \* \*

(c) 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:

\* \* \*

(2) In service on or before June 30, 2022. For all Group A, C, ~~and F,~~ and G 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.

\* \* \*

Sec. 98. 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.

\* \* \*

(2)(A) Group A members. Commencing on July 1, 2016, contributions shall be 6.55 percent of compensation for Group A members.

\* \* \*

(C) Group D members. Commencing on July 1, 2022, the contribution rate for Group D members shall be based on the highest 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:

\* \* \*

(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 combined hourly rate of pay of all Group F and 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 F and Group G 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 and Group G 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 and Group G 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 and Group G 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 combined hourly rate of pay of all Group F and 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 F and 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 F and 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 F and 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 F and 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.

Sec. 99. 3 V.S.A. § 500 is amended to read:

§ 500. DEFINED CONTRIBUTION RETIREMENT PLAN

\* \* \*

(b) Employees who are not members of the classified system who are first employed by the State on and after January 1, 1999, and would otherwise be members of Group A, B, C, D, ~~or~~ F, or G of the Vermont State Retirement System shall be eligible to participate in the Defined Contribution Retirement Plan.

\* \* \*

Sec. 100. 2022 Acts and Resolves No. 114, Sec. 14 is amended to read:

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.

\* \* \*

(c) In establishing any new ~~corrections~~ classified Department of Corrections or Department of Mental Health 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) of this section, or Group F.



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\* \* \*

Sec. 101. OTHER POSTEMPLOYMENT BENEFITS; GOVERNANCE  
STRUCTURE; REPORT

(a) The Office of the State Treasurer, in consultation with the Vermont Pension Investment Commission and the Agency of Administration, shall produce a report that examines and makes recommendations on the governance structure of the two OPEB funds, other possible governance structures, and whether changes should be made to better align the governance structure with nature of the OPEB funds. In reviewing the governance structure, the report shall evaluate both the manner in which the funds are overseen as well as the underlying section 115 trusts in which they are held. Specifically, the report shall address the following:

(1) the advantages and disadvantages of retaining the existing governance structure of the OPEB funds with the State Treasurer as sole trustee;

(2) alternative governance structures for the OPEB funds, the advantages and disadvantages of each alternative examined, and the steps and timeline required to implement each alternative; and

(3) to the extent possible, other issues relating to the OPEB funds identified as warranting study.

(b) Assistance. The Office of the State Treasurer shall have the administrative support of the Vermont Pension Investment Commission as well as the Agency of Administration in producing the report.

(c) Funding. \$100,000 is provided in 2022 Acts and Resolves No. 185, Sec. B.1100, as amended by Sec. 45 of this act for the purpose of subsection (a) of this section.

(d) Report. On or before January 15, 2024, the Treasurer shall submit a written report to the General Assembly with findings and recommendations.

Sec. 102. 32 V.S.A. § 3102 is amended to read:

§ 3102. CONFIDENTIALITY OF TAX RECORDS

\* \* \*

(e) The Commissioner may, in the Commissioner's discretion and subject to such conditions and requirements as the Commissioner may provide, including any confidentiality requirements of the Internal Revenue Service, disclose a return or return information:

\* \* \*

(22) to the Agency of Natural Resources and the Department of Public Service, provided that the disclosure relates to the sales and use tax for aviation jet fuel and natural gas under chapter 233 of this title or to the fuel tax under 33 V.S.A. chapter 25 and is subject to any confidentiality requirements of the Internal Revenue Service and the disclosure exemption provisions of 1 V.S.A. § 317.

Sec. 103. DEPARTMENT OF TAXES; FORM OF RETURNS

(a) On or before July 1, 2023, the Commissioner of Taxes shall update the form of returns required by 32 V.S.A. § 9775, including the Sales and Use Tax Return for Aviation Jet Fuel and Natural Gas, known as Form SUT-458, and the Fuel Tax and Petroleum Distributor Licensing Fee Return, known as Form FGR-615, in consultation with the Secretary of Natural Resources to provide further information necessary to understand the volume of each fuel product type sold or consumed.

Sec. 104. 2022 Acts and Resolves No. 182, Sec. 11 is amended to read:

Sec. 11. MISSING MIDDLE-INCOME HOMEOWNERSHIP  
DEVELOPMENT PILOT PROGRAM

(a) The following amounts are appropriated from the America Rescue Plan Act (ARPA) Coronavirus State Fiscal Recovery Funds to the Department of Housing and Community Development to grant to the Vermont Housing Finance Agency to establish the Missing Middle-Income Homeownership Development Pilot Program:

(1) from the America Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds: \$5,000,000.00 in fiscal year 2022; and

(2) from the America Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds: \$10,000,000.00 in fiscal year 2023; and

(3) from the General Fund \$9,000,000 in fiscal year 2023.

\* \* \*

Sec. 105. SUPPLEMENTAL NON-EMERGENCY MEDICAID  
TRANSPORTATION FUNDING

It is the intent of the General Assembly that supplemental fiscal year 2023 Global Commitment funding of \$1,700,000 provided to DVHA for the Non-Emergency Medicaid Transportation program in this act be applied only prospectively as soon as reasonably possible to provide services to Vermont Medicaid members through the existing contract #41132 with the Vermont Public Transportation Association. The Association shall allocate the funds to

address financial deficits incurred by its members in providing NEMT services.

Sec. 106. DEPARTMENT OF CORRECTIONS FISCAL YEAR 2022 OUT OF STATE BEDS CARRYFORWARD FUNDS AND JUSTICE REINVESTMENT II FUNDING

(a) Notwithstanding 2021 Acts and Resolves No. 74, Sec. E.335, as amended by 2022 Acts and Resolves No. 83, Sec. 62, and by 2022 Acts and Resolves No. 185, Sec. C.111, \$1,982,247 of Department of Corrections Out of State Bed General Fund appropriation carried forward from fiscal year 2022 shall revert to the General Fund in fiscal year 2023 for appropriation to Justice Reinvestment II in fiscal year 2023.

(b) \$290,000 of the funds appropriated to the Justice Reinvestment II in fiscal year 2023 are for the Department's Offender Management System (OMS) intelligence layer consistent with the actions of the Joint Legislative Justice Oversight Committee.

(c) \$350,000 of the funds appropriated to the Justice Reinvestment II in fiscal year 2023 shall be granted by the Department to VT Network Against Sexual Violence consistent with the actions of the Joint Legislative Justice Oversight Committee.

(d) \$342,247 of the funds appropriated to the Justice Reinvestment II in fiscal year 2023 for Community Justice Centers (CJCs) whose work is focused on services and programs that enhance community safety and include best-practice and cost-effective approaches to reducing recidivism.

(e) \$1,000,000 of the funds appropriated to the Justice Reinvestment II in fiscal year 2023 shall be left unallocated. Any allocation shall be subject to review by the House Committees on Judiciary and on Corrections and Institutions, Senate Committees on Judiciary and on Institutions and the Joint Legislative Justice Oversight Committee and approval by the General Assembly.

Sec. 106a. 2022 Acts and Resolves No. 185, Sec. E.134.2 is amended to read:

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~~ 522(i) of this title. Monies in the Fund shall be used to pay expenses associated with carrying out the Commission's duties.

\* \* \*

Sec. 106b. 2022 Acts and Resolves No. 185, Sec. E.134.3 is amended to read:

Sec. E.134.3 VERMONT RETIREMENT SYSTEMS AND 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)(a) 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 cover the operating costs of the State's pensions systems, including transferring funds from the State's pension systems to the Treasurers Retirement Admin Costs fund (21520) and to the Vermont Pension Investment Commission Special Fund (21521) to cover the portion of the Treasurer's budget attributable to the State's pension systems and the Vermont Pension Investment Commission's budget.

(1) Of the \$2,456,934 appropriated in Section B.133 of this act, \$1,580,466 constitutes the Vermont State Employees' Retirement System operating budget, and \$876,468 constitutes the portion of the Vermont Pension Investment Commission's budget attributable to Vermont State Employees' Retirement System.

(2) Of the 1,420,006 appropriated in Section B.134 of this act, \$1,088,606 constitutes the Vermont Municipal Employees' Retirement System operating budget, and \$331,400 constitutes the portion of the Vermont Pension Investment Commission's budget attributable to Vermont Municipal Employees' Retirement System.

(3) Of the 2,774,880 appropriated in Section B.514.1 of this act, \$1,846,063 constitutes the Vermont State Teachers' Retirement System operating budget, and \$928,817 constitutes the portion of the Vermont Pension Investment Commission's budget attributable to Vermont State Teachers' Retirement System.

Sec. 107. [DELETED].

Sec. 108. [DELETED].

Sec. 109. CARRYFORWARD AUTHORITY

(a) Notwithstanding any other provisions of law and subject to the approval of the Secretary of Administration, General, Transportation, Transportation

Infrastructure Bond, Education Fund, Clean Water Fund (21932), and Agricultural Water Quality Fund (21933) appropriations remaining unexpended on June 30, 2023 in the Executive Branch shall be carried forward and shall be designated for expenditure.

(b) Notwithstanding any other provisions of law, General Fund appropriations remaining unexpended on June 30, 2023 in the Legislative and Judicial Branches shall be carried forward and shall be designated for expenditure.

Sec. 110. EFFECTIVE DATES

This act shall take effect upon passage except that, notwithstanding 1 V.S.A. § 214:

(1) Sec. 63 of this act (regarding the calculation of the fiscal year 2022 transportation fund stabilization reserve requirement) shall take effect retroactively on June 30, 2022;

(2) Sec. 70 of this act (amending 2021 Acts and Resolves No. 74, Sec. D.101(d)) shall take effect retroactively on June 30, 2022;

(3) Sec. 80 (amending 2022 Acts and Resolves No. 183, Sec. 47(d)(3)) shall take effect retroactively on July 1, 2022 and shall apply to applications received on or after that date; and

(4) Sec. 91 (amending 32 V.S.A. § 7811; imposition of tobacco products tax) shall take effect on July 1, 2023, except that 32 V.S.A. § 7811(b)(1) (exemption for cannabis sold by dispensaries) shall take effect retroactively on March 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.

*M. JANE KITCHEL  
ANDREW J. PERCHLIK  
RICHARD A. WESTMAN*

*Committee on the part of the Senate*

*DIANE LANPHER  
ROBIN SCHEU*

*Committee on the part of the House*

Thereupon, the question, Shall the Senate accept and adopt the report of the Committee of Conference?, was decided in the affirmative.

Thereupon, on motion of Senator Mazza, the rules were suspended and the bill was ordered messaged to the House forthwith.

**Message from the House No. 26**

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

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

**H. 41.** An act relating to referral of domestic and sexual violence cases to community justice centers.

**H. 305.** An act relating to professions and occupations regulated by the Office of Professional Regulation.

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

**Adjournment**

On motion of Senator Mazza, the Senate adjourned until one o'clock in the afternoon on Thursday, March 2, 2023.

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**THURSDAY, MARCH 2, 2023**

Pursuant to the Senate Rules, in the absence of the President, the Senate was called to order by the President *pro tempore*.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Bill Referred to Committee on Finance**

**S. 115.**

Senate 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.

**Senate Resolutions Placed on Calendar**

**S.R. 8.**

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

By Senators Baruth, Clarkson, Perchlik, Mazza and Brock,

**S.R. 8.** Senate resolution relating to concurrently conducted electronic committee meetings.

***Resolved by the Senate:***

Notwithstanding the language in Permanent Senate Rule 32A limiting the applicability of Senate Rule 32A to Declarations of Emergency, the provisions of Permanent Senate Rule 32A regarding committee meetings shall be in effect through Friday, January 5, 2024.

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

**S.R. 9.**

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

By Senators Baruth, Clarkson, Perchlik, Mazza and Brock,

**S.R. 9.** Senate resolution relating to electronic participation in Senate Sessions.

***Resolved by the Senate:***

That temporary Rule 9B(b), be amended as follows:

Rule 9B. Temporary Rule Regarding Electronic Participation in Senate Sessions

\* \* \*

(b) This temporary rule shall remain in effect through Friday, ~~March 3, 2023~~ January 5, 2024.

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

**Bills Introduced**

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

**S. 116.**

By Senators Perchlik, Chittenden, Hardy and Vyhovsky,

An act relating to the Board of Trustees of the University of Vermont and State Agricultural College.

To the Committee on Education.

**S. 117.**

By Senator Perchlik,

An act relating to teen parent education program funding.

To the Committee on Education.

**S. 118.**

By Senators Collamore, Brock, Campion, Chittenden, Harrison, Hashim, Ingalls, Mazza, Norris, Ram Hinsdale, Starr, Weeks, Westman, White, Williams and Wrenner,

An act relating to exempting all military retirement and military survivor benefit income.

To the Committee on Finance.

**S. 119.**

By Senators Vyhovsky, Bray, Gulick, Hashim, MacDonald, McCormack, Perchlik, Ram Hinsdale, Watson, White and Wrenner,

An act relating to a public health response to drug use.

To the Committee on Judiciary.

**S. 120.**

By Senator Hashim,

An act relating to postsecondary schools and sexual misconduct protections.

To the Committee on Education.

**Bills Referred**

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

**H. 41.**

An act relating to referral of domestic and sexual violence cases to community justice centers.

To the Committee on Judiciary.

**H. 305.**

An act relating to professions and occupations regulated by the Office of Professional Regulation.

To the Committee on Government Operations.



**Bill Amended; Third Reading Ordered****S. 9.**

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

An act relating to the authority of the State Auditor to examine the books and records of State contractors.

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

Sec. 1. 32 V.S.A. § 163 is amended to read:

§ 163. DUTIES OF THE AUDITOR OF ACCOUNTS

In addition to any other duties prescribed by law, the Auditor of Accounts shall:

(1) Annually perform or contract for:

(A) an audit of the basic financial statements of the State of Vermont;

(B) the financial and compliance audits of the State of Vermont's federal programs as required by federal law, except that this audit requirement shall not apply to the University of Vermont or the Vermont State Colleges; and

(C) at ~~his or her~~ the Auditor of Accounts' discretion, governmental audits as defined by governmental auditing standards issued by the U.S. Government Accountability Office (GAO) of every department, institution, and agency of the State, including contractors as it relates to the performance of the contract with the State, trustees or custodians of retirement and other trust funds held by the State or any officer or officers of the State, and ~~also including~~ every county officer who receives or disburses funds of the State or for the benefit of the State or any county.

\* \* \*

(13) Have discretion to examine the records, accounts, books, papers, reports, and returns in all formats of any contractor that provides services to the State, provided that the examination of records, accounts, books, papers, reports, and returns shall be limited to those that are relevant to the performance of the contract with the State. Any records, accounts, books, papers, reports, and returns acquired by the Auditor pursuant to this subdivision that are not otherwise available to the public are exempt from public inspection and copying under the Public Records Act.

Sec. 2. 32 V.S.A. § 167 is amended to read:

§ 167. RECORDS TO BE AVAILABLE FOR AUDIT

(a) For the purpose of examination and audit authorized by law, and except as provided in subdivision 163(13) of this title, all the records, accounts, books, papers, reports, and returns in all formats of all departments, institutions, and agencies of the State, including the trustees or custodians of trust funds and all municipal, school supervisory union, school district, and county officers who receive or disburse funds for the benefit of the State, shall be made available to the Auditor of Accounts. It shall be the duty of each officer of each department, institution, and agency of the State or municipality, school supervisory union, school district, or county to provide the records, accounts, books, papers, reports, returns, and such other explanatory information when required by the Auditor of Accounts.

\* \* \*

Sec. 3. STATE CONTRACTING; SECRETARY OF ADMINISTRATION;  
AUDIT AUTHORITY

On or before October 1, 2023, the Secretary of Administration shall include in Administrative Bulletin 3.5 a requirement that State contracts include terms and conditions authorizing the State Auditor of Accounts to have discretion to examine the records, accounts, books, papers, reports, and returns in all formats of any contractor that provides services to the State as it relates to the performance of the contract in compliance with 32 V.S.A. § 163.

Sec. 4. 8 V.S.A. § 10204 is amended to read:

§ 10204. EXCEPTIONS

This subchapter does not prohibit any of the activities listed in this section. This section shall not be construed to require any financial institution to make any disclosure not otherwise required by law. This section shall not be construed to require or encourage any financial institution to alter any procedures or practices not inconsistent with this subchapter. This section shall not be construed to expand or create any authority in any person or entity other than a financial institution.

\* \* \*

(9) The examination of financial records by, or the disclosure of financial records to, the Auditor of Accounts pursuant to the authority provided in 32 V.S.A. § 163(13) or any officer, employee, or agent of a regulatory agency for use only in the exercise of that person's duties as an officer, employee, or agent.

\* \* \*

**Sec. 5. EFFECTIVE DATE**

This act shall take effect on July 1, 2023.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to, and third reading of the bill was ordered, on a roll call, Yeas 23, Nays 6.

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

**Roll Call**

**Those Senators who voted in the affirmative were:** Bray, Brock, Campion, Chittenden, Clarkson, Cummings, Gulick, Hardy, Harrison, Hashim, Kitchel, MacDonald, McCormack, Perchlik, Ram Hinsdale, Sears, Starr, Vyhovsky, Watson, Weeks, Westman, White, Wrenner.

**Those Senators who voted in the negative were:** Collamore, Ingalls, Lyons, Mazza, Norris, Williams.

**The Senator absent or not voting was:** Baruth (presiding).

**Bill Amended; Third Reading Ordered****S. 5.**

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

An act relating to affordably meeting the mandated greenhouse gas reductions for the thermal sector through electrification, decarbonization, efficiency, and weatherization measures.

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

**Sec. 1. SHORT TITLE**

This act shall be known and may be cited as the “Affordable Heat Act.”

**Sec. 2. 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 (GWSA), remain true and are incorporated by reference here.

(2) Under the GWSA 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 GWSA 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 GWSA, 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 in 2018 came from the thermal sector. In that year, approximately 72 percent of Vermont’s thermal energy use was fossil based, including 29 percent from the burning of heating oil, 24 percent from fossil gas, and 19 percent from propane.

(5) To meet the greenhouse gas emission reductions required by the GWSA, 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.

(6) Vermonters have an unprecedented opportunity to invest in eligible clean heat measures with funding from new federal laws including, the Infrastructure Investment and Jobs Act of 2021 and the Inflation Reduction Act of 2022.

Sec. 3. 30 V.S.A. chapter 94 is added to read:

#### CHAPTER 94. CLEAN HEAT STANDARD

##### § 8121. INTENT

Pursuant to 2 V.S.A. § 205(a), 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)(2) and (3), minimizes costs to customers, and recognizes that affordable heating is essential for Vermonters. It shall enhance social equity by prioritizing customers with low income and moderate income and those households with the highest energy burdens.

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§ 8122. 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. An obligated party shall inform the Commission of how it plans to meet its obligation through the process described in section 8125 of this title.

(d) The Commission shall adopt rules and may issue orders to implement and enforce the Clean Heat Standard program.

§ 8123. DEFINITIONS

As used in this chapter:

(1) “Carbon intensity value” means the amount of lifecycle greenhouse gas emissions per unit of energy of fuel expressed in grams of carbon dioxide equivalent per megajoule (gCO<sub>2</sub>e/MJ).

(2) “Clean heat credit” means a tradeable, nontangible commodity that represents the amount of greenhouse gas reduction attributable to a clean heat measure. The Commission shall establish a system of management for clean heat credits pursuant to this chapter.

(3) “Clean heat measure” means fuel delivered and technologies installed to end-use customers in Vermont that reduce greenhouse gas emissions from the thermal sector. 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.

(4) “Commission” means the Public Utility Commission.

(5) “Customer with low income” means a customer with a household income of up to 60 percent of area median income as published annually by the U.S. Department of Housing and Urban Development.

(6) “Customer with moderate income” means a customer with a household income between 60 percent and 120 percent of area median income as published annually by the U.S. Department of Housing and Urban Development.

(7) “Default delivery agent” means an entity designated by the Commission to provide services that generate clean heat measures.

(8) “Energy burden” means the annual spending on thermal energy as a percentage of household income.

(9) “Entity” means any individual, trustee, agency, partnership, association, corporation, company, municipality, political subdivision, or any other form of organization.

(10) “Fuel pathway” means a detailed description of all stages of fuel production and use for any particular fuel, including feedstock generation or extraction, production, transportation, distribution, and combustion of the fuel by the consumer. The fuel pathway is used in the calculation of the carbon intensity value and lifecycle greenhouse gas emissions of each fuel.

(11) “Heating fuel” means fossil-based heating fuel, including oil, propane, natural gas, coal, and kerosene.

(12) “Obligated party” means:

(A) a regulated natural gas utility serving customers in Vermont; or

(B) for other heating fuels, the entity that imports heating fuel for ultimate consumption within the State, or the entity that produces, refines, manufactures, or compounds heating fuel within the State for ultimate consumption within the State. For the purpose of this section, the entity that imports heating fuel is the entity that has ownership title to the heating fuel at the time it is brought into Vermont.

(13) “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.

#### § 8124. 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)(2) and (3)

expressed as lifecycle greenhouse gas emissions pursuant to subsection 8127(g) 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. The annual percentage reduction shall be the same for all obligated parties. To ensure understanding among obligated parties, the Commission shall publicly provide a description of the annual requirements in plain terms.

(3) To support the ability of the obligated parties to plan for the future, the Commission shall establish and update annual clean heat credit requirements for the next 10 years. 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)(2) and (3) for 2030 and 2050 will be achieved.

(4) The Commission may temporarily, for a period not to exceed 18 months, 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. The Commission shall ensure that any downward adjustment does not materially affect the State's ability to comply with the requirements of 10 V.S.A. § 578(a)(2) and (3).

(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 first registration deadline is January 31, 2024, and the annual deadline shall remain January 31 of each year unless a different deadline is 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; types 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)(A) The Department of Taxes shall annually provide to the Commission a copy of the forms that were submitted by the entities that pay the existing fuel tax established in 33 V.S.A. § 2503(a)(1) and (2). If any form contains a Social Security number, the Department of Taxes shall redact that information before submitting a copy of the form to the Commission. Notwithstanding any other provision of law, including 33 V.S.A. § 2503(c) and any confidentiality provisions that would normally apply to tax forms, the fuel tax forms submitted pursuant to 33 V.S.A. § 2503(a)(1) and (2) shall be public documents, and the Commission shall make those documents publicly available.

(B) The Department of Taxes shall ensure that the fuel tax form required under 33 V.S.A. § 2503(a)(1) and (2) includes a prominent notice explaining that, pursuant to this section, the form will be provided to the Public Utility Commission and will be made publicly available.

(C) The Department of Taxes shall further ensure that the fuel tax form requires that each submitting entity list the exact amount of gallons of each fuel type, separated by type, that was sold in Vermont, as well as a list of the exact amount of gallons of each fuel type, separated by type, that was purchased by the submitting entity and the name and location of the entity from which it was purchased.

(4) 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 updating the Vermont Greenhouse Gas Emissions Inventory and Forecast and meeting the requirements of 10 V.S.A. § 591(b)(3).

(5) The Commission shall maintain, and update annually, a list of registered entities on its website that contains the required registration information.

(6) For any entity not registered on or before January 31, 2024, the first registration form shall be due 30 days after the first sale of heating fuel to a location in Vermont.

(7) Clean heat requirements shall transfer to entities that acquire an obligated party.

(8) Entities that cease to operate shall retain their clean heat requirement for their final year of operation.



(c) Early action credits. Beginning on January 1, 2023, clean heat measures that are installed and provide emission reductions are creditable. Upon the establishment of the clean heat credit system, entities may register credits for actions taken starting in 2023.

(d) Equitable distribution of clean heat measures.

(1) The Clean Heat Standard shall be designed and implemented to enhance social equity by prioritizing customers with low income, moderate income, those households with the highest energy burdens, and renter households with tenant-paid energy bills. 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, residential building type, or homeownership status.

(2) Of their annual requirement, each obligated party shall retire at least 16 percent from customers with low income and 16 percent from customers with moderate income. For each of these groups, at least one-half of these credits shall be from installed clean heat measures that require capital investments in homes, have measure lives of 10 years or more, and are estimated by the Technical Advisory Group to lower annual energy bills. Examples shall include weatherization improvements and installation of heat pumps, heat pump water heaters, and advanced wood heating systems. The Commission may identify additional measures that qualify as installed measures.

(3) The Commission shall consider frontloading the credit requirements for customers with low income and moderate income so that the greatest proportion of clean heat measures reach Vermonters with low income and moderate income in the earlier years.

(4) With consideration to how to best serve customers with low income and moderate income, the Commission shall have authority to change the percentages established in subdivision (2) of this subsection for good cause after consultation with the Equity Advisory Group, 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.

(5) In determining whether to exceed the minimum percentages of clean heat measures that must be delivered to customers with low income and moderate income, 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) 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 shall order an obligated party that fails to retire the number of clean heat credits required in a given year, including the required amounts from customers with low income and moderate income, 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 for timely per-credit payments to the default delivery agent.

(3) False or misleading statements or other representations made to the Commission 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.

(4) The Commission's enforcement authority does not in any way impede the enforcement authority of other entities, such as the Attorney General's office.

(5) Failure to register with the Commission as required by this section is a violation of the Consumer Protection Act in 9 V.S.A. chapter 63.

(g) 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.

(h) Reports.

(1) As used in this subsection, "standing committees" means the House Committee on Environment and Energy 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 January 15 of each year following the year in which the rules are first adopted under this chapter, 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.

#### § 8125. DEFAULT DELIVERY AGENT

(a) Default delivery agent designated. In place of obligated-party specific programs, the Commission shall provide for the development and implementation of Statewide clean heat programs and measures by one or more default delivery agents appointed by the Commission for these purposes. The Commission may specify that appointment of a default delivery agent to deliver clean heat services, on behalf of obligated entities who pay the per-credit fee to the default delivery agent, satisfies those entities' corresponding obligations under this chapter.

(b) Appointment. The default delivery agent shall be one or more statewide entities capable of providing a variety of clean heat measures. The designation of an entity under this subdivision may be by order of appointment or contract. A designation, whether by order of appointment or by contract, may only be issued after notice and opportunity for hearing. An existing order of appointment issued by the Commission under section 209 of this title may be amended to include the responsibilities of the default delivery agent. An order of appointment shall be for a limited duration not to exceed 12 years, although an entity may be reappointed by order or contract. An order of appointment may include any conditions and requirements that the Commission deems appropriate to promote the public good. For good cause, after notice and opportunity for hearing, the Commission may amend or revoke an order of appointment.

(c) Supervision. Any entity appointed by order of appointment under this section that is not an electric or gas utility already regulated under this title shall not be considered to be a company as defined under section 201 of this title, but shall be subject to the provisions of sections 18–21, 30–32, 205–208, subsection 209(a), sections 219, 221, and subsection 231(b) of this title, to the

same extent as a company as defined under section 201 of this title. The Commission and the Department of Public Service shall have jurisdiction under those sections over the entity, its directors, receivers, trustees, lessees, or other persons or companies owning or operating the entity and of all plants, equipment, and property of that entity used in or about the business carried on by it in this State as covered and included in this section. This jurisdiction shall be exercised by the Commission and the Department so far as may be necessary to enable them to perform the duties and exercise the powers conferred upon them by law. The Commission and the Department each may, when they deem the public good requires, examine the plants, equipment, and property of any entity appointed by order of appointment to serve as a default delivery agent.

(d) Use of default delivery agent.

(1) An obligated party shall meet its annual requirement through a designated default delivery agent appointed by the Commission, unless the obligated party elects to meet its requirement, in whole or in part, through one or more other mechanisms pursuant to subsection 8122(c) of this title.

(2) The Commission shall provide a form for an obligated party to indicate its election to meet its requirement. The form shall require sufficient information to determine the nature of the credits that the default delivery agent will be responsible to deliver if the obligated party elects to meet its obligation in part. The Commission shall make such elections known to the default delivery agent as soon as practicable.

(3) The Commission shall by rule or order establish a standard timeline under which the default delivery agent credit cost or costs are established and by which an obligated party must file its election form. The Commission shall provide not less than 120 days' notice of default delivery agent credit cost or costs prior to the deadline for an obligated party to file its election form so an obligated party can assess options and inform the Commission of its intent to procure credits in whole or in part as fulfillment of its requirement.

(4) The default delivery agent shall deliver creditable clean heat measures either directly or indirectly to end-use customer locations in Vermont sufficient to meet the total aggregated annual requirement assigned to it pursuant to this subsection, along with any additional amount achievable through noncompliance payments as described in subdivision (f)(2) of this section.

(e) Budget.

(1) The Commission shall open a proceeding on or before July 1, 2023 and every three years thereafter to establish the default delivery agent credit

cost or costs for the subsequent three-year period. That proceeding shall include:

(A) an initial potential study conducted by the Department of Public Service to include a quantification of available thermal resources, thermal market conditions, and Statewide and regional thermal workforce characteristics;

(B) the development of a three-year plan and associated proposed budget by the default delivery agent; and

(C) opportunity for public participation.

(2) Once the Commission provides the default delivery agent with the obligated parties' election information, the default delivery agent shall be granted the opportunity to amend its plan and budget before the Commission.

(f) Compliance funds. All funds received from noncompliance payments pursuant to section 8124 (f)(2) shall be used by the default delivery agent to provide clean heat measures to customers with low income.

(g) Specific programs. The default delivery agent shall create specific programs for multiunit dwellings, condo associations, renters, and for manufactured homes so these groups have an equal opportunity to benefit from the Clean Heat Standard.

#### § 8126. RULEMAKING

(a) The Commission shall adopt rules and may issue orders to implement and enforce the Clean Heat Standard program.

(b) The requirement to adopt rules does not in any way impair the Commission's authority to issue orders or take any other actions, both before and after final rules take effect, to implement and enforce the Clean Heat Standard.

(c) The Commission's rules may include a provision that allows the Commission to revise its Clean Heat Standard rules by order of the Commission without the revisions being subject to the rulemaking requirements of the 3 V.S.A. chapter 25, provided the Commission:

(1) provides notice of any proposed changes,

(2) allows for a 30-day comment period, and

(3) responds to all comments received on the proposed change.

(d) Any order issued under this chapter shall be subject to appeal to the Vermont Supreme Court under section 12 of this title, and the Commission must immediately file any orders, a redline, and clean version of the revised

rules with the Secretary of State, with notice simultaneously provided to the House Committee on Environment and Energy and the Senate Committees on Finance and on Natural Resources and Energy.

§ 8127. TRADEABLE CLEAN HEAT CREDITS

(a) Credits established. By rule or order, the Commission shall establish or adopt a system of tradeable clean heat credits that are 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) Credit ownership. The Commission, in consultation with the Technical Advisory Group, shall establish a standard methodology for determining what party or parties shall be the initial owner of a clean heat credit upon its creation. The original owner or owners may transfer those credits to a third party or to an obligated party.

(c) Credit values. Clean heat credits shall be based on the accurate and verifiable lifecycle CO<sub>2</sub>e emission reductions in Vermont's thermal sector that result from the delivery of eligible clean heat measures to existing or new end-use customer locations into or in Vermont.

(1) For clean heat measures that are installed, credits will be created for each year of the expected life of the installed measure. The annual value of the clean heat credits for installed measures in each year shall be equal to the lifecycle CO<sub>2</sub>e emissions of the fuel use that is avoided in a given year because of the installation of the measure, minus the lifecycle emissions of the fuel that is used instead in that year.

(2) For clean heat measures that are fuels, clean heat credits will be created only for the year the fuel is delivered to the end-use customer. The value of the clean heat credits for fuels shall be the lifecycle CO<sub>2</sub>e emissions of the fuel use that is avoided, minus the lifecycle CO<sub>2</sub>e emissions of the fuel that is used instead.

(d) List of eligible measures. Eligible clean heat measures delivered to or installed in Vermont shall include:

(1) thermal energy efficiency improvements and weatherization;

(2) cold-climate air, ground source, and other heat pumps, including district, network, grid, microgrid, and building geothermal systems;

- (3) heat pump water heaters;
- (4) utility-controlled electric water heaters;
- (5) solar hot water systems;
- (6) electric appliances providing thermal end uses;
- (7) advanced wood heating;
- (8) noncombustion or renewable energy-based district heating services;
- (9) the supply of sustainably sourced biofuels;
- (10) the supply of green hydrogen; and
- (11) the replacement of a manufactured home with a high efficiency manufactured home.

(e) Renewable natural gas. 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.

(f) Carbon intensity of fuels.

(1) To be eligible as a clean heat measure a liquid or gaseous clean heat measure shall have a carbon intensity value as follows:

(A) below 80 in 2025;

(B) below 60 in 2030; and

(C) below 20 in 2050, provided the Commission may allow liquid and gaseous clean heat measures with a carbon intensity value greater than 20 if excluding them would be impracticable based on the characteristics of Vermont's buildings, the workforce available in Vermont to deliver lower carbon intensity clean heat measures, cost, or the effective administration of the Clean Heat Standard.

(2) The Commission shall establish and publish the rate at which carbon intensity values shall decrease annually for liquid and gaseous clean heat measures consistent with subdivision (1) of this subsection as follows:

(A) on or before January 1, 2025 for 2025 to 2030; and

(B) on or before January 1, 2030 for 2031 to 2050.

(3) For the purpose of this section, the carbon intensity values shall be understood relative to No. 2 fuel oil delivered into or in Vermont in 2023

having a carbon intensity value of 100. Carbon intensity values shall be measured based on fuel pathways.

(g) Emissions schedule.

(1) 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 any fuel that is used in a clean heat measure, including electricity, or is itself a clean heat measure, including biofuels. The schedule shall be based on transparent, verifiable, 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 fit the Vermont thermal sector context, and the requirements of 10 V.S.A. § 578(a)(2) and (3).

(2) For each fuel pathway, the schedule shall account for greenhouse gas emissions from biogenic and geologic sources, including fugitive emissions and loss of stored carbon. In determining the baseline emission rates for clean heat measures that are fuels, emissions baselines shall fully account for methane emissions reductions or captures already occurring, or expected to occur, for each fuel pathway as a result of local, State, or federal policies that have been enacted or adopted.

(3) The schedule may be amended based upon changes in technology or evidence on emissions, but clean heat credits previously awarded or already under contract to be produced shall not be adjusted retroactively.

(h) Review of consequences. The Commission shall biennially assess harmful consequences that may arise in Vermont or elsewhere from the implementation of clean heat measures and shall set standards or limits to prevent those consequences. Such consequences shall include deforestation, conversion of grasslands, damage to watersheds, or the creation of new methane to meet fuel demand.

(i) Time stamp. Clean heat credits shall be “time stamped” for the year in which the clean heat measure delivered emission reductions. For each subsequent year during which the measure produces emission reductions, credits shall be generated for that year. Only clean heat credits that have not been retired shall be eligible to satisfy the current year obligation.

(j) Delivery in Vermont. Clean heat credits shall 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.

(k) Credit eligibility.



(1) All eligible clean heat measures that are delivered in Vermont beginning on January 1, 2023 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 or funded in whole or in part by other federal or 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. Clean heat measures delivered or installed pursuant to any local, State, or federal program or policy may count both towards goals or requirements of such programs and policies and be eligible clean heat measures that count towards the emission reduction obligations of this chapter.

(2) The owner or owners of a clean heat credit are not required to sell the credit.

(3) Regardless of the programs or pathways contributing to clean heat credits being earned, an individual credit may be counted only once towards satisfying an obligated party's emission reduction obligation.

(l) Credit registration.

(1) The Commission shall create an administrative system to register, sell, transfer, and trade 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.

(m) Greenhouse Gas Emissions Inventory and Forecast. 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.

#### § 8128. 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 8124(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 expected life length of clean heat measures for the purpose of calculating credit amounts;

(5) establishing credit values for each year over a clean heat measure's expected 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;

(9) advising the Commission on the periodic assessment and revision requirement established in subdivision 8124(a)(3) 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, land use changes, deforestation, 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 CO<sub>2</sub>e lifecycle emissions analyses. The TAG shall provide input and feedback on the consultant's work. The Commission may use appropriated funds to hire the consultant.

(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.

#### § 8129. 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 Vermonters with low income and moderate income and that Vermonters with low income and moderate income 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 Vermonters with low income and moderate income in the public process for developing the Clean Heat Standard program;

(2) supporting the Commission in assessing whether customers are equitably served by clean heat measures and how to increase equity;

(3) identifying actions needed to provide customers with low income and moderate income with better service and to mitigate the fuel price impacts calculated in section 8128 of this title;

(4) recommending any additional programs, incentives, or funding needed to support customers with low income and moderate income and organizations that provide social services to Vermonters in affording heating fuel and other heating expenses;

(5) providing feedback to the Commission on the impact of the Clean Heat Standard on the experience of Vermonters with low income and moderate income; and

(6) providing information to the Commission on the challenges renters face in equitably accessing 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; rental property owners; the Vermont Housing Finance Agency; 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.

§ 8130. 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.

Sec. 4. 10 V.S.A. § 582 is amended to read:

§ 582. GREENHOUSE GAS INVENTORIES; REGISTRY

(a) Inventory and forecasting. The Secretary shall work, in conjunction with other states or a regional consortium, to establish a periodic and consistent inventory of greenhouse gas emissions. The Secretary shall publish the Vermont Greenhouse Gas Emission Inventory and Forecast by ~~no~~ not later than June 1, 2010, and updates shall be published annually until 2028, until a regional or national inventory and registry program is established in which Vermont participates, or until the federal National Emissions Inventory includes mandatory greenhouse gas reporting. The Secretary of Natural Resources shall include a sensitivity analysis in the Vermont Greenhouse Gas Emissions Inventory and Forecast that measures the lifecycle greenhouse gas emissions of liquid, gaseous, and solid biogenic fuels combusted in Vermont.

\* \* \*

Sec. 5. 32 V.S.A. § 3102 is amended to read:

§ 3102. CONFIDENTIALITY OF TAX RECORDS

(a) No present or former officer, employee, or agent of the Department of Taxes shall disclose any return or return information to any person who is not

an officer, employee, or agent of the Department of Taxes except in accordance with the provisions of this section. A person who violates this section shall be fined not more than \$1,000.00 or imprisoned for not more than one year, or both; and if the offender is an officer or employee of this State, the offender shall, in addition, be dismissed from office and be incapable of holding any public office for a period of five years thereafter.

\* \* \*

(d) The Commissioner shall disclose a return or return information:

\* \* \*

(9) To the Public Utility Commission and the Department of Public Service for purposes of providing information related to the fuel tax imposed under 33 V.S.A. § 2503 necessary to administer the Clean Heat Standard established in 30 V.S.A. chapter 94.

\* \* \*

#### Sec. 6. PUBLIC UTILITY COMMISSION IMPLEMENTATION

(a) Commencement. On or before August 31, 2023, the Public Utility Commission shall commence a proceeding to implement Sec. 3 (Clean Heat Standard) of this act.

(b) Facilitator. The Commission may 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 allow any person to register at any time in the Commission's online case management system, ePUC, as a participant in the Clean Heat Standard proceeding. All members of the Equity Advisory Group shall be made automatic participants to that proceeding. All registered participants in the proceeding, including all members of the Equity Advisory Group, shall receive all notices of public meetings and all notices of opportunities to comment in that proceeding.

(2) The Commission shall hold at least six public hearings or workshops that shall be recorded and publicly posted on the Commission's website or on

ePUC. These meetings shall be open to everyone, including all stakeholders, members of the public, and all other potentially affected parties.

(3) The Commission also shall provide at least three opportunities for the submission of written comments. Any person may submit written comments to the Commission.

(4) The Commission shall seek input from the Equity Advisory Group on organizations and communities to invite to participate in the Commission's public meetings and opportunities to comment.

(d) 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.

(e) Draft proposed rules. The Commission shall publish draft proposed rules publicly and provide notice of them through the Commission's online case management system, ePUC, to the stakeholders in this rulemaking who registered their names and e-mail addresses with the Commission through ePUC. The Commission shall provide a 30-day comment period on the draft and accept written comments from the public and stakeholders. The Commission shall consider changes in response to the public comments before filing the proposed rules with the Secretary of State and the Legislative Committee on Administrative Rules.

(f) Final rules. On or before January 15, 2025, 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 June 1, 2025.

(g) Consultant. The Commission may contract with a consultant to assist with implementation of 30 V.S.A. § 8127 (clean heat credits).

(h) Funding. On or before January 15, 2024, 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. On or before February 15, 2024 and January 15, 2025, the Commission shall submit a written report to and be available to provide oral testimony to the House Committee on Environment and Energy 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. The modeled impacts shall estimate high-, medium-, and low-price impacts. The reports shall recommend any legislative action needed to address enforcement or other aspects of the Clean Heat Standard.

(j) Assistance. The Agency of Commerce and Community Development, the Department of Public Service, and other State agencies and departments shall assist the Commission with economic modeling for the required reports and rulemaking process.

Sec. 7. 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;
- (2) one permanent exempt Analyst; and
- (3) one limited-service exempt Analyst.

(b) The sum of \$800,000.00 is appropriated to the Public Utility Commission from the General Fund in fiscal year 2024 for the positions established in subsection (a) of this section; for all consultants required by this act; and for additional operating costs required to implement the Clean Heat Standard, including marketing and public outreach for Sec. 6 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) one permanent classified Program Analyst.

(d) The sum of \$400,000.00 is appropriated to the Department of Public Service from the General Fund in fiscal year 2024 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. § 8127(a), and for associated operating costs related to the implementation of the Clean Heat Standard.

Sec. 8. 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 affordably meeting the mandated greenhouse gas reductions for the thermal sector through efficiency, weatherization measures, electrification, and decarbonization.

And that when so amended the bill ought to pass.

Senator Kitchel, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill be amended as recommended by the Committee on Natural Resources and Energy with the following amendments thereto:

First: In Sec. 3, 30 V.S.A. chapter 94, by inserting a new section to be section 8131 to read as follows:

§ 8131. 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. 6, Public Utility Commission implementation, by striking out subsection (f) in its entirety and inserting in lieu thereof a new subsection (f) to read as follows:

(f) Final rules.

(1) On or before January 15, 2025, 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.

Third: In Sec. 3, 30 V.S.A. chapter 94, in section 8121, by inserting a new sentence after the second sentence to read as follows:



The Clean Heat Standard shall, to the greatest extent possible, maximize the use of available federal funds to deliver clean heat measures.

Fourth: In Sec. 3, 30 V.S.A. chapter 94, in section 8124, in subdivision (a)(2), following “in plain terms”, by inserting the following: with translation services available

Fifth: In Sec. 3, 30 V.S.A. chapter 94, in section 8124, in subsection (d), by inserting a new subdivision (7) to read as follows:

(7) Customer income data collected shall be kept confidential by the Commission, the Department of Public Service, the obligated parties and any entity that delivers clean heat measures.

Sixth: In Sec. 3, 30 V.S.A. chapter 94, in section 8124, in subdivision (f)(2), by striking out the word “three” and inserting in lieu thereof the word four

Seventh: In Sec. 3, 30 V.S.A. chapter 94, in section 8127, in subdivision (1)(2), by inserting a new sentence after the first sentence to read as follows:

Customer income data collected shall be kept confidential by the Commission, the Department of Public Service, the obligated parties and any entity that delivers clean heat measures.

Eighth: In Sec. 6, Public Utility Commission implementation, in subsection (c), by striking out subdivision (4) in its entirety and inserting in lieu thereof a new subdivision (4) to read as follows:

(4) The Commission shall invite organizations and communities recommended by the Equity Advisory Group to participate in the Commission’s public meetings and opportunities to comment.

Ninth: In Sec. 7, Public Utility Commission and Department of Public Service positions; appropriation, in subsection (b), by striking out the following: “\$800,000.00” and inserting in lieu thereof the following: \$825,000.00

Tenth: In Sec. 7, Public Utility Commission and Department of Public Service positions; appropriation, in subsection (c), by striking out subdivision (2) its entirety and inserting in lieu thereof a new subdivision (2) to read as follows:

(2) two permanent classified Program Analysts.

Eleventh: In Sec. 7, Public Utility Commission and Department of Public Service positions; appropriation, in subsection (d), by striking out the

following: “\$400,000.00” and inserting in lieu thereof the following: \$900,000.00

Twelfth: In Sec. 7, Public Utility Commission and Department of Public Service positions; appropriation, in subsection (d), following “required by 30 V.S.A. § 8127(a),”, by inserting the following: for conducting the potential study,

And that when so amended the bill ought to pass.

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

Thereupon, the pending question, Shall the bill be amended as recommended by the Committee on Natural Resources and Energy, as amended?, was decided in the affirmative.

Thereupon, third reading of the bill was ordered, on a roll call, Yeas 19, Nays 10.

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:** Bray, Campion, Chittenden, Clarkson, Cummings, Gulick, Hardy, Harrison, Hashim, Kitchel, Lyons, MacDonald, McCormack, Perchlik, Ram Hinsdale, Sears, Vyhovsky, Watson, White.

**Those Senators who voted in the negative were:** Brock, Collamore, Ingalls, Mazza, Norris, Starr, Weeks, Westman, Williams, Wrenner.

**The Senator absent or not voting was:** Baruth (presiding).

#### **Adjournment**

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

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**FRIDAY, MARCH 3, 2023**

Pursuant to the Senate Rules, in the absence of the President, the Senate was called to order by the President *pro tempore*.

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**Devotional Exercises**

Devotional exercises were conducted by the Reverend Rick Swanson of Stowe.

**Bill Introduced**

Senate bill of the following title was introduced, read the first time and referred:

**S. 121.**

By Senator Hashim,

An act relating to prohibiting business entities from making contributions in State elections.

To the Committee on Government Operations.

**Bills Passed****S. 5.**

Senate bill of the following title:

An act relating to affordably meeting the mandated greenhouse gas reductions for the thermal sector through electrification, decarbonization, efficiency, and weatherization measures.

Was read the third time and passed on a division of the Senate, Yeas 18, Nays 10.

**S. 9.**

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

An act relating to the authority of the State Auditor to examine the books and records of State contractors.

**Senate Resolutions Adopted**

Senate resolutions entitled:

**S.R. 8.** Senate resolution to concurrently conducted electronic committee meetings.

**S.R. 9.** Senate resolution relating to electronic participation in Senate Sessions.

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

**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. Roberts,

**H.C.R. 42.**

House concurrent resolution honoring Laura and Lewis Sumner of Halifax for their exemplary municipal public service.

By Rep. Nicoll,

By Senators Clarkson, McCormack and White,

**H.C.R. 43.**

House concurrent resolution honoring Ludlow Selectboard Chair Bruce Schmidt for his distinguished civic leadership.

By Rep. Nicoll,

By Senators Clarkson, McCormack and White,

**H.C.R. 44.**

House concurrent resolution honoring Philip Carter for his exemplary community service in the Town of Ludlow.

By Reps. Brumsted and others,

**H.C.R. 45.**

House concurrent resolution congratulating the Vermont medal winners at the 2022 National Senior Games and designating March 15, 2023 as Senior Physical Fitness Day at the State House.

By Reps. Holcombe and Masland,

By Senators Clarkson, McCormack and White,

**H.C.R. 46.**

House concurrent resolution congratulating Tillie Walden of Norwich on her selection as the fifth Vermont Cartoonist Laureate.

By Reps. Nugent and others,

By Senator Chittenden,

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**H.C.R. 47.**

House concurrent resolution honoring Rotary International for its continuing good works and congratulating the Burlington, Bellows Falls, Montpelier, St. Johnsbury, and Windsor Rotary Clubs on their centennial.

**Message from the House No. 27**

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

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

**H. 53.** An act relating to driver's license suspensions.

**H. 67.** An act relating to household products containing hazardous substances.

**H. 148.** An act relating to raising the age of eligibility to marry.

In the passage 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. 16.** Joint resolution providing for a Joint Assembly to vote on the retention of a Chief Justice and four Associate Justices of the Supreme Court and eight Superior Court Judges.

And has adopted the same in concurrence.

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

**H.C.R. 42.** House concurrent resolution honoring Laura and Lewis Sumner of Halifax for their exemplary municipal public service.

**H.C.R. 43.** House concurrent resolution honoring Ludlow Selectboard Chair Bruce Schmidt for his distinguished civic leadership.

**H.C.R. 44.** House concurrent resolution honoring Philip Carter for his exemplary community service in the Town of Ludlow.

**H.C.R. 45.** House concurrent resolution congratulating the Vermont medal winners at the 2022 National Senior Games and designating March 15, 2023 as Senior Physical Fitness Day at the State House.

**H.C.R. 46.** House concurrent resolution congratulating Tillie Walden of Norwich on her selection as the fifth Vermont Cartoonist Laureate.

**H.C.R. 47.** House concurrent resolution honoring Rotary International for its continuing good works and congratulating the Burlington, Bellows Falls, Montpelier, St. Johnsbury, and Windsor Rotary Clubs on their centennial.

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

### **Adjournment**

On motion of Senator Mazza, the Senate adjourned, to reconvene on Tuesday, March 14, 2023, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 4.

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## **TUESDAY, MARCH 14, 2023**

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**

#### **S. 18.**

Senate 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 banning flavored tobacco products and e-liquids.

### **Bill Referred to Committee on Appropriations**

#### **S. 99.**

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 miscellaneous changes to laws related to vehicles.

### **Joint Senate Resolution Adopted**

#### **J.R.S. 18.**

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

By Senator Baruth,

**J.R.S. 18.** Joint resolution relating to weekend adjournment.

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

That when the two Houses adjourn on Friday, March 17, 2023, it be to meet again no later than Tuesday, March 21, 2023.

**Proposed Amendment to the Constitution Introduced**

The Proposed Amendment to the Constitution of the State of Vermont designated as Proposal 2 was introduced, read the first time and referred:

By Senators White and Vyhovsky,

**PROPOSAL 2**

Sec. 1. PURPOSE

(a) Since 1777, attitudes toward incarceration and the treatment of justice-involved individuals have changed considerably. The idea that the commission of crimes is effectively deterred “by continued visible punishments of long duration” is outmoded.

(b) This proposal would amend the Constitution of the State of Vermont to repeal the section calling for criminals to be punished at hard labor. Guidelines for the proper treatment of justice-involved individuals can, and should, continue to evolve; such methods should not be enshrined in a state’s constitution.

Sec. 2. Section 64 of Chapter II of the Vermont Constitution is amended to read:

§ 64. ~~[PUNISHMENT AT HARD LABOR, WHEN]~~

~~To deter more effectually from the commission of crimes, by continued visible punishments of long duration, and to make sanguinary punishments less necessary, means ought to be provided for punishing by hard labor, those who shall be convicted of crimes not capital, whereby the criminal shall be employed for the benefit of the public, or for the reparation of injuries done to private persons: and all persons at proper times ought to be permitted to see them at their labor. [Repealed.]~~

Sec. 3. EFFECTIVE DATE

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

To the Committee on Judiciary.

**Bills Introduced**

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

**S. 122.**

By Senator Perchlik,

An act relating to creating health care facility safety policies.

To the Committee on Health and Welfare.

**S. 123.**

By Senator Brock,

An act relating to fair disclosure of lodging rates and resort fees.

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

**Committee Bill Introduced**

Senate committee bill of the following title was introduced, read the first time, and, under the rule, placed on the Calendar for notice tomorrow:

**S. 124.**

By the Committee on Education,

An act relating to the creation of the School Construction Aid Task Force.

**Bill Introduced**

Senate bill of the following title was introduced, read the first time and referred:

**S. 125.**

By Senators White, Bray, Clarkson, Gulick, Hardy, Harrison, Hashim, McCormack, Ram Hinsdale and Vyhovsky,

An act relating to voluntary engagement in sex work.

To the Committee on Judiciary.

**Bills Referred**

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

**H. 53.**

An act relating to driver's license suspensions.



To the Committee on Judiciary.

**H. 67.**

An act relating to household products containing hazardous substances.

To the Committee on Natural Resources and Energy.

**H. 148.**

An act relating to raising the age of eligibility to marry.

To the Committee on Judiciary.

**Bill Amended; Third Reading Ordered**

**S. 14.**

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

An act relating to Justice Reinvestment II reporting requirements.

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

Sec. 1. 28 V.S.A. § 125 is amended to read:

§ 125. ~~JUSTICE REINVESTMENT II INITIATIVES~~ CRIMINAL JUSTICE INVESTMENTS AND TRENDS; REPORT

(a) Definitions. As used in this section:

(1) “Arrest” means when a person is seized by law enforcement, charged with the commission of an offense, and referred for prosecution.

(2) “Clearance” means the process by which a law enforcement agency closes an offense by arrest or exceptional means in accordance with the Federal Bureau of Investigation’s Uniform Crime Reporting Program.

(3) “Desistance” means the process by which criminality, or the individual risk for antisocial conduct, declines over the life-course of the individual, generally after adolescence.

(4) “Exceptional means” means the death of the offender, the victim’s refusal to cooperate with the prosecution after the offender is identified, the denial of extradition because the offender committed a crime in another jurisdiction and is being prosecuted for that offense, or other circumstance in accordance with the Federal Bureau of Investigation’s Uniform Crime Reporting Program.

(5) “Recidivism” has the same meaning as in section 4 of this title.

(b) Report.

~~(1) On or before January November 15 each year, 2024 and every three years thereafter, the Commissioner of Corrections Vermont Statistical Analysis Center (SAC), in consultation with the Commissioners of Corrections, of Health, of Mental Health, of Public Safety, of Labor, and for Children and Families and; the Attorney General; the Chief Superior Judge of the Superior Court; the Division of Racial Justice Statistics; and the Parole Board Director, shall submit a report to the House Committees on Appropriations and on Corrections and Institutions and, the Senate Committees on Appropriations and on Judiciary detailing the expenditures on Justice Reinvestment II and the following related initiatives:~~

~~(1) funding for domestic violence intervention programming in the Department of Corrections;~~

~~(2) funding for offender transitional housing capacity with the Department of Corrections and other departments;~~

~~(3) funding for the Department of Correction's data collection Offender Management System;~~

~~(4) funding for community-based mental health and substance use services for individuals under Department of Corrections supervision;~~

~~(5) funding provided for diversion and restorative justice programs including community justice centers, court diversion, and balanced and restorative justice (BARJ); and~~

~~(6) funding and a description of any other General Fund expenditures for Justice Reinvestment II initiatives, the Joint Legislative Justice Oversight Committee, and the Executive Director of the Office of Racial Equity examining the trends associated with Vermont's criminal justice-related investments and expenditures since the last report was submitted pursuant to this section.~~

(2) The report required pursuant to subdivision (1) of this section shall include data showing:

(A) recidivism rates;

(B) clearance rates;

(C) evidence of desistance, including successful completion of community supervision;

(D) returns to incarceration from community supervision with the following relevant data points:

(i) community supervision type, classified by probation, parole, and furlough;

(ii) an indication if a return was for a violation or a new charge, including the crime type;

(iii) an indication if a violation was classified as “significant/not violent” or “significant and violent” for any applicable statuses; and

(iv) all available demographic information.

(E) bail rates, including detainees held without bail, detainees held with bail and the associated monetary amounts, and bailees who post bail and are released;

(F) pretrial detainees held in Vermont correctional facilities, including the crime type and jurisdiction for which they are held;

(G) the funding for, and utilization of, substance use, mental health, educational, and vocational initiatives for incarcerated individuals; and

(H) the funding for, and utilization by, individuals served through Justice Reinvestment II and related initiatives, including:

(i) domestic violence intervention programming in the Department of Corrections, including the results from the evaluation framework between the Vermont Network Against Domestic and Sexual Violence and the University of Nebraska;

(ii) offender transitional housing capacity with the Department of Corrections and other departments;

(iii) advancements to the Department of Corrections’ data collection Offender Management System;

(iv) agencies, departments, municipalities, programs, and services employing restorative justice principles, including community justice centers;

(v) other General Fund expenditures for Justice Reinvestment II initiatives;

(vi) the Department of Corrections’ out-of-state beds contracted by the Department and the average cost per bed in fiscal year 2019 and for each fiscal year thereafter; and

(vii) the Department of Corrections’ in-state beds, separated by gender, including specialty units and units closed or unavailable in fiscal year 2019 and for each fiscal year thereafter.

~~(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.~~

(c) Informational availability.

(1) The information required pursuant to subsection (b) of this section shall include race, gender, age, and other demographic variables whenever possible.

(2) The report required pursuant to subsection (b) of this section shall explain any obstacles or impediments to the availability and collectability of data required pursuant to this section, including whether collecting certain data would put particular populations at risk, along with the substance use and mental health needs and educational and vocational status of justice-involved individuals.

(d) Data sharing. Notwithstanding any provision of law to the contrary, all State and local agencies and departments that possess the data necessary to compile the report required pursuant to this section shall, upon request, provide SAC with any data that it determines is relevant to the report. The obligation to disclose shall supersede any other legal obligation with respect to the data required pursuant to this section, and a department, agency, or other entity shall not decline to disclose data required based on any other purported legal obligation.

(e) Confidentiality. Any data or records transmitted to or obtained by SAC are exempt from public inspection and copying under the Public Records Act and shall be confidential to the extent required by law unless and until the data or records are included in the report required by this section. A State or local agency or department that transmits data or records to SAC shall be the sole records custodian for purposes of responding to requests for the data or records. SAC may direct any request for these data or records to the transmitting agency or department for response.

Sec. 2. SUNSET OF REPORT

28 V.S.A. § 125 is repealed on July 1, 2028.

Sec. 3. 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 a report on criminal justice-related investments and trends.

And that when so amended the bill ought to pass.

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

**Bill Amended; Third Reading Ordered****S. 95.**

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

An act relating to banking and insurance.

Reported recommending that the bill be amended as follows:

First: In Sec. 9, 8 V.S.A. chapter 112, §§ 4171–4190, in section 4173, in subsection (b), by striking out subdivision (1) in its entirety and inserting in lieu thereof a new subdivision (1) to read as follows:

(1) This chapter shall provide coverage to a person specified in subsection (a) of this section for a policy or contract of direct, nongroup life insurance, health insurance, which for purposes of this chapter includes health maintenance organization subscriber contracts and certificates, an annuity, or a certificate under a direct group policy or contract, and supplemental policies or contracts to any of these, and for an unallocated annuity contract, in each case, issued by a member insurer, except as limited by this chapter. An annuity contract or certificate under a group annuity contract includes a guaranteed investment contract, guaranteed interest contract, guaranteed accumulation contract, deposit administration contract, unallocated funding agreement, allocated funding agreement, structured settlement annuity, annuity issued to or in connection with a government lottery, and any immediate or deferred annuity contract.

Second: In Sec. 9, 8 V.S.A. chapter 112, §§ 4171–4190, in section 4173, in subdivision (b)(2)(K), by striking out the words “an affiliated member insurer” and inserting in lieu thereof the words an affiliate of a member insurer

Third: In Sec. 9, 8 V.S.A. chapter 112, §§ 4171–4190, in section 4176, in subsection (b), in the second sentence, by striking out the word “or” and inserting in lieu thereof the word of

Fourth: In Sec. 9, 8 V.S.A. chapter 112, §§ 4171–4190, in section 4178, in subdivision (n)(1)(C)(i), in the second sentence, by striking out the word “receiver” and inserting in lieu thereof the word liquidator

Fifth: In Sec. 9, 8 V.S.A. chapter 112, §§ 4171–4190, in section 4184, in subdivision (e)(1), in the second sentence, by striking out the word “policyholders” and inserting in lieu thereof the word policyowners

Sixth: By adding new Secs. 10, 11 and 12 to read as follows:

Sec. 10. 8 V.S.A. § 7033 is amended to read:

§ 7033. INJUNCTIONS AND ORDERS

(a) A receiver appointed in a proceeding under this chapter may at any time apply for, and any court of general jurisdiction may grant, restraining orders, preliminary and permanent injunctions, and other orders as may be deemed necessary and proper to prevent:

- (1) the transaction of further business;
- (2) the transfer of property;
- (3) interference with the receiver or with a proceeding under this chapter;
- (4) waste of the insurer's assets;
- (5) dissipation and transfer of bank accounts;
- (6) the institution or further prosecution of any actions or proceedings;
- (7) the obtaining of preferences, judgments, attachments, garnishments, or liens against the insurer, its assets or its policyholders;
- (8) the levying of execution against the insurer, its assets or its policyholders;
- (9) the making of any sale or deed for nonpayment of taxes or assessments that would lessen the value of the assets of the insurer;
- (10) the withholding from the receiver of books, accounts, documents, or other records relating to the business of the insurer; or
- (11) any other threatened or contemplated action that might lessen the value of the insurer's assets or prejudice the rights of policyholders, creditors, or shareholders, or the administration of any proceeding under this chapter.

(b) The receiver may apply to a court outside the State for the relief described in subsection (a) of this section.

(c) Notwithstanding subsections (a) and (b) of this section, subsection 7054(a) of this title, or any other provision of this chapter to the contrary, no person, for more than 10 days, shall be restrained, stayed, enjoined, or prohibited from exercising or enforcing any right or cause of action under any pledge, security, credit, collateral, loan, advances, reimbursement, or guarantee agreement or arrangement, or any similar agreement, arrangement, or other credit enhancement to which a federal home loan bank is a party.

(d) A federal home loan bank exercising its rights regarding collateral pledged by an insurer-member shall, within seven days after receiving a

redemption request made by the insurer-member, repurchase any of the insurer-member's outstanding capital stock in excess of the amount the insurer-member must hold as a minimum investment. The federal home loan bank shall repurchase the excess outstanding capital stock only to the extent that it determines in good faith that the repurchase is both of the following:

(1) permissible under federal laws and regulations and the federal home loan bank's capital plan; and

(2) consistent with the capital stock practices currently applicable to the federal home loan bank's entire membership.

(e) Not later than 10 days after the date of appointment of a receiver in a proceeding under this chapter involving an insurer-member of a federal home loan bank, the federal home loan bank shall provide to the receiver a process and timeline for the following:

(1) the release of any collateral held by the federal home loan bank that exceeds the amount that is required to support the secured obligations of the insurer-member and that is remaining after any repayment of loans, as determined under the applicable agreements between the federal home loan bank and the insurer-member;

(2) the release of any collateral of the insurer-member remaining in the federal home loan bank's possession following repayment in full of all outstanding secured obligations of the insurer-member;

(3) the payment of fees owed by the insurer-member and the operation, maintenance, closure, or disposition of deposits and other accounts of the insurer-member, as mutually agreed upon by the receiver and the federal home loan bank; and

(4) any redemption or repurchase of federal home loan bank stock or excess stock of any class that the insurer-member is required to own under agreements between the federal home loan bank and the insurer-member.

(f) Upon the request of a receiver appointed in a proceeding under this chapter involving a federal home loan bank insurer-member, the federal home loan bank shall provide to the receiver any available options for the insurer-member to renew or restructure a loan. In determining which options are available, the federal home loan bank may consider market conditions, the terms of any loans outstanding to the insurer-member, the applicable policies of the federal home loan bank, and the federal laws and regulations applicable to federal home loan banks.

(g) As used in this section, "federal home loan bank" means an institution chartered under the "Federal Home Loan Bank Act of 1932," 12 U.S.C. 1421,

et seq. and “insurer-member” means a member of the federal home loan bank in question that is an insurer.

Sec. 11. 8 V.S.A. § 7065 is amended to read:

§ 7065. FRAUDULENT TRANSFERS PRIOR TO PETITION

(a) Every transfer made or suffered and every obligation incurred by an insurer within one year prior to the filing of a successful petition for rehabilitation or liquidation under this chapter is fraudulent as to then existing and future creditors if made or incurred without fair consideration, or with actual intent to hinder, delay, or defraud either existing or future creditors. A transfer made or an obligation incurred by an insurer ordered to be rehabilitated or liquidated under this chapter, which is fraudulent under this section, may be avoided by the receiver, except as to a person who in good faith is a purchaser, lienor, or obligee, for a present fair equivalent value, and except that a purchaser, lienor, or obligee, who in good faith has given a consideration less than fair for such transfer, lien, or obligation, may retain the property, lien, or obligation as security for repayment. The Court may, on due notice, order any such transfer or obligation to be preserved for the benefit of the estate, and in that event, the receiver shall succeed to and may enforce the rights of the purchaser, lienor, or obligee.

\* \* \*

(e) Notwithstanding subsection (a) of this section, section 7066 of this title, or any other provision of this chapter to the contrary, no receiver or any other person shall avoid any transfer of, or any obligation to transfer, money or any other property arising under or in connection with any pledge, security, credit, collateral, loan, advances, reimbursement, or guarantee agreement or arrangement, or any similar agreement, arrangement, or other credit enhancement to which a federal home loan bank, as defined in section 7033 of this title, is a party, that is made, incurred, or assumed prior to or after the filing of a successful petition for rehabilitation or liquidation under this chapter, or otherwise would be subject to avoidance under this section or section 7066 of this title; provided, however, that a transfer may be avoided under this section or section 7066 of this title if the transfer was made with actual intent to hinder, delay, or defraud the insurer, a receiver appointed for the insurer, or existing or future creditors.

Sec. 12. 8 V.S.A. § 7067 is amended to read:

§ 7067. VOIDABLE PREFERENCES AND LIENS

(a)(1) A preference is a transfer of any of the property of an insurer to or for the benefit of a creditor, for or on account of an antecedent debt, made or suffered by the insurer within one year before the filing of a successful petition



for liquidation under this chapter, the effect of which transfer may be to enable the creditor to obtain a greater percentage of this debt than another creditor of the same class would receive. If a liquidation order is entered while the insurer is already subject to a rehabilitation order, then such transfers shall be deemed preferences if made or suffered within one year before the filing of the successful petition for rehabilitation, or within two years before the filing of the successful petition for liquidation, whichever time is shorter.

(2) A preference may be avoided by the liquidator if:

(A) the insurer was insolvent at the time of the transfer of property;

(B) the transfer of property was made within four months before the filing of the petition;

(C) the creditor receiving it or to be benefited by it or the creditor's agent acting with reference to it had, at the time when the transfer of property was made, reasonable cause to believe that the insurer was insolvent or was about to become insolvent; or

(D) the creditor receiving transferred property was an officer, or any employee or attorney or other person who was in fact in a position of comparable influence in the insurer to an officer whether or not he or she held such position, or any shareholder holding directly or indirectly more than five per centum of any class of any equity security issued by the insurer, or any other person, firm, corporation, association, or aggregation of persons with whom the insurer did not deal at arm's length.

(3) Where the preference is voidable, the liquidator may recover the property or, if it has been converted, its value from any person who has received or converted the property; except where a bona fide purchaser or lienor has given less than fair equivalent value, ~~he or she~~ the purchaser or lienor shall have a lien upon the property to the extent of the consideration actually given by ~~him or her~~ the purchaser or lienor. Where a preference by way of lien or security title is voidable, the court may on due notice order the lien or title to be preserved for the benefit of the estate, in which event the lien or title shall pass to the liquidator.

(4) Notwithstanding subdivision (2) of this section, or any other provision of this chapter to the contrary, no receiver or any other person shall avoid any preference arising under or in connection with any pledge, security, credit, collateral, loan, advances, reimbursement, or guarantee agreement or arrangement, or any similar agreement, arrangement, or other credit enhancement to which a federal home loan bank, as defined in section 7033 of this title, is a party.

\* \* \*

And by renumbering the remaining section to be numerically correct.

And that when so amended the bill ought to pass.

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

### **Message from the House No. 28**

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

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

**H. 40.** An act relating to nonconsensual removal of or tampering with a condom.

**H. 94.** An act relating to removing the Reach Up ratable reduction.

**H. 217.** An act relating to miscellaneous workers' compensation amendments.

**H. 227.** An act relating to the Vermont Uniform Power of Attorney Act.

**H. 411.** An act relating to extending COVID-19 health care regulatory flexibility.

**H. 429.** An act relating to miscellaneous changes to election laws.

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

The House has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses on House bill of the following title:

**H. 145.** An act relating to fiscal year 2023 budget adjustments.

And has adopted the same on its part.

### **Adjournment**

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Wednesday, March 15, 2023.

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**WEDNESDAY, MARCH 15, 2023**

The Senate was called to order by the President.

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**Devotional Exercises**

Devotional exercises were conducted by the Reverend Joel Daniel Hubbard III of Essex Center.

**Bill Referred to Committee on Appropriations****S. 124.**

Senate Committee 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 the creation of the School Construction Aid Task Force.

**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:

Stewart, James B. of Pittsford - Member of the Vermont Economic Progress Council - from March 6, 2023 to March 31, 2023.

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

Gregoritsch, Mark of Essex - Member of the Occupational Safety and Health Review Board - from March 1, 2023 to February 28, 2029.

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

Wolf, Matt of East Montpelier - Member of the Children and Family Council for Prevention Programs - from March 1, 2023 to February 28, 2026.

To the Committee on Health and Welfare.

Bernstein, Matthew of Winooski - Advocate, Office of the Child, Youth, and Family Advocate - from February 27, 2023 to February 28, 2027.

To the Committee on Health and Welfare.

Sweet, Grace of Waterbury Center - Member of the Community High School of Vermont Board - from March 1, 2023 to February 28, 2026.

To the Committee on Education.

Weinstein, Heather of Montpelier - Member of the Community High School of Vermont Board - from March 1, 2023 to February 28, 2026.

To the Committee on Education.

Brown, Brody of Williamston - Member of the State Board of Health - from March 1, 2023 to February 28, 2029.

To the Committee on Health and Welfare.

Noel, Paul of Irasburg - Member of the Fish and Wildlife Board - from March 1, 2023 to February 28, 2029.

To the Committee on Natural Resources and Energy.

VanBuren, Martin of Poultney - Member of the Fish and Wildlife Board - from March 1, 2023 to February 28, 2029.

To the Committee on Natural Resources and Energy.

Hayward, Susan of Middlesex - Member of the Capitol Complex Commission - from March 1, 2023 to February 28, 2026.

To the Committee on Institutions.

Shouldice, Heather of Leicester - Member of the Capitol Complex Commission - from March 1, 2023 to February 28, 2026.

To the Committee on Institutions.

Brand, Julia of Dorset - Member of the Children and Family Council for Prevention Programs - from March 1, 2023 to January 28, 2026.

To the Committee on Health and Welfare.

Haskell, Sabina of Burlington - Chair, Natural Resources Board - from March 1, 2023 to February 28, 2025.

To the Committee on Natural Resources and Energy.

Morrison, Jennifer of North Hero - Commissioner, Department of Public Safety - from March 1, 2023 to February 28, 2025.

To the Committee on Transportation.

Winters, Christopher of Berlin - Commissioner, Department for Children and Families - from February 19, 2023 to February 28, 2023.

To the Committee on Health and Welfare.

Harrington, Michael A. of Northfield - Commissioner, Department of Labor - from March 1, 2023 to February 28, 2025.

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

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Gaffney, Kevin of Jericho - Commissioner, Department of Financial Regulation - from March 1, 2023 to February 28, 2025.

To the Committee on Finance.

Minoli, Wanda of Montpelier - Commissioner, Department of Motor Vehicles - from March 1, 2023 to February 28, 2025.

To the Committee on Transportation.

Flynn, Joe of South Hero - Secretary, Agency of Transportation - from March 1, 2023 to February 28, 2025.

To the Committee on Transportation.

Moore, Julie of Middlesex - Secretary, Agency of Natural Resources - from March 1, 2023 to February 28, 2025.

To the Committee on Natural Resources and Energy.

Samuelson, Jenney of Shelburne - Secretary, Agency of Human Services - from March 1, 2023 to February 28, 2025.

To the Committee on Health and Welfare.

French, Dan of Manchester Center - Secretary, Agency of Education - from March 1, 2023 to February 28, 2025.

To the Committee on Education.

Nailor, Shawn of Worcester - Secretary and CIO, Agency of Digital Services- from March 1, 2023 to February 28, 2025.

To the Committee on Government Operations.

Kurrle, Lindsay of Middlesex - Secretary, Agency of Commerce and Community Development - from March 1, 2023 to February 28, 2025.

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

Tebbetts, Anson B. of Marshfield - Secretary, Agency of Agriculture, Food and Markets - from March 1, 2023 to February 28, 2025.

To the Committee on Agriculture.

Bolio, Craig of Essex Junction - Commissioner, Department of Taxes - from March 1, 2023 to February 28, 2025.

To the Committee on Finance.

Fastiggi, Beth of Burlington - Commissioner, Department of Human Resources - from March 1, 2023 to February 28, 2025.

To the Committee on Government Operations.

Greshin, Adam of Warren - Commissioner, Department of Finance and Management - from March 1, 2023 to February 28, 2025.

To the Committee on Government Operations.

Fitch, Jennifer of Montpelier - Commissioner, Department of Buildings and General Services - from March 1, 2023 to February 28, 2025.

To the Committee on Institutions.

Clouser, Kristin of Jericho - Secretary, Agency of Administration - from March 1, 2023 to February 28, 2025.

To the Committee on Government Operations.

Knight, Wendy of Panton - Commissioner, Department of the Liquor and Lottery - from March 1, 2023 to February 28, 2025.

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

### **Joint Resolution Placed on Calendar**

#### **J.R.S. 19.**

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

By Senate Committee on Institutions,

**J.R.S. 19.** Joint resolution relating to State lands transactions in Jamaica State Park and Coolidge State Forest.

*Whereas*, the Department of Forests, Parks and Recreation (the Department) owns and manages the Jamaica State Park (the Park) in Jamaica and the Coolidge State Forest (the Forest), which includes the Curtis Hollow Block in Woodstock, and

*Whereas*, Jamaica State Park, which is situated adjacent to the West River, includes the widely used West River Trail, and a segment of this trail passes across a 5.4-acre inholding that the Nancy J. Winslow Revocable Trust (the Trust) owns, and which is known as the Salmon Hole Lot (the Lot), and

*Whereas*, the public uses the Lot to access and picnic along the West River, and for bicycling, cross-country skiing, and hiking on the West River and Overlook Trails, which pass through the Lot, and Peter Winslow has agreed to acquire this parcel from the Trust, and

*Whereas*, Peter Winslow owns two non-contiguous parcels adjacent to the Park, and the Department recently discovered that development on one of the parcels encroaches on the Park, and

*Whereas*, the Department proposes to convey to Peter Winslow an approximately 24.7-acre parcel that is of little conservation or recreational value, which will resolve the encroachment, in exchange for the Department's acquisition of the Lot and an associated right-of-way easement across the West River Trail to access the Lot, and

*Whereas*, the Department will retain a right-of-way easement along Jacobs Road, across the property to be conveyed to Peter Winslow, to provide access to the Park for both public access and forest management, and

*Whereas*, Jaime Ellertson owns a 160-acre parcel that separates a segment of the Forest from another parcel of the Forest, and he also owns a second parcel that the Forest separates from his 160-acre parcel, and

*Whereas*, the 160-acre Ellertson parcel and the separated segment of the Forest are both landlocked and lacking in legal access, and the Vermont Land Trust (VLT) holds a conservation easement on the 160-acre Ellertson parcel that allows for the subdivision and development of one residential lot, and

*Whereas*, Jaime Ellertson has agreed to convey to the Department a 102-acre parcel and a 400-foot-wide right-of-way easement for a public recreational trail to the summit of Old Baldy Mountain, and, in exchange, the Department will convey to Jaime Ellertson a 102-acre parcel, subject to a conservation easement to be conveyed from the Department to VLT, and these transactions will eliminate the privately held subdivision and development right under the VLT easement, either through extinguishment or conveyance to the Department, resolve the access issues related to the 160-acre Ellertson parcel and the separated Forest parcel, and provide permanent public recreational access to the summit of Old Baldy Mountain, and

*Whereas*, 10 V.S.A. § 2606(b) authorizes the Commissioner of Forests, Parks and Recreation (the Commissioner) to sell, convey, exchange, or lease land, or interests in land, or to amend deeds, leases, and easement interests subject to General Assembly approval, and both the Commissioner and the General Assembly find the following actions to be in the best interests of the State, *now therefore be it*

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

That the General Assembly authorizes the Commissioner of Forests, Parks and Recreation to take the following actions:

**First:** With respect to Jamaica State Park: To convey to Peter Winslow a parcel of approximately 24.7 acres in the Town of Jamaica with certain deed restrictions prohibiting commercial and residential development and use and limiting use of the parcel to forestry, recreation, and vehicular access by Peter Winslow. In exchange for the conveyance of the Department, Peter Winslow will convey to the Department a parcel of approximately 5.4 acres, known as the Salmon Hole Lot, via a warranty deed, without restrictions on use other than commercial and residential restrictions that currently exist in the deed held by the Trust. The Department shall retain a right-of-way easement for forest management and public recreation purposes across the 24.7-acre parcel from or along Town Legal Trail 12 to access the Park.

**Second:** With respect to Coolidge State Forest: To convey to the Vermont Land Trust a conservation easement restricting development and use on a 102-acre parcel, which is part of the Curtis Hollow Block, to forestry, educational, recreational, and open-space purposes, and then to convey the parcel to Jaime Ellertson, subject to the conservation easement. In exchange for the conveyance of the currently Department-owned 102-acre parcel to Jaime Ellertson, he shall convey to the Department a separate 102-acre parcel adjacent to the Forest, subject only to the existing VLT easement, along with a 400-foot-wide right-of-way easement for a public recreation trail to the summit of Old Baldy Mountain. Additionally, Jaime Ellertson shall eliminate, either through conveyance or extinguishment, his existing right to subdivide and develop one residential lot on the 160-acre parcel, *and be it further*

**Resolved:** That the Secretary of State be directed to send a copy of this resolution to the Commissioner of Forests, Parks and Recreation.

Thereupon, under Rule 34 and 51, the resolution was placed on the Calendar for notice.

### **Bills Introduced**

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

#### **S. 126.**

By Senator Lyons,

An act relating to expanding community health teams to provide additional mental health and substance use disorder services.

To the Committee on Health and Welfare.



**S. 127.**

By Senators Vyhovsky, MacDonald, McCormack and Ram Hinsdale,

An act relating to the creation of new types of cannabis establishment licenses and the provision of cannabis excise tax revenue to the Cannabis Business Development Fund, communities that have been disproportionately impacted by cannabis prohibition, and substance misuse treatment.

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

**S. 128.**

By Senators Vyhovsky, Gulick, White and Wrenner,

An act relating to the regulation of kratom products.

To the Committee on Health and Welfare.

**S. 129.**

By Senators Vyhovsky, Clarkson, Gulick, MacDonald, McCormack, Perchlik, Ram Hinsdale, Watson and White,

An act relating to employee privacy protections.

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

**S. 130.**

By Senators Wrenner, Baruth, Gulick, Harrison and Vyhovsky,

An act relating to miscellaneous employee rights and protections.

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

**Bills Referred**

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

**H. 40.**

An act relating to nonconsensual removal of or tampering with a condom.

To the Committee on Judiciary.

**H. 94.**

An act relating to removing the Reach Up ratable reduction.

To the Committee on Health and Welfare.

**H. 217.**

An act relating to miscellaneous workers' compensation amendments.

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

**H. 227.**

An act relating to the Vermont Uniform Power of Attorney Act.

To the Committee on Judiciary.

**H. 411.**

An act relating to extending COVID-19 health care regulatory flexibility.

To the Committee on Health and Welfare.

**H. 429.**

An act relating to miscellaneous changes to election laws.

To the Committee on Government Operations.

**Bill Passed****S. 14.**

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

An act relating to Justice Reinvestment II reporting requirements.

**Bill Amended; Bill Passed****S. 95.**

Senate bill entitled:

An act relating to banking and insurance.

Was taken up.

Thereupon, pending third reading of the bill, Senator Cummings moved to amend the bill in Sec. 5, 9 V.S.A. § 43, in the second sentence, by striking out the following: "8 V.S.A. § 41a" and inserting in lieu thereof the following: 9 V.S.A. § 41a

Which was agreed to.

Thereupon, the bill was read the third time and passed.

---

**Third Reading Ordered****J.R.S. 17.**

Senator Harrison, for the Committee on Economic Development, Housing and General Affairs, to which was referred joint Senate resolution entitled:

Joint resolution urging U.S. Citizenship and Immigration Services to comply with the expedited asylum hearing provisions of the Afghan Supplemental Appropriations Act of 2022.

Reported that the joint resolution ought to be adopted.

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

**Committee Relieved of Further Consideration; Bill Committed****S. 113.**

On motion of Senator Ram Hinsdale, the Committee on Economic Development, Housing and General Affairs was relieved of further consideration of Senate bill entitled:

An act relating to requiring gas stations and convenience stores to provide notice to customers of holds on payment at the point of sale,

and the bill was committed to the Committee on Transportation.

**Adjournment**

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Thursday, March 16, 2023.

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**THURSDAY, MARCH 16, 2023**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Walter Brownridge of Burlington.

**Bill Referred to Committee on Finance****S. 100.**

Senate 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 housing opportunities made for everyone.

**Bill Referred to Committee on Appropriations****S. 32.**

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 ranked-choice voting for presidential primary elections.

**Bills Introduced**

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

**S. 131.**

By Senator Chittenden,

An act relating to high school student legal residency.

To the Committee on Education.

**S. 132.**

By Senators Gulick, Campion, Clarkson, Lyons, MacDonald, McCormack, Perchlik, Ram Hinsdale, Vyhovsky, Weeks, White, Williams and Wrenner,

An act relating to nominating petitions for a candidate for the office of a unified union school district board member.

To the Committee on Education.

**Committee Bill Introduced**

Senate committee bill of the following title was introduced, read the first time, and, under the rule, placed on the Calendar for notice the next legislative day:

**S. 133.**

By the Committee on Education,

An act relating to miscellaneous changes to education law.

**Joint Resolution Adopted on the Part of the Senate****J.R.S. 17.**

Joint Senate resolution of the following title was read the third time and adopted on the part of the Senate:

Joint resolution urging U.S. Citizenship and Immigration Services to comply with the expedited asylum hearing provisions of the Afghan Supplemental Appropriations Act of 2022.

**Third Reading Ordered****S. 94.**

Senator Chittenden, for the Committee on Finance, to which was referred Senate bill entitled:

An act relating to the City of Barre tax increment financing district.

Reported that the bill ought to pass.

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

**Bill Amended; Third Reading Ordered****S. 37.**

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

An act relating to access to legally protected health care activity and regulation of health care providers.

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

\* \* \* Definitions \* \* \*

Sec. 1. 1 V.S.A. § 150 is added to read:

**§ 150. LEGALLY PROTECTED HEALTH CARE ACTIVITY**

(a) “Gender-affirming health care services” means all supplies, care, and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative, or supportive nature relating to the treatment of gender dysphoria and gender incongruence. “Gender-affirming health care services” does not include conversion therapy as defined by 18 V.S.A. § 8351.

(b)(1) “Legally protected health care activity” means:

(A) the exercise and enjoyment, or attempted exercise and enjoyment, by any person of rights to reproductive health care services or gender-affirming health care services secured by this State;

(B) any act or omission undertaken to aid or encourage, or attempt to aid or encourage, any person in the exercise and enjoyment, or attempted exercise and enjoyment, of rights to reproductive health care services or gender-affirming health care services secured by this State, provided that the provision of such a health care service by a person duly licensed under the laws of this State and physically present in this State shall be legally protected

if the service is permitted under the laws of this State, regardless of the patient's location; or

(C) the provision, issuance, or use of, or enrollment in, insurance or other health coverage for reproductive health care services or gender-affirming health care services that are legal in this State, or any act to aid or encourage, or attempt to aid or encourage, any person in the provision, issuance, or use of, or enrollment in, insurance or other health coverage for those services, regardless of the location of the insured or individual seeking insurance or health coverage, if the insurance or health coverage is permitted under the laws of this State.

(2) Except as provided in subdivision (3) of this subsection, the protections applicable to "legally protected health care activity" shall not apply to a lawsuit, judgment, or civil, criminal, or administrative action that is based on conduct for which an action would exist under the laws of this State if the course of conduct that forms the basis for liability had occurred entirely in this State.

(3) Notwithstanding subdivision (2) of this subsection, the provision of a health care service by a person duly licensed under the laws of this State and physically present in this State shall be legally protected if the service is permitted under the laws of this State, regardless of the patient's location or whether the health care provider is licensed in the state where the patient is located at the time the service is rendered.

(c) "Reproductive health care services" means all supplies, care, and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative, or supportive nature relating to pregnancy, contraception, assisted reproduction, pregnancy loss management, or the termination of a pregnancy.

\* \* \* Medical Malpractice \* \* \*

Sec. 2. 8 V.S.A. chapter 129 is amended to read:

#### CHAPTER 129. INSURANCE TRADE PRACTICES

\* \* \*

#### § 4722. DEFINITIONS

\* \* \*

(4)(A) "Abusive litigation" means litigation or other legal action to deter, prevent, sanction, or punish any person engaging in legally protected health care activity by:

(i) filing or prosecuting any action in any other state where

liability, in whole or part, directly or indirectly, is based on legally protected health care activity that occurred in this State, including any action in which liability is based on any theory of vicarious, joint, or several liability derived therefrom; or

(ii) attempting to enforce any order or judgment issued in connection with any such action by any party to the action or any person acting on behalf of a party to the action.

(B) A lawsuit shall be considered to be based on conduct that occurred in this State if any part of any act or omission involved in the course of conduct that forms the basis for liability in the lawsuit occurs or is initiated in this State, whether or not such act or omission is alleged or included in any pleading or other filing in the lawsuit.

(5) “Legally protected health care activity” has the same meaning as in 1 V.S.A. § 150.

\* \* \*

#### § 4724. UNFAIR METHODS OF COMPETITION OR UNFAIR OR DECEPTIVE ACTS OR PRACTICES DEFINED

The following are hereby defined as unfair methods of competition or unfair or deceptive acts or practices in the business of insurance:

\* \* \*

(7) Unfair discrimination; arbitrary underwriting action.

(A) Making or permitting any unfair discrimination between insureds of the same class and equal risk in the rates charged for any contract of insurance, or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contracts.

\* \* \*

(F)(i) Discriminating against a health care provider, as defined by 18 V.S.A. § 9496, or adjusting or otherwise calculating a health care provider’s risk classification or premium charges on the basis that:

(I) the health care provider provides or assists in the provision of legally protected health care activity that is unlawful in another state;

(II) another state’s laws create potential or actual liability for that activity;

(III) abusive litigation against a provider concerning legally protected health care activity resulted in a claim, settlement, or judgement against the provider; or

(IV) the license of the provider has been disciplined in any way by another state based solely on the provider’s provision of legally protected health care activity.

(ii) For purposes of this subdivision (F), it shall not be unfairly discriminatory nor an arbitrary underwriting action against a health care provider if the risk classifications, premium charges, or other underwriting considerations are based on factors other than those listed in subdivision (i) of this subdivision (F).

\* \* \*

\* \* \* Insurance Coverage \* \* \*

Sec. 3. 8 V.S.A. § 4088m is added to read:

§ 4088m. COVERAGE FOR GENDER-AFFIRMING HEALTH CARE SERVICES

(a) Definitions. As used in this section:

(1) “Gender-affirming health care services” has the same meaning as in 1 V.S.A. § 150.

(2) “Health insurance plan” means Medicaid and any other public health care assistance program, any individual or group health insurance policy, any hospital or medical service corporation or health maintenance organization subscriber contract, or any other health benefit plan offered, issued, or renewed for any person in this State by a health insurer as defined by 18 V.S.A. § 9402. For purposes of this section, health insurance plan includes any health benefit plan offered or administered by the State or any subdivision or instrumentality of the State. The term does not include benefit plans providing coverage for a specific disease or other limited benefit coverage, except that it includes any accident and sickness health plan.

(b) Coverage.

(1) A health insurance plan shall provide coverage for gender-affirming health care services that:

(A) are medically necessary and clinically appropriate for the individual’s diagnosis or health condition; and

(B) are included in the State’s essential health benefits benchmark plan.

(2) Coverage provided pursuant to this section by Medicaid or any other public health care assistance program shall comply with all federal requirements imposed by the Centers for Medicare and Medicaid Services.



(3) Nothing in this section shall prohibit a health insurance plan from providing greater coverage for gender-affirming health care services than is required under this section.

(c) Cost sharing. A health insurance plan shall not impose greater coinsurance, co-payment, deductible, or other cost-sharing requirements for coverage of gender-affirming health care services than apply to the diagnosis and treatment of any other physical or mental condition under the plan.

Sec. 4. 8 V.S.A. § 4099e is added to read:

§ 4099e. COVERAGE FOR ABORTION AND ABORTION-RELATED SERVICES

(a) Definitions. As used in this section:

(1) “Abortion” means any medical treatment intended to induce the termination of, or to terminate, a clinically diagnosable pregnancy except for the purpose of producing a live birth.

(2) “Health insurance plan” means Medicaid and any other public health care assistance program, any individual or group health insurance policy, any hospital or medical service corporation or health maintenance organization subscriber contract, or any other health benefit plan offered, issued, or renewed for any person in this State by a health insurer as defined by 18 V.S.A. § 9402. For purposes of this section, health insurance plan shall include any health benefit plan offered or administered by the State or any subdivision or instrumentality of the State. The term shall not include benefit plans providing coverage for a specific disease or other limited benefit coverage, except that it shall include any accident and sickness health plan.

(b) Coverage. A health insurance plan shall provide coverage for abortion and abortion-related care.

(c) Cost sharing. The coverage required by this section shall not be subject to any co-payment, deductible, coinsurance, or other cost-sharing requirement or additional charge, except:

(1) to the extent such coverage would disqualify a high-deductible health plan from eligibility for a health savings account pursuant to 26 U.S.C. § 223; and

(2) for coverage provided by Medicaid.

Sec. 5. STATE PLAN AMENDMENT

The Agency of Human Services shall seek a state plan amendment from the Centers for Medicare and Medicaid Services or federal authorities if needed to allow Vermont’s Medicaid program to provide coverage consistent with this

act.

\* \* \* Professional Regulation \* \* \*

Sec. 6. 3 V.S.A. § 129a is amended to read:

§ 129a. UNPROFESSIONAL CONDUCT

\* \* \*

(f)(1) Health care providers. Notwithstanding subsection (e) of this section or any other law to the contrary, no health care provider shall be subject to professional disciplinary action by a board or the Director, nor shall a board or the Director take adverse action on an application for certification, registration, or licensure of a qualified health care provider, based solely on:

(A) the health care provider providing or assisting in the provision of legally protected health care activity; or

(B) a criminal or civil action or disciplinary action against the health care provider by a licensing board of another state based solely on the provider providing or assisting in the provision of legally protected health care activity.

(2) Definitions. As used in this subsection:

(A) "Health care provider" has the same meaning as in 18 V.S.A. § 9496.

(B) "Legally protected health care activity" has the same meaning as in 1 V.S.A. § 150.

Sec. 7. 26 V.S.A. § 1354 is amended to read:

§ 1354. UNPROFESSIONAL CONDUCT

\* \* \*

(d)(1) Health care providers. Notwithstanding any other law to the contrary, no health care provider shall be subject to professional disciplinary action by the Board, nor shall the Board take adverse action on an application for certification, registration, or licensure of a qualified health care provider, based solely on:

(A) the health care provider providing or assisting in the provision of legally protected health care activity; or

(B) a criminal or civil action or disciplinary action against the health care provider by a licensing board of another state based solely on the provider providing or assisting in the provision of legally protected health care activity.

(2) Definitions. As used in this subsection:

(A) “Health care provider” has the same meaning as in 18 V.S.A. § 9496.

(B) “Legally protected health care activity” has the same meaning as in 1 V.S.A. § 150.

\* \* \* Pregnancy Centers \* \* \*

Sec. 8. 9 V.S.A. chapter 63, subchapter 11 is added to read:

Subchapter 11. Pregnancy Services Center Fraud

§ 2491. FINDINGS; LEGISLATIVE INTENT

(a) Findings. The General Assembly finds that:

(1) Centers that seek to counsel clients against abortion, often referred to as crisis pregnancy centers or limited-services pregnancy centers, have become common across the country, including in Vermont. Accurate information about the services that a limited-services pregnancy center performs, in addition to forthright acknowledgement of its limitations, is essential to enable pregnant individuals in this State to make informed decisions about their care. This includes individuals being informed of whether they are receiving services from a licensed and qualified health care provider at a limited-services pregnancy center, as this allows individuals to determine if they need to seek medical care elsewhere in order to continue or terminate a pregnancy.

(2) Although some limited-services pregnancy centers openly acknowledge in their advertising, on their websites, and at their facilities that they neither provide abortions nor refer clients to other providers of abortion services, others provide confusing and misleading information to pregnant individuals contemplating abortion by leading those individuals to believe that their facilities offer abortion services and unbiased counseling. Many limited-services pregnancy centers have promoted patently false or biased medical claims about abortion, pregnancy, contraception, and reproductive health care providers.

(3) False and misleading advertising by centers that do not offer or refer clients for abortion is of special concern to the State because of the time-sensitive and constitutionally protected nature of the decision to continue or terminate a pregnancy. When a pregnant individual is misled into believing that a center offers services that it does not in fact offer or receives false or misleading information regarding health care options, the individual loses time crucial to the decision whether to terminate a pregnancy and may lose the option to choose a particular method or to terminate a pregnancy at all.

(4) Telling the truth is how trained health care providers demonstrate respect for patients, foster trust, promote self-determination, and cultivate an environment where best practices in shared decision-making can flourish. Without veracity in information and communication, it is difficult for individuals to make informed, voluntary choices essential in fulfilling autonomy-based obligations.

(5) Advertising strategies and educational information about health care options that lack transparency, use misleading or ambiguous terminology, misrepresent or obfuscate services provided, or provide factually inaccurate information are a form of manipulation that disrespects individuals, undermines trust, broadens health disparity, and can result in patient harm.

(b) Intent.

(1) It is the intent of the General Assembly to ensure that the public is provided with accurate, factual information about the types of health care services that are available to pregnant individuals in this State. The General Assembly respects the constitutionally protected right of each individual to personal reproductive autonomy, which includes the right to receive clear, honest, and nonmisleading information about the individual's options and to make informed, voluntary choices after considering all relevant information.

(2) The General Assembly respects the right of limited-services pregnancy centers to counsel individuals against abortion, and nothing in this subchapter should be construed to regulate, limit, or curtail such advocacy.

§ 2492. DEFINITIONS

As used in this subchapter:

(1) "Abortion" means any medical treatment intended to induce the termination of, or to terminate, a clinically diagnosable pregnancy except for the purpose of producing a live birth.

(2) "Client" means an individual who is inquiring about or seeking services at a pregnancy services center.

(3) "Emergency contraception" means any drug approved by the U.S. Food and Drug Administration as a contraceptive method for use after sexual intercourse, whether provided over the counter or by prescription.

(4) "Health information" means any oral or written information in any form or medium that relates to health insurance or the past, present, or future physical or mental health or condition of a client.

(5) "Limited-services pregnancy center" means a pregnancy services center that does not directly provide, or provide referrals to clients, for

abortions or emergency contraception.

(6) “Pregnancy services center” means a facility, including a mobile facility, where the primary purpose is to provide services to individuals who are or may be pregnant and that either offers obstetric ultrasounds, obstetric sonograms, or prenatal care to pregnant individuals or has the appearance of a medical facility. A pregnancy services center has the appearance of a medical facility if two or more of the following factors are present:

(A) The center offers pregnancy testing or pregnancy diagnosis, or both.

(B) The center has staff or volunteers who wear medical attire or uniforms.

(C) The center contains one or more examination tables.

(D) The center contains a private or semiprivate room or area containing medical supplies or medical instruments.

(E) The center has staff or volunteers who collect health information from clients.

(F) The center is located on the same premises as a State-licensed medical facility or provider or shares facility space with a State-licensed medical provider.

(7) “Premises” means land and improvements or appurtenances or any part thereof.

#### § 2493. UNFAIR AND DECEPTIVE ACT

(a) It is an unfair and deceptive act and practice in commerce and a violation of section 2453 of this title for any limited-services pregnancy center to disseminate or cause to be disseminated to the public any advertising about the services or proposed services performed at that center that is untrue or clearly designed to mislead the public about the nature of services provided. Advertising includes representations made directly to consumers; marketing practices; communication in any print medium, such as newspapers, magazines, mailers, or handouts; and any broadcast medium, such as television or radio, telephone marketing, or advertising over the Internet such as through websites and web ads. For purposes of this chapter, advertising or the provision of services by a limited-services pregnancy center is an act in commerce.

(b) The medical director of a pregnancy services center, or the individual charged with supervising health care services provided by center staff or volunteers at a pregnancy services center, shall be responsible, legally and

professionally, for the activities of staff and volunteers performing duties for and on behalf of the pregnancy services center. The medical director or individual shall ensure that the staff of the pregnancy services center, including the medical director or individual, and any volunteers providing health care services maintain a level of supervision, training, and practice consistent with legal requirements established under Vermont law, including those set forth in Title 26, and professional standards of practice. Failure to conduct or to ensure that health care services are conducted in accordance with State law and professional standards of practice may constitute unprofessional conduct under 3 V.S.A. § 129a and 26 V.S.A. § 1354.

(c) The Attorney General has the same authority to make rules, conduct civil investigations, and bring civil actions with respect to violations of subsection (a) of this section as provided under subchapter 1 of this chapter.

\* \* \* Reports; Interstate Compacts \* \* \*

Sec. 9. AGENCY OF HUMAN SERVICES; GREEN MOUNTAIN CARE BOARD; ACCESS TO REPRODUCTIVE HEALTH AND GENDER-AFFIRMING CARE SERVICES

(a) The Agency of Human Services shall include access to reproductive health care services and access to gender-affirming health care services as indicators for equitable access to health care in its Community Profiles of Health and Well-Being analysis.

(b) The Green Mountain Care Board shall include reproductive health care service and gender-affirming health care service needs in the Health Resource Allocation Plan analysis pursuant to 18 V.S.A. § 9405.

Sec. 10. BOARD OF MEDICAL PRACTICE; OFFICE OF PROFESSIONAL REGULATION; INTERSTATE COMPACTS; REPORT

On or before November 1, 2024, the Office of Professional Regulation, in consultation with the Board of Medical Practice, shall submit a report to the House Committee on Health Care and the Senate Committee on Health and Welfare with findings and recommendations for legislative action to address any concerns regarding the State's participation, or contemplated participation, in interstate licensure compacts as a result of the provisions of this act, including the State's participation in the Nurse Licensure Compact pursuant to 26 V.S.A. chapter 28, subchapter 5 and the Interstate Medical Licensure Compact pursuant to 26 V.S.A. chapter 23, subchapter 3A.

Sec. 10a. 26 V.S.A. chapter 56 is amended to read:

CHAPTER 56. OUT-OF-STATE TELEHEALTH LICENSURE &  
REGISTRATION AND INTERSTATE COMPACTS

Subchapter 1. Out-of-State Telehealth Licensure And Registration

\* \* \*

Subchapter 2. Interstate Compacts; Health Care Provider Compacts

§ 3071. HEALTH CARE PROVIDER COMPACTS; DIRECTION TO  
VERMONT REPRESENTATIVES

(a) The General Assembly finds that a state's prohibition of or limitation on the provision of gender-affirming health care services or reproductive health care services, or both, as defined by 1 V.S.A. § 150, prohibits health care providers from following health care best practices and is a failure on the part of the state to provide health care services that are medically necessary and clinically appropriate for its residents. Therefore, it is the General Assembly's intent to protect the ability of professionals licensed, certified, or registered in Vermont, and applicants from other member states seeking to practice a profession in Vermont pursuant to an interstate compact or agreement, to have the benefit of compacts and agreements while at the same time engaging in, providing, or otherwise facilitating, personally or professionally, gender-affirming health care and reproductive health care services.

(b) Vermont's representative or delegate for an interstate compact or agreement related to health care shall seek an amendment or exception to the compact or agreement language, rules, or bylaws, as necessary, so that if a licensee is disciplined by another state solely for providing or assisting in the provision of gender-affirming health care services or reproductive health care services that would be legal and meet professional standards of care if provided in Vermont, the compact or agreement does not require that Vermont take professional disciplinary action against the licensee.

\* \* \* Emergency Contraception \* \* \*

Sec. 11. 26 V.S.A. chapter 36, subchapter 1 is amended to read:

Subchapter 1. General Provisions

\* \* \*

§ 2022. DEFINITIONS

As used in this chapter:

\* \* \*

(22) “Emergency contraception” means any drug approved by the U.S. Food and Drug Administration as a contraceptive method for use after sexual intercourse, whether provided over the counter or by prescription.

§ 2023. CLINICAL PHARMACY; PRESCRIBING

\* \* \*

(b) A pharmacist may prescribe in the following contexts:

\* \* \*

(2) State protocol.

(A) A pharmacist may prescribe, order, or administer in a manner consistent with valid State protocols that are approved by the Commissioner of Health after consultation with the Director of Professional Regulation and the Board and the ability for public comment:

\* \* \*

(ix) emergency prescribing of albuterol or glucagon while contemporaneously contacting emergency services; ~~and~~

(x) tests for SARS-CoV for asymptomatic individuals or related serology for individuals by entities holding a Certificate of Waiver pursuant to the Clinical Laboratory Amendments of 1988 (42 U.S.C. § 263a); and

(xi) emergency contraception.

\* \* \*

Sec. 11a. 26 V.S.A. § 2077 is added to read:

§ 2077. EMERGENCY CONTRACEPTION; VENDING MACHINES

(a) A retail or institutional drug outlet licensed under this chapter or a postsecondary school, as defined in and subject to 16 V.S.A. § 176, may make over-the-counter emergency contraception and other nonprescription drugs or articles for the prevention of pregnancy or conception available through a vending machine or similar device.

(b) The Board may adopt rules in accordance with 3 V.S.A. chapter 25 to regulate the location, operation, utilization, and oversight of the vending machines and similar devices described in subsection (a) of this section in a manner that balances consumer access with appropriate safeguards for theft prevention and safety.



\* \* \* Higher Education; Health Care Services \* \* \*

Sec. 12. 16 V.S.A. chapter 78 is added to read:

CHAPTER 78. ACCESS TO REPRODUCTIVE AND GENDER-AFFIRMING HEALTH CARE SERVICES

§ 2501. DEFINITIONS

As used in this chapter:

(1) “Gender-affirming health care readiness” means each institution’s preparedness to provide gender-affirming health care services to students or assist students in obtaining gender-affirming health care services, including having in place equipment, protocols, patient educational materials, informational websites, and training for staff; provided, however, that gender-affirming health care readiness may include the provision of gender-affirming health care services.

(2) “Gender-affirming health care services” has the same meaning as in 1 V.S.A. § 150.

(3) “Institution” means the University of Vermont or a college in the Vermont State College system.

(4) “Medication abortion” means an abortion provided by medication techniques.

(5) “Reproductive health care services” has the same meaning as in 1 V.S.A. § 150 and includes medication abortion.

(6) “Reproductive health care readiness” means each institution’s preparedness to provide reproductive health care services to students or assist students in obtaining reproductive health care services, including having in place equipment, protocols, patient educational materials, informational websites, and training for staff; provided, however, that reproductive health care readiness may include the provision of reproductive health care services.

(7) “Telehealth” has the same meaning as in 26 V.S.A. § 3052.

§ 2502. GENDER-AFFIRMING HEALTH CARE AND REPRODUCTIVE HEALTH CARE READINESS; REPORTS

(a) Each institution shall report to the Agency of Human Services annually, on or before November 1, on the current status of its gender-affirming health care and reproductive health care readiness, including:

(1) whether the institution has an operational health center on campus;

(2) whether the institution employs health care providers on campus;

(3) the types of gender-affirming health care services and reproductive health care services that the institution offers to its students on campus and the supports that the institution provides to students who receive those services;

(4) the institution's efforts to assist students with obtaining gender-affirming health care services and reproductive health care services from licensed health care professionals through telehealth;

(5) the institution's proximity to a hospital, clinic, or other facility that provides gender-affirming health care services or reproductive health care services, or both, that are not available to students on campus;

(6) the referral information that the institution provides regarding facilities that offer gender-affirming health care services and reproductive health care services that are not available to students on campus, including information regarding the scope of the services that are available at each such facility; and

(7) the availability, convenience, and cost of public transportation between the institution and the closest facility that provides gender-affirming health care services or reproductive health care services, or both, and whether the institution provides transportation.

(b) On or before January 31 of each year, the Agency of Human Services shall compile the materials submitted pursuant to subsection (a) of this section and report to the House Committees on Education, on Health Care, and on Human Services and the Senate Committees on Education and on Health and Welfare on the status of gender-affirming health care and reproductive health care readiness at Vermont's institutions.

#### Sec. 13. GENDER-AFFIRMING HEALTH CARE AND REPRODUCTIVE HEALTH CARE READINESS; IMPLEMENTATION

Each institution shall submit its first report on the status of its gender-affirming health care and reproductive health care readiness as required under 16 V.S.A. § 2502(a) to the Agency of Human Services on or before November 1, 2023, and the Agency shall provide its first legislative report on or before January 31, 2024.

\* \* \* Prohibition on Disclosure of Protected Health Information \* \* \*

Sec. 14. 18 V.S.A. § 1881 is amended to read:

#### § 1881. DISCLOSURE OF PROTECTED HEALTH INFORMATION PROHIBITED

(a) As used in this section:

(1) “Business associate” has the same meaning as in 45 C.F.R. § 160.103.

(2) “Covered entity” shall have ~~has~~ the same meaning as in 45 C.F.R. § 160.103.

(3) “Legally protected health care activity” has the same meaning as in 1 V.S.A. § 150.

~~(2)~~(4) “Protected health information” shall have ~~has~~ the same meaning as in 45 C.F.R. § 160.103.

(b) A covered entity or business associate shall not disclose protected health information unless the disclosure is permitted under the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

(c) In order to protect patients and providers who engage in legally protected health care activity, a covered entity or business associate shall not disclose protected health information related to a legally protected health care activity for use in a civil or criminal action; a proceeding preliminary to a civil or criminal action; or a probate, legislative, or administrative proceeding unless the disclosure meets one or more of the following conditions:

(1) The disclosure is authorized by the patient or the patient’s conservator, guardian, or other authorized legal representative.

(2) The disclosure is specifically required by federal law, Vermont law, or rules adopted by the Vermont Supreme Court.

(3) The disclosure is ordered by a court of competent jurisdiction pursuant to federal law, Vermont law, or rules adopted by the Vermont Supreme Court. An order compelling disclosure under this subdivision shall include the court’s determination that good cause exists to require disclosure of the information related to legally protected health care activity.

(4) The disclosure is to be made to a person designated by the covered entity or business associate and will be used solely in the defense of the covered entity or business associate against a claim that has been made, or there is a reasonable belief will be made, against the covered entity or business associate in a civil or criminal action, a proceeding preliminary to a civil or criminal action, or a probate, legislative, or administrative proceeding.

(5) The disclosure is to Vermont’s Board of Medical Practice or Office of Professional Regulation, as applicable, in connection with a bona fide investigation in Vermont of a licensed, certified, or registered health care provider.

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

Sec. 15. EFFECTIVE DATES

(a) This section, Sec. 1 (definitions), Sec. 2 (medical malpractice), Secs. 6 and 7 (unprofessional conduct), Sec. 8 (pregnancy services centers), Secs. 9 and 10 (reports), Sec. 11a (emergency contraception; vending machines), Secs. 12 and 13 (gender-affirming health care and reproductive health care readiness; reports), and Sec. 14 (prohibition on disclosure of protected health information) shall take effect on passage.

(b) Secs. 3 and 4 (insurance coverage) shall take effect on January 1, 2024 and shall apply to all health insurance plans issued on and after January 1, 2024 on such date as a health insurer offers, issues, or renews the health insurance plan, but in no event later than January 1, 2025.

(c) Sec. 5 (state plan amendment) shall take effect on January 1, 2024, except that the Agency of Human Services shall submit its request for approval of Medicaid coverage of the services prescribed in Sec. 4 of this act, if needed, to the Centers for Medicare and Medicaid Services on or before July 1, 2023, and the Medicaid coverage shall begin on the later of the date of approval or January 1, 2024.

(d) Sec. 10a (interstate compacts; state representatives) shall take effect on July 1, 2023.

(e) Sec. 11 (emergency contraception) shall take effect on or before September 1, 2023, on such date as the Commissioner of Health approves the State protocol.

And that when so amended the bill ought to pass.

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

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

**Bill Amended; Third Reading Ordered**

**S. 48.**

Senator Chittenden, for the Committee on Transportation, to which was referred Senate bill entitled:

An act relating to regulating the sale of catalytic converters.

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

Sec. 1. 9 V.S.A. chapter 82 is amended to read:

Chapter 82: Scrap Metal Processors

\* \* \*

§ 3022. PURCHASE OF NONFERROUS SCRAP, METAL ARTICLES,  
PROPRIETARY ARTICLES, AND RAILROAD SCRAP

(a) Catalytic converters.

(1) A scrap metal processor shall not purchase more than one used and detached catalytic converter per day from any person, other than a motor vehicle recycler or motor vehicle repair shop.

(2) A person, other than a motor vehicle recycler or motor vehicle repair shop, shall not transport simultaneously two or more used and detached catalytic converters unless:

(A) each catalytic converter is engraved or otherwise permanently marked with the vehicle identification number of the vehicle from which it was removed; and

(B) the person transporting the catalytic converter has in the person's possession documentation demonstrating proof of lawful ownership as specified in subdivision (b)(1) of this section.

(b) Documentation required for sale. A scrap metal processor may purchase nonferrous scrap, metal articles, proprietary articles, and railroad scrap only if the scrap metal processor complies with all the following procedures:

(1) At the time of sale, the processor:

(A) requires the seller to provide a current government-issued photographic identification that indicates the seller's full name, current address, and date of birth, and records in a permanent ledger the identification information of the seller, the time and date of the transaction, the license number of the seller's vehicle, and a description of the items received from the seller; and

(B) requests and, ~~if available,~~ collects:

~~(i) third-party documentation from the seller of the items offered for sale, that establishes that the seller lawfully owns the items to be sold, such as a bill of sale, itemized receipt, or letter of authorization, signed by the person from whom the seller purchased the item; or similar evidence~~

(ii) a written affidavit of ownership that establishes states that the seller lawfully owns the items to be sold.

(2) After purchasing an item from a person who ~~fails to~~ does not provide ~~documentation~~ a bill of sale, itemized receipt, or letter of authorization signed by the person from whom the seller purchased the item pursuant to subdivision (1)(B)(i) of this subsection, the processor:

(A) submits to the Department of Public Safety ~~no~~ not later than the close of the following business day a report that describes the item and the seller's identifying information required in subdivision (1)(A) of this subsection; and

(B) holds the item for at least 10 days following purchase.

(c) Retention of records. The information collected by a scrap metal processor pursuant to this section shall be retained for at least five years at the processor's normal place of business or other readily accessible and secure location. On request, this information shall be made available to any law enforcement official or authorized security agent of a governmental entity who provides official credentials at the scrap metal processor's business location during regular business hours.

#### § 3023. PENALTIES

(a) A ~~scrap metal processor~~ person who violates any provision of this chapter for the first time may be assessed a civil penalty not to exceed \$1,000.00 for each transaction.

(b) A ~~scrap metal processor~~ person who violates any provision of this chapter for a second or subsequent time shall be fined not more than \$25,000.00 for each transaction.

#### Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

And that when so amended the bill ought to pass.

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

#### **Message from the House No. 29**

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

Mr. President:

I am directed to inform the Senate that:

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

**H. 461.** An act relating to making miscellaneous changes in education laws.

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

The House has adopted joint resolution of the following title:

**J.R.H. 3.** Joint resolution authorizing the Green Mountain Boys State educational program to use the State House facilities on June 29, 2023.

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

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

**J.R.S. 18.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

### **Adjournment**

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

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### **FRIDAY, MARCH 17, 2023**

The Senate was called to order by the President.

### **Devotional Exercises**

Devotional exercises were conducted by the Reverend Rick Swanson of Stowe.

### **Bills Referred to Committee on Appropriations**

Senate 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 referred to the Committee on Appropriations:

**S. 100.** An act relating to housing opportunities made for everyone.

**S. 133.** An act relating to miscellaneous changes to education law.

### **Joint Resolution Placed on Calendar**

#### **J.R.H. 3.**

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

Joint resolution authorizing the Green Mountain Boys State educational program to use the State House facilities on June 29, 2023

by: Representative Marcotte of Coventry

Whereas, the American Legion Department of Vermont sponsors the Green Mountain Boys State educational program, providing a group of boys entering the 12th grade a special opportunity to study the workings of State government, including conducting a mock legislative session at the State House, and

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

Resolved by the Senate and House of Representatives:

That subject to the determination of and limitations that the Sergeant at Arms may establish, the Green Mountain Boys State educational program is authorized to use the chambers and committee rooms of the State House on Thursday, June 29, 2023, from 8:00 a.m. to 4:15 p.m., and be it further

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

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

#### **Bill Introduced**

Senate bill of the following title was introduced, read the first time and referred:

#### **S. 134.**

By Senators Collamore, Chittenden, Gulick, Harrison, Lyons, McCormack, Norris, Perchlik, Ram Hinsdale, Vyhovsky, Weeks, Westman, White, Williams and Wrenner,

An act relating to requiring legislative approval prior to closing or reducing the size or scope of any Vermont State College library.

To the Committee on Education.

#### **Committee Bill Introduced**

Senate committee bill of the following title was introduced, read the first time, and, under the rule, placed on the Calendar for notice the next legislative day:

#### **S. 135.**

By the Committee on Economic Development, Housing and General Affairs,

An act relating to the establishment of VT Saves.



**Bill Introduced**

Senate bill of the following title was introduced, read the first time and referred:

**S. 136.**

By Senators Wrenner, Collamore, Weeks and Williams,

An act relating to addressing climate change.

To the Committee on Natural Resources and Energy.

**Bill Referred**

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

**H. 461.**

An act relating to making miscellaneous changes in education laws.

To the Committee on Education.

**Bill Amended; Third Reading Ordered****S. 6.**

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

An act relating to custodial interrogation of juveniles.

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

Sec. 1. 13 V.S.A. § 5585 is amended to read:

§ 5585. ELECTRONIC RECORDING OF A CUSTODIAL INTERROGATION DEFINITIONS

(a) As used in this ~~section~~ subchapter:

(1) “Custodial interrogation” means any interrogation:

(A) involving questioning by a law enforcement officer that is reasonably likely to elicit an incriminating response from the subject; and

(B) in which a reasonable person in the subject’s position would consider the person to be in custody, starting from the moment a person should have been advised of the person’s Miranda rights and ending when the questioning has concluded.

(2) “Deception” includes the knowing communication of false facts about evidence, the knowing misrepresentation of the accuracy of the facts, the

knowing misrepresentation of the law, or the knowing communication of unauthorized statements regarding leniency.

~~(2)~~(3) “Electronic recording” or “electronically recorded” means an audio and visual recording that is an authentic, accurate, unaltered record of a custodial interrogation, or if law enforcement does not have the current capacity to create a visual recording, an audio recording of the interrogation.

~~(4)~~ “Law enforcement officer” has the same meaning as in 20 V.S.A. § 2351a.

(5) “Government agent” means:

(A) a school resource or safety officer; or

(B) an individual acting at the request or direction of a school resource or safety officer or a law enforcement officer.

~~(3)~~(6) “Place of detention” means a building or a police station that is a place of operation for the State police, a municipal police department, county sheriff department, or other law enforcement agency that is owned or operated by a law enforcement agency at which persons are or may be questioned in connection with criminal offenses or detained temporarily in connection with criminal charges pending a potential arrest or citation.

~~(4)~~(7) “Statement” means an oral, written, sign language, or nonverbal communication.

~~(b)(1) A custodial interrogation that occurs in a place of detention concerning the investigation of a felony or misdemeanor violation of this title shall be electronically recorded in its entirety. Unless impracticable, a custodial interrogation occurring outside a place of detention concerning the investigation of a felony or misdemeanor violation of this title shall be electronically recorded in its entirety.~~

~~(2) In consideration of best practices, law enforcement shall strive to record simultaneously both the interrogator and the person being interrogated.~~

~~(e)(1) The following are exceptions to the recording requirement in subsection (b) of this section:~~

~~(A) exigent circumstances;~~

~~(B) a person’s refusal to be electronically recorded;~~

~~(C) interrogations conducted by other jurisdictions;~~

~~(D) a reasonable belief that the person being interrogated did not commit a felony or misdemeanor violation of this title and, therefore, an electronic recording of the interrogation was not required;~~

- ~~(E) the safety of a person or protection of the person's identity; and~~
- ~~(F) equipment malfunction.~~

~~(2) If law enforcement does not make an electronic recording of a custodial interrogation as required by this section, the prosecution shall prove by a preponderance of the evidence that one of the exceptions identified in subdivision (1) of this subsection applies. If the prosecution does not meet the burden of proof, the evidence is still admissible, but the court shall provide cautionary instructions to the jury regarding the failure to record the interrogation.~~

Sec. 2. 13 V.S.A. § 5586 is added to read:

§ 5586. ELECTRONIC RECORDING OF A CUSTODIAL INTERROGATION

(a)(1) A custodial interrogation that occurs in a place of detention concerning the investigation of a felony or misdemeanor violation of this title shall be electronically recorded in its entirety. Unless impracticable, a custodial interrogation occurring outside a place of detention concerning the investigation of a felony or misdemeanor violation of this title shall be electronically recorded in its entirety.

(2) In consideration of best practices, law enforcement shall strive to record simultaneously both the interrogator and the person being interrogated.

(b)(1) The following are exceptions to the recording requirement in subsection (a) of this section:

- (A) exigent circumstances;
- (B) a person's refusal to be electronically recorded;
- (C) interrogations conducted by other jurisdictions;

(D) a reasonable belief that the person being interrogated did not commit a felony or misdemeanor violation of this title and, therefore, an electronic recording of the interrogation was not required;

- (E) the safety of a person or protection of the person's identity; and
- (F) equipment malfunction.

(2) If law enforcement does not make an electronic recording of a custodial interrogation as required by this section, the prosecution shall prove by a preponderance of the evidence that one of the exceptions identified in subdivision (1) of this subsection applies. If the prosecution does not meet the burden of proof, the evidence is still admissible, but the court shall provide

cautionary instructions to the jury regarding the failure to record the interrogation.

Sec. 3. 13 V.S.A. § 5587 is added to read:

§ 5587. JUVENILES

(a) During a custodial interrogation of a person under 22 years of age relating to the commission of a criminal offense or delinquent act, a law enforcement officer or government agent shall not employ threats, physical harm, or deception.

(b)(1) Any admission, confession, or statement, whether written or oral, made by a person under 22 years of age and obtained in violation of subsection (a) of this section shall be presumed to be involuntary and inadmissible in any proceeding.

(2) The presumption that any such admission, confession, or statement is involuntary and inadmissible may be overcome if the State proves by clear and convincing evidence that the admission, confession, or statement was:

(A) voluntary and not induced by a law enforcement officer's or government agent's use of threats, physical harm, or deception prohibited by subsection (a) of this section; and

(B) any actions of a law enforcement officer or government agent in violation of subsection (a) of this section did not undermine the reliability of the person's admission, confession, or statement and did not create a substantial risk that the person might falsely incriminate themselves.

Sec. 4. VERMONT CRIMINAL JUSTICE COUNCIL; MODEL INTERROGATION POLICY

(a) On or before October 1, 2023, the Vermont Criminal Justice Council, in consultation with the Office of the Attorney General, shall collaborate and create a model interrogation policy that applies to all persons subject to various forms of interrogation, including the following:

(1) custodial interrogations occurring in a place of detention;

(2) custodial interrogations occurring outside a place of detention;

(3) interrogations that are not considered custodial, regardless of location; and

(4) the interrogation of individuals with developmental, intellectual, and psychiatric disabilities; substance use disorder; and low literacy levels.

(b) On or before January 1, 2024, the Vermont Criminal Justice Council, in consultation with stakeholders, including the Agency of Human Services, the

Vermont League of Cities and Towns, the Vermont Human Rights Commission, and the Innocence Project, shall update its model interrogation policy to establish one cohesive model policy for law enforcement agencies and constables to adopt, follow, and enforce as part of the agency's or constable's own interrogation policy.

Sec. 5. 20 V.S.A. § 2359 is amended to read:

§ 2359. COUNCIL SERVICES CONTINGENT ON AGENCY COMPLIANCE; GRANT ELIGIBILITY

(a) On and after January 1, 2022, a law enforcement agency shall be prohibited from having its law enforcement applicants or officers trained by the Police Academy or from otherwise using the services of the Council if the agency is not in compliance with the requirements for collecting roadside stop data under section 2366 of this chapter, the requirement to report to the Office of Attorney General death or serious bodily injuries under 18 V.S.A. § 7257a(b), or the requirement to adopt, follow, or enforce any policy required under this chapter.

(b) On and after April 1, 2024, a law enforcement agency shall be prohibited from receiving grants, or other forms of financial assistance, if the agency is not in compliance with the requirement to adopt, follow, or enforce the model interrogation policy established by the Council pursuant to section 2371 of this title.

(c) The Council shall adopt procedures to enforce the requirements of this section, which may allow for waivers for agencies under a plan to obtain compliance with this section.

Sec. 6. 20 V.S.A. § 2371 is added to read:

§ 2371. STATEWIDE POLICY; INTERROGATION METHODS

(a) As used in this section:

(1) “Custodial interrogation” has the same meaning as in 13 V.S.A. § 5585.

(2) “Place of detention” has the same meaning as in 13 V.S.A. § 5585.

(b) The Council shall establish a model interrogation policy that applies to all persons subject to various forms of interrogation, including the following:

(1) custodial interrogations occurring in a place of detention;

(2) custodial interrogations occurring outside a place of detention;

(3) interrogations that are not considered custodial, regardless of location; and

(4) the interrogation of individuals with developmental, intellectual, and psychiatric disabilities; substance use disorder; and low literacy levels.

(c)(1) On or before April 1, 2024, each law enforcement agency and every constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of this title shall adopt, follow, and enforce an interrogation policy that includes each component of the model interrogation policy established by the Council, and each law enforcement officer or constable who exercises law enforcement authority shall comply with the provisions of agency's or constable's policy.

(2) On or before October 1, 2024, and every even-numbered year thereafter, the Vermont Criminal Justice Council, in consultation with others, including the Office of the Attorney General, the Agency of Human Services, and the Human Rights Commission, shall review and, if necessary, update the model interrogation policy.

(d) To encourage fair and consistent interrogation methods statewide, the Vermont Criminal Justice Council, in consultation with the Office of the Attorney General, shall review the policies of law enforcement agencies and constables required to adopt a policy pursuant to subsection (c) of this section, to ensure that those policies establish each component of the model policy on or before April 15, 2024. If the Council finds that a policy does not meet each component of the model policy, it shall work with the law enforcement agency or constable to bring the policy into compliance. If, after consultation with its attorney or with the Council, or with both, the law enforcement agency or constable fails to adopt a policy that meets each component of the model policy, that agency or constable shall be deemed to have adopted, and shall follow and enforce, the model policy established by the Council.

(e) The Council shall incorporate the provisions of this section into the training it provides.

(f) Annually, as part of their annual training report to the Council, every law enforcement agency and every constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of this title shall report to the Council whether the agency or constable has adopted an interrogation policy in accordance with subsections (c) and (d) of this section. The Vermont Criminal Justice Council shall determine, as part of the Council's annual certification of training requirements, whether current officers have received training on interrogation methods as required by subsection (e) of this section.

(g) Annually, on or before July 1, the Vermont Criminal Justice Council shall report to the House and Senate Committees on Judiciary regarding which

law enforcement agencies and officers have received training on interrogation methods.

Sec. 7. APPROPRIATION

The sum of \$150,000.00 is appropriated from the General Fund to the Vermont Criminal Justice Council in fiscal year 2024 for the purpose of creating a Director of Policy position.

Sec. 8. EFFECTIVE DATES

This act shall take effect on July 1, 2023, except that Secs. 5 (council services contingent on agency compliance; grant eligibility) and 6 (statewide policy; interrogation methods) shall take effect on April 1, 2024.

And that after passage the title of the bill be amended to read:

An act relating to law enforcement interrogation policies.

And that when so amended the bill ought to pass.

Senator Sears, for the Committee on Appropriations, to which the bill was referred, reported that the bill be amended as recommended by the Committee on Judiciary with the following amendment thereto:

By striking out Sec. 7, appropriation, in its entirety and inserting in lieu thereof a new Sec. 7 to read as follows:

Sec. 7. [Deleted.]

And that when so amended the bill ought to pass.

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

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

### **Bills Passed**

Senate bills of the following titles were severally read the third time and passed:

**S. 37.** An act relating to access to legally protected health care activity and regulation of health care providers.

**S. 48.** An act relating to regulating the sale of catalytic converters.

**S. 94.** An act relating to the City of Barre tax increment financing district.

**Third Reading Ordered****J.R.S. 19.**

Joint Senate resolution entitled:

Joint resolution relating to State lands transactions in Jamaica State Park and Coolidge State Forest.

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

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

**Third Reading Ordered****S. 93.**

Senator McCormack, for the Committee on Finance, to which was referred Senate bill entitled:

An act relating to the sales tax exemption for advanced wood boilers.

Reported that the bill ought to pass.

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

**Bills Amended; Third Readings Ordered****S. 65.**

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

An act relating to commercial insurance coverage of epinephrine auto-injectors.

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

Sec. 1. 8 V.S.A. chapter 107, subchapter 15 is added to read:

Subchapter 15. Epinephrine§ 4100m. EPINEPHRINE AUTO-INJECTORS; COVERAGE REQUIRED

(a) As used in this section, "health insurance plan" means any individual or group health insurance policy, any hospital or medical service corporation or health maintenance organization subscriber contract, or any other health benefit plan offered, issued, or renewed for any person in this State by a health insurer. The term shall not include benefit plans providing coverage for a specific disease or other limited benefit coverage. "Health insurer" means any



insurance company that provides health insurance as defined in subdivision 3301(a)(2) of this title, nonprofit hospital and medical service corporations, and health maintenance organizations.

(b) Except to the extent such coverage would disqualify a high-deductible health plan from eligibility for a health savings account pursuant to 26 U.S.C. § 223, a health insurance plan shall provide coverage without any deductible, coinsurance, co-payment, or other cost-sharing requirement for epinephrine auto-injectors when prescribed by an insured's health care provider.

#### Sec. 2. EFFECTIVE DATE

This act shall take effect on January 1, 2025 and shall apply to all health insurance plans issued on and after January 1, 2025 on such date as a health insurer offers, issues, or renews the health insurance plan, but in no event later than January 1, 2026.

And that when so amended the bill ought to pass.

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

#### **S. 104.**

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

An act relating to designating August 31 as Overdose Awareness Day.

Reported recommending that the bill be amended by adding a new Sec. 4 to read as follows:

#### Sec. 4. PROSPECTIVE REPEAL

1 V.S.A. § 378 (Overdose Awareness Day) and 1 V.S.A. § 496f (flag protocol; Overdose Awareness Day) are repealed effective September 1, 2033.

And by renumbering the remaining section to be numerically correct.

And that when so amended the bill ought to pass.

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

#### **Message from the House No. 30**

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

Mr. President:

I am directed to inform the Senate that:

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

**H. 175.** An act relating to modernizing the Children and Family Council for Prevention Programs.

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

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

**H.C.R. 48.** House concurrent resolution commemorating the 25th anniversary of the Good Friday Agreement on the observance of St Patrick's Day 2023.

**H.C.R. 49.** House concurrent resolution congratulating Westford Elementary School's robotics teams for their award-winning performances at the FIRST LEGO League State Championship.

**H.C.R. 50.** House concurrent resolution congratulating the Governor's Institutes of Vermont on their 40th anniversary.

**H.C.R. 51.** House concurrent resolution commemorating the 25th anniversary of the establishment of the Vermont Downtown Program and designating March 22, 2023 as Downtown Day at the State House.

**H.C.R. 52.** House concurrent resolution designating March 22, 2023 as Vermont Tourism Day at the State House.

**H.C.R. 53.** House concurrent resolution recognizing the week of May 14–20 as National Skilled Nursing Care Week and the week of September 10–16 as National Assisted Living Week in Vermont.

**H.C.R. 54.** House concurrent resolution honoring Bruce Sklar, Harwood Union Middle and High School jazz teacher extraordinaire.

**H.C.R. 55.** House concurrent resolution honoring Chris Rivers on his transformative career as Harwood Union Middle and High School Music Department Chair.

**H.C.R. 56.** House concurrent resolution recognizing March 12–18 as AmeriCorps Week in Vermont.

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 Rep. Casey,

**H.C.R. 48.**

House concurrent resolution commemorating the 25th anniversary of the Good Friday Agreement on the observance of St Patrick's Day 2023.

By Rep. Andrews,

**H.C.R. 49.**

House concurrent resolution congratulating Westford Elementary School's robotics teams for their award-winning performances at the FIRST LEGO League State Championship.

By Reps. Bos-Lun and others,

**H.C.R. 50.**

House concurrent resolution congratulating the Governor's Institutes of Vermont on their 40th anniversary.

By Reps. Wood and others,

**H.C.R. 51.**

House concurrent resolution commemorating the 25th anniversary of the establishment of the Vermont Downtown Program and designating March 22, 2023 as Downtown Day at the State House.

By Reps. Jerome and Marcotte,

By Senator Ram Hinsdale,

**H.C.R. 52.**

House concurrent resolution designating March 22, 2023 as Vermont Tourism Day at the State House.

By Rep. Wood,

By Senators Lyons, Gulick, Hardy, Weeks and Williams,

**H.C.R. 53.**

House concurrent resolution recognizing the week of May 14–20 as National Skilled Nursing Care Week and the week of September 10–16 as National Assisted Living Week in Vermont.

By Reps. Dolan and others,

**H.C.R. 54.**

House concurrent resolution honoring Bruce Sklar, Harwood Union Middle and High School jazz teacher extraordinaire.

By Reps. Dolan and others,

**H.C.R. 55.**

House concurrent resolution honoring Chris Rivers on his transformative career as Harwood Union Middle and High School Music Department Chair.

By Rep. Noyes,

**H.C.R. 56.**

House concurrent resolution recognizing March 12–18 as AmeriCorps Week in Vermont.

**Adjournment**

On motion of Senator Baruth, the Senate adjourned, to reconvene on Tuesday, March 21, 2023, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 18.

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**TUESDAY, MARCH 21, 2023**

Pursuant to the Senate Rules, in the absence of the President, 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.

**Bills Referred to Committee on Finance**

Senate 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:

**S. 25.** An act relating to regulating cosmetic and menstrual products containing certain chemicals and chemical classes and textiles and athletic turf fields containing perfluoroalkyl and polyfluoroalkyl substances.

**S. 33.** An act relating to miscellaneous judiciary procedures.

**S. 56.** An act relating to child care and early childhood education.

**S. 80.** An act relating to miscellaneous environmental conservation subjects.

**S. 135.** An act relating to the establishment of VT Saves.

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**Bills Referred to Committee on Appropriations**

Senate 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 on Appropriations:

**S. 17.** An act relating to sheriff reforms.

**S. 27.** An act relating to reducing the imposition of cash bail.

**S. 30.** An act relating to creating a Sister State Program.

**S. 39.** An act relating to compensation and benefits for members of the Vermont General Assembly.

**S. 42.** An act relating to divestment of State pension funds of investments in the fossil fuel industry.

**S. 102.** An act relating to expanding employment protections and collective bargaining rights.

**Joint Senate Resolution Adopted on the Part of the Senate****J.R.S. 20.**

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

By Senator Baruth,

**J.R.S. 20.** Joint resolution relating to weekend adjournment.

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

That when the two Houses adjourn on Friday, March 24, 2023, it be to meet again no later than Tuesday, March 28, 2023.

**Committee Bills Introduced**

Senate committee bills of the following title was introduced, read the first time, and, under the rule, placed on the Calendar for notice the next legislative day:

**S. 137.**

By the Committee on Natural Resources and Energy,

An act relating to energy efficiency modernization.

**S. 138.**

By the Committee on Education,

An act relating to school safety.

**S. 139.**

By the Committee on Government Operations,

An act relating to the modernization of public safety communications in Vermont.

**Bill Referred**

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

**H. 175.**

An act relating to modernizing the Children and Family Council for Prevention Programs.

To the Committee on Judiciary.

**Bills Passed**

Senate bills of the following titles were severally read the third time and passed:

**S. 6.** An act relating to custodial interrogation of juveniles.

**S. 65.** An act relating to commercial insurance coverage of epinephrine auto-injectors.

**S. 93.** An act relating to the sales tax exemption for advanced wood boilers.

**S. 104.** An act relating to designating August 31 as Overdose Awareness Day.

**Joint Resolution Adopted on the Part of the Senate****J.R.S. 19.**

Joint Senate resolution of the following title was read the third time and adopted on the part of the Senate:

Joint resolution relating to State lands transactions in Jamaica State Park and Coolidge State Forest.

**Bill Amended; Third Reading Ordered****S. 99.**

Senate committee bill entitled:

An act relating to miscellaneous changes to laws related to vehicles.

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

Senator Chittenden, for the Committee on Finance, to which the bill was referred, reported the bill ought to pass.

Senator Perchlik, for the Committee on Appropriations, to which the bill was referred, reported the bill ought to pass.

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?, Senators Chittenden, Kitchel, Ingalls, Mazza and Perchlik moved that the bill be amended as follows:

First: In Sec. 21, 23 V.S.A. § 1221, by striking out subdivisions (a)(3) and (4) in their entirety

Second: In Sec. 21, 23 V.S.A. § 1221, in subsections (b) and (c), by striking out “State or town”

Which was agreed to.

Thereupon, third reading of the bill was ordered.

### **Third Reading Ordered**

#### **S. 35.**

Senator McCormack, for the Committee on Finance, to which was referred Senate bill entitled:

An act relating to the Town of Hartford’s tax increment financing district.

Reported that the bill ought to pass.

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

### **Bill Amended; Third Reading Ordered**

#### **S. 36.**

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

An act relating to permitting an arrest without a warrant for assaults and threats against health care workers and disorderly conduct at health care facilities.

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

Sec. 1. Rule 3 of the Vermont Rules of Criminal Procedure is amended to read:

Rule 3. Arrest Without a Warrant; Citation to Appear

\* \* \*

(c) Nonwitnessed Misdemeanor Offenses. If an officer has probable cause to believe a person has committed or is committing a misdemeanor outside the presence of the officer, the officer may issue a citation to appear before a judicial officer in lieu of arrest. The officer may arrest the person without a warrant if the officer has probable cause to believe:

\* \* \*

(8) The person has committed a misdemeanor which involves an assault against a family member, or against a household member, as defined in 15 V.S.A. § 1101(2), or a child of such a family or household member.

\* \* \*

(14) The person has violated 13 V.S.A. § 1023 (simple assault).

\* \* \*

(18) The person has committed a misdemeanor that involves an assault against a health care worker in a health care facility as those terms are defined in 13 V.S.A. § 1028(d).

(19) The person has violated 13 V.S.A. § 1702 (criminal threatening) against a health care worker in a health care facility as those terms are defined in 13 V.S.A. § 1028(d).

(20) The person has committed a violation of 13 V.S.A. § 1026 (disorderly conduct) that interfered with the provision of medically necessary health care services in a health care facility as defined in 13 V.S.A. § 1028(d).

Sec. 2. 18 V.S.A. § 1883 is added to read:

§ 1883. DISCLOSURE OF PROTECTED HEALTH INFORMATION  
REQUIRED

When an authorized representative of a health care facility that operates as a covered entity requests that a law enforcement officer respond to and potentially arrest a patient for an alleged crime committed on the premises, the facility shall disclose to the law enforcement officer information that is sufficient to confirm whether the patient is medically cleared so that the patient may be removed from the facility and shall disclose any other information that will be necessary for purposes of safely taking custody of the patient.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

And that when so amended the bill ought to pass.



Senator Weeks, for the Committee on Health and Welfare, to which the bill was referred, reported that bill be amended as recommended by the Committee on Judiciary with the following amendment thereto:

by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. Rule 3 of the Vermont Rules of Criminal Procedure is amended to read:

Rule 3. Arrest Without a Warrant; Citation to Appear

\* \* \*

(c) Nonwitnessed Misdemeanor Offenses. If an officer has probable cause to believe a person has committed or is committing a misdemeanor outside the presence of the officer, the officer may issue a citation to appear before a judicial officer in lieu of arrest. The officer may arrest the person without a warrant if the officer has probable cause to believe:

\* \* \*

(8) The person has committed a misdemeanor which involves an assault against a family member, or against a household member, as defined in 15 V.S.A. § 1101(2), or a child of such a family or household member.

\* \* \*

(14) The person has violated 13 V.S.A. § 1023 (simple assault).

\* \* \*

(18) The person has committed a misdemeanor that involves an assault against a health care worker in a health care facility as those terms are defined in 13 V.S.A. § 1028(d).

(19) The person has violated 13 V.S.A. § 1702 (criminal threatening) against a health care worker in a health care facility as those terms are defined in 13 V.S.A. § 1028(d).

(20) The person has committed a violation of 13 V.S.A. § 1026(a)(1) (disorderly conduct for engaging in fighting or in violent, tumultuous, or threatening behavior) that interfered with the provision of medically necessary health care services in a health care facility as defined in 13 V.S.A. § 1028(d).

Sec. 2. 13 V.S.A. § 1702 is added 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, 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.

\* \* \*

(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) A person who violates subsection (a) of this section with the intent to terrify or intimidate a health care worker because of the worker's previous action or inaction taken in the provision of health care services shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(h) As used in this section:

(1) "Serious bodily injury" has the same meaning as in section 1021 of this title.

(2) "Threat" and "threaten" 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.

(9) “Health care services” means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.

(10) “Health care worker” has the same meaning as in section 1028 of this title.

(h)(i) Any person charged under this section who is younger than the age identified in 33 V.S.A. § 5201(d) shall be subject to a juvenile proceeding.

Sec. 3. 18 V.S.A. § 1883 is added to read:

§ 1883. DISCLOSURE OF PROTECTED HEALTH INFORMATION  
REQUIRED

When an authorized representative of a health care facility that operates as a covered entity requests that a law enforcement officer respond to and potentially arrest a patient for an alleged crime committed on the premises, the facility shall disclose to the law enforcement officer information that is sufficient to confirm whether the patient is medically cleared so that the patient may be removed from the facility and shall disclose any other information that will be necessary for purposes of safely taking custody of the patient.

Sec. 4. REPORT ON DE-ESCALATION

On or before January 15, 2024, the Vermont Program for Quality in Health Care, in consultation with stakeholders, shall provide a report to the Senate Committee on Health and Welfare and the House Committee on Health Care regarding de-escalation of potentially violent situations in health care facilities. With a health equity impact informed lens, the report shall include best practices for de-escalation, the types of de-escalation practices currently in use, barriers to training, and recommendations for appropriate policy improvements.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the recommendation of the Committee on Judiciary was amended as recommended by the Committee on Health and Welfare.

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

**Joint Resolution Adopted in Concurrence****J.R.H. 3.**

Joint House resolution entitled:

Joint resolution authorizing the Green Mountain Boys State educational program to use the State House facilities on June 29, 2023.

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

**Adjournment**

On motion of Senator Mazza, the Senate adjourned until eleven o'clock in the morning on Wednesday, March 22, 2023.

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**WEDNESDAY, MARCH 22, 2023**

Pursuant to the Senate Rules, in the absence of the President, the Senate was called to order by the President *pro tempore*.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Message from the House No. 31**

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

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

**H. 62.** An act relating to the interstate Counseling Compact.

**H. 77.** An act relating to Vermont's adoption of the Physical Therapy Licensure Compact.

**H. 86.** An act relating to Vermont's adoption of the Audiology and Speech-Language Pathology Interstate Compact.

**H. 465.** An act relating to regional emergency management committees' meeting quorum requirement.

**H. 466.** An act relating to technical corrections for the 2023 legislative session.

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

The Governor has informed the House that on March 20, 2023, he approved and signed a bill originating in the House of the following title:

**H. 46.** An act relating to approval of the dissolution of Colchester Fire District No. 3.

The Governor has informed the House that on March 20, 2023, he did not approve and allowed to become law without his signature a bill originating in the House of the following title:

**H. 145** An act relating to fiscal year 2023 budget adjustments

**Text of Communication from Governor**

The text of the communication to the Senate from His Excellency, the Governor, setting forth his reasons for refusing to sign and *allowing to become law without his signature*, **House Bill No. 145**, is as follows:

“March 20, 2023

The Honorable BetsyAnn Wrask  
Clerk of the Vermont House of Representatives  
115 State Street  
Montpelier, VT 05633

Re: H.145, AN ACT RELATING TO FISCAL YEAR 2023 BUDGET  
ADJUSTMENTS

Dear Ms. Wrask:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, H.145, *An act relating to fiscal year 2023 budget adjustments*, will become law without my signature for the reasons stated herein.

While I appreciate the General Assembly including nearly all the initiatives I asked for in budget adjustment, including additional housing, healthcare stabilization, home heating assistance, and more, I’m deeply concerned with the Legislature’s changes that overspent my proposal by over \$50 million.

As I have previously shared in letters to Committee Chairs and in testimony given by my Administration, this will leave us with significantly less to put towards critical investments in the FY24 budget.

While some of the Legislature’s additional spending may be worthy of consideration, there was no opportunity to weigh their merit against all other investments in the FY24 budget. Spending this much money so early in the session, without looking at everything in the aggregate means we can’t be sure we’re getting the most out of the historic one-time opportunity for Vermonters.

It's imperative the Legislature invest revenue surplus with more discipline and clarity. Failing to do so will squander the historic and transformative opportunity we find ourselves in.

Unfortunately, the Legislature's changes to the budget adjustment suggests a willingness to fall back into a spending, instead of investing, strategy, and I firmly believe we must not allow this to happen in the FY24 budget.

Instead, I ask we take a well-coordinated and strategic approach, in line with what I've recommended, to fund all the tangible and transformative community infrastructure projects, affordability and workforce initiatives and more, to get real and lasting results for every county and every community.

Sincerely,

/s/Philip B. Scott  
Governor"

#### **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:

Delneo, Cathy of Montpelier - State Librarian, Department of Libraries  
Department of - from March 23, 2022 for an indefinite term.

To the Committee on Education.

Farrell, Alex of South Burlington - Commissioner, Vermont State Housing  
Authority - from March 1, 2023 to February 29, 2028.

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

Richardson, Cory B. of Waterbury - Commissioner, Vermont State Housing  
Authority - from March 1, 2023 to February 29, 2028.

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

Winters, Christopher of Berlin - Commissioner, Department for Children  
and Families - from March 1, 2023 to February 28, 2025.

To the Committee on Health and Welfare.

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Cioffi, Frank of St. Albans - Trustee of the University of VT and Agricultural College Board of Trustees - from March 1, 2023 to February 28, 2029.

To the Committee on Education.

Thomas, Brian of Shrewsbury - Member of the Plumbers' Examining Board - from March 1, 2023 to February 28, 2026.

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

### **Bill Referred to Committee on Finance**

#### **S. 139.**

Senate 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 modernization of public safety communications in Vermont.

### **Bill Referred to Committee on Appropriations**

#### **S. 137.**

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

An act relating to energy efficiency modernization.

### **Bills Referred**

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

#### **H. 62.**

An act relating to the interstate Counseling Compact.

To the Committee on Health and Welfare.

#### **H. 77.**

An act relating to Vermont's adoption of the Physical Therapy Licensure Compact.

To the Committee on Health and Welfare.

**H. 86.**

An act relating to Vermont's adoption of the Audiology and Speech-Language Pathology Interstate Compact.

To the Committee on Health and Welfare.

**H. 465.**

An act relating to regional emergency management committees' meeting quorum requirement.

To the Committee on Government Operations.

**H. 466.**

An act relating to technical corrections for the 2023 legislative session.

To the Committee on Government Operations.

**Consideration Postponed****S. 60.**

Senator Brock, for the Committee on Finance, to which was referred Senate entitled:

An act relating to local option taxes.

Reported recommending that the Senate amend the bill as follows:

By striking striking out Sec. 2 (confidentiality of tax records) in its entirety and inserting in lieu thereof new Secs. 2 and 3 to read as follows:

**Sec. 2. CHARTER ADOPTION APPROVAL**

(a) The General Assembly approves the adoption of the charter of the Town of South Hero as set forth in this act.

(b) The General Assembly approves the local option tax proposed by the Town and authorizes the assessment of that tax as approved by the voters. On March 1, 2022, the voters of the Town of South Hero approved the adoption of a local option tax. The question on the ballot was: "Shall the Town of South Hero assess a one percent (1%) tax on meals and alcoholic beverages pursuant to Vermont Statute 24 V.S.A. § 138(b)? Such revenues will be expended for municipal recreation and park facilities and Town structures per 24 V.S.A. § 138(d)(1)."

Sec. 3. 24 App. V.S.A. chapter 148 is added to read:

**CHAPTER 148. TOWN OF SOUTH HERO****§ 1. LOCAL OPTION TAX**



Notwithstanding the requirements of 1 V.S.A. § 138(a), the Town of South Hero is authorized to adopt a local option tax pursuant to 24 V.S.A. § 138.

And by renumbering the remaining section to be numerically correct.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and pending the question, Shall the bill be amended as recommended by the Committee on Finance?, Senator Hardy moved that consideration be postponed until Wednesday, March 29, 2023.

Which was agreed to.

### **Bills Passed**

Senate bills of the following titles were severally read the third time and passed:

**S. 35.** An act relating to the Town of Hartford's tax increment financing district.

**S. 36.** An act relating to permitting an arrest without a warrant for assaults and threats against health care workers and disorderly conduct at health care facilities.

### **Bill Amended; Third Reading Ordered**

#### **S. 47.**

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

An act relating to the transport of individuals requiring psychiatric care.

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

Sec. 1. 18 V.S.A. § 7505 is amended to read:

§ 7505. WARRANT AND CERTIFICATE FOR EMERGENCY  
EXAMINATION

(a) In emergency circumstances where certification by a licensed physician is not available without serious and unreasonable delay, and when personal observation of the conduct of a person constitutes reasonable grounds to believe that the person is a person in need of treatment, and ~~he or she~~ the person presents an immediate risk of serious injury to ~~himself or herself~~ self or others if not restrained, a law enforcement officer or mental health professional may make an application, not accompanied by a physician's certificate, to any Superior judge for a warrant for an emergency examination.

(b) The law enforcement officer ~~or mental health professional~~ may take the person into temporary custody. The law enforcement officer, or a mental health professional if clinically appropriate, may transport the person to a hospital, police barracks, or another safe location in accordance with section 7511 of this title. The law enforcement officer or mental health professional shall apply to the court without delay for the warrant while the person is in temporary custody.

(c) If the judge is satisfied that a physician's certificate is not available without serious and unreasonable delay, and that probable cause exists to believe that the person is in need of an emergency examination, ~~he or she~~ the judge may order the person to submit to an evaluation by a licensed physician for that purpose.

(d) If necessary, the court may order the law enforcement officer ~~or mental health professional~~ to transport the person, in accordance with section 7511 of this title, to a hospital for an evaluation by a licensed physician to determine if the person should be certified for an emergency examination.

(e) A person transported pursuant to subsection (d) of this section shall be evaluated as soon as possible after arrival at the hospital. If after evaluation the licensed physician determines that the person is a person in need of treatment, ~~he or she~~ the licensed physician shall issue an initial certificate that sets forth the facts and circumstances constituting the need for an emergency examination and showing that the person is a person in need of treatment. Once the licensed physician has issued the initial certificate, the person shall be held for an emergency examination in accordance with section 7508 of this title. If the licensed physician does not certify that the person is a person in need of treatment, ~~he or she~~ the licensed physician shall immediately discharge the person and cause ~~him or her~~ the person to be returned to the place from which ~~he or she~~ the person was taken, or to such place as the person reasonably directs.

Sec. 2. 18 V.S.A. § 7511 is amended to read:

§ 7511. TRANSPORTATION

(a) The Commissioner shall ensure that all reasonable and appropriate measures consistent with public safety are made to transport or escort a person subject to this chapter to and from any emergency department or inpatient setting, ~~including escorts within a designated hospital or the Vermont State Hospital or its successor in interest or otherwise being transported under the jurisdiction of the Commissioner in any manner which that:~~

- (1) prevents physical and psychological trauma;
- (2) respects the privacy of the individual; and

(3) represents the least restrictive means necessary for the safety of the patient.

(b) The Commissioner shall have the authority to designate the professionals or law enforcement officers who may authorize the method of transport of patients under the Commissioner's care and custody.

(c) When a professional or law enforcement officer designated pursuant to subsection (b) of this section decides an individual is in need of secure transport with mechanical restraints, the reasons for such determination shall be documented in writing.

(d) It is the policy of the State of Vermont that mechanical restraints are not routinely used on persons subject to this chapter unless circumstances dictate that such methods are necessary. A law enforcement vehicle shall have soft restraints available for use as a first option, and mechanical restraints shall not be used as a substitute for soft restraints if the soft restraints are otherwise deemed adequate for safety.

### Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

And that when so amended the bill ought to pass.

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

### **Bill Amended; Third Reading Ordered**

#### **S. 73.**

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

An act relating to workers' compensation coverage for firefighters with cancer.

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

Sec. 1. 21 V.S.A. § 601 is amended to read:

#### § 601. DEFINITIONS

~~Unless the context otherwise requires, words and phrases used in this chapter shall be construed as follows~~ As used in this chapter:

\* \* \*

(11) "Personal injury by accident arising out of and in the course of

employment” includes an injury caused by the willful act of a third person directed against an employee because of that employment.

\* \* \*

(E) In the case of a firefighter, as defined in 20 V.S.A. § 3151(3) and (4), who dies or has a disability from a cancer listed in subdivision (iii) of this subdivision (E), the firefighter shall be presumed to have had the cancer as a result of exposure to conditions in the line of duty, unless it is shown by a preponderance of the evidence that the cancer was caused by nonservice-connected risk factors or nonservice-connected exposure, provided:

(i)(I) the firefighter completed an initial and any subsequent cancer screening evaluations as recommended by the American Cancer Society based on the age and sex of the firefighter prior to becoming a firefighter or ~~within two years of July 1, 2007~~ while serving as a firefighter, and the evaluation indicated no evidence of cancer;

(II) the firefighter was engaged in firefighting duties or other hazardous activities over a period of at least five years in Vermont prior to the diagnosis; and

(III) the firefighter is under 65 years of age.

(ii) The presumption shall not apply to any firefighter who has used tobacco products at any time within 10 years of the date of diagnosis.

(iii) The disabling cancer shall be limited to leukemia, lymphoma, or multiple myeloma, and cancers originating in the bladder, brain, breast, colon, gastrointestinal tract, kidney, liver, pancreas, reproductive system, skin, or ~~testicles~~ thyroid.

(F) A firefighter who is diagnosed with cancer within 10 years of the last active date of employment as a firefighter shall be eligible for benefits under this subdivision. The date of injury shall be the date of the last injurious exposure as a firefighter.

(G) It is recommended that fire departments:

(i) maintain incident report records for at least 10 years; and

(ii) offer or provide annual cancer screenings to all firefighters who are employed by or who volunteer for the department.

\* \* \*

## Sec. 2. ANNUAL CANCER SCREENINGS; PERSONAL PROTECTIVE EQUIPMENT UPGRADES; REPORT

(a) On or before January 15, 2024, the Director of the Division of Fire

Safety shall submit a written report to the House Committees on Appropriations, on Commerce and Economic Development, and on Government Operations and Military Affairs and the Senate Committees on Appropriations; on Economic Development, Housing and General Affairs; and on Government Operations regarding the following topics:

(1) the projected cost for the State to fund annual or biennial cancer screenings for all career and volunteer firefighters in Vermont;

(2) the projected cost for the State to fund cancer screenings for all enrollees in the Vermont Fire Academy Firefighter I certification program prior to the commencement of training;

(3) potential opportunities for the State to reduce the cost for fire departments to provide annual cancer screenings for their firefighters;

(4) the projected cost for the State to fund the replacement of personal protective equipment for all volunteer and career firefighters on a rolling basis so that all personal protective equipment is replaced within 10 years after being acquired; and

(5) potential opportunities for the State to reduce the cost to fire departments for the replacement of personal protective equipment.

(b) The report may include recommendations for legislative action to facilitate:

(1) the early identification of cancer in firefighters;

(2) the acquisition of personal protective equipment by fire departments;  
and

(3) the elimination of PFAS and other carcinogens in firefighting equipment.

### Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

And that when so amended the bill ought to pass.

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

### **Bill Amended; Third Reading Ordered**

#### **S. 103.**

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

An act relating to amending the prohibitions against discrimination.

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

Sec. 1. 21 V.S.A. § 495 is amended to read:

§ 495. UNLAWFUL EMPLOYMENT PRACTICE

(a) It shall be unlawful employment practice, except where a bona fide occupational qualification requires persons of a particular race, color, religion, national origin, sex, sexual orientation, gender identity, ancestry, place of birth, age, crime victim status, or physical or mental condition:

(1) For any employer, employment agency, or labor organization to harass or discriminate against any individual because of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, crime victim status, or age or against a qualified individual with a disability;

\* \* \*

(3) For any employment agency to fail or refuse to classify properly or refer for employment or to otherwise harass or discriminate against any individual because of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, crime victim status, or age or against a qualified individual with a disability;

(4) For any labor organization, to limit, segregate, or qualify its membership with respect to any individual because of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, crime victim status, or age ~~to discriminate against any individual or against a qualified individual with a disability or to limit, segregate, or qualify its membership; or against a qualified individual with a disability.~~

\* \* \*

(7) For any employer, employment agency, labor organization, or person seeking employees to discriminate between employees on the basis of sex, race, or national origin or against a qualified individual with a disability by paying wages to employees of one sex, race, or national origin or an employee who is a qualified individual with a disability at a rate less than the rate paid to employees of the other sex or a different race or national origin or without the physical or mental condition of the qualified individual with a disability for equal work that requires equal skill, effort, and responsibility and is performed under similar working conditions. An employer who is paying wages in violation of this section shall not reduce the wage rate of any other employee in order to comply with this subsection.

(A) An employer may pay different wage rates under this subsection when the differential wages are made pursuant to:

\* \* \*

(iv) A bona fide factor other than sex, race, national origin, or physical or mental condition. An employer asserting that differential wages are paid pursuant to this subdivision (7)(A)(iv) shall demonstrate that the factor does not perpetuate a sex-based differential in compensation, based on sex, race, national origin, or physical or mental condition; is job-related with respect to the position in question; and is based upon a legitimate business consideration.

\* \* \*

(C) Nothing in this section shall be construed to diminish an employee's right to privacy regarding a disability or physical or mental condition under any other law, or pursuant to an applicable contract or collective bargaining agreement.

(8) ~~Retaliation prohibited.~~ An employer, employment agency, or labor organization shall not discharge or in any other manner discriminate against any employee because the employee:

\* \* \*

(i) An agreement to settle a claim of a violation of subsection (a) of this section shall not prohibit, prevent, or otherwise restrict the employee from working for the employer or any parent company, subsidiary, division, or affiliate of the employer. Any provision of an agreement to settle a claim of a violation of subsection (a) of this section that violates this subsection shall be void and unenforceable with respect to the individual who made the claim.

(j) Except for claims alleging a violation of subdivision (a)(7) of this section, an employee shall not be required to demonstrate the existence of another employee or individual to whom the employee's treatment can be compared to establish a violation of this section.

(k) Notwithstanding any State or federal judicial precedent to the contrary:

(1) harassment and discrimination need not be severe or pervasive to constitute a violation of this section; and

(2) behavior that a reasonable employee with the same protected characteristic would consider to be a petty slight or trivial inconvenience shall not constitute unlawful harassment or discrimination pursuant to this section.

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

§ 495d. DEFINITIONS

As used in this subchapter:

\* \* \*

(13)(A) “Sexual harassment” is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal or physical, written, auditory, or visual conduct of a sexual nature when:

(A)(i) submission to that conduct is made either explicitly or implicitly a term or condition of employment;

(B)(ii) submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual; or

(C)(iii) the conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.

(B) Sexual harassment need not be severe or pervasive in order to be unlawful pursuant to this subchapter.

\* \* \*

(16) “Harass” means to engage in unwelcome conduct based on an employee’s race, color, religion, national origin, sex, sexual orientation, gender identity, ancestry, place of birth, age, crime victim status, or physical or mental condition that interferes with the employee’s work or creates a work environment that is intimidating, hostile, or offensive. In determining whether conduct constitutes harassment:

(A) The determination shall be made on the basis of the record as a whole, according to the totality of the circumstances, and a single incident may constitute unlawful harassment.

(B) Incidents that may be harassment shall be considered in the aggregate with varying types of conduct and conduct based on multiple characteristics viewed in totality, rather than in isolation.

(C) Conduct may constitute harassment, regardless of whether:

(i) the complaining employee is the individual being harassed;

(ii) the complaining employee acquiesced or otherwise submitted to or participated in the conduct;

(iii) the conduct is also experienced by others outside the



protected class involved in the conduct;

(iv) the complaining employee was able to continue carrying out the employee's job duties and responsibilities despite the conduct;

(v) the conduct resulted in a physical or psychological injury; or

(vi) the conduct occurred outside the workplace.

Sec. 3. 9 V.S.A. § 4501 is amended to read:

§ 4501. DEFINITIONS

As used in this chapter:

\* \* \*

(12)(A) "Harass" means to engage in unwelcome conduct that detracts from, undermines, or interferes with a person's:

(i) use of a place of public accommodation or any of the accommodations, advantages, facilities, or privileges of a place of public accommodation because of the person's race, creed, color, national origin, marital status, sex, sexual orientation, gender identity, or disability; or

(ii) terms, conditions, privileges, or protections in the sale or rental of a dwelling or other real estate, or in the provision of services or facilities in connection with a dwelling or other real estate, because of the person's race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or disability, or because the person intends to occupy a dwelling with one or more minor children, or because the person is a recipient of public assistance, or because the person is a victim of abuse, sexual assault, or stalking.

(B) Notwithstanding any judicial precedent to the contrary, harassing conduct need not be severe or pervasive to be unlawful pursuant to the provisions of this chapter. In determining whether conduct constitutes unlawful harassment:

(i) The determination shall be made on the basis of the record as a whole, according to the totality of the circumstances, and a single incident may constitute unlawful harassment.

(ii) Incidents that may be harassment shall be considered in the aggregate with varying types of conduct and conduct based on multiple characteristics viewed in totality, rather than in isolation.

(iii) Conduct may constitute unlawful harassment, regardless of whether:

(I) the complaining person is the person being harassed;

(II) the complaining person acquiesced or otherwise submitted to or participated in the conduct;

(III) the conduct is also experienced by others outside the protected class involved in the conduct;

(IV) despite the conduct, the complaining person was able to:

(aa) use the place of public accommodation or any of the accommodations, advantages, facilities, or privileges of the place of public accommodation; or

(bb) enjoy the benefit of applicable terms, conditions, privileges, or protections in the sale or rental of the dwelling or other real estate, or to obtain services or facilities in connection with the dwelling or other real estate;

(V) the conduct resulted in a physical or psychological injury;  
or

(VI) the conduct occurred outside the place of public accommodation or the dwelling or other real estate.

(C) Behavior that a reasonable person with the same protected characteristic would consider to be a petty slight or trivial inconvenience shall not constitute unlawful harassment or discrimination pursuant to this chapter.

(D) The provisions of this subdivision (12) shall not apply to any action brought under this chapter pursuant to the provisions of 16 V.S.A. § 570f.

Sec. 4. 9 V.S.A. § 4503 is amended to read:

§ 4503. UNFAIR HOUSING PRACTICES

\* \* \*

~~(d)(1) As used in this section, “harass” means to engage in unwelcome conduct that detracts from, undermines, or interferes with the person’s terms, conditions, privileges, or protections in the sale or rental of a dwelling or other real estate, or in the provision of services or facilities in connection with a dwelling or other real estate, because of the person’s race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or disability, or because the person intends to occupy a dwelling with one or more minor children, or because the person is a recipient of public assistance, or because the person is a victim of abuse, sexual assault, or stalking.~~

~~(2) Notwithstanding any judicial precedent to the contrary, harassing~~

~~conduct need not be severe or pervasive to be unlawful pursuant to the provisions of this section. In determining whether conduct constitutes unlawful harassment:~~

~~(A) The determination shall be made on the basis of the record as a whole, according to the totality of the circumstances, and a single incident may constitute unlawful harassment.~~

~~(B) Incidents that may be harassment shall be considered in the aggregate with varying types of conduct and conduct based on multiple characteristics viewed in totality, rather than in isolation.~~

~~(C) Conduct may constitute unlawful harassment, regardless of whether:~~

~~(i) the complaining person is the person being harassed;~~

~~(ii) the complaining person acquiesced or otherwise submitted to or participated in the conduct;~~

~~(iii) the conduct is also experienced by others outside the protected class involved in the conduct;~~

~~(iv) the complaining person was able to enjoy the benefit of applicable terms, conditions, privileges, or protections in the sale or rental of the dwelling or other real estate, or to obtain services or facilities in connection with the dwelling or other real estate, despite the conduct;~~

~~(v) the conduct resulted in a physical or psychological injury; or~~

~~(vi) the conduct occurred outside the dwelling or other real estate.~~

~~(3) behavior that a reasonable person with the same protected characteristic would consider to be a petty slight or trivial inconvenience shall not constitute unlawful harassment or discrimination pursuant to this section. [Repealed.]~~

#### Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

And that when so amended the bill ought to pass.

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

**Bill Amended; Third Reading Ordered****S. 112.**

Senator Bray, for the Committee on Finance, to which was referred Senate bill entitled:

An act relating to miscellaneous subjects related to the Public Utility Commission.

Reported recommending that the bill be amended in Sec. 1, 30 V.S.A. § 248, by striking out subsection (u) in its entirety and inserting a new subsection (u) to read as follows:

(u) For an energy storage facility, a certificate under this section shall only be required for a stationary facility exporting to the grid that has a capacity of 100 kW or greater, unless the Commission establishes a larger threshold by rule. The Commission shall establish a simplified application process for energy storage facilities subject to this section with a capacity of up to 1 MW, unless it establishes a larger threshold by rule. For facilities eligible for this simplified application process, a certificate of public good will be issued by the Commission by the forty-sixth day following filing of a complete application, unless a substantive objection is timely filed with the Commission or the Commission itself raises an issue. The Commission may require facilities eligible for the simplified application process to include a letter from the interconnecting utility indicating the absence or resolution of interconnection issues as part of the application.

And that when so amended the bill ought to pass.

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

**Adjournment**

On motion of Senator Clarkson, the Senate adjourned until eleven o'clock in the morning on Thursday, March 23, 2023.

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**THURSDAY, MARCH 23, 2023**

Pursuant to the Senate Rules, in the absence of the President, the Senate was called to order by the President *pro tempore*.

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**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Message from the House No. 32**

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

Mr. President:

I am directed to inform the Senate that:

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

**H. 470.** An act relating to miscellaneous amendments to alcoholic beverage laws.

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

**Bills Referred to Committee on Appropriations**

Senate 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 on Appropriations:

**S. 56.** An act relating to child care and early childhood education.

**S. 135.** An act relating to the establishment of VT Saves.

**Bill Introduced**

Senate bill of the following title was introduced, read the first time and referred:

**S. 140.**

By Senators Watson, Bray, Campion, Harrison, Hashim, MacDonald, McCormack, Perchlik, Vyhovsky and White,

An act relating to an energy storage study committee.

To the Committee on Natural Resources and Energy.

**Bill Referred**

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

**H. 470.**

An act relating to miscellaneous amendments to alcoholic beverage laws.

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

**Bill Passed****S. 47.**

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

An act relating to the transport of individuals requiring psychiatric care.

**Bill Amended; Bill Passed****S. 73.**

Senate bill entitled:

An act relating to workers' compensation coverage for firefighters with cancer.

Was taken up.

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

First: In Sec. 2, annual cancer screenings; personal protective equipment upgrades; report, by striking out subdivisions (a)(4) and (5) in their entirety and inserting in lieu thereof subdivisions (a)(4), (5), and (6) to read as follows:

(4) the projected cost for the State to fund the replacement of personal protective equipment for all volunteer and career firefighters on a rolling basis so that all personal protective equipment is replaced within 10 years after being acquired;

(5) potential opportunities for the State to reduce the cost to fire departments for the replacement of personal protective equipment; and

(6) the potential impact of amending or repealing the provisions of 21 V.S.A. § 601(11)(E) that bar a firefighter from the presumption that the firefighter's cancer resulted from work-related exposure if the firefighter is either over 65 years of age or has used tobacco products within the last 10 years.

Second: In Sec. 2, annual cancer screenings; personal protective equipment upgrades; report, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) The report may include recommendations for legislative action to:

(1) facilitate:

(A) the early identification of cancer in firefighters;

(B) the acquisition of personal protective equipment by fire departments; and

(C) the elimination of PFAS and other carcinogens in firefighting equipment; and

(2) amend or repeal the provisions of 21 V.S.A. § 601(11)(E) that bar a firefighter from the presumption that the firefighter's cancer resulted from work-related exposure if the firefighter is either over 65 years of age or has used tobacco products within the last 10 years.

Which was agreed to.

Thereupon, the bill was read the third time and passed.

### **Bills Passed**

Senate bills of the following titles were severally read the third time and passed:

**S. 103.** An act relating to amending the prohibitions against discrimination.

**S. 112.** An act relating to miscellaneous subjects related to the Public Utility Commission.

### **Bill Amended; Bill Passed**

#### **S. 99.**

Senate bill entitled:

An act relating to miscellaneous changes to laws related to vehicles.

Was taken up.

Thereupon, pending third reading of the bill, Senator White moved to amend the bill as follows:

\* \* \* Excessive Motor Vehicle Noise Report \* \* \*

#### Sec. 47. EXCESSIVE MOTOR VEHICLE NOISE REPORT

(a) The Commissioner of Motor Vehicles, in consultation with the Commissioner of Public Safety and the Vermont League of Cities and Towns, shall study and report on current and potential enforcement practices around excessive motor vehicle noise and make recommendations on ways to limit excessive motor vehicle noise in Vermont.

(b) The study and report shall, at a minimum, address:

(1) if there should be a noise standard in statute or the Periodic Inspection Manual, or both, and, if so, what that standard should be;

(2) costs to incorporate noise testing into the State motor vehicle inspection required under 23 V.S.A. § 1222 and the State's Periodic Inspection Manual;

(3) costs to train law enforcement officers on noise testing; and

(4) approaches to minimize excessive motor vehicle noise that have been taken in other states, including increased enforcement by law enforcement coupled with an objective noise standard defense.

(c) On or before January 1, 2025, the Commissioner of Motor Vehicles shall submit a written report to the House and Senate Committees on Judiciary and on Transportation with the Commissioner's findings and any recommendations for legislative action.

And by renumbering the remaining section to be numerically correct.

Which was agreed to.

Thereupon, pending third reading of the bill, Senators Hardy, Clarkson and Vyhovsky moved to amend the bill as follows:

First: By striking out Secs. 40–43, implementation of Department of Motor Vehicles modernization project; driver services, and inserting in lieu thereof the following:

Sec. 40. IMPLEMENTATION OF DEPARTMENT OF MOTOR VEHICLES  
MODERNIZATION PROJECT; GENERAL ASSEMBLY  
OVERSIGHT

(a) Findings. The General Assembly finds that:

(1) The Department of Motor Vehicles provides services to almost all Vermonters, including, in fiscal year 2022, engaging in more than a million transactions, with almost half of all transactions being conducted online.

(2) The Department is in the middle of the DMV Core System Modernization project, with an estimated launch date for the vehicle services module in November 2023 and with the driver services module expected to launch approximately 18 months after it commences in February 2024.

(3) As part of its design and implementation of the vehicle services module, the Department has discovered that one of the barriers to modernizing Department operations is certain outdated statutes. In order to best modernize and optimize Department processes for the future during the months-long module design and development process, the Commissioner of Motor Vehicles has had to make business decisions that conflict with current statutes while the General Assembly was adjourned, prior to an opportunity to seek amendments to those statutes through the legislative process.

(4) The driver services module of the DMV Core System Modernization project will design and implement processes to issue and maintain driver's licenses and other credentials; support fraud detection and investigation;



administer hearings; and administer, manage, and report driver restrictions, convictions, and other information related to driver improvement.

(5) Driver services processes are regulated by statute in 23 V.S.A. chapters 1, 3, 5, 9, 11, 24, 25, and 39, as well as more than 15 rules adopted pursuant to authority under Title 23.

(6) It is anticipated that in designing and implementing the driver services module, the Commissioner will need to make additional business decisions that conflict with current statutes in order to modernize and optimize Department processes to best serve Vermonters.

(7) Of the modernization projects in which the State is currently engaged, the DMV Core System Modernization Project will likely have the most significant impact on existing statutory language, but it is anticipated that other modernization projects, such as the one that the Department of Labor will undertake related to unemployment insurance, will raise similar tensions between promoting efficiencies as part of modernization and contending with outdated statutory provisions.

(8) A collaborative partnership between the Department and the General Assembly throughout the driver services module, monitored during legislative adjournment by the Joint Transportation Oversight Committee, the Joint Fiscal Committee, and the House and Senate Committees on Transportation, provides the best opportunity to save money, promote transparency, streamline the process of amending statute to optimize potential efficiencies for Vermonters, and serve as a model for collaboration between branches of State government in future modernization projects.

(b) Reports.

(1) The Commissioner of Motor Vehicles shall provide two written reports on the design and implementation of the driver services module of the DMV Core System Modernization project to the Joint Transportation Oversight Committee, the Joint Fiscal Committee, and the House and Senate Committees on Transportation. The first shall be due on or before July 1, 2024 and the second shall be due on or before December 1, 2024.

(2) To the extent practicable, at the time each written report is filed, the Department shall include recommendations on which provisions of statute and rule the Department anticipates will need to be amended or repealed in order to best modernize and optimize Department processes related to the provision of driver services.

(c) Joint meetings. The Commissioner of Motor Vehicles shall provide updates on the implementation of the driver services module of the DMV Core System Modernization project by testifying at two joint meetings of the House

and Senate Committees on Transportation. The first joint meeting shall be held on or before January 31, 2025 and the second joint meeting shall be held on or before April 30, 2025.

(d) General Assembly oversight. To the extent practicable, the Joint Transportation Oversight Committee, the Joint Fiscal Committee, and the House and Senate Committees on Transportation shall promptly express any concerns to the Department regarding any Department recommendations contained in any written report or testimony provided pursuant to subsections (b) and (c) of this section

Sec. 41. [Deleted.]

Sec. 42. [Deleted.]

Sec. 43. [Deleted.]

Second: In Sec. 48, effective dates, by striking out subsections (g) and (h) and inserting in lieu thereof the following:

(g) All other sections shall take effect on July 1, 2023.

Which was agreed to.

Thereupon, the bill was read the third time and passed.

### **Bill Amended; Third Reading Ordered**

#### **S. 27.**

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

An act relating to reducing the imposition of cash bail.

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

Sec. 1. 13 V.S.A. § 7551 is amended to read:

§ 7551. IMPOSITION OF BAIL, SECURED APPEARANCE BONDS, AND APPEARANCE BONDS

(a) Bonds; generally. A bond given by a person charged with a criminal offense or by a witness in a criminal prosecution under section 6605 of this title, conditioned for the appearance of the person or witness before the court in cases where the offense is punishable by fine or imprisonment, and in appealed cases, shall be taken to the Criminal Division of the Superior Court where the prosecution is pending and shall remain binding upon parties until discharged by the court or until sentencing. The person or witness shall appear at all required court proceedings.

(b) Limitation on imposition of bail, secured appearance bonds, and appearance bonds.

~~(1) Except as provided in subdivision (2) of this subsection, no No~~ bail, secured appearance bond, or appearance bond may be imposed:

~~(A) at the initial appearance of a person charged with a misdemeanor if the person was cited for the offense in accordance with Rule 3 of the Vermont Rules of Criminal Procedure; or~~

~~(B) at the initial appearance offense or upon the temporary release pursuant to Rule 5(b) of the Vermont Rules of Criminal Procedure of a person charged with a violation of a misdemeanor offense that is eligible for expungement pursuant to subdivision 7601(4)(A) of this title.~~

~~(2) In the event, except where the court finds that imposing bail is necessary to mitigate the risk of flight from prosecution for a person charged with a violation of a misdemeanor offense that is eligible for expungement pursuant to subdivision 7601(4)(A) of this title, the court may impose bail in a maximum amount of \$200.00 any of the following offenses:~~

~~(A) domestic assault as defined in section 1042 of this title;~~

~~(B) stalking as defined in section 1062 of this title;~~

~~(C) violation of a protection order as defined in section 1030 of this title;~~

~~(D) recklessly endangering another person as defined in section 1025 of this title;~~

~~(E) misdemeanor cruelty to a child as defined in section 1304 of this title;~~

~~(F) misdemeanor abuse, neglect, or exploitation of a vulnerable adult as defined in chapter 28 of this title; or~~

~~(G) misdemeanor sexual exploitation of children in violation of chapter 64 of this title.~~

~~(3)(2) This subsection shall not be construed to restrict the court's ability to impose conditions on such persons to reasonably mitigate the risk of flight from prosecution or to reasonably protect the public in accordance with section 7554 of this title.~~

## Sec. 2. PROPOSAL TO ELIMINATE CASH BAIL

(a)(1) The Vermont Sentencing Commission, in consultation with the entities designated in subdivision (2) of this subsection, shall identify the conditions that would be required to move toward the elimination of the use of

cash bail for the purpose of mitigating risk of flight from prosecution and develop a proposal to eliminate cash bail in Vermont.

(2) The Commission shall solicit input from:

(A) the Vermont Network Against Domestic and Sexual Violence;

(B) the Community Justice Unit of the Office of the Attorney General;

(C) Vermont Legal Aid;

(D) the Vermont Office of Racial Equity;

(E) the Vermont chapter of the American Civil Liberties Union;

(F) the Vermont Freedom Fund; and

(G) national experts on bail reform.

(b) The Commission shall report its findings and recommendations to the General Assembly on or before December 1, 2023.

#### Sec. 3. JUDICIARY; NOTICES OF HEARINGS

(a) To reduce the instances of failure to appear by persons who are charged with a criminal offense, on or before July 1, 2025, the Judiciary shall establish and implement a system to electronically notify such persons of upcoming required court appearances.

(b) On or before December 1, 2023, the Judiciary shall report to the General Assembly any requests for legislation or monies necessary to fund the system identified in subsection (a) of this section.

(c) On or before December 1, 2026, the Judiciary shall report to the General Assembly on the efficacy of the notification system.

#### Sec. 4. EFFECTIVE DATES

(a) This section and Secs. 2 and 3 shall take effect on passage.

(b) Sec. 1 shall take effect on July 1, 2025.

And that when so amended the bill ought to pass.

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

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

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**Rules Suspended; Third Reading Ordered; Rules Suspended; Bill Passed in Concurrence; Bill Messaged****H. 411.**

Appearing on the Calendar for notice, on motion of Senator Lyons, the rules were suspended and House bill entitled:

An act relating to extending COVID-19 health care regulatory flexibility.

Was taken up for immediate consideration.

Senator Lyons, for the Committee on Health and Welfare, 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.

Thereupon, on motion of Senator Lyons, the rules were suspended and the bill was placed on all remaining stages of its passage in concurrence.

Thereupon, the bill was read the third time and passed in concurrence.

Thereupon, on motion of Senator Lyons, the rules were suspended and the bill was ordered messaged to the House forthwith.

**Adjournment**

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

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**FRIDAY, MARCH 24, 2023**

The Senate was called to order by the President.

**Devotional Exercises**

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

**Message from the House No. 33**

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

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

**H. 55.** An act relating to miscellaneous unemployment insurance amendments.

**H. 110.** An act relating to extending the sunset under 30 V.S.A. § 248a.

**H. 171.** An act relating to adult protective services.

**H. 471.** An act relating to technical and administrative changes to Vermont's tax laws.

In the passage 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. 20.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

### **Rules Suspended; Bill Referred**

#### **S. 80.**

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

An act relating to miscellaneous environmental conservation subjects.

Carrying an appropriation or requiring the expenditure of funds, was referred to the Committee on Appropriations under Senate Rule 31.

### **Bill Introduced**

Senate bill of the following title was introduced, read the first time and referred:

#### **S. 141.**

By Senator Wrenner,

An act relating to approval of the charter of Fairfax Fire District No. 1.

To the Committee on Government Operations.

### **Bills Referred**

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

#### **H. 55.**

An act relating to miscellaneous unemployment insurance amendments.

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

**H. 110.**

An act relating to extending the sunset under 30 V.S.A. § 248a.

To the Committee on Finance.

**H. 171.**

An act relating to adult protective services.

To the Committee on Health and Welfare.

**H. 471.**

An act relating to technical and administrative changes to Vermont's tax laws.

To the Committee on Finance.

**Bill Passed****S. 27.**

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

An act relating to reducing the imposition of cash bail.

**Bill Amended; Third Reading Ordered****S. 33.**

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

An act relating to miscellaneous judiciary procedures.

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

Sec. 1. 3 V.S.A. § 5014(f) is amended to read:

(f) Repeal. This section shall be repealed on June 30, 2027.

Sec. 2. 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 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 Chief Superior Judge shall assign, an active or retired Justice or a retired judge, with the Justice's or judge's consent, to any special assignment in the Superior Court or the Judicial Bureau.

(2) The Chief Superior Judge may appoint and assign a judge to any special assignment in the Superior Court. ~~As used in~~ For purposes of this subdivision, a judge shall include a Superior judge, a Probate judge, a Family Division magistrate, or a judicial hearing officer, or a judicial master.

\* \* \*

Sec. 3. 4 V.S.A. § 27 is amended to read:

§ 27. COURT TECHNOLOGY SPECIAL FUND

There is established the Court Technology Special Fund ~~which that~~ shall be managed in accordance with 32 V.S.A. chapter 7, subchapter 5. Administrative fees collected pursuant to 13 V.S.A. § 7252 and revenue collected pursuant to fees established pursuant to sections 1105 and 1109 of this title shall be deposited and credited to this Fund. The Fund shall be available to the Judicial Branch to pay for contractual and operating expenses and project-related staffing not covered by the General Fund related to the following:

(1) ~~The~~ the acquisition and maintenance of software and hardware needed for case management, electronic filing, an electronic document management system, and the expense of implementation, including training;

(2) ~~The~~ the acquisition and maintenance of electronic audio and video court recording and conferencing equipment; and

(3) ~~The~~ the acquisition, maintenance, and support of the Judiciary's information technology network, including training.

Sec. 4. 4 V.S.A. § 27b is amended to read:

§ 27b. ~~ELECTRONICALLY FILED VERIFIED DOCUMENTS SELF-ATTESTED DECLARATION IN LIEU OF NOTARIZATION~~

(a) ~~A registered electronic filer in the Judiciary's electronic document filing system may file any~~ Any document that would otherwise require the approval or verification of a notary ~~by filing the document~~ may be filed with the following language inserted above the signature and date:

"I declare that the above statement is true and accurate to the best of my knowledge and belief. I understand that if the above statement is false, I will be subject to the penalty of perjury or to other sanctions in the discretion of the court."

(b) A document filed pursuant to subsection (a) of this section shall not require the approval or verification of a notary.

(c) This section shall not apply to an affidavit in support of a search



warrant application, ~~or to~~ an application for a nontestimonial identification order, an oath required by 14 V.S.A. §108, or consents and relinquishments in adoption proceedings governed by Title 15A.

Sec. 5. 4 V.S.A. § 32 is amended to read:

§ 32. JURISDICTION; CRIMINAL DIVISION

\* \* \*

(c) The Criminal Division shall have jurisdiction of the following civil actions:

\* \* \*

(12) proceedings to enforce 9 V.S.A. chapter 74, relating to energy efficiency standards for appliances and equipment; and

(13) proceedings to enforce 30 V.S.A. § 53, relating to commercial building energy standards.

Sec. 6. 4 V.S.A. § 36(a) is amended to read:

(a) Composition of the court. Unless otherwise specified by law, when in session, a Superior Court shall consist of:

\* \* \*

Sec. 7. 12 V.S.A. § 5 is amended to read:

§ 5. DISSEMINATION OF ELECTRONIC CASE RECORDS

(a) The Court shall not permit public access via the Internet to criminal, family, or probate case records. The Court may permit criminal justice agencies, as defined in 20 V.S.A. § 2056a, Internet access to criminal case records for criminal justice purposes, as defined in 20 V.S.A. § 2056a.

(b) This section shall not be construed to prohibit the Court from providing electronic access to:

(1) court schedules of the Superior Court, or opinions of the Criminal Division of the Superior Court;

(2) State agencies in accordance with data dissemination contracts entered into under ~~Rule 6 of the Vermont Rules of Electronic Access to Court Records~~ Rule 12 of the Vermont Rules for Public Access to Court Records; or

(3) decisions, recordings of oral arguments, briefs, and printed cases of the Supreme Court.

Sec. 8. 12 V.S.A. § 4853a is amended to read:

§ 4853a. PAYMENT OF RENT INTO COURT; EXPEDITED HEARING

\* \* \*

(h) If the tenant fails to pay rent into court in the amount and on the dates ordered by the court, the landlord shall be entitled to judgment for immediate possession of the premises. The court shall forthwith issue a writ of possession directing the sheriff of the county in which the property or a portion thereof is located to serve the writ upon the defendant and, not earlier than ~~five~~ business seven days after the writ is served, or, in the case of an eviction brought pursuant to 10 V.S.A. chapter 153, 30 days after the writ is served, to put the plaintiff into possession.

Sec. 9. 12 V.S.A. § 5531 is amended to read:

§ 5531. RULES GOVERNING PROCEDURE

(a) The Supreme Court, pursuant to section 1 of this title, shall make rules under this chapter applicable to such Court providing for a simple, informal, and inexpensive procedure for the determination, according to the rules of substantive law, of actions of a civil nature of which they have jurisdiction, other than actions for slander or libel and in which the plaintiff does not claim as debt or damage more than ~~\$5,000.00~~ \$10,000.00. Small claims proceedings shall be limited in accord with this chapter and the procedures made available under those rules. The procedure shall not be exclusive, but shall be alternative to the formal procedure begun by the filing of a complaint.

(b) Parties may not request claims for relief other than money damages under this chapter. Nor may parties split a claim in excess of ~~\$5,000.00~~ \$10,000.00 into two or more claims under this chapter.

(c) In small claims actions where the plaintiff makes a claim for relief greater than \$3,500.00, the defendant shall have the right to request a special assignment of a judicial officer. Upon making this request, a Superior judge or a member of the Vermont bar appointed pursuant to 4 V.S.A. § 22(b) shall be assigned to hear the action.

(d) Venue in small claims actions shall be governed by section 402 of this title.

Sec. 10. 12 V.S.A. § 5804 is amended to read:

§ 5804. OATH TO BE ADMINISTERED TO PETIT JURORS IN  
CRIMINAL CAUSES

You solemnly swear that, without respect to persons or favor of any ~~man~~ person, you will well and truly try and true deliverance make, between the

State of Vermont and the ~~prisoner at the bar~~ defendant, whom you shall have in charge, according to the evidence given you in court and the laws of the State. So help you God.

Sec. 11. 13 V.S.A. § 3016(c) is amended to read:

(c) A person who commits an act punishable under ~~33 V.S.A. § 2581(a) or (b)~~ 33 V.S.A. § 141(a) or (b) may not be prosecuted under this section.

Sec. 12. 13 V.S.A. § 7403 is amended to read:

§ 7403. APPEAL BY THE STATE

(a) In a prosecution for a misdemeanor, questions of law decided against the State shall be allowed and placed upon the record before final judgment. The court may pass the same to the Supreme Court before final judgment. The Supreme Court shall hear and determine the questions and render final judgment thereon, or remand the cause for further trial or other proceedings, as justice and the State of the cause may require.

(b) In a prosecution for a felony, the State shall be allowed to appeal to the Supreme Court any decision, judgment, or order dismissing an indictment or information as to one or more counts.

(c) In a prosecution for a felony, the State shall be allowed to appeal to the Supreme Court from a decision or order:

- (1) granting a motion to suppress evidence;
- (2) granting a motion to have confessions declared inadmissible; or
- (3) granting or refusing to grant other relief where the effect is to impede seriously, although not to foreclose completely, continuation of the prosecution.

(d) In making this appeal, the attorney for the State must certify to the court that the appeal is not taken for purpose of delay and that:

- (1) the evidence suppressed or declared inadmissible is substantial proof of a fact material in a proceeding; or
- (2) the relief to be sought upon appeal is necessary to avoid seriously impeding such proceeding.

(e) The appeal in all cases shall be taken within seven business days after the decision, judgment, or order has been rendered. In cases where the defendant is detained for lack of bail, ~~he or she~~ the defendant shall be released pending the appeal upon such conditions as the court shall order unless bail is denied as provided in the Vermont Constitution or in other pending cases. Such appeals shall take precedence on the docket over all cases and shall be

assigned for hearing or argument at the earliest practicable date and expedited in every way.

(f) For purposes of this section, “prosecution for a misdemeanor” and “prosecution for a felony” shall include youthful offender proceedings filed pursuant to 33 V.S.A. chapter 52A, and the State shall have the same right of appeal in those proceedings as it has in criminal proceedings under this section.

Sec. 13. 14 V.S.A. § 3098 is amended to read:

§ 3098. VULNERABLE NONCITIZEN CHILDREN

\* \* \*

(i) Confidentiality. In any judicial proceedings in response to a request that the court make the findings necessary to support a petition for classification as a special immigrant juvenile, information regarding the child’s immigration status, nationality, or place of birth that is not otherwise protected by State laws shall remain confidential. This information shall also be exempt from public inspection and copying under the Public Records Act and shall be kept confidential, except that the information shall be available for inspection by the court, the child who is the subject of the proceeding, the parties, the attorneys for the parties, the child’s counsel, and the child’s guardian.

Sec. 14. 23 V.S.A. § 1213 is amended to read:

§ 1213. IGNITION INTERLOCK RESTRICTED DRIVER’S LICENSE OR CERTIFICATE; PENALTIES

\* \* \*

(g) The holder of an ignition interlock RDL or certificate shall operate only motor vehicles equipped with an ignition interlock device, shall not attempt or take any action to tamper with or otherwise circumvent an ignition interlock device, and, after failing a random retest, shall pull over and shut off the vehicle’s engine as soon as practicable. A Except as provided in subsection (k) of this section, a person who violates any provision of this section commits a criminal offense, shall be subject to the sanctions and procedures provided for in subsections 674(b)–(i) of this title, and, upon conviction, the applicable period prior to eligibility for reinstatement under section 1209a or 1216 of this title shall be extended by six months.

\* \* \*

(k) A person shall not knowingly and voluntarily tamper with an ignition interlock device on behalf of another person or otherwise assist another person to circumvent an ignition interlock device. ~~A person adjudicated of a violation~~

of ~~who~~ violates this subsection shall be ~~subject to~~ assessed a civil penalty of ~~up to~~ not more than \$500.00.

\* \* \*

Sec. 15. 4 V.S.A. § 1102 is amended to read:

§ 1102. JUDICIAL BUREAU; JURISDICTION

(a) The Judicial Bureau is created within the Judicial Branch under the supervision of the Supreme Court.

(b) The Judicial Bureau shall have jurisdiction of the following matters:

\* \* \*

(31) Violations of 23 V.S.A. § 1213(k) relating to tampering with an ignition interlock device on behalf of another person.

\* \* \*

Sec. 16. 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 in which the officer is directed to make an arrest;

(ii) \$75.00 upon presentation of each return of service for the service of papers relating to divorce, annulments, separations, or support complaints;

(iii) \$75.00 upon presentation of each return of service for the service of papers relating to civil suits except as provided in ~~subdivisions (ii) and subdivision (vii)~~ of this subdivision (1)(A);

(iv) \$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;

(v) for each arrest, \$15.00;

(vi) for taking bail, \$15.00;

(vii) on levy of execution or order of foreclosure: for each mile of actual travel in making a demand, sale, or adjournment, the rate allowed State employees under the terms of the prevailing contract between the State and the Vermont State Employees' Association, Inc.; for making demand, \$15.00 for posting notices, \$15.00 each, and the rate per mile allowed State employees under the terms of the prevailing contract between the State and the Vermont State Employees' Association, Inc. for each mile of necessary travel; for notice of continuance, \$15.00;

\* \* \*

Sec. 17. 33 V.S.A. § 5117 is amended to read:

§ 5117. RECORDS OF JUVENILE JUDICIAL PROCEEDINGS

(a) Except as otherwise provided, court and law enforcement reports and files concerning a person subject to the jurisdiction of the court shall be maintained separate from the records and files of other persons. Unless a charge of delinquency is transferred for criminal prosecution under chapter 52 of this title or the court otherwise orders in the interests of the child, such records and files shall not be open to public inspection nor their contents disclosed to the public by any person. However, upon a finding that a child is a delinquent child by reason of commission of a delinquent act that would have been a felony if committed by an adult, the court, upon request of the victim, shall make the child's name available to the victim of the delinquent act. If the victim is incompetent or deceased, the child's name shall be released, upon request, to the victim's guardian or next of kin.

(b)(1) Notwithstanding the foregoing, inspection of such records and files by or dissemination of such records and files to the following is not prohibited:

\* \* \*

(I) the Department for Children and Families; and

(J) the Office of the Child, Youth, and Family Advocate for the purpose of carrying out the provisions in chapter 32 of this title;

(K) a service provider named in a disposition order adopted by the court, or retained by or contracted with a party to fulfill the objectives of the disposition order, including referrals for treatment and placement;

(L) a court diversion program or youth-appropriate community-based provider to whom the child is referred by the State's Attorney or the court, if the child accepts the referral; and

(M) other State agencies, treatment programs, service providers, or those providing direct support to the youth, for the purpose of providing

supervision or treatment to the youth.

\* \* \*

(d) Such records and files shall be available to:

(1) State's Attorneys and all other law enforcement officers in connection with record checks and other legal purposes; and

(2) the National Instant Criminal Background Check System in connection with a background check conducted on a person under 21 years of age pursuant to 18 U.S.C. § 922(t)(1)(C) and 34 U.S.C. § 40901(l).

\* \* \*

Sec. 18. 33 V.S.A. § 5225 is amended to read:

§ 5225. PRELIMINARY HEARING; RISK ASSESSMENT

\* \* \*

(b) Risk and needs screening.

(1) Prior to the preliminary hearing, the child shall be afforded an opportunity to undergo a risk and needs screening, which shall be conducted by the Department or by a community provider that has contracted with the Department to provide risk and need screenings for children alleged to have committed delinquent acts.

(2) If the child participates in such a screening, the Department or the community provider shall report the risk level result of the screening, the number and source of the collateral contacts made, and the recommendation for charging or other alternatives to the State's Attorney. The State's Attorney shall consider the results of the risk and needs screening in determining whether to file a charge. In lieu of filing a charge, the State's Attorney may refer a child directly to a youth-appropriate community-based provider that has been approved by the Department, which may include a community justice center or a balanced and restorative justice program. Referral to a community-based provider pursuant to this subsection shall not require the State's Attorney to file a charge. If the community-based provider does not accept the case or if the child fails to complete the program in a manner deemed satisfactory and timely by the provider, the child's case shall return to the State's Attorney for charging consideration.

(3) Information related to the present alleged offense directly or indirectly derived from the risk and needs screening or from other conversations with the Department or community-based provider shall not be used against the youth in the youth's case for any purpose, including impeachment or cross-examination, provided that the fact of the youth's

participation in risk and needs screening may be used in subsequent proceedings.

(4) If a charge is brought in the Family Division, the risk level result shall be provided to the child's attorney.

(c) Referral to diversion. Based on the results of the risk and needs screening, if a child presents a low to moderate risk to reoffend, the State's Attorney shall refer the child directly to court diversion unless the State's Attorney states on the record why a referral to court diversion would not serve the ends of justice. If the court diversion program does not accept the case or if the child fails to complete the program in a manner deemed satisfactory and timely by the provider, the child's case shall return to the State's Attorney for charging consideration.

\* \* \*

Sec. 19. 33 V.S.A. § 5284 is amended to read:

§ 5284. YOUTHFUL OFFENDER DETERMINATION AND DISPOSITION ORDER

\* \* \*

(c)(1) If the court approves the motion for youthful offender treatment after an adjudication pursuant to subsection 5281(d) of this title, the court:

~~(1)(A)~~ shall approve a disposition case plan and impose conditions of juvenile probation on the youth; and

~~(2)(B)~~ may transfer legal custody of the youth to a parent, relative, person with a significant relationship with the youth, or Commissioner, provided that any transfer of custody shall expire on the youth's 18th birthday.

(2) Prior to the approval of a disposition case plan, the court may refer a child directly to a youth-appropriate community-based provider that has been approved by the department and which may include a community justice center or a balanced and restorative justice program. Referral to a community-based provider pursuant to this subdivision shall not require the court to place the child on probation. If the community-based provider does not accept the case or if the child fails to complete the program in a manner deemed satisfactory and timely by the provider, the child shall return to the court for further proceedings, including the imposition of the disposition order.

(d) The Department for Children and Families and the Department of Corrections shall be responsible for supervision of and providing services to the youth until ~~he or she~~ the youth reaches 22 years of age. Both Departments shall designate a case manager who together shall appoint a lead Department



to have final decision-making authority over the case plan and the provision of services to the youth. The youth shall be eligible for appropriate community-based programming and services provided by both Departments.

Sec. 20. 13 V.S.A. chapter 76A is added to read:

CHAPTER 76A. DOMESTIC TERRORISM

§ 1703. DOMESTIC TERRORISM

(a) As used in this section:

(1) “Domestic terrorism” means engaging in or taking a substantial step to commit a violation of the criminal laws of this State with the intent to:

(A) cause death or serious bodily injury to multiple persons; or

(B) threaten any civilian population with mass destruction, mass killings, or kidnapping.

(2) “Serious bodily injury” shall have the same meaning as in section 1021 of this title.

(3) “Substantial step” means conduct that is strongly corroborative of the actor’s intent to complete the commission of the offense.

(b) A person who willfully engages in an act of domestic terrorism shall be imprisoned for not more than 20 years or fined not more than \$50,000.00, or both.

(c) It shall be an affirmative defense to a charge under this section that the actor abandoned the actor’s effort to commit the crime or otherwise prevented its commission under circumstances manifesting a complete and voluntary renunciation of the actor’s criminal purpose.

Sec. 21. 13 V.S.A. § 1703 is amended to read:

§ 1703. DOMESTIC TERRORISM

(a) As used in this section:

(1) “Domestic terrorism” means engaging in or taking a substantial step to commit a violation of the criminal laws of this State with the intent to:

(A) cause death or serious bodily injury to multiple persons; or

(B) threaten any civilian population with mass destruction, mass killings, or kidnapping.

(2) “Serious bodily injury” shall have the same meaning as in section 1021 of this title.

(3) “Substantial step” means conduct that is strongly corroborative of the

~~actor's intent to complete the commission of the offense.~~

~~(b) A person who willfully engages in an act of domestic terrorism shall be imprisoned for not more than 20 years or fined not more than \$50,000.00, or both.~~

~~(c) It shall be an affirmative defense to a charge under this section that the actor abandoned his or her effort to commit the crime or otherwise prevented its commission under circumstances manifesting a complete and voluntary renunciation of his or her criminal purpose. [Repealed.]~~

Sec. 22. 20 V.S.A. § 1940(b) is amended to read:

(b) If any of the circumstances in subsection (a) of this section occur, the court with jurisdiction or, as the case may be, the Governor, shall so notify the Department, and the person's DNA record in the State DNA database and CODIS and the person's DNA sample in the State DNA data bank shall be removed and destroyed. The Laboratory shall purge the DNA record and all other identifiable information from the State DNA database and CODIS and destroy the DNA sample stored in the State DNA data bank. If the person has more than one entry in the State DNA database, CODIS, or the State DNA data bank, only the entry related to the dismissed case shall be deleted. The Department shall notify the person upon completing its responsibilities under this subsection, by certified mail addressed to the person's last known address.

Sec. 23. 23 V.S.A. § 1213 is amended to read:

§ 1213. IGNITION INTERLOCK RESTRICTED DRIVER'S LICENSE OR CERTIFICATE; PENALTIES

(a)(1) An individual whose license or privilege to operate is suspended or revoked under this subchapter may operate a motor vehicle, other than a commercial motor vehicle as defined in section 4103 of this title, if issued a valid ignition interlock RDL or ignition interlock certificate. Upon application, the Commissioner shall issue an ignition interlock RDL or ignition interlock certificate to an individual otherwise licensed or eligible to be licensed to operate a motor vehicle if:

(A) the individual submits a \$125.00 application fee;

(B) the individual submits satisfactory proof of installation of an approved ignition interlock device in any motor vehicle to be operated and of financial responsibility as provided in section 801 of this title;

(C) at least one year has passed since the suspension or revocation was imposed if the offense involved death or serious bodily injury to an individual other than the operator; and

(D) the applicable period set forth in this subsection has passed since the suspension or revocation was imposed if the offense involved refusal of an enforcement officer's reasonable request for an evidentiary test:

- (i) 30 days for a first offense;
- (ii) 90 days for a second offense; or
- (iii) one year for a third or subsequent offense; and

(E) the individual is serving a suspension pursuant to section 2506 if the individual was charged with a violation of subdivision 1201(a) of this title and pled guilty to a reduced charge of negligent operation under section 1091 of this title, notwithstanding any points assessed against the individual's driving record for the negligent operation offense under section 2502 of this title.

\* \* \*

Sec. 24. 2017 Acts and Resolves No. 142, Sec. 5, as amended by 2021 Acts and Resolves No. 65, Sec. 4, and further amended by 2021 Acts and Resolves No. 147, Sec. 33, 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, ~~2023~~ 2025.

Sec. 25. SENTENCING COMMISSION REPORT

On or before December 15, 2023, the Vermont Sentencing Commission shall report to the Senate and House Committees on Judiciary on whether any modifications should be made to the definitions of stalking in 13 V.S.A. § 1061 or 15 V.S.A. § 5131.

Sec. 26. 10 V.S.A. § 8222 is added to read:

§ 8222. ACCRUAL OF ENVIRONMENTAL CONTAMINATION CLAIMS

(a) A common-law or statutory claim based on environmental contamination shall accrue so long as the contamination remains on or in an affected property or natural resource.

(b) As used in this section:

(1) "Environmental contamination" means any hazardous material or hazardous waste as defined in 10 V.S.A. § 6602, or other substance or material that has the potential to adversely affect human health or the environment (A) on or in an affected property, including in buildings or other structures, or (B) on or in a natural resource.

(2) “Natural resource” has the same meaning as in 10 V.S.A. § 6615d(a)(8).

(c) Nothing in this section shall shorten or otherwise limit any later accrual date that may apply under other source of law.

(d)(1) Notwithstanding 1 V.S.A. § 214 or any other provision of law, this section shall apply to:

(A) any action or proceeding commenced on or after the effective date of this act; and

(B) any action or proceeding that is pending on the effective date of this act.

(2) This section shall not revive claims subject to a final, nonappealable judgment rendered prior to the effective date.

Sec. 27. 10 V.S.A. § 8015 is amended to read:

§ 8015. STATUTE OF LIMITATIONS

Notwithstanding any other provision of law, actions brought under this chapter or chapter 211 of this title shall be commenced within the later of:

(1) six years from the date the violation is or reasonably should have been discovered; ~~or~~

(2) six years from the date a continuing violation ceases; or

(3) six years from the date of accrual under section 8222 of this title.

Sec. 28. 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:

\* \* \*

(4) the Chair of the Senate Committee on Judiciary or designee;

(5) the Chair of the House Committee on Judiciary or designee;

\* \* \*

Sec. 29. EFFECTIVE DATE

This act shall take effect on passage.

And that when so amended the bill ought to pass.

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

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

### **Appointments Confirmed**

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

Hollar, John of Montpelier - Member of the Capitol Complex Commission - July 26, 2022 to February 28, 2024.

Nicholson, Mark of West Danville - Member of the Transportation Board - July 26, 2022 to February 28, 2025.

Hayward, Susan of Middlesex - Member of the Capitol Complex Commission - March 1, 2023 to February 28, 2026.

Shouldice, Heather of Leicester - Member of the Capitol Complex Commission - March 1, 2023 to February 28, 2026.

### **Appointments Confirmed**

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

The nomination of

Foster, Owen of Jericho - Chair, Green Mountain Care Board - October 1, 2022 to September 30, 2024.

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, Bray, Brock, Champion, Chittenden, Clarkson, Collamore, Cummings, Hardy, Harrison, Hashim, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Norris, Perchlik, Ram Hinsdale, Sears, Starr, Watson, Weeks, Westman, Williams, Wrenner.

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

**Those Senators absent and not voting were:** Gulick, Vyhovsky, White.

The nomination of

Tierney, June of Randolph Center - Commissioner, Department of Public Service - February 1, 2023 to January 31, 2025.

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, Bray, Brock, Champion, Chittenden, Clarkson, Collamore, Cummings, Hardy, Harrison, Hashim, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Norris, Perchlik, Ram Hinsdale, Sears, Starr, Watson, Weeks, Westman, Williams, Wrenner.

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

**Those Senators absent and not voting were:** Gulick, Vyhovsky, White.

The nomination of

Flynn, Joseph of South Hero - Secretary, Agency of Transportation - March 1, 2023 to February 28, 2025.

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, Bray, Brock, Champion, Chittenden, Clarkson, Collamore, Cummings, Hardy, Harrison, Hashim, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Norris, Perchlik, Ram Hinsdale, Sears, Starr, Watson, Weeks, Westman, Williams, Wrenner.

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

**Those Senators absent and not voting were:** Gulick, Vyhovsky, White.

The nomination of

Minoli, Wanda L. of Montpelier - Commissioner, Department of Motor Vehicles - March 1, 2023 to February 28, 2025.

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, Bray, Brock, Champion, Chittenden, Clarkson, Collamore, Cummings, Hardy, Harrison, Hashim, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Norris, Perchlik, Ram Hinsdale, Sears, Starr, Watson, Weeks, Westman, Williams, Wrenner.

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

**Those Senators absent and not voting were:** Gulick, Vyhovsky, White.

The nomination of

Morrison, Jennifer of North Hero - Commissioner, Department of Public Safety - March 1, 2023 to February 28, 2025.

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, Bray, Brock, Champion, Chittenden, Clarkson, Collamore, Cummings, Hardy, Harrison, Hashim, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Norris, Perchlik, Ram Hinsdale, Sears, Starr, Watson, Weeks, Westman, Williams, Wrenner.

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

**Those Senators absent and not voting were:** Gulick, Vyhovsky, White.

The nomination of

Fitch, Jennifer of Montpelier - Commissioner, Department of Buildings and General Services - March 1, 2023 to February 28, 2025.

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, Bray, Brock, Champion, Chittenden, Clarkson, Collamore, Cummings, Hardy, Harrison, Hashim, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Norris, Perchlik, Ram Hinsdale, Sears, Starr, Watson, Weeks, Westman, Williams, Wrenner.

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

**Those Senators absent and not voting were:** Gulick, Vyhovsky, White.

**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. Peterson and others,

**H.C.R. 57.**

House concurrent resolution congratulating the 2023 Mill River Union High School Minutemen Division II championship cheerleading team.

By Reps. Williams and others,

**H.C.R. 58.**

House concurrent resolution designating April 2023 as Vermont Habitat for Humanity Month.

By Reps. Anthony and others,

By Senators Cummings, Perchlik and Watson,

**H.C.R. 59.**

House concurrent resolution congratulating the 2023 Spaulding High School Crimson Tide Division I championship girls' ice hockey team.

By Reps. Bos-Lun and others,

**H.C.R. 60.**

House concurrent resolution commemorating the 90th anniversary of the establishment of the Civilian Conservation Corps.



By Reps. Taylor and others,  
By Senators Brock and Norris,

**H.C.R. 61.**

House concurrent resolution congratulating the undefeated 2023 Georgia Middle School Chargers girls' basketball team.

By Reps. Taylor and others,  
By Senators Brock and Norris,

**H.C.R. 62.**

House concurrent resolution congratulating the undefeated 2022 Georgia Middle School Chargers girls' soccer team.

By Reps. Taylor and others,  
By Senators Brock and Norris,

**H.C.R. 63.**

House concurrent resolution congratulating the undefeated 2022–2023 Georgia Middle School Chargers boys' basketball team.

By Reps. Beck and others,  
By Senator Ingalls,

**H.C.R. 64.**

House concurrent resolution honoring exemplary Kirby Town Clerk-Treasurer Wanda Grant.

By Reps. Small and Berbeco,  
By Senators Baruth, Gulick, Ram Hinsdale and Vyhovsky,

**H.C.R. 65.**

House concurrent resolution congratulating the 2023 Winooski High School Spartans Division III championship boys' basketball team.

By Reps. Smith and others,  
By Senators Ingalls and Starr,

**H.C.R. 66.**

House concurrent resolution congratulating the 2023 North Country Union High School Falcons Division II championship girls' basketball team.

By Reps. Beck and others,

By Senator Ingalls,

**H.C.R. 67.**

House concurrent resolution honoring outstanding Concord Town Clerk Cynthia Gaboriault.

By All Members of the House,

**H.C.R. 68.**

House concurrent resolution recognizing March 2023 as Social Work Month in Vermont.

By All Members of the House,

**H.C.R. 69.**

House concurrent resolution honoring former President James Earl Carter as a tireless international humanitarian and public servant.

By Rep. Nicoll,

By Senators Clarkson, McCormack and White,

**H.C.R. 70.**

House concurrent resolution honoring Heidi Baitz for her outstanding contribution to public education in the Town of Ludlow.

**Adjournment**

On motion of Senator Baruth, the Senate adjourned, to reconvene on Tuesday, March 28, 2023, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 20.

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**TUESDAY, MARCH 28, 2023**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Joan Javier-Duval of Montpelier.

**Pledge of Allegiance**

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

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**Message from the House No. 34**

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

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

**H. 178.** An act relating to commissioning Department of Corrections personnel as notaries public.

**H. 230.** An act relating to implementing mechanisms to reduce suicide.

**H. 288.** An act relating to liability for the sale of alcoholic beverages.

**H. 473.** An act relating to radiologist assistants.

**H. 476.** An act relating to miscellaneous changes to law enforcement officer training laws.

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

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

**H.C.R. 57.** House concurrent resolution congratulating the 2023 Mill River Union High School Minutemen Division II championship cheerleading team.

**H.C.R. 58.** House concurrent resolution designating April 2023 as Vermont Habitat for Humanity Month.

**H.C.R. 59.** House concurrent resolution congratulating the 2023 Spaulding High School Crimson Tide Division I championship girls' ice hockey team.

**H.C.R. 60.** House concurrent resolution commemorating the 90th anniversary of the establishment of the Civilian Conservation Corps.

**H.C.R. 61.** House concurrent resolution congratulating the undefeated 2023 Georgia Middle School Chargers girls' basketball team.

**H.C.R. 62.** House concurrent resolution congratulating the undefeated 2022 Georgia Middle School Chargers girls' soccer team.

**H.C.R. 63.** House concurrent resolution congratulating the undefeated 2022–2023 Georgia Middle School Chargers boys' basketball team.

**H.C.R. 64.** House concurrent resolution honoring exemplary Kirby Town Clerk-Treasurer Wanda Grant.

**H.C.R. 65.** House concurrent resolution congratulating the 2023 Winooski

High School Spartans Division III championship boys' basketball team.

**H.C.R. 66.** House concurrent resolution congratulating the 2023 North Country Union High School Falcons Division II championship girls' basketball team.

**H.C.R. 67.** House concurrent resolution honoring outstanding Concord Town Clerk Cynthia Gaboriault.

**H.C.R. 68.** House concurrent resolution recognizing March 2023 as Social Work Month in Vermont.

**H.C.R. 69.** House concurrent resolution honoring former President James Earl Carter as a tireless international humanitarian and public servant.

**H.C.R. 70.** House concurrent resolution honoring Heidi Baitz for her outstanding contribution to public education in the Town of Ludlow.

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

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

**J.R.S. 21.**

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

By Senator Baruth,

**J.R.S. 21.** Joint resolution relating to weekend adjournment.

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

That when the two Houses adjourn on Friday, March 31, 2023, it be to meet again no later than Tuesday, April 4, 2023.

**Bills Referred**

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

**H. 178.**

An act relating to commissioning Department of Corrections personnel as notaries public.

To the Committee on Government Operations.

**H. 230.**

An act relating to implementing mechanisms to reduce suicide.

To the Committee on Judiciary.

**H. 288.**

An act relating to liability for the sale of alcoholic beverages.

To the Committee on Judiciary.

**H. 473.**

An act relating to radiologist assistants.

To the Committee on Health and Welfare.

**H. 476.**

An act relating to miscellaneous changes to law enforcement officer training laws.

To the Committee on Government Operations.

**Bill Amended; Third Reading Ordered****S. 138.**

Senate committee bill entitled:

An act relating to school safety.

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

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 Hashim moved that the bill be amended in Sec. 3, 16 V.S.A. § 1484, access control and visitor management policy, in subsection (a), by striking out "agricultural or recreational purposes" and inserting in lieu thereof agricultural, recreational, or other reasonably practical purposes directly related to a school's mission or curriculum

Which was agreed to.

Thereupon, third reading of the bill was ordered.

**Bill Passed****S. 33.**

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

An act relating to miscellaneous judiciary procedures.

**Bill Amended; Third Reading Ordered****S. 133.**

Senate committee bill entitled:

An act relating to miscellaneous changes to education law.

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

Senator Baruth, for the Committee on Appropriations, to which the bill was referred reported that the bill be amended as follows:

First: By striking out Sec. 1, curriculum audit; report, in its entirety and inserting in lieu thereof a new Sec. 1 to read as follows:

Sec. 1. [Deleted.]

Second: By striking out Sec. 3, Vermont postsecondary school marketing, in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. [Deleted.]

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the recommendation of amendment of the Committee on Appropriations was agreed to.

Thereupon, pending the question, Shall the bill be read a third time?, Senator Campion moved that the bill be amended as follows:

First: In Sec. 4, 2021 Acts and Resolves No. 66, Sec. 1, in subsection (h), by striking out “December 20, 2023” and inserting in lieu thereof ~~November 1, 2023~~ December 20, 2023

Second: In Sec. 4, 2021 Acts and Resolves No. 66, Sec. 1, in subsection (i), by striking out “January 20, 2024” and inserting in lieu thereof ~~December 1, 2023~~ January 20, 2024

Which was agreed to

Thereupon, third reading of the bill was ordered.

### **Third Reading Ordered**

#### **S. 137.**

Senate committee bill entitled:

An act relating to energy efficiency modernization.

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

Senator Starr, for the Committee on Appropriations, to which was referred, reported the bill ought to pass.

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

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**Bill Amended; Third Reading Ordered****S. 4.**

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

An act relating to reducing crimes of violence associated with juveniles and dangerous weapons.

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

Sec. 1. 33 V.S.A. § 5204 is amended to read:

§ 5204. TRANSFER FROM FAMILY DIVISION OF THE SUPERIOR COURT

(a) After a petition has been filed alleging delinquency, upon motion of the State's Attorney and after hearing, the Family Division of the Superior Court may transfer jurisdiction of the proceeding to the Criminal Division of the Superior Court if the child had attained 16 years of age but not 19 years of age at the time the act was alleged to have occurred and the delinquent act set forth in the petition is a felony not specified in subdivisions (1)-(12) of this subsection or if the child had attained 12 years of age but not 14 years of age at the time the act was alleged to have occurred, and if the delinquent act set forth in the petition was any of the following:

- (1) arson causing death as defined in 13 V.S.A. § 501;
- (2) assault and robbery with a dangerous weapon as defined in 13 V.S.A. § 608(b);
- (3) assault and robbery causing bodily injury as defined in 13 V.S.A. § 608(c);
- (4) aggravated assault as defined in 13 V.S.A. § 1024;
- (5) murder as defined in 13 V.S.A. § 2301 and aggravated murder as defined in 13 V.S.A. § 2311;
- (6) manslaughter as defined in 13 V.S.A. § 2304;
- (7) kidnapping as defined in 13 V.S.A. § 2405;
- (8) unlawful restraint as defined in 13 V.S.A. § 2406 or 2407;
- (9) maiming as defined in 13 V.S.A. § 2701;
- (10) sexual assault as defined in 13 V.S.A. § 3252(a)(1) or (a)(2);

(11) aggravated sexual assault as defined in 13 V.S.A. § 3253 and aggravated sexual assault of a child as defined in 13 V.S.A. § 3253a; or

(12) burglary into an occupied dwelling as defined in 13 V.S.A. § 1201(c);

(13) carrying a firearm while committing a felony in violation of 13 V.S.A. § 4005;

(14) trafficking a regulated drug in violation of 18 V.S.A. chapter 84, subchapter 1;

(15) human trafficking or aggravated human trafficking in violation of 13 V.S.A. § 2652 or 2653;

(16) aggravated stalking as defined in 13 V.S.A. § 1063(a)(3);

(17) an attempt to commit any of the offenses listed in this subsection;  
or

(18) a violation of a condition of release as defined in 13 V.S.A. § 7559 imposed by the Criminal Division for any of the offenses listed in this subsection or for any other offense that was transferred from the Family Division pursuant to this section, unless the proceeding is the subject of a final order accepting the case for youthful offender treatment pursuant to subsection 5281(d) of this title.

(b) The State's Attorney of the county where the juvenile petition is pending may move in the Family Division of the Superior Court for an order transferring jurisdiction under subsection (a) of this section at any time prior to adjudication on the merits. The filing of the motion to transfer jurisdiction shall automatically stay the time for the hearing provided for in section 5225 of this title, which stay shall remain in effect until such time as the Family Division of the Superior Court may deny the motion to transfer jurisdiction.

(c) Upon the filing of a motion to transfer jurisdiction under subsection (b) of this section, the Family Division of the Superior Court shall conduct a hearing in accordance with procedures specified in subchapter 2 of this chapter to determine whether:

(1) there is probable cause to believe that the child committed the charged offense; and

(2) public safety and the interests of the community would not be served by treatment of the child under the provisions of law relating to the Family Division of the Superior Court and delinquent children.

(d) In making its determination as required under subsection (c) of this section, the court may consider, among other matters:



(1) the maturity of the child as determined by consideration of the child's age, home, and environment; emotional, psychological, and physical maturity; and relationship with and adjustment to school and the community;

(2) the extent and nature of the child's prior record of delinquency;

(3) the nature of past treatment efforts and the nature of the child's response to them, including the child's mental health treatment and substance abuse treatment and needs;

(4) the nature and circumstances of the alleged offense, including whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner;

(5) the nature of any personal injuries resulting from or intended to be caused by the alleged act;

(6) the prospects for rehabilitation of the child by use of procedures, services, and facilities available through juvenile proceedings;

(7) whether the protection of the community would be better served by transferring jurisdiction from the Family Division to the Criminal Division of the Superior Court;

(8) the youth's residential housing status;

(9) the youth's employment and educational situation;

(10) whether the youth has complied with conditions of release;

(11) the youth's criminal record and whether the youth has engaged in subsequent criminal or delinquent behavior since the original charge;

(12) whether the youth has connections to the community; and

(13) the youth's history of violence and history of illegal or violent conduct involving firearms.

(e) A transfer under this section shall terminate the jurisdiction of the Family Division of the Superior Court over the child only with respect to those delinquent acts alleged in the petition with respect to which transfer was sought.

(f)(1) The Family Division, following completion of the transfer hearing, shall make findings and, if the court orders transfer of jurisdiction from the Family Division, shall state the reasons for that order. If the Family Division orders transfer of jurisdiction, the child shall be treated as an adult. The State's Attorney shall commence criminal proceedings as in cases commenced against adults.

(2) Notwithstanding subdivision (1) of this subsection, the parties may stipulate to a transfer of jurisdiction from the Family Division at any time after a motion to transfer is made pursuant to subsection (b) of this section. The court shall not be required to make findings if the parties stipulate to a transfer pursuant to this subdivision. Upon acceptance of the stipulation to transfer jurisdiction, the court shall transfer the proceedings to the Criminal Division and the child shall be treated as an adult. The State's Attorney shall commence criminal proceedings as in cases commenced against adults.

(3) Notwithstanding subdivision (1) of this subsection, the parties may stipulate to convert the juvenile proceeding to a youthful offender proceeding under chapter 52A of this title. If the parties stipulate to convert the proceeding pursuant to this subdivision, the court may proceed immediately to a youthful offender consideration hearing under section 5283 of this title. The Court shall request that the Department complete a youthful offender consideration report under section 5282 of this title before accepting a case for youthful offender treatment pursuant to this subdivision.

\* \* \*

Sec. 2. 18 V.S.A. § 4252 is amended to read:

§ 4252. PENALTIES FOR DISPENSING OR SELLING KNOWINGLY OR RECKLESSLY PERMITTING SALE OR DISPENSING OF REGULATED DRUGS IN A DWELLING

(a) No person shall knowingly or recklessly permit a dwelling, building, or structure owned by or under the control of the person to be used for the purpose of illegally dispensing or selling a regulated drug.

~~(b) A landlord shall be in violation of subsection (a) of this section only if the landlord knew at the time he or she signed the lease agreement that the tenant intended to use the dwelling, building, or structure for the purpose of illegally dispensing or selling a regulated drug. [Repealed.]~~

(c) A person who violates this section shall be imprisoned not more than ~~two~~ five years or fined not more than ~~\$1,000.00~~ \$15,000.00, or both.

(d) It shall not be a violation of this section if the person who owns or controls the dwelling, building, or structure takes action to address the unlawful activity, including reporting the unlawful activity to law enforcement or initiating eviction proceedings.

(e) As used in this section, "recklessly" means consciously disregarding a substantial and unjustifiable risk.

Sec. 3. 13 V.S.A. chapter 60, subchapter 1, is amended to read:

Subchapter 1. Criminal Acts

\* \* \*

§ 2659. KNOWINGLY OR RECKLESSLY PERMITTING HUMAN  
TRAFFICKING IN A DWELLING

(a) No person shall knowingly or recklessly permit a dwelling, building, or structure owned by or under the control of the person to be used for the purpose of human trafficking or aggravated human trafficking in violation of section 2652 or 2653 of this title.

(b) A person who violates this section shall be imprisoned not more than five years or fined not more than \$15,000.00, or both.

(c) It shall not be a violation of this section if the person who owns or controls the dwelling, building, or structure takes action to address the unlawful activity, including reporting the unlawful activity to law enforcement or initiating eviction proceedings.

(d) As used in this section, “recklessly” means consciously disregarding a substantial and unjustifiable risk.

Sec. 4. 13 V.S.A. § 4024 is added to read:

§ 4024. DEFACING OF FIREARM’S SERIAL NUMBER

(a) A person shall not knowingly possess a firearm that has had the importer’s or manufacturer’s serial number removed, obliterated, or altered.

(b) A person who violates this section shall be imprisoned not more than five years or fined not more than \$50,000.00, or both.

(c) As used in this section:

(1) “Firearm” has the same meaning as in section 4017 of this title.

(2) “Importer” means any person engaged in the business of importing or bringing firearms or ammunition into the United States for purposes of sale or distribution.

(3) “Manufacturer” means any person engaged in the business of manufacturing firearms or ammunition for purposes of sale or distribution.

(d) Conduct constituting the offense of defacing a firearm’s serial number may be considered a violent act for the purposes of determining whether a person is eligible for bail under section 7553a of this title.

Sec. 5. 13 V.S.A. § 4025 is added to read:

§ 4025. STRAW PURCHASING OF FIREARMS

(a) A person shall not purchase a firearm for, on behalf of, or at the request of another person if the purchaser knows or reasonably should know that the other person:

(1) is prohibited by state or federal law from possessing a firearm;

(2) intends to carry the firearm while committing a felony; or

(3) intends to transfer the firearm to another person who:

(A) is prohibited by state or federal law from possessing a firearm; or

(B) intends to carry the firearm while committing a felony.

(b) It shall not be a violation of this section if the person purchased the firearm as a result of threats or coercion by another person.

(c) A person who violates this section shall be imprisoned not more than five years or fined not more than \$50,000.00, or both.

(d) As used in this section, "firearm" has the same meaning as in section 4017 of this title.

(e) Conduct constituting the offense of straw purchasing of firearms may be considered a violent act for the purposes of determining whether a person is eligible for bail under section 7553a of this title.

Sec. 6. 13 V.S.A. § 4017a is added to read:

§ 4017a. FUGITIVES FROM JUSTICE; PERSONS SUBJECT TO FINAL RELIEF FROM ABUSE OR STALKING ORDER; PERSONS CHARGED WITH CERTAIN OFFENSES; PROHIBITION ON POSSESSION OF FIREARMS

(a) A person shall not possess a firearm if the person:

(1) is a fugitive from justice;

(2) is the subject of a final relief from abuse order issued pursuant to 15 V.S.A. § 1104;

(3) is the subject of a final order against stalking issued pursuant to 12 V.S.A. § 5133; or

(4) against whom charges are pending for:

(A) carrying a dangerous weapon while committing a felony in violation of section 4005 of this title;

(B) trafficking a regulated drug in violation of 18 V.S.A. chapter 84, subchapter 1; or

(C) human trafficking or aggravated human trafficking in violation of section 2652 or 2653 of this title.

(b) A person who violates this section shall be imprisoned not more than two years or fined not more than \$1,000.00, or both.

(c) As used in this section:

(1) "Firearm" has the same meaning as in section 4017 of this title.

(2) "Fugitive from justice" means a person who has fled to avoid prosecution for a crime or to avoid giving testimony in a criminal proceeding.

Sec. 7. 13 V.S.A. § 4005 is amended to read:

§ 4005. WHILE COMMITTING A CRIME FELONY

(a) Except as otherwise provided in 18 V.S.A. § 4253, a person who carries a dangerous or deadly weapon, openly or concealed, while committing a felony shall be imprisoned not more than five years or fined not more than \$500.00, or both.

(b)(1) Carrying a firearm while committing a felony in violation of this section may be considered a violent act for the purposes of determining whether a person is eligible for bail under section 7553a of this title.

(2) An offense that is a felony rather than a misdemeanor solely because of the monetary value of the property involved shall not be considered a violent act under this subsection.

Sec. 8. 33 V.S.A. § 5117 is amended to read:

§ 5117. RECORDS OF JUVENILE JUDICIAL PROCEEDINGS

(a) Except as otherwise provided, court and law enforcement reports and files concerning a person subject to the jurisdiction of the court shall be maintained separate from the records and files of other persons. Unless a charge of delinquency is transferred for criminal prosecution under chapter 52 of this title or the court otherwise orders in the interests of the child, such records and files shall not be open to public inspection nor their contents disclosed to the public by any person. However, upon a finding that a child is a delinquent child by reason of commission of a delinquent act that would have been a felony if committed by an adult, the court, upon request of the victim, shall make the child's name available to the victim of the delinquent act. If the victim is incompetent or deceased, the child's name shall be released, upon request, to the victim's guardian or next of kin.

\* \* \*

(d) Such records and files shall be available to:

(1) State's Attorneys and all other law enforcement officers in connection with record checks and other legal purposes; and

(2) the National Instant Criminal Background Check System in connection with a background check conducted on a person under 21 years of age pursuant to 18 U.S.C. § 922(t)(1)(C) and 34 U.S.C. § 40901(l).

\* \* \*

Sec. 9. 18 V.S.A. § 13 is added to read:

§ 13. COMMUNITY VIOLENCE PREVENTION PROGRAM

(a) There is established the Community Violence Prevention Program to be administered by the Department of Health in consultation with the Department of Public Safety, the Director of Violence Prevention, and the Executive Director of Racial Equity. The Program shall work with communities to implement innovative, evidence-based, and evidence-informed programs addressing causes of youth and community violence. Grants awarded pursuant to this section shall be at the discretion of the Commissioner of Health.

(b)(1) A Vermont municipality or nonprofit organization may submit an application for a Community Violence Prevention Program grant to the Commissioner of Health. Grants awarded under this section shall be for the purpose of funding innovative, evidence-based, or evidence-informed approaches to reducing violence and associated community harm.

(2) The Commissioner of Health, in consultation with the Department of Public Safety and the Executive Director of Racial Equity, shall develop and publish guidelines, for the award of Community Violence Prevention grants. The guidelines shall include a focus on increasing community capacity to implement approaches for human services, public health, and public safety collaboration to address root causes of community violence and substance use through data-driven projects.

(c) The Community Violence Prevention Program shall collect data to monitor youth and community violence and its related risk and protective factors and to evaluate the impact of prevention efforts and shall use the data to plan and implement programs. The Program shall use monitoring and evaluation data to track the impact of interventions.

(d) Statewide strategies organized by the Department of Health may include technical assistance contracts, statewide evaluation of the Program, or

other strategies that would benefit grantees and enhance the effectiveness of the Program.

Sec. 10. APPROPRIATION

(a) The sum of \$10,000,000.00 is appropriated from the General Fund to the Department of Health in fiscal year 2024 for the purpose of supporting the Community Violence Prevention Program established by 18 V.S.A. § 13. Unexpended appropriations shall carry forward into the subsequent fiscal year and remain available for use for this purpose.

(b) The Department of Health is authorized to seek and accept grant funding for the purpose of supporting the Community Violence Prevention Program to supplement State appropriations.

(c) If funding is available for the Community Violence Prevention Program from federal grants or legal settlements related to drug use or criminal activity:

(1) such federal or settlement funds shall be utilized first for the Program; and

(2) an amount of the General Fund appropriation made under subsection (a) of this section equal to the total amount of federal grants or legal settlements received by the Program shall be reverted to the General Fund.

Sec. 11. 2018 Acts and Resolves No. 201, Sec. 21, as amended by 2022 Acts and Resolves No. 160, Sec. 1, is further amended to read:

Sec. 21. EFFECTIVE DATES

\* \* \*

(d) Secs. 17–19 shall take effect on July 1, 2023 2024.

Sec. 12. 2020 Acts and Resolves No. 124, Sec. 12, as amended by 2022 Acts and Resolves No. 160, Sec. 2, is further amended to read:

Sec. 12. EFFECTIVE DATES

(a) Secs. 3 (33 V.S.A. § 5103(c)) and 7 (33 V.S.A. § 5206) shall take effect on July 1, 2023 2024.

\* \* \*

Sec. 13. PLAN FOR SECURE PLACEMENTS

On or before September 1, 2023 and December 1, 2023, the Department for Children and Families shall file a status report to the Joint Legislative Justice Oversight Committee and the Senate and House Committees on Judiciary describing the progress made toward implementing the requirement of Secs. 11 and 12 of this act that the Raise the Age initiative take effect on July 1, 2024.

## Sec. 14. SENTENCING COMMISSION REPORT

On or before December 15, 2023, the Vermont Sentencing Commission shall report to the Joint Legislative Justice Oversight Committee and the Senate and House Committees on Judiciary on whether the offenses for which transfer from the Family Division to the Criminal Division is permitted under 33 V.S.A. § 5204(a) should be expanded to include:

(1) first degree arson as defined in 13 V.S.A. § 502 or second degree arson as defined in 13 V.S.A. § 503;

(2) stalking as defined in 13 V.S.A. § 1062;

(3) domestic assault as defined in 13 V.S.A. § 1042, first degree aggravated domestic assault as defined in 13 V.S.A. § 1043, and second degree aggravated domestic assault as defined in 13 V.S.A. § 1044;

(4) selling or dispensing a regulated drug with death resulting as defined in 18 V.S.A. § 4250;

(5) using a firearm while selling or dispensing a drug as defined in 18 V.S.A. § 4253;

(6) carrying a dangerous or deadly weapon while committing a felony as defined in 13 V.S.A. § 4005;

(7) lewd or lascivious conduct as defined in 13 V.S.A. § 2601 or lewd or lascivious conduct with a child as defined in 13 V.S.A. § 2602;

(8) eluding a police officer with serious bodily injury or death resulting as defined in 23 V.S.A. § 1133(b);

(9) willful and malicious injuries caused by explosives as defined in 13 V.S.A. § 1601, injuries caused by destructive devices as defined in 13 V.S.A. § 1605, or injuries caused by explosives as defined in 13 V.S.A. § 1608;

(10) grand larceny as defined in 13 V.S.A. § 2501 or larceny from the person as defined in 13 V.S.A. § 2503;

(11) operating vehicle under the influence of alcohol or other substance with either death or serious bodily injury resulting as defined in 23 V.S.A. § 1210(f) and (g);

(12) careless or negligent operation resulting in serious bodily injury or death as defined in 23 V.S.A. § 1091(b);

(13) leaving the scene of an accident with serious bodily injury or death as defined in 23 V.S.A. § 1128(b) or (c);

(14) a hate-motivated crime as defined in 13 V.S.A. § 1455;



(15) conspiracy as defined in 13 V.S.A. § 1404; or

(16) a violation of an abuse prevention order as defined in 13 V.S.A. § 1030 or violation of an order against stalking or sexual assault as defined in 12 V.S.A. § 5138.

#### Sec. 15. SEVERABILITY

As set forth in 1 V.S.A. § 215, the provisions of this act are severable, and if a court finds any provision of this act to be invalid, or if any application of this act to any person or circumstance is invalid, the invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

#### Sec. 16. EFFECTIVE DATE

This act shall take effect on passage.

And that when so amended the bill ought to pass.

Senator Sears, for the Committee on Appropriations, to which the bill was referred, reported recommending that the report of the Committee on Judiciary be amended as follows:

First: In Sec. 9, 18 V.S.A. § 13, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) There is established the Community Violence Prevention Program to be administered by the Department of Health in consultation and collaboration with the Chief Prevention Officer, the Department of Public Safety, the Director of Violence Prevention, and the Executive Director of Racial Equity. The Program shall work with communities to implement innovative, evidence-based, and evidence-informed programs addressing causes of youth and community violence. Grants awarded pursuant to this section shall be at the discretion of the Commissioner of Health and shall build on and complement existing programs addressing the causes of youth and community violence.

Second: In Sec. 9, 18 V.S.A. § 13, by striking out subsection (d) in its entirety

Third: In Sec. 10 (appropriation), by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) Grants awarded from State funds to the Community Violence Prevention Program established by 18 V.S.A. § 13 shall be dependent upon the amount of the appropriation.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to

Rule 43, and the recommendation of the Committee on Judiciary was amended as recommended by the Committee on Appropriations.

Thereupon, the bill was amended as recommended by the Committee on Judiciary, as amended.

Thereupon, the pending question, Shall the bill be read a third time?, was decided in the affirmative on a roll call, Yeas 28, Nays 2.

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

### **Roll Call**

**Those Senators who voted in the affirmative were:** Baruth, Bray, Brock, Champion, Chittenden, Clarkson, Collamore, Cummings, Gulick, Hardy, Harrison, Hashim, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Perchlik, Ram Hinsdale, Sears, Starr, Vyhovsky, Watson, Weeks, Westman, White, Wrenner.

**Those Senators who voted in the negative were:** Norris, Williams.

### **Bill Amended; Third Reading Ordered**

#### **S. 17.**

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

An act relating to sheriff reforms.

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

\* \* \* Unprofessional Conduct of Law Enforcement Officers Reviewable by the  
Vermont Criminal Justice Council \* \* \*

Sec. 1. 20 V.S.A. § 2401 is amended to read:

§ 2401. DEFINITIONS

As used in this subchapter:

\* \* \*

(2) “Category B conduct” means gross professional misconduct amounting to actions on duty or under authority of the State, or both, that involve willful failure to comply with a State-required policy or substantial deviation from professional conduct as defined by the law enforcement agency’s policy or, if not defined by the agency’s policy, then as defined by Council policy, and shall include:

- (A) sexual harassment involving physical contact or misuse of position;
- (B) misuse of official position for personal or economic gain;
- (C) excessive use of force under authority of the State, first offense;
- (D) biased enforcement;
- (E) use of electronic criminal records database for personal, political, or economic gain;
- (F) placing a person in a chokehold;
- (G) failing to intervene and report to a supervisor when the officer observes another officer placing a person in a chokehold or using excessive force;
- (H) gross negligence or willful misconduct in the performance of duties; and
- (I) abuse of the powers granted through law enforcement officer certification pursuant to section 2358 of this title.

\* \* \*

\* \* \* Audits \* \* \*

Sec. 2. 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 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.~~

\* \* \*

(d) Upon the election of a sheriff-elect who is not the incumbent sheriff, ~~or upon notice of the resignation of the sheriff,~~ an announcement that the incumbent sheriff will not seek re-election or an announcement that the incumbent sheriff intends to resign, whichever occurs earliest, all financial disbursements from the accounts of the department, including the transfer of real or personal property, or other assets, of the department, shall be co-signed by the sheriff and the assistant judges. A report of all financial disbursements or transfers made pursuant to this subsection shall be forwarded by the assistant judges to the Auditor of Accounts within 15 days ~~of completion of the out-going sheriff's duties~~ following the sheriff leaving office.

Sec. 3. 24 V.S.A. § 290b is amended to read:

§ 290b. AUDITS

\* \* \*

(b) The Auditor of Accounts shall adopt and sheriffs shall comply with a uniform system of accounts, controls, and procedures for the sheriff's department, which accurately reflects the receipt and disbursement of all funds by the department, the sheriff, and all employees of the department. The uniform system shall include:

\* \* \*

(8) procedures and controls ~~which~~ that identify revenues received from public entities through appropriations or grants from the federal, State, or local governments from revenues received through contracts with private entities; ~~and~~

(9) procedures to notify the Auditor of Accounts and the Department of State's Attorneys and Sheriffs of the establishment and activities of any nonpublic organization of which the sheriff or any employee of the sheriff is a director and that has a mission or purpose of supplementing the efforts of the sheriff's department; and

(10) other procedures and requirements as the Auditor of Accounts deems necessary.

(c) The Auditor of Accounts and ~~his or her~~ the Auditor's designee may at any time examine the records, accounts, books, papers, contracts, reports, and other materials of the county sheriff departments as they pertain to the financial transactions, obligations, assets, and receipts of that department. The

~~Auditor or his or her designee shall conduct an audit of the accounts for a sheriff's department whenever the incumbent sheriff leaves office, and the auditor shall charge for the any associated costs of the report pursuant to in the same manner described in 32 V.S.A. § 168(b).~~

\* \* \*

Sec. 4. 24 V.S.A. § 314 is added to read:

§ 314. CONFLICT OF INTEREST; APPEARANCE OF CONFLICT OF INTEREST

(a) As used in this section, "conflict of interest" means an interest of a sheriff or deputy sheriff that is in conflict with the proper discharge of the sheriff's or deputy sheriff's official duties due to a significant personal or financial interest of the sheriff or deputy sheriff, of a person within the sheriff's or deputy sheriff's immediate family, of the sheriff's or deputy sheriff's business associate, or of an organization of which the sheriff or deputy sheriff is affiliated. "Conflict of interest" does not include any interest that is not greater than that of any other persons generally affected by the outcome of a matter.

(b) A sheriff or deputy sheriff shall avoid any conflict of interest or the appearance of a conflict of interest. Except as otherwise provided in subsections (c) of this section, when confronted with a conflict of interest or an appearance of a conflict of interest, a sheriff or deputy sheriff shall disclose the conflict of interest to the Sheriff's Executive Committee, recuse themselves from the matter, and not take further action on the matter.

(c) A conflict of interest may be approved by the majority vote of the Sheriff's Executive Committee only if the material facts of the conflict of interest are disclosed or known to the Sheriff's Executive Committee. If a conflict of interest is approved, the sheriff or deputy sheriff may then act on the matter at issue.

(d) A standard operating procedures manual or policy manual created by the Department of State's Attorneys and Sheriffs may impose additional requirements relating to conflicts of interest on sheriffs and deputy sheriffs.

(e) Nothing in this section shall require a sheriff or deputy sheriff to disclose confidential information or information that is otherwise privileged under law.

## \* \* \* Sheriff Contracts \* \* \*

Sec. 5. 24 V.S.A. § 291a is amended to read:

## § 291a. CONTRACTS

\* \* \*

(b) A contract made with a town, city, village, or county to provide law enforcement or related services shall contain provisions governing the following subjects as best suit the needs of the parties:

\* \* \*

(4) the type, frequency, and information to be contained in reports submitted by the sheriff's department to the town, city, village, or county;

\* \* \*

~~(c) A contract under this section may contain provisions for compensation to the sheriff for administration of the contract and related services. No compensation may be paid to a sheriff for administration of the contract or related services unless the contract sets forth in writing the rate or method of calculation for the compensation and a schedule of payment; provided that a sheriff's compensation for administration shall not exceed five percent of the contract. A sheriff's rate of compensation shall be at a rate equivalent to other employees of the department who provide similar services under the contract. Compensation to the sheriff shall be made in accordance with the schedule set forth in the contract but in no event may a sheriff be compensated for administration of the contract and related services unless the compensation is made in the same calendar year in which the revenue was received by the department under the contract.~~ A contract under this section may contain provisions for an administrative overhead fee at a rate not to exceed five percent of the contract. Funds derived from contract administrative overhead fees shall be kept in a separate account held by the sheriff's department and used by the sheriff's department only for the costs of necessary departmental expenses not covered by State or county funds, including the cost of vehicles, uniforms, equipment, training, and professional services. Funds derived from contract administrative overhead fees shall not be used for sheriff, sheriff deputy, or other departmental employee compensation, bonuses, salary supplements, retirement contributions, or employment benefits.

\* \* \*

(f) An agreement or contract for sheriff's departments to provide law enforcement or security services to county and State courthouses shall be subject to a single, statewide contracted rate of pay for such services over all county and State courthouses. The rate of pay shall be \$51.00 per hour

beginning on July 1, 2023. The contract amount that was in effect for the immediately preceding year shall be increased by the unadjusted percentage change in the CPI figure from the last reporting date available next prior to the beginning month of the next fiscal year for which the adjustment is made. Should the percentage change be negative, the State reserves the right to adjust the yearly contract amount accordingly. As used in this subsection, "CPI" means the 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.

\* \* \* Sheriff Duties \* \* \*

Sec. 6. 24 V.S.A. § 293 is amended to read:

§ 293. DUTIES

(a) A sheriff so commissioned and sworn shall serve and execute lawful writs, warrants, and processes directed to ~~him or her~~ the sheriff, according to the precept thereof, and do all other things pertaining to the office of sheriff.

(b) A sheriff shall maintain a detailed record of the sheriff's work schedule, including work days, leave taken, and any remote work performed outside the sheriff's district for a period of more than three days.

(c) Each sheriff's department shall comply with the provisions of the standard operating procedures manuals and policy manuals created and maintained by the Department of State's Attorneys and Sheriffs.

(d) Sheriff's departments providing law enforcement services in the county in which an individual who has a relief from abuse order pursuant to 15 V.S.A. § 1103 resides shall have a duty to assist in the retrieval of personal belongings of the individual and that individual's dependents from the individual's residence. A sheriff's department shall not seek a fee from the individual being assisted in the retrieval of personal belongings from the residence or any representative of that individual.

Sec. 7. 24 V.S.A. § 293(e) is added to read:

(e) A sheriff shall provide a minimum of one deputy sheriff, certified as a law enforcement officer in accordance with 20 V.S.A. § 2358, for law enforcement and security services for each county and State courthouse within the sheriff's county of jurisdiction in accordance with section 291a of this title.

Sec. 8. 24 V.S.A. § 299 is amended to read:

§ 299. DUTIES AS PEACE OFFICER

A sheriff shall preserve the peace, and suppress, with force and strong hand, if necessary, unlawful disorder using force only as permitted pursuant to 20

~~V.S.A. chapter 151. He or she~~ A sheriff may apprehend, without warrant, ~~persons~~ individuals assembled in disturbance of the peace, and bring them before ~~a~~ the Criminal Division of the Superior Court, which shall proceed with such ~~person~~ individuals as with ~~persons~~ individuals brought before it by process issued by ~~such~~ the court.

\* \* \* Repeal of Penalty for Refusal to Assist a Sheriff \* \* \*

Sec. 10. REPEAL OF PENALTY FOR REFUSAL TO ASSIST A SHERIFF

24 V.S.A. § 301 (penalty for refusal to assist) is repealed.

\* \* \* Sheriff's Departments Oversight Task Force and Report \* \* \*

Sec. 11. SHERIFF'S DEPARTMENTS OVERSIGHT TASK FORCE;  
REPORT

(a) Creation. There is created the Sheriff's Departments Oversight Task Force to examine issues in implementing reforms and accountability across Vermont Sheriff's Department.

(b) Membership. The Sheriff's Departments Oversight Task Force shall be composed of the following members:

(1) one member appointed by the Department of State's Attorneys and Sheriffs;

(2) one member appointed by the Department of Human Resources;

(3) one member appointed by the Attorney General's Office;

(4) one member appointed by the Vermont Sheriffs' Association;

(5) one member appointed by the State Auditor;

(6) one member appointed by the Vermont Criminal Justice Council;

(7) one member appointed by the Vermont Association of County Judges;

(8) one member of an organization focused on law enforcement reform, who shall be appointed by the Speaker of the House; and

(9) one member of a different organization focused on law enforcement reform, who shall be appointed by the Senate Committee on Committees.

(c) Powers and duties. The Sheriff's Departments Oversight Task Force shall consider issues relating to oversight of sheriffs' departments, including the following:

(1) creating and maintaining policies and best practices to be included in standard operating procedures manuals and policy manuals;



(2) increasing efficiency and equity in the delivery of public safety services by sheriff's departments;

(3) the compensation structure and levels of sheriffs, deputies, and departmental staff, including salaries, overtime, retirement, benefits, and bonuses;

(4) the duties of sheriffs, as related to both law enforcement and administration of sheriff's departments;

(5) oversight of sheriffs, as related to both conduct and administration of sheriff's departments;

(6) creating a sustainable funding model for sheriff's departments that is not based on contracts for services; and

(7) reorganizing the Department of State's Attorneys and Sheriffs to better provide oversight and support for state's attorneys and sheriffs.

(d) Assistance. The Sheriff's Departments Oversight Task Force shall have the administrative, technical, and legal assistance of the Department of State's Attorneys and Sheriffs.

(e) Report. On or before November 15, 2023, the Sheriff's Departments Oversight Task Force shall report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations with its findings and any recommendations for legislative action.

(f) Meetings.

(1) The member of the Sheriff's Departments Oversight Task Force designated by the Department of State's Attorneys and Sheriffs shall call the first meeting of the Sheriff's Departments Oversight Task Force to occur on or before July 1, 2023.

(2) The Sheriff's Departments Oversight Task Force shall select a chair from among its members at the first meeting.

(3) A majority of the members of the Sheriff's Departments Oversight Task Force shall constitute a quorum.

(4) The Sheriff's Departments Oversight Task Force shall cease to exist on July 1, 2024.

(g) Compensation and reimbursement.

The members of the public Sheriff's Departments Oversight Task Force who are appointed from an organization focused on law enforcement reform shall be entitled to per diem compensation as permitted under 32 V.S.A. § 1010 for not more than five meetings, provided that those members are not

paid for their services by the organization for which the member is representing on the Sheriff's Departments Oversight Task Force. These payments shall be made from monies appropriated to the Department of State's Attorneys and Sheriffs.

(h) Appropriation. The sum of \$1,000.00 is appropriated to the Department of State's Attorneys and Sheriffs from the General Fund in fiscal year 2024 for per diem compensation for members of the Committee.

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

## Sec. 12. EFFECTIVE DATES

This act shall take effect on passage, except that Sec. 7 (adding 24 V.S.A. § 293(e)) shall take effect on July 1, 2024.

And that when so amended the bill ought to pass.

Senator Sears, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill be amended as recommended by the Committee on Government Operations with the following amendments thereto:

First: In Sec. 5, 24 V.S.A. § 291a, by striking out subsection (f) in its entirety and inserting in lieu thereof a new subsection (f) to read as follows:

(f) An agreement or contract for sheriff's departments to provide law enforcement or security services to county and State courthouses shall be subject to a single, statewide contracted rate of pay for such services over all county and State courthouses.

Second: By adding one new section to be Sec. 5a to read as follows:

Sec. 5a. USE OF ADMINISTRATIVE OVERHEAD FUNDS IN 2023  
AND 2024

Notwithstanding 24 V.S.A. § 291a(c), in calendar years 2023 and 2024, a sheriff's department may use funds derived from contract administrative overhead fees to make supplemental salary payments to a sheriff of not more than 50 percent of the annual compensation for a sheriff, provided that the sheriff has been in office at least two years, and to any employee of a sheriff's department or a sheriff that has been in office less than two years of not more than 10 percent of the annual compensation for the employee. Funds derived from contract administrative overhead fees shall not be used for any other bonus or supplemental employment benefit payment.

Third: In Sec. 11, Sheriff's Departments Oversight Task Force; report, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) Powers and duties. The Sheriff's Departments Oversight Task Force shall consider issues relating to oversight of sheriff's departments, including the following:

(1) creating and maintaining policies and best practices to be included in standard operating procedures manuals and policy manuals;

(2) increasing efficiency and equity in the delivery of public safety services by sheriff's departments;

(3) the compensation structure and levels of sheriffs, deputies, and departmental staff, including salaries, overtime, retirement, benefits, and bonuses;

(4) the duties of sheriffs, as related to both law enforcement and administration of sheriff's departments;

(5) oversight of sheriffs, as related to both conduct and administration of sheriff's departments;

(6) creating a sustainable funding model for sheriff's departments that is not based on contracts for services;

(7) reorganizing the Department of State's Attorneys and Sheriffs to better provide oversight and support for State's Attorneys and sheriffs; and

(8) determining the scope and timing of public sector management training that sheriffs should receive upon election and on a continuing basis to ensure departmental operations and management of public funds are consistent with generally accepted standards.

And that when so amended the bill ought to pass.

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

Thereupon, pending the questions, Shall the bill be amended as recommended by the Committee on Government Operations, as amended?, Senators Hardy, Norris, Clarkson, Vyhovsky and Watson moved to amend the recommendation of the Committee on Government Operations, as amended, as follows:

First: By striking out Sec. 2, 24 V.S.A. § 290, in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. 24 V.S.A. § 290 is amended to read:

§ 290. COUNTY SHERIFF'S DEPARTMENT

\* \* \*

(d) Upon the election of a sheriff-elect who is not the incumbent sheriff, ~~or upon notice of the resignation of the sheriff,~~ an announcement that the incumbent sheriff will not seek reelection, or an announcement that the incumbent sheriff intends to resign, whichever occurs earliest, all financial disbursements from the accounts of the department, including the transfer of real or personal property, or other assets, of the department, shall be co-signed by the sheriff and the assistant judges. A report of all financial disbursements or transfers made pursuant to this subsection shall be forwarded by the assistant judges to the Auditor of Accounts within 15 days ~~of completion of the out-going sheriff's duties~~ following the sheriff leaving office.

Second: In Sec. 11, Sheriff's Departments Oversight Task Force; report, by striking out subdivision (c)(3) in its entirety and inserting in lieu thereof a new subdivision (c)(3) to read as follows:

(3) the compensation structure and levels of sheriffs, deputies, and departmental staff, including salaries, overtime, retirement, benefits, and bonuses, and the appropriate employment status of courthouse security deputies;

Third: By renumbering Secs. 10–12 to be numerically correct.

Which was agreed to.

Thereupon, the pending question, Shall the bill be amended as recommended by the Committee on Government Operations, as amended, was agreed to.

Thereupon, the pending question, Shall the bill be read a third time?, was decided in the affirmative on a roll call, Yeas 23, Nays 7.

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

**Roll Call**

**Those Senators who voted in the affirmative were:** Baruth, Bray, Campion, Clarkson, Cummings, Gulick, Hardy, Harrison, Hashim, Kitchel, Lyons, MacDonald, Mazza, McCormack, Perchlik, Ram Hinsdale, Sears, Starr, Vyhovsky, Watson, Westman, White, Wrenner.

**Those Senators who voted in the negative were:** Brock, \*Chittenden, Collamore, Ingalls, Norris, Weeks, Williams.

\*Senator Chittenden explained his vote as follows:

“I voted No today on S. 17 because of two open questions I have with the wording in the bill. It is unclear by what entity or person a conflict of interest can be deemed to warrant the review process by the Executive Council. In my years as an elected official, I have been accused of having a conflict of interest for owning land, having dogs, owning chickens and for serving on other boards. These accusations have been made by individuals in the political arena and are common for elected office holders but without clearer language in S.17 on who can trigger a conflict of interest consideration, this could be used to unduly thwart the functioning responsibilities of our sheriffs and unduly burden the office holder and supporting systems with unfounded accusations.

”The second concern I have related to the mandated timekeeping for elected sheriffs and if the failure to do maintain these records satisfactorily (in undefined terms or time lines) would be classified as ‘willful misconduct’. It is unclear to me who would be responsible for validating these ‘time cards’ and what the consequence would be for not having this information recorded by what time frame and to what detail.

“Without adequate consideration to these two concerns, I am not in support of this bill but am hopeful that an amendment or additional reporting clarification at third reading will mitigate my concerns and open questions.”

### **Bill Amended; Third Reading Ordered**

#### **S. 18.**

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

An act relating to banning flavored tobacco products and e-liquids.

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

#### Sec. 1. FINDINGS

The General Assembly finds that:

(1) Tobacco use is costly. Vermont spends more than \$400 million annually to treat tobacco-caused illnesses, including more than \$90 million each year in Medicaid expenses. This translates into a tax burden each year of over \$1,000 per Vermont household. Smoking-related productivity losses add another \$576 million in additional costs each year.

(2) Youth tobacco use is growing due to e-cigarettes. Seven percent of Vermont high school students smoke, but if e-cigarette use is included, 28 percent of Vermont youths use some form of tobacco product. More than

one in four Vermont high school students now uses e-cigarettes. Use more than doubled among this age group, from 12 percent to 26 percent, between 2017 and 2019.

(3) More students report frequent use of e-cigarettes, which indicates possible nicotine addiction. According to the 2019 Vermont Youth Risk Behavior Survey, 31 percent of Vermont high school e-cigarette users used e-cigarettes daily, up from 15 percent in 2017.

(4) Flavored products are fueling the epidemic. Ninety-seven percent of youth e-cigarette users nationally reported in 2019 that they had used a flavored tobacco product in the last month, and 70 percent cited flavors as the reason for their use. E-cigarette and e-liquid manufacturers have marketed their products in youth-friendly flavors, such as gummy bear, birthday cake, candy cane menthol, and bubble gum.

(5) Mint- and menthol-flavored e-cigarettes are increasing in popularity among youths. Over the past few years, mint and menthol went from being some of the least popular to being some of the most popular e-cigarette flavors among high school students. Evidence indicates that if any e-cigarette flavors remain on the market, youths will shift from one flavor to another. For example, after Juul restricted the availability of fruit, candy, and other e-cigarette flavors in retail stores in November 2018, use of mint and menthol e-cigarettes by high school users increased sharply, from 42.3 percent reportedly using mint and menthol e-cigarettes in 2017 to 63.9 percent using them in 2019.

(6) It is essential that menthol cigarettes are included in a ban on flavored tobacco products, flavored e-liquids, and flavored e-cigarettes to prevent youths who became addicted to nicotine through vaping from transitioning to traditional cigarettes. Menthol creates a cooling and numbing effect that reduces the harshness of cigarette smoke and suppresses the cough reflex. Those effects make menthol cigarettes more appealing to young, inexperienced smokers, and research shows that menthol cigarettes are more likely to addict youths.

(7) Youth smokers are the age group most likely to use menthol cigarettes but are also likely to quit if menthol cigarettes are no longer available. Fifty-four percent of youths 12–17 years of age nationwide who smoke use menthol cigarettes. Nearly 65 percent of young menthol smokers say they would quit smoking if menthol cigarettes were banned.

(8) Eliminating the sale of menthol tobacco products promotes health equity. Menthol cigarette use is more prevalent among persons of color who smoke than among white persons who smoke and is more common among

lesbian, gay, bisexual, and transgender smokers than among heterosexual smokers. Eighty-five percent of African-American adult smokers use menthol cigarettes, and of black youths 12–17 years of age who smoke, seven out of 10 use menthol cigarettes. Tobacco industry documents show a concerted effort to target African-Americans through specific advertising efforts.

(9) The U.S. Food and Drug Administration (FDA) took action on flavored e-cigarettes in 2020, but that action only addresses flavored pod-based e-cigarettes, leaving open tank e-cigarettes, the e-liquids used to fill them, and flavored disposable e-cigarettes available for sale.

(10) The FDA agrees that menthol cigarettes harm the public health. In 2013, the FDA published a report concluding that removal of menthol cigarettes from the market would improve public health. In May 2022, the FDA published a proposed rule establishing a tobacco product standard that would prohibit menthol as a characterizing flavor in cigarettes, but the rule has not been finalized and it is unclear when a final rule will be published or take effect.

Sec. 2. 7 V.S.A. chapter 40 is amended to read:

#### CHAPTER 40. TOBACCO PRODUCTS

##### § 1001. DEFINITIONS

As used in this chapter:

\* \* \*

(3) “Tobacco products” means cigarettes, little cigars, roll-your-own tobacco, snuff, cigars, new smokeless tobacco, and ~~other tobacco products as defined in 32 V.S.A. § 7702~~ any other product manufactured from, derived from, or containing tobacco that is intended for human consumption by smoking, by chewing, or in any other manner.

\* \* \*

(8)(A) “Tobacco substitute” means ~~products~~ any product, including an electronic ~~cigarettes~~ cigarette or other electronic or battery-powered ~~devices~~ device, or any component, part, or accessory thereof, that ~~contain or are~~ contains or is designed to deliver nicotine or other substances into the body through the inhalation or other absorption of aerosol, vapor, or other emission and that ~~have~~ has not been approved by the U.S. Food and Drug Administration for tobacco cessation or other medical purposes. Products that have been approved by the U.S. Food and Drug Administration for tobacco cessation or other medical purposes shall not be considered to be tobacco substitutes.

(B) As used in subdivision (A) of this subdivision (8), “other substances” does not include cannabis and cannabis products that are offered by a cannabis establishment licensed pursuant to chapter 33 of this title or by a medical cannabis dispensary licensed pursuant to chapter 37 of this title.

(9) “E-liquid” means the solution, substance, or other material used in or with a tobacco substitute that is heated or otherwise acted upon to produce an aerosol, vapor, or other emission to be inhaled or otherwise absorbed by the user, regardless of whether the solution, substance, or other material contains nicotine. The term does not include cannabis and cannabis products that are offered by a cannabis establishment licensed pursuant to chapter 33 of this title or by a medical cannabis dispensary licensed pursuant to chapter 37 of this title.

§ 1002. LICENSE REQUIRED; APPLICATION; FEE; ISSUANCE

(a)(1) No person shall engage in the retail sale of tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia in ~~his or her~~ the person’s place of business without a tobacco license obtained from the Division of Liquor Control.

\* \* \*

(e) A person who sells tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia without obtaining a tobacco license and a tobacco substitute endorsement, as applicable, in violation of this section shall be guilty of a misdemeanor and fined not more than \$200.00 for the first offense and not more than \$500.00 for each subsequent offense.

(f) No individual under 16 years of age may sell tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia.

(g) No person shall engage in the retail sale of tobacco products, tobacco substitutes, ~~substances containing nicotine or otherwise intended for use with a tobacco substitute~~ e-liquids, or tobacco paraphernalia in the State unless the person is a licensed wholesale dealer as defined in 32 V.S.A. § 7702 or has purchased the tobacco products, tobacco substitutes, ~~substances containing nicotine or otherwise intended for use with a tobacco substitute~~ e-liquids, or tobacco paraphernalia from a licensed wholesale dealer.

\* \* \*

§ 1003. SALE OF TOBACCO PRODUCTS; TOBACCO SUBSTITUTES;  
TOBACCO PARAPHERNALIA; REQUIREMENTS;  
PROHIBITIONS

(a) A person shall not sell or provide tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia to any person under 21 years of age.



(b) All vending machines selling tobacco products are prohibited.

(c)(1) Persons holding a tobacco license may only display or store tobacco products ~~or~~, tobacco substitutes, and e-liquids:

(A) behind a sales counter or in any other area of the establishment that is inaccessible to the public; or

(B) in a locked container.

(2) This subsection shall not apply to the following:

(A) a display of tobacco products, tobacco substitutes, or e-liquids that is located in a commercial establishment in which by law no person under 21 years of age is permitted to enter at any time;

(B) cigarettes in unopened cartons and smokeless tobacco in unopened multipack containers of 10 or more packages, any of which shall be displayed in plain view and under the control of a responsible employee so that removal of the cartons or multipacks from the display can be readily observed by that employee; or

(C) cigars and pipe tobacco stored in a humidor on the sales counter in plain view and under the control of a responsible employee so that the removal of these products from the humidor can be readily observed by that employee.

(d) The sale and the purchase of bidis is prohibited. A person who holds a tobacco license who sells bidis as prohibited by this subsection shall be fined not more than \$500.00. A person who purchases bidis from any source shall be fined not more than \$250.00.

(e) No person holding a tobacco license shall sell cigarettes or little cigars individually or in packs that contain fewer than 20 cigarettes or little cigars.

(f) As used in this section, “little cigars” means any rolls of tobacco wrapped in leaf tobacco or any substance containing tobacco, other than any roll of tobacco that is a cigarette within the meaning of 32 V.S.A. § 7702(1), and as to which 1,000 units weigh not more than three pounds.

§ 1004. PROOF OF AGE FOR THE SALE OF TOBACCO PRODUCTS;  
TOBACCO SUBSTITUTES; E-LIQUIDS; TOBACCO  
PARAPHERNALIA

(a) A person shall exhibit proper proof of ~~his or her~~ the person's age upon demand of a person licensed under this chapter, an employee of a licensee, or a law enforcement officer. If the person fails to provide proper proof of age, the licensee shall be entitled to refuse to sell tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia to the person. The sale or furnishing of

tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia to a person exhibiting proper proof of age shall be prima facie evidence of a licensee's compliance with section 1007 of this title.

(b) As used in this section, "proper proof of age" means a valid authorized form of identification as defined in section 589 of this title.

§ 1005. PERSONS UNDER 21 YEARS OF AGE; POSSESSION OF TOBACCO PRODUCTS; MISREPRESENTING AGE ~~OR~~ FOR PURCHASING TOBACCO PRODUCTS; PENALTY

(a)(1) A person under 21 years of age shall not possess, purchase, or attempt to purchase tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia unless the person is an employee of a holder of a tobacco license and is in possession of tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia to effect a sale in the course of employment.

(2) A person under 21 years of age shall not misrepresent ~~his or her~~ the person's age to purchase or attempt to purchase tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia.

(b) A person who possesses tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia in violation of subsection (a) of this section shall be subject to having the tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia immediately confiscated and shall be further subject to a civil penalty of \$25.00. An action under this subsection shall be brought in the same manner as a traffic violation pursuant to 23 V.S.A. chapter 24.

(c) A person under 21 years of age who misrepresents ~~his or her~~ the person's age by presenting false identification to purchase tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia shall be fined not more than \$50.00 or provide up to 10 hours of community service, or both.

§ 1006. POSTING OF SIGNS

(a) A person licensed under this chapter shall post in a conspicuous place on the premises identified in the tobacco license a warning sign stating that the sale of tobacco products, tobacco substitutes, e-liquids, and tobacco paraphernalia to persons under 21 years of age is prohibited. The Board shall prepare the sign and make it available with the license forms issued under this chapter. The sign may include information about the health effects of tobacco and tobacco cessation services. The Board, in consultation with a representative of the licensees when appropriate, is authorized to change the design of the sign as needed to maintain its effectiveness.

(b) A person violating this section shall be guilty of a misdemeanor and fined not more than \$100.00.

§ 1007. FURNISHING TOBACCO TO PERSONS UNDER 21 YEARS OF AGE; REPORT

(a) A person that sells or furnishes tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia to a person under 21 years of age shall be subject to a civil penalty of not more than \$100.00 for the first offense and not more than \$500.00 for any subsequent offense. An action under this section shall be brought in the same manner as for a traffic violation pursuant to 23 V.S.A. chapter 24 and shall be brought within 24 hours of the occurrence of the alleged violation.

(b)(1) The Division of Liquor Control shall conduct or contract for compliance tests of tobacco licensees as frequently and as comprehensively as necessary to ensure consistent statewide compliance with the prohibition on sales to persons under 21 years of age of at least 90 percent for buyers who are between 17 and 20 years of age. An individual under 21 years of age participating in a compliance test shall not be in violation of section 1005 of this title.

(2) Any violation by a tobacco licensee of subsection 1003(a) of this title and this section after a sale violation or during a compliance test conducted within six months of a previous violation shall be considered a multiple violation and shall result in the minimum license suspension in addition to any other penalties available under this title. Minimum license suspensions for multiple violations shall be assessed as follows:

- |                      |                      |
|----------------------|----------------------|
| (A) Two violations   | two weekdays;        |
| (B) Three violations | 15-day suspension;   |
| (C) Four violations  | 90-day suspension;   |
| (D) Five violations  | one-year suspension. |

(3) The Division shall report to the House Committee on General, Housing, and Military Affairs, the Senate Committee on Economic Development, Housing and General Affairs, and the ~~Tobacco Evaluation and Review Board~~ Substance Misuse Prevention Oversight and Advisory Council annually, on or before January 15, the methodology and results of compliance tests conducted during the previous year. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the required report to be made under this subdivision.

\* \* \*

## § 1009. CONTRABAND AND SEIZURE

(a) Any cigarettes or other tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia that have been sold, offered for sale, or possessed for sale in violation of section 1003, 1010, or 1013 of this title, 20 V.S.A. § 2757, 32 V.S.A. § 7786, or 33 V.S.A. § 1919, and any commercial cigarette rolling machines possessed or utilized in violation of section 1011 of this title, shall be deemed contraband and shall be subject to seizure by the Commissioner, the Commissioner's agents or employees, the Commissioner of Taxes or any agent or employee of the Commissioner of Taxes, or by any law enforcement officer of this State when directed to do so by the Commissioner. All ~~cigarettes or other tobacco products~~ items seized under this subsection shall be destroyed.

\* \* \*

## § 1010. INTERNET SALES

(a) As used in this section:

(1) "Cigarette" has the same meaning as in 32 V.S.A. § 7702(1).

(2) [Repealed.]

(3) "Licensed wholesale dealer" has the same meaning as in 32 V.S.A. § 7702(5).

(4) "Little cigars" has the same meaning as in 32 V.S.A. § 7702(6).

(5) "Retail dealer" has the same meaning as in 32 V.S.A. § 7702(10).

(6) "Roll-your-own tobacco" has the same meaning as in 32 V.S.A. § 7702(11).

(7) "Snuff" has the same meaning as in 32 V.S.A. § 7702(13).

(b) No person shall cause cigarettes, roll-your-own tobacco, little cigars, snuff, tobacco substitutes, ~~substances containing nicotine or otherwise intended for use with a tobacco substitute~~ e-liquids, or tobacco paraphernalia, ordered or purchased by mail or through a computer network, telephonic network, or other electronic network, to be shipped to anyone other than a licensed wholesale dealer or retail dealer in this State.

(c) No person shall, with knowledge or reason to know of the violation, provide substantial assistance to a person in violation of this section.

(d) A violation of this section is punishable as follows:

(1) A knowing or intentional violation of this section shall be punishable by imprisonment for not more than five years or a fine of not more than \$5,000.00, or both.

(2) In addition to or in lieu of any other civil or criminal remedy provided by law, upon a determination that a person has violated this section, the Attorney General may impose a civil penalty in an amount not to exceed \$5,000.00 for each violation. For purposes of this subsection, each shipment or transport of cigarettes, roll-your-own tobacco, little cigars, ~~or snuff,~~ tobacco substitutes, e-liquids, or tobacco paraphernalia shall constitute a separate violation.

\* \* \*

§ 1012. LIQUID NICOTINE E-LIQUIDS CONTAINING NICOTINE;  
PACKAGING

(a) Unless specifically preempted by federal law, no person shall manufacture, regardless of location, for sale in; offer for sale in; sell in or into the stream of commerce in; or otherwise introduce into the stream of commerce in Vermont:

(1) any ~~liquid or gel substance~~ e-liquid containing nicotine unless that product is contained in child-resistant packaging; or

(2) any ~~nicotine liquid~~ e-liquid container unless that container constitutes child-resistant packaging.

(b) As used in this section:

(1) “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.

(2) “~~Nicotine liquid~~ E-liquid container” means a bottle or other container of a ~~nicotine liquid or other substance~~ an e-liquid containing nicotine that is sold, marketed, or intended for use in a tobacco substitute. The term does not include a container containing nicotine in a cartridge that is sold, marketed, or intended for use in a tobacco substitute if the cartridge is prefilled and sealed by the manufacturer and not intended to be opened by the consumer.

§ 1013. FLAVORED TOBACCO PRODUCTS, FLAVORED TOBACCO  
SUBSTITUTES, AND FLAVORED E-LIQUIDS PROHIBITED

(a) As used in this section:

(1) “Characterizing flavor” means a taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a tobacco product or tobacco substitute, or a component part or byproduct of a tobacco product or tobacco substitute. The term includes tastes or aromas relating to any fruit, chocolate, vanilla, honey, maple, candy, cocoa, dessert, alcoholic beverage, mint, menthol, wintergreen, herb or spice, or other food or drink, or to any conceptual flavor that imparts a taste or aroma that is distinguishable from tobacco flavor but may not relate to any particular known flavor. The term also includes induced sensations, such as those produced by synthetic cooling agents, regardless of whether the agent itself imparts any taste or aroma.

(2) “Flavored e-liquid” means any e-liquid with a characterizing flavor. An e-liquid shall be presumed to be a flavored e-liquid if a licensee, a manufacturer, or a licensee’s or manufacturer’s agent or employee has made a statement or claim directed to consumers or the public, whether express or implied, that the product has a distinguishable taste or aroma other than the taste or aroma of tobacco.

(3) “Flavored tobacco product” means any tobacco product with a characterizing flavor. A tobacco product shall be presumed to be a flavored tobacco product if a licensee, a manufacturer, or a licensee’s or manufacturer’s agent or employee has made a statement or claim directed to consumers or the public, whether express or implied, that the product has a distinguishable taste or aroma other than the taste or aroma of tobacco.

(4) “Flavored tobacco substitute” means any tobacco substitute with a characterizing flavor. A tobacco substitute shall be presumed to be a flavored tobacco substitute if a licensee, a manufacturer, or a licensee’s or manufacturer’s agent or employee has made a statement or claim directed to consumers or the public, whether express or implied, that the product has a distinguishable taste or aroma other than the taste or aroma of tobacco.

(5) “Tobacco retailer” means any individual, partnership, joint venture, society, club, trustee, trust, association, organization, or corporation who owns, operates, or manages any retail establishment that has a tobacco license from the Division of Liquor Control.

(b) No person shall engage in the retail sale of any flavored tobacco product, flavored e-liquid, or flavored tobacco substitute.

(c) If a tobacco retailer or a tobacco retailer’s agent or employee violates this section, the tobacco retailer shall be subject to a civil penalty of not more than \$100.00 for a first offense and not more than \$500.00 for any subsequent offense. An action under this section shall be brought in the same manner as

for a traffic violation pursuant to 23 V.S.A. chapter 24 and shall be brought within 24 hours after the occurrence of the alleged violation.

Sec. 3. 4 V.S.A. § 1102(b) is amended to read:

(b) The Judicial Bureau shall have jurisdiction of the following matters:

\* \* \*

(31) Violations of 7 V.S.A. § 1013(b), relating to flavored tobacco products, flavored e-liquids, and flavored tobacco substitutes.

Sec. 4. 7 V.S.A. § 661(c) is amended to read:

(c) The provisions of subsection (b) of this section shall not apply to a violation of subsection 1005(a) of this title, relating to purchase of tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia by a person under 21 years of age.

Sec. 5. 16 V.S.A. § 140 is amended to read:

#### § 140. TOBACCO USE PROHIBITED ON PUBLIC SCHOOL GROUNDS

No person shall be permitted to use tobacco products, e-liquids, or tobacco substitutes as defined in 7 V.S.A. § 1001 on public school grounds or at public school sponsored functions. Public school boards may adopt policies that include confiscation and appropriate referrals to law enforcement authorities.

Sec. 6. 18 V.S.A. § 4803(a) is amended to read:

(a) Creation. There is created the Substance Misuse Prevention Oversight and Advisory Council within the Department of Health to improve the health outcomes of all Vermonters through a consolidated and holistic approach to substance misuse prevention that addresses all categories of substances. The Council shall provide advice to the Governor and General Assembly for improving prevention policies and programming throughout the State and to ensure that population prevention measures are at the forefront of all policy determinations. The Advisory Council's prevention initiatives shall encompass all substances at risk of misuse, including:

(1) alcohol;

(2) cannabis;

(3) controlled substances, such as opioids, cocaine, and methamphetamines; and

(4) ~~tobacco products and, tobacco substitutes, and e-liquids as defined in 7 V.S.A. § 1001 and substances containing nicotine or that are otherwise intended for use with a tobacco substitute.~~

Sec. 7. 32 V.S.A. § 7702 is amended to read:

§ 7702. DEFINITIONS

As used in this chapter unless the context otherwise requires:

\* \* \*

(15) “Other tobacco products” means any product manufactured from, derived from, or containing tobacco that is intended for human consumption by smoking, by chewing, or in any other manner, ~~including~~. The term also includes products sold as a tobacco substitute, as defined in 7 V.S.A. § 1001(8), and including any liquids, whether nicotine based or not, or; e-liquids, as defined in 7 V.S.A. § 1001(9); and delivery devices sold separately for use with a tobacco substitute or e-liquid, but shall not include cigarettes, little cigars, roll-your-own tobacco, snuff, or new smokeless tobacco as defined in this section.

\* \* \*

Sec. 8. ELECTRONIC CIGARETTES AND OTHER VAPING-RELATED PRODUCTS; ADVERTISING RESTRICTIONS; REPORT

On or before December 1, 2023, the Office of the Attorney General shall report to the House Committees on Commerce and Economic Development and on Human Services and the Senate Committees on Economic Development, Housing and General Affairs and on Health and Welfare regarding whether and to what extent Vermont may legally restrict advertising and regulate the content of labels for electronic cigarettes and other vaping-related products in this State.

Sec. 9. EFFECTIVE DATE

This act shall take effect on September 1, 2023.

And that when so amended the bill ought to pass.

Senator Chittenden, for the Committee on Finance, to which the bill was referred, reported recommending that the report of the Committee on Health and Welfare be amended by adding a new section to be Sec. 9 to read as follows:

Sec. 9. DEPARTMENT OF HEALTH; VERMONT YOUTH RISK BEHAVIOR SURVEY; REPORT

On or before March 1, 2027, the Department of Health shall provide to the House Committee on Human Services and the Senate Committee on Health and Welfare the results of the 2025 Vermont Youth Risk Behavior Survey that relate to youth use of tobacco products, tobacco substitutes, and e-liquids,



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along with a comparison of the rates of use from previous Vermont Youth Risk Behavior Surveys.

And by renumbering the remaining section to be Sec. 10

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the recommendation of amendment of the Committee on Health and Welfare was amended as recommended by the Committee on Finance.

Thereupon, the pending question, Shall the bill be amended as recommended by the Committee on Health and Welfare, as amended?, was decided in the affirmative.

Thereupon, third reading of the bill was ordered.

### **Adjournment**

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Wednesday, March 29, 2023.

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### **WEDNESDAY, MARCH 29, 2023**

The Senate was called to order by the President.

### **Devotional Exercises**

Devotional exercises were conducted by the Reverend Tom Harty of Bethel.

### **Message from the House No. 35**

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

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

**H. 66.** An act relating to paid family and medical leave insurance.

**H. 126.** An act relating to community resilience and biodiversity protection.

**H. 127.** An act relating to sports wagering.

**H. 157.** An act relating to the Vermont basic needs budget.

**H. 165.** An act relating to school food programs and universal school meals.

**H. 481.** An act relating to public health initiatives to address death by suicide.

**H. 482.** An act relating to Vermont Criminal Justice Council recommendations for law enforcement officer training.

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

**Bills Referred**

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

**H. 66.**

An act relating to paid family and medical leave insurance.

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

**H. 126.**

An act relating to community resilience and biodiversity protection.

To the Committee on Natural Resources and Energy.

**H. 127.**

An act relating to sports wagering.

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

**H. 157.**

An act relating to the Vermont basic needs budget.

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

**H. 165.**

An act relating to school food programs and universal school meals.

To the Committee on Education.

**H. 481.**

An act relating to public health initiatives to address death by suicide.

To the Committee on Health and Welfare.

**H. 482.**

An act relating to Vermont Criminal Justice Council recommendations for law enforcement officer training.

To the Committee on Government Operations.

**Bill Amended; Third Reading Ordered****S. 89.**

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

An act relating to establishing a forensic facility.

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

\* \* \* Admission to Forensic Facility for Persons in Need of Treatment or Continued Treatment \* \* \*

Sec. 1. 18 V.S.A. § 7101 is amended to read:

§ 7101. DEFINITIONS

As used in this part of this title, the following words, unless the context otherwise requires, shall have the following meanings:

\*\*\*

(31)(A) “Forensic facility” means a residential facility, licensed as a therapeutic community residence as defined in 33 V.S.A. § 7102(11), for an individual initially committed pursuant to:

(i) 13 V.S.A. § 4822 who is in need of treatment or further treatment pursuant to chapter 181 of this title within a secure setting for an extended period of time; or

(ii) 13 V.S.A. § 4823 who is in need of custody, care, and habilitation pursuant to chapter 206 of this title, within a secure setting for an extended period of time.

(B) A forensic facility shall not be used for any purpose other than the purposes permitted by this part or chapter 206 of this title. As used in this subdivision, “secure” has the same meaning as in section 7620 of this title.

Sec. 2. 18 V.S.A. § 7612 is amended to read:

§ 7612. APPLICATION FOR INVOLUNTARY TREATMENT

(a) An interested party may, by filing a written application, commence proceedings for the involuntary treatment of an individual by judicial process.

(b) The application shall be filed in the Family Division of the Superior Court.

(c) If the application is filed under section 7508 or 7620 of this title, it shall be filed in the unit of the Family Division of the Superior Court in which the hospital is located. In all other cases, it shall be filed in the unit in which the proposed patient resides. In the case of a nonresident, it may be filed in any unit. The court may change the venue of the proceeding to the unit in which the proposed patient is located at the time of the trial.

(d) The application shall contain:

(1) The name and address of the applicant.

(2) A statement of the current and relevant facts upon which the allegation of mental illness and need for treatment is based. The application shall be signed by the applicant under penalty of perjury.

(e) The application shall be accompanied by:

(1) a certificate of a licensed physician, which shall be executed under penalty of perjury stating that ~~he or she~~ the licensed physician has examined the proposed patient within five days of from the date the petition is filed and is of the opinion that the proposed patient is a person in need of treatment, including the current and relevant facts and circumstances upon which the physician's opinion is based; or

(2) a written statement by the applicant that the proposed patient refused to submit to an examination by a licensed physician.

(f) Before an examining physician completes the certificate of examination, ~~he or she~~ the examining physician shall consider available alternative forms of care and treatment that might be adequate to provide for the person's needs without requiring hospitalization. The examining physician shall document on the certificate the specific alternative forms of care and treatment that ~~he or she~~ the examining physician considered and why those alternatives were deemed inappropriate, including information on the availability of any appropriate alternatives.

(g) If the Commissioner seeks to have a person receive treatment in a forensic facility pursuant to an order of nonhospitalization, the application for an order authorizing treatment shall expressly state that such treatment is being sought. The application shall contain, in addition to the statements required by this section, a statement setting forth the reasons for the Commissioner's determination that clinically appropriate treatment for the person's condition can be provided safely only in a forensic facility.

Sec. 3. 18 V.S.A. § 7615 is amended to read:

§ 7615. HEARING ON APPLICATION FOR INVOLUNTARY  
TREATMENT

(a)(1) Upon receipt of the application, the court shall set a date for the hearing to be held within 10 days from the date of the receipt of the application or 20 days from the date of the receipt of the application if a psychiatric examination is ordered under section 7614 of this title unless the hearing is continued by the court pursuant to subsection (b) of this section.

(2)(A) The applicant or a person who is certified as a person in need of treatment pursuant to section 7508 of this title may file a motion to expedite the hearing. The motion shall be supported by an affidavit, and the court shall rule on the motion on the basis of the filings without holding a hearing. The court:

(i) shall grant the motion if it finds that the person demonstrates a significant risk of causing the person or others serious bodily injury as defined in 13 V.S.A. § 1021 even while hospitalized, and clinical interventions have failed to address the risk of harm to the person or others;

(ii) may grant the motion if it finds that the person has received involuntary medication pursuant to section 7624 of this title during the past two years and, based upon the person's response to previous and ongoing treatment, there is good cause to believe that additional time will not result in the person establishing a therapeutic relationship with providers or regaining competence.

(B) If the court grants the motion for expedited hearing pursuant to this subdivision, the hearing shall be held within ten days from the date of the order for expedited hearing.

(3)(A) The applicant or a person for whom an order of nonhospitalization at a forensic facility is sought may file a motion to expedite the hearing. The motion shall be supported by an affidavit. The court:

(i) shall grant the motion if it finds that the person demonstrates a significant risk of causing the person or others serious bodily injury as defined in 13 V.S.A. § 1021 even while in custody, and clinical interventions have failed to address the risk of harm to the person or others;

(ii) may grant the motion if it finds that the person has received involuntary medication pursuant to section 7624 of this title during the past two years and, based upon the person's response to previous and ongoing treatment, there is good cause to believe that additional time will not result in the person establishing a therapeutic relationship with providers or regaining

competence.

(B) If the court grants the motion for expedited hearing pursuant to this subdivision, the hearing shall be held within three days from the date of the order for expedited hearing. The court may grant an extension of not more than five days to allow for a psychiatric examination in accordance with section 7614 of this title.

(4) If a hearing on the application for involuntary treatment has not occurred within 60 days from the date of the court's receipt of the application, the Commissioner shall request that the court and both parties' attorneys provide the reasons for the delay. The Commissioner shall submit a report to the court, the Secretary of Human Services, and the patient's attorney that either explains why the delay was warranted or makes recommendations as to how delays of this type can be avoided in the future.

\* \* \*

Sec. 4. 18 V.S.A. § 7618 is amended to read:

§ 7618. ORDER; NONHOSPITALIZATION

(a)(1) If the court finds that a treatment program other than hospitalization is adequate to meet the person's treatment needs, the court shall order the person to receive whatever treatment other than hospitalization is appropriate for a period of 90 days.

(2) If the Commissioner determines that treatment at a forensic facility is appropriate, and the court finds that treatment at a forensic facility is the least restrictive setting adequate to meet the person's needs, the court shall order the person to receive treatment there for a period of 90 days. The court may at any time, on its own motion or on motion of an interested party, review the need for treatment at the forensic facility.

(b) If at any time during the specified period it comes to the attention of the court either that the patient is not complying with the order or that the alternative treatment has not been adequate to meet the patient's treatment needs, the court may, after proper hearing:

(1) ~~Consider~~ consider other alternatives, modify its original order, and direct the patient to undergo another program of alternative treatment for the remainder of the 90-day period; or

(2) ~~Enter~~ enter a new order directing that the patient be hospitalized for the remainder of the 90-day period.

Sec. 5. 18 V.S.A. § 7620 is amended to read:

§ 7620. APPLICATION FOR CONTINUED TREATMENT

(a) If, prior to the expiration of any order issued in accordance with section 7623 of this title, the Commissioner believes that the condition of the patient is such that the patient continues to require treatment, the Commissioner shall apply to the court for a determination that the patient is a patient in need of further treatment and for an order of continued treatment.

(b) An application for an order authorizing continuing treatment shall contain a statement setting forth the reasons for the Commissioner's determination that the patient is a patient in need of further treatment, a statement describing the treatment program provided to the patient, and the results of that course of treatment.

(c) Any order of treatment issued in accordance with section 7623 of this title shall remain in force pending the court's decision on the application.

(d) If the Commissioner seeks to have the patient receive the further treatment in a forensic facility or secure residential recovery facility, the application for an order authorizing continuing treatment shall expressly state that such treatment is being sought. The application shall contain, in addition to the statements required by subsection (b) of this section, a statement setting forth the reasons for the Commissioner's determination that clinically appropriate treatment for the patient's condition can be provided safely only in a secure residential recovery facility or forensic facility, as appropriate.

(e) As used in this chapter:

(1) "Secure," when describing a residential facility, means that the residents can be physically prevented from leaving the facility by means of locking devices or other mechanical or physical mechanisms.

(2) "Secure residential recovery facility" means a residential facility, licensed as a therapeutic community residence as defined in 33 V.S.A. § 7102(11), for an individual who no longer requires acute inpatient care but who does remain in need of treatment within a secure setting for an extended period of time. A secure residential recovery facility shall not be used for any purpose other than the purposes permitted by this section.

Sec. 6. 18 V.S.A. § 7621 is amended to read:

§ 7621. HEARING ON APPLICATION FOR CONTINUED TREATMENT;  
ORDERS

\* \* \*

(c) If the court finds that the patient is a patient in need of further treatment but does not require hospitalization, it shall order nonhospitalization for up to one year. If the treatment plan proposed by the Commissioner for a patient in need of further treatment includes admission to a secure residential recovery facility or a forensic facility, the court may at any time, on its own motion or on motion of an interested party, review the need for treatment at the secure residential recovery facility or forensic facility, as applicable.

\* \* \*

Sec. 7. 18 V.S.A. § 7624 is amended to read:

§ 7624. APPLICATION FOR INVOLUNTARY MEDICATION

(a) The Commissioner may commence an action for the involuntary medication of a person who is refusing to accept psychiatric medication and meets any one of the following ~~six~~ conditions:

(1) has been placed in the Commissioner's care and custody pursuant to section 7619 of this title or subsection 7621(b) of this title;

(2) has previously received treatment under an order of hospitalization and is currently under an order of nonhospitalization, including a person on an order of nonhospitalization who resides in a secure residential recovery facility;

(3) has been committed to the custody of the Commissioner of Corrections as a convicted felon and is being held in a correctional facility which ~~that~~ is a designated facility pursuant to section 7628 of this title and for whom the Departments of Corrections and of Mental Health have determined jointly that involuntary medication would be appropriate pursuant to 28 V.S.A. § 907(4)(H);

(4) has an application for involuntary treatment pending for which the court has granted a motion to expedite pursuant to subdivision 7615(a)(2)(A)(i) of this title;

(5)(A) has an application for involuntary treatment pending;

(B) waives the right to a hearing on the application for involuntary treatment until a later date; and

(C) agrees to proceed with an involuntary medication hearing without a ruling on whether he or she is a person in need of treatment; ~~or~~

(6) has been placed under an order of nonhospitalization in a forensic facility or has an application for involuntary treatment at a forensic facility pending for which the court has granted a motion to expedite pursuant to subdivision 7615(a)(3)(A)(i) of this title, regardless of whether the person has



previously been under an order of hospitalization; or

(7) has had an application for involuntary treatment pending pursuant to subdivision 7615(a)(1) of this title for more than 26 days without a hearing having occurred and the treating psychiatrist certifies, based on specific behaviors and facts set forth in the certification, that in ~~his or her~~ the psychiatrist's professional judgment there is good cause to believe that:

(A) additional time will not result in the person establishing a therapeutic relationship with providers or regaining competence; and

(B) serious deterioration of the person's mental condition is occurring.

(b)(1) Except as provided in subdivisions (2), (3), and (4) of this subsection, an application for involuntary medication shall be filed in the Family Division of the Superior Court in the county in which the person is receiving treatment.

(2) If the application for involuntary medication is filed pursuant to subdivision (a)(4) or (a)(6) of this section:

(A) the application shall be filed in the county in which the application for involuntary treatment is pending; and

(B) the court shall consolidate the application for involuntary treatment with the application for involuntary medication and rule on the application for involuntary treatment before ruling on the application for involuntary medication.

(3) If the application for involuntary medication is filed pursuant to subdivision (a)(5) or ~~(a)(6)(7)~~ of this section, the application shall be filed in the county in which the application for involuntary treatment is pending.

(4) Within 72 hours of the filing of an application for involuntary medication pursuant to subdivision ~~(a)(6)(7)~~ of this section, the court shall determine, based solely upon a review of the psychiatrist's certification and any other filings, whether the requirements of that subdivision have been established. If the court determines that the requirements of subdivision ~~(a)(6)(7)~~ of this section have been established, the court shall consolidate the application for involuntary treatment with the application for involuntary medication and hear both applications within ten days of the date that the application for involuntary medication is filed. The court shall rule on the application for involuntary treatment before ruling on the application for involuntary medication. Subsection 7615(b) of this title shall apply to applications consolidated pursuant to this subdivision.

\* \* \*

Sec. 8. 18 V.S.A. § 7627 is amended to read:

§ 7627. COURT FINDINGS; ORDERS

\* \* \*

(o) For a person who is receiving treatment pursuant to an order of nonhospitalization in a forensic facility, if the court finds that without an order for involuntary medication there is a substantial probability that the person would continue to refuse medication and as a result would pose a danger of harm to self or others, the court may the order administration of involuntary medications at a forensic facility for up to 90 days, unless the court finds that an order is necessary for a longer period of time. An order for involuntary medication pursuant to this subsection shall not be longer than the duration of the current order of nonhospitalization. If at any time the treating psychiatrist finds that a person subject to an order for involuntary medication has become competent pursuant to subsection 7625(c) of this title, the order shall no longer be in effect.

\* \* \* Persons in Need of Custody, Care, and Habilitation or Continued  
Custody, Care, and Habilitation \* \* \*

Sec. 9. 13 V.S.A. § 4823 is amended to read:

§ 4823. FINDINGS AND ORDER; PERSONS WITH AN INTELLECTUAL  
DISABILITY

(a) If the court finds that such person is a person in need of custody, care, and habilitation as defined in 18 V.S.A. § 8839, the court shall issue an order of commitment directed to the Commissioner of Disabilities, Aging, and Independent Living for placement in a designated program in the least restrictive environment consistent with the person's need for custody, care, and habilitation of such person for an indefinite or limited period in a designated program for an indefinite or limited period.

~~(b) Such order of commitment shall have the same force and effect as an order issued under 18 V.S.A. § 8843 and persons committed under such an order shall have the same status, and the same rights, including the right to receive care and habilitation, to be examined and discharged, and to apply for and obtain judicial review of their cases, as persons ordered committed under 18 V.S.A. § 8843~~ Judicial review procedures for an order issued pursuant to subsection (a) of this section and for discharge from an order of commitment shall occur in accordance with 18 V.S.A. § 8845.

~~(c)(1) Section 4822 of this title shall apply to persons proposed for discharge under this section; however, judicial proceedings shall be conducted in the Criminal Division of the Superior Court in which the person then~~

~~resides, unless the person resides out of State in which case the proceedings shall be conducted in the original committing court~~ If the Commissioner seeks to have a person committed pursuant to this section placed in a forensic facility, the Commissioner shall provide a statement setting forth the reasons for the Commissioner's determination that clinically appropriate treatment and programming can be provided safely only in a forensic facility.

(2) As used in this subchapter, "forensic facility" has the same meaning as in section 7101 of this title.

Sec. 10. 18 V.S.A. § 8839 is amended to read:

§ 8839. DEFINITIONS

As used in this subchapter:

~~(1) "Danger of harm to others" means the person has inflicted or attempted to inflict serious bodily injury to another or has committed an act that would constitute a sexual assault or lewd or lascivious conduct with a child~~ "Commissioner" means the Commissioner of Disabilities, Aging, and Independent Living.

(2) "Designated program" means a program designated by the Commissioner as adequate to provide in an individual manner appropriate custody, care, and habilitation to persons with intellectual disabilities receiving services under this subchapter.

(3) "Person in need of custody, care, and habilitation" means a person:

(A) ~~a person~~ with an intellectual disability, which means significantly subaverage intellectual functioning existing concurrently with deficits in adaptive behavior that were manifest before 18 years of age;

(B) ~~who presents a danger of harm to others~~ has inflicted or attempted to inflict serious bodily injury to another or who has committed an act that would constitute a sexual assault or lewd and lascivious conduct with a child; and

(C) for whom appropriate custody, care, and habilitation can be provided by the Commissioner in a designated program.

(4) "Person in need of continued custody, care, and habilitation" means a person who was previously found to be a person in need of custody, care, and habilitation who poses a danger of harm to others and for whom the Commissioner has, in the Commissioner's discretion, consented to or approved the continuation of the designated program. A danger of harm to others shall be shown by establishing that, in the time since the last order of commitment was issued, the person:

(A) has inflicted or attempted to inflict physical or sexual harm to another;

(B) by the person's threats or actions, has placed another person in reasonable fear of physical or sexual harm; or

(C) has exhibited behavior demonstrating that, absent treatment or programming provided by the Commissioner, there is a reasonable likelihood that the person would inflict or attempt to inflict physical or sexual harm to another.

Sec. 11. 18 V.S.A. § 8840 is amended to read:

§ 8840. JURISDICTION AND VENUE

~~Proceedings brought under this subchapter for commitment to the Commissioner for custody, care, and habilitation shall be commenced by petition in the Family Division of the Superior Court for the unit in which the respondent resides. [Repealed.]~~

Sec. 12. 18 V.S.A. § 8841 is amended to read:

§ 8841. PETITION; PROCEDURES

~~The filing of the petition and procedures for initiating a hearing shall be as provided in sections 8822-8826 of this title. [Repealed.]~~

Sec. 13. 18 V.S.A. § 8842 is amended to read:

§ 8842. HEARING

~~Hearings under this subchapter for commitment shall be conducted in accordance with section 8827 of this title. [Repealed.]~~

Sec. 14. 18 V.S.A. § 8843 is amended to read:

§ 8843. FINDINGS AND ORDER

~~(a) In all cases, the court shall make specific findings of fact and state its conclusions of law.~~

~~(b) If the court finds that the respondent is not a person in need of custody, care, and habilitation, it shall dismiss the petition.~~

~~(c) If the court finds that the respondent is a person in need of custody, care, and habilitation, it shall order the respondent committed to the custody of the Commissioner for placement in a designated program in the least restrictive environment consistent with the respondent's need for custody, care, and habilitation for an indefinite or a limited period. [Repealed.]~~

Sec. 15. 18 V.S.A. § 8844 is amended to read:

§ 8844. LEGAL COMPETENCE

No determination that a person is in need of custody, care, and habilitation or in need of continued custody, care, and habilitation and no order authorizing commitment shall lead to a presumption of legal incompetence.

Sec. 16. 18 V.S.A. § 8845 is amended to read:

§ 8845. JUDICIAL REVIEW

(a) A person committed under 13 V.S.A. § 4823 or this subchapter may be discharged from custody by a Superior judge after judicial review as provided ~~herein~~ in accordance with this subchapter or by administrative order of the Commissioner. At least 10 days prior to the effective date of any administrative order for discharge by the Commissioner, the Commissioner shall give notice of the discharge to the committing court and to the State's Attorney of the county where the prosecution occurred.

~~(b) Procedures for judicial review of persons committed under this subchapter shall be as provided in section 8834 of this title, except that proceedings shall be brought in the Criminal Division of the Superior Court in the unit in which the person resides or, if the person resides out of state, in the unit which issued the original commitment order.~~

~~(e) A person committed under 13 V.S.A. § 4823 or this subchapter shall be entitled to a judicial review of the person's need for commitment annually. The Family Division of the Superior Court shall have exclusive jurisdiction over all judicial review proceedings brought under this section. If no such judicial review is requested by the person within one year from the date of the last order of commitment, it shall be initiated by the Commissioner. However, such person may initiate a judicial review under this subsection after 90 days of initial commitment but before the end of the first year of the commitment, or if commitment has been continued under this subchapter, the person may petition for review after 90 days from the date of an order for continued commitment.~~

~~(d)(c) If the Commissioner seeks to place the person committed pursuant to this subchapter in a forensic facility, the petition shall expressly state that such placement is being sought. The petition shall set forth the reasons for the Commissioner's determination that clinically appropriate treatment and programming can be provided safely only in a forensic facility.~~

~~(d) The Vermont rules of evidence and procedure applicable in civil cases shall apply in all judicial review proceedings brought under this subchapter.~~

(e) The Commissioner or the Commissioner's designee shall attend the commitment hearing and be available to testify. All persons to whom notice is given may attend the commitment hearing and testify, except that the court may exclude those persons not necessary for the conduct of the hearing.

(f) If at the completion of the hearing and consideration of the record, the court finds by clear and convincing evidence that at the time of the hearing that the person is still in need of continued custody, care, and habilitation, commitment shall continue in a designated program in the least restrictive environment consistent with the person's need for custody, care, and habilitation for an indefinite or limited period. If the court finds at the time of the hearing that the person is no longer in need of continued custody, care, and habilitation, it shall discharge the person from the custody of the Commissioner. An order of discharge may be conditional or absolute and may have immediate or delayed effect.

(g) In determining whether a person is in need of continued custody, care, and habilitation, the court shall consider the degree to which the person has engaged in or complied with the treatment and supervision provided by the Commissioner.

\* \* \* Certificate of Need \* \* \*

Sec. 17. 18 V.S.A. § 9435 is amended to read:

§ 9435. EXCLUSIONS

\* \* \*

(g) Excluded from this subchapter is any forensic facility, as defined in 18 V.S.A. section 7101, that is supervised and operated by the Commissioner of Mental Health or the Commissioner of Disabilities, Aging, and Independent Living, or both.

\* \* \* Rulemaking \* \* \*

Sec. 18. RULEMAKING; ADMISSIONS CRITERIA FOR FORENSIC FACILITY

(a) On or before July 1, 2023, the Secretary of Human Services, in consultation with the Departments of Mental Health and of Disabilities, Aging, and Independent Living, shall file an initial proposed rule with the Secretary of State pursuant to 3 V.S.A. § 836(a)(2) specifying the criteria that the Departments shall use to determine admission to a forensic facility and the process used by the Commissioners to determine appropriate admissions. The admission criteria and process shall ensure that:

(1) an individual is served in the least restrictive setting necessary to meet the needs of the individual;

(2) an individual's treatment and programming needs dictate that the treatment or programming be provided at an intensive residential level in a forensic facility; and

(3) an individual only receives treatment or programming within a forensic facility if the individual has demonstrated a significant risk of dangerousness, such as:

(A) inflicting or attempting to inflict serious bodily injury on another, attempting suicide or serious self-injury, or committing an act that would constitute a sexual assault or lewd and lascivious conduct with a child, and there is reasonable probability that the conduct will be repeated if admission to a forensic facility is not ordered;

(B) threatening to inflict serious bodily injury to the individual or on others, and there is reasonable probability that the conduct will occur if admission to a forensic facility is not ordered;

(C) obtaining results on any applicable evidence-based violence risk-assessment tool showing that the individual's behavior is deemed a significant risk to others; or

(D) being charged with a felony offense involving an act of violence against another person for which bail may be withheld pursuant to 13 V.S.A. § 7553 or 7553a.

(b) The Departments shall not admit residents to a forensic facility until a permanent rule has been adopted pursuant to this section.

#### Sec. 19. RULEMAKING; CONFORMING AMENDMENTS

On or before July 1, 2023, the Commissioners of Mental Health and of Disabilities, Aging, and Independent Living, respectively, shall file initial proposed rule amendments with the Secretary of State pursuant to 3 V.S.A. § 826(a)(2) to account for the establishment of the forensic facility:

(1) Department of Disabilities, Aging, and Independent Living, Licensing and Operating Regulations for Therapeutic Community Residences (CVR 13-110-12) for the purpose of allowing the use of emergency involuntary procedures and the administration of involuntary medication at a forensic facility; and

(2) Department of Mental Health, Rules for the Administration of Nonemergency Involuntary Psychiatric Medications (CVR 13-150-11) for the purpose of allowing the administration of involuntary medication at a forensic

facility.

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

Sec. 20. EFFECTIVE DATES

This section and Secs. 18 (rulemaking; admissions criteria for forensic facility) and 19 (rulemaking; conforming amendments) shall take effect on passage. All remaining sections shall take effect on July 1, 2024.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the recommendation of amendment by the Committee on Judiciary was agreed to.

Thereupon, pending the question, Shall the bill be read third time?, Senators Lyons, Gulick, Hardy, Weeks and Williams moved to amend the bill as follows:

First: By inserting a new reader assistance heading and Sec. 1 to read as follows:

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

Sec. 1. PURPOSE

It is the purpose of this act to enable the Commissioners of Mental Health and of Disabilities, Aging, and Independent Living to seek treatment and programming for certain individuals in a forensic facility. An initial forensic facility shall be located in the nine-bed unit of the current Vermont Psychiatric Care Hospital. This unit shall be relicensed as a therapeutic community residence.

and by renumbering the existing Sec. 1 to be Sec. 1a

Second: In Sec. 8, 18 V.S.A. § 7627, subsection (o), in the first sentence, by striking out the word “the” after the phrase “the court may”

Third: By inserting a reader assistance heading and new Secs. 20 and 21 after Sec. 19 to read as follows:

\* \* \* Presentation and Report \* \* \*

Sec. 20. PRESENTATION; FORENSIC FACILITY PROGRAMMING

On or before February 1, 2024, the Departments of Mental Health and of Disabilities, Aging, and Independent Living shall jointly present the following information to the House Committee on Human Services and to the Senate Committee on Health and Welfare:



(1) a plan for staffing and programming at the forensic facility, including whether any specialized training will be required for staff members and whether any services provided at the forensic facility will be contracted to third parties;

(2) a plan for the joint management of the forensic facility by the Departments; and

(3) whether any additional resources are needed for the operation of the forensic facility.

#### Sec. 21. REPORT; FORENSIC FACILITY

Annually, on or before January 15 between 2025 and 2030, the Departments of Mental Health and of Disabilities, Aging, and Independent Living shall jointly submit a report to the House Committee on Human Services and to the Senate Committee on Health and Welfare containing:

(1) the average daily census at the forensic facility, including trends over time;

(2) the number of individuals waitlisted for the forensic facility, and where these individuals receive treatment or programming while waiting for a bed at the forensic facility;

(3) aggregated demographic data about the individuals served at the forensic facility; and

(4) an account of the number and types of emergency involuntary procedures used at the forensic facility.

And by renumbering the remaining section to be numerically correct.

Which was agreed to.

Thereupon, third reading of the bill was ordered.

#### **Bill Amended; Third Reading Ordered**

#### **S. 91.**

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

An act relating to competency to stand trial and insanity as a defense.

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

Sec. 1. 13 V.S.A. § 4801 is amended to read:

§ 4801. TEST OF INSANITY IN CRIMINAL CASES

(a) The test when used as a defense in criminal cases shall be as follows:

(1) A person is not responsible for criminal conduct if at the time of such conduct as a result of mental disease or defect ~~he or she~~ the person lacks adequate capacity either to appreciate the criminality of ~~his or her~~ the person's conduct or to conform ~~his or her~~ the person's conduct to the requirements of law.

(2) The terms "mental disease or defect" do not include an abnormality manifested only by repeated criminal or otherwise ~~anti-social~~ antisocial conduct. The terms "mental disease or defect" ~~shall include~~ includes congenital and traumatic mental conditions as well as disease.

(b) The defendant shall have the burden of proof in establishing insanity as an affirmative defense by a preponderance of the evidence. The defendant shall be responsible for hiring the defendant's own forensic evaluator for the purpose of establishing insanity provided that the State shall pay for the evaluation of an indigent defendant.

Sec. 2. 13 V.S.A. § 4814 is amended to read:

§ 4814. ORDER FOR EXAMINATION

(a) Any court before which a criminal prosecution is pending may order the Department of Mental Health to have the defendant examined by a psychiatrist at any time before, during, or after trial, and before final judgment in any of the following cases:

(1) ~~when the defendant enters a plea of not guilty, or when such a plea is entered in the defendant's behalf, and then gives notice of the defendant's intention to rely upon the defense of insanity at the time of the alleged crime, or to introduce expert testimony relating to a mental disease, defect, or other condition bearing upon the issue of whether he or she had the mental state required for the offense charged; [Repealed.]~~

(2) when the defendant, the State, or an attorney, guardian, or other person acting on behalf of the defendant, raises before such court the issue of whether the defendant is mentally competent to stand trial for the alleged offense; or

(3) ~~when the court believes that there is doubt as to the defendant's sanity at the time of the alleged offense; or [Repealed.]~~

(4) when the court believes that there is doubt as to the defendant's mental competency to be tried for the alleged offense.

(b) ~~Such~~ The order may be issued by the court on its own motion, or on motion of the State, the defendant, or an attorney, guardian, or other person acting on behalf of the defendant. The examination shall be at the expense of the moving party, provided that the State shall pay for the competency evaluation of an indigent defendant whose competency is at issue.

(c) An order issued pursuant to this section or Rule 16.1 of the Vermont Rules of Criminal Procedure shall order the release of all relevant records to the examiner, including all juvenile and adult court, mental health, and other health records.

(d) Notwithstanding any other provision of law, an examination ordered pursuant to subsection (a) of this section may be conducted by a doctoral-level psychologist trained in forensic psychology and licensed under 26 V.S.A. chapter 55. This subsection shall be repealed on July 1, 2024.

Sec. 3. 13 V.S.A. § 4815 is amended to read:

§ 4815. PLACE OF EXAMINATION; TEMPORARY COMMITMENT

\* \* \*

(c) A motion for examination shall be made as soon as practicable after a party or the court has good faith reason to believe that there are grounds for an examination. A motion for an examination shall detail the facts indicating incompetency on which the motion is based and shall certify that the motion is made after the moving party has met with or personally observed the defendant. An attorney making such a motion shall be subject to the potential sanctions of Rule 11 of the Vermont Rules of Civil Procedure.

(d) Upon the making of a motion for examination, if the court finds sufficient facts to order an examination, the court shall order a mental health screening to be completed by a designated mental health professional while the defendant is still at the court.

(e) If the screening cannot be commenced and completed at the courthouse within two hours from the time of the defendant's appearance before the court, the court may forgo consideration of the screener's recommendations.

(f) The court and parties shall review the recommendation of the designated mental health professional and consider the facts and circumstances surrounding the charge and observations of the defendant in court. If the court finds sufficient facts to order an examination, it may be ordered to be completed in the least restrictive environment deemed sufficient to complete the examination, consistent with subsection (a) of this section.

\* \* \*

(h) ~~Except upon good cause shown, defendants~~ Defendants charged with misdemeanor offenses who are not in the custody of the Commissioner of Corrections shall be examined on an outpatient basis for mental competency unless the court makes findings on the record that there is good cause for an inpatient evaluation. Examinations occurring in the community shall be conducted at a location within 60 miles of the defendant's residence or at another location agreed to by the defendant.

\* \* \*

Sec. 4. 13 V.S.A. § 4816 is amended to read:

§ 4816. SCOPE OF EXAMINATION; REPORT; EVIDENCE

(a) Examinations provided for in section 4815 of this title shall have reference to ~~one or both of the following:~~

(1) mental competency of the person examined to stand trial for the alleged offense.

(2) ~~sanity of the person examined at the time of the alleged offense.~~

(b) A competency evaluation for an individual thought to have a developmental disability shall include a current evaluation by a psychologist skilled in assessing individuals with developmental disabilities.

(c)(1) As soon as practicable after the examination has been completed, the examining psychiatrist or, if applicable under subsection (b) of this section, ~~the psychiatrist and the psychologist~~ shall prepare a report containing findings in regard to the applicable provisions of subsection (a) of this section. The report shall be transmitted to the court issuing the order for examination, and copies of the report sent to the State's Attorney, to the respondent, to the respondent's attorney if the respondent is represented by counsel, to the Commissioner of Mental Health, and, if applicable, to the Department of Disabilities, Aging, and Independent Living.

(2) ~~If the court orders examination of both the person's competency to stand trial and the person's sanity at the time of the alleged offense, those opinions shall be presented in separate reports and addressed separately by the court. In such cases, the examination of the person's sanity shall only be undertaken if the psychiatrist or, if applicable under subsection (b) of this section, the psychiatrist and the psychologist are able to form the opinion that the person is competent to stand trial, unless the defendant requests that the examinations occur concurrently. If the evaluation of the defendant's sanity at the time of the alleged offense does not occur until the defendant is deemed competent to stand trial, the psychiatrist or, if applicable under subsection (b) of this section, the psychiatrist and the psychologist shall make a reasonable~~

~~effort to collect and preserve any evidence necessary to form an opinion as to sanity if the person regains competence.~~

(d) No statement made in the course of the examination by the person examined, whether or not ~~he or she~~ the person has consented to the examination, shall be admitted as evidence in any criminal proceeding for the purpose of proving the commission of a criminal offense or for the purpose of impeaching testimony of the person examined.

(e) The relevant portion of a psychiatrist's report shall be admitted into evidence as an exhibit on the issue of the person's mental competency to stand trial and the opinion shall be conclusive on the issue if agreed to by the parties and if found by the court to be relevant and probative on the issue.

(f) Introduction of a report under subsection (d) of this section shall not preclude either party or the court from calling the psychiatrist who wrote the report as a witness or from calling witnesses or introducing other relevant evidence. Any witness called by either party on the issue of the defendant's competency shall be at the State's expense, or, if called by the court, at the court's expense.

Sec. 5. 13 V.S.A. § 4817 is amended to read:

§ 4817. COMPETENCY TO STAND TRIAL; DETERMINATION

(a) A defendant shall be presumed to be competent and shall have the burden of proving incompetency by a preponderance of the evidence.

(b) A person shall not be tried for a criminal offense if ~~he or she~~ the person is found incompetent to stand trial by a preponderance of the evidence.

~~(b)~~(c) If a person indicted, complained, or informed against for an alleged criminal offense, an attorney or guardian acting in ~~his or her~~ the person's behalf, or the State, at any time before final judgment, raises before the court before which such person is tried or is to be tried, the issue of whether such person is incompetent to stand trial, or if the court has reason to believe that such person may not be competent to stand trial, a hearing shall be held before such court at which evidence shall be received and a finding made regarding ~~his or her~~ the person's competency to stand trial. However, in cases where the court has reason to believe that such person may be incompetent to stand trial due to a mental disease or mental defect, such hearing shall not be held until an examination has been made and a report submitted by an examining psychiatrist in accordance with sections 4814–4816 of this title.

~~(e)~~(d) A person who has been found incompetent to stand trial for an alleged offense may be tried for that offense if, upon subsequent hearing, such person is found by the court having jurisdiction of ~~his or her~~ the person's trial

for the offense to have become competent to stand trial.

Sec. 6. 13 V.S.A. § 4820 is amended to read:

§ 4820. HEARING REGARDING COMMITMENT

(a) When a person charged on information, complaint, or indictment with a criminal offense:

(1) ~~Is reported by the examining psychiatrist following examination pursuant to sections 4814-4816 of this title to have been insane at the time of the alleged offense. [Repealed.]~~

(2) ~~Is~~ is found upon hearing pursuant to section 4817 of this title to be incompetent to stand trial due to a mental disease or mental defect;

(3) ~~Is~~ is not indicted upon hearing by grand jury by reason of insanity at the time of the alleged offense, duly certified to the court; ~~or~~

(4) ~~Upon~~ upon trial by court or jury is acquitted by reason of insanity at the time of the alleged offense; the court before which such person is tried or is to be tried for such offense, shall hold a hearing for the purpose of determining whether such person should be committed to the custody of the Commissioner of Mental Health. Such person may be confined in jail or some other suitable place by order of the court pending hearing for a period not exceeding ~~15~~ 21 days.

(b) When a person is found to be incompetent to stand trial, has not been indicted by reason of insanity for the alleged offense, or has been acquitted by reason of insanity at the time of the alleged offense, the person shall be entitled to have counsel appointed from Vermont Legal Aid to represent the person. The Department of Mental Health and, if applicable, the Department of Disabilities, Aging, and Independent Living shall be entitled to appear and call witnesses at the proceeding.

(c) Notwithstanding any other provision of law, a commitment order issued pursuant to this chapter shall not modify or vacate orders concerning conditions of release or bail issued pursuant to chapter 229 of this title, and the commitment order shall remain in place unless expressly modified, provided that inpatient treatment shall be permitted if a person who is held without bail is found to be in need of inpatient treatment under this chapter.

Sec. 7. COMPETENCY RESTORATION PROGRAM PLAN

On or before November 15, 2023, the Department of Mental Health and the Department of Disabilities, Aging, and Independent Living shall report to the Governor, the Senate Committees on Judiciary and on Health and Welfare, and the House Committees on Judiciary, on Health Care, and on Human Services

on whether a plan for a competency restoration program should be adopted in Vermont. If a competency restoration plan is recommended, the report shall include recommendations for best practices, any changes to law necessary to establish the program, estimated costs, and a proposal for implementing the program.

Sec. 8. JOINT LEGISLATIVE JUSTICE OVERSIGHT COMMITTEE REVIEW; COMPETENCY AND SANITY EXAMINATIONS

(a) The Joint Legislative Justice Oversight Committee shall review whether Vermont law should permit competency and sanity examinations of defendants under 13 V.S.A. § 4814 to be conducted, in addition to psychiatrists and doctoral-level psychologists trained in forensic psychology, by other doctoral-level mental health providers, psychiatric nurse practitioners, or any other professionals. The Committee's recommendation under subsection (b) of this section shall reflect its determination of which professionals, if any, should be permitted to conduct the competency and sanity examinations.

(b) On or before November 15, 2023, the Committee shall recommend any changes it deems advisable to 13 V.S.A. § 4814(d) (permitting competency and sanity examinations by doctoral-level psychologists trained in forensic psychology) to the Senate and House Committees on Judiciary.

Sec. 9. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the recommendation of amendment by the Committee on Judiciary was agreed to.

Thereupon, pending the question, Shall the bill be read third time?, Senators Lyons, Gulick, Hardy, Weeks and Williams moved to amend the bill as follows:

First: By striking out Sec. 7 in its entirety and inserting in lieu thereof a new Sec. 7 to read as follows:

Sec. 7. COMPETENCY RESTORATION PROGRAM PLAN

On or before November 15, 2023, the Department of Mental Health and the Department of Disabilities, Aging, and Independent Living, in consultation with interested parties, shall report to the Governor, the Senate Committees on Judiciary and on Health and Welfare, and the House Committees on Judiciary, on Health Care, and on Human Services on whether a plan for a competency restoration program should be adopted in Vermont. If a competency

restoration plan is recommended, the report shall include recommendations for best practices, any changes to law necessary to establish the program, estimated costs, and a proposal for implementing the program.

Second: By striking out Sec. 8 in its entirety and inserting in lieu thereof a new Sec. 8 to read as follows:

Sec. 8. JOINT LEGISLATIVE JUSTICE OVERSIGHT COMMITTEE  
REVIEW; COMPETENCY AND SANITY EXAMINATIONS

(a) The Joint Legislative Justice Oversight Committee shall review whether Vermont law should permit competency and sanity examinations of defendants under 13 V.S.A. § 4814 to be conducted, in addition to psychiatrists and doctoral-level psychologists trained in forensic psychology, by other doctoral-level mental health providers, psychiatric nurse practitioners, or any other professionals. The review shall include consideration of laws on the issue in other states and whether any changes to 13 V.S.A. § 4814 or any other Vermont laws are necessary to permit referral of the evaluation to a psychiatrist when appropriate. The Committee's recommendation under subsection (c) of this section shall reflect its determination of which professionals, if any, should be permitted to conduct the competency and sanity examinations.

(b) The Joint Legislative Justice Oversight Committee shall conduct the review of competency and sanity evaluation procedures required by subsection (a) of this section at not more than four of its 2023 meetings. Two members of the Senate Committee on Health and Welfare appointed by the Chair of that Committee and two members of the House Committee on Health Care appointed by the Chair of that Committee shall be permitted to attend and participate in the meetings. Members of the Committees on Health and Welfare and on Health Care who attend the meetings as authorized by this section shall be permitted to participate in the Justice Oversight Committee's development of the recommendations required by subsection (c) of this section.

(c) On or before November 15, 2023, the Committee shall recommend any changes it deems advisable to 13 V.S.A. § 4814(d) (permitting competency and sanity examinations by doctoral-level psychologists trained in forensic psychology) to the Senate and House Committees on Judiciary, the Senate Committee on Health and Welfare, and the House Committee on Health Care.

Which was agreed to.

Thereupon, third reading of the bill was ordered.



**Bill Amended; Third Reading Ordered****S. 32.**

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

An act relating to ranked-choice voting for presidential primary elections.

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

\* \* \* Opt-in Ranked-Choice Voting System for Town, Cities, and Villages \* \* \*

Sec. 1. 17 V.S.A. chapter 55, subchapter 4 is added to read:

Subchapter 4. Ranked-Choice Voting

§ 2691a. DEFINITIONS

As used in this subchapter:

(1) “Active candidate” means a candidate who has not been eliminated and who is not a withdrawn candidate.

(2) “By lot” means a method, determined by the Secretary of State, for randomly choosing between two or more active candidates.

(3) “Highest-ranked active candidate” means the active candidate assigned a higher ranking than any other active candidate.

(4) “Inactive ballots” means ballots that do not count as votes for any candidate due to one or more of the reasons listed in subdivision 2691d(c)(2) of this title.

(5) “Overvote” means an instance in which a voter assigned the same ranking to more than one candidate.

(6) “Ranking” means the number available to be assigned by a voter to a candidate to express the voter’s choice for that candidate. The number “1” is the highest ranking, followed by “2” and then “3” and so on.

(7) “Round” means an instance of the sequence of voting tabulation in accordance with section 2691d of this title.

(8) “Skipped ranking” means a voter does not assign a certain available ranking to any candidate but does assign a subsequent available ranking to a candidate.

(9) “Undervote” means a ballot on which a voter does not assign any ranking to any candidate in a particular contest.

(10) “Withdrawn candidate” means any candidate who has submitted a

declaration of withdrawal in writing to the presiding officer, the effectiveness of which begins when filed with the presiding officer.

§ 2691b. RANKED-CHOICE VOTING SYSTEM; APPLICATION

(a) Application. The provisions of the ranked-choice voting system described in this subchapter shall only apply to the election of a candidate running for an office in a town, city, or village if:

(1) a town, city, or village has voted to elect officers by the Australian ballot system pursuant to section 2680 of this title and is using the Australian ballot system in accordance with subsection 2680 of this title; and

(2) that town, city, or village has adopted the ranked-choice voting system described in this subchapter by either:

(A) a vote of the town, city, or village, at its annual meeting or at a special meeting called for that purpose; or

(B) a vote of the legislative body of that town, city, or village.

(b) Duration. Once a town, city, or village votes to adopt the ranked-choice voting system described in this subchapter, this ranked-choice voting system shall be used in that manner until:

(1) the town, city, or village votes to discontinue use of the system; or

(2) the legislative body of that town, city, or village votes to discontinue use of the system, provided however, that the legislative body may not vote to discontinue use of the system if that town, city, or village had adopted the ranked-choice voting system by a vote of the town, city, or village.

§ 2691c. RANKED-CHOICE VOTING SYSTEM; BALLOTS

Notwithstanding any contrary provisions in section 2681a of this title, a ballot for an election using the ranked-choice system in a town, city, or village shall allow voters to rank candidates in order of ordinal preference.

(1) The names of all candidates on the ballot shall be listed in alphabetical order.

(2) The ballot shall allow voters to assign rankings to candidates that are equal to the number of printed candidate names and blank write-in lines.

§ 2691d. RANKED-CHOICE VOTING TABULATION

(a) Tabulation rounds. In any election of a candidate running for an office in a town, city, or village, each ballot shall count as one vote for the highest-ranked active candidate on that ballot. Tabulation shall proceed in rounds, as follows:

(1) Elections with one winner.

(A) If there are two or fewer active candidates, then tabulation is complete, and the candidate with the most votes is declared the winner of the election.

(B) If there are more than two active candidates, the active candidate with the fewest votes is eliminated, the votes for the eliminated candidate are transferred to each ballot's next-ranked active candidate, and a new round begins.

(2) Elections with multiple winners.

(A) If the number of active candidates is equal to the number of seats available plus one, then tabulation is complete, and the candidates with the most votes are declared the winners of the election.

(B) If the number of active candidates is more than the number of seats available plus one, then the active candidate with the fewest votes is eliminated, the votes for the eliminated candidate are transferred to each ballot's next-ranked active candidate, and a new round begins.

(3) Ties.

(A) If there is a tie between two active candidates with the fewest votes, the tie shall be resolved by lot to determine which candidate is defeated. The result of the tie resolution must be recorded and reused in the event of a recount.

(B) If there is a tie between the final active candidates, the presiding officer shall notify each active candidate involved in the tie, or the candidate's designee, to be present at the presiding officer's office or at the polling place at a certain time. At that time, the presiding officer shall select the winner of the tabulation by lot.

(b) Withdrawn candidates. Ranking orders containing withdrawn candidates shall be treated the same as ranking orders containing candidates who have been eliminated from tabulation.

(c) Inactive ballots and undervotes.

(1) In any round of tabulation, an inactive ballot does not count for any candidate and is not considered a vote for the purposes of determining which active candidate has the majority of the active votes in the final round of tabulation pursuant to subsection (a) of this section.

(2) A ballot is an inactive ballot if any of the following is true:

(A) The ballot does not rank any active candidates and is not an undervote.

(B) The ballot has reached an overvote.

(C) The ballot has reached two consecutive skipped rankings.

(3) An undervote does not count as either an active or inactive ballot in any round of tabulation.

#### § 2691e. RANKED-CHOICE VOTING RESULTS REPORTING

In addition to any other information required by law to be reported with final results, the following shall be made public:

(1) the total number of votes each candidate received in each round of the official tabulation, including votes for withdrawn candidates; and

(2) the total number of ballots that became inactive in each round because they did not contain any active candidates, reached an overvote, or reached two consecutive skipped rankings, reported as separate figures.

#### § 2691f. MUNICIPAL ORDINANCES

Municipalities shall have the power to adopt ordinances pursuant to 24 V.S.A. chapter 59 for the purpose of the proper and efficient administration of the ranked-choice voting system in towns, cities, and villages, provided such ordinances do not controvert the provisions of this subchapter.

#### Sec. 2. FIRST PERMISSIBLE ELECTION USING RANKED-CHOICE VOTING SYSTEM

A town, city, or village may only use the ranked-choice voting system described in 17 V.S.A. chapter 55, subchapter 4 beginning at the 2024 annual meeting of that town, city, or village and then thereafter. A town, city, or village may nevertheless adopt pursuant to 17 V.S.A. § 2691b(a) a ranked-choice voting system in advance of the 2024 annual meeting.

\* \* \* Voter and Presiding Officer Education \* \* \*

#### Sec. 3. VOTER AND PRESIDING OFFICER EDUCATION; SECRETARY OF STATE'S OFFICE

The Secretary of State shall make available to voters in a town, city, or village that has adopted ranked-choice voting pursuant to 17 V.S.A. § 2691b information regarding the ranked-choice process and provide to presiding officers in those towns, cities, and villages training in order to assist them in implementing that process.

\* \* \* Appropriation \* \* \*

Sec. 4. APPROPRIATION; UPGRADE OF SECRETARY OF STATE  
ELECTION MANAGEMENT SYSTEM AND VOTE  
TABULATORS

The sum of \$100,000.00 is appropriated from the General Fund to the Office of the Secretary of State in fiscal year 2024 to provide assistance and grants to those towns, cities, and villages that have adopted ranked-choice voting pursuant to 17 V.S.A. § 2691b.

\* \* \* Ranked-Choice Voting Study Committee \* \* \*

Sec. 5. RANKED-CHOICE VOTING; RANKED-CHOICE VOTING  
STUDY COMMITTEE; REPORT

(a) Creation. There is created the Ranked-Choice Voting Study Committee to examine issues in implementing ranked-choice voting in Vermont across all elections for state and federal office.

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

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

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

(3) one designee, appointed by the Secretary of State;

(4) three designees, appointed by the Vermont Municipal Clerks' and Treasurers' Association, from different-sized towns, cities, and villages, different regions, and at least one shall be from a town, city, or village that use a hand count in elections;

(5) one designee, appointed by the Vermont League of Cities and Towns;

(6) a member of an organization focused on the conduct of elections, who shall be appointed by the Speaker of the House; and

(7) a member of a different organization focused on the conduct of elections, who shall be appointed by the Senate Committee on Committees.

(c) Powers and duties. The Ranked-Choice Voting Study Committee shall study ranked-choice voting systems with the goals of having recommendations implemented for all primary and general elections for state and federal office occurring in 2026, including the following issues:

(1) education of voters;

- (2) training of town clerks, presiding officers, and election staff;
- (3) election integrity, security, and transportation of ballots;
- (4) technological requirements in tabulators, hardware, and software;
- (5) methodology of ranked-choice voting systems;
- (6) canvassing of votes and roles of canvassing committees;
- (7) post-election processes and reporting; and
- (8) other items relating to the design and implementation of ranked-choice voting systems.

(d) Assistance. The Ranked-Choice Voting Study Committee shall have the administrative, technical, and legal assistance of the Vermont Office of Legislative Counsel and the Vermont Legislative Joint Fiscal Office.

(e) Report. On or before January 15, 2024, the Ranked-Choice Voting Study Committee shall report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations with its findings and any recommendations for legislative action.

(f) Meetings.

(1) A member of the House of Representatives designated by the Speaker of the House shall call the first meeting of the Ranked-Choice Voting Study Committee to occur on or before July 1, 2023.

(2) The Ranked-Choice Voting Study Committee shall select a chair from among its members at the first meeting.

(3) A majority of the members of the Ranked-Choice Voting Study Committee shall constitute a quorum.

(4) The Ranked-Choice Voting Study Committee shall cease to exist on November 1, 2024.

(g) Compensation and reimbursement.

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

(2) Other members of the Ranked-Choice Voting Study Committee who are not paid for their services by the organization for which the member is representing on the Ranked-Choice Voting Study Committee shall be entitled

to per diem compensation as permitted under 32 V.S.A. § 1010 for not more than four meetings. These payments shall be made from monies appropriated to the Office of the Secretary of State.

(h) Appropriation. The sum of \$1,000.00 is appropriated to the Office of the Secretary of State from the General Fund in fiscal year 2024 for per diem compensation for members of the Committee.

\* \* \* Ranked-Choice Voting for Presidential Primary Elections \* \* \*

#### Sec. 6. REDESIGNATION

17 V.S.A. §§ 2705 and 2706 are redesignated as 17 V.S.A. §§ 2710 and 2711.

Sec. 7. 17 V.S.A. chapter 57, subchapter 1 is amended to read:

#### Subchapter 1. Presidential Primary

#### § 2700. DEFINITIONS

As used in this subchapter:

(1) “Active candidate” means a candidate who has not been eliminated and who is not a withdrawn candidate as set forth in subdivision (12) of this section.

(2) “By lot” means a method, determined by the Secretary of State, for randomly choosing between two or more active candidates.

(3) “Highest-ranked active candidate” means the active candidate assigned a higher ranking than any other active candidate.

(4) “Inactive ballots” means ballots that do not count as votes for any candidate due to one or more of the reasons listed in subdivision 2706(c)(2) of this title.

(5) “Major political party” has the same meaning as in subdivision 2103(23)(A) of this title.

(6) “Overvote” means an instance in which a voter assigned the same ranking to more than one candidate.

(7) “Ranking” means the number available to be assigned by a voter to a candidate to express the voter’s choice for that candidate. The number “1” is the highest ranking, followed by “2,” and then “3,” and so on.

(8) “Round” means an instance of the sequence of voting tabulation in accordance with section 2706 of this title.

(9) “Skipped ranking” means a voter does not assign a certain available ranking to any candidate but does assign a subsequent available ranking to a candidate.

(10) “Threshold for receiving delegates” means the number of votes necessary for a candidate to receive delegates in a presidential primary election conducted in accordance with subdivision 2705(a)(2) of this title.

(11) “Undervote” means a ballot on which a voter does not assign any ranking to any candidate in a particular contest.

(12) “Withdrawn candidate” means any candidate who has submitted a declaration of withdrawal in writing to the Secretary of State, the effectiveness of which begins when filed with the Secretary of State.

§ 2701. PRESIDENTIAL PRIMARY; TIME OF HOLDING; FORM OF  
BALLOT

In presidential election years, a presidential primary for each major political party shall be held in all municipalities on the first Tuesday in March. The Secretary of State shall prepare and distribute for use at the primary an official ranked-choice ballot for each party for which one or more candidates qualify for the placing of their names on the ballot under section 2702 of this title. Ballots shall be printed on index stock and configured to be readable by vote tabulators.

\* \* \*

§ 2704. RANKED-CHOICE VOTING; BALLOTS

(a) A presidential primary election for a major political party shall be conducted by ranked-choice voting.

(b) A person voting at the primary shall be required to ask for the ranked-choice ballot of the party in which the voter wishes to vote, and an election official shall record the voter’s choice of ballot by marking the entrance checklist with a letter code, as designated by the Secretary of State, to indicate the voter’s party choice.

(1) The ballot shall allow voters to rank candidates in order of choice. The names of all candidates on the ballot shall be listed in alphabetical order. ~~Each voter may vote for one candidate for the presidential nomination of one party, either by placing a mark opposite the printed name of a candidate as in other primaries, or by writing in the name of the candidate of the voter’s choice.~~

(2) The ballot shall allow voters to assign rankings to candidates that are equal to the number of printed candidate names and blank write-in lines, except to the extent established by the Secretary pursuant to section 2709 of this title.



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§ 2705. TYPE OF RANKED-CHOICE VOTING

(a) At least 150 days before the date of the presidential primary election, the State committee of each major political party shall confirm in writing with the Secretary of State whether the party will award delegates either:

(1) on a winner-take-all basis in accordance with subsection 2706(d) of this title; or

(2) on a proportional basis in accordance with subsection 2706(e) of this title, in which case the party shall also indicate the applicable threshold or thresholds for receiving delegates.

(b) If a party fails to provide notice, or its notice does not specify how the party will award its delegates, the presidential primary election for that party shall be tabulated on a winner-take-all basis in accordance with subsection 2706(d) of this title.

(c) At least 120 days before the date of the presidential primary election, the Secretary of State shall confirm with the State committee of each political party that the State is capable of implementing the party's preferences as declared under subsection (a) of this section or shall notify the State committee of any feasibility constraints that could prevent the State from implementing the party's preferences.

§ 2706. RANKED-CHOICE VOTING TABULATION

(a) Tabulation rounds. In any presidential primary election for a major political party, each ballot shall count as one vote for the highest-ranked active candidate on that ballot. Tabulation shall proceed in rounds. Each round proceeds sequentially as described in subsection (d) or (e) of this section, as applicable.

(b) Withdrawn candidates. Ranking orders containing withdrawn candidates shall be treated the same as ranking orders containing candidates who have been eliminated from tabulation.

(c) Inactive ballots and undervotes.

(1) In any round of tabulation, an inactive ballot does not count for any candidate and is not considered a vote for the purposes of determining either which active candidate has majority of the active votes in the final round of tabulation pursuant to subsection (d) of this section or which active candidates possess a vote total above the threshold for receiving delegates pursuant to subsection (e) of this section.

(2) A ballot is an inactive ballot if any of the following is true:

(A) The ballot does not rank any active candidates and is not an

undervote.

(B) The ballot has reached an overvote.

(C) The ballot has reached two consecutive skipped rankings.

(3) An undervote does not count as either an active or inactive ballot in any round of tabulation.

(d) Award of delegates on winner-take-all basis. If a major political party awards all of the State's delegates to a single candidate on a winner-take-all basis, tabulation shall proceed as follows:

(1) If there are two or fewer active candidates, then tabulation is complete and the candidate with the most votes is declared the winner of the election.

(2) If there are more than two active candidates, the active candidate with the fewest votes is eliminated, the votes for the eliminated candidate are transferred to each ballot's next-ranked active candidate, and a new round begins.

(3) If there is a tie between two active candidates with the fewest votes, the tie shall be resolved by lot to determine which candidate is defeated. The result of the tie resolution must be recorded and reused in the event of a recount.

(4) If there is a tie between the final two active candidates, the Secretary of State shall notify each active candidate involved in the tie, or the candidate's designee, to be present at the Secretary of State's office at a certain time. At that time, the Secretary of State shall select the winner of the tabulation by lot.

(e) Award of delegates on proportional basis. If a major political party awards the State's delegates to multiple candidates on a proportional basis, tabulation shall proceed as follows:

(1) If the vote total of every active candidate is above the threshold for receiving delegates as confirmed by the major political party pursuant to subdivision 2705(a)(2) of this title, then tabulation is complete.

(2) If any active candidate is below the threshold for receiving delegates, then the active candidate with the fewest votes is eliminated, votes for the eliminated candidate are transferred to each ballot's next-ranked active candidate, and a new round begins.

(3) If there is a tie between two active candidates with the fewest votes and tabulation is not yet complete, the tie shall be resolved by lot to determine which candidate is defeated. The result of the tie resolution must be recorded

and reused in the event of a recount.

(f) Certification of tabulation rounds. The Secretary of State shall certify the results of each round tabulated pursuant to subsection (d) or (e) of this section, as applicable, along with any other information required under section 2707 of this title, to the State chairperson and the national committee of each political party that had at least one candidate on the State-administered presidential primary election ballot to allocate national delegate votes in accordance with the party's State and national rules.

(g) Nothing in this act shall be construed to preclude a political party from allocating delegates according to its own rules for allocating such delegates.

#### § 2707. RANKED-CHOICE VOTING RESULTS REPORTING

(a) Unofficial preliminary round-by-round results shall be released as soon as feasible after the polls close and at regular intervals thereafter until the counting of ballots is complete. Unofficial preliminary round-by-round results shall be clearly labeled as preliminary and, to the extent feasible, shall include the percent of ballots counted to date.

(b) In addition to any other information required by law to be reported with final results, the following shall be made public:

(1) the total number of votes each candidate received in each round of the official tabulation, including votes for withdrawn candidates; and

(2) the total number of ballots that became inactive in each round because they did not contain any active candidates, reached an overvote, or reached two consecutive skipped rankings, reported as separate figures.

(c) If a major political party allocates delegates by geographical unit or district, round-by-round results by geographical unit or district shall be made public in addition to state-wide results.

#### § 2708. CANVASSING COMMITTEE CERTIFICATES

When the canvassing committee provided for in section 2592 of this title prepares its certificate of election for a presidential primary election for a major political party, the canvass shall state the number of final round votes received by each candidate who has received votes in the final round of tabulation.

Sec. 8. 17 V.S.A. § 2709 is added to read:

#### § 2709. RULEMAKING

The Secretary of State shall adopt rules pursuant to 3 V.S.A. chapter 25 for the proper and efficient administration of presidential primary elections,

including procedures for ensuring that voting tabulators, voting tabulator memory cards, and related software are able to tabulate rank-choice voting when necessary; procedures for ensuring that the number of rankings allowed to voters be uniform across the State for any given contest, that the number of rankings allowed in any given contest be the maximum number allowed by the equipment, and that the number of rankings allowed be not fewer than three in any event; procedures for the release of round-by-round results; procedures for requesting and conducting recounts of the results of presidential primary elections for major candidates; and procedures for filing returns in accordance with section 2588 of this title.

\* \* \* Vote Tabulators; Returns \* \* \*

#### Sec. 9. TALLY SHEETS; SUMMARY SHEETS; RETURNS

The Secretary of State shall ensure that on or before January 1, 2028, all tally sheets, summary sheets, and returns described in 17 V.S.A. § 2586 are designed to record ranked-choice voting results in accordance with this act.

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

#### Sec. 10. EFFECTIVE DATES

This act shall take effect on passage, except that Secs. 6 (redesignation) and 7 (amending 17 V.S.A. chapter 57, subchapter 1) shall take effect on January 1, 2027 and Secs. 8 (rulemaking) and 9 (tally sheets; summary sheets; returns) shall take effect on January 1, 2025.

And that when so amended the bill ought to pass.

Senator Perchlik, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill be amended as recommended by the Committee on Government Operations with the following amendment thereto:

By striking out Sec. 4, appropriation; upgrade of Secretary of State election management system and vote tabulators, and its reader assistance heading in their entireties and inserting in lieu thereof a new Sec. 4 to read as follows:

Sec. 4. [Deleted.]

And that when so amended the bill ought to pass.

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

Thereupon, the pending question, Shall the bill be amended as recommended by the Committee on Government Operations, as amended? was agreed to.

Thereupon, third reading of the bill was ordered, on a roll call, Yeas 23, Nays 7.

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

### **Roll Call**

**Those Senators who voted in the affirmative were:** Baruth, Bray, Champion, Chittenden, Clarkson, Cummings, Gulick, Hardy, Harrison, Hashim, Kitchel, Lyons, MacDonald, Mazza, McCormack, Norris, Perchlik, Ram Hinsdale, Sears, Vyhovsky, Watson, White, Wrenner.

**Those Senators who voted in the negative were:** Brock, Collamore, Ingalls, Starr, Weeks, Westman, Williams.

### **Bill Amended; Third Reading Ordered**

#### **S. 42.**

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

An act relating to divestment of State pension funds of investments in the fossil fuel industry.

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

#### **Sec. 1. PUBLIC PENSION FUNDS; FOSSIL FUELS; VERMONT PENSION INVESTMENT COMMISSION; PLAN AND REPORT**

(a) Intent. It is the intent of the General Assembly that, on or before December 31, 2030, the Vermont Pension Investment Commission, consistent with sound fiduciary practice and subject to any exceptions, divest the holdings of the Vermont State Employees' Retirement System, the Vermont Teachers' Retirement System, and the Vermont Municipal Employees' Retirement System from the fossil fuel industry. It is also the intent of the General Assembly that the Vermont Pension Investment Commission establish a long-term goal to divest from any private investments that contain assets in the fossil fuel industry on or before December 31, 2040, if the Commission determines that such divestment is consistent with sound fiduciary practice.

(b) Definitions. As used in this section:

(1) “Carbon footprint” means the extent to which holdings are invested in stocks, securities, or other obligations of any fossil fuel company or any subsidiary, affiliate, or parent of any fossil fuel company.

(2) “De minimis exposure” means the aggregate amount of all fossil fuel holdings in the portfolio amounting to less than two percent of the aggregate amount of all funds invested.

(c) Review. On or before December 15, 2023, the Vermont Pension Investment Commission, in consultation with the Office of the State Treasurer, shall complete a review of the carbon footprint of the holdings of the Vermont State Employees’ Retirement System, the Vermont State Teachers’ Retirement System, and the Vermont Municipal Employees’ Retirement System.

(d) Plan.

(1) Divestment. Except as provided in subdivision (2) of this subsection, the Commission, in accordance with sound investment criteria and consistent with fiduciary obligations, shall develop a plan to divest any holdings identified in the review described in subsection (c) of this section on or before December 31, 2030. The Commission shall include in the plan consideration of the State’s long-term goal of divestment from any investments that are exempt from the plan pursuant to subdivision (2) of this subsection on or before December 31, 2040.

(2) Exemptions. Until such time as the Commission deems divestment to be prudent and consistent with sound fiduciary practice, the following holdings are exempt from the plan:

(A) de minimis exposure of any funds held by the Commission to the stocks, securities, or other obligations of any fossil fuel company or any subsidiary, affiliate, or parent of any fossil fuel company; and

(B) private investments that contain fossil fuel company stocks, securities, or other obligations of any fossil fuel company or any subsidiary, affiliate, or parent of any fossil fuel company.

(3) Definitions and methodology. The Commission shall include in the plan described in this subsection:

(A) a definition for “fossil fuel company”; and

(B) a method for determining the metric of the portfolio’s carbon footprint that allows for an exemption of private investments for the purpose of determining the de minimis exposure.

(e) Report.

(1) On or before February 15, 2024, the Commission shall submit a report on the review described in subsections (c) of this section to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations and to the Joint Pension Oversight Committee. The report shall include any recommendations for legislative action, if necessary, to implement the divestment plan.

(2)(A) On or before September 1, 2024, the Commission shall submit a report on the plan described in subsections (d) of this section to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations and to the Joint Pension Oversight Committee. The report shall include any recommendations for legislative action, if necessary, to implement the divestment plan.

(B) Pursuant to 2 V.S.A. § 23, with approval of the Speaker of the House and the President Pro Tempore, as appropriate, the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations may each meet up to one time when the General Assembly is not in session to evaluate the report described in subdivision (A) of this subdivision (e)(2).

(3) Beginning on January 15, 2025, and annually thereafter until January 15, 2040, the Commission shall submit a report to the House Committee on Government Operations and Military Affairs, the Senate Committee on Government Operations, and the Joint Pension Oversight Committee on the progress of divestment described in this section. The report shall also include:

(A) an update on the composition and percentage of exposure of any investments exempt from the divestment plan pursuant to subdivision (c)(2) of this section; and

(B) a summary of the fee impacts and any instance of excessive charges or demands related to the rebalancing of the funds consistent with the implementation of this act.

(4) On or before January 15, 2041, the Commission shall make a final report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations and the Joint Pension Oversight Committee regarding completion of divestment described in this section.

Sec. 2. DIVESTMENT PLAN; VERMONT PENSION INVESTMENT  
COMMISSION; APPROPRIATION

In FY 2024, the amount of:

(1) \$100,000.00 in general funds is appropriated to the Vermont Pension Investment Commission to conduct the review and develop the plan described in Sec. 1 of this act.

(2) \$127,000.00 is appropriated to the Vermont Pension Investment Commission to establish one staff position to support improvements and efficiencies in the administration of the Commission and to meet the review, planning, and reporting requirements of this act. The appropriation to the Commission shall be distributed from the following funding sources pursuant to the allocations set forth below:

(A) 40.86 percent from the Vermont State Retirement Fund, established in 3 V.S.A. § 473;

(B) 44.01 percent from the Vermont Teachers' Retirement Fund, established in 16 V.S.A. § 1944; and

(C) 15.13 percent from the Vermont Municipal Employees' Retirement Fund, established in 24 V.S.A. § 5064.

### Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

And that when so amended the bill ought to pass.

Senator Perchlik, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill be amended as recommended by the Committee on Government Operations with the following amendments thereto:

First: In Sec. 1, public pension funds; fossil fuels; Vermont Pension Investment Commission; plan and report, by striking out subsection (a) in its entirety and inserting in lieu thereof the following:

(a) Intent.

(1) It is the intent of the General Assembly that the Vermont Pension Investment Commission build upon its effective efforts to manage the State's financial risks to climate change, including investing in low carbon indexes, successfully engaging with fossil fuel and other companies, and supporting initial studies and reviews on climate change.

(2) It is also the intent of the General Assembly that, on or before December 31, 2030, the Vermont Pension Investment Commission shall, consistent with sound fiduciary practice, including consideration of any expected increased funding requirements for the actuarially determined employer contribution (ADEC) and administrative costs, and subject to any exceptions, divest the holdings of the Vermont State Employees' Retirement



System, the Vermont Teachers' Retirement System, and the Vermont Municipal Employees' Retirement System from the fossil fuel industry.

(3) The General Assembly also intends that that the Vermont Pension Investment Commission establish a long-term goal to divest from any private investments that contain assets in the fossil fuel industry on or before December 31, 2040, if the Commission determines that such divestment is consistent with sound fiduciary practice.

Second: In Sec. 1, public pension funds; fossil fuels; Vermont Pension Investment Commission; plan and report, by striking out subdivision (d)(1) in its entirety and inserting in lieu thereof the following:

(1) Divestment. Except as provided in subdivision (2) of this subsection, the Commission, in accordance with sound investment criteria and consistent with fiduciary obligations, including consideration of any expected increased funding requirements for the actuarially determined employer contribution (ADEC) and administrative costs, shall develop a plan to divest any holdings identified in the review described in subsection (c) of this section on or before December 31, 2030. The Commission shall include in the plan consideration of the State's long-term goal of divestment from any investments that are exempt from the plan pursuant to subdivision (2) of this subsection on or before December 31, 2040.

Third: By striking out Sec. 2, divestment plan; Vermont Pension Investment Commission; appropriation, in its entirety and inserting in lieu thereof the following:

Sec. 2. DIVESTMENT PLAN; VERMONT PENSION INVESTMENT  
COMMISSION; APPROPRIATION

In FY 2024, the amount of \$127,000.00 is appropriated to the Vermont Pension Investment Commission to establish one staff position to support improvements and efficiencies in the administration of the Commission and to meet the review, planning, and reporting requirements of this act. The appropriation to the Commission shall be distributed from the following funding sources pursuant to the allocations set forth below:

(1) 40.86 percent from the Vermont State Retirement Fund, established in 3 V.S.A. § 473;

(2) 44.01 percent from the Vermont Teachers' Retirement Fund, established in 16 V.S.A. § 1944; and

(3) 15.13 percent from the Vermont Municipal Employees' Retirement Fund, established in 24 V.S.A. § 5064.

And that when so amended the bill ought to pass.

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

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

### **Adjournment**

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Thursday, March 30, 2023.

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## **THURSDAY, MARCH 30, 2023**

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. 36**

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

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

**H. 102.** An act relating to the Art in State Buildings Program.

**H. 125.** An act relating to boards and commissions.

**H. 206.** An act relating to miscellaneous changes affecting the duties of the Department of Vermont Health Access.

**H. 213.** An act relating to creating a study committee on mobile homes and mobile home parks.

**H. 270.** An act relating to miscellaneous amendments to the adult-use and medical cannabis programs.

**H. 291.** An act relating to the creation of the Cybersecurity Advisory Council.

**H. 414.** An act relating to establishing an unused drug repository for Vermont.

**H. 472.** An act relating to miscellaneous agricultural subjects.

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

### **Bills Referred**

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

#### **H. 102.**

An act relating to the Art in State Buildings Program.

To the Committee on Institutions.

#### **H. 125.**

An act relating to boards and commissions.

To the Committee on Government Operations.

#### **H. 206.**

An act relating to miscellaneous changes affecting the duties of the Department of Vermont Health Access.

To the Committee on Health and Welfare.

#### **H. 213.**

An act relating to creating a study committee on mobile homes and mobile home parks.

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

#### **H. 270.**

An act relating to miscellaneous amendments to the adult-use and medical cannabis programs.

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

#### **H. 291.**

An act relating to the creation of the Cybersecurity Advisory Council.

To the Committee on Government Operations.

**H. 414.**

An act relating to establishing an unused drug repository for Vermont.  
To the Committee on Health and Welfare.

**H. 472.**

An act relating to miscellaneous agricultural subjects.  
To the Committee on Agriculture.

**Bill Amended; Third Reading Ordered****S. 30.**

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

An act relating to creating a Sister State Program.

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

Sec. 1. 3 V.S.A. § 2488 is added to read:

§ 2488. VERMONT SISTER STATE PROGRAM

(a) Creation; administration. The Vermont Sister State Program is created within the Agency of Commerce and Community Development.

(b) Oversight.

(1) A Vermont Sister State Committee composed of the following members shall oversee the Program:

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

(B) the Chair of the Board of Directors of Vermont Humanities or designee;

(C) two members appointed by the Senate Committee on Committees with experience in international relations;

(D) two members appointed by the Speaker of the House with experience in international education and cultural exchange; and

(E) two members appointed by the Governor with experience in international arts, recreation, or governance.

(2) The members appointed pursuant to subdivision (1)(C)–(E) of this subsection shall serve for terms of five years or until the member's earlier resignation or removal for cause by the Governor.

(3) If a member resigns or is removed, the appointing authority shall appoint a new member for the remainder of the member's term.

(4) The members of the Committee shall select a chair by a majority vote.

(c) Administration. Subject to the approval of the Vermont Sister State Committee:

(1) the Agency may contract for administration of part or all of the Program with a nonprofit organization that has expertise in international affairs;

(2) the Agency, or its contracted administrator, shall create an application form and process for evaluating Sister State relationships; and

(3) the Agency may adopt rules and policies for the Program.

(d) Program requirements.

(1) The Vermont Sister State Committee may approve not more than five Sister State relationships at one time with countries or provinces in varying regions of the world upon finding that a relationship meets the following goals:

(A) The relationship fosters understanding and collaboration between residents, governments, businesses, and community organizations in Vermont and residents, governments, businesses, and community organizations in the Sister State.

(B) The relationship creates opportunities for cultural exchanges and joint programs for educational, recreational, artistic, humanitarian, and economic purposes that benefit both Vermont and the Sister State.

(C) The relationship promotes peace, human rights, and environmental sustainability.

(D) The relationship involves a diverse range of individuals, sectors, organizations, and communities in Vermont and the Sister State.

(2) A Sister State agreement shall not initially exceed eight years and may be renewed for five-year increments upon approval of the Committee if it determines the relationship has met the goals of the Sister State Program.

(3) The Committee shall report to the relevant legislative committees and the Governor biannually on or before February 1 concerning the status of the Sister State Program, its programs, agreements, and progress meeting the Program goals.

(4) In the event of an emergency, such as a public health emergency; war or armed conflict; or serious human rights, environmental, or economic violations, the Governor, Lieutenant Governor, and Speaker may agree to immediately terminate a Sister State agreement or individual program.

(e) Compensation.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Committee shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23.

(2) Other members of the Committee shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010.

(3) Payments to members of the Committee authorized under this subsection shall be made from monies appropriated to the Agency of Commerce and Community Development or other specific appropriation made for that purpose.

#### Sec. 2. IMPLEMENTATION

The authorities authorized to make appointments to the Vermont Sister State Committee pursuant to 3 V.S.A. § 2488(b)(1)(C)–(E) shall appoint members to initial terms of three, four, and five years, respectively.

#### Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

And that when so amended the bill ought to pass.

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

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

### **Bill Amended; Third Reading Ordered**

#### **S. 102.**

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

An act relating to expanding employment protections and collective bargaining rights.

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

Sec. 1. 21 V.S.A. § 495o is added to read:

§ 495o. EMPLOYER COMMUNICATIONS RELATING TO RELIGIOUS OR POLITICAL MATTERS; EMPLOYEE RIGHTS

(a) An employer, or an employer's agent, shall not discharge, discipline, penalize, or otherwise discriminate against, or threaten to discharge, discipline, penalize, or otherwise discriminate against, an employee:

(1) because the employee declines:

(A) to attend or participate in an employer-sponsored meeting that has the primary purpose of communicating the employer's opinion about religious or political matters; or

(B) to view or participate in communications with or from the employer or the employer's agent that have the primary purpose of communicating the employer's opinion about religious or political matters; or

(2) as a means of requiring an employee to:

(A) attend an employer-sponsored meeting that has the primary purpose of communicating the employer's opinion about religious or political matters; or

(B) view or participate in communications with or from the employer or the employer's agent that have the primary purpose of communicating the employer's opinion about religious or political matters.

(b) Nothing in this section shall be construed to:

(1) limit an employee's right to bring a civil action for wrongful termination; or

(2) diminish or limit any rights provided to an employee pursuant to a collective bargaining agreement or employment contract.

(c) Nothing in this section shall be construed to prohibit an employer that is a religious or denominational institution or organization, or any organization operated for charitable or educational purposes, that is operated, supervised, or controlled by or in connection with a religious organization, from:

(1) communicating with its employees regarding the employer's opinion on religious matters;

(2) requiring its employees to attend a meeting regarding the employer's opinion on religious matters; or

(3) requiring its employees to view or participate in communications from the employer or the employer's agent regarding the employer's opinion on religious matters.

(d) Nothing in this section shall be construed to prohibit an employer that is a political organization, a political party, or an organization that engages, in substantial part, in political matters from:

(1) communicating with its employees regarding the employer's opinion on political matters;

(2) requiring its employees to attend a meeting regarding the employer's opinion on political matters; or

(3) requiring its employees to view or participate in communications from the employer or the employer's agent regarding the employer's opinion on political matters.

(e) Nothing in this section shall be construed to prohibit an employer or the employer's agent from:

(1) communicating information to an employee:

(A) that the employer is required to communicate pursuant to State or federal law; or

(B) that is necessary for the employee to perform the employee's job functions or duties;

(2) requiring an employee to attend a meeting to discuss issues related to the employer's business or operation when the discussion is necessary for the employee to perform the employee's job functions or duties; or

(3) offering meetings, forums, or other communications about religious or political matters for which attendance or participation is entirely voluntary.

(f)(1) The penalty and enforcement provisions of section 495b of this subchapter shall apply to this section.

(2) The provisions against retaliation in subdivision 495(a)(8) of this subchapter shall apply to this section.

(g) As used in this section:

(1) "Political matters" means matters relating to political affiliation, elections for political office, political parties, legislative proposals, proposals to change rules or regulations, and the decision to join or support any political party or political, civic, community, fraternal, or labor organization.

(2) "Religious matters" means matters relating to religious affiliation and practice and the decision to join or support any religious or



denominational organization or institution.

Sec. 2. 21 V.S.A. § 1502 is amended to read:

§ 1502. DEFINITIONS

As used in this chapter:

\* \* \*

(6) “Employee” includes any employee, and is not limited to the employees of a particular employer unless this chapter explicitly states otherwise, and includes any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice and who has not obtained any other regular and substantially equivalent employment, but does not include an individual;

~~(A)~~ employed as an agricultural laborer;

~~(B)~~ employed by his or her the individual’s parent or spouse;

~~(C)~~ employed in the domestic service of any family or person at his or her home;

~~(D)~~~~(B)~~ having the status of an independent contractor;

~~(E)~~~~(C)~~ employed as a supervisor;

~~(F)~~~~(D)~~ employed by an employer subject to the Railway Labor Act as amended from time to time; or

~~(G)~~~~(E)~~ employed by any other person who is not an employer as defined in subdivision (7) of this section.

\* \* \*

Sec. 3. 3 V.S.A. § 941 is amended to read:

§ 941. UNIT DETERMINATION, CERTIFICATION, AND REPRESENTATION

\* \* \*

(e)(1) Whenever, on the basis of a petition pursuant to subdivision (d)(1) of this section or a hearing pursuant to subdivision (d)(2) of this section, the Board finds substantial interest among employees in forming a bargaining unit or being represented for purposes of collective bargaining, a secret ballot election shall be conducted by the Board not more than 23 business days after the petition is filed with the Board except as otherwise provided pursuant to subdivision (4) of this subsection and subdivision (g)(4) of this section.

\* \* \*

(g)(1) In determining the representation of State employees in a collective bargaining unit, the Board shall conduct a secret ballot of the employees within the time period set forth in subdivision (e)(1) of this section, unless the time to conduct the election is extended pursuant to subdivision (e)(4) of this section, and certify the results to the interested parties and to the State employer. The original ballot shall be so prepared as to permit a vote against representation by anyone named on the ballot. No representative will be certified with less than a majority of the votes cast by employees in the bargaining unit.

\* \* \*

(4)(A) Notwithstanding any other provision of this subsection (g), if the Board determines that a petition to be represented for collective bargaining filed pursuant to subsection (c) of this section, which identifies a proposed exclusive representative of the employees in the bargaining unit, bears the signatures of at least 50 percent plus one of the employees in a bargaining unit deemed appropriate by the Board pursuant to this section, the Board shall certify the person or labor organization as the exclusive representative of the bargaining unit.

(B) Certification of a collective bargaining representative shall only be available pursuant to this subdivision (g)(4) when no other person or labor organization is currently certified or recognized as the exclusive representative of the employees in the bargaining unit.

(h) A representative chosen ~~by secret ballot~~ for the purposes of collective bargaining by a majority of the votes cast by secret ballot or certified pursuant to subdivision (g)(4) of this section shall be the exclusive representative of all the employees in ~~such~~ the bargaining unit for a minimum of one year. ~~Such~~ The representative shall be eligible for reelection or for recertification pursuant to subdivision (g)(4) of this section.

\* \* \*

Sec. 4. 16 V.S.A. § 1992 is amended to read:

#### § 1992. REFERENDUM PROCEDURE FOR REPRESENTATION

(a)(1) An organization purporting to represent a majority of all of the teachers or administrators employed by the school board may be recognized by the school board without the necessity of a referendum upon the submission of a petition bearing the valid signatures of a majority of the teachers or administrators employed by that school board. ~~Within 15 calendar days after receiving the petition, the school board shall notify the teachers or administrators of the school district in writing of its intention to either require or waive a secret ballot referendum. If the school board gives notice of its~~

~~intention to waive a referendum and recognize an organization, 10 percent of the teachers or administrators employed by the school board may submit a petition within 15 calendar days thereafter, objecting to the granting of recognition without a referendum, in which event a secret ballot referendum shall be held in the district for the purpose of choosing an exclusive representative as provided pursuant to the provisions of this section. The school board and the organization purporting to represent a majority of the teachers or administrators shall, within 10 business days after the petition is submitted, agree on an impartial third party to examine the petition and determine whether a majority of the teachers or administrators support the organization. If the parties fail to agree on an impartial third party within 10 business days, the Vermont Labor Relations Board shall examine the petition and determine whether a majority of the teachers or administrators support the organization. If the impartial party or the Board determines that a majority of the teachers or administrators support the organization, it shall certify the organization as the exclusive representative of the teachers or administrators.~~

\* \* \*

~~(b) Recognition granted to Certification of a negotiating unit as exclusive representative shall be valid and not subject to challenge by referendum petition or otherwise for the remainder of the fiscal year in which ~~recognition is granted~~ the certification occurs and for an additional period of 12 months after final adoption of the budget for the succeeding fiscal year and shall continue thereafter until a new referendum is called for.~~

~~(c)(1)(A) A secret ballot referendum shall be held not more than 21 calendar days after 20 percent of the teachers or administrators employed by the school board present a petition requesting a referendum on the matter of representation, except during a period of prior ~~recognition~~ certification, as provided pursuant to subsection (b) of this section.~~

\* \* \*

Sec. 5. 21 V.S.A. § 1581 is amended to read:

§ 1581. PETITIONS FOR ELECTION; FILING, INVESTIGATIONS,  
HEARINGS, DETERMINATIONS

\* \* \*

~~(b)(1) The Board shall investigate the petition and if it has reasonable cause to believe that a question of representation exists shall provide for an appropriate hearing before the Board itself, a Board member thereof, or its agents appointed for that purpose upon due notice. Written notice of the hearing shall be mailed by certified mail to the parties named in the petition~~

not less than seven days before the hearing.

(2) If the Board finds upon the record of the hearing that a question of representation exists, it shall conduct an election by secret ballot marked at the place of election and certify to the parties, in writing, the results ~~thereof~~ of the election.

(3)(A) If the Board finds upon the record of the hearing that a petition to be represented for collective bargaining filed pursuant to subdivision (a)(1)(A) of this section, which identifies a proposed bargaining representative, bears the signatures of at least 50 percent plus one of the employees in the bargaining unit, the Board shall certify the individual or labor organization identified as the bargaining representative.

(B) Certification of a representative shall only be available pursuant to this subdivision (B) when no other individual or labor organization is currently certified or recognized as the bargaining representative.

(c) In determining whether or not a question of representation exists, ~~it~~ the Board shall apply the same regulations and rules of decision regardless of the identity of the persons filing the petition or the kind of relief sought.

\* \* \*

Sec. 6. 21 V.S.A. § 1584 is amended to read:

§ 1584. PETITIONS AND ELECTION TO RESCIND  
REPRESENTATIVE'S AUTHORITY

\* \* \*

(b) No election ~~may~~ shall be conducted under this section in a bargaining unit or a subdivision within which in the preceding 12 months a valid election or certification of a representative pursuant to this subchapter has ~~been held~~ occurred.

Sec. 7. 21 V.S.A. § 1724 is amended to read:

§ 1724. CERTIFICATION PROCEDURE

\* \* \*

(e)(1) ~~It~~ Except as otherwise provided pursuant to subsection (h) of this section, in determining the representation of municipal employees in a collective bargaining unit, the Board shall conduct an election by secret ballot of the employees and certify the results to the interested parties and to the employer. The election shall be held not more than 23 business days after the petition is filed with the Board except as otherwise provided pursuant to subdivision (4) of this subsection.

\* \* \*

(h)(1) Notwithstanding subsections (e)–(g) of this section, if following its investigation pursuant to subsection (b) of this section the Board determines that a petition to be represented for collective bargaining filed pursuant to subsection (a) of this section, which identifies a proposed bargaining agent, bears the signatures of at least 50 percent plus one of the employees in the bargaining unit, the Board shall certify the individual or labor organization identified as the bargaining agent.

(2) Certification of a bargaining agent shall only be available pursuant to this subsection when no other individual or labor organization is currently certified or recognized as the agent of the employees in the bargaining unit.

(i) No election may shall be conducted under this section in a bargaining unit or a subdivision within which in the preceding 12 months a valid election has been held.

#### Sec. 8. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

And that when so amended the bill ought to pass.

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

Thereupon, the bill was read the second time by title only pursuant to Rule 43.

Thereupon, pending the question, Shall the bill be amended as recommended by the Committee on Economic Development, Housing and General Affairs?, Senator Brock moved to amend the report as follows:

By striking out Secs. 3–8 in their entireties and inserting in lieu thereof a new Sec. 3 to read as follows:

#### Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

Which was disagreed to.

Thereupon the question, Shall the bill be amended as recommended by the Committee on Economic Development, Housing and General Affairs?, was decided in the affirmative.

Thereupon, third reading was ordered, on a roll call, Yeas 23, Nays 7.

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:** Baruth, Bray, Campion, Chittenden, Clarkson, Cummings, Gulick, Hardy, Harrison, Hashim, Kitchel, Lyons, MacDonald, Mazza, McCormack, Perchlik, Ram Hinsdale, Sears, Starr, Vyhovsky, Watson, White, Wrenner.

**Those Senators who voted in the negative were:** Brock, Collamore, Ingalls, Norris, Weeks, Westman, Williams.

**Bill Amended; Bill Passed****S. 4.**

Senate bill entitled:

An act relating to reducing crimes of violence associated with juveniles and dangerous weapons.

Was taken up.

Thereupon, pending third reading of the bill, Senators Vyhovsky, Sears, Hashim and Baruth moved to amend the bill in Sec. 2, 18 V.S.A. § 4252, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) No person shall knowingly or recklessly permit a dwelling, building, or structure owned by or under the control of the person to be used for the purpose of illegally ~~dispensing or~~ selling a regulated drug.

Which was agreed to.

Thereupon, the bill was read a third time and passed.

**Bill Amended; Bill Passed****S. 17.**

Senate bill entitled:

An act relating to sheriff reforms.

Was taken up.

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

First: In Sec. 4, 24 V.S.A. § 314, by striking out subsection (d) in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

(d) The Department of State's Attorneys and Sheriffs shall establish procedures for handling ethics complaints from any source based on the procedures set forth in 3 V.S.A. § 1223. The procedures shall be included in

any standard operating procedures manual or policy manual followed by sheriffs and deputy sheriff pursuant to subsection 293(c) of this title.

Second: In Sec. 6, 24 V.S.A. § 293, in subsection (b), by striking out the word “detailed”

Which was agreed to.

Thereupon, the bill was read a third time, and passed, on a roll call, Yeas 24, Nays 6.

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

#### **Roll Call**

**Those Senators who voted in the affirmative were:** Baruth, Bray, Campion, Chittenden, Clarkson, Cummings, Gulick, Hardy, Harrison, Hashim, Kitchel, Lyons, MacDonald, Mazza, McCormack, Perchlik, Ram Hinsdale, Sears, Starr, Vyhovsky, Watson, Westman, White, Wrenner.

**Those Senators who voted in the negative were:** Brock, Collamore, Ingalls, Norris, Weeks, Williams.

#### **Bills Passed**

Senate bills of the following titles were severally read the third time and passed:

**S. 18.** An act relating to banning flavored tobacco products and e-liquids.

**S. 133.** An act relating to miscellaneous changes to education law.

**S. 137.** An act relating to energy efficiency modernization.

**S. 138.** An act relating to school safety.

#### **Bill Amended; Third Reading Ordered**

##### **S. 100.**

Senate committee bill entitled:

An act relating to housing opportunities made for everyone.

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

Senator Bray, for the Committee on Natural Resources and Energy, to which the bill was referred reported recommending that the bill be amended as follows:

First: In Sec. 2, 24 V.S.A. § 4412, in subdivision (12), by striking out the word “four” and inserting in lieu thereof the word five

Second: By striking out Sec. 6, 24 V.S.A. § 4465, in its entirety and inserting in lieu thereof a new Sec. 6 to read as follows:

Sec. 6. 24 V.S.A. § 4465 is amended to read:

§ 4465. APPEALS OF DECISIONS OF THE ADMINISTRATIVE OFFICER

(a) An interested person may appeal any decision or act taken by the administrative officer in any municipality by filing a notice of appeal with the secretary of the board of adjustment or development review board of that municipality or with the clerk of that municipality if no such secretary has been elected. This notice of appeal must be filed within 15 days of following the date of that decision or act, and a copy of the notice of appeal shall be filed with the administrative officer.

(b) ~~For the purposes of~~ As used in this chapter, an “interested person” means any one of the following:

(1) A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.

(2) The municipality that has a plan or a bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality.

(3) A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person’s interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality.

(4) Any ~~ten~~ 10 persons who allege a common injury to a particularized interest protected by this chapter, who may be any combination of voters or real property owners within a municipality listed in subdivision (2) of this subsection who, by signed petition to the appropriate municipal panel of a municipality, the plan or a bylaw of which is at issue in any appeal brought under this title, allege that any relief requested by a person under this title, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. This petition to the appropriate municipal panel must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.

(5) Any department and administrative subdivision of this State owning property or any interest in property within a municipality listed in subdivision



(2) of this subsection, and the Agency of Commerce and Community Development of this State.

\* \* \*

Third: By striking out Sec. 13, 24 V.S.A. § 3101(a), and its reader assistance heading in their entirety and inserting in lieu thereof a new Sec. 13 to read as follows:

\* \* \* Energy Codes \* \* \*

Sec. 13. 24 V.S.A. § 3101(a) is amended to read:

(a) The mayor and board of aldermen of a city, the selectboard of a town, or the trustees of an incorporated village, may, in accordance with this chapter, establish codes and regulations for the construction, maintenance, repair, and alteration of buildings and other structures within the municipality. Such codes and regulations may include provisions relating to building materials, structural design, passageways, stairways and exits, heating systems, fire protection procedures, and such other matters as may be reasonably necessary for the health, safety, and welfare of the public, but excluding electrical installations subject to regulation under 26 V.S.A. chapter 15. Any energy codes and regulations adopted after July 1, 2023 shall not be more restrictive than the Residential Building Energy Standards or the stretch code adopted under 30 V.S.A. § 51 or the Commercial Building Energy Standards adopted under 30 V.S.A. § 53, except where enabled by a municipal charter.

Fourth: By striking out Sec. 16, 10 V.S.A. § 6001, in its entirety and inserting in lieu thereof a new Sec. 16 to read as follows:

Sec. 16. 10 V.S.A. § 6001 is amended to read:

§ 6001. DEFINITIONS

\* \* \*

(3)(A) “Development” means each of the following:

\* \* \*

(iv) The construction of housing projects such as cooperatives, condominiums, or dwellings, or construction ~~or maintenance~~ of mobile homes or mobile home parks, with 10 or more units, constructed or maintained on a tract or tracts of land, owned or controlled by a person, within a radius of five miles of any point on any involved land and within any continuous period of five years. However:

\* \* \*

(xi) Until July 1, 2026, the construction of housing projects such as cooperatives, condominiums, dwellings, or mobile homes, with 25 or more units, constructed or maintained on a tract or tracts of land, located entirely within a designated downtown development district, a designated neighborhood development area, or a designated growth center, owned or controlled by a person, within a radius of five miles of any point on any involved land and within any continuous period of five years.

\* \* \*

(D) The word “development” does not include:

\* \* \*

(viii)(I) The construction of a priority housing project in a municipality with a population of 10,000 or more.

(II) If the construction of a priority housing project in this subdivision (3)(D)(viii) involves demolition of one or more buildings that are listed or eligible to be listed on the State or National Register of Historic Places, this exemption shall not apply unless the Division for Historic Preservation has made the determination described in subdivision (A)(iv)(I)(ff) of this subdivision (3) and any imposed conditions are enforceable in the manner set forth in that subdivision.

(III) Notwithstanding any other provision of law to the contrary, until July 1, 2026, the construction of a priority housing project located entirely within a designated downtown development district or a designated growth center.

\* \* \*

Fifth: By adding a new Sec. 16a. to read as follows:

Sec. 16a. 10 V.S.A. § 6086b is amended to read:

§ 6086b. DOWNTOWN DEVELOPMENT; FINDINGS; MASTER PLAN PERMITS

(a) Findings and conclusions. Notwithstanding any provision of this chapter to the contrary, each of the following shall apply to a development or subdivision that is completely within a downtown development district designated under 24 V.S.A. chapter 76A and for which a permit or permit amendment would otherwise be required under this chapter:

(1) In lieu of obtaining a permit or permit amendment, a person may request findings and conclusions from the District Commission, which shall approve the request if it finds that the development or subdivision will meet subdivisions 6086(a)(1) (air and water pollution), (2) (sufficient water

available), (3) (burden on existing water supply), (4) (soil erosion), (5) (traffic), (8) (aesthetics, historic sites, rare and irreplaceable natural areas), (8)(A) (endangered species; necessary wildlife habitat), (9)(B) (primary agricultural soils), (9)(C) (productive forest soils), (9)(F) (energy conservation), and (9)(K) (public facilities, services, and lands) of this title.

\* \* \*

(b) Master plan permits.

(1) Any municipality within which a downtown development district or neighborhood development area has been formally designated pursuant to 24 V.S.A. chapter 76A may apply to the District Commission for a master plan permit for that area or any portion of that area pursuant to the rules of the Board. Municipalities making an application under this subdivision are not required to exercise ownership of or control over the affected property.

(2) Subsequent development of an individual lot within the area of the master plan permit that requires a permit under this chapter shall take the form of a permit amendment.

(3) In neighborhood development areas, subsequent master plan permit amendments may only be issued for development that is housing.

(4) In approving a master plan permit and amendments, the District Commission may include specific conditions that an applicant for an individual project permit will be required to meet.

(5) For a master plan permit issued pursuant to this section, an application for an amendment may use the findings issued in the master plan permit as a rebuttable presumption to comply within any applicable criteria under subsection 6086(a) of this title.

Sixth: By striking out Sec. 17, 10 V.S.A. § 6081, in its entirety and inserting in lieu thereof the following:

\* \* \* Enhanced Village Centers \* \* \*

Sec. 17. 24 V.S.A. § 2793a is amended to read:

§ 2793a. DESIGNATION OF VILLAGE CENTERS BY STATE BOARD

\* \* \*

(e)(1) A village center designated by the State Board pursuant to subsection (a) of this section is eligible to apply to the State Board to receive an enhanced designation. This enhanced designation allows a priority housing project with 50 or fewer units located entirely within the village center to be exempt from 10 V.S.A. chapter 151.

(2) To receive enhanced designation under this subsection, a village center shall have:

(A) duly adopted permanent zoning and subdivision bylaws;

(B) municipal sewer and water infrastructure; and

(C) adequate municipal staff to support coordinated comprehensive and capital planning, development review, and zoning administration.

Sec. 17a. 10 V.S.A. § 6081 is amended to read:

§ 6081. PERMITS REQUIRED; EXEMPTIONS

\* \* \*

(y) Notwithstanding any other provision of law to the contrary, until July 1, 2026, no permit or permit amendment is required for a priority housing project with 50 or fewer units that is located entirely within a village center that has received enhanced designation under 24 V.S.A. § 2793a(e).

Seventh: By striking out Secs. 24 and 25 and their reader assistance heading in their entireties and inserting in lieu thereof the following:

\* \* \* Building energy code study committee \* \* \*

Sec. 24. FINDINGS

The General Assembly finds that:

(1) Vermont established the Residential Building Energy Standards (RBES) in 1997 and the Commercial Building Energy Standards (CBES) in 2007. The Public Service Department is responsible for adopting and updating these codes regularly but does not have the capacity to administer or enforce them.

(2) The RBES and CBES are mandatory, but while municipalities with building departments handle some aspects of review and inspection, there is no State agency or office designated to interpret, administer, and enforce them.

(3) The Division of Fire Safety in the Department of Public Safety is responsible for development, administration, and enforcement of building codes but does not currently have expertise or capacity to add administration or enforcement of energy codes in buildings.

(4) Studies in recent years show compliance with the RBES at about 54 percent and CBES at about 87 percent, with both rates declining. Both codes are scheduled to become more stringent with the goal of “net-zero ready” by 2030.

(5) In December 2022, the U.S. Department of Energy issued the Bipartisan Infrastructure Law: Resilient and Efficient Codes Implementation Funding Opportunity Announcement. The first \$45 million of a five-year \$225 million program is available in 2023. Vermont's increased code compliance plans should include contingencies for this potential funding.

Sec. 25. ENERGY CODE COMPLIANCE; STUDY COMMITTEE

(a) Creation. There is created the Building Energy Code Study Committee to recommend strategies for increasing compliance with the Residential Building Energy Standards (RBES) and Commercial Building Energy Standards (CBES).

(b) Membership. The Committee shall have 15 members with applicable expertise, to include program design and implementation, building code administration and enforcement, and Vermont's construction industry. The Speaker of the House shall appoint three members, including up to one legislator. The Committee on Committees shall appoint two members, including up to one legislator. The remaining members shall be the following:

- (1) the Commissioner of Public Service, or designee;
- (2) the Director of Fire Safety, or designee;
- (3) a representative of Efficiency Vermont;
- (4) a representative of American Institute of Architects–Vermont;
- (5) a representative of the Vermont Builders and Remodelers Association;
- (6) a representative the Burlington Electric Department;
- (7) a representative of Vermont Gas Systems;
- (8) a representative of the Association of General Contractors of Vermont;
- (9) a representative of the Vermont League of Cities and Towns; and
- (10) a representative from a regional planning commission.

(c) Powers and duties. The Committee shall consider and recommend strategies to increase awareness of and compliance with the RBES and CBES, including designation of the Division of Fire Safety (DFS) in the Department of Public Safety as the statewide authority having jurisdiction for administration, interpretation, and enforcement, in conjunction with DFS' existing jurisdiction, over building codes.

(d) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Department of Public Service. The Department

shall hire a third-party consultant to assist and staff the Committee which may be funded by monies appropriated by the General Assembly or any grant funding received.

(e) Report. On or before December 1, 2023, the Committee shall submit a written report to the General Assembly with its findings and recommendations for legislative action.

(f) Meetings.

(1) The Department of Public Service shall call the first meeting of the Committee to occur on or before July 15, 2023.

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

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

(4) The final meeting shall be held on or before October 31, 2023. The Committee shall cease to exist on December 1, 2023.

(g) Compensation and reimbursement.

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

(2) Other members of the Committee who are not otherwise compensated by their employer 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.

(3) The payments under this subsection (g) shall be made from monies appropriated by the General Assembly or any grant funding received.

#### Sec. 25a. STUDY COMMITTEE; APPROPRIATION

The sum of \$125,000.00 is appropriated from the General Fund to the Department of Public Service in fiscal year 2024 for the purpose of hiring the consultant described in Sec. 24(d) of this act and to pay the Committee member per diem compensation.

And that when so amended the bill ought to pass.

Senator Bray, on behalf of the Committee on Natural Resources and Energy, moved to substitute a recommendation of amendment for the recommendation of amendment of the Committee on Natural Resources and Energy as follows:

First: In Sec. 2, 24 V.S.A. § 4412, in subdivision (12), by striking out the word “four” and inserting in lieu thereof five

Second: By striking out Sec. 6, 24 V.S.A. § 4465, in its entirety and inserting in lieu thereof a new Sec. 6 to read as follows:

Sec. 6. 24 V.S.A. § 4465 is amended to read:

§ 4465. APPEALS OF DECISIONS OF THE ADMINISTRATIVE OFFICER

(a) An interested person may appeal any decision or act taken by the administrative officer in any municipality by filing a notice of appeal with the secretary of the board of adjustment or development review board of that municipality or with the clerk of that municipality if no such secretary has been elected. This notice of appeal must be filed within 15 days of following the date of that decision or act, and a copy of the notice of appeal shall be filed with the administrative officer.

(b) ~~For the purposes of~~ As used in this chapter, an “interested person” means any one of the following:

(1) A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.

(2) The municipality that has a plan or a bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality.

(3) A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person’s interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality.

(4) Any ~~ten~~ 10 persons who allege a common injury to a particularized interest protected by this chapter, who may be any combination of voters or real property owners within a municipality listed in subdivision (2) of this subsection who, by signed petition to the appropriate municipal panel of a municipality, the plan or a bylaw of which is at issue in any appeal brought under this title, allege that any relief requested by a person under this title, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. For purposes of this subdivision, a particularized interest shall not include the character of the area affected. This petition to the appropriate municipal panel must designate one person to serve

as the representative of the petitioners regarding all matters related to the appeal.

(5) Any department and administrative subdivision of this State owning property or any interest in property within a municipality listed in subdivision (2) of this subsection, and the Agency of Commerce and Community Development of this State.

\* \* \*

Third: By striking out Sec. 13, 24 V.S.A. § 3101(a), and its reader assistance heading in their entirety and inserting in lieu thereof the following:

\* \* \* Energy Codes \* \* \*

Sec. 13. 24 V.S.A. § 3101(a) is amended to read:

(a) The mayor and board of aldermen of a city, the selectboard of a town, or the trustees of an incorporated village, may, in accordance with this chapter, establish codes and regulations for the construction, maintenance, repair, and alteration of buildings and other structures within the municipality. Such codes and regulations may include provisions relating to building materials, structural design, passageways, stairways and exits, heating systems, fire protection procedures, and such other matters as may be reasonably necessary for the health, safety, and welfare of the public, but excluding electrical installations subject to regulation under 26 V.S.A. chapter 15. Any energy codes and regulations adopted after July 1, 2023 shall not be more restrictive than the Residential Building Energy Standards or the stretch code adopted under 30 V.S.A. § 51 or the Commercial Building Energy Standards adopted under 30 V.S.A. § 53, except where enabled by a municipal charter.

Fourth: By striking out Sec. 16, 10 V.S.A. § 6001, in its entirety and inserting in lieu thereof a new Sec. 16 to read as follows:

Sec. 16. 10 V.S.A. § 6001 is amended to read:

§ 6001. DEFINITIONS

\* \* \*

(3)(A) “Development” means each of the following:

\* \* \*

(iv) The construction of housing projects such as cooperatives, condominiums, or dwellings, or construction ~~or maintenance~~ of mobile homes or mobile home parks, with 10 or more units, constructed or maintained on a tract or tracts of land, owned or controlled by a person, within a radius of five



miles of any point on any involved land and within any continuous period of five years. However:

\* \* \*

(xi) Until July 1, 2026, the construction of housing projects such as cooperatives, condominiums, dwellings, or mobile homes, with 25 or more units, constructed or maintained on a tract or tracts of land, located entirely within a designated downtown development district, a designated neighborhood development area, or a designated growth center, owned or controlled by a person, within a radius of five miles of any point on any involved land and within any continuous period of five years.

\* \* \*

(D) The word “development” does not include:

\* \* \*

(viii)(I) The construction of a priority housing project in a municipality with a population of 10,000 or more.

(II) If the construction of a priority housing project in this subdivision (3)(D)(viii) involves demolition of one or more buildings that are listed or eligible to be listed on the State or National Register of Historic Places, this exemption shall not apply unless the Division for Historic Preservation has made the determination described in subdivision (A)(iv)(I)(ff) of this subdivision (3) and any imposed conditions are enforceable in the manner set forth in that subdivision.

(III) Notwithstanding any other provision of law to the contrary, until July 1, 2026, the construction of a priority housing project located entirely within a designated downtown development district, designated neighborhood development area, or a designated growth center.

\* \* \*

Fifth: By adding a new Sec. 16a. to read as follows:

Sec. 16a. 10 V.S.A. § 6086b is amended to read:

§ 6086b. DOWNTOWN DEVELOPMENT; FINDINGS; MASTER PLAN PERMITS

(a) Findings and conclusions. Notwithstanding any provision of this chapter to the contrary, each of the following shall apply to a development or subdivision that is completely within a downtown development district designated under 24 V.S.A. chapter 76A and for which a permit or permit amendment would otherwise be required under this chapter:

(1) In lieu of obtaining a permit or permit amendment, a person may request findings and conclusions from the District Commission, which shall approve the request if it finds that the development or subdivision will meet subdivisions 6086(a)(1) (air and water pollution), (2) (sufficient water available), (3) (burden on existing water supply), (4) (soil erosion), (5) (traffic), (8) (aesthetics, historic sites, rare and irreplaceable natural areas), (8)(A) (endangered species; necessary wildlife habitat), (9)(B) (primary agricultural soils), (9)(C) (productive forest soils), (9)(F) (energy conservation), and (9)(K) (public facilities, services, and lands) of this title.

\* \* \*

(b) Master plan permits.

(1) Any municipality within which a downtown development district or neighborhood development area has been formally designated pursuant to 24 V.S.A. chapter 76A may apply to the District Commission for a master plan permit for that area or any portion of that area pursuant to the rules of the Board. Municipalities making an application under this subdivision are not required to exercise ownership of or control over the affected property.

(2) Subsequent development of an individual lot within the area of the master plan permit that requires a permit under this chapter shall take the form of a permit amendment.

(3) In neighborhood development areas, subsequent master plan permit amendments may only be issued for development that is housing.

(4) In approving a master plan permit and amendments, the District Commission may include specific conditions that an applicant for an individual project permit will be required to meet.

(5) For a master plan permit issued pursuant to this section, an application for an amendment may use the findings issued in the master plan permit as a rebuttable presumption to comply within any applicable criteria under subsection 6086(a) of this title.

Sixth: By adding a new Sec. 16b. to read as follows:

Sec. 16b. ACT 250 EXEMPTION REQUIREMENTS

In order to qualify for the exemptions established in 10 V.S.A. § 6001 (3)(A)(xi) and (3)(D)(viii)(III) and 10 V.S.A. § 6081(y), a person shall apply for a jurisdictional opinion under 10 V.S.A. § 6007 by July 1, 2026. The jurisdictional opinion shall require the project to substantially complete construction by June 30, 2029 in order to remain exempt.

Seventh: By striking out Sec. 17, 10 V.S.A. § 6081, in its entirety and inserting in lieu thereof the following:

\* \* \* Enhanced Village Centers \* \* \*

Sec. 17. 24 V.S.A. § 2793a is amended to read:

§ 2793a. DESIGNATION OF VILLAGE CENTERS BY STATE BOARD

\* \* \*

(e)(1) A village center designated by the State Board pursuant to subsection (a) of this section is eligible to apply to the State Board to receive an enhanced designation. This enhanced designation allows a priority housing project with 50 or fewer units located entirely within the village center to be exempt from 10 V.S.A. chapter 151.

(2) To receive enhanced designation under this subsection, a village center shall have:

(A) duly adopted permanent zoning and subdivision bylaws;

(B) at least one of the following: municipal sewer infrastructure, a community or alternative wastewater system approved by the Agency of Natural Resources, or a public community water system; and

(C) adequate municipal staff to support coordinated comprehensive and capital planning, development review, and zoning administration.

Sec. 17a. 10 V.S.A. § 6081 is amended to read:

§ 6081. PERMITS REQUIRED; EXEMPTIONS

\* \* \*

(y) Notwithstanding any other provision of law to the contrary, until July 1, 2026, no permit or permit amendment is required for a priority housing project with 50 or fewer units that is located entirely within a village center that has received enhanced designation under 24 V.S.A. § 2793a(e).

Sec. 17b. 24 V.S.A. § 2793e is amended to read:

§ 2793e. NEIGHBORHOOD PLANNING AREAS; DESIGNATION OF NEIGHBORHOOD DEVELOPMENT AREAS

\* \* \*

(c) Application for designation of a neighborhood development area. The State Board shall approve a neighborhood development area if the application demonstrates and includes all of the following elements:

\* \* \*

(6) The neighborhood development area is served by at least one of the following:

(A) municipal sewer infrastructure;

(B) a community or alternative wastewater system approved by the Agency of Natural Resources; or

(C) a public community water system.

\* \* \*

Eighth: By striking out Secs. 24 and 25 and their reader assistance heading in their entireties and inserting in lieu thereof the following:

\* \* \* Building energy code study committee \* \* \*

#### Sec. 24. FINDINGS

The General Assembly finds that:

(1) Vermont established the Residential Building Energy Standards (RBES) in 1997 and the Commercial Building Energy Standards (CBES) in 2007. The Public Service Department is responsible for adopting and updating these codes regularly but does not have the capacity to administer or enforce them.

(2) The RBES and CBES are mandatory, but while municipalities with building departments handle some aspects of review and inspection, there is no State agency or office designated to interpret, administer, and enforce them.

(3) The Division of Fire Safety in the Department of Public Safety is responsible for development, administration, and enforcement of building codes but does not currently have expertise or capacity to add administration or enforcement of energy codes in buildings.

(4) Studies in recent years show compliance with the RBES at about 54 percent and CBES at about 87 percent, with both rates declining. Both codes are scheduled to become more stringent with the goal of “net-zero ready” by 2030.

(5) In December 2022, the U.S. Department of Energy issued the Bipartisan Infrastructure Law: Resilient and Efficient Codes Implementation Funding Opportunity Announcement. The first \$45 million of a five-year \$225 million program is available in 2023. Vermont’s increased code compliance plans should include contingencies for this potential funding.

#### Sec. 25. ENERGY CODE COMPLIANCE; STUDY COMMITTEE

(a) Creation. There is created the Building Energy Code Study Committee to recommend strategies for increasing compliance with the Residential

Building Energy Standards (RBES) and Commercial Building Energy Standards (CBES).

(b) Membership. The Committee shall have 15 members with applicable expertise, to include program design and implementation, building code administration and enforcement, and Vermont's construction industry. The Speaker of the House shall appoint three members, including up to one legislator. The Committee on Committees shall appoint two members, including up to one legislator. The remaining members shall be the following:

- (1) the Commissioner of Public Service, or designee;
- (2) the Director of Fire Safety, or designee;
- (3) a representative of Efficiency Vermont;
- (4) a representative of American Institute of Architects–Vermont;
- (5) a representative of the Vermont Builders and Remodelers Association;
- (6) a representative the Burlington Electric Department;
- (7) a representative of Vermont Gas Systems;
- (8) a representative of the Association of General Contractors of Vermont;
- (9) a representative of the Vermont League of Cities and Towns; and
- (10) a representative from a regional planning commission.

(c) Powers and duties. The Committee shall consider and recommend strategies to increase awareness of and compliance with the RBES and CBES, including designation of the Division of Fire Safety (DFS) in the Department of Public Safety as the statewide authority having jurisdiction for administration, interpretation, and enforcement, in conjunction with DFS' existing jurisdiction, over building codes.

(d) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Department of Public Service. The Department shall hire a third-party consultant to assist and staff the Committee which may be funded by monies appropriated by the General Assembly or any grant funding received.

(e) Report. On or before December 1, 2023, the Committee shall submit a written report to the General Assembly with its findings and recommendations for legislative action.

(f) Meetings.

(1) The Department of Public Service shall call the first meeting of the Committee to occur on or before July 15, 2023.

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

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

(4) The final meeting shall be held on or before October 31, 2023. The Committee shall cease to exist on December 1, 2023.

(g) Compensation and reimbursement.

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

(2) Other members of the Committee who are not otherwise compensated by their employer 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.

(3) The payments under this subsection (g) shall be made from monies appropriated by the General Assembly or any grant funding received.

#### Sec. 25a. STUDY COMMITTEE; APPROPRIATION

The sum of \$125,000.00 is appropriated from the General Fund to the Department of Public Service in fiscal year 2024 for the purpose of hiring the consultant described in Sec. 25(d) of this act and to pay the Committee member per diem compensation.

And that when so amended, the bill ought to pass.

Which was agreed to.

Senator Cummings, for the Committee on Finance, to which the bill was referred, reported that the bill ought to pass.

Senator Perchlik, for the Committee on Appropriations, to which the bill was referred, reported that the bill be amended as recommended by the Committee on Natural Resources and Energy with the following amendments thereto:

First: By striking out Sec. 14, appropriation, in its entirety and inserting in lieu thereof the following:

Sec. 14. [Deleted.]

Second: By striking out Sec. 15, housing resource navigator for regional planning commissions, in its entirety and inserting in lieu thereof the following:

Sec. 15. [Deleted.]

Third: By striking out Sec. 25a, study committee; appropriation, in its entirety.

Fourth: By striking out Sec. 27, human rights commission; position; appropriation, in its entirety and inserting in lieu thereof the following:

Sec. 27. [Deleted.]

Fifth: By striking out Secs. 30–39 in their entireties and inserting in lieu thereof the following:

Secs. 30–39. [Deleted.]

Sixth: By striking out Secs. 41–42 in their entireties and inserting in lieu thereof the following:

Secs. 41–42. [Deleted.]

And that when so amended the bill ought to pass.

Thereupon, the bill was read a second time by title only pursuant to Rule 43, and the recommendation of amendment of the Committee on Natural Resources and Energy, as substituted, was agreed to, on a roll call, Yeas, 19, Nays 11.

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:** Baruth, Bray, Champion, Clarkson, Cummings, Gulick, Hardy, Harrison, Hashim, Kitchel, Lyons, Mazza, Perchlik, Ram Hinsdale, Sears, Vyhovsky, Watson, White, Wrenner.

**Those Senators who voted in the negative were:** Brock, Chittenden, Collamore, Ingalls, MacDonald, McCormack, Norris, Starr, Weeks, Westman, Williams.

Thereupon, the recommendation of amendment of the Committee on Appropriations was agreed to.

Thereupon third reading of the bill was ordered, on a roll call, Yeas 30, Nays 0.

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:** Baruth, Bray, Brock, Campion, Chittenden, Clarkson, Collamore, Cummings, Gulick, Hardy, Harrison, Hashim, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Norris, Perchlik, Ram Hinsdale, Sears, Starr, Vyhovsky, Watson, Weeks, Westman, White, Williams, Wrenner.

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

**Bill Amended; Third Reading Ordered****S. 56.**

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

An act relating to child care and early childhood education.

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

\* \* \* Legislative Intent \* \* \*

## Sec. 1. LEGISLATIVE INTENT

It is the intent of the General Assembly that investments in and policy changes to Vermont's child care system shall:

(1) increase access to and the quality of child care services throughout the State;

(2) provide financial stability to child care programs;

(3) stabilize Vermont's talented child care workforce;

(4) address the workforce needs of the State's employers;

(5) provide policy recommendations for expanding access and capacity in Vermont's prekindergarten system; and

(6) reorganize the Department for Children and Families to ensure greater oversight and focus on child care and early childhood education.

\* \* \* Prekindergarten \* \* \*

Sec. 1a. PREKINDERGARTEN EDUCATION STUDY COMMITTEE;  
REPORT

(a) Creation. There is created the Prekindergarten Education Study Committee to make recommendations on how to improve and expand accessible, affordable, and high-quality prekindergarten education.



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

- (1) the Secretary of Education or designee, who shall serve as chair;
- (2) the Secretary of Human Services or designee;
- (3) the Executive Director of the Vermont Principals' Association or designee;
- (4) the Executive Director of the Vermont Superintendents Association or designee;
- (5) the Executive Director of the Vermont School Board Association or designee;
- (6) the Executive Director of the Vermont National Education Association or designee;
- (7) the Chair of the Vermont Council of Special Education Administrators or designee;
- (8) the Executive Director of the Vermont Curriculum Leaders Association or designee;
- (9) the Executive Director of Building Bright Futures or designee;
- (10) a representative of a prequalified private provider as defined in 16 V.S.A. § 829, operating a licensed center-based child care and preschool program, appointed by the Speaker of the House;
- (11) a representative of a prequalified private provider as defined in 16 V.S.A. § 829, operating a regulated family child care home, appointed by the Committee on Committees;
- (12) the Head Start Collaboration Office Director or designee;
- (13) the Executive Officer of Let's Grow Kids or designee; and
- (14) a family representative with a prekindergarten-age child, appointed by the Building Bright Futures Council.

(c) Powers and duties. The Committee shall examine the delivery of prekindergarten education in Vermont and make recommendations for expanding equitable access for all children three and four years of age in a manner that achieves the best outcomes for children, whether through the current mixed-delivery system, the public school system, the private prekindergarten system, or a system that allows school districts to contract with private providers. The Committee shall also examine and make recommendations on the changes necessary to provide prekindergarten education to all children three and four years of age through the public school

system, including a timeline and transition plan for such changes. In conducting its analysis, the Committee shall address the following topics and questions, which may yield distinct recommendations for children three and four years of age:

(1) Outcomes and quality.

(A) What are the benchmarks for “high quality” in prekindergarten education?

(B) How should best practices be implemented and measured across various prekindergarten education settings?

(2) Capacity and demand.

(A) How many children, by age, does the current mixed-delivery system have the capacity to serve? In studying this issue, the Committee shall consider the number of children on waitlists and the number of vacancies in programs.

(B) What are the workforce requirements to expand prekindergarten education? In studying this question, the Committee may consider:

(i) whether there is a gap between the total number of licensed teachers currently working and the number needed for expansion;

(ii) whether there is a gap between the total prekindergarten education workforce, including paraeducators, and the number needed for expansion; and

(iii) the educational and training costs associated with training and retaining the workforce necessary for expansion?

(C) If prekindergarten education in the public school system is provided solely to children four years of age, what is the impact on the capacity and workforce of private prekindergarten providers?

(3) Special education.

(A) How many children three and four years of age are currently on individual education programs receiving services in public and private settings?

(B) Are children three and four years of age on individual education plans receiving the full range of services that they are entitled to?

(C) Does the availability or cost of special education services vary between private and public prequalified providers?

(4) Public school expansion.

(A) What infrastructure changes are necessary to expand prekindergarten education?

(B) How would the current prekindergarten education mixed-delivery system transition to a program within the public school system?

(C) What capacity needs to be built for developmentally appropriate afterschool and out-of-school-time care?

(D) Are changes needed to existing health and safety standards for public schools to accommodate children three and four years of age?

(5) Funding and costs.

(A) What are fiscally strategic options to sustain and expand universal prekindergarten education?

(B) What is the financial and business impact on regulated private childcare providers if the prekindergarten system transitions to public schools?

(C) What, if any, changes need to be made to pupil weights for prekindergarten students?

(D) What, if any, changes need to be made to tuition rates for private prekindergarten programs?

(6) Oversight.

(A) What additional Agency of Education personnel or resources would be needed to oversee an expansion of the current prekindergarten education system under either a mixed-delivery model, a public school system model, or a system that allows school districts to contract with private providers?

(B) What additional Agency of Human Services personnel or resources would be needed to oversee an expansion of the current mixed-delivery model or a private prekindergarten system?

(d) Assistance. The Committee shall have the administrative, technical, fiscal, and legal assistance of the Agencies of Education and of Human Services. If the Agencies are unable to provide the Committee with adequate support to assist with its technical, fiscal, or legal needs, then the Agency of Education shall retain a contractor with the necessary expertise to assist the Committee.

(e) Report. On or before December 1, 2023, the Committee shall submit a written report to the House Committees on Education and on Human Services and the Senate Committees on Education and on Health and Welfare with its findings and recommendations based on the analysis conducted pursuant to

subsection (c) of this section. The report shall include draft legislative language to support the Committee's recommendations.

(f) Meetings.

(1) The Secretary of Education or designee shall call the first meeting of the Committee to occur on or before July 15, 2023.

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

(3) The Committee shall cease to exist on February 1, 2024.

(g) 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 pursuant to 32 V.S.A. § 1010 for not more than 10 meetings per year. These payments shall be made from monies appropriated to the Agency of Education.

(h) Appropriations.

(1) The sum of \$5,000.00 is appropriated to the Agency of Education from the General Fund in fiscal year 2024 for per diem compensation and reimbursement of expenses for members of the Committee.

(2) The sum of \$100,000.00 is appropriated to the Agency of Education from the General Fund in fiscal year 2024 for cost of retaining a contractor as provided under subsection (d) of this section.

(3) Any unused portion of these appropriations shall, as of July 1, 2024, revert to the General Fund.

Sec. 1b. 16 V.S.A. § 213 is amended to read:

§ 213. DEPUTY SECRETARIES

The Secretary shall employ such number of deputy secretaries as he or she deems necessary at least two deputy secretaries. One deputy secretary shall:

(1) solely manage the Division of Student Support Services, which shall govern special education, early education, and multitiered systems of support; and

(2) hold at least a master's level degree in early childhood education, special education, child development, or a related field.

Sec. 1c. AGENCY OF EDUCATION; DEPUTY SECRETARY  
AUTHORIZATION

The establishment of a second Deputy Secretary position within the Agency of Education pursuant to 16 V.S.A. § 213 is authorized beginning in fiscal year

2025.

\* \* \* Child Care and Child Care Subsidies \* \* \*

Sec. 2. 33 V.S.A. § 3512 is amended to read:

§ 3512. CHILD CARE FINANCIAL ASSISTANCE PROGRAM;  
ELIGIBILITY

(a)(1) The Child Care Financial Assistance Program is established to subsidize, to the extent that funds permit, the costs of child care for families that need child care services ~~in order to obtain employment, to retain employment, or to obtain training leading to employment.~~ Families seeking employment ~~shall be entitled to participate in the Program for up to three months and the Commissioner may further extend that period.~~

(2) The subsidy authorized by this subsection shall be established by the Commissioner, by rule, and shall bear a reasonable relationship to income and family size. Families shall be found eligible using an income eligibility scale based on the current federal poverty level and adjusted for the size of the family. Co-payments shall be assigned to the whole family and shall not increase if more than one eligible child is enrolled in child care. Families with an annual gross income of less than or equal to ~~150~~ 185 percent of the current federal poverty guidelines shall not have a family co-payment. Families with an annual gross income up to and including ~~350~~ 600 percent of current federal poverty guidelines, adjusted for family size, shall be eligible for a subsidy authorized by the subsection. The scale shall be structured so that it encourages employment. If the federal poverty guidelines decrease in a given year, the Division shall maintain the previous year's federal poverty guidelines for the purpose of determining eligibility and benefit amount under this subsection.

(3) Earnings deposited in a qualified child education savings account, such as the Vermont Higher Education Investment Plan, established in 16 V.S.A. § 2877, or any similar plan qualified under 26 U.S.C. § 529, shall be disregarded in determining the amount of a family's income for the purpose of determining continuing eligibility.

(4) ~~After September 30, 2021,~~ a A regulated center-based child care program or family child care home as defined by the Department in rule shall not receive funds pursuant to this subsection that are in excess of the usual and customary rate for services at the center-based child care program or family child care home.

(5) The Department shall ensure that applications for the Child Care Financial Assistance Program use a simple, plain-language format. Applications shall be available in both electronic and paper formats.

\* \* \*

Sec. 3. PROVIDER RATE ADJUSTMENT; CHILD CARE FINANCIAL ASSISTANCE PROGRAM

On January 1, 2024, the Department for Children and Families shall provide a one-time adjustment to the child care provider reimbursement rates in the Child Care Financial Assistance Program for child care services provided to children from birth through four years of age, including children five years of age who are not yet enrolled for kindergarten. The adjusted reimbursement rate shall account for the age of the children served and be 38.5 percent higher than the fiscal year 2023 five-STAR reimbursement rate in the Vermont STARS system. All providers in the same child care setting category shall receive an identical reimbursement rate payment dependent upon whether the provider operates a regulated child care center and preschool program or regulated family child care home.

Sec. 4. 33 V.S.A. § 3514 is amended to read:

§ 3514. PAYMENT TO PROVIDERS FOR SCHOOL AGE CHILDREN

(a) The Commissioner shall establish a payment schedule for purposes of reimbursing providers for full- or part-time child care services to children over four years of age, excluding children five years of age who are not yet enrolled for kindergarten, rendered to families who participate in the programs established under section 3512 or 3513 of this title. Payments established under this section shall reflect the following considerations: whether the provider operates a licensed child care facility or a registered family child care home, type of service provided, cost of providing the service, and the prevailing market rate for comparable service. Payments shall be based on enrollment status ~~or any other basis agreed to by the provider and the Division.~~

\* \* \*

Sec. 4a. 33 V.S.A. § 3515 is added to read:

§ 3515. PAYMENT TO PROVIDERS FOR CHILDREN BIRTH THROUGH FOUR YEARS OF AGE; HIGH QUALITY INCENTIVE PROGRAM

(a) The Commissioner shall establish a payment schedule that accounts for the age of the children served for the purpose of reimbursing providers for full- or part-time child care services to children from birth through four years of age, including children five years of age who are not yet enrolled for kindergarten, rendered to families who participate in the programs established under section 3512 or 3513 of this title. All providers in the same child care setting category shall receive an identical reimbursement rate payment

dependent upon whether the provider operates a regulated child care center and preschool program or regulated family child care home. The rate used to reimburse providers shall be increased over the previous year's rate annually on July 1 in alignment with the most recent annual average wage growth for NAICS code 611, Educational Services, not to fall below zero percent. Child care services to infants and toddlers shall receive an enhanced reimbursement rate set by the Commissioner. Payments shall be based on enrollment.

(b) The Commissioner may establish a separate payment schedule for child care providers who have received specialized training, approved by the Commissioner, relating to protective or family support services.

(c)(1) Annually, the Department shall provide a flat incentive payment to all providers earning five STARS in the Vermont STARS system from the High-Quality Early Care and Education Special Fund pursuant to section 3516 of this chapter.

(2) Upon notice from a provider that the provider has achieved an increased STAR level in the Vermont STARS system, the Department shall award the provider a flat incentive payment equivalent to that received by providers earning five STARS pursuant to subdivision (1) of this subsection. Incentive payments shall be funded through the High-Quality Early Care and Education Special Fund pursuant to section 3516 of this chapter. A provider may earn an incentive payment under this subdivision for each additional STAR level achieved in the STARS system.

Sec. 4b. 33 V.S.A. § 3516 is added to read:

§ 3516. HIGH-QUALITY EARLY CARE AND EDUCATION SPECIAL FUND

(a) There is created a High-Quality Early Care and Education Special Fund administered by the Department for Children and Families, which shall be a special fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5.

(b) The High-Quality Early Care and Education Special Fund shall consist of any appropriation from the General Fund and any gifts, devises, or grants received for the purpose of this section.

(c) The High-Quality Early Care and Education Special Fund shall be used for the implementation and ongoing provision of incentive payments to providers pursuant to subsection 3515(c) of this chapter.

Sec. 5. 33 V.S.A. § 3517 is added to read:

§ 3517. CHILD CARE WAITLIST AND APPLICATION FEES

A child care provider shall not charge an application or waitlist fee for child care services where the applying child qualifies for the Child Care Financial Assistance Program pursuant to section 3512 or 3513 of this title. A child care provider shall reimburse an individual who is charged an application or waitlist fee for child care services if it is later determined that the applying child qualified for the Child Care Financial Assistance Program at the time the fee or fees were paid.

Sec. 6. PROVIDER COMPENSATION AND TOTAL COST OF CARE;  
RECOMMENDATIONS

(a) On or before November 1, 2023, the Department for Children and Families, in consultation with the Department of Labor, the Agency of Education, Building Bright Futures, and the Vermont Association for the Education of Young Children, shall submit a report to the House Committee on Human Services and to the Senate Committee on Health and Welfare addressing the following:

(1) whether and how to integrate a tiered professional pay scale for professionals who provide child care services as part of the Child Care Financial Assistance Program;

(2) the structure of tiered professional pay scales for professionals who provide child care services that have been implemented in other jurisdictions, including in New Mexico and the District of Columbia.

(3) the appropriate legal mechanism to implement any approved tiered professional pay scale for professionals who provide child care services, including consideration of statute, rule, departmental guidance, or some other appropriate mechanism.

(b) On or before November 1, 2024, the Department for Children and Families, in consultation with the Department of Labor, the Agency of Education, Building Bright Futures, and the Vermont Association for the Education of Young Children, shall submit to the House Committee on Human Services and to the Senate Committee on Health and Welfare:

(1) A tiered professional pay scale for professionals who provide child care services as defined in 33 V.S.A. § 3511 that is designed to provide professionals who provide child care services with compensation comparable to that received by early childhood educators in Vermont's public school system who serve children from prekindergarten through grade three. The tiered professional pay scale shall account for professionals' credentialing and



professional child care experience and shall include the addition of an appropriate fringe benefit rate. In developing the tiered professional pay scale, the Department for Children and Families shall refer to the child care and early childhood education financing study required pursuant to 2021 Acts and Resolves No. 45, Sec. 14; and

(2) A formula to calculate the total cost of care to serve children in a regulated child care facility as defined in 33 V.S.A. § 3511.

Sec. 7. 33 V.S.A. chapter 35, subchapter 6 is added to read:

Subchapter 6. Child Care Assistance for Additional Populations

§ 3551. NONCITIZEN CHILD CARE ASSISTANCE PROGRAM;  
LEGISLATIVE INTENT

In establishing the Noncitizen Child Care Assistance Program to provide child care subsidies for children who are not eligible for the Child Care Financial Assistance Program because of their citizenship status, it is the intent of the General Assembly that the benefits and eligibility criteria set forth in section 3552 of this chapter should align to the greatest extent practicable with the benefits and eligibility criteria in CCFAP as set forth in section 3512 of this chapter and corresponding rule.

§ 3552. NONCITIZEN CHILD CARE ASSISTANCE PROGRAM  
SUBSIDIES FOR CERTAIN VERMONT RESIDENTS

(a) For purposes of this section, the phrase “Vermont residents who have a citizenship status for which Child Care Financial Assistance Program (CCFAP) participation is not available” includes children of migrant workers who are employed in seasonal occupations in this State.

(b) The Department for Children and Families shall provide State-funded child care subsidies equivalent to those offered in the Child Care Financial Assistance Program (CCFAP) to Vermont residents who have a citizenship status for which CCFAP participation is not available and meet the service need and income eligibility standards established by the Department in rule.

(c)(1) The Department shall not inquire about or record the citizenship and immigration status of the applicant or any member of the applicant’s family.

(2) All applications submitted and records created pursuant to this section shall be exempt from public inspection and copying under the Public Records Act and shall be kept confidential. Absent a request for information by a U.S. agency pursuant to federal law, the Department shall not disclose any personally identifiable information regarding applicants or enrollees to the U.S. government.

(d) The Department for Children and Families may adopt rules in accordance with 3 V.S.A. chapter 25 to carry out the purposes of this section.

Sec. 8. DEPARTMENT FOR CHILDREN AND FAMILIES; NONCITIZEN CHILD CARE ASSISTANCE PROGRAM SUBSIDIES; FISCAL YEAR 2025 ESTIMATE

The Department for Children and Families shall provide information on the estimated fiscal year 2025 costs of providing coverage to Vermont residents who have a citizenship status for which Child Care Financial Assistance Program participation is not available pursuant to 33 V.S.A. § 3552 beginning on July 1, 2024 as part of the Department's fiscal year 2025 budget presentation to the House Committees on Appropriations and on Human Services and the Senate Committees on Appropriations and on Health and Welfare.

\* \* \* Special Accommodations Grant \* \* \*

Sec. 9. REPORT; SPECIAL ACCOMMODATIONS GRANT

On or before January 15, 2024, the Department for Children and Families' Child Development Division shall submit a report to the House Committee on Human Services and to the Senate Committee on Health and Welfare providing a proposal to streamline the application process for special accommodation grants, including:

(1) the suitability of moving to a 12-month grant cycle and for which populations;

(2) improving support and training for providing inclusive care for children with special needs;

(3) determining how to better meet the early learning needs of children with disabilities within a child care setting; and

(4) any other proposals the Department deems essential to the goal of streamlining the application process for special accommodation grants.

\* \* \* Child Care Workforce Retention Grants \* \* \*

Sec. 10. FY 2024 APPROPRIATION; CHILD CARE WORKER RETENTION GRANT PROGRAM

In fiscal year 2024, the sum of \$7,300,000.00 is appropriated from the General Fund to the Department for Children and Families for 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.

\* \* \* Scholarship for Prospective Early Childhood Providers \* \* \*

Sec. 11. 2021 Acts and Resolves No. 45, Sec. 8 is amended to read:

Sec. 8. REPEALS

(a) 33 V.S.A. § 3541(d) (reference to student loan repayment assistance program) is repealed on July 1, 2026.

(b) ~~33 V.S.A. § 3542 (scholarships for prospective early childhood providers) is repealed on July 1, 2026. [Repealed.]~~

(c) 33 V.S.A. § 3543 (student loan repayment assistance program) is repealed on July 1, 2026.

Sec. 12. APPROPRIATION; SCHOLARSHIPS FOR CURRENT EARLY CHILDHOOD PROVIDERS

In fiscal year 2024, \$500,000.00 is appropriated in addition to the base funding to the Department for Children and Families for the purpose of funding scholarships for current early childhood providers pursuant to 33 V.S.A. § 3541.

\* \* \* Transitional Assistance \* \* \*

Sec. 13. BUILDING BRIGHT FUTURES; TECHNICAL ASSISTANCE

(a) Building Bright Futures shall consult with and provide technical assistance to the Department for Children and Families for the purpose of implementing the provisions of this act, including reorganization of the Department for Children and Families, implementation of the changes to the Child Care Financial Assistance Program, and establishment the Noncitizen Child Care Assistance Program pursuant to 33 V.S.A. chapter 35. Specifically, Building Bright Futures shall assist the Department to:

(1) develop a concrete transition plan in relation to both the reorganization of the Department and changes to the Child Care Financial Assistance Program that ensures accountability using various metrics and addresses workforce and programmatic costs; and

(2) define and measure success in process and outcomes using a continuous quality improvement framework.

(b) Building Bright Futures shall monitor the transitions referenced in subsection (a) of this section and annually on January 15 between 2025–2028, submit a report to the House Committee on Human Services and the Senate Committee on Health and Welfare with its observations and recommendations.

\* \* \* Property Tax Exemption; Property Used by a Child Care Provider \* \* \*

Sec. 14. 32 V.S.A. § 3802(22) is added to read:

(22) Up to \$10,000.00 of value of real and personal property:

(A) owned by a home-based child care provider as defined by 33 V.S.A. § 3511(3) and used to provide child care services as defined by 33 V.S.A. § 3511(4); or

(B) rented at not less than 25 percent below fair market value as determined by the prevailing area market prices for comparable space or property to a center-based child care provider as defined by 33 V.S.A. § 3511(3) and used to provide child care services as defined by 33 V.S.A. § 3511(4).

Sec. 15. 32 V.S.A. § 3800(q) is added to read:

(q) The statutory purpose of the exemption for property owned by or rented to a child care provider in subdivision 3802(22) of this title is to lower the cost of providing child care services in Vermont.

Sec. 16. 32 V.S.A. § 5401(7) is amended to read:

(7) “Homestead”:

(A) “Homestead” means the principal dwelling and parcel of land surrounding the dwelling, owned and occupied by a resident individual as the individual’s domicile or owned and fully leased on April 1, provided the property is not leased for more than 182 days out of the calendar year or, for purposes of the renter credit under subsection 6066(b) of this title, is rented and occupied by a resident individual as the individual’s domicile.

\* \* \*

(F) A homestead also includes any other improvement or structure on the homestead parcel that is not used for business purposes. A homestead does not include that portion of a principal dwelling used for business purposes if the portion used for business purposes includes more than 25 percent of the floor space of the building.

\* \* \*

(H)(i) A homestead does not include any portion of a dwelling that is rented, and a dwelling is not a homestead for any portion of the year in which it is rented.

(ii) Notwithstanding subdivision (i) of this subdivision (7)(H), a homestead shall include a dwelling, or a portion of a dwelling, that otherwise qualifies as a homestead and that is rented at not less than 25 percent below

fair market value as determined by the prevailing area market prices for comparable space or property to a center-based child care provider as defined by 33 V.S.A. § 3511(3) and is used to provide child care services as defined by 33 V.S.A. § 3511(4).

\* \* \* Department for Children and Families Restructure and Creation of  
Department of Economic Empowerment \* \* \*

Sec. 17. 3 V.S.A. § 212 is amended to read:

§ 212. DEPARTMENTS CREATED

The following administrative departments are hereby created, through the instrumentality of which the Governor, under the Constitution, shall exercise such functions as are by law assigned to each department respectively:

\* \* \*

(24) The Department of Vermont Health Access-

(25) The Department of Economic Empowerment.

Sec. 18. 3 V.S.A. § 241 is amended to read:

§ 241. BACKGROUND INVESTIGATIONS

(a) “Federal tax information” or “FTI” means returns and return information as defined in 26 U.S.C. § 6103(b) that are received directly from the Internal Revenue Service or obtained through an IRS-authorized secondary source, that are in the Recipient’s possession or control, and that are subject to the confidentiality protections and safeguarding requirements of the Internal Revenue Code and corresponding federal regulations and guidance.

(b) As used in this chapter, “Recipient” means the following authorities of the Executive Branch of State government that receive FTI:

(1) Agency of Human Services, including:

(A) Department for Children and Families;

(B) Department of Economic Empowerment;

(C) Department of Health;

~~(D)~~ Department of Mental Health; and

~~(E)~~ Department of Vermont Health Access.

(2) Department of Labor.

(3) Department of Motor Vehicles.

(4) Department of Taxes.

- (5) Agency of Digital Services.
- (6) Department of Buildings and General Services.

\* \* \*

Sec. 19. 3 V.S.A. § 816 is amended to read:

§ 816. EXEMPTIONS

(a) Sections 809–813 of this title shall not apply to:

(1) Acts, decisions, findings, or determinations by the Human Services Board or the ~~Commissioner~~ Commissioners of Economic Empowerment or for Children and Families or a duly authorized agent, and to procedures or hearings before and by the Board or Commissioner or agent.

\* \* \*

Sec. 20. 3 V.S.A. § 3002 is amended to read:

§ 3002. CREATION OF AGENCY

(a) An Agency of Human Services is created consisting of the following:

- (1) The Department of Corrections.
- (2) The Department for Children and Families.
- (3) The Department of Health.
- (4) The Department of Disabilities, Aging, and Independent Living.
- (5) The Human Services Board.
- (6) The Department of Vermont Health Access.
- (7) The Department of Mental Health.
- (8) The Department of Economic Empowerment.

\* \* \*

Sec. 21. 3 V.S.A. § 3051 is amended to read:

§ 3051. COMMISSIONERS; DEPUTY COMMISSIONERS;  
APPOINTMENT; TERM

\* \* \*

(c) For the Department for Children and Families, the Secretary, with the approval of the Governor, shall appoint deputy commissioners for the following divisions of the Department:

- (1) ~~Economic Services;~~

(2) Child Development; and

(3)(2) Family Services.

\* \* \*

(e) For the Department of Economic Empowerment, the Secretary, with the approval of the Governor, shall appoint deputy commissioners for the following divisions of the Department:

(1) Disability Determination Services; and

(2) Economic Services Division.

(f) Deputy commissioners shall be exempt from the classified service. Their appointments shall be in writing and shall be filed in the Office of the Secretary of State.

Sec. 22. 3 V.S.A. § 3084 is amended to read:

§ 3084. DEPARTMENT FOR CHILDREN AND FAMILIES

(a) ~~The Department for Children and Families is created within the Agency of Human Services as the successor to and the continuation of the Department of Social and Rehabilitation Services, the Department of Prevention, Assistance, Transition, and Health Access, excluding the Department of Vermont Health Access, the Office of Economic Opportunity, and the Office of Child Support. The Department shall also include a Division of Child Development Programs to promote the healthy development of children and youth, oversee and support a system of high-quality child care programs in home- and community-based settings, and provide assistance and support to parents and families. It shall include the Divisions of Child Development and of Family.~~

(b) An investigations unit is created within the Department for Children and Families as the successor to and continuation of the investigation functions of the Social Services Division of the Department of Social and Rehabilitation Services under 33 V.S.A. chapter 49.

Sec. 23. 3 V.S.A. § 3091 is amended to read:

§ 3091. HEARINGS

(a) An applicant for or a recipient of assistance, benefits, or social services from the Department for Children and Families, of Economic Empowerment, of Vermont Health Access, of Disabilities, Aging, and Independent Living, or of Mental Health, ~~or~~; an applicant for a license from one of those departments; ~~;~~ or a licensee may file a request for a fair hearing with the Human Services Board. An opportunity for a fair hearing ~~will~~ shall be granted

to any individual requesting a hearing because ~~his or her~~ the individual's claim for assistance, benefits, or services is denied, or is not acted upon with reasonable promptness; or because the individual is aggrieved by any other Agency action affecting ~~his or her~~ the individual's receipt of assistance, benefits, or services, or license or license application; or because the individual is aggrieved by Agency policy as it affects ~~his or her~~ the individual's situation.

\* \* \*

Sec. 24. 3 V.S.A. § 3094 is amended to read:

§ 3094. OFFICE OF CHILD SUPPORT

(a) The Office of Child Support is created within the Department ~~for Children and Families~~ of Economic Empowerment and shall be designated the IV-D agency for purposes of Title IV-D of the federal Social Security Act.

(b) The Office shall be headed by a Director who shall be appointed by the Secretary of Human Services subject to section 3054 of this title.

Sec. 25. 3 V.S.A. § 3098 is added to read:

§ 3098. DEPARTMENT OF ECONOMIC EMPOWERMENT

The Department of Economic Empowerment is created within the Agency of Human Services to empower families and individuals through the provision of financial support, case management, and other assistance aimed at building skills and independence. It shall include the Office of Child Support, the Office of Economic Opportunity, the Disability Determination Services Division, and the Economic Services Division.

Sec. 26. 4 V.S.A. § 953 is amended to read:

§ 953. SOURCES OF NAMES

(a) The clerk, in order to ascertain names of persons eligible as jurors, may consult the latest census enumeration, the latest published city, town, or village telephone or other directory, the listers' records, the elections records, and any other general source of names.

(b) Notwithstanding any law to the contrary, the Court Administrator may obtain the names, addresses, and dates of birth of persons ~~which~~ that are contained in the records of the Department of Motor Vehicles, the Department of Labor, the Department of Taxes, the Department of Health, the Department of Economic Empowerment, and the Department for Children and Families. The Court Administrator may also obtain the names of voters from the Secretary of State. After the names have been obtained, the Court Administrator shall compile them and provide the names, addresses, and dates of birth to the clerk in a form that will not reveal the source of the names.



The clerk shall include the names provided by the Court Administrator in the list of potential jurors.

\* \* \*

Sec. 27. 8 V.S.A. § 10204 is amended to read:

§ 10204. EXCEPTIONS

This subchapter does not prohibit any of the activities listed in this section. This section shall not be construed to require any financial institution to make any disclosure not otherwise required by law. This section shall not be construed to require or encourage any financial institution to alter any procedures or practices not inconsistent with this subchapter. This section shall not be construed to expand or create any authority in any person or entity other than a financial institution.

\* \* \*

(4) Disclosure of information sought by the Department for Children and Families pursuant to its authority and obligations under 33 V.S.A. § 112.

\* \* \*

(27) Disclosure of information sought by the Department of Economic Empowerment pursuant to its authority and obligations under 33 V.S.A. § 212.

Sec. 28. 9 V.S.A. § 2480h is amended to read:

§ 2480h. SECURITY FREEZE BY CREDIT REPORTING AGENCY; TIME IN EFFECT

\* \* \*

(1) The provisions of this section, including the security freeze, do not apply to the use of a consumer report by the following:

\* \* \*

(5) The Economic Services Division of the Department ~~for Children and Families~~ of Economic Empowerment or the Department of Vermont Health Access or its agents or assignee acting to investigate welfare or Medicaid fraud.

\* \* \*

Sec. 29. 9 V.S.A. § 2483a is amended to read:

§ 2483a. SECURITY FREEZE FOR PROTECTED CONSUMER; TIME IN EFFECT

\* \* \*

(l) The provisions of this section, including the protected consumer security freeze, do not apply to the use of a consumer report by the following:

\* \* \*

(5) The Economic Services Division of the Department ~~for Children and Families~~ of Economic Empowerment or the Department of Vermont Health Access or its agents or assignees acting to investigate welfare or Medicaid fraud.

\* \* \*

Sec. 30. 9 V.S.A. § 4472 is amended to read:

§ 4472. RIGHT TO TERMINATE RENTAL AGREEMENT

\* \* \*

(b) Not less than 30 days before the date of termination, the protected tenant shall provide to the landlord:

(1) a written notice of termination; and

(2) documentation from one or more of the following sources supporting ~~his or her~~ the tenant's reasonable belief that it is necessary to vacate the dwelling unit:

(A) a court, law enforcement, or other government agency;

(B) an abuse, sexual assault, or stalking assistance program;

(C) a legal, clerical, medical, or other professional from whom the tenant, or the minor or dependent of the tenant, received counseling or other assistance concerning abuse, sexual assault, or stalking; or

(D) a self-certification of a protected tenant's status as a victim of abuse, sexual assault, or stalking, signed under penalty of perjury, on a standard form adopted for that purpose by:

(i) a federal or State government entity, including the federal Department of Housing and Urban Development, the Vermont Department of Economic Empowerment, or the Vermont Department for Children and Families; or

(ii) a nonprofit organization that provides support services to protected tenants.

\* \* \*

Sec. 31. 10 App. V.S.A. § 16 is amended to read:

§ 16. SUSPENSION OF LICENSES: ENFORCEMENT OF CHILD  
SUPPORT ORDERS, 15 V.S.A. § 798

\* \* \*

16.3 All notices of compliance with a child support order shall be upon a standard compliance form, as devised and approved by the court, the Vermont Agency of Human Services, Department of ~~Children and Families~~ Economic Empowerment, and this Department.

16.4 If the motion for the court order was brought by the Vermont Agency of Human Services, Department of ~~Children and Families~~ Economic Empowerment, then notice of compliance shall only be accepted from the Vermont Agency of Human Services, Department of ~~Children and Families~~ Economic Empowerment or the court.

\* \* \*

16.8 Department personnel shall direct all inquiries from persons seeking reinstatement to the court or the Vermont Agency of Human Services, Department of ~~Children and Families~~ Economic Empowerment, if ~~the~~ Vermont Agency of Human Services, Department of ~~Children and Families~~ Economic Empowerment was the entity ~~which~~ that brought the motion for suspension before this court.

Sec. 32. 12 V.S.A. § 3169 is amended to read:

§ 3169. HEARING ON MOTION; FINDINGS; ORDER

(a) At the hearing on the motion the court shall determine on the basis of the motion and any affidavit of the judgment creditor, the record in the civil action and any testimony offered by either party, and by the trustee whether the judgment debtor has neglected or refused to pay or make reasonable arrangements to pay the money judgment in question. If the court so finds, it shall also determine:

(1) the amount of the judgment unpaid;

(2) the amount of the judgment debtor's weekly disposable earnings;

(3) whether the judgment debtor has been a recipient of assistance from the Vermont ~~Department~~ Departments for Children and Families, of Economic Empowerment, or the ~~Department~~ of Vermont Health Access within the two months preceding the date of the hearing; and

\* \* \*

Sec. 33. 12 V.S.A. § 3170 is amended to read:

§ 3170. EXEMPTIONS; ISSUANCE OF ORDER

(a) No order approving the issuance of trustee process against earnings shall be entered against a judgment debtor who was, within the two-month period preceding the hearing provided in section 3169 of this title, a recipient of assistance from the Vermont Department ~~for Children and Families of~~ Economic Empowerment or the Department of Vermont Health Access. The judgment debtor must establish this exemption at the time of hearing.

\* \* \*

Sec. 34. 13 V.S.A. § 1028 is amended to read:

§ 1028. ASSAULT OF PROTECTED PROFESSIONAL; ASSAULT WITH BODILY FLUIDS

\* \* \*

(d) As used in this section:

(1) “Protected professional” ~~shall mean~~ means a law enforcement officer; a firefighter; a health care worker; an employee, contractor, or grantee of the Department for Children and Families or Department of Economic Empowerment; or any emergency medical personnel as defined in 24 V.S.A. § 2651(6).

\* \* \*

Sec. 35. 15 V.S.A. § 294 is amended to read:

§ 294. MAN UNRELATED ADULT IN THE HOUSE

(a) When the ~~mother parent~~ parent of minor children is residing within the same household as a ~~man~~ an adult unrelated to ~~her~~ the parent and not otherwise liable for the support of the ~~mother and her~~ parent and the parent's children, on the complaint of the ~~mother parent~~ parent or, if ~~she~~ the parent is receiving public assistance, the ~~Department~~ Departments of Economic Empowerment or for Children and Families, the Superior Court shall make such decree concerning the support of the ~~mother parent~~ parent and the care, custody, maintenance, and education of the children as in cases where the ~~husband~~ nonresidential parent refuses without just cause to support ~~his wife~~ the parent living with the children and the children. The decree shall by its terms continue in force for so long as the defendant resides within the household or until further order of the court.

(b) This section shall not apply to persons living in boarding houses.

Sec. 36. 15 V.S.A. § 606 is amended to read:

§ 606. ACTION TO RECOVER MAINTENANCE, CHILD SUPPORT, AND SUIT MONEY; SANCTION FOR NONCOMPLIANCE

(a) When a judgment or order for the payment of either temporary or permanent maintenance, child support, or suit money has been made by the Family Division of the Superior Court, and personal jurisdiction of the person liable for the payment of money under the judgment or order has been obtained, the party entitled by the terms of the judgment or order to payment thereunder, or the Office of Child Support in all cases in which the party or dependent children of the parties are the recipients of financial assistance from the ~~Department~~ Departments of Economic Empowerment or for Children and Families, may file a motion in the Family Division of the Superior Court asking for a determination of the amount due. Upon notice to the other party and hearing thereon, the Family Division of the Superior Court shall render judgment for the amount due under the judgment or order; the court may order restitution to the ~~Department~~ Departments, order that payments be made to the Office of Child Support for distribution, or make such other orders or conditions as it deems proper. The judgment shall be as binding and as enforceable in all respects as though rendered in any other civil action. Notice shall be given in such manner as the Supreme Court shall by rule provide. An additional motion may be brought at any time for further unpaid balances. The Family Division of the Superior Court in which the cause was pending at the time the original judgment or order was made shall have jurisdiction of motions under the provisions of this section, irrespective of the amount in controversy or the residence of the parties. The motions may be brought and judgment obtained on judgments, decrees, and orders previously rendered and still in force.

\* \* \*

Sec. 37. 15 V.S.A. § 658 is amended to read:

§ 658. SUPPORT

(a) In an action under this chapter or under chapter 21 of this title, the court shall order either or both parents owing a duty of support to a child to pay an amount for the support of the child in accordance with the support guidelines as set forth in this subchapter, unless otherwise determined under section 659 of this title.

(b) A request for support may be made by either parent, a guardian, or the Department for Children and Families, Department of Economic Empowerment, or the Department of Vermont Health Access, if a party in interest. A court may also raise the issue of support on its own motion.

\* \* \*

Sec. 38. 16 V.S.A. § 1592 is amended to read:

§ 1592. POWERS AND RESPONSIBILITIES OF BOARD OF TRUSTEES

With respect to the provision of postsecondary career technical education programs, in addition to those powers and responsibilities set forth in chapter 72 of this title, the Vermont State Colleges Board of Trustees shall:

\* \* \*

(3) coordinate such programs with other employment and training programs such as those offered by the Department of Employment and Training, the Department of Labor, the Department ~~for Children and Families of Economic Empowerment~~, the Agency of Commerce and Community Development, independent colleges, and the Vermont Student Assistance Corporation; and

(4) possess all other necessary and implied powers to carry out such responsibilities.

Sec. 39. 18 V.S.A. § 5227 is amended to read:

§ 5227. RIGHT TO DISPOSITION

\* \* \*

(d)(1) If the disposition of the remains of a decedent is determined under subdivision (a)(10) of this section, the Office of the Chief Medical Examiner may contract with a funeral director or disposition facility to cremate the remains of the decedent.

(2)(A) If the cremation of the decedent is arranged and paid for under 33 V.S.A. § 2301, the Department ~~for Children and Families of Economic Empowerment~~ shall pay the cremation expenses to the funeral home, up to the maximum payment permitted by rule by the Department ~~for Children and Families of Economic Empowerment~~.

(B) If the cremation of the decedent is not arranged and paid for under 33 V.S.A. § 2301, the Department of Health shall pay the cremation expenses to the funeral home, up to the maximum payment permitted by rule by the Department ~~for Children and Families of Economic Empowerment~~.

\* \* \*

Sec. 40. 18 V.S.A. § 8101 is amended to read:

§ 8101. LIABILITY

\* \* \*

(e) In ~~his or her~~ the Commissioner's investigation, keeping of accounts, and collection of charges, the Commissioner shall have the support and cooperation of the Department for ~~Children and Families of Economic Empowerment~~ insofar as the records of that Department relate to the ability to pay.

\* \* \*

Sec. 41. 28 V.S.A. § 755 is amended to read:

§ 755. DISPOSITION OF EARNINGS

An inmate participating in a work release program shall cause to be given to the Commissioner the inmate's total earnings less payroll deductions authorized by law, including income taxes. Upon receipt of the earnings the Commissioner, to the extent reasonable, may:

(1) Deduct an amount determined to be equivalent to the cost of providing for the living expenses of the inmate.

(2) Cause to be paid, as are needed, any of the following:

(A) Any costs or fine imposed by the sentencing court.

(B) Any restitution included as part of the sentence of the inmate by the court.

(C) Any sum as is needed for the support of the dependents of the inmate, in which case the Commissioner shall notify the ~~Commissioner~~ Commissioners of Economic Empowerment and for Children and Families of the support payments.

\* \* \*

Sec. 42. 30 V.S.A. § 218 is amended to read:

§ 218. JURISDICTION OVER CHARGES AND RATES

\* \* \*

(c)(1) The Public Utility Commission shall take any action necessary to enable the State of Vermont and telecommunications companies offering service in Vermont to participate in the federal Lifeline program administered by the Federal Communications Commission (FCC) or its agent and also the Vermont Lifeline program described in subdivision (2) of this subsection.

\* \* \*

(4) Notwithstanding any provisions of this subsection to the contrary, a subscriber who is enrolled in the Lifeline program and has obtained a final relief from abuse order in accordance with the provisions of 15 V.S.A. chapter

21 or 33 V.S.A. chapter 69 shall qualify for a Lifeline benefit credit for the amount of the incremental charges imposed by the local telecommunications company for treating the number of the subscriber as nonpublished and any charges required to change from a published to a nonpublished number. As used in this section, "nonpublished" means that the customer's telephone number is not listed in any published directories, is not listed on directory assistance records of the company, and is not made available on request by a member of the general public, notwithstanding any claim of emergency a requesting party may present. The Department for ~~Children and Families of~~ Economic Empowerment shall develop an application form and certification process for obtaining this Lifeline benefit credit.

\* \* \*

Sec. 43. 32 V.S.A. § 308b is amended to read:

§ 308b. HUMAN SERVICES CASELOAD RESERVE

(a) There is created within the General Fund a the Human Services Caseload Reserve. Expenditures from the Reserve shall be subject to an appropriation by the General Assembly or approval by the Emergency Board. Expenditures from the Reserve shall be limited to Agency of Human Services caseload-related needs primarily in the Departments for Children and Families, of Economic Empowerment, of Health, of Mental Health, of Disabilities, Aging, and Independent Living, of Vermont Health Access, and settlement costs associated with managing the Global Commitment waiver.

\* \* \*

Sec. 44. 32 V.S.A. § 1003 is amended to read:

§ 1003. STATE OFFICERS

\* \* \*

(b) The Governor may appoint each officer of the Executive Branch listed in this subsection at a starting salary ranging from the base salary stated for that position to a salary that does not exceed the maximum salary unless otherwise authorized by this subsection. The maximum salary for each appointive officer shall be 50 percent above the base salary. Annually, the Governor may grant to each of those officers an annual salary adjustment subject to the maximum salary. The annual salary adjustment granted to officers under this subsection shall not exceed the average rate of adjustment available to classified employees under the collective bargaining agreement then in effect. In addition to the annual salary adjustment specified in this subsection, the Governor may grant a special salary increase subject to the maximum salary, or a bonus, to any officer listed in this subsection whose job



duties have significantly increased, or whose contributions to the State in the preceding year are deemed especially significant. Special salary increases or bonuses granted to any individual shall not exceed the average rate of adjustment available to classified employees under the collective bargaining agreement then in effect.

(1) Heads of the following Departments and Agencies:

	Base Salary as of January 5, 2020	Base Salary as of July 4, 2021
(A) Administration	\$121,634	\$126,378
(B) Agriculture, Food and Markets	121,634	126,378
(C) Financial Regulation	113,710	118,145
(D) Buildings and General Services	113,710	118,145
(E) Children and Families	113,710	118,145
(F) Commerce and Com- munity Development	121,634	126,378
(G) Corrections	113,710	118,145
(H) Defender General	113,710	118,145
(I) Disabilities, Aging, and Independent Living	113,710	118,145
(J) Economic Development	103,149	107,172
(K) Education	121,634	126,378
(L) Environmental Conservation	113,710	118,145
(M) Finance and Management	113,710	118,145
(N) Fish and Wildlife	103,149	107,172
(O) Forests, Parks and Recreation	103,149	107,172
(P) Health	113,710	118,145
(Q) Housing and Community Development	103,149	107,172
(R) Human Resources	113,710	118,145
(S) Human Services	121,634	126,378
(T) Digital Services	121,634	126,378

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(U)	Labor	113,710	118,145
(V)	Libraries	103,149	107,172
(W)	Liquor and Lottery	103,149	107,172
(X)	[Repealed.]		
(Y)	Mental Health	113,710	118,145
(Z)	Military	113,710	118,145
(AA)	Motor Vehicles	103,149	107,172
(BB)	Natural Resources	121,634	126,378
(CC)	Natural Resources Board Chair	103,149	107,172
(DD)	Public Safety	113,710	118,145
(EE)	Public Service	113,710	118,145
(FF)	Taxes	113,710	118,145
(GG)	Tourism and Marketing	103,149	107,172
(HH)	Transportation	121,634	126,378
(II)	Vermont Health Access	113,710	118,145
(JJ)	Veterans' Home	113,710	118,145
(KK)	<u>Economic Empowerment</u>	<u>113,710</u>	<u>118,145</u>

\* \* \*

Sec. 45. 32 V.S.A. § 3102 is amended to read:

§ 3102. CONFIDENTIALITY OF TAX RECORDS

\* \* \*

(f) Notwithstanding the provisions of this section, information obtained from the Commissioner for Children and Families under 33 V.S.A. § 112(c), from the Commissioner of Economic Empowerment under 33 V.S.A. § 212(c), from the Vermont Student Assistance Corporation under 16 V.S.A. § 2843, or from the Dental Health Program under 33 V.S.A. § 4507 shall be confidential, and it shall be unlawful for anyone to divulge such information except in accordance with a judicial order or as provided under another provision of law.

\* \* \*

Sec. 46. 32 V.S.A. § 5932 is amended to read:

§ 5932. DEFINITIONS

As used in this chapter:

\* \* \*

(2) “Debtor” means any individual owing a debt to a claimant agency or owing any support debt that may be collected by the ~~Department~~ Departments for Children and Families and of Economic Empowerment.

\* \* \*

Sec. 47. 33 V.S.A. chapter 1 is amended to read:

CHAPTER 1. DEPARTMENT FOR CHILDREN AND FAMILIES

Subchapter 1. Policy, Organization, Powers, and Duties

§ 101. POLICY

It is the policy of the State of Vermont that:

(1) Its social and child welfare programs shall provide assistance, support, and benefits to persons of the State in proven need thereof ~~and eligible for such assistance and benefits of and eligible for assistance, support, and benefits~~ under the provisions of this title.

(2) It is the purpose of its social and child welfare laws to establish and support programs that contribute to the prevention of dependency and social maladjustment and contribute to the rehabilitation and protection of persons of the State.

(3) Assistance and benefits shall be administered promptly, with due regard for the welfare of children and youth and the preservation of family life, and without restriction of individual rights or discrimination on account of gender, sexual orientation, gender identity, race, religion, political affiliation, or place of residence within the State.

(4) Assistance and benefits shall be ~~so~~ administered ~~as~~ to maintain and encourage dignity, self-respect, and self-reliance. It is the legislative intent that assistance granted shall be adequate to maintain a reasonable standard of health and decency based on current cost of living indices. ~~Notwithstanding this subdivision, the Department will amend rules that establish new maximum Reach Up grant amounts only when the General Assembly has taken affirmative action to increase or decrease the Reach Up financial assistance appropriation.~~

(5) The programs of the Department for Children and Families shall be designed to strengthen family life for the care and protection of children;

promote healthy child development and support a high-quality child care system throughout the State; to assist and encourage the use by any family of all available personal and reasonable community resources to this end; and to provide substitute care of children only when the family, with the use of available resources, is unable to provide the necessary care and protection to ensure the right of any child to sound health and to normal physical, mental, spiritual, and moral development.

(6) The child care system shall provide affordable, high-quality care in a manner that fosters child brain development, nurtures socio-emotional skills, and supports young families. The Department shall provide leadership and expertise to early educators and child care programs to ensure that children receive age-appropriate care tailored to their unique needs.

\* \* \*

#### § 104. FUNCTION AND POWERS OF DEPARTMENT

(a) The Department shall administer all laws specifically assigned to it for administration.

(b) In addition to other powers vested in it by law, the Department may do all of the following:

(1) ~~Provide for the administration of the following programs and services:~~

~~(A) aid to the aged, blind, and disabled;~~

~~(B) Reach Up financial assistance and support services;~~

~~(C) [Repealed.]~~

~~(D) federal Supplemental Nutrition Assistance Program benefits;~~

~~(E) General Assistance;~~

~~(F) medical assistance; and~~

~~(G) public assistance programs funded with State general funds or the Temporary Assistance to Needy Families (TANF) block grant. [Repealed.]~~

(2) Cooperate with the appropriate federal agencies in receiving, to the extent available, federal funds in support of programs that the Department administers.

(3) Submit plans and reports, adopt rules, and in other respects comply with the provisions of the Social Security Act that pertain to programs administered by the Department.

(4) Receive and disburse funds that are assigned, donated, or bequeathed to it for charitable purposes or for the benefit of recipients of assistance, benefits, or social services. This subdivision shall not be construed to require the Department to accept funds or trusts when the Commissioner, with the approval of the Governor, considers it in the best interests of the State to refuse them.

(5) Receive in trust and expend, in accordance with the provisions of the trust, funds and property assigned, donated, devised, or bequeathed to it for charitable purposes or for the benefit of recipients of assistance, benefits, or social services. Trust funds accepted by the Department shall be safely invested by the State Treasurer. Real property received in trust may, at the discretion of the Commissioner, be administered by the Department of Buildings and General Services of the Agency of Administration. This subdivision shall not be construed to require the Department to accept funds or trusts when the Commissioner, with the approval of the Governor, considers it in the best interests of the State to refuse them.

(6) Aid and assist in charitable work as in the judgment of the Commissioner will best promote the general welfare of the State.

(7) Visit all institutions, homes, places, and establishments soliciting public support and located in the State that are devoted to or used for the care of ~~needy persons~~ children.

(8) Visit all institutions, homes, places, and establishments providing room, board, or care to ~~persons~~ children receiving social services or benefits from the Department.

(9) Supervise and control children under its care and custody and provide for their care, maintenance, and education.

(c) The Department for Children and Families, in cooperation with the Department of Corrections, shall have the responsibility to administer a comprehensive program for youthful offenders and children who commit delinquent acts, including utilization of probation services; of a range of community-based and other treatment, training, and rehabilitation programs; and of secure detention and treatment programs when necessary in the interests of public safety, designed with the objective of preparing those children to live in their communities as productive and mature adults.

#### § 105. COMMISSIONER; APPOINTMENT, TERM, DUTIES, AND POWERS

(a) The Commissioner may exercise the powers and perform duties required for effective administration of the Department, and ~~he or she~~ shall determine the policies of the Department.

- (b) In addition to other duties imposed by law, the Commissioner shall:
- (1) administer the laws assigned to the Department;
  - (2) fix standards and adopt rules necessary to administer those laws and for the custody and preservation of records of the Department;
  - (3) appoint all necessary assistants, prescribe their duties, and adopt rules necessary to ensure that the assistants shall hold merit system status while in the employ of the Department, unless otherwise specifically provided by law.
- (c) ~~The Commissioner or the Governor, whenever the federal law so provides, may cooperate with the federal government in providing relief and work relief and community work and training programs in the State shall hold at least a master's level degree in child development, early childhood education, or related field.~~
- (d) The Commissioner, with the approval of the Attorney General, may enter into reciprocal agreements with social and child welfare agencies in other states in matters relating to social welfare, children, and families.
- (e) The Commissioner shall ensure the provision of services to children and adolescents with a severe emotional disturbance in coordination with the Secretary of Education and the Commissioners of Mental Health and of Disabilities, Aging, and Independent Living in accordance with the provisions of chapter 43 of this title.
- (f) Notwithstanding any other provision of law, the Commissioner may delegate to any appropriate employee of the Department any of the administrative duties and powers imposed on ~~him or her~~ the Commissioner by law, with the exception of the duties and powers enumerated in this section. The delegation of authority and responsibility shall not relieve the Commissioner of accountability for the proper administration of the Department.
- (g) The Commissioner may publicly disclose findings or information about any case of child abuse or neglect that has resulted in the fatality or near fatality of a child, including information obtained under chapter 49 of this title, unless the State's Attorney or Attorney General who is investigating or prosecuting any matter related to the fatality requests the Commissioner to withhold disclosure, in which case the Commissioner shall not disclose any information until completion of any criminal proceedings related to the fatality or until the State's Attorney or Attorney General consents to disclosure, whichever occurs earlier.

\* \* \*

§ 112a. FINANCIAL INSTITUTIONS TO FURNISH INFORMATION;  
ASSET VERIFICATION

(a)(1) A financial institution, when requested by Department, shall furnish to the Commissioner or the Commissioner's designee information in the possession of the financial institution about the assets of any applicant who is applying for or is receiving assistance or benefits from the Department or the applicant's spouse. The Department shall issue instructions to the financial institution detailing the nature of the request and the information necessary to satisfy the request.

(2) A financial institution or employee of a financial institution shall not be subject to criminal or civil liability for actions taken in accordance with this subsection.

(b)(1) Each application for assistance or benefits submitted to the Department shall contain a form of authorization, executed by the applicant, granting authority for the Department and its authorized agents to obtain financial information about the applicant's assets from financial institutions in order to verify the applicant's eligibility for the applicable program. The Department or its authorized agent shall obtain the applicant's authorization prior to requesting the applicant's financial information from any financial institution.

(2) The Department shall ensure the applicant receives notice written in plain language explaining the Department's electronic asset verification system.

(c) In the event that the financial information of an applicant's spouse is required to determine an applicant's eligibility for a program, the Department shall provide written notice regarding the asset verification process to the spouse and shall obtain the spouse's written authorization for the Department and its agents to obtain the spouse's financial information from financial institutions prior to requesting the spouse's financial information from any financial institution. The Department may determine an applicant to be ineligible if the applicant's spouse refuses to provide or revokes consent.

(d) As used in this section:

(1) "Bank" has the same meaning as in 8 V.S.A. § 11101.

(2) "Broker-dealer" has the same meaning as in 9 V.S.A. § 5102.

(3) "Credit union" has the same meaning as in 8 V.S.A. § 30101.

(4) "Financial institution" means any Vermont financial institution, state financial institution, and national financial institution, including a bank, credit union, broker-dealer, investment advisor, mutual fund, or investment company.

(5) “Investment advisor” has the same meaning as in 9 V.S.A. § 5102.

(6) “Mutual fund” has the same meaning as in 8 V.S.A. § 3461.

\* \* \*

### Subchapter 3. Provisions of General Applicability

#### § 121. CANCELLATION OF ASSISTANCE OR BENEFITS

If at any time the Commissioner for Children and Families ~~or the Commissioner of Vermont Health Access~~ has reason to believe that assistance or benefits have been improperly obtained, ~~he or she~~ the Commissioner shall cause an investigation to be made and may suspend assistance or benefits pending the investigation. If, on investigation, the Commissioner for Children and Families ~~or the Commissioner of Vermont Health Access~~ is satisfied that the assistance or benefits were illegally obtained, ~~he or she~~ the Commissioner shall immediately cancel them. A person having illegally obtained assistance or benefits shall not be eligible for reinstatement until ~~his or her~~ the person's need has been reestablished.

#### § 122. RECOVERY OF PAYMENTS

(a) The amount of assistance or benefits may be changed or cancelled at any time if the Commissioner for Children and Families ~~or the Commissioner of Vermont Health Access~~ finds that the recipient's circumstances have changed. Upon granting assistance or benefits, the Department for Children and Families ~~or the Department of Vermont Health Access~~ shall inform the recipient that changes in ~~his or her~~ the recipient's circumstances must be promptly reported to the Department.

(b) When on the death of a person receiving assistance it is found that the recipient possessed income or property in excess of that reported to the Department for Children and Families ~~or the Department of Vermont Health Access~~, up to double the total amount of assistance in excess of that to which the recipient was lawfully entitled may be recovered by the Commissioner for Children and Families ~~or the Commissioner of Vermont Health Access~~ as a preferred claim from the estate of the recipient. The Commissioner for Children and Families ~~or the Commissioner of Vermont Health Access~~ shall calculate the amount of the recovery by applying the legal interest rate to the amount of excess recovery paid, except that the recovery shall be capped at double the excess assistance paid.

(c) When the Commissioner for Children and Families ~~or the Commissioner of Vermont Health Access~~ finds that a recipient of benefits received assistance in excess of that to which the recipient was lawfully entitled, because the recipient possessed income or property in excess of



Department standards, the Commissioner for Children and Families ~~or the Commissioner of Vermont Health Access~~ may take actions to recover the overpayment.

(d) In the event of recovery, an amount may be retained by the Commissioner for Children and Families ~~or the Commissioner of Vermont Health Access~~ in a special fund for use in offsetting program expenses and an amount equivalent to the pro rata share to which the United States of America is equitably entitled shall be paid promptly to the appropriate federal agency.

#### § 123. ~~GUARDIAN OR LEGAL REPRESENTATIVE~~

~~(a) If the Commissioner finds that an applicant for or recipient of assistance is incapable of taking care of himself or herself or his or her business affairs, the Commissioner may direct the payment of the assistance to a guardian appointed by the Probate Division of the Superior Court.~~

~~(b) If the Commissioner finds that an applicant for or recipient of assistance is incapable of prudently attending to his or her business affairs, the Commissioner may direct the payment of the assistance to the legal representative of the person appointed by the Probate Division of the Superior Court. [Repealed.]~~

\* \* \*

#### Subchapter 5. Prohibited Practices; Penalties

#### § 141. FRAUD

(a) A person who knowingly fails, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose a material fact used to determine whether that person is qualified to receive aid or benefits under a State or federally funded assistance program; or who knowingly fails to disclose a change in circumstances in order to obtain or continue to receive aid or benefits to which ~~he or she~~ the person is not entitled or in an amount larger than that to which ~~he or she~~ the person is entitled; or who knowingly aids and abets another person in the commission of any such act shall be punished as provided in section 143 of this title.

~~(b) A person who knowingly uses, transfers, acquires, traffics, alters, forges, or possesses; or who knowingly attempts to use, transfer, acquire, traffic, alter, forge, or possess; or who knowingly aids and abets another person in the use, transfer, acquisition, traffic, alteration, forgery, or possession of a Supplemental Nutrition Assistance Program benefit card, authorization for the purchase of Supplemental Nutrition Assistance Program benefits, certificate of eligibility for medical services, or State health care program identification card in a manner not authorized by law shall be punished as~~

provided in section 143 of this title. [Repealed.]

(c) ~~A person who administers a State or federally funded assistance program who fraudulently misappropriates, attempts to misappropriate, or aids and abets in the misappropriation of a Supplemental Nutrition Assistance Program benefit, authorization for Supplemental Nutrition Assistance Program benefits, a Supplemental Nutrition Assistance Program benefit identification card, certificate of eligibility for prescribed medicine, State health care program identification card, or assistance from any other State or federally funded program with which he or she has been entrusted or of which he or she has gained possession by virtue of his or her position; or who knowingly misappropriates, attempts to misappropriate, or aids or abets in the misappropriation of funds given in exchange for Supplemental Nutrition Assistance Program benefits shall be punished as provided in section 143 of this title. [Repealed.]~~

(d) A person who knowingly files, attempts to file, or aids and abets in the filing of a claim for services to a recipient of benefits under a State or federally funded assistance program for services that were not rendered; or who knowingly files a false claim or a claim for unauthorized items or services under such a program; or who knowingly bills the recipient of benefits under such a program or ~~his or her~~ the person's family for an amount in excess of that provided for by law or regulation; or who knowingly fails to credit the State or its agent for payments received from Social Security, insurance, or other sources; or who in any way knowingly receives, attempts to receive, or aids and abets in the receipt of unauthorized payment as provided herein shall be punished as provided in section 143 of this title.

(e) A person providing service for which compensation is paid under a State or federally funded assistance program who requests, and receives, either actually or constructively, any payment or contribution through a payment, assessment, gift, devise, bequest, or other means, whether directly or indirectly, from either a recipient of assistance from the assistance program or from the family of the recipient shall notify the Commissioner for Children and Families ~~or the Commissioner of Vermont Health Access~~, on a form provided by ~~him or her~~ the Commissioner, of the amount of the payment or contribution and of such other information as specified by the Commissioner for Children and Families ~~or the Commissioner of Vermont Health Access~~ within 10 days after the receipt of the payment or contribution or, if the payment or contribution is to become effective at some time in the future, within 10 days of following the consummation of the agreement to make the payment or contribution. Failure to notify the Commissioner for Children and Families ~~or the Commissioner of Vermont Health Access~~ within the time prescribed is punishable as provided in section 143 of this title.

(f) Repayment of assistance or services wrongfully obtained shall not constitute a defense to or ground for dismissal of criminal charges brought under this section.

§ 142. BRINGING ~~NEEDY~~ PERSON IN NEED INTO THE STATE

(a) Any person who knowingly brings or causes to be brought a needy person in need from out of the state into this State for the purpose of securing assistance for the needy person in need or making ~~him or her~~ the person in need a public charge, shall be obligated to support the needy person in need at ~~his or her~~ the person's own expense for as long as the needy person in need or persons dependent on the needy person in need remain in the State.

(b) The Commissioner may bring a civil action on this statute to enforce support of the needy person in need and ~~his or her~~ the person's dependents. In the action, the court may make an order, which shall be subject to change by the court from time to time as the circumstances require, directing the defendant to pay a certain sum periodically to the Department for the benefit of the needy person in need and ~~his or her~~ the person's dependents residing in the State. The court may punish for violation of the order as for contempt.

§ 143. GENERAL PENALTY

(a) A person who knowingly violates a provision of this title for which no penalty is specifically provided shall:

(1) if the assistance or benefits obtained pursuant to a single fraudulent scheme or a course of conduct are in violation of subsection 141(a) ~~or (b)~~ of this title involving \$1,000.00 or less, be fined not more than the amount of assistance or benefits wrongfully obtained or be imprisoned not more than one year, or both;

(2) if the assistance or benefits obtained pursuant to a single fraudulent scheme or course of conduct are in violation of subsection (a) ~~or (b)~~ of section 141 of this title and involve more than \$1,000.00, be fined not more than an amount equal to the assistance or benefits wrongfully obtained or be imprisoned not more than three years, or both; or

(3) if the violation is under subsection ~~(e), (d),~~ 141(d) or ~~(e) of section 141~~ of this title, be fined up to \$1,000.00 or up to an amount equal to twice the amount of assistance, benefits, or payments wrongfully obtained, or be imprisoned for not more than 10 years, or both.

(b) If the person convicted is receiving assistance, benefits, or payments, the Commissioner for Children and Families or the Commissioner of Vermont Health Access may recoup the amount of assistance or benefits wrongfully obtained by reducing the assistance, benefits, or payments periodically paid to

the recipient, as limited by federal law, until the amount is fully recovered.

~~(c) If a provider of services is convicted of a violation of subsection 141(d) or (e) of this title, the Commissioner of Vermont Health Access shall, within 90 days of the conviction, suspend the provider from further participation in the medical assistance program administered under Title XIX of the Social Security Act for a period of four years. The suspension required by this subsection may be waived by the Secretary of Human Services only upon a finding that the recipients served by the convicted provider would suffer substantial hardship through a denial of medical services that could not reasonably be obtained through another provider. [Repealed.]~~

#### § 143a. CIVIL REMEDIES

(a) A person who violates subsection 141~~(e)~~, (d), or (e) of this title with actual knowledge may be subject to a civil suit by the Attorney General for:

(1) restitution of the amount of assistance, benefits, or payments wrongfully obtained;

(2) interest; and

(3) a civil penalty of up to three times the amount of the wrongfully obtained assistance, benefits, or payments; or \$500.00 per false claim; or \$500.00 for each false document submitted in support of a false claim, whichever is greatest.

(b) The remedies provided in this section shall be in addition to any other remedies provided by law.

(c) The right to a jury trial shall attach to actions under this section.

#### § 143b. EDUCATION AND INFORMATION

~~By January 1, 2005, the Department of Vermont Health Access shall issue rules establishing a procedure for health care providers enrolled in State and federally funded medical assistance programs to obtain advisory opinions regarding coverage and reimbursement under those programs. Each advisory opinion issued by the Department of Vermont Health Access shall be binding on that Department and the party or parties requesting the opinion only with regard to the specific questions posed in the opinion, the facts and information set forth in it, and the statutes and rules specifically noted in the opinion. [Repealed.]~~

#### § 144. STATUTORY CONSTRUCTION

~~(a) Section 143 of this title shall not preclude prosecution under 13 V.S.A. § 1801, 1802, or 2002 when the alleged violation involves forging an economic assistance check or where duplicate economic assistance checks~~

~~have been wrongfully negotiated during any one welfare period. [Repealed.]~~

(b) Section 143 of this title shall not preclude prosecution under any other title or sections of this title when the alleged violation is under subsection 141(e) ~~or~~ (d) of this title.

\* \* \*

Sec. 48. 33 V.S.A. chapter 2 is added to read:

CHAPTER 2. DEPARTMENT OF ECONOMIC EMPOWERMENT

Subchapter 1. Policy, Organization, Powers, and Duties

§ 201. POLICY

It is the policy of the State of Vermont that:

(1) Its social and child welfare programs shall provide assistance and benefits to persons of the State in proven need thereof and eligible for such assistance and benefits under the provisions of this title.

(2) It is the purpose of its social and child welfare laws to establish and support programs that contribute to the prevention of dependency and social maladjustment and contribute to the rehabilitation and protection of persons of the State.

(3) Assistance and benefits shall be administered promptly, with due regard for the preservation of family life, and without restriction of individual rights or discrimination on account of gender, race, age, religion, ethnicity, sexual orientation, gender identity, political affiliation, disability status, primary language, or place of residence within the State.

(4) Assistance and benefits shall be so administered as to maintain and encourage dignity, self-respect, and self-reliance. It is the legislative intent that assistance granted shall be adequate to maintain a reasonable standard of health and decency based on current cost of living indices. Notwithstanding this subdivision, the Department shall amend rules that establish new maximum Reach Up grant amounts only when the General Assembly has taken affirmative action to increase or decrease the Reach Up financial assistance appropriation.

(5) The programs of the Department of Economic Empowerment shall be designed to strengthen family life for the care and protection of children and to assist and encourage the use by any family of all available personal and reasonable community resources to this end.

§ 202. DEFINITIONS AND CONSTRUCTION

(a) As used in this chapter:

(1) “Aid” means financial assistance.

(2) “Assistance,” when not modified by an adjective, means general assistance or public assistance, or both.

(3) “Benefits” means aid or commodities furnished under chapter 17 of this title.

(4) “Commissioner” means the Commissioner of Economic Empowerment.

(5) “Department” means the Department of Economic Empowerment.

(6) “Federal department” or “federal agency” means a department or agency of the United States of America.

(7) “Guardian” means a legal guardian appointed by a Probate Division of the Superior Court or by a court in a divorce or other proceeding or action.

(8) “Public assistance” means aid provided by the Department under Title IV, XVI, or XIX of the Social Security Act.

(9) “Regulation” means a rule or regulation.

(10) “Social Security Act” means the federal Social Security Act and regulations promulgated under the Act, as amended at any time.

(b) The laws relating to the Department of Economic Empowerment and its programs shall be construed liberally to carry out the policies stated in this chapter.

§ 203. COMPOSITION OF DEPARTMENT

The Department of Economic Empowerment, created pursuant to 3 V.S.A. §§ 212 and 3098, shall consist of the Commissioner of Economic Empowerment and all divisions, councils, boards, committees, and offices within the Department.

§ 204. FUNCTION AND POWERS OF DEPARTMENT

(a) The Department shall administer all laws specifically assigned to it for administration.

(b) In addition to other powers vested in it by law, the Department may do all of the following:

(1) Provide for the administration of the following programs and services:

- 
- (A) aid to the aged, blind, and disabled;
  - (B) Reach Up financial assistance and support services;
  - (C) federal Supplemental Nutrition Assistance Program benefits;
  - (D) General Assistance;
  - (E) medical assistance; and
  - (F) public assistance programs funded with State general funds or the Temporary Assistance to Needy Families (TANF) block grant.

(2) Cooperate with the appropriate federal agencies in receiving, to the extent available, federal funds in support of programs that the Department administers.

(3) Submit plans and reports, adopt rules, and in other respects comply with the provisions of the Social Security Act that pertain to programs administered by the Department.

(4) Receive and disburse funds that are assigned, donated, or bequeathed to it for charitable purposes or for the benefit of recipients of assistance, benefits, or social services. This subdivision shall not be construed to require the Department to accept funds or trusts when the Commissioner, with the approval of the Governor, considers it in the best interests of the State to refuse them.

(5) Receive in trust and expend, in accordance with the provisions of the trust, funds, and property assigned, donated, devised, or bequeathed to it for charitable purposes or for the benefit of recipients of assistance, benefits, or social services. Trust funds accepted by the Department shall be safely invested by the State Treasurer. Real property received in trust may, at the discretion of the Commissioner, be administered by the Department of Buildings and General Services of the Agency of Administration. This subdivision shall not be construed to require the Department to accept funds or trusts when the Commissioner, with the approval of the Governor, considers it in the best interests of the State to refuse them.

(6) Aid and assist in charitable work as in the judgment of the Commissioner will best promote the general welfare of the State.

(7) Visit all institutions, homes, places, and establishments soliciting public support and located in the State that are devoted to or used for the care of persons in need.

(8) Visit all institutions, homes, places, and establishments providing room, board, or care to persons receiving social services or benefits from the Department.

§ 205. COMMISSIONER; APPOINTMENT, TERM, DUTIES, AND POWERS

(a) The Commissioner may exercise the powers and perform duties required for effective administration of the Department and shall determine the policies of the Department.

(b) In addition to other duties imposed by law, the Commissioner shall:

(1) administer the laws assigned to the Department;

(2) fix standards and adopt rules necessary to administer those laws and for the custody and preservation of records of the Department; and

(3) appoint all necessary assistants, prescribe their duties, and adopt rules necessary to ensure that the assistants shall hold merit system status while in the employ of the Department unless otherwise specifically provided by law.

(c) The Commissioner or the Governor, whenever the federal law so provides, may cooperate with the federal government in providing relief and work relief and community work and training programs in the State.

(d) Notwithstanding any other provision of law, the Commissioner may delegate to any appropriate employee of the Department any of the administrative duties and powers imposed on the Commissioner by law, with the exception of the duties and powers enumerated in this section. The delegation of authority and responsibility shall not relieve the Commissioner of accountability for the proper administration of the Department.

Subchapter 2. General Administrative Provisions

§ 211. RECORDS; RESTRICTIONS; PENALTIES

(a) The names of or information pertaining to applicants for or recipients of assistance or benefits, including information obtained under section 212 of this title, shall not be disclosed to anyone, except for the purposes directly connected with the administration of the Department or when required by law.

(b) A person shall not publish, use, disclose, or divulge any of those records for purposes not directly connected with the administration of programs of the Department or contrary to rules adopted by the Commissioner.

§ 212. BANKS AND AGENCIES TO FURNISH INFORMATION

(a) An officer of a financial institution, as described in 8 V.S.A. § 11101(32); a credit union; or an independent trust company in this State, when requested by the Commissioner, shall furnish the Commissioner information in the possession of the bank or company with reference to any person or the person's spouse who is applying for or is receiving assistance or



benefits from the Department.

(b) Any governmental official or agency in the State, when requested by the Commissioner, shall furnish to the Commissioner information in the official's or agency's possession with reference to aid given or money paid or to be paid to any person or person's spouse who is applying for or is receiving assistance or benefits from the Department.

(c) The Commissioner of Taxes, when requested by the Commissioner of Economic Empowerment, and unless otherwise prohibited by federal law, shall compare the information furnished by an applicant or recipient of assistance with the State income tax returns filed by such person and shall report the Commissioner of Taxes' findings to the Commissioner of Economic Empowerment. Each application for assistance shall contain a form of consent, executed by the applicant, granting permission to the Commissioner of Taxes to disclose such information to the Commissioner for Economic Empowerment.

§ 212a. FINANCIAL INSTITUTIONS TO FURNISH INFORMATION;  
ASSET VERIFICATION

(a)(1) A financial institution, when requested by Department, shall furnish to the Commissioner or the Commissioner's designee information in the possession of the financial institution about the assets of any applicant who is applying for or is receiving assistance or benefits from the Department or the applicant's spouse. The Department shall issue instructions to the financial institution detailing the nature of the request and the information necessary to satisfy the request.

(2) A financial institution or employee of a financial institution shall not be subject to criminal or civil liability for actions taken in accordance with this subsection.

(b)(1) Each application for assistance or benefits submitted to the Department shall contain a form of authorization, executed by the applicant, granting authority for the Department and its authorized agents to obtain financial information about the applicant's assets from financial intuitions in order to verify the applicant's eligibility for the applicable program. The Department or its authorized agent shall obtain the applicant's authorization prior to requesting the applicant's financial information from any financial institution.

(2) The Department shall ensure the applicant receives notice written in plain language explaining the Department's electronic asset verification system.

(c) In the event that the financial information of an applicant's spouse is

required to determine an applicant's eligibility for a program, the Department shall provide written notice regarding the asset verification process to the spouse and shall obtain the spouse's written authorization for the Department and its agents to obtain the spouse's financial information from financial institutions prior to requesting the spouse's financial information from any financial institution. The Department may determine an applicant to be ineligible if the applicant's spouse refuses to provide or revokes consent.

(d) As used in this section:

(1) "Bank" has the same meaning as in 8 V.S.A. § 11101.

(2) "Broker-dealer" has the same meaning as in 9 V.S.A. § 5102.

(3) "Credit union" has the same meaning as in 8 V.S.A. § 30101.

(4) "Financial institution" means any Vermont financial institution, state financial institution, and national financial institution, including a bank, credit union, broker-dealer, investment advisor, mutual fund, or investment company.

(5) "Investment advisor" has the same meaning as in 9 V.S.A. § 5102.

(6) "Mutual fund" has the same meaning as in 8 V.S.A. § 3461.

#### § 214. ALLOCATION OF PAYMENTS WHEN APPROPRIATION INSUFFICIENT

Should the funds available for assistance be insufficient to provide assistance to all those eligible, the amounts of assistance granted in any program or portion thereof shall be reduced equitably, in the discretion of the Commissioner of Economic Empowerment or the Commissioner of Vermont Health Access by rule.

#### Subchapter 3. Provisions of General Applicability

#### § 221. CANCELLATION OF ASSISTANCE OR BENEFITS

If at any time the Commissioner of Economic Empowerment or the Commissioner of Vermont Health Access has reason to believe that assistance or benefits have been improperly obtained, the Commissioner shall cause an investigation to be made and may suspend assistance or benefits pending the investigation. If on investigation the Commissioner of Economic Empowerment or the Commissioner of Vermont Health Access is satisfied that the assistance or benefits were illegally obtained, the Commissioner shall immediately cancel them. A person having illegally obtained assistance or benefits shall not be eligible for reinstatement until the person's need has been reestablished.

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§ 222. RECOVERY OF PAYMENTS

(a) The amount of assistance or benefits may be changed or cancelled at any time if the Commissioner of Economic Empowerment or the Commissioner of Vermont Health Access finds that the recipient's circumstances have changed. Upon granting assistance or benefits, the Department of Economic Empowerment or the Department of Vermont Health Access shall inform the recipient that changes in the recipient's circumstances must be promptly reported to the Department.

(b) When on the death of a person receiving assistance it is found that the recipient possessed income or property in excess of that reported to the Department of Economic Empowerment or the Department of Vermont Health Access, up to double the total amount of assistance in excess of that to which the recipient was lawfully entitled may be recovered by the Commissioner of Economic Empowerment or the Commissioner of Vermont Health Access as a preferred claim from the estate of the recipient. The Commissioner of Economic Empowerment or the Commissioner of Vermont Health Access shall calculate the amount of the recovery by applying the legal interest rate to the amount of excess recovery paid, except that the recovery shall be capped at double the excess assistance paid.

(c) When the Commissioner of Economic Empowerment or the Commissioner of Vermont Health Access finds that a recipient of benefits received assistance in excess of that to which the recipient was lawfully entitled because the recipient possessed income or property in excess of Department standards, the Commissioner of Economic Empowerment or the Commissioner of Vermont Health Access may take actions to recover the overpayment.

(d) In the event of recovery, an amount may be retained by the Commissioner of Economic Empowerment or the Commissioner of Vermont Health Access in a special fund for use in offsetting program expenses, and an amount equivalent to the pro rata share to which the United States of America is equitably entitled shall be paid promptly to the appropriate federal agency.

§ 224. INALIENABILITY OF ASSISTANCE PAYMENTS

All rights to and all monies or orders granted to persons as assistance shall be inalienable by assignment, transfer, attachment, trustee process, execution, or otherwise. In case of bankruptcy, the assistance shall not pass to or through a trustee or other person acting on behalf of creditors.

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Subchapter 4. Prohibited Practices; Penalties§ 241. FRAUD

(a) A person who knowingly fails, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose a material fact used to determine whether that person is qualified to receive aid or benefits under a State or federally funded assistance program; or who knowingly fails to disclose a change in circumstances in order to obtain or continue to receive aid or benefits to which the person is not entitled or in an amount larger than that to which the person is entitled; or who knowingly aids and abets another person in the commission of any such act shall be punished as provided in section 143 of this title.

(b) A person who knowingly uses, transfers, acquires, traffics, alters, forges, or possesses; or who knowingly attempts to use, transfer, acquire, traffic, alter, forge, or possess; or who knowingly aids and abets another person in the use, transfer, acquisition, traffic, alteration, forgery, or possession of a Supplemental Nutrition Assistance Program benefit card, authorization for the purchase of Supplemental Nutrition Assistance Program benefits, certificate of eligibility for medical services, or State health care program identification card in a manner not authorized by law shall be punished as provided in section 143 of this title.

(c) A person who administers a State or federally funded assistance program who fraudulently misappropriates, attempts to misappropriate, or aids and abets in the misappropriation of a Supplemental Nutrition Assistance Program benefit, authorization for Supplemental Nutrition Assistance Program benefits, a Supplemental Nutrition Assistance Program benefit identification card, certificate of eligibility for prescribed medicine, State health care program identification card, or assistance from any other State or federally funded program with which the person has been entrusted or of which the person has gained possession by virtue of the person's position; or who knowingly misappropriates, attempts to misappropriate, or aids or abets in the misappropriation of funds given in exchange for Supplemental Nutrition Assistance Program benefits shall be punished as provided in section 143 of this title.

(d) A person who knowingly files, attempts to file, or aids and abets in the filing of a claim for services to a recipient of benefits under a State or federally funded assistance program for services that were not rendered; or who knowingly files a false claim or a claim for unauthorized items or services under such a program; or who knowingly bills the recipient of benefits under such a program or the recipient's family for an amount in excess of that provided for by law or regulation; or who knowingly fails to credit the State or

its agent for payments received from Social Security, insurance, or other sources; or who in any way knowingly receives, attempts to receive, or aids and abets in the receipt of unauthorized payment as provided herein shall be punished as provided in section 143 of this title.

(e) A person providing service for which compensation is paid under a State or federally funded assistance program who requests, and receives, either actually or constructively, any payment or contribution through a payment, assessment, gift, devise, bequest, or other means, whether directly or indirectly, from either a recipient of assistance from the assistance program or from the family of the recipient shall notify the Commissioner of Economic Empowerment or the Commissioner of Vermont Health Access, on a form provided by the Commissioner, of the amount of the payment or contribution and of such other information as specified by the Commissioner of Economic Empowerment or the Commissioner of Vermont Health Access within 10 days after the receipt of the payment or contribution or, if the payment or contribution is to become effective at some time in the future, within 10 days after the consummation of the agreement to make the payment or contribution. Failure to notify the Commissioner of Economic Empowerment or the Commissioner of Vermont Health Access within the time prescribed is punishable as provided in section 143 of this title.

(f) Repayment of assistance or services wrongfully obtained shall not constitute a defense to or ground for dismissal of criminal charges brought under this section.

#### § 242. BRINGING PERSON IN NEED INTO THE STATE

(a) Any person who knowingly brings or causes to be brought a person in need from out of the state into this State for the purpose of securing assistance for the person in need or making the person in need a public charge shall be obligated to support the person in need at the person's own expense for as long as the person in need or persons dependent on the person in need remain in the State.

(b) The Commissioner may bring a civil action on this statute to enforce support of the person in need and the person's dependents. In the action, the court may make an order, which shall be subject to change by the court from time to time as the circumstances require, directing the defendant to pay a certain sum periodically to the Department for the benefit of the person in need and the person's dependents residing in the State. The court may punish for violation of the order as for contempt.

§ 243. GENERAL PENALTY

(a) A person who knowingly violates a provision of this title for which no penalty is specifically provided shall:

(1) if the assistance or benefits obtained pursuant to a single fraudulent scheme or a course of conduct are in violation of subsection 241(a) or (b) of this title involving \$1,000.00 or less, be fined not more than the amount of assistance or benefits wrongfully obtained or be imprisoned not more than one year, or both;

(2) if the assistance or benefits obtained pursuant to a single fraudulent scheme or course of conduct are in violation of subsection 241(a) or (b) of this title and involve more than \$1,000.00, be fined not more than an amount equal to the assistance or benefits wrongfully obtained or be imprisoned not more than three years, or both; or

(3) if the violation is under subsection 241(c), (d), or (e) of this title, be fined up to \$1,000.00 or up to an amount equal to twice the amount of assistance, benefits, or payments wrongfully obtained or be imprisoned for not more than 10 years, or both.

(b) If the person convicted is receiving assistance, benefits, or payments, the Commissioner of Economic Empowerment or the Commissioner of Vermont Health Access may recoup the amount of assistance or benefits wrongfully obtained by reducing the assistance, benefits, or payments periodically paid to the recipient, as limited by federal law, until the amount is fully recovered.

(c) If a provider of services is convicted of a violation of subsection 241(d) or (e) of this title, the Commissioner of Vermont Health Access shall, within 90 days following the conviction, suspend the provider from further participation in the medical assistance program administered under Title XIX of the Social Security Act for a period of four years. The suspension required by this subsection may be waived by the Secretary of Human Services only upon a finding that the recipients served by the convicted provider would suffer substantial hardship through a denial of medical services that could not reasonably be obtained through another provider.

§ 243a. CIVIL REMEDIES

(a) A person who violates subsection 241(c), (d), or (e) of this title with actual knowledge may be subject to a civil suit by the Attorney General for:

(1) restitution of the amount of assistance, benefits, or payments wrongfully obtained;

(2) interest; and

(3) a civil penalty of up to three times the amount of the wrongfully obtained assistance, benefits, or payments; \$500.00 per false claim; or \$500.00 for each false document submitted in support of a false claim, whichever is greatest.

(b) The remedies provided in this section shall be in addition to any other remedies provided by law.

(c) The right to a jury trial shall attach to actions under this section.

#### § 243b. EDUCATION AND INFORMATION

The Department of Vermont Health Access shall issue rules establishing a procedure for health care providers enrolled in State and federally funded medical assistance programs to obtain advisory opinions regarding coverage and reimbursement under those programs. Each advisory opinion issued by the Department of Vermont Health Access shall be binding on that Department and the party or parties requesting the opinion only with regard to the specific questions posed in the opinion, the facts and information set forth in it, and the statutes and rules specifically noted in the opinion.

#### § 244. STATUTORY CONSTRUCTION

(a) Section 243 of this title shall not preclude prosecution under 13 V.S.A. § 1801, 1802, or 2002 when the alleged violation involves forging an economic assistance check or where duplicate economic assistance checks have been wrongfully negotiated during any one welfare period.

(b) Section 243 of this title shall not preclude prosecution under any other title or sections of this title when the alleged violation is under subsection 241(c) or (d) of this title.

Sec. 49. 33 V.S.A. § 1001 is amended to read:

#### § 1001. DEFINITIONS

As used in this chapter:

\* \* \*

(8) “Commissioner” means the Commissioner ~~for Children and Families~~ or ~~his or her~~ of Economic Empowerment or designee.

(9) “Department” means the Department ~~for Children and Families of~~ Economic Empowerment.

\* \* \*

Sec. 50. 33 V.S.A. § 1101 is amended to read:

§ 1101. DEFINITIONS

As used in this chapter:

\* \* \*

(8) “Commissioner” means the Commissioner ~~for Children and Families~~ of Economic Empowerment or his or her designee.

(9) “Department” means the Department ~~for Children and Families of~~ Economic Empowerment.

\* \* \*

Sec. 51. 33 V.S.A. § 1107 is amended to read:

§ 1107. CASE MANAGEMENT; FAMILY DEVELOPMENT PLANS;  
COORDINATED SERVICES

\* \* \*

(d) The Secretary of Education, with the assistance and support of the Commissioner ~~for Children and Families~~ of Economic Empowerment, the Commissioner of Disabilities, Aging, and Independent Living, and the Commissioner of Labor, shall develop and implement comparable and reciprocally recognized literacy assessment protocols that will be used for all clients seeking adult education and literacy services; related services of the Agency of Education; or the services of the Department of Disabilities, Aging, and Independent Living, the Department of Labor, or the Department ~~for Children and Families~~ of Economic Empowerment, when such services are being sought for the purpose of developing or strengthening competencies or skills related to the clients’ current or future employment. Such protocols shall, to the extent practicable, utilize the same terminology and apply comparable criteria, consistent with individual program purposes and authorization, in determining when testing, other standardized measurement tools, or referrals to relevant professionals for evaluation or diagnosis are appropriate.

\* \* \*

Sec. 52. 33 V.S.A. § 1201 is amended to read:

§ 1201. DEFINITIONS

As used in this chapter:

\* \* \*

(4) “Commissioner” means the Commissioner ~~for Children and Families~~



~~or his or her~~ of Economic Empowerment or designee.

(5) “Department” means the Department ~~for Children and Families of~~ Economic Empowerment.

\* \* \*

Sec. 53. 33 V.S.A. § 1301 is amended to read:

§ 1301. ELIGIBILITY REQUIREMENTS—; GENERAL

To be eligible for State aid to the aged, blind, or disabled, in addition to the requirements in sections 1301–1303 of this chapter governing eligibility for a specific program, an individual shall:

\* \* \*

(4) Not have sufficient income or other resources to provide a reasonable subsistence compatible with decency and health, and not be receiving or able to secure support from persons legally responsible for the individual’s support. In determining whether the income of an applicant for or a recipient of aid is sufficient, the Department ~~for Children and Families of~~ Economic Empowerment may disregard, within the limits of available funds, income used to further the purposes of rehabilitation and self-support.

Sec. 54. 33 V.S.A. § 1306 is amended to read:

§ 1306. APPLICATION AND INVESTIGATION

Applications for State aid to the aged, blind, or disabled may be made at any office of the Department ~~for Children and Families of~~ Economic Empowerment. Upon receipt of an application, the Commissioner ~~for Children and Families of~~ Economic Empowerment shall investigate and prescribe the amount of the grant to be given, if any. No individual shall receive more than one type of grant or aid under this chapter.

Sec. 55. 33 V.S.A. § 1307 is amended to read:

§ 1307. AMOUNT OF STATE AID

The amount of State aid to which an eligible individual is entitled shall be determined with due regard to the income, resources, and maintenance available to the individual and, when an eligible individual lives with the individual’s ineligible spouse or ~~a needy~~ an essential person in need, or both, as defined by the Commissioner, with due regard to the needs of the ineligible spouse and with due regard to the needs, income, and resources of the ~~needy~~ essential person in need. To the extent funds are available, aid shall provide a reasonable subsistence compatible with decency and health. The Commissioner ~~for Children and Families of~~ Economic Empowerment may by

rule fix maximum amounts of aid and take measures to ensure that the expenditures for the programs shall not exceed the funds provided for them.

Sec. 56. 33 V.S.A. § 1308 is amended to read:

§ 1308. RULES

In fixing standards and adopting rules under this chapter, the Commissioner ~~for Children and Families of Economic Empowerment~~ shall be guided by the statutory standards set forth in this chapter, which standards shall not be deemed necessarily to incorporate by reference decisional or statutory law applicable to the aid to the aged, blind, and disabled program in effect prior to January 1, 1974.

Sec. 57. 33 V.S.A. § 1701 is amended to read:

§ 1701. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

\* \* \*

(d) As used in this chapter, “Commissioner” means the Commissioner ~~for Children and Families of Economic Empowerment~~ and “Department” means the Department ~~for Children and Families of Economic Empowerment~~.

Sec. 58. 33 V.S.A. § 1702 is amended to read:

§ 1702. PAYMENT ERROR RATE REPORT

On or before January 1 of the year following any federal fiscal year in which the State of Vermont receives a federal sanction for a payment error rate greater than the federal threshold in the Supplemental Nutrition Assistance Program (SNAP), the Department ~~for Children and Families of Economic Empowerment~~ shall report to the Senate Committee on Appropriations regarding:

(1) the number of households that received SNAP benefits and were discovered to have an overpayment or underpayment in the sanction year due to agency error, including the average amount of the overpayments and underpayments and the total amount of each; and

(2) the Department’s specific plans for sanction reinvestment to improve its error rate for the next federal fiscal year and prevent sanction in the future.

Sec. 59. 33 V.S.A. § 1901b is amended to read:

§ 1901b. PHARMACY PROGRAM ENROLLMENT

(a) The Department of Vermont Health Access and the Department ~~for Children and Families of Economic Empowerment~~ shall monitor actual caseloads, revenue, and expenditures; anticipated caseloads, revenue, and

expenditures; and actual and anticipated savings from implementation of the preferred drug list, supplemental rebates, and other cost containment activities in each State pharmaceutical assistance program, including VPharm. When applicable, the Departments shall allocate supplemental rebate savings to each program proportionate to expenditures in each program.

\* \* \*

Sec. 60. 33 V.S.A. § 2101 is amended to read:

§ 2101. DEFINITIONS

As used in this chapter:

(1) “Commissioner” means the Commissioner ~~for Children and Families~~ of Economic Empowerment.

\* \* \*

Sec. 61. 33 V.S.A. § 2103 is amended to read:

§ 2103. ELIGIBILITY

(a) Consistent with available appropriations, the Department ~~for Children and Families~~ of Economic Empowerment shall furnish General Assistance under this chapter, except as provided in this section, to any otherwise eligible individual unable to provide the necessities of life for the individual and for those whom the individual is legally obligated to support. Except for those in catastrophic situations as defined in rules, no General Assistance shall be provided in the following situations:

(1) to any individual whose income from any source, including the Department ~~for Children and Families~~ of Economic Empowerment, during the 30 days immediately preceding the date on which assistance is sought is equal to the General Assistance eligibility standard; and

(2) to any able-bodied individual without minor dependents included in ~~his or her~~ the individual’s application.

\* \* \*

(e) As used in this section, “able-bodied individual” does not include a person subject to such conditions as are determined, by rule of the Commissioner ~~for Children and Families~~ of Economic Empowerment, to constitute barriers to employment.

(f) [Repealed.]

Sec. 62. 33 V.S.A. § 2114 is amended to read:

§ 2114. RENTAL OR MORTGAGE ARREARAGE PROGRAM

(a) The Department ~~for Children and Families~~ of Economic Empowerment shall provide up to three months of rental or mortgage arrearage assistance to eligible families. Assistance under this section is not an entitlement and shall be limited to the funds appropriated.

\* \* \*

Sec. 63. 33 V.S.A. § 2115 is amended to read:

§ 2115. GENERAL ASSISTANCE PROGRAM REPORT

On or before September 1 of each year, the Commissioner ~~for Children and Families~~ of Economic Empowerment shall submit a written report to the Joint Fiscal Committee; the House Committees on Appropriations, on General, and Housing, ~~and Military Affairs~~, and on Human Services; and the Senate Committees on Appropriations and on Health and Welfare. The report shall contain the following:

\* \* \*

Sec. 64. 33 V.S.A. § 2301 is amended to read:

§ 2301. BURIAL RESPONSIBILITY

\* \* \*

(d) As used in this chapter:

(1) “Burial” means the final disposition of human remains, including interring or cremating a decedent and the ceremonies directly related to that cremation or interment at the gravesite.

(2) “Department” means the Department ~~for Children and Families~~ of Economic Empowerment.

(3) “Funeral” means the ceremonies prior to burial by interment, cremation, or other method.

Sec. 65. 33 V.S.A. § 2607 is amended to read:

§ 2607. PAYMENTS TO FUEL SUPPLIERS

\* \* \*

(g)(1) The Public Utility Commission shall require natural gas suppliers subject to regulation under 30 V.S.A. § 203 to provide a discount program to customers with incomes ~~no~~ not greater than 200 percent of the federal poverty level or who meet the Department ~~for Children and Families~~’ of Economic

Empowerment's means test of eligibility for LIHEAP crisis fuel assistance. Eligibility for the discount shall be verified by the Department ~~for Children and Families~~ of Economic Empowerment.

\* \* \*

Sec. 66. 33 V.S.A. § 3901 is amended to read:

§ 3901. DEFINITIONS

As used in this chapter:

(1) "Order of support" means any judgment or order for the support of dependent children issued by any court of the State of Vermont or another state or an order under an administrative proceeding of another state, including an order in a final decree of divorce.

(2) "Custodial parent" means any person with whom a dependent child actually resides, whether or not the parent is receiving public assistance benefits under chapter 11 of this title, or the Commissioner for Children and Families if the dependent child is under the care and control of ~~that~~ the Department for Children and Families.

(3) "Department" means the Vermont Department ~~for Children and Families~~ of Economic Empowerment.

\* \* \*

Sec. 67. 33 V.S.A. § 3902 is amended to read:

§ 3902. ASSIGNMENT OF SUPPORT RIGHTS BY PUBLIC ASSISTANCE RECIPIENTS; PROCEEDINGS TO ESTABLISH SUPPORT OBLIGATION

(a) As a condition of eligibility for public assistance, each applicant or recipient shall assign to the Department any right to support from a responsible parent that has accrued at the time of the assignment and that the applicant may have in the applicant's own behalf or on behalf of any other family member for whom the applicant is applying or receiving assistance.

(b) An assignment in effect under this section shall be subject to the provisions of section 4106 of this title.

(c) Whenever a support obligation is in effect against a responsible parent for the benefit of a dependent child or a custodial parent, payments required under the support obligation shall be sent to the Office of Child Support upon notice to the responsible parent, without further order of the court. When an assignment is in effect pursuant to subsection (a) of this section, any amounts accrued under the support obligation as of the date of assignment, and any

amount accruing while the assignment is in effect, shall be owing to and payable to the Department ~~for Children and Families~~ without further order of the court.

\* \* \*

(e) If a support order has been entered and the legal custodian and obligee relinquishes physical responsibility of the child to a caretaker without modifying the physical rights and responsibilities order, the Office of Child Support may change the payee of support upon the caretaker's receipt of Reach Up family assistance from the Department ~~for Children and Families~~. The obligor's obligation under the support order to pay child support and medical support continues but shall be payable to the Office of Child Support upon the caretaker's receipt of Reach Up family assistance and shall continue ~~so~~ for as long as the assignment is in effect. The Office of Child Support shall notify the obligor and obligee under the support order, by first-class mail at last known address, of the change of payee.

Sec. 68. 33 V.S.A. § 3903 is amended to read:

§ 3903. CHILD SUPPORT DEBT

(a) Except as otherwise provided in this section, any payment of Reach Up financial assistance made to or for the benefit of a dependent child creates a debt due and owing to the Department ~~for Children and Families~~ by any responsible parent in an amount equal to the amount of Reach Up financial assistance paid.

(b) Collection of child support debts shall be made as provided by this section and section 3902 of this title and by 15 V.S.A. chapter 11, subchapter 7. Regardless of the amount of Reach Up financial assistance paid, the court may limit the child support debt, taking into consideration the criteria of 15 V.S.A. § 659. The Department ~~for Children and Families~~ and the responsible parent may limit the child support debt by stipulation, which shall be enforceable on its terms unless it is modified.

Sec. 69. TRANSFER OF RULEMAKING AUTHORITY; TRANSFER OF  
RULES TO THE DEPARTMENT OF ECONOMIC  
EMPOWERMENT

(a) The statutory authority to adopt the following rules by the Department for Children and Families adopted under 3 V.S.A. chapter 25 is transferred from the Department for Children and Families to the Department of Economic Empowerment:

- (1) Child Support Guidelines (CVR 13-161-001);
- (2) OCS Administrative Review (CVR 13-161-002);

- (3) Reach First Program (CVR 13-170-210);
- (4) Reach Up (CVR 13-170-220);
- (5) Reach Up Services (CVR 13-170-230);
- (6) Postsecondary Education (CVR 13-170-240);
- (7) Reach Ahead (CVR 13-170-250);
- (8) General Assistance (CVR 13-170-260);
- (9) Assistance to the Aged, Blind, or Disabled (CVR 13-170-270);
- (10) Emergency Assistance (CVR 13-170-280);
- (11) Fuel (CVR 13-170-290); and
- (12) Refugee Cash Assistance (CVR 13-170-300).

(b) All rules listed in subsection (a) of this section adopted by the Department for Children and Families under 3 V.S.A. chapter 25 prior to July 1, 2024 shall be deemed the rules of the Department of Economic Empowerment and remain in effect until amended or repealed by the Department of Economic Empowerment pursuant to 3 V.S.A. chapter 25.

(c) The Department of Economic Empowerment shall provide notice of the transfer to the Secretary of State and the Legislative Committee on Administrative Rules in accordance with 3 V.S.A. § 848(d)(2).

\* \* \* Parental Leave Benefit Program \* \* \*

Sec. 70. 21 V.S.A. § 472 is amended to read:

§ 472. LEAVE

\* \* \*

(b) During the leave, at the employee's option, the employee may use accrued sick leave or, vacation leave, or any other accrued paid leave, not to exceed six weeks. In lieu of using sick leave, vacation leave, or other accrued paid leave, an employee may use parental leave benefits provided pursuant to 33 V.S.A. § 2001 not to exceed 12 weeks. Accrued paid leave and parental leave benefits provided pursuant to 33 V.S.A. § 2001 may be used sequentially but not concurrently. Utilization of accrued paid leave or parental leave benefits provided pursuant to 33 V.S.A. § 2001, or both, shall not extend the leave provided herein by this section.

\* \* \*

Sec. 71. 33 V.S.A. chapter 20 is added to read:

CHAPTER 20. PARENTAL LEAVE BENEFIT PROGRAM

§ 2001. PARENTAL LEAVE BENEFIT PROGRAM

(a)(1) An eligible parent who is employed prior to the birth or adoption of a child and who intends to return to employment either with the same employer or a new employer after a parental leave may apply to the Department of Children and Families to receive a parental leave benefit for up to 12 weeks during which the eligible parent is caring for the child and unable to work. Only one eligible parent in a two-parent household shall apply for and receive the parental leave benefit established in this section. The benefits provided pursuant to this section shall be available for leaves that begin on or after January 1, 2024.

(2)(A) The weekly benefit provided to an eligible parent shall be \$600.00 or the average weekly wage of the eligible parent during the six month period preceding the commencement of the leave, whichever is less.

(B) The benefit amount shall be calculated in increments of one full day, which shall be one-fifth of the eligible parent's weekly benefit amount.

(3) The benefit shall be paid by the Department to the eligible parent within 14 days after the Department approves the parent's application or within 14 days after the parental leave begins, whichever is last occurring, and subsequent payments shall be made biweekly.

(4) The parental leave for which the eligible parent may receive benefits shall be a single, continuous period ending within one year after the date on which the child was born or placed with the eligible parent for adoption.

(b)(1) The Department shall develop an application for the parental leave benefit using a simple, plain-language format, which shall be available in both electronic and paper formats.

(2) The Department shall develop and make available on the Department's website information and materials to educate the public regarding the availability of the parental leave benefit and the requirements to obtain the benefit.

(c)(1) To receive the parental leave benefit, an eligible parent shall submit:

(A) an application;

(B) a signed certification from the eligible parent's employer that the eligible parent is currently employed by the employer or was employed by the employer within 30 days prior to the beginning of the parental leave; and



(C) a statement of intent to return to employment or seek new employment following the parental leave.

(2) An eligible parent may submit an application with the signed certification and statement of intent to the Department in anticipation of a birth or the initial placement of a child for adoption or during the eligible parent's parental leave. The Department shall provide retroactive payments to an eligible parent provided the completed application, signed certification, and statement of intent are received not more than eight weeks after the leave began.

(d)(1) Benefits paid pursuant to this section may be used as wage replacement for a leave taken pursuant to 21 V.S.A. § 472 or the federal Family and Medical Leave Act, 29 U.S.C. §§ 2611–2654.

(2) The receipt of benefits paid pursuant to this section shall not extend the leave provided pursuant to 21 V.S.A. § 472 or the federal Family and Medical Leave Act.

(3) Nothing in this section shall be construed to alter the job protection and employment-related rights provided pursuant to 21 V.S.A. § 472 or the federal Family and Medical Leave Act or to provide job protection or employment-related rights that are in addition to the rights provided pursuant to those laws.

(e) As used in this section:

(1) "Eligible parent" means an individual whose annual gross family income is not more than 600 percent of the current federal poverty level and who is either:

(A) the parent of a child born within the preceding 12 months; or

(B) an individual with whom the initial placement of a child 10 years of age or younger for purposes of adoption has occurred within the preceding 12 months.

(2) "Parent" means an individual who:

(A) is a parent to a child, regardless of whether the relationship is a biological, adoptive, or step relationship; or

(B) has day-to-day responsibilities to care for and financially support a child.

(3) "Parental leave" means a leave of absence from employment by an eligible parent following:

(A) the birth of the eligible parent's child; or

(B) the initial placement of a child 10 years of age or younger with the eligible parent for purposes of adoption.

Sec. 72. 33 V.S.A. § 2002 is amended to read:

§ 2001. PARENTAL LEAVE BENEFIT PROGRAM

(a)(1) An eligible parent who is employed prior to the birth or adoption of a child and who intends to return to employment either with the same employer or a new employer after a parental leave may apply to the Department of ~~Children and Families~~ Economic Empowerment to receive a parental leave benefit for up to 12 weeks during which the eligible parent is caring for the child and unable to work. Only one eligible parent in a two-parent household shall apply for and receive the parental leave benefit established in this section. ~~The benefits provided pursuant to this section shall be available for leaves that begin on or after January 1, 2024.~~

\* \* \*

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

Sec. 73. APPROPRIATIONS

(a) In fiscal year 2024, \$90,000,000.00 is appropriated from the General Fund to the Department for Children and Families for the purpose of funding the Child Care Financial Assistance Program pursuant to Secs. 2–4b of this act and the parental leave benefit pursuant to Secs. 70–71 of this act.

(b) In fiscal year 2024, \$150,000.00 is appropriated to Building Bright Futures for consultation and transition assistance services required pursuant to Secs. 6 and 13 of this act.

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

Sec. 74. EFFECTIVE DATES

(a) Except as provided in subsection (b) of this section, this act shall take effect on July 1, 2023, with the Department for Children and Families making child care subsidies available to Vermont residents who have an immigration status for which Child Care Financial Assistance Program participation is not available pursuant to 33 V.S.A. § 3552 beginning on July 1, 2024, subject to fiscal year 2025 appropriations for this purpose.

(b)(1) Secs. 1b and 1c (relating to an additional Deputy Secretary within the Agency of Education) shall take effect on July 1, 2024.

(2) Sec. 2 (Child Care Financial Assistance Program; eligibility), Sec. 3 (provider rate adjustment; Child Care Financial Assistance Program); Sec. 4 (payment to providers for school age children); Sec. 4a (payment to providers

for children birth through four years of age; high quality incentive program), and Sec. 4b (High-Quality Early Care and Education Special Fund) shall take effect on January 1, 2024, except that the Commissioner for Children and Families shall adopt any rules necessary prior to that date in order to perform the Commissioner's duties under this act.

(3) Secs. 14–16 (property tax exemption; property used by child care providers) shall take effect on July 1, 2024.

(4) Secs. 17–69 (relating to the reorganization of the Department for Children and Families and creation of the Department of Economic Empowerment) shall take effect on July 1, 2024.

(5) Secs. 70–71 (relating to the parental leave benefit program) shall take effect on January 1, 2024.

(6) Sec. 72 (parent leave benefit program) shall take effect on July 1, 2024.

And that when so amended the bill ought to pass.

Senator Cummings, for the Committee on Finance, to which the bill was referred, reported recommending that the bill be amended as recommended by the Committee on Health and Welfare with the following amendments thereto:

First: By striking out Sec. 2, 33 V.S.A. § 3512, in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. 33 V.S.A. § 3512 is amended to read:

§ 3512. CHILD CARE FINANCIAL ASSISTANCE PROGRAM;  
ELIGIBILITY

(a)(1) The Child Care Financial Assistance Program is established to subsidize, to the extent that funds permit, the costs of child care for families that need child care services in order to obtain employment, to retain employment, or to obtain training leading to employment. Families seeking employment shall be entitled to participate in the Program for up to three months and the Commissioner may further extend that period.

(2) The subsidy authorized by this subsection shall be established by the Commissioner, by rule, and shall bear a reasonable relationship to income and family size. Families shall be found eligible using an income eligibility scale based on the current federal poverty level and adjusted for the size of the family. Co-payments shall be assigned to the whole family and shall not increase if more than one eligible child is enrolled in child care. Families with an annual gross income of less than or equal to ~~150~~ 185 percent of the current federal poverty guidelines shall not have a family co-payment. Families with

an annual gross income up to and including ~~350~~ 600 percent of current federal poverty guidelines, adjusted for family size, shall be eligible for a subsidy authorized by the subsection. The scale shall be structured so that it encourages employment. If the federal poverty guidelines decrease in a given year, the Division shall maintain the previous year's federal poverty guidelines for the purpose of determining eligibility and benefit amount under this subsection.

(3) Earnings deposited in a qualified child education savings account, such as the Vermont Higher Education Investment Plan, established in 16 V.S.A. § 2877, or any similar plan qualified under 26 U.S.C. § 529, shall be disregarded in determining the amount of a family's income for the purpose of determining continuing eligibility.

(4) ~~After September 30, 2021,~~ a A regulated center-based child care program or family child care home as defined by the Department in rule shall not receive funds pursuant to this subsection that are in excess of the usual and customary rate for services at the center-based child care program or family child care home.

(5) The Department shall ensure that applications for the Child Care Financial Assistance Program use a simple, plain-language format. Applications shall be available in both electronic and paper formats.

Second: By striking out Secs. 14–16, 32 V.S.A. §§ 3802(22), 3800(q), and 5401(7), and their reader assistance heading in their entirety and inserting in lieu thereof the following:

\* \* \* Repeals; Child Tax Credit \* \* \*

#### Sec. 14. REPEALS; CHILD TAX CREDIT

The following are repealed:

(1) 32 V.S.A. § 5830f (Vermont child tax credit); and

(2) 32 V.S.A. § 5813(y) (statutory purpose; Vermont child tax credit).

\* \* \* Child Care and Parental Leave Contribution \* \* \*

Sec. 15. 32 V.S.A. chapter 246 is added to read:

#### CHAPTER 246. CHILD CARE AND PARENTAL LEAVE CONTRIBUTION

##### § 10551. PURPOSE

The Child Care and Parental Leave Contribution is established to provide funding for State support of child care and the Parental Leave Benefit Program established pursuant to 33 V.S.A. § 2201.

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§ 10552. DEFINITIONS

As used in this chapter:

(1) “Covered wages” means wages paid to an employee by an employer up to the amount of the Social Security Contribution and Benefit Base.

(2) “Employee” means an individual who receives payments with respect to services performed for an employer from which the employer is required to withhold Vermont income tax pursuant to chapter 151, subchapter 4 of this title.

(3) “Employer” means a person who employs one or more employees who is required to withhold income tax from wages paid to the employees pursuant to chapter 151, subchapter 4 of this title.

(4) “Self-employed individual” means a sole proprietor or partner owner of an unincorporated business, the sole member of an LLC, or the sole shareholder of a corporation.

(5) “Self-employment income” has the same meaning as in 26 U.S.C. § 1402.

(6) “Wages” means payments that are included in the definition of wages set forth in 26 U.S.C. § 3401.

§ 10553. CONTRIBUTION; RATE; COLLECTION

(a)(1) Each employer shall pay the Child Care and Parental Leave Contribution on all covered wages paid to each of the employer’s employees and shall remit those amounts to the Department of Taxes pursuant to the provisions of this section. An employer may deduct and withhold from an employee’s covered wages an amount equal to not more than one quarter of the contribution required pursuant to subsection (b) of this section. An employer shall pay the contributions required pursuant to this section as if the contributions were Vermont income tax subject to the withholding requirements of chapter 151, subchapter 4 of this title, including the requirements relating to the time and manner of payment.

(2) Each self-employed individual shall pay the Child Care and Parental Leave Contribution on the individual’s self-employment income and shall remit those amounts to the Department of Taxes pursuant to the provisions of this section. A self-employed individual shall make installment payments of estimated contributions pursuant to this subdivision from the enrolled self-employed individual’s self-employment income as if the contributions were Vermont income tax subject to the estimated payment requirements of 32 V.S.A. chapter 151, subchapter 5, including the time and manner of payment.

(b) The contribution rate shall be 0.42 percent of each employee's covered wages and each self-employed individual's self-employment income.

(c)(1) The Department shall collect the contributions required pursuant to this section. The administrative and enforcement provisions of chapter 151 of this title shall apply to the contribution requirements under this section as if the contributions required pursuant to this section were Vermont income tax, except penalty and interest shall apply according to chapter 103 of this title.

(2) Employers shall be responsible for the full amount of any unpaid contributions due pursuant to subdivision (a)(1) of this section. Self-employed individuals shall be responsible for the full amount of any unpaid contributions due pursuant to subdivision (a)(2) of this section.

#### § 10554. CHILD CARE AND PARENTAL LEAVE CONTRIBUTION SPECIAL FUND

(a) The Child Care and Parental Leave Contribution Special Fund is created pursuant to chapter 7, subchapter 5 of this title and shall be administered by the Department for Children and Families and the Department of Taxes. Monies in the Fund may be expended by the Department of Taxes for the administration of the Child Care and Parental Leave Contribution created under this chapter, by the Department for Children and Families for benefits provided by State supported child care and under the Parental Leave Benefit Program established pursuant to 33 V.S.A. § 2201, and by the Departments for necessary costs incurred in administering the Fund. All interest earned on Fund balances shall be credited to the Fund.

(b) The Fund shall consist of:

(1) contributions collected or recovered pursuant to section 10553 of this title;

(2) any amounts transferred or appropriated to the Fund by the General Assembly; and

(3) any interest earned by the Fund.

(c) The Departments may seek and accept grants from any source, public or private, to be dedicated for deposit into the Fund.

#### Sec. 16. DEPARTMENT OF TAXES; POSITIONS

The establishment of the following 15 new permanent classified positions is authorized in the Department of Taxes in fiscal year 2024:

(1) eight full-time, classified tax examiners within the Taxpayer Services Division;

(2) two full-time, classified tax examiners within the Compliance Division;

(3) three full-time, classified tax compliance officers within the Compliance Division;

(4) one full-time, classified financial specialist III within the Revenue Accounting and Returns Processing Division; and

(5) one business analyst–tax within the VTax Division.

Third: By striking out Secs. 70, 71, and 72, Parental Leave Benefit Program, in their entirety and inserting in lieu thereof new Secs. 70, 71, and 72 to read as follows:

Sec. 70. 21 V.S.A. § 472 is amended to read:

§ 472. LEAVE

\* \* \*

(b) During the leave, at the employee’s option, the employee may use accrued sick leave or, vacation leave, or any other accrued paid leave, not to exceed six weeks. In lieu of using sick leave, vacation leave, or other accrued paid leave, an employee may use parental leave benefits provided pursuant to 33 V.S.A. § 2201 not to exceed 12 weeks. Accrued paid leave and parental leave benefits provided pursuant to 33 V.S.A. § 2201 may be used sequentially but not concurrently. Utilization of accrued paid leave or parental leave benefits provided pursuant to 33 V.S.A. § 2201, or both, shall not extend the leave provided herein by this section.

\* \* \*

Sec. 71. 33 V.S.A. chapter 22 is added to read:

CHAPTER 22. PARENTAL LEAVE BENEFIT PROGRAM

§ 2201. PARENTAL LEAVE BENEFIT PROGRAM

(a)(1)(A) An eligible parent may apply to the Department for Children and Families to receive a parental leave benefit for up to 12 weeks during which the eligible parent is caring for the child and unable to work if the eligible parent is:

(i) either employed or self-employed prior to the birth or adoption of a child; and

(ii) intends to either:

(I) return to employment or self-employment after the parental leave; or

(II) seek new employment or self-employment after the parental leave.

(B) Only one eligible parent in a two-parent household shall apply for and receive the parental leave benefit established in this section.

(C) The benefits provided pursuant to this section shall be available for leaves that begin on or after January 1, 2024.

(2)(A) The weekly benefit provided to an eligible parent shall be \$600.00 or the average weekly wage or self-employment income of the eligible parent during the six month period preceding the commencement of the leave, whichever is less.

(B) The benefit amount shall be calculated in increments of one full day, which shall be one-fifth of the eligible parent's weekly benefit amount.

(3) The benefit shall be paid by the Department to the eligible parent within 14 days after the Department approves the parent's application or within 14 days after the parental leave begins, whichever is last occurring, and subsequent payments shall be made biweekly.

(4) The parental leave for which the eligible parent may receive benefits shall be a single, continuous period ending within one year after the date on which the child was born or placed with the eligible parent for adoption.

(b)(1) The Department shall develop an application for the parental leave benefit using a simple, plain-language format, which shall be available in both electronic and paper formats.

(2) The Department shall develop and make available on the Department's website information and materials to educate the public regarding the availability of the parental leave benefit and the requirements to obtain the benefit.

(c)(1) To receive the parental leave benefit, an eligible parent shall submit:

(A) an application;

(B) either:

(i) a signed certification from the eligible parent's employer that the eligible parent is currently employed by the employer or was employed by the employer within 30 days prior to the beginning of the parental leave; or

(ii) proof of self-employment income earned in Vermont during the prior calendar year or, if the individual did not earn self-employment income in Vermont during the prior calendar year, proof of self-employment income earned in Vermont during the current calendar year; and



(C) a statement of intent to return to employment or self-employment or to seek new employment or self-employment following the parental leave.

(2) An eligible parent may submit an application and other required materials to the Department in anticipation of a birth or the initial placement of a child for adoption or during the eligible parent's parental leave. The Department shall provide retroactive payments to an eligible parent, provided the completed application and other required materials are received not more than eight weeks after the leave began.

(d)(1) Benefits paid pursuant to this section may be used as wage replacement for a leave taken pursuant to 21 V.S.A. § 472 or the federal Family and Medical Leave Act, 29 U.S.C. §§ 2611–2654.

(2) The receipt of benefits paid pursuant to this section shall not extend the leave provided pursuant to 21 V.S.A. § 472 or the federal Family and Medical Leave Act.

(3) Nothing in this section shall be construed to alter the job protection and employment-related rights provided pursuant to 21 V.S.A. § 472 or the federal Family and Medical Leave Act or to provide job protection or employment-related rights that are in addition to the rights provided pursuant to those laws.

(e) As used in this section:

(1) "Eligible parent" means an individual whose annual gross family income is not more than 600 percent of the current federal poverty level and who is either:

(A) the parent of a child born within the preceding 12 months; or

(B) an individual with whom the initial placement of a child 10 years of age or younger for purposes of adoption has occurred within the preceding 12 months.

(2) "Parent" means an individual who:

(A) is a parent to a child, regardless of whether the relationship is a biological, adoptive, or step relationship; or

(B) has day-to-day responsibilities to care for and financially support a child.

(3) "Parental leave" means a leave of absence from employment or self-employment by an eligible parent following:

(A) the birth of the eligible parent's child; or

(B) the initial placement of a child 10 years of age or younger with the eligible parent for purposes of adoption.

Sec. 72. 33 V.S.A. § 2201 is amended to read:

§ 2201. PARENTAL LEAVE BENEFIT PROGRAM

(a)(1)(A) An eligible parent may apply to the Department ~~for Children and Families of Economic Empowerment~~ to receive a parental leave benefit for up to 12 weeks during which the eligible parent is caring for the child and unable to work if the eligible parent is:

\* \* \*

~~(C) The benefits provided pursuant to this section shall be available for leaves that begin on or after January 1, 2024. [Repealed.]~~

\* \* \*

Fourth: In Sec. 73, appropriations, by adding a new subsection (c) to read as follows:

(c) In fiscal year 2024, the amount of \$6,504,916.00 is appropriated from the General Fund to the Department of Taxes to be used for the implementation of the Child Care and Parental Leave Contribution pursuant to 32 V.S.A. chapter 246 created by this act.

Fifth: In Sec. 74, effective dates, by striking out subdivision (b)(3) (property tax exemption; property used by child care providers) in its entirety and inserting in lieu thereof new subdivisions (b)(3) and (b)(4) to read as follows:

(3) Notwithstanding 1 V.S.A. § 214, Sec. 14 (repeals; child tax credit) shall take effect retroactively on January 1, 2023 and shall apply to taxable years beginning on and after January 1, 2023.

(4) Sec. 15, 32 V.S.A. chapter 246, (child care and parental leave contribution) shall take effect on July 1, 2024.

And by renumbering the remaining subdivisions to be numerically correct.

And that when so amended the bill ought to pass.

Senator Kitchel, for the Committee on Appropriations, to which was referred the bill reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

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\* \* \* Legislative Intent \* \* \*

Sec. 1. LEGISLATIVE INTENT

It is the intent of the General Assembly that investments in and policy changes to Vermont's child care system shall:

- (1) increase access to and the quality of child care services throughout the State;
- (2) provide financial stability to child care programs;
- (3) stabilize Vermont's talented child care workforce;
- (4) address the workforce needs of the State's employers; and
- (5) provide policy recommendations for expanding access and capacity in Vermont's prekindergarten system.

\* \* \* Prekindergarten \* \* \*

Sec. 2. PREKINDERGARTEN EDUCATION STUDY COMMITTEE;  
REPORT

(a) Creation. There is created the Prekindergarten Education Study Committee to make recommendations on how to improve and expand accessible, affordable, and high-quality prekindergarten education.

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

- (1) the Secretary of Education or designee, who shall serve as chair;
- (2) the Secretary of Human Services or designee;
- (3) the Executive Director of the Vermont Principals' Association or designee;
- (4) the Executive Director of the Vermont Superintendents Association or designee;
- (5) the Executive Director of the Vermont School Board Association or designee;
- (6) the Executive Director of the Vermont National Education Association or designee;
- (7) the Chair of the Vermont Council of Special Education Administrators or designee;
- (8) the Executive Director of the Vermont Curriculum Leaders Association or designee;

(9) the Executive Director of Building Bright Futures or designee;

(10) a representative of a prequalified private provider as defined in 16 V.S.A. § 829, operating a licensed center-based child care and preschool program, appointed by the Speaker of the House;

(11) a representative of a prequalified private provider as defined in 16 V.S.A. § 829, operating a regulated family child care home, appointed by the Committee on Committees;

(12) the Head Start Collaboration Office Director or designee;

(13) the Executive Officer of Let's Grow Kids or designee; and

(14) a family representative with a prekindergarten-age child, appointed by the Building Bright Futures Council.

(c) Powers and duties. The Committee shall examine the delivery of prekindergarten education in Vermont and make recommendations for expanding equitable access for all children three and four years of age in a manner that achieves the best outcomes for children, whether through the current mixed-delivery system, the public school system, the private prekindergarten system, or a system that allows school districts to contract with private providers. The Committee shall also examine and make recommendations on the changes necessary to provide prekindergarten education to all children three and four years of age through the public school system, including a timeline and transition plan for such changes. In conducting its analysis, the Committee shall address the following topics and questions, which may yield distinct recommendations for children three and four years of age:

(1) Outcomes and quality.

(A) What are the benchmarks for "high quality" in prekindergarten education?

(B) How should best practices be implemented and measured across various prekindergarten education settings?

(2) Capacity and demand.

(A) How many children, by age, does the current mixed-delivery system have the capacity to serve? In studying this issue, the Committee shall consider the number of children on waitlists and the number of vacancies in programs.

(B) What are the workforce requirements to expand prekindergarten education? In studying this question, the Committee may consider:

(i) whether there is a gap between the total number of licensed teachers currently working and the number needed for expansion;

(ii) whether there is a gap between the total prekindergarten education workforce, including paraeducators, and the number needed for expansion; and

(iii) the educational and training costs associated with training and retaining the workforce necessary for expansion?

(C) If prekindergarten education in the public school system is provided solely to children four years of age, what is the impact on the capacity and workforce of private prekindergarten providers?

(D) If prekindergarten education for children who are four years of age is provided exclusively through the public school system, how will infant capacity in private child care providers be impacted?

(E) Are there areas of the State where prekindergarten education can be more effectively and conveniently furnished in an adjacent state due to geographic considerations?

(3) Special education.

(A) How many children three and four years of age are currently on individual education programs receiving services in public and private settings?

(B) Are children three and four years of age on individual education plans receiving the full range of services that they are entitled to?

(C) Does the availability or cost of special education services vary between private and public prequalified providers?

(4) Public school expansion.

(A) What infrastructure changes are necessary to expand prekindergarten education?

(B) How would the current prekindergarten education mixed-delivery system transition to a program within the public school system?

(C) What capacity needs to be built for developmentally appropriate afterschool and out-of-school-time care?

(D) Are changes needed to existing health and safety standards for public schools to accommodate children three and four years of age?

(5) Funding and costs.

(A) What are fiscally strategic options to sustain and expand universal prekindergarten education?

(B) What is the financial and business impact on regulated private child care providers if the prekindergarten system transitions to public schools or is expanded beyond the current 10-hour program?

(C) What, if any, changes need to be made to pupil weights for prekindergarten students?

(D) What, if any, changes need to be made to tuition rates for private prekindergarten programs?

(6) Oversight.

(A) What additional Agency of Education personnel or resources would be needed to oversee an expansion of the current prekindergarten education system under either a mixed-delivery model, a public school system model, or a system that allows school districts to contract with private providers?

(B) What additional Agency of Human Services personnel or resources would be needed to oversee an expansion of the current mixed-delivery model or a private prekindergarten system?

(C) Whether additional leadership capacity is needed at the Agency of Education to address early childhood education, and if so, how should the leadership capacity be expanded?

(d) Assistance. The Committee shall have the administrative, technical, fiscal, and legal assistance of the Agencies of Education and of Human Services. If the Agencies are unable to provide the Committee with adequate support to assist with its technical, fiscal, or legal needs, then the Agency of Education shall retain a contractor with the necessary expertise to assist the Committee.

(e) Report. On or before December 1, 2023, the Committee shall submit a written report to the House Committees on Education and on Human Services and the Senate Committees on Education and on Health and Welfare with its findings and recommendations based on the analysis conducted pursuant to subsection (c) of this section. The report shall include draft legislative language to support the Committee's recommendations.

(f) Meetings.

(1) The Secretary of Education or designee shall call the first meeting of the Committee to occur on or before July 15, 2023.

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

(3) The Committee shall cease to exist on February 1, 2024.

(g) 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 pursuant to 32 V.S.A. § 1010 for not more than 10 meetings per year. These payments shall be made from monies appropriated to the Agency of Education.

(h) Appropriations.

(1) The sum of \$5,000.00 is appropriated to the Agency of Education from the General Fund in fiscal year 2024 for per diem compensation and reimbursement of expenses for members of the Committee.

(2) The sum of \$100,000.000 is appropriated to the Agency of Education from the General Fund in fiscal year 2024 for the cost of retaining a contractor as provided under subsection (d) of this section.

(3) Any unused portion of these appropriations shall, as of July 1, 2024, revert to the General Fund.

\* \* \* Child Care and Child Care Subsidies \* \* \*

Sec. 3. 33 V.S.A. § 3512 is amended to read:

§ 3512. CHILD CARE FINANCIAL ASSISTANCE PROGRAM;  
ELIGIBILITY

(a)(1) The Child Care Financial Assistance Program is established to subsidize, to the extent that funds permit, the costs of child care for families that need child care services in order to obtain employment, to retain employment, or to obtain training leading to employment. Families seeking employment shall be entitled to participate in the Program for up to three months and the Commissioner may further extend that period.

(2) The subsidy authorized by this subsection shall be established by the Commissioner, by rule, and shall bear a reasonable relationship to income and family size. Families shall be found eligible using an income eligibility scale based on the current federal poverty level and adjusted for the size of the family. Co-payments shall be assigned to the whole family and shall not increase if more than one eligible child is enrolled in child care. Families with an annual gross income of less than or equal to ~~150~~ 185 percent of the current federal poverty guidelines shall not have a family co-payment. Families with an annual gross income up to and including ~~350~~ 600 percent of current federal poverty guidelines, adjusted for family size, shall be eligible for a subsidy authorized by the subsection. The scale shall be structured so that it encourages employment. If the federal poverty guidelines decrease in a given

year, the Division shall maintain the previous year's federal poverty guidelines for the purpose of determining eligibility and benefit amount under this subsection.

(3) Earnings deposited in a qualified child education savings account, such as the Vermont Higher Education Investment Plan, established in 16 V.S.A. § 2877, or any similar plan qualified under 26 U.S.C. § 529, shall be disregarded in determining the amount of a family's income for the purpose of determining continuing eligibility.

(4) ~~After September 30, 2021,~~ a A regulated center-based child care program or family child care home as defined by the Department in rule shall not receive funds pursuant to this subsection that are in excess of the usual and customary rate for services at the center-based child care program or family child care home.

(5) The Department shall ensure that applications for the Child Care Financial Assistance Program use a simple, plain-language format. Applications shall be available in both electronic and paper formats.

\* \* \*

#### Sec. 4. PROVIDER RATE ADJUSTMENT; CHILD CARE FINANCIAL ASSISTANCE PROGRAM

On January 1, 2024, the Department for Children and Families shall provide a one-time adjustment to the child care provider reimbursement rates in the Child Care Financial Assistance Program for child care services provided to children from birth through four years of age, including children five years of age who are not yet enrolled in kindergarten. The adjusted reimbursement rate shall account for the age of the children served and be 38.5 percent higher than the fiscal year 2023 five-STAR reimbursement rate in the Vermont STARS system. All providers in the same child care setting category shall receive an identical reimbursement rate payment, which shall be dependent upon whether the provider operates a regulated child care center and preschool program or regulated family child care home.

#### Sec. 5. APPROPRIATION; CHILD CARE FINANCIAL ASSISTANCE PROGRAM

(a) In addition to fiscal year 2024 funds appropriated for the Child Care Financial Assistance Program in other acts, in fiscal year 2024, \$45,300,000.00 is appropriated from the General Fund to the Department for Children and Families' Child Development Division for the program eligibility expansion in Sec. 3 of this act and for the fiscal year 2024 provider rate adjustment in Sec. 4 of this act.



(b) In addition to fiscal year 2024 funds appropriated for the administration of the Department for Children and Families' Child Development Division in other acts, in fiscal year 2024, \$6,000,000.00 is appropriated from the General Fund to the Division to administer the Child Care Financial Assistance Program eligibility expansion in Sec. 3 of this act and for the fiscal year 2024 provider rate adjustment in Sec. 4 of this act.

Sec. 6. READINESS PAYMENTS AND GRANTS; CHILD CARE  
FINANCIAL ASSISTANCE PROGRAM

(a)(1) In fiscal year 2024, \$25,000,000.00 is appropriated from the General Fund to the Department for Children and Families' Child Development Division for the purpose of providing payments and grants to child care providers, as defined in 33 V.S.A. § 3511, delivering child care services to children birth through four years of age, including children five years of age who are not yet enrolled in kindergarten, in preparation of the Child Care Financial Assistance Program eligibility expansion in Sec. 3 of this act and for the fiscal year 2024 provider rate adjustment in Sec. 4 of this act. Readiness payments and grants may be used for workforce recruitment or retention bonuses, or both; child care facility improvement; and any other uses approved by the Commissioner.

(2) Of the funds appropriated in subdivision (1) of this subsection, up to five percent may be used to contract with a third party to provide technical assistance to child care providers to build or maintain capacity and to provide information on the opportunities and requirements of this act.

(b) In administering the readiness grant program established by this section, the Division may either use the same distribution framework used to distribute Child Care Development Block Grant funds in accordance with the American Rescue Plan Act of 2021 or it may utilize an alternative distribution framework.

(c) The Commissioner shall provide a status report on the distribution of readiness grants to the to the Joint Fiscal Committee at its November 2023 meeting.

Sec. 7. 33 V.S.A. § 3514 is amended to read:

§ 3514. PAYMENT TO PROVIDERS FOR SCHOOL AGE CHILDREN

(a) The Commissioner shall establish a payment schedule for purposes of reimbursing providers for full- or part-time child care services to children over four years of age, excluding children five years of age who are not yet enrolled in kindergarten, rendered to families who participate in the programs established under section 3512 or 3513 of this title. Payments established under this section shall reflect the following considerations: whether the

provider operates a licensed child care facility or a registered family child care home, type of service provided, cost of providing the service, and the prevailing market rate for comparable service. Payments shall be based on enrollment status ~~or any other basis agreed to by the provider and the Division.~~

\* \* \*

Sec. 8. 33 V.S.A. § 3515 is added to read:

§ 3515. PAYMENT TO PROVIDERS FOR CHILDREN BIRTH THROUGH FOUR YEARS OF AGE

(a) The Commissioner shall establish a payment schedule that accounts for the age of the children served for the purpose of reimbursing providers for full- or part-time child care services to children from birth through four years of age, including children five years of age who are not yet enrolled in kindergarten, rendered to families who participate in the programs established under section 3512 or 3513 of this title. All providers in the same child care setting category shall receive an identical reimbursement rate payment, which shall be dependent upon whether the provider operates a regulated child care center and preschool program or regulated family child care home. The rate used to reimburse providers shall be increased over the previous year's rate annually on July 1 in alignment with the most recent annual average wage growth for NAICS code 611, Educational Services, not to fall below zero percent. Payments shall be based on enrollment.

(b) The Commissioner may establish a separate payment schedule for child care providers who have received training, approved by the Commissioner, relating to protective or family support services.

Sec. 9. 33 V.S.A. § 3516 is added to read:

§ 3516. CHILD CARE QUALITY AND CAPACITY INCENTIVE PROGRAM

(a) The Commissioner shall establish a child care quality and capacity incentive program for child care providers participating in the Child Care Financial Assistance Program pursuant to 33 V.S.A. §§ 3512 and 3513 and delivering child care services to children birth through four years of age, including children who are five years old and not yet enrolled in kindergarten. Annually, consistent with funds appropriated for this purpose, the Commissioner shall provide each child care provider with a base incentive payment dependent upon the child care provider's child care setting category. A child care provider's base incentive payment shall be supplemented for each of the following achievements:

(1) completing a Commissioner-approved training on protective or

family support services;

(2) maintaining five STARS in the Vermont STARS system;

(3) achieving an increased STAR level in the Vermont STARS system;

(4) maintaining existing infant and toddler capacity;

(5) increasing infant and toddler capacity;

(6) establishing capacity in regions of the State that are identified by the Commissioner as underserved; and

(7) any other quality- or capacity-specific criteria identified by the Commissioner.

(b) The Commissioner shall maintain a current incentive payment schedule on the Department's website.

Sec. 10. 33 V.S.A. § 3517 is added to read:

§ 3517. CHILD CARE WAITLIST AND APPLICATION FEES

A child care provider shall not charge an application or waitlist fee for child care services where the applying child qualifies for the Child Care Financial Assistance Program pursuant to section 3512 or 3513 of this title. A child care provider shall reimburse an individual who is charged an application or waitlist fee for child care services if it is later determined that the applying child qualified for the Child Care Financial Assistance Program at the time the fee or fees were paid.

Sec. 11. PROVIDER COMPENSATION AND TOTAL COST OF CARE;  
RECOMMENDATIONS

(a) On or before November 1, 2023, the Department for Children and Families, in consultation with the Department of Labor, the Agency of Education, Building Bright Futures, and the Vermont Association for the Education of Young Children, shall submit a report to the House Committee on Human Services and to the Senate Committee on Health and Welfare addressing the following:

(1) whether and how to integrate a tiered professional pay scale for professionals who provide child care services as part of the Child Care Financial Assistance Program;

(2) the structure of tiered professional pay scales for professionals who provide child care services that have been implemented in other jurisdictions, including in New Mexico and the District of Columbia; and

(3) the appropriate legal mechanism to implement any approved tiered professional pay scale for professionals who provide child care services,

including consideration of statute, rule, departmental guidance, or some other appropriate mechanism.

(b) On or before November 1, 2024, the Department for Children and Families, in consultation with the Department of Labor, the Agency of Education, Building Bright Futures, and the Vermont Association for the Education of Young Children, shall submit to the House Committee on Human Services and to the Senate Committee on Health and Welfare:

(1) A tiered professional pay scale for professionals who provide child care services as defined in 33 V.S.A. § 3511 that is designed to provide professionals who provide child care services with compensation comparable to that received by early childhood educators in Vermont’s public school system who serve children from prekindergarten through grade three. The tiered professional pay scale shall account for professionals’ credentialing and professional child care experience and shall include the addition of an appropriate fringe benefit rate. In developing the tiered professional pay scale, the Department for Children and Families shall refer to the child care and early childhood education financing study required pursuant to 2021 Acts and Resolves No. 45, Sec. 14.

(2) A formula to calculate the total cost of care to serve children in a regulated child care facility as defined in 33 V.S.A. § 3511.

Sec. 12. 33 V.S.A. chapter 35, subchapter 6 is added to read:

Subchapter 6. Child Care Assistance for Additional Populations

§ 3551. NONCITIZEN CHILD CARE ASSISTANCE PROGRAM;

LEGISLATIVE INTENT

In establishing the Noncitizen Child Care Assistance Program to provide child care subsidies for children who are not eligible for the Child Care Financial Assistance Program because of their citizenship status, it is the intent of the General Assembly that the benefits and eligibility criteria set forth in section 3552 of this chapter should align to the greatest extent practicable with the benefits and eligibility criteria in CCFAP as set forth in section 3512 of this chapter and corresponding rule.

§ 3552. NONCITIZEN CHILD CARE ASSISTANCE PROGRAM

SUBSIDIES FOR CERTAIN VERMONT RESIDENTS

(a) For purposes of this section, the phrase “Vermont residents who have a citizenship status for which Child Care Financial Assistance Program (CCFAP) participation is not available” includes children of migrant workers who are employed in seasonal occupations in this State.

(b) The Department for Children and Families shall provide State-funded

child care subsidies equivalent to those offered in the Child Care Financial Assistance Program (CCFAP) to Vermont residents who have a citizenship status for which CCFAP participation is not available and meet the service need and income eligibility standards established by the Department in rule.

(c)(1) The Department shall not inquire about or record the citizenship and immigration status of the applicant's family.

(2) The Department shall not record the citizenship and immigration status of the applicant.

(3) All applications submitted and records created pursuant to this section shall be exempt from public inspection and copying under the Public Records Act and shall be kept confidential. Absent a request for information by a U.S. agency pursuant to federal law, the Department shall not disclose any personally identifiable information regarding applicants or enrollees to the U.S. government.

(d) The Department for Children and Families may adopt rules in accordance with 3 V.S.A. chapter 25 to carry out the purposes of this section.

Sec. 13. DEPARTMENT FOR CHILDREN AND FAMILIES; NONCITIZEN  
CHILD CARE ASSISTANCE PROGRAM SUBSIDIES; FISCAL  
YEAR 2025 ESTIMATE

The Department for Children and Families shall provide information on the estimated fiscal year 2025 costs of providing coverage to Vermont residents who have a citizenship status for which Child Care Financial Assistance Program participation is not available pursuant to 33 V.S.A. § 3552 beginning on July 1, 2024 as part of the Department's fiscal year 2025 budget presentation to the House Committees on Appropriations and on Human Services and the Senate Committees on Appropriations and on Health and Welfare.

\* \* \* Special Accommodations Grant \* \* \*

Sec. 14. REPORT; SPECIAL ACCOMMODATIONS GRANT

On or before January 15, 2024, the Department for Children and Families' Child Development Division shall submit a report to the House Committee on Human Services and to the Senate Committee on Health and Welfare providing a proposal to streamline the application process for special accommodation grants, including:

(1) the suitability of moving to a 12-month grant cycle and for which populations;

(2) improving support and training for providing inclusive care for children with special needs;

(3) determining how to better meet the early learning needs of children with disabilities within a child care setting; and

(4) any other proposals the Department deems essential to the goal of streamlining the application process for special accommodation grants.

\* \* \* Transitional Assistance and Governance \* \* \*

Sec. 15. BUILDING BRIGHT FUTURES; TECHNICAL ASSISTANCE;  
STAKEHOLDER ENGAGEMENT

Of the funds appropriated in Sec. 6 (readiness payments and grants; child care financial assistance program) of this act, up to \$250,000.00 may be used by the Department for Children and Families' Child Development Division to contract for stakeholder engagement and technical assistance services from Building Bright Futures for the purposes of implementing the Division's duties in accordance with Sec. 2 (Prekindergarten Education Study Committee), Sec. 11 (provider compensation and total cost of care; recommendations), Sec. 12 (Noncitizen Child Care Assistance Program), and Sec. 14 (report; special accommodations grant) of this act.

Sec. 16. REPORT; CHILD CARE SYSTEM GOVERNANCE

(a) The Secretary of Human Services shall conduct an assessment on the organizational structure of the Department for Children and Families that takes into consideration the investments in and expansion of early education and child care pursuant to this act. On or before January 15, 2024, the Secretary shall submit a report to the House Committees on Appropriations, on Government Operations, and on Human Services and to the Senate Committees on Appropriations, on Government Operations, and on Health and Welfare containing recommendations regarding the Department's organizational structure that shall:

(1) identify a Departmental structure that provides the appropriate alignment of programs and functions to best meet the needs of Vermonters being served by the Department, including:

(A) options for placing significant Departmental duties in one or more other departments;

(B) the impact of reorganizing the Department on other departments and agencies in State government;

(C) the potential service delivery benefits and operational improvements of reorganizing the Department, including any impacts on staff;

and

(D) the fiscal impact of recommended changes to the Department's structure, including all administrative resources needed to ensure successful operation of the new structure; and

(2) identify the transition planning needed to reorganize the Department's structure, including administrative and project management support, risk mitigation and management, and a proposed transition timeline.

(b) The Secretary may utilize funds appropriated for administrative purposes to contract a consultant to assist with the assessment required pursuant to this section.

\* \* \* Repeals; Child Tax Credit \* \* \*

#### Sec. 17. REPEALS; CHILD TAX CREDIT

The following are repealed:

(1) 32 V.S.A. § 5830f (Vermont child tax credit); and

(2) 32 V.S.A. § 5813(y) (statutory purpose; Vermont child tax credit).

\* \* \* Child Care and Parental Leave Contribution \* \* \*

#### Sec. 18. 32 V.S.A. chapter 246 is added to read:

##### CHAPTER 246. CHILD CARE AND PARENTAL LEAVE CONTRIBUTION

#### § 10551. PURPOSE

The Child Care and Parental Leave Contribution is established to provide funding for the Child Care Financial Assistance Program established in 33 V.S.A. §§ 3512 and 3513, including the provision of incentive payments pursuant to 33 V.S.A. § 3517, and the Parental Leave Benefit Program established pursuant to 33 V.S.A. § 2201.

#### § 10552. DEFINITIONS

As used in this chapter:

(1) "Covered wages" means wages paid to an employee by an employer up to the amount of the Social Security Contribution and Benefit Base.

(2) "Employee" means an individual who receives payments with respect to services performed for an employer from which the employer is required to withhold Vermont income tax pursuant to chapter 151, subchapter 4 of this title.

(3) “Employer” means a person who employs one or more employees who is required to withhold income tax from wages paid to the employees pursuant to chapter 151, subchapter 4 of this title.

(4) “Self-employed individual” means a sole proprietor or partner owner of an unincorporated business, the sole member of a limited liability company, or the sole shareholder of a corporation.

(5) “Self-employment income” has the same meaning as in 26 U.S.C. § 1402.

(6) “Wages” means payments that are included in the definition of wages set forth in 26 U.S.C. § 3401.

#### § 10553. CONTRIBUTION; RATE; COLLECTION

(a)(1) Each employer shall pay the Child Care and Parental Leave Contribution on all covered wages paid to each of the employer’s employees and shall remit those amounts to the Department of Taxes pursuant to the provisions of this section. An employer may deduct and withhold from an employee’s covered wages an amount equal to not more than one quarter of the contribution required pursuant to subsection (b) of this section. An employer shall pay the contributions required pursuant to this section as if the contributions were Vermont income tax subject to the withholding requirements of chapter 151, subchapter 4 of this title, including the requirements relating to the time and manner of payment.

(2) Each self-employed individual shall pay the Child Care and Parental Leave Contribution on the individual’s self-employment income and shall remit those amounts to the Department of Taxes pursuant to the provisions of this section. A self-employed individual shall make installment payments of estimated contributions pursuant to this subdivision from the enrolled self-employed individual’s self-employment income as if the contributions were Vermont income tax subject to the estimated payment requirements of 32 V.S.A. chapter 151, subchapter 5, including the time and manner of payment.

(b) The contribution rate shall be 0.42 percent of each employee’s covered wages and each self-employed individual’s self-employment income.

(c)(1) The Department shall collect the contributions required pursuant to this section. The administrative and enforcement provisions of chapter 151 of this title shall apply to the contribution requirements under this section as if the contributions required pursuant to this section were Vermont income tax, except penalty and interest shall apply according to chapter 103 of this title.

(2) Employers shall be responsible for the full amount of any unpaid contributions due pursuant to subdivision (a)(1) of this section. Self-employed



individuals shall be responsible for the full amount of any unpaid contributions due pursuant to subdivision (a)(2) of this section.

§ 10554. CHILD CARE AND PARENTAL LEAVE CONTRIBUTION  
SPECIAL FUND

(a) The Child Care and Parental Leave Contribution Special Fund is created pursuant to chapter 7, subchapter 5 of this title and shall be administered by the Department for Children and Families and the Department of Taxes. Monies in the Fund may be expended by the Department of Taxes for the administration of the Child Care and Parental Leave Contribution created under this chapter, by the Department for Children and Families for benefits provided by the Child Care Financial Assistance Program established in 33 V.S.A. §§ 3512 and 3513, including the provision of incentive payments pursuant to 33 V.S.A. § 3517 and under the Parental Leave Benefit Program established pursuant to 33 V.S.A. § 2201, and by the Departments for necessary costs incurred in administering the Fund. All interest earned on Fund balances shall be credited to the Fund.

(b) The Fund shall consist of:

(1) contributions collected or recovered pursuant to section 10553 of this title;

(2) any amounts transferred or appropriated to the Fund by the General Assembly; and

(3) any interest earned by the Fund.

(c) The Departments may seek and accept grants from any source, public or private, to be dedicated for deposit into the Fund.

Sec. 19. CHILD CARE AND PARENTAL LEAVE CONTRIBUTION  
POSITIONS AND APPROPRIATION

(a) The establishment of the following 15 new permanent classified positions is authorized in the Department of Taxes in fiscal year 2024:

(1) eight full-time, classified tax examiners within the Taxpayer Services Division;

(2) two full-time, classified tax examiners within the Compliance Division;

(3) three full-time, classified tax compliance officers within the Compliance Division;

(4) one full-time, classified financial specialist III within the Revenue Accounting and Returns Processing Division; and

(5) one business analyst–tax within the VTax Division.

(b) In fiscal year 2024, the amount of \$4,200,00.00 is appropriated from the General Fund to the Department of Taxes to be used for the implementation of the Child Care and Parental Leave Contribution pursuant to 32 V.S.A. chapter 246 created by this act.

\* \* \* Parental Leave Benefit Program \* \* \*

Sec. 20. 33 V.S.A. chapter 22 is added to read:

CHAPTER 22. PARENTAL LEAVE BENEFIT PROGRAM

§ 2201. PARENTAL LEAVE BENEFIT PROGRAM

(a) An eligible parent may apply to the Department for Children and Families to receive a parental leave benefit for a period during which the eligible parent is unable to work because the parent is caring for one or more children who were born or adopted within the preceding 12 months if the eligible parent is:

(1) either employed or self-employed prior to the birth or adoption of a child; and

(2) intends to either:

(A) return to employment or self-employment after the parental leave; or

(B) seek new employment or self-employment after the parental leave.

(b)(1) The benefits provided pursuant to this section shall be available for leaves for births or adoptions that occur on or after January 1, 2024.

(2)(A) Benefits shall be available for a maximum period of 12 weeks during the year following a birth or adoption.

(B) Benefits may be used either by one parent or shared between two parents, provided that the use of benefits by two parents shall not increase the length of the benefit period provided pursuant to this section.

(C) Benefits may be provided for:

(i) a single continuous leave;

(ii) intermittent leaves; or

(iii) for a portion of a week in which the eligible parent works part-time, provided that benefits shall only be provided for days on which the eligible parent does not work.

(3)(A) The weekly benefit provided to an eligible parent shall be \$600.00 per week or the eligible parent's average weekly wage or self-employment income during the six-month period preceding the commencement of the leave, whichever is less. If the leave benefit is shared between two eligible parents, the benefit amount for each eligible parent's leave shall be determined separately from the other eligible parent's portion of the leave.

(B) The benefit amount shall be calculated in increments of one full day, which shall be one-fifth of the eligible parent's weekly benefit amount. For eligible parents who are working part-time, the eligible parent's weekly benefit amount shall be prorated based on the number of days on which the eligible parent works in that week.

(4) The benefit shall be paid by the Department to the eligible parent within 14 days after the Department approves the parent's application or within 14 days after the parental leave begins, whichever is last occurring, and subsequent payments shall be made biweekly.

(c)(1) The Department shall develop an application for the parental leave benefit using a simple, plain-language format, which shall be available in both electronic and paper formats.

(2) The Department shall develop and make available on the Department's website information and materials to educate the public regarding the availability of the parental leave benefit and the requirements to obtain the benefit.

(d)(1) To receive the parental leave benefit, an eligible parent shall submit:

(A) an application;

(B) either:

(i) a signed certification from the eligible parent's employer that the eligible parent is currently employed by the employer or was employed by the employer within 30 days prior to the beginning of the parental leave; or

(ii) proof of self-employment income earned in Vermont during the prior calendar year or, if the individual did not earn self-employment income in Vermont during the prior calendar year, proof of self-employment income earned in Vermont during the current calendar year; and

(C) a statement of intent to return to employment or self-employment or to seek new employment or self-employment following the parental leave.

(2) An eligible parent may submit an application and other required materials to the Department in anticipation of a birth or the initial placement of

a child for adoption or during the eligible parent's parental leave. The Department shall provide retroactive payments to an eligible parent, provided the completed application and other required materials are received not more than eight weeks after the leave began.

(e)(1) Benefits paid pursuant to this section may be used as wage replacement for a leave taken pursuant to 21 V.S.A. § 472 or the federal Family and Medical Leave Act, 29 U.S.C. §§ 2611–2654.

(2) The receipt of benefits paid pursuant to this section shall not extend the leave provided pursuant to 21 V.S.A. § 472 or the federal Family and Medical Leave Act.

(3) Nothing in this section shall be construed to alter the job protection and employment-related rights provided pursuant to 21 V.S.A. § 472 or the federal Family and Medical Leave Act or to provide job protection or employment-related rights that are in addition to the rights provided pursuant to those laws.

(f) As used in this section:

(1) "Eligible parent" means an individual who is domiciled in Vermont whose annual gross family income is not more than 600 percent of the current federal poverty level and who is either:

(A) the parent of a child born within the preceding 12 months; or

(B) an individual with whom the initial placement of a child 10 years of age or younger for purposes of adoption has occurred within the preceding 12 months.

(2) "Parent" means an individual who:

(A) is a parent to a child, regardless of whether the relationship is a biological, adoptive, or step relationship; or

(B) has day-to-day responsibilities to care for and financially support a child.

(3) "Parental leave" means a leave of absence from employment or self-employment by an eligible parent following:

(A) the birth of the eligible parent's child; or

(B) the initial placement of a child 10 years of age or younger with the eligible parent for purposes of adoption.

#### Sec. 21. APPROPRIATIONS; PARENTAL LEAVE BENEFIT PROGRAM

(a) In fiscal year 2024, \$2,000,000.00 is appropriated from the General Fund to the Department for Children and Families' Child Development

Division for the implementation and administration of the Parental Leave Benefit Program in accordance with of 33 V.S.A. chapter 22. The Division may contract with a third party to administer the Parental Leave Benefit Program.

(b) In fiscal year 2024, \$5,600,000.00 is appropriated from the General Fund to the Department for Children and Families' Child Development Division for the benefit costs associated with the Parental Leave Benefit Program pursuant 33 V.S.A. chapter 22.

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

#### Sec. 22. EFFECTIVE DATES

(a) Except as provided in subsection (b) of this section, this act shall take effect on July 1, 2023, with the Department for Children and Families making child care subsidies available to Vermont residents who have an immigration status for which Child Care Financial Assistance Program participation is not available pursuant to 33 V.S.A. § 3552 beginning on July 1, 2024, subject to fiscal year 2025 appropriations for this purpose.

(b)(1) Sec. 3 (Child Care Financial Assistance Program; eligibility), Sec. 4 (provider rate adjustment; Child Care Financial Assistance Program), Sec. 7 (payment to providers for school age children), Sec. 8 (payment to providers for children birth through four years of age), and Sec. 9 (child care quality and capacity incentive program) shall take effect on January 1, 2024, except that the Commissioner for Children and Families shall adopt any rules necessary prior to that date in order to perform the Commissioner's duties under this act.

(2) Notwithstanding 1 V.S.A. § 214, Sec. 17 (repeals; child tax credit) shall take effect retroactively on January 1, 2023 and shall apply to taxable years beginning on and after January 1, 2023.

(3) Sec. 18 (32 V.S.A. chapter 246, child care and parental leave contribution) shall take effect on July 1, 2024.

(4) Sec. 20 (relating to the Parental Leave Benefit Program) shall take effect on January 1, 2024.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only, pursuant to Rule 43, and the recommendation of amendment of the Committee on Health and Welfare was amended as recommended by the Committee on Finance.

Thereupon, the pending question, Shall the recommendation of amendment of the Committee on Health and Welfare, as amended, be amended as recommended by the Committee on Appropriations, was decided in the affirmative.

Thereupon the bill was amended as recommended by the Committee on Health and Welfare, as amended.

Thereupon, third reading was ordered on a roll call, Yeas 24, Nays 6.

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

#### **Roll Call**

**Those Senators who voted in the affirmative were:** Baruth, Bray, Campion, Chittenden, Clarkson, Cummings, Gulick, Hardy, Harrison, Hashim, Kitchel, Lyons, MacDonald, Mazza, McCormack, Perchlik, Ram Hinsdale, Sears, Starr, Vyhovsky, Watson, Westman, White, Wrenner.

**Those Senators who voted in the negative were:** Brock, Collamore, Ingalls, Norris, Weeks, Williams.

#### **Bill Passed**

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

**S. 32.** An act relating to ranked-choice voting for presidential primary elections.

#### **Bill Amended; Bill Passed**

##### **S. 42.**

Senate bill entitled:

An act relating to divestment of State pension funds of investments in the fossil fuel industry.

Was taken up.

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

In Sec. 1, public pension funds; fossil fuels; Vermont Pension Investment Commission; plan and report, in subdivision (d)(1), by striking out the words "exempt from" and inserting in lieu thereof exceptions to; and in subdivision (d)(2), by striking out the word "Exemptions" and inserting in lieu thereof Exceptions, and by striking out the words "exempt from" and inserting in thereof the words exceptions to

Which was agreed to.

Thereupon, the bill was read the third time and passed on a roll call, Yeas 22, Nays 8.

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

### Roll Call

**Those Senators who voted in the affirmative were:** Baruth, Bray, Champion, Chittenden, Clarkson, Cummings, Gulick, Hardy, Harrison, Hashim, Kitchel, Lyons, MacDonald, Mazza, McCormack, Perchlik, Ram Hinsdale, Sears, Vyhovsky, Watson, White, Wrenner.

**Those Senators who voted in the negative were:** \*Brock, Collamore, Ingalls, Norris, Starr, Weeks, Westman, Williams.

\*Senator Brock explained his vote as follows:

“Fiduciary investment decisions affecting the financial future of retired State Employees and teachers should not be left in the hands of politicians.”

### Bills Passed

Senate bills of the following titles were severally read the third time and passed:

**S. 89.** An act relating to establishing a forensic facility.

**S. 91.** An act relating to competency to stand trial and insanity as a defense.

### Adjournment

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

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## FRIDAY, MARCH 31, 2023

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. 37

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

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

**H. 31.** An act relating to aquatic nuisance control.

**H. 158.** An act relating to the beverage container redemption system.

**H. 205.** An act relating to establishing the Small Farmer Diversification and Transition Program.

**H. 222.** An act relating to reducing overdoses.

**H. 480.** An act relating to property valuation and reappraisals.

In the passage 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. 21.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

The Governor has informed the House that on March 29, 2023, he approved and signed a bill originating in the House of the following title:

**H. 411.** An act relating to extending COVID-19 health care regulatory flexibility.

#### **Pages Honored**

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

Olivia P. Badger of Barre Town  
Gabrielle Bock of Northfield  
Nicholas R. Cellini of Pomfret  
Emilia Y. Chittenden of South Burlington  
Asa Lloyd of Montpelier  
Connor Noyes-Urffer of Brattleboro  
Elise O'Brien of East Montpelier

#### **Bill Introduced**

Senate bill of the following title was introduced, read the first time and referred:

#### **S. 142.**

By Senators Hashim and Vyhovsky,

An act relating to eligibility requirements for law enforcement officers.

To the Committee on Government Operations.



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**Bills Referred**

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

**H. 31.**

An act relating to aquatic nuisance control.

To the Committee on Natural Resources and Energy.

**H. 158.**

An act relating to the beverage container redemption system.

To the Committee on Natural Resources and Energy.

**H. 205.**

An act relating to establishing the Small Farmer Diversification and Transition Program.

To the Committee on Agriculture.

**H. 222.**

An act relating to reducing overdoses.

To the Committee on Health and Welfare.

**H. 480.**

An act relating to property valuation and reappraisals.

To the Committee on Government Operations.

**Bills Passed**

Senate bills of the following titles were severally read the third time and passed:

**S. 30.** An act relating to creating a Sister State Program.

**S. 56.** An act relating to child care and early childhood education.

**Bill Amended; Bill Passed****S. 100.**

Senate bill entitled:

An act relating to housing opportunities made for everyone.

Was taken up.

Thereupon, pending third reading of the bill, Senator Chittenden moved to amend the bill as follows:

First: In Sec. 16, in subdivision (3)(A), by adding a new subdivision (xii) to read as follows:

(xii) Until July 1, 2026, the construction of housing projects such as cooperatives, condominiums, dwellings, or mobile homes, with 25 or more units, constructed or maintained on a tract or tracts of land, owned or controlled by a person, within a radius of five miles of any point on any involved land and within any continuous period of five years, located within a municipality with permanent zoning and subdivision bylaws.

Second: By striking out Sec. 16b in its entirety and inserting in lieu thereof a new Sec. 16b to read as follows:

Sec. 16b. ACT 250 EXEMPTION REQUIREMENTS

In order to qualify for the exemptions established in 10 V.S.A. § 6001 (3)(A)(xi), (3)(A)(xii), and (3)(D)(viii)(III), a person shall apply for a jurisdictional opinion under 10 V.S.A. § 6007 by July 1, 2026. The jurisdictional opinion shall require the project to substantially complete construction by June 30, 2029 in order to remain exempt.

Thereupon, Senators Ram Hinsdale, Harrison and Clarkson, moved to substitute a recommendation of amendment for the recommendation of amendment of Sen. Chittenden as follows:

By adding a new section to be Sec. 17c to read as follows:

Sec. 17c. 2022 Acts and Resolves No. 182, Sec. 41 is amended to read:

Sec. 41. REPORT; NATURAL RESOURCES BOARD

(a) On or before December 31, 2023, the Chair of the Natural Resources Board shall report to the House Committees on Natural Resources, Fish, and Wildlife and on Ways and Means and the Senate Committees on Finance and on Natural Resources and Energy on necessary updates to the Act 250 program.

(b) The report shall include:

(1) How to transition to a system in which Act 250 jurisdiction is based on location, which shall encourage development in designated areas, the maintenance of intact rural working lands, and the protection of natural resources of statewide significance, including biodiversity. Location-based jurisdiction would adjust the threshold for Act 250 jurisdiction based on the characteristics of the location. This section of the report shall consider whether to develop thresholds and tiers of jurisdiction as recommended in the Commission on Act 250: the Next 50 Years Report.

(2) How to use the Capability and Development Plan to meet the statewide planning goals.

(3) An assessment of the current level of staffing of the Board and District Commissions, including whether there should be a district coordinator located in every district.

(4) Whether the permit fees are sufficient to cover the costs of the program and, if not, a recommendation for a source of revenue to supplement the fees.

(5) Whether the permit fees are effective in providing appropriate incentives.

(6) Whether the Board should be able to assess its costs on applicants.

(7) Whether increasing jurisdictional thresholds for housing development to 25 units under 10 V.S.A. § 6001(3)(A)(iv) would affect housing affordability, especially for primary homeownership, and what the potential impact of increasing those thresholds to 25 units would have on natural and community resources addressed under existing Act 250 criteria.

Which was agreed to.

Thereupon, the question, Shall the bill be amended as recommended by Senators Chittenden, as substituted?, was agreed to.

Thereupon, pending third reading of the bill, Senator Bray moved that the bill be amended as follows:

In Sec. 16b, Act 250 exemption requirements, by inserting and 10 V.S.A. § 6081(y) after “(3)(D)(viii)(III)”

Which was agreed to.

Thereupon, the bill was read the third time and passed, on a roll call, Yeas 27, Nays 2.

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:** Baruth, Bray, Brock, Campion, Chittenden, Clarkson, Collamore, Cummings, Gulick, Hardy, Harrison, Hashim, Kitchel, Lyons, MacDonald, Mazza, McCormack, Norris, Perchlik, Ram Hinsdale, Sears, Starr, Vyhovsky, Watson, Weeks, Westman, White.

**Those Senators who voted in the negative were:** Ingalls, Wrenner.

**The Senator absent and not voting was:** Williams.

**Bill Passed**

**S. 102.**

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

An act relating to expanding employment protections and collective bargaining rights.

**Bill Amended; Third Reading Ordered**

**S. 115.**

Senate committee bill entitled:

An act relating to miscellaneous agricultural subjects.

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

Senator Bray, for the Committee on Finance, to which the bill was referred, reported the bill be amended as follows:

By striking out Secs. 8 and 9, municipal stormwater regulation of farms, in their entireties and inserting in lieu thereof the following:

**Sec. 8. REPORT ON MUNICIPAL STORMWATER REGULATION OF FARMS**

On or before December 1, 2023, the Commissioner of Environmental Conservation, after consultation with the Secretary of Agriculture, Food and Markets and with representatives of municipal stormwater utilities or regulators, shall submit to the Senate Committees on Agriculture and on Natural Resources and Energy and the House Committees on Agriculture, Food Resiliency, and Forestry and on Environment and Energy a report regarding the regulation by municipal stormwater entities of property subject to the Required Agricultural Practices. The report shall include:

(1) a recommendation regarding whether property subject to the Required Agricultural Practices should be subject to regulation by a municipal stormwater utility or other municipal stormwater entity;

(2) a recommendation regarding whether property subject to the Required Agricultural Practices should be required to pay an assessment or fee imposed by a municipal stormwater utility or other municipal stormwater entity;

(3) a recommendation whether property subject to the Required Agricultural Practices should receive an offset of any stormwater assessment or fee charged by a municipal stormwater utility or other municipal stormwater

entity for the stormwater management practices that the property is required to conduct under State law;

(4) if the report recommends that property subject to the required agricultural practice should be subject to a stormwater fee, rate, or assessment, a recommendation on whether owners of property subject to the Required Agricultural Practices should be required to pay stormwater fees, rates, or assessments for the period of suspension under Sec. 2 of this act; and

(5) any other recommendation that the Commissioner determines is relevant to municipal stormwater regulation of properties subject to the Required Agricultural Practices, including any proposed legislative changes.

Sec. 9. SUSPENSION OF MUNICIPAL STORMWATER FEES ON  
PROPERTY SUBJECT TO THE REQUIRED AGRICULTURAL  
PRACTICES

Between the effective date of this act and July 1, 2024, a municipal stormwater utility or other municipal entity that regulates stormwater runoff shall not assess a fee, rate, or other assessment under 24 V.S.A. chapters 97, 101, or 105 or any other authority on stormwater from or impervious surface on a property subject to the Required Agricultural Practices.

And that when so amended the bill ought to pass.

Which was agreed to.

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

**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. Marcotte and others,

By Senator Kitchel,

**H.C.R. 71.**

House concurrent resolution recognizing the economic significance of Benefit Corporations in Vermont.

By Reps. Brumsted and others,

**H.C.R. 72.**

House concurrent resolution congratulating the Boys & Girls Clubs of Vermont's 2023 Youth of the Year honorees.

By Reps. Burditt and others,

By Senators Collamore, Weeks and Williams,

**H.C.R. 73.**

House concurrent resolution congratulating the West Rutland High School Golden Horde girls' basketball team on winning a second consecutive Division IV championship.

By Reps. Morrissey and others,

By Senators Campion and Sears,

**H.C.R. 74.**

House concurrent resolution congratulating former Mt. Anthony Union High School Patriots' basketball coach Dave Fredrickson on his induction into the Vermont Sports Hall of Fame.

By Reps. Morrissey and others,

By Senators Campion and Sears,

**H.C.R. 75.**

House concurrent resolution congratulating the Mt. Anthony Union High School Patriots on winning a second consecutive Division I boys Nordic skiing championship.

By Rep. Noyes,

By Senator Brock,

**H.C.R. 76.**

House concurrent resolution designating April 6, 2023 as Alzheimer's Awareness Day at the State House.

By Reps. Morrissey and others,

By Senators Campion and Sears,

**H.C.R. 77.**

House concurrent resolution congratulating the 2023 Mt. Anthony Union High School Patriots on winning their 34th consecutive State wrestling championship.

By Reps. Williams and others,

**H.C.R. 78.**

House concurrent resolution commemorating the bicentennial of the establishment of Concord Academy.

By Reps. Rachelson and others,

**H.C.R. 79.**

House concurrent resolution recognizing April 5, 2023 as Start by Believing Day in Vermont.

By Reps. Burke and others,

**H.C.R. 80.**

House concurrent resolution congratulating Cersosimo Industries Inc. on its 75th anniversary.

By Reps. Cina and others,

**H.C.R. 81.**

House concurrent resolution designating April 4, 2023 as Youth and Young Adult Mental Health Day in Vermont.

**Adjournment**

On motion of Senator Baruth, the Senate adjourned, to reconvene on Tuesday, April 4, 2023, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 21.

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**TUESDAY, APRIL 4, 2023**

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.

**Message from the House No. 38**

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

Mr. President:

**H. 276.** An act relating to creating a rental housing registry.

**H. 479.** An act relating to the Transportation Program and miscellaneous changes to laws related to transportation.

**H. 483.** An act relating to the accountability and oversight of approved independent schools that are eligible to receive public tuition.

**H. 486.** An act relating to school construction.

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

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

**H.C.R. 71.** House concurrent resolution recognizing the economic significance of Benefit Corporations in Vermont.

**H.C.R. 72.** House concurrent resolution congratulating the Boys & Girls Clubs of Vermont's 2023 Youth of the Year honorees.

**H.C.R. 73.** House concurrent resolution congratulating the West Rutland High School Golden Horde girls' basketball team on winning a second consecutive Division IV championship.

**H.C.R. 74.** House concurrent resolution congratulating former Mt. Anthony Union High School Patriots' basketball coach Dave Fredrickson on his induction into the Vermont Sports Hall of Fame.

**H.C.R. 75.** House concurrent resolution congratulating the Mt. Anthony Union High School Patriots on winning a second consecutive Division I boys Nordic skiing championship.

**H.C.R. 76.** House concurrent resolution designating April 6, 2023 as Alzheimer's Awareness Day at the State House.

**H.C.R. 77.** House concurrent resolution congratulating the 2023 Mt. Anthony Union High School Patriots on winning their 34th consecutive State wrestling championship.

**H.C.R. 78.** House concurrent resolution commemorating the bicentennial of the establishment of Concord Academy.

**H.C.R. 79.** House concurrent resolution recognizing April 5, 2023 as Start by Believing Day in Vermont.

**H.C.R. 80.** House concurrent resolution congratulating Cersosimo Industries Inc. on its 75th anniversary.

**H.C.R. 81.** House concurrent resolution designating April 4, 2023 as Youth and Young Adult Mental Health Day in Vermont.

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



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**Bill Referred to Committee on Rules****S. 79.**

Senate bill of the following title, appearing on the Calendar for notice, under Temporary Rule 44A, was referred to the Committee on Rules:

An act relating to limitations on hospital liens.

**Bill Referred to Committee on Finance****H. 53.**

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 driver's license suspensions.

**Joint Senate Resolution Adopted on the Part of the Senate****J.R.S. 22.**

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

By Senator Baruth,

**J.R.S. 22.** Joint resolution relating to weekend adjournment.

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

That when the two Houses adjourn on Friday, April 7, 2023, it be to meet again no later than Tuesday, April 11, 2023.

**Bills Introduced**

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

**S. 143.**

By Senator Ram Hinsdale,

An act relating to miscellaneous changes to civil rights reforms, law enforcement activity, and correctional services.

To the Committee on Judiciary.

**S. 144.**

By Senator Chittenden,

An act relating to increased notice and communication in school harassment, hazing, and bullying prevention policies and procedures.

To the Committee on Education.

**Bills Referred**

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

**H. 276.**

An act relating to creating a rental housing registry.

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

**H. 479.**

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

To the Committee on Transportation.

**H. 483.**

An act relating to the accountability and oversight of approved independent schools that are eligible to receive public tuition.

To the Committee on Education.

**H. 486.**

An act relating to school construction.

To the Committee on Education.

**Bill Amended; Third Reading Ordered****S. 135.**

Senate committee bill entitled:

An act relating to the establishment of VT Saves.

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

Senator Brock, for the Committee on Finance, to which the bill was referred, recommended the bill ought to pass.

Senator Perchlik, for the Committee on Appropriations, to which the bill was referred, recommended the bill be amended as follows:

First: In Sec. 2, VT Saves; implementation, in subsection (a), in the first sentence, by striking out “The” and inserting in lieu thereof Subject to an appropriation from the General Assembly, the

Second: By striking out Sec. 3, VT Saves; FY 2024; appropriations, in its entirety and by renumbering the remaining sections to be numerically correct.

And that when so amended the bill ought to pass.

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

### **Third Reading Ordered**

#### **H. 28.**

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

An act relating to diversion and expungement.

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 Amended; Third Reading Ordered**

#### **S. 25.**

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

An act relating to regulating cosmetic and menstrual products containing certain chemicals and chemical classes and textiles and athletic turf fields containing perfluoroalkyl and polyfluoroalkyl substances.

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

\* \* \* Chemicals in Cosmetic and Menstrual Products \* \* \*

Sec. 1. 18 V.S.A. chapter 36 is added to read:

#### CHAPTER 36. CHEMICALS IN COSMETIC AND MENSTRUAL PRODUCTS

#### § 1721. DEFINITIONS

As used in this chapter:

(1) “Bisphenols” means any member of a class of industrial chemicals that contain two hydroxyphenyl groups. Bisphenols are used primarily in the manufacture of polycarbonate plastic and epoxy resins.

(2) “Cosmetic product” means articles or a component of articles

intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, promoting attractiveness, or improving or altering appearance, including those intended for use by professionals. "Cosmetic product" does not mean soap, dietary supplements, or food and drugs approved by the U.S. Food and Drug Administration.

(3) "Formaldehyde releasing agent" means a chemical that releases formaldehyde.

(4) "Intentionally added" means the addition of a chemical in a product that serves an intended function in the product component.

(5) "Manufacturer" means any person, firm, association, partnership, corporation, organization, joint venture, importer, or domestic distributor of a cosmetic or menstrual product. As used in this subdivision, "importer" means the owner of the product.

(6) "Menstrual product" means a product used to collect menstruation and vaginal discharge, including tampons, pads, sponges, menstruation underwear, disks, applicators, and menstrual cups, whether disposable or reusable.

(7) "Ortho-phthalates" means any member of the class of organic chemicals that are esters of phthalic acid containing two carbon chains located in the ortho position.

(8) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

(9) "Professional" means a person granted a license pursuant to 26 V.S.A. chapter 6 to practice in the field of barbering, cosmetology, manicuring, or esthetics.

#### § 1722. PROHIBITED CHEMICALS IN COSMETIC AND MENSTRUAL PRODUCTS

(a) A manufacturer, supplier, or distributor shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State any cosmetic or menstrual product to which the following chemicals or chemical classes have been intentionally added in any amount:

(1) Ortho-phthalates;

(2) PFAS;

(3) Formaldehyde (CAS 50-00-0) and formaldehyde releasing agents;

- (4) Methylene glycol (CAS 463-57-0);
- (5) Mercury and mercury compounds (CAS 7439-97-6);
- (6) 1, 4-dioxane (CAS 123-91-1);
- (7) Isopropylparaben (CAS 4191-73-5);
- (8) Isobutylparaben (CAS 4247-02-3);
- (9) Lead and lead compounds (CAS 7439-92-1);
- (10) Asbestos;
- (11) Aluminum salts;
- (12) Triclosan (CAS 3380-34-5);
- (13) m-phenylenediamine and its salts (CAS 108-42-5); and
- (14) o-phenylenediamine and its salts (CAS 95-54-5).

(b) A cosmetic or menstrual product made through manufacturing processes intended to comply with this chapter and containing a technically unavoidable trace quantity of a chemical or chemical class listed in subsection (a) of this section shall not be in violation of this chapter on account of the trace quantity where it is the result of:

- (1) natural or synthetic ingredients;
- (2) the manufacturing process;
- (3) storage; or
- (4) migration from packaging.

(c) The manufacturer of a cosmetic or menstrual product containing 1,4 dioxane, lead, lead compounds, or any combination of these chemicals may apply to the Department of Health for a one-year waiver from subsection (a) of this section. The Department shall only approve a waiver application in which the manufacturer submits evidence that the manufacturer has taken steps to reduce the presence of 1,4 dioxane, lead, lead compounds, or any combination of these chemicals in the cosmetic or menstrual product and is still unable to comply with subsection (a) of this section. The Department shall not approve more than two one-year waiver applications for a particular product.

#### § 1723. PENALTIES

(a) A violation of this chapter shall be deemed a violation of the Consumer Protection Act, 9 V.S.A. chapter 63. The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions, and private parties have the same

rights and remedies as provided under 9 V.S.A. chapter 63, subchapter 1.

(b) Nothing in this section shall be construed to preclude or supplant any other statutory or common law remedies.

## Sec. 2. COMMUNITY ENGAGEMENT PLAN

On or before December 1, 2024, the Department of Health shall develop, adopt, and submit a community engagement plan to the Senate Committee on Health and Welfare and to the House Committee on Human Services related to the enactment of 18 V.S.A. chapter 36. The community engagement plan shall:

(1) identify cosmetic products marketed to individuals who are Black, Indigenous, or Persons of Color that contain potentially harmful ingredients;

(2) direct outreach to provide culturally appropriate education concerning harmful ingredients used in cultural and other cosmetic products, prioritizing engagement with vulnerable populations;

(3) make recommendations for priority chemicals or products to be regulated; and

(4) include methods for outreach and communication with those who face barriers to participation, such as language.

\* \* \* PFAS in Textiles \* \* \*

Sec. 3. 18 V.S.A. chapter 33C is amended to read:

### CHAPTER 33C. PFAS IN SKI WAX AND TEXTILES

#### § 1691. DEFINITIONS

As used in this chapter:

(1) “Apparel” means any of the following:

(A) Clothing items intended for regular wear or formal occasions, including undergarments, shirts, pants, skirts, dresses, overalls, bodysuits, costumes, vests, dancewear, suits, saris, scarves, tops, leggings, school uniforms, leisurewear, athletic wear, sports uniforms, everyday swimwear, formal wear, onesies, bibs, diapers, footwear, and everyday uniforms for workwear. Clothing items intended for regular wear or formal occasions does not include clothing items for exclusive use by the U.S. Armed Forces, outdoor apparel for severe wet conditions, and personal protective equipment.

(B) Outdoor apparel.

(2) “Department” means the Department of Health.

~~(2)~~(3) “Intentionally added” means the addition of a chemical in a

product that serves an intended function in the product component.

(4) “Outdoor apparel” means clothing items intended primarily for outdoor activities, including hiking, camping, skiing, climbing, bicycling, and fishing.

(5) “Outdoor apparel for severe wet conditions” means outdoor apparel that are extreme and extended use products designed for outdoor sports experts for applications that provide protection against extended exposure to extreme rain conditions or against extended immersion in water or wet conditions, such as from snow, in order to protect the health and safety of the user and that are not marketed for general consumer use. Examples of extreme and extended use products include outerwear for offshore fishing, offshore sailing, whitewater kayaking, and mountaineering.

(3)(6) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” has the same meaning as in section 1661 of this title.

(7) “Personal protective equipment” has the same meaning as in section 1661 of this title.

(8) “Regulated perfluoroalkyl and polyfluoroalkyl substances” or “regulated PFAS” means:

(A) PFAS that a manufacturer has intentionally added to a product and that have a functional or technical effect in the product, including PFAS components of intentionally added chemicals and PFAS that are intentional breakdown products of an added chemical that also have a functional or technical effect in the product; or

(B) the presence of PFAS in a product or product component at or above 100 parts per million, as measured in total organic fluorine.

(4)(9) “Ski wax” means a lubricant applied to the bottom of snow runners, including skis and snowboards, to improve their grip and glide properties.

(10) “Textile” means any item made in whole or part from a natural, manmade, or synthetic fiber, yarn, or fabric, and includes leather, cotton, silk, jute, hemp, wool, viscose, nylon, or polyester. “Textile” does not include single-use paper hygiene products, including toilet paper, paper towels, tissues, or single-use absorbent hygiene products.

(11) “Textile articles” means textile goods of a type customarily and ordinarily used in households and businesses, and includes apparel, accessories, handbags, backpacks, draperies, shower curtains, furnishings, upholstery, bedding, towels, napkins, and table cloths. “Textile articles” does not include:

- (A) a vehicle, as defined in 1 U.S.C. § 4, or its component parts;
- (B) a vessel, as defined in 1 U.S.C. § 3, or its component parts;
- (C) an aircraft, as defined in 49 U.S.C. § 40102(a)(6), or its component parts;
- (D) filtration media and filter products used in industrial applications, including chemical or pharmaceutical manufacturing and environmental control technologies; and
- (E) textile articles used for laboratory analysis and testing.

#### § 1692. SKI WAX

(a) A manufacturer, supplier, or distributor shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State ski wax or related tuning products to which PFAS have been intentionally added in any amount.

(b) This section shall not apply to the sale or resale of used products.

#### § 1692a. TEXTILES

(a) A manufacturer, supplier, or distributor shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State a textile or textile article to which regulated PFAS have been intentionally added in any amount.

(b) This section shall not apply to the sale or resale of used products.

#### § 1693. CERTIFICATE OF COMPLIANCE

The Attorney General may request a certificate of compliance from a manufacturer of ski wax, textiles, or textile articles. Within 30 days after receipt of the Attorney General's request for a certificate of compliance, the manufacturer shall:

(1) provide the Attorney General with a certificate attesting that the manufacturer's product or products comply with the requirements of this chapter; or

(2) notify persons who are selling a product of the manufacturer's in this State that the sale is prohibited because the product does not comply with this chapter and submit to the Attorney General a list of the names and addresses of those persons notified.

#### § 1694. RULEMAKING

Pursuant to 3 V.S.A. chapter 25, the Commissioner shall adopt any rules necessary for the implementation, administration, and enforcement of this



chapter.

§ 1695. PENALTIES

(a) A violation of this chapter shall be deemed a violation of the Consumer Protection Act, 9 V.S.A. chapter 63. The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions, and private parties have the same rights and remedies as provided under 9 V.S.A. chapter 63, subchapter 1.

(b) Nothing in this section shall be construed to preclude or supplant any other statutory or common law remedies.

Sec. 3a. 18 V.S.A. § 1691(8) is amended to read:

(8) “Regulated perfluoroalkyl and polyfluoroalkyl substances” or “regulated PFAS” means:

(A) PFAS that a manufacturer has intentionally added to a product and that have a functional or technical effect in the product, including PFAS components of intentionally added chemicals and PFAS that are intentional breakdown products of an added chemical that also have a functional or technical effect in the product; or

(B) the presence of PFAS in a product or product component at or above ~~100~~ 50 parts per million, as measured in total organic fluorine.

Sec. 3b. 18 V.S.A. § 1691 is amended to read:

§ 1691. DEFINITIONS

As used in this chapter:

(1) “Apparel” means any of the following:

(A) Clothing items intended for regular wear or formal occasions, including undergarments, shirts, pants, skirts, dresses, overalls, bodysuits, costumes, vests, dancewear, suits, saris, scarves, tops, leggings, school uniforms, leisurewear, athletic wear, sports uniforms, everyday swimwear, formal wear, onesies, bibs, diapers, footwear, and everyday uniforms for workwear. Clothing items intended for regular wear or formal occasions does not include clothing items for exclusive use by the U.S. Armed Forces, ~~outdoor apparel for severe wet conditions~~, and personal protective equipment.

(B) Outdoor apparel.

(C) Outdoor apparel for severe wet conditions.

\* \* \*

\* \* \* PFAS in Turf Fields \* \* \*

Sec. 4. 18 V.S.A. chapter 33D is added to read:

CHAPTER 33D. PFAS IN ATHLETIC TURF FIELDS

§ 1696. DEFINITIONS

As used in this chapter:

(1) “Athletic turf field” means an artificial or synthetic recreation area used for competitive outdoor sports that is owned or operated by a public or private postsecondary education institution that operates in Vermont.

(2) “Department” means the Department of Health.

(3) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” has the same meaning as in section 1661 of this title.

§ 1697. ATHLETIC TURF FIELDS

A manufacturer, supplier, or distributor shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State an athletic turf field containing PFAS. This section shall not apply to the sale of athletic turf fields that have already been approved by voters prior to July 1, 2023.

§ 1698. CERTIFICATE OF COMPLIANCE

The Attorney General may request a certificate of compliance from a manufacturer of an athletic turf field. Within 30 days after receipt of the Attorney General’s request for a certificate of compliance, the manufacturer shall:

(1) provide the Attorney General with a certificate attesting that the manufacturer’s product or products comply with the requirements of this chapter; or

(2) notify persons who are selling a product of the manufacturer’s in this State that the sale is prohibited because the product does not comply with this chapter and submit to the Attorney General a list of the names and addresses of those persons notified.

§ 1699. RULEMAKING

Pursuant to 3 V.S.A. chapter 25, the Commissioner shall adopt any rules necessary for the implementation, administration, and enforcement of this chapter.

§ 1699a. PENALTIES

(a) A violation of this chapter shall be deemed a violation of the Consumer Protection Act, 9 V.S.A. chapter 63. The Attorney General has the same

authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions, and private parties have the same rights and remedies as provided under 9 V.S.A. chapter 63, subchapter 1.

(b) Nothing in this section shall be construed to preclude or supplant any other statutory or common law remedies.

#### Sec. 5. REPORT; MANAGEMENT OF PFAS ACROSS PRODUCT CATEGORIES

On or before November 15, 2023, the Department of Environmental Conservation, in consultation with the Department of Health, shall submit a report to the House Committee on Human Services and the Senate Committee on Health and Welfare containing recommendations on how to more comprehensively manage perfluoroalkyl and polyfluoroalkyl substances and other toxic chemicals by chemical class across a range of product categories.

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

#### Sec. 6. EFFECTIVE DATES

This act shall take effect on July 1, 2023, except that:

(1) Sec. 1 (chemicals in cosmetic and menstrual products) and Sec. 3 (PFAS in ski wax and textiles) shall take effect on January 1, 2025.

(2) Sec. 3a (18 V.S.A. § 1691(8)) shall take effect on July 1, 2027.

(3) Sec. 3b (definitions) shall take effect on July 1, 2028.

And that when so amended the bill ought to pass.

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

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

#### **Consideration Resumed; Bill Amended; Third Reading Ordered**

#### **S. 60.**

Consideration was resumed on Senate bill entitled:

An act relating to local option taxes.

Thereupon, pending the question, Shall the bill be amended as recommended by the Committee on Finance?, Senators Brock, Bray, Chittenden, Cummings, MacDonald and McCormack moved to amend the recommendation of amendment of the Committee on Finance by striking out

all after “by striking out Sec. 2 (confidentiality of tax records) in its entirety” and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. VALIDATION OF 2022 LOCAL OPTION TAX VOTES

The General Assembly authorizes a municipality to assess any local option tax that was approved by the voters, pursuant to 24 V.S.A. § 138, at the municipality’s 2022 annual municipal meeting.

And by renumbering the remaining section to be numerically correct.

Which was agreed to.

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

**Bill Amended; Third Reading Ordered**

**S. 80.**

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

An act relating to miscellaneous environmental conservation subjects.

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

\* \* \* Dam Registration and Design Standards \* \* \*

Sec. 1. 2018 Acts and Resolves No. 161, Sec. 2 is amended to read:

Sec. 2. DAM REGISTRATION PROGRAM REPORT

On or before January 1, ~~2023~~ 2025, the Department of Environmental Conservation shall submit a report to the House Committees on ~~Natural Resources, Fish, and Wildlife~~ Environment and Energy and on Ways and Means and the Senate Committees on Natural Resources and Energy and on Finance. The report shall contain:

- (1) an evaluation of the dam registration program under 10 V.S.A. chapter 43;
- (2) a recommendation on whether to modify the fee structure of the dam registration program;
- (3) a summary of the dams registered under the program, organized by amount of water impounded and hazard potential classification; and
- (4) an evaluation of any other dam safety concerns related to dam registration.

Sec. 2. 2018 Acts and Resolves No. 161, Sec. 3 is amended to read:

Sec. 3. ADOPTION OF RULES

The Secretary of Natural Resources shall adopt the rules required under 10 V.S.A. § 1110 as follows:

(1) the rules required under 10 V.S.A. § 1110(1) (exemptions), § 1110(3) (emergency action plan), § 1110(4) (hazard potential classification), § 1110(5) (dam registration), and § 1110(6) (dam inspection) shall be adopted on or before July 1, 2020; and

(2) the rules required under 10 V.S.A. § 1110(2) (dam design standards) shall be adopted on or before July 1, ~~2022~~ 2024.

\* \* \* Public Waters; Encroachment \* \* \*

Sec. 3. 29 V.S.A. § 402(7) is amended to read:

(7) “Public waters” means navigable waters excepting those waters in private ponds and private preserves as set forth in 10 V.S.A. ~~chapter 119~~ § 1442.

\* \* \* Salvage Yards \* \* \*

Sec. 4. 24 V.S.A. § 2248(d) is amended to read:

(d) No person may deliver salvage vehicles to or operate a mobile salvage vehicle crusher at a salvage yard that does not hold a certificate of registration under this subchapter. A salvage yard holding a certificate of registration under this subchapter shall post a copy of its current certificate in a clearly visible location in the proximity of each entrance to the salvage yard. Notwithstanding any other provision of law to the contrary, a salvage yard that does not hold a certificate of registration under this subchapter may operate a mobile salvage vehicle crusher with a liquids collection system, in accordance with the rules adopted under this subchapter for vehicle crushing, for the purpose of closing the salvage yard after first notifying the Secretary in writing of the intent to close the salvage yard.

\* \* \* Water Quality Financing; State Revolving Loan Funds \* \* \*

Sec. 5. 24 V.S.A. § 4753 is amended to read:

§ 4753. REVOLVING LOAN FUNDS; AUTHORITY TO SPEND; REPORT

(a) There is hereby established a series of special funds to be known as:

(1) The Vermont Environmental Protection Agency (EPA) Pollution Control Revolving Fund, which shall be used, consistent with federal law, to provide loans for planning and construction of clean water projects, including acquisitions of project-related easements, land, options to purchase land, and

temporary or permanent rights-of-way, and for implementing related management programs.

\* \* \*

(10) The Vermont Wastewater and Potable Water Revolving Loan Fund, which shall be used to provide loans to individuals, in accordance with section 4763b of this title, for the design and construction of repairs to or replacement of wastewater systems and potable water supplies when the wastewater system or potable water supply is a failed system or supply as defined in 10 V.S.A. § 1972, or when a designer demonstrates that the wastewater system or potable water supply has a high probability of failing. The amount of up to \$275,000.00 from the fees collected pursuant to 3 V.S.A. § 2822(j)(4) or from the Fund established in subdivision (1) of this subsection, or a combination of both, shall be deposited into this Fund at the beginning of each fiscal year to ensure a minimum balance of available funds of \$275,000.00 exists for each fiscal year.

(b)(1) Each of such funds shall be established and held separate and apart from any other funds or monies of the State and shall be used and administered exclusively for the purpose of this chapter with the exception of transferring funds from the Vermont Drinking Water Planning Loan Fund and the Vermont Drinking Water Source Protection Fund to the Vermont Environmental Protection Agency (EPA) Drinking Water State Revolving Fund, and from the Vermont Pollution Control Revolving Fund to the Vermont Environmental Protection Agency (EPA) Pollution Control Revolving Fund, when authorized by the Secretary.

(2) These funds shall be administered by the Bond Bank on behalf of the State, except that:

(A) the Vermont EPA Drinking Water State Revolving Fund and the Vermont Drinking Water Planning Loan Fund shall be administered by VEDA concerning loans to privately owned public water systems in accordance with subchapter 3 of this chapter;

(B) the Vermont Environmental Protection Agency (EPA) Pollution Control Revolving Fund shall be administered by VEDA concerning loans to private entities for clean water projects in accordance with subchapter 4 of this chapter; and

(C) the Vermont Environmental Protection Agency (EPA) Pollution Control Revolving Fund and the Vermont Wastewater and Potable Water Revolving Loan Fund may be administered by a community development financial institution, as that term is defined in 12 U.S.C. § 4702, that is contracted with by the State for the purpose of providing loans to individuals

~~for failed wastewater systems and potable water supplies~~ in accordance with section 4763b of this chapter.

\* \* \*

Sec. 6. 24 V.S.A. chapter 120, subchapter 2 is amended to read:

Subchapter 2. Municipal Loans to Municipalities and Individuals

\* \* \*

§ 4757. REVOLVING LOAN FUNDS; ADDITIONAL USES

In addition to providing a source of funds from which loans may be made to municipalities under this chapter, each fund created under section 4753 of this chapter may be used for one or more of the following purposes:

(1) To make loans, to refund bonds or notes of a municipality issued after March 7, 1985 for sewerage works, or after July 1, 1993 for water supply systems for the purpose of financing the construction of any capital improvements or management program described in section 4753 and certified under section 4756 of this title.

(2) To guarantee or insure, directly or indirectly, the payment of notes or bonds issued or to be issued by a municipality for the purpose of financing the construction of any capital improvement or management program described in section 4754 of this title and certified under section 4756.

(3) To guarantee or insure, directly or indirectly, funds established by municipalities for the purpose of financing construction of any capital improvement described in section 4754 of this title.

(4) To invest available fund balances, and to credit the net interest income thereon to the particular fund providing investment funds.

(5) To pay the costs of the Bond Bank, VEDA, and the agency associated with the administration of each fund; provided, however, that no more than four percent of the aggregate of the highest fund balances in any fiscal year shall be used for such purposes, and that a separate account be established outside the Drinking Water State Revolving Fund for such purposes. As used in this subsection, costs shall include fiscal, clerical, administrative, and issuance expenditures directly attributable and allocated to the maintenance implementation and administration of the loan funds created under this chapter.

(6) To pay from the Vermont Environmental Protection (EPA) Pollution Control Revolving Fund or the Vermont Wastewater and Potable Water Revolving Loan Fund the costs of administration of loans awarded under ~~subdivision 4753(a)(10)~~ section 4763b of this title.

\* \* \*

§ 4763b. LOANS TO INDIVIDUALS FOR FAILED WASTEWATER SYSTEMS AND FAILED POTABLE WATER SUPPLIES

(a) Notwithstanding any other provision of law to the contrary, when the wastewater system or potable water supply serving only single-family and multifamily residences either meets the definition of a failed supply or system in 10 V.S.A. § 1972 or is demonstrated by a designer to have a high probability of failing, the Secretary of Natural Resources may lend monies to an owner of one or more of the residences from the Vermont Wastewater and Potable Water Revolving Loan Fund established in section 4753 of this title. In such cases, the following conditions shall apply:

(1) a loan may only be made to an owner with a household income equal to or less than 200 percent of the State average median household income;

(2) a loan may only be made to an owner who resides in one of the residences served by the failed supply or system on a year-round basis;

~~(3) a loan may only be made to an owner who has been denied financing for the repair, replacement, or construction due to involuntary disconnection by at least one other financing entity; [Repealed.]~~

(4) when the failed supply or system also serves residences owned by persons other than the loan applicant, a loan may only be made for an equitable share of the cost to repair or replace the failed supply or system that is determined through agreement of all of the owners of residences served by the failed system or supply;

(5) no construction loan shall be made to an individual under this subsection, nor shall any part of any revolving loan made under this subsection be expended, until all of the following take place:

(A) the Secretary of Natural Resources determines that if a wastewater system and potable water supply permit is necessary for the design and construction of the project to be financed by the loan, the permit has been issued to the owner of the failed system or supply; and

(B) the individual applying for the loan certifies to the Secretary of Natural Resources that the proposed project has secured all State and federal permits, licenses, and approvals necessary to construct and operate the project to be financed by the loan;

(6) all funds from the repayment of loans made under this section shall be deposited into the Vermont Wastewater and Potable Water Revolving Loan Fund.



(b) Notwithstanding any other provision of law to the contrary, when the wastewater system serving only single-family and multifamily residences either meets the definition of a failed system in 10 V.S.A. § 1972 or is demonstrated by a designer to have a high probability of failing, the Secretary of Natural Resources may lend monies to an owner of one or more of the residences from the Vermont Wastewater and Potable Water Revolving Loan Fund and capitalized by money that has been transferred from the Vermont Environmental Protection Agency (EPA) Pollution Control Revolving Fund pursuant to subdivision 4753(a)(10) of this title, provided that no State funds are used. In such cases, all of the following conditions shall apply:

(1) A loan may only be made to an owner with a household income equal to or less than 200 percent of the State average median household income.

(2) A loan may only be made to an owner who resides in one of the residences served by the failed system on a year-round basis.

(3) A loan may only be made to an owner who demonstrates sufficient means to pay the principal and interest on the loan.

(4) A loan may only be made for a project that is a clean water project the Secretary has designated as a priority for receipt of financial assistance.

(5) When the failed system also serves residences owned by persons other than the loan applicant, a loan may only be made for an equitable share of the cost to repair or replace the failed system that is determined through agreement of all of the owners of residences served by the failed system.

(6) No construction loan shall be made to an individual under this subsection, nor shall any part of any revolving loan made under this subsection be expended, until all of the following take place:

(A) the Secretary of Natural Resources determines that if a wastewater system and potable water supply permit is necessary for the design and construction of the project to be financed by the loan, the permit has been issued to the owner of the failed system; and

(B) the individual applying for the loan certifies to the Secretary of Natural Resources that the proposed project has secured all State and federal permits, licenses, and approvals necessary to construct and operate the project to be financed by the loan.

(7) Loans shall be awarded at or below market interest rates.

(8) All funds from the repayment of loans made under this subsection shall be deposited into the Vermont Environmental Protection Agency (EPA) Pollution Control Revolving Fund.

(c) Loans awarded under this section:

(1) shall include a loan repayment schedule that commences not later than one year after completion of the funded project for which loan funds have been issued; and

(2) shall not be used for the operation and maintenance expenses, or laboratory fees for monitoring, of a wastewater system or potable water supply.

(d) The Secretary of Natural Resources shall establish standards, policies, and procedures as necessary for the implementation of this section. The Secretary may establish criteria to extend the payment period of a loan or to waive all or a portion of the loan amount.

\* \* \*

Sec. 7. 2018 Acts and Resolves No. 185, Sec. 12 is amended to read:

Sec. 12. SUSPENSION OF PRIVATE LOANS FOR CLEAN WATER PROJECTS

~~(a) Neither the Vermont Economic Development Authority (VEDA) nor the Secretary of Natural Resources shall accept, review, or act on any applications for loans to private entities under 24 V.S.A. chapter 120, subchapter 4 submitted after June 30, 2023. However, VEDA and the Secretary shall continue to review and act on initial applications submitted on or before June 30, 2023, as well as any amendments to timely initial applications.~~

(b) It is the intent of the General Assembly that the private loans under 24 V.S.A. chapter 120, subchapter 4, the expansion of 24 V.S.A. chapter 120 to provide funding for natural resources projects, and the sponsorship program defined at 24 V.S.A. § 4752(18) shall all be reviewed during the 2023 legislative session.

\* \* \* Clean Water Reporting \* \* \*

Sec. 8. 10 V.S.A. § 1264(k) is amended to read:

(k) Report on treatment practices. ~~Report on treatment practices.~~ As part of the report required under section 1389a of this title, the Secretary annually shall report the following:

(1) whether the phosphorus load from new development permitted under this section by the Secretary in the Lake Champlain watershed in the previous ~~calendar~~ State fiscal year is achieving at least a 70 percent average phosphorus load reduction;

(2) the estimated total phosphorus load reduction from new development, redevelopment, and retrofit of impervious surface permitted under this section in the previous State fiscal year; and

(3) the number of projects and the percentage of projects as a whole that implemented Tier 1 stormwater treatment practices, Tier 2 stormwater treatment practices, or Tier 3 stormwater treatment practices in the previous State fiscal year.

Sec. 9. 10 V.S.A. § 1389a(b)(6) is amended to read:

(6) Beginning on January ~~2023~~ 2024, a summary of the administration of the grant programs established under sections 925–928 of this title, including whether these grant programs are adequately funding implementation of the Clean Water Initiative and whether the funding limits for the Water Quality Enhancement Grants under subdivision 1389(e)(1)(D) of this title should be amended to improve State implementation of the Clean Water Initiative.

Sec. 10. 2019 Acts and Resolves No. 76, Sec. 7 is amended to read:

Sec. 7. RECOMMENDATIONS ON NUTRIENT CREDIT  
TRADING

On or before July 1, ~~2022~~ 2024, the Secretary of Natural Resources, after consultation with the Clean Water Board, shall submit to the Senate Committees on Appropriations, on Natural Resources and Energy, and on Finance and the House Committees on Appropriations, on ~~Natural Resources, Fish, and Wildlife~~ Environment and Energy, and on Ways and Means recommendations regarding implementation of a market-based mechanism that allows the purchase of water quality credits by permittees under 10 V.S.A. chapter 47, and other entities. The report shall include information on the cost to develop and manage any recommended trading program.

\* \* \* ANR Enforcement Practices \* \* \*

Sec. 11. 10 V.S.A. § 1527 is amended to read:

§ 1527. PENALTY

A person who violates a provision of this chapter shall be fined ~~not more than \$1,000.00 for each violation~~ in accordance with chapter 201 of this title.

Sec. 12. 10 V.S.A. § 6697 is amended to read:

§ 6697. CIVIL PENALTIES; WARNING

(a) A person, store, or food service establishment that violates the requirements of this subchapter shall:

- (1) ~~receive a written warning for a first offense;~~  
 (2) ~~be subject to a civil penalty of \$25.00 for a second offense; and~~  
 (3) ~~be subject to a civil penalty of \$100.00 for a third or subsequent offense be fined in accordance with chapter 201 of this title.~~

(b) For the purposes of enforcement under this subchapter, an offense shall be each day a person, store, or food service establishment is violating a requirement of this subchapter.

Sec. 13. 24 V.S.A. § 2282 is amended to read:

§ 2282. PENALTY

A person who violates this subchapter shall be fined by the legislative body not less than \$5.00 nor more than \$50.00 for each day of the violation. A person who violates the requirements of this subchapter shall be fined by the Agency of Natural Resources in accordance with 10 V.S.A. chapter 201.

\* \* \* Solid Waste Certification \* \* \*

Sec. 14. 10 V.S.A. § 6605f(a) is amended to read:

(a) Disqualifying criteria. Any nongovernmental entity or person applying for a certification under section 6605, 6605a, or 6606 of this title, for interim certification under section 6605b of this title, ~~or for a waste transportation permit under section 6607a of this title,~~ shall be denied certification or other authorization if the Secretary finds:

\* \* \*

\* \* \* DEC Procedural Requirements \* \* \*

Sec. 15. 10 V.S.A. § 7716 is amended to read:

§ 7716. TYPE 5 PROCEDURES

(a) Purpose; scope.

(1) The purpose of this section is to establish the public notice and comment requirements that the Department must follow when issuing emergency permits and other permits listed in this section.

(2) The procedures under this section shall be known as Type 5 Procedures. This section shall govern each of the following:

\* \* \*

(E) issuance of emergency sludge and septage disposal approvals under section 6605 of this title; ~~and~~

(F) shoreland registrations authorized under chapter 49A of this title;

and

(G) issuance of authorization under the Construction General Permit or individual stormwater permits issued pursuant to chapter 47 of this title, for discharges of stormwater runoff related to emergency construction activities; emergency construction activities are those necessary to address imminent risk to life or a risk of damage to public or private property, including damage to lifeline infrastructure, as determined by the Secretary.

(b) Notice of final decision. The Secretary shall provide notice of the final decision through the environmental notice bulletin and shall post the decision to the bulletin.

Sec. 16. 29 V.S.A. § 405(d) is added to read:

(d) A permit issued pursuant to this section shall be effective on the date that is signed and issued to the applicant.

\* \* \* Potable Water Supply \* \* \*

Sec. 17. 10 V.S.A. § 1972(4) is amended to read:

(4)(A) “Failed supply” means a potable water supply:

(i) that has been found to exceed the standard set by the Secretary in rule for one or more of the following contaminants:

(I) total coliform;

(II) nitrates;

(III) nitrites;

(IV) arsenic; or

(V) uranium;

(ii) that the Secretary affirmatively determines as not potable, due to the presence of a contaminated site, a leaking underground storage tank, or other known sources of groundwater contamination or naturally occurring contaminants, ~~and that information has been posted on the Agency of Natural Resources’ website;~~ or

(iii) the Secretary affirmatively determines to be failed due to the supply providing an insufficient quantity of water to maintain the usual and customary uses of a building or structure or campground, ~~and that information has been posted on the Agency of Natural Resources’ website.~~

(B) Notwithstanding the provisions of this subdivision, a potable water supply shall not be a failed supply if:

(i) these effects can be and are remedied solely by minor repairs,

including the repair of a broken pipe leading from a building or structure to a well, the replacement of a broken pump, repair or replacement of a mechanical component, or deepening or hydrofracturing a well; or

(ii) these effects have lasted for only a brief period of time, the cause of the failure has been determined to be an unusual and nonrecurring event, and the supply has recovered from the state of failure. Supplies that have recurring, continuing, or seasonal failures shall be considered to be failed supplies.

(C) If a project is served by multiple potable water supplies, the failure of one supply will not require the issuance of a permit or permit amendment for any other supply that is not in a state of failure.

\* \* \* Petroleum Cleanup Fund Assistance Program \* \* \*

Sec. 18. 10 V.S.A. § 1941 is amended to read:

§ 1941. PETROLEUM CLEANUP FUND

\* \* \*

(b) The Secretary may authorize disbursements from the Fund for the purpose of the cleanup and restoration of contaminated soil and groundwater caused by releases of petroleum, including aviation gasoline, from underground storage tanks and aboveground storage tanks, including air emissions for remedial actions, and for compensation of third parties for injury and damage caused by a release. This Fund shall be used for no other governmental purposes, nor shall any portion of the Fund ever be available to borrow from by any branch of government; it being the intent of the General Assembly that this Fund and its increments shall remain intact and inviolate for the purposes set out in this chapter. Disbursements under this section may be made only for uninsured costs incurred after January 1, 1987 and for which a claim is made prior to July 1, 2029 and judged to be in conformance with prevailing industry rates. This includes:

(1) Costs incurred by taking corrective action as directed by the Secretary for any release of petroleum into the environment from:

(A) An underground storage tank defined as a category one tank used for commercial purposes, provided disbursements on any site shall not exceed \$1,240,000.00 and shall be made from the Motor Fuel Account, as follows:

(i) after the first \$10,000.00 of the cleanup costs have been borne by the owners or operators of double-wall tank systems used for commercial purposes or single-wall tank systems that were either taken out of service or abandoned prior to July 1, 1985; and

~~(ii) after the first \$15,000.00 of cleanup costs have been borne by the owners or operators of combination tank systems, whether lined or unlined, used for commercial purposes, unless the system is a lined combination tank system that has been granted a five-year extension under subsection 1927(f) of this title;~~

~~(iii) after the first \$25,000.00 of cleanup costs have been borne by the owners or operators of lined combination tank systems that have been granted a five-year extension to operate under subsection 1927(f) of this title;~~

~~(iv) after the first \$25,000.00 of cleanup costs have been borne by the owners or operators of single-wall tank systems used for commercial purposes.~~

(B) An underground motor fuel tank used for farming or residential purposes either after the first \$250.00 of the cleanup costs have been borne by the owners or operators of tanks with a capacity equal to or less than 1,100 gallons and used for farming or residential purposes, or after the first \$1,000.00 of the cleanup costs have been borne by the owners or operators of tanks with capacities over 1,100 gallons. Disbursements on any site shall not exceed ~~\$990,000.00~~ \$1,000,000.00 and shall be made from the Motor Fuel Account.

(C) An underground heating fuel tank used for on-premises heating after the first \$10,000.00 of the cleanup costs have been borne by the owners or operators of tanks with capacities over 1,100 gallons used for commercial purposes, or after the first \$250.00 of the cleanup costs have been borne by the owners or operators of tanks with capacities equal to or less than 1,100 gallons used for commercial purposes, or after the first \$250.00 of the cleanup costs have been borne by the owners or operators of residential and farm tanks. Disbursements on any site shall not exceed ~~\$990,000.00~~ \$1,000,000.00 and shall be made from the Heating Fuel Account.

(D) An aboveground storage tank site after the first \$1,000.00 of the cleanup costs have been borne by the owners or operators of tanks used for commercial purposes, or after the first \$250.00 of the cleanup costs have been borne by the owners or operators of residential and farm tanks. Disbursements under this subdivision (b)(1)(D) on any individual site shall not exceed ~~\$25,000.00~~ \$50,000.00. These disbursements shall be made from the Motor Fuel Account or Heating Fuel Account, depending upon the use or contents of the tank.

(E) A bulk storage aboveground motor fuel or heating fuel storage tank site after the first \$10,000.00 of the cleanup costs have been borne by the owners or operators of tanks used for commercial purposes. Disbursements

under this subdivision (b)(1)(E) on any individual site shall not exceed ~~\$990,000.00~~ \$1,000,000.00. These disbursements shall be made from the Motor Fuel Account.

(F) If a site is contaminated by petroleum releases from both heating fuel and motor fuel tanks, or where the source of the petroleum contamination has not been ascertained, the Secretary shall have the discretion to disburse funds from either the Heating Fuel or Motor Fuel Account, or both.

(2) Costs incurred in compensating third parties for bodily injury and property damage, as approved by the Secretary in consultation with the Commissioner of Financial Regulation, caused by release of petroleum from an underground category one storage tank into the environment from a site, up to \$1 million, but shall not include payment of any punitive damages.

(3) Costs incurred in taking immediate corrective action to contain or mitigate the effects of any release of petroleum into the environment from an underground storage tank or aboveground storage tank if, in the judgment of the Secretary, such action is necessary to protect the public health and the environment. The Secretary may seek reimbursement of the first \$10,000.00 of the costs.

(4) The cost of corrective action up to \$1 million for any release of petroleum into the environment from an underground storage tank or tanks:

(A) whose owner, in the judgment of the Secretary, is incapable of carrying out the corrective action; or

(B) whose owner or operator cannot be determined; or

(C) [Repealed.]

(D) whose owner, in the judgment of the Secretary, is financially incapable of carrying out the corrective action in a timely manner.

(5) [Repealed.]

(6) The costs of creating and operating a risk retention pool authorized by section 1939 of this title, which costs are in excess of a reasonable contribution by participants, as determined by the Secretary with the advice of the Commissioner of Financial Regulation. The authority for disbursements under this subdivision shall terminate on June 1, 1992.

(7) Administrative and field supervision costs incurred by the Secretary in carrying out the provisions of this subchapter. Annual disbursements shall not exceed 10 percent of annual receipts.

~~(8) The cost of initiating spill control procedures, removal actions, and remedial actions to clean up spills of oil and other petroleum products where~~



~~the responsible party is unknown, cannot be contacted, is unwilling to take action, or does not take timely action that the Secretary considers necessary.~~  
[Repealed.]

(c) The Secretary may authorize disbursements from the Fund for costs of initiating spill control procedures, removal actions, and remedial actions to clean up spills of oil and other petroleum products where the responsible party is unknown, cannot be contacted, is unwilling to take action, or does not take timely action that the Secretary considers necessary. The Secretary may seek reimbursement of the costs, including any costs determined to be covered by insurance.

(d) The Secretary may use up to one-half the amount deposited to the Motor Fuel Account of the Fund from the licensing fees assessed under section 1942 of this title to capitalize the Underground Motor Fuel Storage Tank Loan Assistance Program established by section 1944 of this title and the cost of administering the Program. If the Secretary determines that a balance will remain after all qualifying loan applications have been satisfied, the unneeded balance may be used for cleanup. The Secretary may use the amount in the Heating Fuel Account of the Fund for purposes of funding measures related to heating oil and kerosene.

~~(d)~~(e) Disbursements from the Fund for cleanup costs incurred prior to passage shall be limited to uninsured costs.

~~(e)~~(f) The Secretary shall establish the Petroleum Cleanup Fund Advisory Committee that shall meet not less than annually to review receipts and disbursements from the Fund, to evaluate the effectiveness of the Fund in meeting its purposes and the reasonableness of the cost of cleanup and to recommend alterations and statutory amendments deemed appropriate. The Advisory Committee shall submit an annual report of its findings to the General Assembly on January 15 of each year. In its annual report, the Advisory Committee shall review the financial stability of the Fund, evaluate the implementation of assistance related to underground farm or residential heating fuel storage tanks and aboveground storage tanks, and the need for continuing assistance, and shall include recommendations for sustainable funding sources to finance the provision of that assistance. 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. The membership of the Committee shall include the following or their designated representative:

- (1) the Secretary of Natural Resources, who shall be chair;
- (2) the Commissioner of Environmental Conservation;
- (3) the Commissioner of Financial Regulation;

- (4) a licensed gasoline distributor;
  - (5) a retail gasoline dealer;
  - (6) a representative of a statewide refining-marketing petroleum association;
  - (7) one member of the House to be appointed by the Speaker of the House;
  - (8) one member of the Senate to be appointed by the Committee on Committees;
  - (9) a licensed heating fuel dealer;
  - (10) a representative of a statewide heating fuel dealers' association;
- and
- (11) a licensed real estate broker.

~~(f)~~(g) The Secretary may seek reimbursement to the Fund of cleanup expenditures only when the owner of the tank is in significant violation of his or her the owner's permit or rules, or when a required fee has not been paid for the tank from which the release occurred or, to the extent covered, when there is insurance coverage. When the Secretary has paid the first \$10,000.00 of costs under subdivision (b)(4)(D) of this section, the Secretary may seek reimbursement of those costs.

~~(g)~~(h) The owner of a farm or residential heating fuel storage tank used for on-premises heating or an underground or aboveground heating fuel storage tank used for on-premises heating by a mobile home park resident, as defined in section 6201 of this title, who desires assistance to close, replace, or upgrade the tank or replace their heating fuel system with advanced wood heat or a heat pump may apply to the Secretary for such assistance. The financial assistance may be in the form of grants of up to: ~~\$2,000.00~~ \$3,000.00 or the costs of closure, replacement, or upgrade, whichever is less, for an aboveground storage tank located inside a structure; up to ~~\$3,000.00~~ \$4,000.00 or the costs of closure, replacement, or upgrade, whichever is less, for an aboveground storage tank located outside a structure; ~~and up to \$4,000.00~~ \$5,000.00 or the costs of closure, replacement, or upgrade, whichever is less, for an underground storage tank; and up to \$4,000.00 or the actual cost of replacing their heating system with advanced wood heat or a heat pump, whichever amount is less. As used in this subsection, "structure" means any assembly of materials that is intended for occupancy or use by a person and that has at least three walls and a roof. Grants shall be made only to the current property owners, except at mobile home parks where a grant may be awarded to a mobile home park resident. To be eligible to receive the grant, an

environmental site assessment must be conducted by a qualified consultant during the tank closure, replacement, or upgrade if the tank is an underground heating fuel storage tank. In addition, if the closed tank is to be replaced with an underground heating fuel storage tank, the replacement tank and piping shall provide a level of environmental protection at least equivalent to that provided by a double wall tank and secondarily contained piping. Grants shall be awarded on a priority basis to projects that will avoid the greatest environmental or health risks. The Secretary shall also give priority to applicants who are replacing their underground heating fuel tanks with aboveground heating fuel storage tanks that will be installed in accordance with the Secretary's recommended standards. The Secretary shall also give priority to ~~lower income~~ lower-income applicants. To be eligible to receive the grant, the owner must provide the previous year's financial information and, if the replacement tank is an aboveground tank, must ensure that any work to replace or upgrade a tank shall be done in accordance with industry standards (National Fire Protection Association, or NFPA, Code 31), as it existed on July 1, 2004, until another date or edition is specified by rule of the Secretary. The Secretary shall authorize only up to ~~\$400,000.00~~ \$500,000.00 in assistance for underground and aboveground heating fuel tanks in any one fiscal year from the Heating Fuel Account for this purpose. The application must be accompanied by the following information:

- (1) proof of ownership, including information disclosing all owners of record of the property, except in the case where the applicant is a mobile home park resident;
- (2) for farm or residential aboveground heating fuel storage tank owners, a copy of the federal income tax return for the previous year;
- (3) identification of the contractor performing any heating fuel storage tank closure, replacement, ~~or~~ upgrade, or system replacement;
- (4) an estimated cost of tank closure, replacement, ~~or~~ upgrade, or system replacement;
- (5) the amount and type of assistance requested;
- (6) a schedule for the work;
- (7) description of surrounding area, including location of water supply wells, surface waters, and other sensitive receptors; and
- (8) such other information and assurances as the Secretary may require.

\* \* \* Effective Date \* \* \*

Sec. 19. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

And that when so amended the bill ought to pass.

**Senator Baruth Assumes the Chair**

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

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

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

**Third Reading Ordered**

**H. 466.**

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

An act relating to technical corrections for the 2023 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 third reading of the bill was ordered.

**Bill Passed**

**S. 115.**

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

An act relating to miscellaneous agricultural subjects.

**Proposal of Amendment; Third Reading Ordered**

**H. 148.**

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

An act relating to raising the age of eligibility to marry.

Reported recommending that the Senate propose to the House to amend the bill by inserting a new Sec. 2a to read as follows:

Sec. 2a. 12 V.S.A. § 7156 is amended to read:

§ 7156. EFFECT OF EMANCIPATION

(a) The order of emancipation shall recognize the minor as an adult for all purposes that result from reaching the age of majority, including:

- (1) entering into a binding contract;
- (2) litigation and settlement of controversies, including the ability to sue and be sued;
- (3) buying or selling real property;
- (4) establishing a residence except that an emancipation order may not be used for the purpose of obtaining residency and in-state tuition or benefits at the University of Vermont or the Vermont State Colleges;
- (5) being prosecuted as an adult under the criminal laws of the State;
- (6) terminating parental support and control of the minor and their rights to the minor's income;
- (7) terminating parental tort liability for minor; and
- (8) indicating the minor's emancipated status on driver's license or identification card issued by the State.

(b) The order of emancipation shall not affect the status of the minor in the applicability of any provision of law ~~which~~ that requires specific age requirements under the State or federal constitution or any State or federal law, including laws that require a person to be at least 18 years of age to marry and laws that prohibit the sale, purchase, or consumption of alcoholic beverages to or by a person under 21 years of age.

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 was agreed to.

Thereupon, third reading of the bill was ordered on a roll call, Yeas 28, Nays 0.

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

**Roll Call**

**Those Senators who voted in the affirmative were:** Bray, Brock, Campion, Chittenden, Clarkson, Collamore, Cummings, Gulick, Hardy, Harrison, Hashim, Ingalls, Kitchel, Lyons, Mazza, McCormack, Norris,

Perchlik, Ram Hinsdale, Sears, Starr, Vyhovsky, Watson, Weeks, Westman, White, Williams, Wrenner.

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

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

### **Message from the House No. 39**

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

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

**H. 492.** An act relating to setting the homestead property tax yields and the nonhomestead property tax rate.

**H. 493.** An act relating to capital construction and State bonding.

**H. 494.** An act relating to making appropriations for the support of government.

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

The House has adopted joint resolution of the following title:

**J.R.H. 4.** Joint resolution recognizing March 31, 2023 as Transgender Day of Visibility in Vermont, expressing support for the transgender rights of all Vermonters, and opposing legislation restricting the rights of transgender Vermonters regardless of their age.

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

### **Adjournment**

On motion of Senator Clarkson, the Senate adjourned until one o'clock in the afternoon on Wednesday, April 5, 2023.

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### **WEDNESDAY, APRIL 5, 2023**

Pursuant to the Senate Rules, in the absence of the President, the Senate was called to order by the President *pro tempore*.

### **Devotional Exercises**

Devotional exercises were conducted by the Reverend Rick Swanson of Stowe.

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**Senate Resolution Referred****S.R. 10.**

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

By Senators Kitchel, Cummings, Ram Hinsdale, Watson, and Westman,

**S.R. 10.** Senate resolution relating to reaffirming the friendship between Vermont and the Republic of China (Taiwan) and supporting enhanced United States–Taiwan and Vermont–Taiwan bilateral relations.

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

*Whereas*, with respect to United States–Taiwan trade, the United States is Taiwan’s second-largest trading partner; Taiwan is the eighth-largest trading partner of the United States; in 2022, the two-way trade in goods between the United States and Taiwan totaled an estimated \$135.56 billion; and Taiwan was the sixth-largest purchaser of American agricultural goods totaling \$4.4 billion, and

*Whereas*, regarding Vermont–Taiwan trade, in 2022, Taiwan was the second-largest export destination for Vermont goods worth approximately \$465 million, and Vermont imported an estimated \$100 million in goods from Taiwan, and

*Whereas*, the Government of Taiwan has expressed a desire to reach a Bilateral Trade Agreement with the United States, which would significantly increase Vermont’s exports to Taiwan, bilateral investment, and jobs in Vermont, and

*Whereas*, Vermont and Taiwan have enjoyed a long history of productive bilateral relations, including entering into a driver’s license reciprocity agreement in 2020 and facilitating people-to-people exchanges between the two jurisdictions, and

*Whereas*, the Government of Taiwan desires to establish a memorandum of understanding with the State of Vermont to increase educational exchanges and cooperation, *now therefore be it*

***Resolved by the Senate:***

That the Senate of the State of Vermont reaffirms the friendship between Vermont and the Republic of China (Taiwan) and supports enhanced United States–Taiwan and Vermont–Taiwan bilateral relations, *and be it further*

**Resolved:** That the Senate of the State of Vermont supports the establishment of a memorandum of understanding between the Republic of China (Taiwan) and Vermont for educational exchanges and cooperation, *and be it further*

**Resolved:** That the Secretary of the Senate be directed to send a copy of this resolution to President Joseph R. Biden, President Tsai Ing-wen of the Republic of China (Taiwan), Director-General Jonathan Sun of the Taipei Economic and Cultural Office in Boston, Governor Philip B. Scott, and the Vermont Congressional Delegation.

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

### **Joint Resolution Placed on Calendar**

#### **J.R.H. 4.**

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

Joint resolution recognizing March 31, 2023 as Transgender Day of Visibility in Vermont, expressing support for the transgender rights of all Vermonters, and opposing legislation restricting the rights of transgender Vermonters regardless of their age.

Whereas, in 2009, March 31 was established as International Transgender Day of Visibility to celebrate the achievements and contributions of the transgender community, to raise awareness of the discrimination and potentially fatal violence transgender persons experience, and to recognize the bravery required to live a visibly transgender life, and

Whereas, before the establishment of the State of Vermont, Indigenous two-spirit and transgender individuals existed in many Native American communities, and although many of these traditions were lost or suppressed, they have experienced a revival, and

Whereas, the State of Vermont believes that every resident deserves to be treated with dignity and respect and afforded equal justice and fair access to societal opportunities, and

Whereas, in accordance with 9 V.S.A., chapter 139, discrimination based on gender identity in public accommodation and housing is prohibited, and 21 V.S.A. § 495(a)(1) and (2) prohibit such discrimination with respect to employment, and



Whereas, anti-transgender legislation, which has been introduced and adopted in a number of states, is an attack on the mental health and safety of transgender youth and creates a hostile environment for all children and their families, and

Whereas, in opposing such legislation, the State of Vermont takes a stand in proclaiming our State to be inclusive and to stand with the LGBTQIA2S+ community, as well as to encourage other states to join with Vermont in giving a stronger voice to transgender children and youth, and

Whereas, President Joe Biden recognized the importance of Transgender Day of Visibility with a proclamation issued on March 30, 2023, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly recognizes March 31, 2023 as Transgender Day of Visibility in Vermont, expresses support for the rights of all transgender Vermonters, and opposes legislation restricting the rights of transgender Vermonters regardless of their age, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Outright Vermont, the Pride Center of Vermont, and Out in the Open.

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

### **Bill Introduced**

Senate bill of the following title was introduced, read the first time and referred:

#### **S. 145.**

By Senator White,

An act relating to the Community Resilience and Disaster Mitigation Fund.

To the Committee on Government Operations.

### **Bills Referred**

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

#### **H. 492.**

An act relating to setting the homestead property tax yields and the nonhomestead property tax rate.

To the Committee on Finance.

**H. 493.**

An act relating to capital construction and State bonding.

To the Committee on Institutions.

**H. 494.**

An act relating to making appropriations for the support of government.

To the Committee on Appropriations.

**Bill Passed****S. 25.**

Senate bill of the following title:

An act relating to regulating cosmetic and menstrual products containing certain chemicals and chemical classes and textiles and athletic turf fields containing perfluoroalkyl and polyfluoroalkyl substances.

Was read the third time and passed, on a roll call, Yeas 24, Nays 0.

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

**Roll Call**

**Those Senators who voted in the affirmative were:** Bray, Campion, Chittenden, Clarkson, Collamore, Cummings, Gulick, Hardy, Harrison, Hashim, Lyons, MacDonald, Mazza, McCormack, Norris, Perchlik, Ram Hinsdale, Sears, Vyhovsky, Watson, Weeks, White, Williams, Wrenner.

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

**Those Senators absent or not voting were:** Baruth (presiding), Brock, Ingalls, Kitchel, Starr, Westman.

**Bill Passed****S. 80.**

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

An act relating to miscellaneous environmental conservation subjects.

**Bills Passed in Concurrence**

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

**H. 28.** An act relating to diversion and expungement.

**H. 466.** An act relating to technical corrections for the 2023 legislative session.

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

**H. 148.**

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

An act relating to raising the age of eligibility to marry.

**Message from the House No. 40**

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

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

**H. 146.** An act relating to amendments to the charter of the Northeast Kingdom Waste Management District.

**H. 271.** An act relating to approval of amendments to the charter of the Town of Springfield.

**H. 418.** An act relating to approval of an amendment to the charter of the Town of Barre.

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

**Adjournment**

On motion of Senator Clarkson, the Senate adjourned until one o'clock in the afternoon on Thursday, April 6, 2023.

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**THURSDAY, APRIL 6, 2023**

The Senate was called to order by the President.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Bills Referred**

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

**H. 146.**

An act relating to amendments to the charter of the Northeast Kingdom Waste Management District.

To the Committee on Rules.

**H. 271.**

An act relating to approval of amendments to the charter of the Town of Springfield.

To the Committee on Rules.

**H. 418.**

An act relating to approval of an amendment to the charter of the Town of Barre.

To the Committee on Rules.

**Bills Passed**

Senate bills of the following titles were severally read the third time and passed:

**S. 60.** An act relating to local option taxes.

**S. 135.** An act relating to the establishment of VT Saves.

**Joint Resolution Adopted in Concurrence****J.R.H. 4.**

Joint House resolution entitled:

Joint resolution recognizing March 31, 2023 as Transgender Day of Visibility in Vermont, expressing support for the transgender rights of all Vermonters, and opposing legislation restricting the rights of transgender Vermonters regardless of their age.

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

**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:

Mr. President:

I am directed to inform the Senate that:

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

**H. 150.** An act relating to approval of an amendment to the charter of the Village of Alburgh.

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. 54.** An act relating to individual and small group insurance markets.

And has passed the same in concurrence.

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

**J.R.S. 22.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

### **Adjournment**

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

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### **FRIDAY, APRIL 7, 2023**

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. 42**

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

Mr. President:

I am directed to inform the Senate that:

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

**H. 282.** An act relating to the Psychology Interjurisdictional Compact.

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

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

**H.C.R. 82.** House concurrent resolution congratulating the 2022 St. Johnsbury Academy Hilltoppers boys' cross-country team on winning a second consecutive Division I championship.

**H.C.R. 83.** House concurrent resolution congratulating the 2023 St. Johnsbury Academy Hilltoppers Division I boys' championship indoor track and field team.

**H.C.R. 84.** House concurrent resolution congratulating the 2023 Burlington High School Seahorses girls' Nordic skiing team on winning a third consecutive Division I championship.

**H.C.R. 85.** House concurrent resolution congratulating Sophia R. Boyle Hall on being named the recipient of the 2022 State and national school nursing awards.

**H.C.R. 86.** House concurrent resolution designating April 18, 2023 as USS VERMONT Day in Vermont.

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

#### **Bills Referred**

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

#### **H. 150.**

An act relating to approval of an amendment to the charter of the Village of Alburgh.

To the Committee on Rules.

#### **H. 282.**

An act relating to the Psychology Interjurisdictional Compact.

To the Committee on Health and Welfare.

#### **Appointments Confirmed**

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

The nomination of

Lunge, Robin of Berlin - Member Green Mountain Care Board - October 1, 2022 to September 30, 2023.

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

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

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**Roll Call**

**Those Senators who voted in the affirmative were:** Baruth, Bray, Brock, Champion, Chittenden, Clarkson, Collamore, Cummings, Gulick, Hardy, Harrison, Hashim, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Norris, Perchlik, Ram Hinsdale, Starr, Vyhovsky, Watson, Weeks, Westman, White, Williams, Wrenner.

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

**The Senator absent and not voting was:** Sears.

The nomination of

Fastiggi, Beth of Burlington - Commissioner, Department of Human Resources - March 1, 2023 to February 28, 2025.

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

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

**Roll Call**

**Those Senators who voted in the affirmative were:** Baruth, Bray, Brock, Champion, Chittenden, Clarkson, Collamore, Cummings, Gulick, Hardy, Harrison, Hashim, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Norris, Perchlik, Ram Hinsdale, Starr, Vyhovsky, Watson, Weeks, Westman, White, Williams, Wrenner.

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

**The Senator absent and not voting was:** Sears.

The nomination of

Nailor, Shawn of Worcester - Secretary and State CIO, Agency of Digital Services - March 1, 2023 to February 28, 2025.

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

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

**Roll Call**

**Those Senators who voted in the affirmative were:** Baruth, Bray, Brock, Champion, Chittenden, Clarkson, Collamore, Cummings, Gulick, Hardy, Harrison, Hashim, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Norris, Perchlik, Ram Hinsdale, Starr, Vyhovsky, Watson, Weeks, Westman, White, Williams, Wrenner.

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

**The Senator absent and not voting was:** Sears.

The nomination of

Tebbetts, Anson B. of Marshfield - Secretary, Agency of Agriculture, Food and Markets - March 1, 2023 to February 28, 2025.

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

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

#### **Roll Call**

**Those Senators who voted in the affirmative were:** Baruth, Bray, Brock, Champion, Chittenden, Clarkson, Collamore, Cummings, Gulick, Hardy, Harrison, Hashim, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Norris, Perchlik, Ram Hinsdale, Starr, Vyhovsky, Watson, Weeks, Westman, White, Williams, Wrenner.

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

**The Senator absent and not voting was:** Sears.

The nomination of

Murman, David of Waterbury - Member, Green Mountain Care Board - October 1, 2022 to September 30, 2028.

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

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

#### **Roll Call**

**Those Senators who voted in the affirmative were:** Baruth, Bray, Brock, Champion, Chittenden, Clarkson, Collamore, Cummings, Gulick, Hardy, Harrison, Hashim, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Norris, Perchlik, Ram Hinsdale, Starr, Vyhovsky, Watson, Weeks, Westman, White, Williams, Wrenner.

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

**The Senator absent and not voting was:** Sears.

#### **House Concurrent Resolutions**

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having



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requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were severally adopted in concurrence:

By Reps. Beck and others,

By Senator Kitchel,

**H.C.R. 82.**

House concurrent resolution congratulating the 2022 St. Johnsbury Academy Hilltoppers boys' cross-country team on winning a second consecutive Division I championship.

By Reps. Beck and others,

By Senator Kitchel,

**H.C.R. 83.**

House concurrent resolution congratulating the 2023 St. Johnsbury Academy Hilltoppers Division I boys' championship indoor track and field team.

By Reps. Ode and others,

By Senator Gulick,

**H.C.R. 84.**

House concurrent resolution congratulating the 2023 Burlington High School Seahorses girls' Nordic skiing team on winning a third consecutive Division I championship.

By Reps. Williams and others,

By Senators Kitchel and Starr,

**H.C.R. 85.**

House concurrent resolution congratulating Sophia R. Boyle Hall on being named the recipient of the 2022 State and national school nursing awards.

By Reps. Hango and others,

By Senators Chittenden, Gulick, Hardy, Ingalls, Kitchel, Norris, Watson, Weeks, White, Williams and Wrenner,

**H.C.R. 86.**

House concurrent resolution designating April 18, 2023 as USS VERMONT Day in Vermont.

**Adjournment**

On motion of Senator Baruth, the Senate adjourned, to reconvene on Tuesday, April 11, 2023, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 22.

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**TUESDAY, APRIL 11, 2023**

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 Rules****S. 39.**

Senate bill of the following title, appearing on the Calendar for notice, under Temporary Rule 44A, was referred to the Committee on Rules:

An act relating to compensation and benefits for members of the Vermont General Assembly.

**Joint Senate Resolution Adopted on the Part of the Senate****J.R.S. 23.**

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

By Senator Baruth,

**J.R.S. 23.** Joint resolution relating to weekend adjournment.

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

That when the two Houses adjourn on Friday, April 14, 2023, it be to meet again no later than Tuesday, April 18, 2023.

**Adjournment**

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Wednesday, April 12, 2023.

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**WEDNESDAY, APRIL 12, 2023**

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 crossover and being released by the Committee on Rules were referred to their respective committees of jurisdictions:

**H. 146.** An act relating to amendments to the charter of the Northeast Kingdom Waste Management District.

To the Committee on Government Operations.

**H. 150.** An act relating to approval of an amendment to the charter of the Village of Alburgh.

To the Committee on Government Operations.

**H. 271.** An act relating to approval of amendments to the charter of the Town of Springfield.

To the Committee on Government Operations.

**H. 418.** An act relating to approval of an amendment to the charter of the Town of Barre.

To the Committee on Government Operations.

**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:

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

**H. 488.** An act relating to approval of the adoption of the charter of the Town of Ludlow.

**H. 495.** An act relating to the approval of the amendment to the charter of the Town of Middlebury.

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

The House has considered Senate proposal of amendment to the following House bill:

**H. 148.** An act relating to raising the age of eligibility to marry.

And has concurred therein.

### **Adjournment**

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Thursday, April 13, 2023.

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### **THURSDAY, APRIL 13, 2023**

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 Finance**

House bills of the following titles, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule were referred to the Committee on Finance:

**H. 127.** An act relating to sports wagering.

**H. 178.** An act relating to commissioning Department of Corrections personnel as notaries public.

### **Committee Bill Introduced**

Senate committee bill of the following title was introduced, read the first time, and, under the rule, placed on the Calendar for notice the next legislative day:

#### **S. 146.**

By the Committee on Natural Resources and Energy,

An act relating to the permitting of indirect discharges.

### **Bills Referred**

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

**H. 488.**

An act relating to approval of the adoption of the charter of the Town of Ludlow.

To the Committee on Rules.

**H. 495.**

An act relating to the approval of the amendment to the charter of the Town of Middlebury.

To the Committee on Rules.

**Third Reading Ordered****H. 35.**

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

An act relating to the Victims Assistance Program.

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.

**Bill Amended; Third Reading Ordered****S. 39.**

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

An act relating to compensation and benefits for members of the Vermont General Assembly.

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

\* \* \* Compensation for Legislative Professional Development \* \* \*

Sec. 1. 2 V.S.A. § 23 is amended to read:

§ 23. STANDING COMMITTEES; AUTHORITY TO MEET; OUT-OF-STATE BUSINESS

\* \* \*

(b) For attending to official duties out of the State, or for participating in professional development activities in or out of the State that are directly related to the member's service in the General Assembly, a member shall be entitled to the same per diem compensation as provided for attendance at

sessions of the General Assembly. Reimbursement of necessary and actual expenses for official duties out of the State shall be made from the legislative appropriation to any member of the General Assembly or its staff, and reimbursement of necessary and actual expenses for participation in professional development activities shall be made from the legislative appropriation to members of the General Assembly. Such reimbursement and per diem compensation shall be in lieu of any other expenses payable by the State to that person during the period ~~he or she~~ the person is out of the State or participating in professional development activities and shall be contingent upon:

(1) prior approval of the out-of-state duties or professional development activities by the Speaker of the House in the case of a House member or employee or by the President Pro Tempore of the Senate in the case of a Senator or Senate employee; and

(2) certification of the expense voucher to the Commissioner of Finance and Management by either the Speaker of the House or President Pro Tempore of the Senate in the appropriate case or designee.

\* \* \*

\* \* \* Health Benefits \* \* \*

Sec. 2. 3 V.S.A. § 631 is amended to read:

§ 631. GROUP INSURANCE FOR STATE EMPLOYEES; SALARY DEDUCTIONS FOR INSURANCE, SAVINGS PLANS, AND CREDIT UNIONS

(a)(1) The Secretary of Administration may contract on behalf of the State with any insurance company or nonprofit association doing business in this State to secure the benefits of franchise or group insurance. Beginning on July 1, 1978, the terms of coverage under the policy shall be determined under section 904 of this title, but it may include:

\* \* \*

(2)(A)(i) As used in this section, the term “employees” includes any class or classes of elected or appointed officials, State’s Attorneys, sheriffs, employees of State’s Attorneys’ offices whose compensation is administered through the State of Vermont payroll system, except contractual and temporary employees, and deputy sheriffs paid by the State of Vermont pursuant to 24 V.S.A. § 290(b). The term “employees” ~~shall~~ does not include ~~members of the General Assembly as such,~~ any person rendering service on a retainer or fee basis, members of boards or commissions, or persons ~~other than employees~~

~~of the Vermont Historical Society, the Vermont Film Corporation, the Vermont State Employees' Credit Union, Vermont State Employees' Association, and the Vermont Council on the Arts, whose compensation for service is not paid from the State Treasury, or any elected or appointed official unless the except as specifically provided pursuant to this subdivision (a)(2)(A)(i). The term "employees" includes employees of the Vermont Historical Society, the Vermont State Employees' Credit Union, the Vermont State Employees' Association, the Vermont Council on the Arts, and any elected or appointed official who is actively engaged in and devoting substantially full-time to the conduct of the business of his or her the official's public office. The term "employees" also includes members of the General Assembly as set forth in subdivision (iv) of this subdivision (a)(2)(A).~~

\* \* \*

(iv) For purposes of group hospital-surgical-medical expense insurance, any employee assistance program offered to State employees, and any flexible spending account program offered to State employees for health care or dependent care expenses, or both, the term "employees" includes members of the General Assembly.

(B)(i) The premiums for extending insurance coverage to employees shall be paid in full by the Vermont Historical Society, the Vermont Film Corporation, the Vermont State Employees' Association, the Vermont State Employees' Credit Union, the Vermont Council on the Arts, or their respective retirees. Nothing herein creates a legal obligation on the part of the State of Vermont to pay any portion of the premiums required to extend insurance coverage to this group of employees.

(ii) Members of the General Assembly shall be required to pay the same portion of the premium for group hospital-surgical-medical expense insurance as is required of employees of the Executive Branch.

\* \* \*

\* \* \* Compensation and Expenses \* \* \*

Sec. 3. 32 V.S.A. § 1050 is added to read:

§ 1050. COMPENSATION FOR MEMBERS OF THE GENERAL ASSEMBLY; LEGISLATIVE INTENT

It is the intent of the General Assembly that its members should receive compensation that is consistent with the amount of the average wage earned in this State.

Sec. 4. 32 V.S.A. § 1051 is amended to read:

§ 1051. SPEAKER OF THE HOUSE AND PRESIDENT PRO TEMPORE OF THE SENATE; COMPENSATION AND EXPENSE REIMBURSEMENT

(a) The Speaker of the House and the President Pro Tempore of the Senate shall be entitled to receive annual compensation of ~~\$10,080.00 for the 2005~~ \$20,716.00 for the first year of the 2025 Biennial Session ~~and thereafter~~, to be paid in biweekly payments, ~~provided that, beginning on January 1, 2007, the annual compensation shall be adjusted annually thereafter by the cost of living adjustment negotiated for State employees under the most recent collective bargaining agreement, except that, beginning on July 1, 2021.~~ Beginning on January 1, 2026 and annually thereafter on January 1, the annual compensation shall be adjusted consistent with the compensation increases provided to other constitutional officers. In addition to the annual compensation, the Speaker and President Pro Tempore shall be entitled to receive:

(1) ~~\$652.00 a week for the 2005~~ \$1,340.00 a week for the first year of the 2025 Biennial Session and thereafter, to be paid in biweekly payments during the regular and adjourned sessions of the General Assembly, provided that, beginning on January 1, 2007, ~~the weekly compensation shall be adjusted annually thereafter by the cost of living adjustment negotiated for State employees under the most recent collective bargaining agreement, except that, beginning on July 1, 2021~~ 2026 and annually thereafter on January 1, the weekly compensation shall be adjusted consistent with the compensation increases provided to other constitutional officers;

\* \* \*

(3) an allowance for or reimbursement of expenses for mileage; meals; and lodging expenses; and child, dependent, and elder care as provided to members of the General Assembly under subsection 1052(b) of this title during the biennial, adjourned, and special sessions of the General Assembly and in addition such other actual and necessary expenses incurred while engaged in duties imposed by law.

Sec. 5. 32 V.S.A. § 1052 is amended to read:

§ 1052. MEMBERS OF THE GENERAL ASSEMBLY; COMPENSATION AND EXPENSE REIMBURSEMENT

(a) Compensation.

(1) Session compensation. Each member of the General Assembly, other than the Speaker of the House and the President Pro Tempore of the



Senate, is entitled to a weekly salary of ~~\$589.00 for the 2005~~ \$1,210.00 for the first year of the 2025 Biennial Session and thereafter, provided that, beginning on January 1, 2007, the weekly compensation shall be adjusted annually thereafter by the cost of living adjustment negotiated for State employees under the most recent collective bargaining agreement, except that, beginning on ~~July 1, 2021~~ 2026 and annually thereafter on January 1, the weekly compensation shall be adjusted consistent with the compensation increases provided to other constitutional officers. The salary of members shall be paid in biweekly installments.

(2) Special session compensation. During a special session, a member is entitled to an amount equal to one-fifth of the annually adjusted weekly compensation set forth in subdivision (1) of this subsection, rounded up to the nearest dollar, for each day of a special session ~~on which the House of which he or she is a~~ that the House in which the member serves shall sit.

(3) Adjournment compensation.

(A) During adjournment of the General Assembly, a member is entitled to an amount equal to one-fifth of the annually adjusted weekly compensation set forth in subdivision (1) of this subsection (a), rounded up to the nearest dollar, for each week of the adjournment of the General Assembly.

(B) During adjournment of the General Assembly, a member who is serving on a special committee or joint committee shall, in addition to the weekly adjournment compensation set forth in subdivision (A) of this subsection (3) and the per diem compensation set forth in 2 V.S.A. § 23, be entitled to compensation for time spent preparing for meetings of the special or joint committee at an hourly rate equal to 2.5 percent of the annually adjusted weekly compensation set forth in subdivision (1) of this subsection (a).

(b) Expenses. During any session of the General Assembly, each member is entitled to receive an allowance for or reimbursement of expenses as follows: set forth in this subsection.

(1) Mileage reimbursement. ~~Reimbursement~~ Each member shall receive reimbursement in an amount equal to the actual mileage traveled for each day of session in which the member travels between Montpelier and the member's home or from Montpelier or from the member's home to another site on officially sanctioned legislative business. Reimbursement of actual mileage traveled under this subdivision shall be at the rate per mile determined by the federal Office of Government-wide Policy and published in the Federal Register for the year of the session.

(2) Meals and lodging allowance. Each member shall receive either a meals allowance or reimbursement of actual meals expenses. Each member

shall inform the Office of Legislative Operations of the member's choice of a meals allowance or meals expense reimbursement annually prior to the convening of each regular and adjourned session, and the member's choice shall remain in effect through the remainder of that session unless the member notifies the Office, in writing, that the member needs to change that choice due to a change in circumstances or for another compelling reason.

(A) Meals allowance. ~~A~~ A member who elects to receive a meals allowance ~~in~~ shall receive an amount equal to the daily amount for meals ~~and lodging~~ determined for Montpelier, Vermont, by the federal Office of Government-wide Policy and published in the Federal Register for the year of the session, for each day the House in which the member serves shall sit.

(B) Meals reimbursement. A member who elects to receive reimbursement of expenses shall receive reimbursement equal to the actual amounts expended by the member for meals for each day that the House in which the member serves shall sit, as well as meals for the night preceding the first legislative day of each week during the legislative session. The amount of the daily reimbursement available pursuant to this subdivision shall not exceed the daily amount for meals determined for Montpelier, Vermont, by the federal Office of Government-wide Policy and published in the Federal Register for the year of the session. The member shall provide meal receipts or otherwise substantiate the amounts expended to the Office of Legislative Operations in the form and manner prescribed by the Director of Legislative Operations.

(3) Lodging. Each member shall receive either a lodging allowance or reimbursement of actual lodging expenses. Each member shall inform the Office of Legislative Operations of the member's choice of a lodging allowance or lodging expense reimbursement annually prior to the convening of each regular and adjourned session, and the member's choice shall remain in effect through the remainder of that session unless the member notifies the Office, in writing, that the member needs to change that choice due to a change in circumstances or for another compelling reason.

(A) Lodging allowance. A member who elects to receive a lodging allowance shall receive an amount equal to the daily amount for lodging determined for Montpelier, Vermont, by the federal Office of Government-wide Policy and published in the Federal Register for the year of the session for each day the House in which the member serves shall sit.

(B) Lodging reimbursement. A member who elects to receive reimbursement of expenses shall receive reimbursement equal to the actual amounts expended by the member for lodging for each day that the House in which the member serves shall sit, as well as lodging for the night preceding

the first legislative day of each week during the legislative session. The amount of the daily reimbursement available pursuant to this subdivision shall not exceed the daily amount for lodging determined for Montpelier, Vermont, by the federal Office of Government-wide Policy and published in the Federal Register for the year of the session. The member shall provide lodging receipts or otherwise substantiate the amounts expended to the Office of Legislative Operations in the form and manner prescribed by the Director of Legislative Operations.

(4) Child, dependent, and elder care reimbursement.

(A) Each member whose federal taxable household income is at or below \$75,000.00 shall be eligible to receive reimbursement of up to \$1,600.00 of the actual amounts expended by the member in each year of the biennial session for child care, dependent care, or elder care services in this State, or a combination, that is necessary to facilitate the member's service in the General Assembly.

(B) Expenses shall not be reimbursed under this subdivision (4) to the extent they are being reimbursed or subsidized by another source or if reimbursement or subsidies are reasonably available from another source.

(C) Each Legislative Branch employee whose federal taxable household income is at or below \$75,000.00 shall also be eligible for reimbursement of up to \$1,600.00 for actual amounts expended by the employee annually for child care, dependent care, or elder care expenses pursuant to this subdivision (4).

(D) As used in this subdivision (4):

(i) "Child care" and "dependent care" mean care provided to an individual who would be a qualifying individual for purposes of the federal child and dependent care tax credit.

(ii) "Elder care" means care provided to an adult 65 years of age or older in the home or in an adult day program.

(5) Parking. A member who attests that the member's physical limitations make it difficult or impractical for the member to walk from the member's lodging to the State House may receive reimbursement for actual costs incurred for overnight parking for the night preceding each day that the House in which the member serves shall sit.

(6) Absences. If a member is absent for reasons other than sickness or legislative business for one or more entire days while the house in which the member sits is in session, the member shall notify the Office of Legislative Operations of that absence, and ~~expenses received shall not include the amount~~

~~that the legislator specifies was not incurred~~ the member shall not be reimbursed for mileage, meals, or lodging expenses incurred during the period of that absence.

~~(c) For attending a meeting of the Joint Fiscal Committee when a member is not receiving compensation as a member of the General Assembly, a member of the Joint Fiscal Committee shall be entitled to the same per diem compensation and reimbursement for necessary expenses as provided members of the General Assembly for attendance at sessions of the General Assembly. [Repealed.]~~ Members-elect; stipend. Each member-elect of the General Assembly who is not an incumbent shall receive a stipend in an amount equal to one-fifth of the annually adjusted weekly compensation set forth in subdivision (a)(1) of this section, rounded up to the nearest dollar, for each day of attendance at an orientation program for new legislators organized by the General Assembly and its staff.

~~(d) Death of a member.~~ If a member of the General Assembly dies while the General Assembly is in session, the estate of the deceased member shall be entitled to receive compensation for the entire pay period in which the death occurred.

\* \* \* Legislative Leave from Employment \* \* \*

Sec. 6. 21 V.S.A. § 496 is amended to read:

§ 496. LEGISLATIVE LEAVE

(a) Any person who, in order to serve as a member of the General Assembly, must leave a ~~full-time~~ position in the employ of any employer, shall be entitled to a temporary or partial leave of absence for the purpose of allowing such employee to perform any official duty in connection with ~~his or her~~ the person's elected office.

(b) An employee who intends to seek election to the General Assembly and to invoke, if elected, ~~his or her~~ the right to a leave of absence pursuant to subsection (a) of this section, shall notify ~~his or her~~ the employee's employer of those intentions in writing within ~~10~~ 14 days after ~~filing the primary election nominating petition required by 17 V.S.A. § 2353 or of taking any other action required by 17 V.S.A. chapter 49, to place his or her name on a primary or general election ballot~~ being elected. An employee who fails to give notice to ~~his or her~~ the employee's employer as required by this section shall be deemed to have waived ~~his or her~~ the right to a leave of absence under subsection (a) of this section.

\* \* \*

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\* \* \* Legislative Service Working Group \* \* \*

Sec. 7. LEGISLATIVE SERVICE WORKING GROUP

(a) Creation. There is created the Legislative Service Working Group to consider issues related to serving as a member of the Vermont General Assembly.

(b) Membership. The Working Group 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. The Working Group shall consider and make recommendations on issues involving legislative compensation and benefits, staffing, administrative support, and the length of the legislative session, including:

(1) the current compensation and benefits offered to members of the General Assembly, including:

(A) whether current salaries and benefits are sufficient and, if not, how they should be increased;

(B) the impact of current salaries and benefits on recruiting and retaining members from diverse backgrounds and life experiences;

(C) whether members should be offered additional benefits, including reimbursement of child, dependent, and elder care expenses up to the amount of the federal maximum annual household contribution limit for a dependent care flexible spending account;

(D) whether members should have the option to receive a prorated salary throughout the calendar year instead of receiving their full salary amount during the months that the General Assembly is in session;

(E) whether supplemental compensation should be provided to members who hold leadership positions in addition to the Speaker of the House and Senate President Pro Tempore, including caucus leaders and committee chairs; and

(F) how the salaries, benefits, and compensation structure in the Vermont General Assembly compare to those of other state legislatures;

(2) whether changes to staffing are necessary, such as increasing the

number of legislative staff in existing staff offices, expanding the types of legislative staff services available to members, adding caucus staff, and adding personal staff or providing members with an allowance to hire their own personal staff;

(3) how to increase the administrative support available to members to increase their effectiveness and ability to respond efficiently to the needs of their constituents; and

(4) whether changes should be made to the length or structure of the legislative session.

(d) Assistance. The Working Group shall have the administrative, technical, and legal assistance of the Office of Legislative Operations, the Office of Legislative Counsel, the Office of Human Resources, and the Joint Fiscal Office.

(e) Report. On or before January 15, 2024, the Working Group shall report its findings and recommendations, including any recommendations for legislative action, to the Speaker of the House, the Senate President Pro Tempore, and the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations. Drafts of the Working Group's report shall be confidential unless publicly released.

(f) Meetings.

(1) The Office of Legislative Operations shall call the first meeting of the Working Group to occur on or before July 1, 2023.

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

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

(4) The Working Group shall cease to exist on January 15, 2024.

(g) Compensation and reimbursement. For attendance at meetings during adjournment of the General Assembly, a legislative member of the Working Group shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than eight meetings. These payments shall be made from monies appropriated to the General Assembly.

\* \* \* Appropriation \* \* \*

#### Sec. 8. APPROPRIATION

The sum of \$875,000.00 is appropriated from the General Fund to the

Legislature in fiscal year 2024 for the new and expanded benefits for legislators set forth in Secs. 2 (health benefits), 4 (expenses for Speaker and President Pro Tempore), and 5 (legislator expenses) of this act.

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

Sec. 9. EFFECTIVE DATES

(a) Secs. 6 (legislative leave from employment) and 7 (Legislative Service Working Group) and this section shall take effect on passage.

(b) Sec. 8 (appropriation) shall take effect on July 1, 2023.

(c) Secs. 2 (health benefits), 4(a)(3) (expenses for Speaker and President Pro Tempore), and 5(b)–(d) (legislator expenses) shall take effect on January 1, 2024.

(d) Sec. 1 (compensation for legislative professional development) shall take effect on July 1, 2024.

(e) The remaining sections shall take effect on January 1, 2025.

And that when so amended the bill ought to pass.

Senator Baruth, for the Committee on Appropriations, to which the bill was referred, reported that the bill be amended as recommended by the Committee on Government Operations with the following amendment thereto:

By striking out all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Health Benefits \* \* \*

Sec. 1. 3 V.S.A. § 631 is amended to read:

§ 631. GROUP INSURANCE FOR STATE EMPLOYEES; SALARY DEDUCTIONS FOR INSURANCE, SAVINGS PLANS, AND CREDIT UNIONS

(a)(1) The Secretary of Administration may contract on behalf of the State with any insurance company or nonprofit association doing business in this State to secure the benefits of franchise or group insurance. Beginning on July 1, 1978, the terms of coverage under the policy shall be determined under section 904 of this title, but it may include:

\* \* \*

(2)(A)(i) As used in this section, the term “employees” includes any class or classes of elected or appointed officials, State’s Attorneys, sheriffs, employees of State’s Attorneys’ offices whose compensation is administered through the State of Vermont payroll system, except contractual and temporary

employees, and deputy sheriffs paid by the State of Vermont pursuant to 24 V.S.A. § 290(b). The term “employees” shall does not include members of the General Assembly as such, any person rendering service on a retainer or fee basis, members of boards or commissions, or persons other than employees of the Vermont Historical Society, the Vermont Film Corporation, the Vermont State Employees’ Credit Union, Vermont State Employees’ Association, and the Vermont Council on the Arts, whose compensation for service is not paid from the State Treasury, or any elected or appointed official unless the except as specifically provided pursuant to this subdivision (a)(2)(A)(i). The term “employees” includes employees of the Vermont Historical Society, the Vermont State Employees’ Credit Union, the Vermont State Employees’ Association, the Vermont Council on the Arts, and any elected or appointed official who is actively engaged in and devoting substantially full-time to the conduct of the business of his or her the official’s public office. The term “employees” also includes members of the General Assembly as set forth in subdivision (iv) of this subdivision (a)(2)(A).

\* \* \*

(iv) For purposes of group hospital-surgical-medical expense insurance, any employee assistance program offered to State employees, and any flexible spending account program offered to State employees for health care or dependent care expenses, or both, the term “employees” includes members of the General Assembly.

(B)(i) The premiums for extending insurance coverage to employees shall be paid in full by the Vermont Historical Society, ~~the Vermont Film Corporation,~~ the Vermont State Employees’ Association, the Vermont State Employees’ Credit Union, the Vermont Council on the Arts, or their respective retirees. Nothing herein creates a legal obligation on the part of the State of Vermont to pay any portion of the premiums required to extend insurance coverage to this group of employees.

(ii) Members of the General Assembly shall be required to pay the same portion of the premium for group hospital-surgical-medical expense insurance as is required of employees of the Executive Branch.

\* \* \*

\* \* \* Compensation and Expenses \* \* \*

## Sec. 2. LEGISLATOR COMPENSATION FOR 2025–2026 BIENNIAL SESSION

(a) Notwithstanding any provision of 32 V.S.A. § 1052 to the contrary, members of the General Assembly other than the Speaker of the House and



President Pro Tempore of the Senate are entitled to the following weekly salary amounts during the 2025–2026 Biennial Session:

(1) for 2025, a weekly salary of \$1,000.00 plus an adjustment consistent with the compensation increase provided to other constitutional officers for fiscal year 2025; and

(2) for 2026, a weekly salary of \$1,100.00 plus an adjustment consistent with the compensation increases provided to other constitutional officers for fiscal years 2025 and 2026.

(b) Notwithstanding any provision of 32 V.S.A. § 1051 to the contrary, the Speaker of the House and President Pro Tempore of the Senate are entitled to the following weekly salary amounts during the 2025–2026 Biennial Session:

(1) for 2025, a weekly salary of \$1,230.00 plus an adjustment consistent with the compensation increase provided to other constitutional officers for fiscal year 2025; and

(2) for 2026, a weekly salary of \$1,530.00 plus an adjustment consistent with the compensation increases provided to other constitutional officers for fiscal years 2025 and 2026.

(c) Notwithstanding any provision of 32 V.S.A. § 1051 to the contrary, the Speaker of the House and President Pro Tempore of the Senate are entitled to annual compensation for the 2025–2026 Biennial Session as follows:

(1) for 2025, an annual salary of \$19,000.00 plus an adjustment consistent with the compensation increase provided to other constitutional officers for fiscal year 2025; and

(2) for 2026, an annual salary of \$23,500.00 plus an adjustment consistent with the compensation increases provided to other constitutional officers for fiscal years 2025 and 2026.

(d) The weekly salary amounts set forth in subsections (a) and (b) of this section shall apply in all circumstances during the 2025–2026 Biennial Session in which legislator compensation is determined pursuant to 32 V.S.A. § 1051 or 1052, including per diem compensation under 2 V.S.A. § 23, special session compensation, and adjournment compensation.

Sec. 3. 32 V.S.A. § 1051 is amended to read:

§ 1051. SPEAKER OF THE HOUSE AND PRESIDENT PRO TEMPORE  
OF THE SENATE; COMPENSATION AND EXPENSE  
REIMBURSEMENT

(a) The Speaker of the House and the President Pro Tempore of the Senate shall be entitled to receive annual compensation of \$10,080.00 for the 2005

~~§28,300.00 for the first year of the 2027 Biennial Session and thereafter, to be paid in biweekly payments, provided that, beginning on January 1, 2007, the annual compensation shall be adjusted annually thereafter by the cost of living adjustment negotiated for State employees under the most recent collective bargaining agreement, except that, beginning on July 1, 2021, plus an adjustment consistent with the compensation increases provided to other constitutional officers for fiscal years 2025–2027. Beginning on January 1, 2028 and annually thereafter on January 1, the annual compensation shall be adjusted consistent with the compensation increases provided to other constitutional officers. The salary of the Speaker and President Pro Tempore shall be paid in biweekly installments.~~

(b) In addition to the annual compensation set forth in subsection (a) of this section, the Speaker and President Pro Tempore shall be entitled to receive:

(1) ~~§652.00 a week for the 2005~~ \$1,830.00 a week for the first year of the 2027 Biennial Session, plus an adjustment consistent with the compensation increases provided to other constitutional officers for fiscal years 2025–2027 and thereafter, to be paid in biweekly payments during the regular and adjourned sessions of the General Assembly, ~~provided that, beginning on January 1, 2007, the weekly compensation shall be adjusted annually thereafter by the cost of living adjustment negotiated for State employees under the most recent collective bargaining agreement, except that, beginning on July 1, 2021. Beginning on January 1, 2028 and annually thereafter on January 1, the weekly compensation shall be adjusted consistent with the compensation increases provided to other constitutional officers;~~

\* \* \*

(3) an allowance for or reimbursement of expenses for mileage, meals, and lodging expenses as provided to members of the General Assembly under subsection 1052(b) of this title during the biennial, adjourned, and special sessions of the General Assembly and in addition such other actual and necessary expenses incurred while engaged in duties imposed by law.

Sec. 4. 32 V.S.A. § 1052 is amended to read:

§ 1052. MEMBERS OF THE GENERAL ASSEMBLY; COMPENSATION  
AND EXPENSE REIMBURSEMENT

(a) Compensation.

(1) Session compensation. Each member of the General Assembly, other than the Speaker of the House and the President Pro Tempore of the Senate, is entitled to a weekly salary of ~~§589.00 for the 2005~~ \$1,210.00 for the first year of the 2027 Biennial Session, plus an adjustment consistent with the

~~compensation increases provided to other constitutional officers for fiscal years 2025–2027 and thereafter, provided that, beginning on January 1, 2007, the weekly compensation shall be adjusted annually thereafter by the cost of living adjustment negotiated for State employees under the most recent collective bargaining agreement, except that, beginning on July 1, 2021. Beginning on January 1, 2028 and annually thereafter on January 1, the weekly compensation shall be adjusted consistent with the compensation increases provided to other constitutional officers. The salary of members shall be paid in biweekly installments.~~

(2) Special session compensation. During a special session, a member is entitled to an amount equal to one-fifth of the annually adjusted weekly compensation set forth in subdivision (1) of this subsection, rounded up to the nearest dollar, for each day of a special session ~~on which the House of which he or she is a~~ that the House in which the member serves shall sit.

(3) Adjournment compensation. During adjournment of the General Assembly, a member is entitled to an amount equal to one-fifth of the annually adjusted weekly compensation set forth in subdivision (1) of this subsection (a), rounded up to the nearest dollar, for each week of the adjournment of the General Assembly.

(b) Expenses. During any session of the General Assembly, each member is entitled to receive an allowance for or reimbursement of expenses as follows: set forth in this subsection.

(1) Mileage reimbursement. ~~Reimbursement~~ Each member shall receive reimbursement in an amount equal to the actual mileage traveled for each day of session in which the member travels between Montpelier and the member's home or from Montpelier or from the member's home to another site on officially sanctioned legislative business. Reimbursement of actual mileage traveled under this subdivision shall be at the rate per mile determined by the federal Office of Government-wide Policy and published in the Federal Register for the year of the session.

(2) Meals and lodging allowance. ~~Each member shall receive either a meals allowance or reimbursement of actual meals expenses. Each member shall inform the Office of Legislative Operations of the member's choice of a meals allowance or meals expense reimbursement annually prior to the convening of each regular and adjourned session, and the member's choice shall remain in effect through the remainder of that session unless the member notifies the Office, in writing, that the member needs to change that choice due to a change in circumstances or for another compelling reason.~~

(A) Meals allowance. ~~A~~ A member who elects to receive a meals allowance ~~in~~ shall receive an amount equal to the daily amount for meals and lodging determined for Montpelier, Vermont, by the federal Office of Government-wide Policy and published in the Federal Register for the year of the session, for each day the House in which the member serves shall sit.

(B) Meals reimbursement. A member who elects to receive reimbursement of expenses shall receive reimbursement equal to the actual amounts expended by the member for meals for each day that the House in which the member serves shall sit, as well as meals for the night preceding the first legislative day of each week during the legislative session. The amount of the daily reimbursement available pursuant to this subdivision shall not exceed the daily amount for meals determined for Montpelier, Vermont, by the federal Office of Government-wide Policy and published in the Federal Register for the year of the session. The member shall provide meal receipts or otherwise substantiate the amounts expended to the Office of Legislative Operations in the form and manner prescribed by the Director of Legislative Operations.

(3) Lodging. Each member shall receive either a lodging allowance or reimbursement of actual lodging expenses. Each member shall inform the Office of Legislative Operations of the member's choice of a lodging allowance or lodging expense reimbursement annually prior to the convening of each regular and adjourned session, and the member's choice shall remain in effect through the remainder of that session unless the member notifies the Office, in writing, that the member needs to change that choice due to a change in circumstances or for another compelling reason.

(A) Lodging allowance. A member who elects to receive a lodging allowance shall receive an amount equal to the daily amount for lodging determined for Montpelier, Vermont, by the federal Office of Government-wide Policy and published in the Federal Register for the year of the session for each day the House in which the member serves shall sit.

(B) Lodging reimbursement. A member who elects to receive reimbursement of expenses shall receive reimbursement equal to the actual amounts expended by the member for lodging for each day that the House in which the member serves shall sit, as well as lodging for the night preceding the first legislative day of each week during the legislative session. The amount of the daily reimbursement available pursuant to this subdivision shall not exceed the daily amount for lodging determined for Montpelier, Vermont, by the federal Office of Government-wide Policy and published in the Federal Register for the year of the session. The member shall provide lodging receipts or otherwise substantiate the amounts expended to the Office of

Legislative Operations in the form and manner prescribed by the Director of Legislative Operations.

(4) Absences. If a member is absent for reasons other than sickness or legislative business for one or more entire days while the house in which the member sits is in session, the member shall notify the Office of Legislative Operations of that absence, and ~~expenses received shall not include the amount that the legislator specifies was not incurred~~ the member shall not be reimbursed for mileage, meals, or lodging expenses incurred during the period of that absence.

~~(c) For attending a meeting of the Joint Fiscal Committee when a member is not receiving compensation as a member of the General Assembly, a member of the Joint Fiscal Committee shall be entitled to the same per diem compensation and reimbursement for necessary expenses as provided members of the General Assembly for attendance at sessions of the General Assembly. [Repealed.]~~ Members-elect; stipend. Each member-elect of the General Assembly who is not an incumbent shall receive a stipend in an amount equal to one-fifth of the annually adjusted weekly compensation set forth in subdivision (a)(1) of this section, rounded up to the nearest dollar, for each day of attendance at an orientation program for new legislators organized by the General Assembly and its staff.

(d) Death of a member. If a member of the General Assembly dies while the General Assembly is in session, the estate of the deceased member shall be entitled to receive compensation for the entire pay period in which the death occurred.

\* \* \* Legislative Leave from Employment \* \* \*

Sec. 5. 21 V.S.A. § 496 is amended to read:

§ 496. LEGISLATIVE LEAVE

(a) Any person who, in order to serve as a member of the General Assembly, must leave a ~~full-time~~ position in the employ of any employer, shall be entitled to a temporary or partial leave of absence for the purpose of allowing such employee to perform any official duty in connection with ~~his or her~~ the person's elected office.

(b) An employee who intends to seek election to the General Assembly and to invoke, if elected, ~~his or her~~ the right to a leave of absence pursuant to subsection (a) of this section, shall notify ~~his or her~~ the employee's employer of those intentions in writing within ~~10~~ 14 days after ~~filing the primary election nominating petition required by 17 V.S.A. § 2353 or of taking any other action required by 17 V.S.A. chapter 49, to place his or her name on a primary or general election ballot~~ being elected. An employee who fails to

give notice to ~~his or her~~ the employee's employer as required by this section shall be deemed to have waived ~~his or her~~ the right to a leave of absence under subsection (a) of this section.

\* \* \*

\* \* \* Legislative Service Working Group \* \* \*

## Sec. 6. LEGISLATIVE SERVICE WORKING GROUP

(a) Creation. There is created the Legislative Service Working Group to consider issues related to serving as a member of the Vermont General Assembly.

(b) Membership. The Working Group 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. The Working Group shall consider and make recommendations on issues involving legislative compensation and benefits, staffing, administrative support, and the length of the legislative session, including:

(1) the current compensation and benefits offered to members of the General Assembly, including:

(A) whether current salaries and benefits, including those added or increased by this act, are sufficient and, if not, how they should be increased;

(B) the impact of current salaries and benefits, including those added or increased by this act, on recruiting and retaining members from diverse backgrounds and life experiences;

(C) whether members should be offered additional benefits, including reimbursement of child, dependent, and elder care expenses;

(D) whether members should have the option to receive a prorated salary throughout the calendar year instead of receiving their full salary amount during the months that the General Assembly is in session;

(E) whether supplemental compensation should be provided to members who hold leadership positions in addition to the Speaker of the House and Senate President Pro Tempore, including caucus leaders and

committee chairs; and

(F) how the salaries, benefits, and compensation structure in the Vermont General Assembly compare to those of other state legislatures;

(2) whether changes to staffing are necessary, such as increasing the number of legislative staff in existing staff offices, expanding the types of legislative staff services available to members, adding caucus staff, and adding personal staff or providing members with an allowance to hire their own personal staff;

(3) how to increase the administrative support available to members to increase their effectiveness and ability to respond efficiently to the needs of their constituents; and

(4) whether changes should be made to the length or structure of the legislative session.

(d) Assistance. The Working Group shall have the administrative, technical, and legal assistance of the Office of Legislative Operations, the Office of Legislative Counsel, the Office of Human Resources, and the Joint Fiscal Office.

(e) Report. On or before January 15, 2024, the Working Group shall report its findings and recommendations, including any recommendations for legislative action, to the Speaker of the House, the Senate President Pro Tempore, and the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations. Drafts of the Working Group's report shall be confidential unless publicly released.

(f) Meetings.

(1) The Office of Legislative Operations shall call the first meeting of the Working Group to occur on or before July 1, 2023.

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

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

(4) The Working Group shall cease to exist on January 15, 2024.

(g) Compensation and reimbursement. For attendance at meetings during adjournment of the General Assembly, a legislative member of the Working Group shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than eight meetings. These payments shall be made from monies appropriated to the General Assembly.

\* \* \* Appropriation \* \* \*

Sec. 7. APPROPRIATION

The sum of \$853,000.00 is appropriated from the General Fund to the Legislature in fiscal year 2024 for the new and expanded benefits for legislators set forth in Sec. 1 (health benefits) of this act.

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

Sec. 8. EFFECTIVE DATES

(a) Secs. 5 (legislative leave from employment) and 6 (Legislative Service Working Group) and this section shall take effect on passage.

(b) Sec. 7 (appropriation) shall take effect on July 1, 2023.

(c) Secs. 1 (health benefits), 3(b)(3) (expenses for Speaker and President Pro Tempore), and 4(b)–(d) (legislator expenses) shall take effect on January 1, 2024.

(d) Sec. 2 (legislator compensation for 2025–2026 Biennial Session) shall take effect on July 1, 2024.

(e) The remaining sections shall take effect on January 1, 2025.

And that when so amended the bill ought to pass.

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

Thereupon, pending the question, Shall the bill be amended as recommended by the Committee on Government Operations, as amended?, Senator Ingalls moved to amend the report of the Committee on Government Operations, as amended, as follows:

First: By striking out Secs. 2–4 in their entirety and inserting in lieu thereof new Secs. 2–4 to read as follows:

Sec. 2. 32 V.S.A. § 1051 is amended to read:

§ 1051. SPEAKER OF THE HOUSE AND PRESIDENT PRO TEMPORE  
OF THE SENATE; COMPENSATION AND EXPENSE  
REIMBURSEMENT

(a) The Speaker of the House and the President Pro Tempore of the Senate shall be entitled to receive annual compensation of \$10,080.00 for the 2005 Biennial Session and thereafter, to be paid in biweekly payments, provided



that, beginning on January 1, 2007, the annual compensation shall be adjusted annually thereafter by the cost of living adjustment negotiated for State employees under the most recent collective bargaining agreement, except that, beginning on July 1, 2021 and annually thereafter on January 1, the annual compensation shall be adjusted consistent with the compensation increases provided to other constitutional officers. In addition to the annual compensation, the Speaker and President Pro Tempore shall be entitled to receive:

(1) ~~\$652.00 a week for the 2005~~ \$1,660.00 a week for the 2025 Biennial Session and thereafter, to be paid in biweekly payments during the regular and adjourned sessions of the General Assembly for 13 weeks per year, provided that, beginning on January 1, 2007, ~~the weekly compensation shall be adjusted annually thereafter by the cost of living adjustment negotiated for State employees under the most recent collective bargaining agreement, except that, beginning on July 1, 2021~~ 2026 and annually thereafter on January 1, the weekly compensation shall be adjusted consistent with the compensation increases provided to other constitutional officers;

\* \* \*

Sec. 3. 32 V.S.A. § 1052 is amended to read:

§ 1052. MEMBERS OF THE GENERAL ASSEMBLY; COMPENSATION  
AND EXPENSE REIMBURSEMENT

(a)(1) Each member of the General Assembly, other than the Speaker of the House and the President Pro Tempore of the Senate, is entitled to a weekly salary of ~~\$589.00 for the 2005~~ \$1,500.00 for the 2025 Biennial Session and thereafter for 13 weeks per year, provided that, beginning on January 1, 2007, ~~the weekly compensation shall be adjusted annually thereafter by the cost of living adjustment negotiated for State employees under the most recent collective bargaining agreement, except that, beginning on July 1, 2021~~ 2026 and annually thereafter on January 1, the weekly compensation shall be adjusted consistent with the compensation increases provided to other constitutional officers. The salary of members shall be paid in biweekly installments.

\* \* \*

Sec. 4. [Deleted.]

Second: By striking out Sec. 8, effective dates, in its entirety and inserting in lieu thereof a new Sec. 8 to read as follows:

Sec. 8. EFFECTIVE DATES

(a) Secs. 5 (legislative leave from employment) and 6 (Legislative Service Working Group) and this section shall take effect on passage.

(b) Sec. 7 (appropriation) shall take effect on July 1, 2023.

(c) Sec. 1 (health benefits) shall take effect on January 1, 2024.

(d) The remaining sections shall take effect on January 1, 2025.

Which was disagreed to.

Thereupon, the pending question, Shall the bill be amended as recommended by the Committee on Government Operations, as amended?, was decided, in the affirmative, on a roll call, Yeas 19, Nays 10.

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

#### **Roll Call**

**Those Senators who voted in the affirmative were:** Baruth, Bray, Brock, Clarkson, Cummings, Gulick, Hardy, Harrison, Hashim, Lyons, MacDonald, \*McCormack, Norris, Perchlik, Vyhovsky, Watson, Westman, White, Wrenner.

**Those Senators who voted in the negative were:** Champion, \*Chittenden, Collamore, Ingalls, Kitchel, Mazza, Sears, Starr, Weeks, Williams.

**The Senator absent and not voting was:** Ram Hinsdale.

\*Senator Chittenden explained his vote as follows:

“I voted no on S. 39 for two reasons. First, I don’t support the adjournment compensation in Section 5. When we are adjourned, we are adjourned. I see any time I choose to put in to this role during adjournment as service and not as compensable time.

“Secondly, I understood from the floor speech that the new pay rate for the session was based on the average Vermont salary but the bill continues to include daily meal stipends for legislators. The average Vermonter does not get \$69 dollars a day for meals so with the meal stipend, this would be more than the average Vermonter’s salary.”

\*Senator McCormack explained his vote as follows:

“Mr. President, I'm pleased to support this bill for its well reasoned merit, but especially to honor single mothers, single fathers, and their children.”

Thereupon, third reading of the bill was ordered, on a roll call, Yeas 19, Nays 10.

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

**Roll Call**

**Those Senators who voted in the affirmative were:** Baruth, Bray, Brock, Clarkson, Cummings, Gulick, Hardy, Harrison, Hashim, Lyons, MacDonald, McCormack, Norris, Perchlik, Vyhovsky, Watson, Westman, White, Wrenner.

**Those Senators who voted in the negative were:** Champion, Chittenden, Collamore, Ingalls, Kitchel, Mazza, Sears, Starr, Weeks, Williams.

**The Senator absent and not voting was:** Ram Hinsdale.

**Proposal of Amendment; Third Reading Ordered****H. 41.**

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

An act relating to referral of domestic and sexual violence cases to community justice centers.

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

First: In Sec. 3, 24 V.S.A. §§ 1968 and 1969, in section 1968, in subdivision (c)(4), after the word “volunteers” by inserting the words and relevant law enforcement and prosecutors

Second: By striking out Sec. 4, report; Community Justice Unit of the Office of the Attorney General, in its entirety and inserting in lieu thereof a new Sec. 4 to read as follows:

Sec. 4. REPORT; COMMUNITY JUSTICE UNIT OF THE OFFICE OF  
THE ATTORNEY GENERAL

(a) On or before December 1, 2025, the Community Justice Unit, in collaboration with the Vermont Network, and the participating community justice centers shall submit an interim report to the House and Senate Committees on Judiciary regarding the establishment of memorandums of understanding pursuant to 24 V.S.A. § 1968, the status of implementation of programming, referral sources, available data on effectiveness, and the available resources and capacity for such programming.

(b) On or before July 1, 2028, the Community Justice Unit, in collaboration with the Vermont Network, and the participating community justice centers shall submit a final report to the House and Senate Committees on Judiciary regarding the establishment of memorandums of understanding pursuant to 24 V.S.A. § 1968, the status of implementation of programming.

referral sources, available data on effectiveness, and the available resources and capacity for such programming.

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. 53.**

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

An act relating to driver's license suspensions.

Reported recommending that the Senate propose to the House to amend the bill by striking out Sec. 2, effective date, in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

#### Sec. 2. IMPLEMENTATION

The Commissioner of Motor Vehicles shall not suspend any driver's licenses or privileges to operate that are not already suspended as of the effective date of this act solely for the nonpayment of a civil penalty for a traffic violation committed prior to the effective date of this act.

#### Sec. 3. EFFECTIVE DATE

This act shall take effect 30 calendar days after passage.

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

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

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.

### **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:

Mr. President:

I am directed to inform the Senate that:

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

**H. 386.** An act relating to approval of amendments to the charter of the Town of Brattleboro.

In the passage of which the concurrence of the Senate is requested. The House has considered joint resolutions originating in the Senate of the following titles:

**J.R.S. 19.** Joint resolution relating to State lands transactions in Jamaica State Park and Coolidge State Forest.

**J.R.S. 23.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

### **Adjournment**

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

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### **FRIDAY, APRIL 14, 2023**

The Senate was called to order by the President.

### **Devotional Exercises**

Devotional exercises were conducted by the Reverend Stannard Baker of Burlington.

### **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:

Mr. President:

I am directed to inform the Senate that:

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

**H.C.R. 87.** House concurrent resolution congratulating Mikaela Shiffrin on her exceptional and historic 2022–2023 world record-setting accomplishments in World Cup Alpine ski racing.

**H.C.R. 88.** House concurrent resolution recognizing the week of April 16–22 as Volunteer Week in Vermont and celebrating Vermont's volunteers.

**H.C.R. 89.** House concurrent resolution congratulating the winning teams of the 2023 15th Jr Iron Chef VT competition.

**H.C.R. 90.** House concurrent resolution congratulating the 2020, 2021, and 2022 winners of the Spirit of the ADA Award.

**H.C.R. 91.** House concurrent resolution congratulating the River Valley Technical Center culinary and management teams on winning the Vermont championship at the 2023 NYSRAEF ProStart Invitational.

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:

Russell, John III of Rutland - Member of the Vermont Economic Progress Council - from April 3, 2023 to March 31, 2027.

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

Richardson, Thad of Lyndonville - Member of the Vermont Economic Progress Council - from April 3, 2023 to March 31, 2027.

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

Sherman, Abbie of Randolph - Executive Director of the Vermont Economic Progress Council - from April 3, 2023 to March 31, 2027.

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

Stewart, James B. of Pittsford - Member of the Vermont Economic Progress Council - from April 3, 2023 to March 31, 2027.

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

Cicio, Megan of Northfield - Member of the Board of Liquor and Lottery from March 1, 2023 to January 31, 2026.

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

Lauzon, Thom of Barre - Member of the Board of Liquor and Lottery - from March 1, 2023 to January 31, 2026.

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

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Manahan, Martin of St. Albans - Member of the Board of Liquor and Lottery - from March 1, 2023 to January 31, 2026.

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

Diop, Mohamedou of Bristol - Member of the State Board of Education - from March 28, 2023 to February 28, 2029.

To the Committee on Education.

Moran, Mary of Rutland - Trustee of the Vermont State Colleges Board of Trustees - from March 1, 2023 to February 28, 2027.

To the Committee on Education.

Flint, Robert T. of Springfield - Trustee of the Vermont State Colleges Board of Trustees - from March 1, 2023 to February 28, 2027.

To the Committee on Education.

Buckley, Katie of South Burlington - Commissioner, Vermont Housing Finance Agency - from February 1, 2023 to February 28, 2027.

To the Committee on Finance.

Coddaire, David MD of Morrisville - Member of the Board of Medical Practice - from February 15, 2023 to December 31, 2023.

To the Committee on Health and Welfare.

George, Dean of Middlebury - Member of the Parole Board - from March 1, 2023 to February 28, 2026.

To the Committee on Institutions.

Grassi, Richard of White River Junction - Member of the Parole Board - from March 1, 2023 to February 28, 2026.

To the Committee on Institutions.

Christie, Kevin of White River Junction - Member of the Human Rights Commission - from March 13, 2023 to February 29, 2028.

To the Committee on Judiciary.

Turner, Donald Jr. of Milton - Member of the Natural Resources Board - from February 17, 2023 to January 31, 2027.

To the Committee on Natural Resources and Energy.

Calfee, Alan of Dorset - Member of the Current Use Advisory Board - from February 17, 2023 to January 31, 2026.

To the Committee on Natural Resources and Energy.

McClain, John of Bethel - Member of the Current Use Advisory Board - from February 17, 2023 to January 31, 2026.

To the Committee on Natural Resources and Energy.

**Bill Referred to Committee on Rules**

**S. 146.**

Senate committee bill of the following title, appearing on the Calendar for notice, under Temporary Rule 44A, was referred to the Committee on Rules:

An act relating to the permitting of indirect discharges.

**Bill Referred**

House bill of the following title was introduced, read the first time and referred:

**H. 386.** An act relating to approval of amendments to the charter of the Town of Brattleboro.

To the Committee on Rules.

**Bill Passed**

**S. 39.**

Senate bill of the following title:

An act relating to compensation and benefits for members of the Vermont General Assembly.

Was read the third time and passed on a division of the Senate, Yeas 18, Nays 9.

**Bill Passed in Concurrence**

**H. 35.**

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

An act relating to the Victims Assistance Program.

**Bills Passed in Concurrence with Proposals of Amendment**

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

**H. 41.** An act relating to referral of domestic and sexual violence cases to community justice centers.



**H. 53.** An act relating to driver's license suspensions.

**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. James and others,

**H.C.R. 87.**

House concurrent resolution congratulating Mikaela Shiffrin on her exceptional and historic 2022–2023 world record-setting accomplishments in World Cup Alpine ski racing.

By Rep. Noyes,

**H.C.R. 88.**

House concurrent resolution recognizing the week of April 16–22 as Volunteer Week in Vermont and celebrating Vermont's volunteers.

By Reps. Sabilia and others,

**H.C.R. 89.**

House concurrent resolution congratulating the winning teams of the 2023 15th Jr Iron Chef VT competition.

By Reps. Marcotte and others,

By Senators Ingalls and Starr,

**H.C.R. 90.**

House concurrent resolution congratulating the 2020, 2021, and 2022 winners of the Spirit of the ADA Award.

By Reps. Bos-Lun and others,

By Senators Clarkson, Harrison, Hashim, McCormack and White,

**H.C.R. 91.**

House concurrent resolution congratulating the River Valley Technical Center culinary and management teams on winning the Vermont championship at the 2023 NYSRAEF ProStart Invitational.

**Adjournment**

On motion of Senator Baruth, the Senate adjourned, to reconvene on Tuesday, April 18, 2023, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 23.

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**TUESDAY, APRIL 18, 2023**

The Senate was called to order by the President.

**Devotional Exercises**

Devotional exercises were conducted by the Reverend Arnold Isidore Thomas of Jericho.

**Pledge of Allegiance**

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

**Bills Referred**

Pursuant to Temporary Rule 44A the following bills having failed to meet crossover and being released by the Committee on Rules were referred to their respective committees of jurisdictions:

**H. 386.** An act relating to approval of amendments to the charter of the Town of Brattleboro.

To the Committee on Government Operations.

**H. 488.** An act relating to approval of the adoption of the charter of the Town of Ludlow.

To the Committee on Government Operations.

**H. 495.** An act relating to the approval of the amendment to the charter of the Town of Middlebury.

To the Committee on Government Operations.

**Bill Referred to Committee on Finance****S. 146.**

Senate 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 permitting of indirect discharges.

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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. 222.** An act relating to reducing overdoses.

**H. 305.** An act relating to professions and occupations regulated by the Office of Professional Regulation.

**Bill Referred to Committee on Appropriations****H. 165.**

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 school food programs and universal school meals.

**Joint Senate Resolution Adopted on the Part of the Senate****J.R.S. 24.**

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

By Senator Baruth,

**J.R.S. 24.** Joint resolution relating to weekend adjournment.

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

That when the two Houses adjourn on Friday, April 21, 2023, it be to meet again no later than Tuesday, April 25, 2023.

**Bill Introduced**

Senate bill of the following title was introduced, read the first time and referred:

**S. 147.**

By Senator Wrenner,

An act relating to banning smoking outside places of public access and multiunit housing.

To the Committee on Health and Welfare.

**Third Readings Ordered****H. 190.**

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

An act relating to removing the residency requirement from Vermont's patient choice at end of life laws.

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. 271.**

Senator Clarkson, 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 Town of Springfield.

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. 89.**

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

An act relating to civil and criminal procedures concerning legally protected health care activity.

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

First: In Sec. 1, 1 V.S.A. § 150, by striking out subsections (a)–(c) in their entireties and inserting in lieu thereof new subsections (a)–(c) to read as follows:

(a) “Gender-affirming health care services” means all supplies, care, and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative, or supportive nature, including medication, relating to the treatment of gender dysphoria and gender incongruence. “Gender-affirming health care services” does not include conversion therapy as defined by 18 V.S.A. § 8351.

(b)(1) “Legally protected health care activity” means:

(A) the exercise and enjoyment, or attempted exercise and enjoyment, by any person of rights to reproductive health care services or gender-affirming health care services secured by this State;

(B) any act or omission undertaken to aid or encourage, or attempt to aid or encourage, any person in the exercise and enjoyment, or attempted exercise and enjoyment, of rights to reproductive health care services or gender-affirming health care services secured by this State, provided that the provision of such a health care service by a person duly licensed under the laws of this State and physically present in this State shall be legally protected if the service is permitted under the laws of this State, regardless of the patient’s location; or

(C) the provision, issuance, or use of, or enrollment in, insurance or other health coverage for reproductive health care services or gender-affirming health care services that are legal in this State, or any act to aid or encourage, or attempt to aid or encourage, any person in the provision, issuance, or use of, or enrollment in, insurance or other health coverage for those services, regardless of the location of the insured or individual seeking insurance or health coverage, if the insurance or health coverage is permitted under the laws of this State.

(2) Except as provided in subdivision (3) of this subsection, the protections applicable to “legally protected health care activity” shall not apply to a lawsuit; judgment; or civil, criminal, or administrative action that is based on conduct for which an action would exist under the laws of this State if the course of conduct that forms the basis for liability had occurred entirely in this State.

(3) Notwithstanding subdivision (2) of this subsection, the provision of a health care service by a person duly licensed under the laws of this State and physically present in this State shall be legally protected if the service is permitted under the laws of this State, regardless of the patient’s location or whether the health care provider is licensed in the state where the patient is located at the time the service is rendered.

(c) “Reproductive health care services” means all supplies, care, and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative, or supportive nature, including medication, relating to pregnancy, contraception, assisted reproduction, pregnancy loss management, or the termination of a pregnancy.

Second: By striking out Sec. 9, effective dates, and its reader assistance heading in their entireties and inserting in lieu thereof the following:

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

Sec. 9. EFFECTIVE DATE

This act shall take effect on passage.

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 on a roll call, Yeas 26, Nays 4.

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

**Roll Call**

**Those Senators who voted in the affirmative were:** Baruth, Bray, Brock, Campion, Chittenden, Clarkson, Cummings, Gulick, Hardy, Harrison, Hashim, Kitchel, Lyons, MacDonald, Mazza, McCormack, Perchlik, Ram Hinsdale, Sears, Starr, Vyhovsky, Watson, Weeks, Westman, White, Wrenner.

**Those Senators who voted in the negative were:** Collamore, Ingalls, Norris, Williams.

**Committee Relieved of Further Consideration; Bill Committed**

**H. 222.**

On motion of Senator Cummings, the Committee on Finance was relieved of further consideration of House bill entitled:

An act relating to reducing overdoses

Thereupon, pending entry of the bill on the Calendar for notice the next legislative day, on motion of Senator Cummings, the bill was committed to the Committee on Appropriations.

**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:

Mr. President:

I am directed to inform the Senate that:

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

**S. 3.** An act relating to prohibiting paramilitary training camps.

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**

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the eighteenth day of April, 2023 he approved and signed a bill originating in the Senate of the following title:

**S. 54.** An act relating to individual and small group insurance markets.

### **Adjournment**

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Wednesday, April 19, 2023.

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## **WEDNESDAY, APRIL 19, 2023**

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 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 modernizing the Children and Family Council for Prevention Programs.

**H. 479.** An act relating to the Transportation Program and miscellaneous changes to laws related to transportation.

### **Bill Referred to Committee on Appropriations**

#### **H. 205.**

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 establishing the Small Farmer Diversification and Transition Program.

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

**H. 89.**

House bill entitled:

An act relating to civil and criminal procedures concerning legally protected health care activity.

Was taken up.

Thereupon, pending third reading of the bill, Senators Lyons, Hashim, Baruth, Gulick, Hardy, Sears, Vyhovsky and Weeks moved to amend the Senate proposal of amendment in Sec. 1, 1 V.S.A. § 150, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c)(1) “Reproductive health care services” means all supplies, care, and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative, or supportive nature, including medication, relating to pregnancy, contraception, assisted reproduction, pregnancy loss management, or the termination of a pregnancy.

(2) “Reproductive health care services” includes medication that was approved by the U.S. Food and Drug Administration (FDA) for termination of a pregnancy as of January 1, 2023, regardless of the medication’s current FDA approval status:

(A) when such medication is procured, ordered, stored, distributed, prescribed, dispensed, or administered, or a combination thereof, by a person duly licensed under the laws of this State, as long as the licensee’s actions conform to the essential standards of acceptable and prevailing practice for the licensee’s profession; or

(B) when such medication is used by an individual.

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. 190.** An act relating to removing the residency requirement from Vermont’s patient choice at end of life laws.



**H. 271.** An act relating to approval of amendments to the charter of the Town of Springfield.

### **Third Reading Ordered**

#### **S.R. 10.**

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

Senate resolution reaffirming the friendship between Vermont and the Republic of China (Taiwan) and supporting enhanced United States–Taiwan and Vermont–Taiwan bilateral relations.

Reported that the resolution ought to adopted.

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

### **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:

Mr. President:

I am directed to inform the Senate that:

The Governor has informed the House that on April 18, 2023, he approved and signed bills originating in the House of the following titles:

**H. 28.** An act relating to diversion and expungement.

**H. 466.** An act relating to technical corrections for the 2023 legislative session.

### **Adjournment**

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Thursday, April 20, 2023.

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### **THURSDAY, APRIL 20, 2023**

The Senate was called to order by the President.

### **Devotional Exercises**

Devotional exercises were conducted by the Reverend Diane Nancekivell of Middlebury.

**Bill Referred to Committee on Rules****S. 141.**

Senate bill of the following title, appearing on the Calendar, under Temporary Rule 44A, was referred to the Committee on Rules:

An act relating to approval of the charter of Fairfax Fire District No. 1.

**Bill Referred to Committee on Finance****H. 472.**

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.

**Senate Resolution Adopted****S.R. 10.**

Senate resolution of the following title was read the third time and adopted:

Senate resolution reaffirming the friendship between Vermont and the Republic of China (Taiwan) and supporting enhanced United States–Taiwan and Vermont–Taiwan bilateral relations.

**House Proposal of Amendment Concurred In****S. 3.**

House proposal of amendment to Senate bill entitled:

An act relating to prohibiting paramilitary training camps.

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. chapter 85 is amended to read:

**CHAPTER 85. WEAPONS**

\* \* \*

**Subchapter 3. Unauthorized Military Training****§ 4071. PARAMILITARY TRAINING PROHIBITED**

(a) A person shall not:

(1) teach, train, or demonstrate to any other person the use, application, or making of a firearm, explosive, or incendiary device capable of causing injury or death, or techniques capable of causing injury or death to persons, if the person knows or reasonably should know that the teaching, training, or demonstrating is intended to be used in or in furtherance of a civil disorder; or

(2) assemble with one or more other persons for the purpose of practicing or being taught, trained, or instructed in the use, application, or making of a firearm, explosive, or incendiary device capable of causing injury or death, or in techniques capable of causing injury or death to persons, if the person knows or reasonably should know that the practicing, teaching, training, or instruction is intended to be used in or in furtherance of a civil disorder.

(b) A person who violates this section shall be imprisoned not more than five years or fined not more than \$50,000.00, or both.

(c) This section shall not apply to:

(1) activity engaged in for legitimate law enforcement purposes by a federal law enforcement officer or a law enforcement officer certified as a law enforcement officer by the Vermont Criminal Justice Council pursuant to 20 V.S.A. § 2358;

(2) lawful activity engaged in by students at Norwich University or any other educational institution where military science is taught as a prescribed part of the course of instruction;

(3) any activity undertaken without knowledge of or intent to cause or further a civil disorder that is intended to teach or practice self-defense or self-defense techniques, including karate clubs, self-defense clinics, and similar lawful activity;

(4) any facility, program, or lawful activity related to firearms instruction and training that is intended to teach the safe handling and use of firearms; or

(5) any lawful sports or activities related to the individual recreational use or possession of firearms, including hunting pursuant to 10 V.S.A. part 4, target shooting, self-defense, and firearms collection.

#### § 4072. DEFINITIONS

As used in this chapter:

(1) “Civil disorder” means any public disturbance involving acts of violence by an assemblage of two or more persons that causes an immediate

danger of or results in damage or injury to the property or person of any other individual.

(2) “Explosive” has the same meaning as in subdivision 1603(2) of this title.

(3) “Firearm” has the same meaning as in subdivision 4016(a)(3) of this title.

(4) “Incendiary device” means a device so constructed that an ignition by fire, friction, concussion, detonation, or other method may produce destructive effects primarily through combustion rather than explosion. The term does not include a manufactured device or article in common use by the general public that is designed to produce combustion for a lawful purpose, including matches, lighters, flares, or devices commercially manufactured primarily for the purpose of illumination, heating, or cooking. The term does not include firearms ammunition.

#### § 4073. CIVIL ENFORCEMENT; INJUNCTIVE RELIEF

If the Attorney General or a State’s Attorney has reason to believe that a person is violating or is about to violate section 4071 of this title, and that proceedings would be in the public interest, the Attorney General or State’s Attorney may bring an action in the name of the State in the Civil Division of the Superior Court to restrain the violation by temporary or permanent injunction. The action shall be brought in the Superior Court of the county in which the person resides, has a place of business, or is doing business. The courts are authorized to issue temporary or permanent injunctions to restrain and prevent violations of section 4071 of this title.

#### 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.

#### **Adjournment**

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

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**FRIDAY, APRIL 21, 2023**

The Senate was called to order by the President.

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**Devotional Exercises**

Devotional exercises were conducted by the Reverend Becca Girrell of Morrisville.

**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:

Mr. President:

I am directed to inform the Senate that:

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

**H. 489.** An act relating to approval of an amendment to the charter of the Town of Shelburne.

In the passage 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. 24.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

The Governor has informed the House that on April 20, 2023, he approved and signed a bill originating in the House of the following title:

**H. 148.** An act relating to raising the age of eligibility to marry.

**Committee Relieved of Further Consideration; Bill Committed****S. 139.**

On motion of Senator Cummings, the Committee on Finance was relieved of further consideration of Senate bill entitled:

An act relating to the modernization of public safety communications in Vermont,

and the bill was committed to the Committee on Government Operations.

**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. 77.** An act relating to Vermont's adoption of the Physical Therapy Licensure Compact.

**H. 86.** An act relating to Vermont's adoption of the Audiology and Speech-Language Pathology Interstate Compact.

**Bill Referred to Committee on Appropriations**

**H. 479.**

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 the Transportation Program and miscellaneous changes to laws related to transportation.

**Committee Bill Introduced**

Senate committee bill of the following title was introduced, read the first time, and, under the rule, placed on the Calendar for notice the next legislative day:

**S. 148.**

By the Committee on Health and Welfare,

An act relating to child care and early childhood education.

**Bill Referred**

House bill of the following title was introduced, read the first time and referred:

**H. 489.** An act relating to approval of an amendment to the charter of the Town of Shelburne.

To the Committee on Rules.

**Third Reading Ordered**

**S. 146.**

Senate committee bill entitled:

An act relating to the permitting of indirect discharges.

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

Senator Bray, for the Committee on Finance, to which the bill was referred, recommended the bill ought to pass.

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

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**Third Reading Ordered****H. 418.**

Senator Watson, 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 Town of Barre.

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.

**Consideration Interrupted by Adjournment****H. 222.**

House bill entitled:

An act relating to reducing overdoses.

Was taken up, read the second time by title only, pursuant to Rule 13, and Senator Hardy for the Committee on Health and Welfare, to which the bill was referred, commenced her report.

Pending completion of the report of the Committee on Health and Welfare, consideration was interrupted by adjournment.

**Appointment of Senate Members to Green Mountain Care Board  
Nominating Committee**

Pursuant to the provisions of 18 V.S.A. § 9390, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Green Mountain Care Board Nominating Committee, for a term of two years:

Senator Gulick  
Senator Westman

**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:

Mr. President:

I am directed to inform the Senate that:

The House has adopted joint resolution of the following title:

**J.R.H. 5.** Joint resolution authorizing the Green Mountain Girls State educational program to use the facilities of the State House on a mutually

agreed upon day and for a designated time span during the week of June 18, 2023.

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. 41.** An act relating to referral of domestic and sexual violence cases to community justice centers.

And has concurred therein.

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

**H.C.R. 92.** House concurrent resolution in memory of Vergennes Fire Chief James M. Breur.

**H.C.R. 93.** House concurrent resolution recognizing April 2023 as Donate Life Awareness Month in Vermont.

**H.C.R. 94.** House concurrent resolution congratulating the National Wild Turkey Federation on its 50th anniversary.

**H.C.R. 95.** House concurrent resolution congratulating the 2022 Green Mountain Council Class of Eagle Scouts and the recipient of the Summit Award.

**H.C.R. 96.** House concurrent resolution congratulating The Wilson House on its 35th anniversary.

**H.C.R. 97.** House concurrent resolution honoring Boy Scout Troop 1 in Barre on becoming the official descendant of America's first Boy Scout troop.

**H.C.R. 98.** House concurrent resolution congratulating the 2023 Vermont finalists for the Presidential Awards for Excellence in Mathematics and Science Teaching.

**H.C.R. 99.** House concurrent resolution recognizing July 2023 as Self-Care Awareness Month in Vermont.

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:



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By Reps. Lanpher and Birong,

By Senators Bray and Hardy,

**H.C.R. 92.**

House concurrent resolution in memory of Vergennes Fire Chief James M. Breur.

By Reps. Rachelson and others,

By Senators Clarkson, Collamore, Hardy, Lyons, Vyhovsky, Watson and Wrenner,

**H.C.R. 93.**

House concurrent resolution recognizing April 2023 as Donate Life Awareness Month in Vermont.

By Reps. Brennan and others,

**H.C.R. 94.**

House concurrent resolution congratulating the National Wild Turkey Federation on its 50th anniversary.

By Reps. Morgan and others,

By Senators Weeks, Baruth, Bray, Brock, Champion, Chittenden, Clarkson, Collamore, Cummings, Gulick, Hardy, Harrison, Hashim, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Norris, Perchlik, Starr, Watson, Westman, White, Williams and Wrenner,

**H.C.R. 95.**

House concurrent resolution congratulating the 2022 Green Mountain Council Class of Eagle Scouts and the recipient of the Summit Award.

By Reps. Rice and others,

By Senators Champion and Sears,

**H.C.R. 96.**

House concurrent resolution congratulating The Wilson House on its 35th anniversary.

By Reps. Williams and others,

**H.C.R. 97.**

House concurrent resolution honoring Boy Scout Troop 1 in Barre on becoming the official descendant of America's first Boy Scout troop.

By Reps. McCann and others,

**H.C.R. 98.**

House concurrent resolution congratulating the 2023 Vermont finalists for the Presidential Awards for Excellence in Mathematics and Science Teaching.

By Rep. Toof,

**H.C.R. 99.**

House concurrent resolution recognizing July 2023 as Self-Care Awareness Month in Vermont.

**Adjournment**

On motion of Senator Baruth, the Senate adjourned, to reconvene on Tuesday, April 25, 2023, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 24.

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**TUESDAY, APRIL 25, 2023**

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.

**Message from the House No. 50**

A message was received from the House of Representatives by Mr. Nigel Hicks-Tibbles, its First Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

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

**S. 5.** An act relating to affordably meeting the mandated greenhouse gas reductions for the thermal sector through efficiency, weatherization measures, electrification, and decarbonization.

**S. 37.** An act relating to access to legally protected health care activity and regulation of health care providers.

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

**Rules Suspended; Bill Not Referred to Committee Finance**

**H. 494**

Appearing on the Calendar for notice, and, pending referral of the bill to the Committee on Finance pursuant to Senate Rule 31, Senator Baruth moved that the rules be suspended and House bill entitled:

An act relating to making appropriations for the support of government.

*Not* be referred to the Committee on Finance pursuant to Senate Rule 31 (and thereby remain on the Calendar for notice),

Which was agreed to.

**Bill Referred to Committee on Rules**

**S. 148.**

Senate bill of the following title, appearing on the Calendar for notice, under Temporary Rule 44A, was referred to the Committee on Rules:

An act relating to child care and early childhood education.

**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. 62.** An act relating to the interstate Counseling Compact.

**H. 282.** An act relating to the Psychology Interjurisdictional Compact.

**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 on Appropriations:

**H. 102.** An act relating to the Art in State Buildings Program.

**H. 126.** An act relating to community resilience and biodiversity protection.

**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:

Corbett, H. Dickson of East Thetford - Superior Court Judge - from April 14, 2023 to March 31, 2025.

To the Committee on Judiciary.

Katims, Robert of Hinesburg - Superior Court Judge - from April 14, 2023 to March 31, 2028.

To the Committee on Judiciary.

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

**J.R.S. 25.**

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

By Senator Baruth,

**J.R.S. 25.** Joint resolution relating to weekend adjournment.

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

That when the two Houses adjourn on Friday, April 28, 2023, it be to meet again no later than Tuesday, May 2, 2023.

**Joint Resolution Placed on Calendar**

**J.R.H. 5.**

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

Joint resolution authorizing the Green Mountain Girls State educational program to use the facilities of the State House on a mutually agreed upon day and for a designated time span during the week of June 18, 2023

Whereas, the American Legion Auxiliary Department of Vermont sponsors the Green Mountain Girls State educational program, providing a group of girls entering the 12th grade a special opportunity to study the workings of State government, including conducting a mock legislative session at the State House, and

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

Resolved by the Senate and House of Representatives:

That subject to the determination of and limitations that the Sergeant at Arms may establish, the Green Mountain Girls State educational program is authorized to use the facilities of the State House on a mutually agreed upon day and for a designated time span during the week of June 18, 2023, and be it further

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

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

### **Bills Introduced**

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

#### **S. 149.**

By Senator Sears,

An act relating to dram shop liability insurance.

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

#### **S. 150.**

By Senator Sears,

An act relating to automobile insurance.

To the Committee on Judiciary.

**Consideration Resumed; Bill Amended; Third Reading Ordered; Rules Suspended; Bill Passed in Concurrence with Proposals of Amendment; Bill Messaged**

#### **H. 222.**

Consideration was resumed on Senate bill entitled:

An act relating to reducing overdoses.

Senator Hardy, for the Committee on Health and Welfare, to which was referred, completed her report recommending that the Senate propose to the House to amend the bill as follows:

First: In Sec. 2, regional stakeholder meetings; public needle and syringe disposal programs, in subsection (a), in the first sentence, by striking out “Health’s Accountable Communities for”

Second: By striking out Sec. 3a, 33 V.S.A. § 2004, in its entirety and inserting in lieu thereof the following:

Sec. 3a. [Deleted.]

Third: In Sec. 6b, 18 V.S.A. § 4752, in subsection (e), after “Department of Vermont Health Access”, by inserting the phrase or the Department’s pharmacy benefits manager

Fourth: By striking out Sec. 8b, rulemaking; prior authorization; buprenorphine in its entirety and inserting in lieu thereof a new Sec. 8b to read as follows:

Sec. 8b. RULEMAKING; PRIOR AUTHORIZATION; BUPRENORPHINE

The Department of Vermont Health Access shall amend its rules pursuant to 3 V.S.A. chapter 25 to enable health care providers in office-based opioid-treatment programs to prescribe 24 milligrams or less of the preferred medication for buprenorphine without prior authorization in accordance with 33 V.S.A. § 19011.

Fifth: In Sec. 9, 24 V.S.A. § 4412, in subdivision (1)(G)(i), by striking out the word “tenants” and inserting in lieu thereof the phrase persons in recovery

Sixth: By inserting a new reader assistance heading and Secs. 11 and 12 after Sec. 10 to read as follows:

\* \* \* Drug Checking for Contamination Detection \* \* \*

Sec. 11. 18 V.S.A. § 4201 is amended to read:

§ 4201. DEFINITIONS

As used in this chapter, ~~unless the context otherwise requires:~~

\* \* \*

(45) “Drug-checking” means the testing of a substance to determine its chemical composition or assist in determining whether the substance contains contaminants, toxic substances, or hazardous compounds.

Sec. 12. 18 V.S.A. § 4240a is added to read:

§ 4240a. OVERDOSE PREVENTION; DRUG-CHECKING FOR CONTAMINANT DETECTION

(a) Notwithstanding any other provision of law, it shall not be a violation of this chapter to receive, possess, transport, or store samples of a substance that may contain a regulated drug solely for purposes of analyzing the substance to determine its chemical composition and disseminate information regarding the analysis to the provider of the substance.

(b) On-site community drug-checking service providers shall be permitted to:

(1) collect voluntarily provided residual samples of substances potentially containing regulated drugs, possess, transport, or store samples of a regulated drug solely for purposes of analyzing the substances to determine its chemical composition as a lifesaving intervention;

(2) use any available technologies to analyze the contents of samples to obtain timely, highly accurate information regarding the composition of drugs to prevent overdose and mitigate health risks;

(3) provide results of analysis obtained from drug-checking technology to the person requesting drug services;

(4) disseminate data containing only the results of analysis and containing no personally identifiable information to community members at risk of overdose; and

(5) if necessary, arrange for a sample of a drug or substance to be tested by an approved laboratory.

(c) In operating any drug-checking service, no personally identifiable information shall be collected from a person providing a controlled substance to a service provider.

(d) An employee, contractor, volunteer, or other person acting in the good faith provision of drug-checking services authorized by the Department, acting in accordance with established protocols, shall not:

(1) be subject to arrest, charge, or prosecution for a violation pursuant to this chapter, including for attempting to, aiding and abetting in, or conspiracy to commit a violation of this chapter;

(2) have their property subject to forfeiture, any civil or administrative penalty, or liability of any kind, including disciplinary action by a professional licensing board, credentialing restrictions, contractual or civil liability, or medical staff or other employment action; or

(3) be denied any right or privilege for actions, conduct, or omissions relating to the operation of a drug-checking service in compliance with this chapter and any rules adopted pursuant to this chapter.

(e) An individual possessing a regulated substance and who provides any portion of the substance to a program pursuant to this section for purposes of obtaining drug-checking services shall not be subject to arrest, charge, or prosecution for possession of a regulated substance pursuant to this chapter or civil or administrative penalty or disciplinary action by a professional licensing board for a violation of this chapter.

(f) Local governments shall not collect, maintain, use, or disclose any personal information relating to an individual from whom local government receives any drug or substance for checking or disposal.

(g) The result of a test carried out by an authorized drug-checking service provider shall not be admissible as evidence in any criminal or civil proceeding.

(h)(1) The Department of Health shall publish guidance and provide technical assistance for any service provider choosing to implement drug-checking services under this section.

(2) The Department shall coordinate the collection and dissemination of deidentified data related to drug-checking services to inform prevention and public health initiatives.

Seventh: By inserting a new reader assistance heading and Secs. 13 and 14 after the newly added Sec. 12 to read as follows:

\* \* \* Opioid Abatement Special Fund \* \* \*

Sec. 13. 18 V.S.A. § 4774 is amended to read:

§ 4774. OPIOID ABATEMENT SPECIAL FUND

(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 abatement account fund, 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~~ submit a spending plan to the General Assembly, 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 funding is approved appropriated by the General Assembly from the Opioid Abatement Special Fund, the Department shall request to have the funds formally released from



the national abatement account fund, 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.

\* \* \*

Sec. 14. APPROPRIATION; OPIOID ABATEMENT SPECIAL FUND

In fiscal year 2023, the following monies shall be appropriated from the Opioid Abatement Special Fund pursuant to 18 V.S.A. § 4774:

(1) \$1,980,000.00 for the expansion of naloxone distribution efforts, including establishing harm reduction vending machines, home delivery and mail order options, and expanding the harm reduction pack and leave behind kit programs;

(2)(A) \$2,000,000.00 divided equally between four opioid treatment programs to cover costs associated with partnering with other health care providers to expand satellite locations for the dosing of medications, including costs associated with the satellite locations' physical facilities, staff time at the satellite locations, and staff time at opioid treatment programs to prepare medications and coordinate with satellite locations;

(B) the satellite locations established pursuant to this subdivision (2) shall be located in Addison County, eastern Vermont between the Northeast Kingdom and Brattleboro, Chittenden County, and a facility operated by the Department of Corrections;

(3) \$1,976,000.00 to fund 26 outreach or case management staff positions within the preferred provider network and within syringe service organizations for the provision of services that increase motivation of and engagement with individuals with substance use disorder in settings such as police barracks, shelters, social service organizations, and elsewhere in the community;

(4) \$240,000.00 divided equally among the State's four syringe service providers to provide overdose prevention services and response education and resources that build trust between individuals with substance use disorder and Vermont's system of care;

(5) \$840,000.00 to provide contingency management services to individuals with substance use disorder;

(6) \$100,000.00 to implement a wound care telehealth consultation pilot program for the purpose of utilizing wound care experts to provide telehealth

drop-in appointments to address syringe use by individuals with opioid use disorder;

(7) \$200,000.00 to expand the distribution of fentanyl test strips and, if available, xylazine test strips; and

(8)(A) \$700,000.00 to the Department of Health's Division of Substance Use Programs to award one or more grants to an organization or organizations providing or preparing to implement drug-checking services with spectroscopy devices, including high-pressure mass spectrometer (HPMS) or Fourier-transform infrared spectroscopy device (FTIR), in a harm reduction setting;

(B) the grants awarded pursuant to this subdivision (8) shall be based on an applicant's ability to provide publicly available drug-checking services.

And by renumbering the remaining section to be numerically correct.

Eighth: In the newly renumbered Sec. 15, effective dates, before the period, by inserting and Sec. 8b (rulemaking; prior authorization; buprenorphine) shall take effect on January 1, 2024

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

Senator Lyons, 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: In Sec. 14, appropriation; opioid abatement special fund, in subdivision (2)(B), by inserting the phrase or southern after "eastern" and by striking out "between the Northeast Kingdom and Brattleboro"

Second: In Sec. 14, appropriation; opioid abatement special fund, in subdivision (3), by inserting subdivision designation (A) after "(3)" and by inserting a subdivision (B) to read as follows:

(B) it the intent of the General Assembly that these positions shall be funded annually by the Opioid Abatement Special Fund unless and until the Special Fund does not have sufficient monies to fund this expenditure;

Third: In Sec. 14, appropriation; opioid abatement special fund, in subdivision (4), by striking out "\$240,000.00" and inserting in lieu thereof \$400,000.00

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

Thereupon, the recommendation of proposals of amendment of the Committee on Health and Welfare 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 Health and Welfare, as amended?, Senator Hardy moved to amend the proposals of amendment of the Committee on Health and Welfare, as amended, as follows:

First: In Sec. 9, 24 V.S.A. § 4412, subdivision (1)(G), in the first sentence, by striking out the word “and” before the phrase “a recovery residence” and inserting in lieu thereof or

Second: In Sec. 12, 18 V.S.A. § 4240a, in subsection (d), by striking out the phrase “authorized by the Department,” and by inserting in lieu thereof the word and, and by striking out the comma after “protocols”

Third: In Sec. 12, 18 V.S.A. § 4240a, in subsection (g), by striking out the phrase “an authorized” and by inserting in lieu thereof the word a

Which was agreed to.

Thereupon, the proposals of amendment recommended by the Committee on Health and Welfare, as amended, were severally agreed to.

Thereupon, third reading of the bill was ordered.

Thereupon, on motion of Senator Baruth, the rules were suspended and the bill was placed on all remaining stages of its passage in concurrence with proposals of amendment.

Thereupon, the bill was read the third time, and passed in concurrence with proposals of amendment.

Thereupon, on motion of Senator Baruth, the rules were suspended, and the bill was ordered messaged to the House forthwith.

### **Bill Passed**

#### **S. 146.**

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

An act relating to the permitting of indirect discharges.

Thereupon, the bill passed on a roll call, Yeas 21, Nays 9.

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:** Baruth, Bray, Champion, Chittenden, Clarkson, Cummings, Gulick, Hardy, Harrison, Hashim, Kitchel, Lyons, MacDonald, Mazza, McCormack, Perchlik, Ram Hinsdale, Vyhovsky, Watson, White, Wrenner.

**Those Senators who voted in the negative were:** Brock, Collamore, Ingalls, Norris, Sears, Starr, Weeks, Westman, Williams.

**Bill Passed in Concurrence****H. 418.**

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

An act relating to approval of an amendment to the charter of the Town of Barre.

**Third Readings Ordered****H. 76.**

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

An act relating to captive insurance.

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. 146.**

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

An act relating to amendments to the charter of the Northeast Kingdom Waste Management District.

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.

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**Proposal of Amendment; Third Reading Ordered****H. 473.**

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

An act relating to radiologist assistants.

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. 26 V.S.A. § 2851 is amended to read:

§ 2851. DEFINITIONS

As used in this chapter:

\* \* \*

(8) “Readily available” means that a supervising radiologist is available in person or is available remotely by telephone or through a live, interactive audio and video connection.

(9) “Supervision” means the direction and review by a supervising radiologist, as determined to be appropriate by the Board, of the medical services provided by the radiologist assistant. At a minimum, supervision shall mean that a radiologist is readily available for consultation and intervention. A radiologist assistant may provide services under the direction and review of more than one supervising radiologist during the course of ~~his or her~~ the radiologist assistant’s employment, subject to the limitations on ~~his or her~~ the radiologist assistant’s scope of practice as set forth in this chapter and the protocol filed under subsection 2853(b) of this title.

Sec. 2. 26 V.S.A. § 2857 is amended to read:

§ 2857. SUPERVISION AND SCOPE OF PRACTICE

(a)(1) The number of radiologist assistants permitted to practice under the direction and supervision of a radiologist shall be determined by the Board after review of the system of care delivery in which the supervising radiologist and radiologist assistants propose to practice. Scope of practice and levels of supervision shall be consistent with guidelines adopted by the American College of Radiology, the American Society of Radiologic Technologists, and the ARRT.

(2) The authority of a radiologist assistant to practice shall terminate immediately upon termination of the radiologist assistant’s employment, and the primary supervising radiologist shall immediately notify the Board and the

Commissioner of the Department of Health of the termination. The radiologist assistant's authority to practice shall not resume until ~~he or she~~ the radiologist assistant provides proof of other employment and a protocol as required under this chapter.

(3) The primary supervising radiologist and radiologist assistant shall be employed by and have as their primary work site the same Vermont health care facility or an affiliate of the facility; provided, however, that the primary supervising radiologist does not need to be physically present at the same location where the radiologist assistant is practicing as long as a supervising radiologist is readily available for consultation and intervention.

(4) If a supervising radiologist is not physically present at the location at which a radiologist assistant is practicing, the radiologist assistant shall provide services only when a physician licensed pursuant to chapter 23 or 33 of this title, who need not be a radiologist, is physically present at the location and would be responsible for providing intervention or assistance in the event of a medical emergency.

(b)(1) Subject to the limitations set forth in subsection (a) of this section, the radiologist assistant's scope of practice shall be limited to that delegated to the radiologist assistant by the primary supervising radiologist and for which the radiologist assistant is qualified by education, training, and experience. At no time shall the practice of the radiologist assistant exceed the normal scope of the supervising radiologist's practice.

(2) A radiologist assistant ~~may~~ shall not interpret images, make diagnoses, or prescribe medications or therapies but may communicate with patients regarding the radiologist assistant's preliminary observations regarding the technical performance of a procedure or examination and regarding the findings from a radiologist's report. Preliminary observations shall not include any communication about the presence or absence of features or characteristics that would be considered in making a diagnosis.

### Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

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.

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**Adjournment**

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Wednesday, April 26, 2023.

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**WEDNESDAY, APRIL 26, 2023**

In the absence of the President (who was Acting Governor in the absence of the Governor) the Senate was called to order by the President *pro tempore*.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Bill Referred**

Pursuant to Temporary Rule 44A, House bill of the following title:

**H. 489.** An act relating to approval of an amendment to the charter of the Town of Shelburne.

Was referred to the Committee on Government Operations.

**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. 158.** An act relating to the beverage container redemption system.

**H. 480.** An act relating to property valuation and reappraisals.

**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 on Appropriations:

**H. 127.** An act relating to sports wagering.

**H. 175.** An act relating to modernizing the Children and Family Council for Prevention Programs.

**H. 493.** An act relating to capital construction and State bonding.

**Bills Passed in Concurrence**

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

**H. 76.** An act relating to captive insurance.

**H. 146.** An act relating to amendments to the charter of the Northeast Kingdom Waste Management District.

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

**H. 473.**

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

An act relating to radiologist assistants.

**Third Reading Ordered**

**H. 178.**

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

An act relating to commissioning Department of Corrections personnel as notaries public.

Reported that the bill ought to pass in concurrence.

Senator McCormack, for the Committee on Finance, to which the bill was referred, reported 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. 494.**

Senator Kitchel, for the Committee on Appropriations, to which was referred House bill entitled:

An act relating to making appropriations for the support of government.

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, Definitions, Legend \* \* \*

Sec. A.100 SHORT TITLE

(a) This bill may be referred to as the BIG BILL – Fiscal Year 2024 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 2024. It is the express intent of the General Assembly that activities of the various agencies, departments, divisions, boards, and commissions be limited to those which can be supported by funds appropriated in this act or other acts passed prior to June 30, 2023. Agency and department heads are directed to implement staffing and service levels at the beginning of fiscal year 2024 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 serve as the primary source and reference for appropriations for fiscal year 2024.

(b) The sums stated in this act 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, 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, 2024.

#### 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 2024, 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 designated as federal in this act. 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 2024, federal funds available to the State of Vermont and designated as federal in this and other acts of the 2023 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 no 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 provision of law to the contrary, the total number of authorized State positions, both classified and exempt, excluding temporary positions as defined in 3 V.S.A. § 311(a)(11), shall not be increased during fiscal year 2024 except for new positions authorized by the 2023 session. Limited service positions approved pursuant to 32 V.S.A. chapter 5 shall not be subject to this restriction.

## Sec. A.108 LEGEND

(a) This act 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 any amendments to the current fiscal year, the D sections contain fund transfers, reversions, and reserve allocations for the upcoming budget year, the F sections contain workforce and economic development policies, and the G sections contain changes to transportation fees.

Sec. B.100 Secretary of administration - secretary's office

Personal services	2,593,097
Operating expenses	160,849
Grants	<u>100,000</u>
Total	2,853,946
Source of funds	
General fund	2,109,270
Special funds	100,000
Internal service funds	403,239
Interdepartmental transfers	<u>241,437</u>
Total	2,853,946

## Sec. B.101 Secretary of administration - finance

Personal services	1,374,393
Operating expenses	<u>138,363</u>
Total	1,512,756
Source of funds	
Interdepartmental transfers	<u>1,512,756</u>
Total	1,512,756

## Sec. B.102 Secretary of administration - workers' compensation insurance

Personal services	895,051
Operating expenses	<u>91,550</u>
Total	986,601
Source of funds	
Internal service funds	<u>986,601</u>
Total	986,601

## Sec. B.103 Secretary of administration - general liability insurance

Personal services	545,717
Operating expenses	<u>63,558</u>
Total	609,275
Source of funds	
Internal service funds	<u>609,275</u>
Total	609,275

## Sec. B.104 Secretary of administration - all other insurance

Personal services	196,464
Operating expenses	<u>54,633</u>
Total	251,097
Source of funds	
Internal service funds	<u>251,097</u>
Total	251,097

## Sec. B.104.1 Retired State Employees Pension Plus Funding

Grants	<u>9,000,000</u>
Total	9,000,000
Source of funds	
General fund	<u>9,000,000</u>
Total	9,000,000

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 Sec. B.105 Agency of digital services - communications and information technology

Personal services	102,479,935
Operating expenses	<u>36,148,517</u>
Total	138,628,452
Source of funds	
General fund	186,726
Special funds	471,611
Internal service funds	<u>137,970,115</u>
Total	138,628,452

## Sec. B.106 Finance and management - budget and management

Personal services	1,456,438
Operating expenses	<u>306,717</u>
Total	1,763,155
Source of funds	
General fund	1,143,286
Internal service funds	<u>619,869</u>
Total	1,763,155

## Sec. B.107 Finance and management - financial operations

Personal services	2,555,838
Operating expenses	<u>810,848</u>
Total	3,366,686
Source of funds	
Internal service funds	<u>3,366,686</u>
Total	3,366,686

## Sec. B.108 Human resources - operations

Personal services	10,175,933
Operating expenses	<u>1,483,759</u>
Total	11,659,692
Source of funds	
General fund	1,777,169
Special funds	263,589
Internal service funds	9,127,114
Interdepartmental transfers	<u>491,820</u>
Total	11,659,692

## Sec. B.108.1 Human resources - VTHR operations

Personal services	1,909,749
Operating expenses	<u>693,001</u>

Total	2,602,750
Source of funds	
Internal service funds	<u>2,602,750</u>
Total	2,602,750
Sec. B.109 Human resources - employee benefits & wellness	
Personal services	1,140,195
Operating expenses	<u>655,062</u>
Total	1,795,257
Source of funds	
Internal service funds	<u>1,795,257</u>
Total	1,795,257
Sec. B.110 Libraries	
Personal services	2,404,179
Operating expenses	906,958
Grants	<u>230,214</u>
Total	3,541,351
Source of funds	
General fund	2,088,614
Special funds	73,614
Federal funds	1,251,244
Interdepartmental transfers	<u>127,879</u>
Total	3,541,351
Sec. B.111 Tax - administration/collection	
Personal services	25,023,254
Operating expenses	<u>5,787,491</u>
Total	30,810,745
Source of funds	
General fund	22,406,475
Special funds	8,359,270
Interdepartmental transfers	<u>45,000</u>
Total	30,810,745
Sec. B.112 Buildings and general services - administration	
Personal services	988,938
Operating expenses	<u>333,561</u>
Total	1,322,499
Source of funds	
Interdepartmental transfers	<u>1,322,499</u>
Total	1,322,499

Sec. B.113 Buildings and general services - engineering	
Personal services	45,644
Operating expenses	<u>1,230,723</u>
Total	1,276,367
Source of funds	
General fund	<u>1,276,367</u>
Total	1,276,367
Sec. B.113.1 Buildings and General Services Engineering - Capital Projects	
Personal services	2,730,738
Operating expenses	<u>500,000</u>
Total	3,230,738
Source of funds	
General fund	2,730,738
Interdepartmental transfers	<u>500,000</u>
Total	3,230,738
Sec. B.114 Buildings and general services - information centers	
Personal services	3,646,408
Operating expenses	<u>1,801,847</u>
Total	5,448,255
Source of funds	
General fund	668,401
Transportation fund	4,235,134
Special funds	<u>544,720</u>
Total	5,448,255
Sec. B.115 Buildings and general services - purchasing	
Personal services	1,670,521
Operating expenses	<u>191,576</u>
Total	1,862,097
Source of funds	
General fund	1,481,008
Interdepartmental transfers	<u>381,089</u>
Total	1,862,097
Sec. B.116 Buildings and general services - postal services	
Personal services	800,527
Operating expenses	<u>173,126</u>
Total	973,653
Source of funds	
General fund	87,613

Internal service funds	<u>886,040</u>
Total	973,653
Sec. B.117 Buildings and general services - copy center	
Personal services	898,526
Operating expenses	<u>208,536</u>
Total	1,107,062
Source of funds	
Internal service funds	<u>1,107,062</u>
Total	1,107,062
Sec. B.118 Buildings and general services - fleet management services	
Personal services	888,607
Operating expenses	<u>245,134</u>
Total	1,133,741
Source of funds	
Internal service funds	<u>1,133,741</u>
Total	1,133,741
Sec. B.119 Buildings and general services - federal surplus property	
Operating expenses	<u>4,298</u>
Total	4,298
Source of funds	
Enterprise funds	<u>4,298</u>
Total	4,298
Sec. B.120 Buildings and general services - state surplus property	
Personal services	340,128
Operating expenses	<u>169,529</u>
Total	509,657
Source of funds	
Internal service funds	<u>509,657</u>
Total	509,657
Sec. B.121 Buildings and general services - property management	
Personal services	1,625,691
Operating expenses	<u>465,485</u>
Total	2,091,176
Source of funds	
Internal service funds	<u>2,091,176</u>
Total	2,091,176



Sec. B.122 Buildings and general services - fee for space	
Personal services	18,762,037
Operating expenses	<u>17,272,131</u>
Total	36,034,168
Source of funds	
Internal service funds	35,964,112
Interdepartmental transfers	<u>70,056</u>
Total	36,034,168
Sec. B.124 Executive office - governor's office	
Personal services	1,583,965
Operating expenses	<u>467,778</u>
Total	2,051,743
Source of funds	
General fund	1,801,931
Interdepartmental transfers	<u>249,812</u>
Total	2,051,743
Sec. B.125 Legislative counsel	
Personal services	3,633,429
Operating expenses	<u>291,348</u>
Total	3,924,777
Source of funds	
General fund	<u>3,924,777</u>
Total	3,924,777
Sec. B.126 Legislature	
Personal services	5,898,458
Operating expenses	<u>4,649,260</u>
Total	10,547,718
Source of funds	
General fund	<u>10,547,718</u>
Total	10,547,718
Sec. B.126.1 Legislative information technology	
Personal services	1,279,864
Operating expenses	<u>663,583</u>
Total	1,943,447
Source of funds	
General fund	<u>1,943,447</u>
Total	1,943,447

## Sec. B.127 Joint fiscal committee

Personal services	2,517,690
Operating expenses	<u>191,250</u>
Total	2,708,940
Source of funds	
General fund	<u>2,708,940</u>
Total	2,708,940

## Sec. B.128 Sergeant at arms

Personal services	1,404,247
Operating expenses	<u>130,514</u>
Total	1,534,761
Source of funds	
General fund	<u>1,534,761</u>
Total	1,534,761

## Sec. B.129 Lieutenant governor

Personal services	258,394
Operating expenses	<u>44,090</u>
Total	302,484
Source of funds	
General fund	<u>302,484</u>
Total	302,484

## Sec. B.130 Auditor of accounts

Personal services	4,160,946
Operating expenses	<u>183,967</u>
Total	4,344,913
Source of funds	
General fund	372,808
Special funds	53,145
Internal service funds	<u>3,918,960</u>
Total	4,344,913

## Sec. B.131 State treasurer

Personal services	5,374,687
Operating expenses	273,230
Grants	<u>400,000</u>
Total	6,047,917
Source of funds	
General fund	2,148,837

Special funds	3,737,463
Interdepartmental transfers	<u>161,617</u>
Total	6,047,917
Sec. B.132 State treasurer - unclaimed property	
Personal services	809,823
Operating expenses	<u>386,790</u>
Total	1,196,613
Source of funds	
Interdepartmental transfers	3,643
Private purpose trust funds	<u>1,192,970</u>
Total	1,196,613
Sec. B.133 Vermont state retirement system	
Personal services	221,698
Operating expenses	<u>2,717,089</u>
Total	2,938,787
Source of funds	
Pension trust funds	<u>2,938,787</u>
Total	2,938,787
Sec. B.134 Municipal employees' retirement system	
Personal services	222,371
Operating expenses	<u>1,480,237</u>
Total	1,702,608
Source of funds	
Pension trust funds	<u>1,702,608</u>
Total	1,702,608
Sec. B.134.1 Vermont Pension Investment Commission	
Personal services	2,002,637
Operating expenses	<u>248,561</u>
Total	2,251,198
Source of funds	
Special funds	<u>2,251,198</u>
Total	2,251,198
Sec. B.135 State labor relations board	
Personal services	258,094
Operating expenses	<u>49,671</u>
Total	307,765
Source of funds	
General fund	298,189

Special funds	6,788
Interdepartmental transfers	<u>2,788</u>
Total	307,765
Sec. B.136 VOSHA review board	
Personal services	86,954
Operating expenses	<u>15,054</u>
Total	102,008
Source of funds	
General fund	51,004
Interdepartmental transfers	<u>51,004</u>
Total	102,008
Sec. B.136.1 Ethics Commission	
Personal services	147,767
Operating expenses	<u>41,660</u>
Total	189,427
Source of funds	
Internal service funds	<u>189,427</u>
Total	189,427
Sec. B.137 Homeowner rebate	
Grants	<u>16,250,000</u>
Total	16,250,000
Source of funds	
General fund	<u>16,250,000</u>
Total	16,250,000
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>3,394,500</u>
Total	3,394,500
Source of funds	
General fund	<u>3,394,500</u>
Total	3,394,500

## Sec. B.140 Municipal current use

Grants	<u>18,600,000</u>
Total	18,600,000
Source of funds	
General fund	<u>18,600,000</u>
Total	18,600,000

## Sec. B.142 Payments in lieu of taxes

Grants	<u>12,280,750</u>
Total	12,280,750
Source of funds	
Special funds	<u>12,280,750</u>
Total	12,280,750

## 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	118,335,063
Transportation fund	4,235,134
Special funds	28,366,148
Federal funds	1,251,244
Internal service funds	203,532,178
Interdepartmental transfers	5,161,400
Enterprise funds	4,298
Pension trust funds	4,641,395
Private purpose trust funds	<u>1,192,970</u>
Total	366,719,830

## Sec. B.200 Attorney general

Personal services	12,957,305
Operating expenses	1,696,265
Grants	<u>20,000</u>
Total	14,673,570
Source of funds	
General fund	6,974,796
Special funds	2,142,678
Tobacco fund	422,000
Federal funds	1,583,958
Interdepartmental transfers	<u>3,550,138</u>
Total	14,673,570

## Sec. B.201 Vermont court diversion

Personal services	1,250
Grants	<u>3,142,971</u>
Total	3,144,221
Source of funds	
General fund	2,886,224
Special funds	<u>257,997</u>
Total	3,144,221

## Sec. B.202 Defender general - public defense

Personal services	15,416,603
Operating expenses	<u>1,235,698</u>
Total	16,652,301
Source of funds	
General fund	15,912,648
Special funds	589,653
Interdepartmental transfers	<u>150,000</u>
Total	16,652,301

## Sec. B.203 Defender general - assigned counsel

Personal services	7,213,974
Operating expenses	<u>49,500</u>
Total	7,263,474
Source of funds	
General fund	<u>7,263,474</u>
Total	7,263,474

## Sec. B.204 Judiciary

Personal services	52,555,909
Operating expenses	11,583,876
Grants	<u>121,030</u>
Total	64,260,815
Source of funds	
General fund	58,250,863
Special funds	2,888,542
Federal funds	953,928
Interdepartmental transfers	<u>2,167,482</u>
Total	64,260,815

## Sec. B.205 State's attorneys

Personal services	14,787,744
Operating expenses	<u>1,999,496</u>
Total	16,787,240
Source of funds	
General fund	15,904,997
Special funds	109,778
Federal funds	233,490
Interdepartmental transfers	<u>538,975</u>
Total	16,787,240

## Sec. B.206 Special investigative unit

Personal services	64,287
Operating expenses	24,295
Grants	<u>2,140,047</u>
Total	2,228,629
Source of funds	
General fund	<u>2,228,629</u>
Total	2,228,629

## Sec. B.206.1 Crime Victims Advocates

Personal services	2,604,804
Operating expenses	<u>106,693</u>
Total	2,711,497
Source of funds	
General fund	<u>2,711,497</u>
Total	2,711,497

## Sec. B.207 Sheriffs

Personal services	4,698,652
Operating expenses	<u>390,662</u>
Total	5,089,314
Source of funds	
General fund	<u>5,089,314</u>
Total	5,089,314

## Sec. B.208 Public safety - administration

Personal services	4,539,941
Operating expenses	5,417,264
Grants	<u>357,986</u>
Total	10,315,191
Source of funds	
General fund	6,001,814
Special funds	4,105
Federal funds	547,260
Interdepartmental transfers	<u>3,762,012</u>
Total	10,315,191

## Sec. B.209 Public safety - state police

Personal services	67,754,321
Operating expenses	13,861,460
Grants	<u>1,591,501</u>
Total	83,207,282
Source of funds	
General fund	53,896,213
Transportation fund	20,250,000
Special funds	3,166,387
Federal funds	4,311,304
Interdepartmental transfers	<u>1,583,378</u>
Total	83,207,282

## Sec. B.210 Public safety - criminal justice services

Personal services	5,378,976
Operating expenses	<u>1,582,009</u>
Total	6,960,985



Source of funds	
General fund	1,467,321
Special funds	4,970,533
Federal funds	<u>523,131</u>
Total	6,960,985
Sec. B.211 Public safety - emergency management	
Personal services	4,561,578
Operating expenses	1,224,288
Grants	<u>25,350,252</u>
Total	31,136,118
Source of funds	
General fund	668,427
Special funds	710,000
Federal funds	29,561,807
Interdepartmental transfers	<u>195,884</u>
Total	31,136,118
Sec. B.212 Public safety - fire safety	
Personal services	8,663,478
Operating expenses	2,974,022
Grants	<u>107,000</u>
Total	11,744,500
Source of funds	
General fund	1,505,641
Special funds	9,567,787
Federal funds	626,072
Interdepartmental transfers	<u>45,000</u>
Total	11,744,500
Sec. B.213 Public safety - Forensic Laboratory	
Personal services	3,563,059
Operating expenses	<u>1,198,044</u>
Total	4,761,103
Source of funds	
General fund	3,626,083
Special funds	66,395
Federal funds	532,582
Interdepartmental transfers	<u>536,043</u>
Total	4,761,103

## Sec. B.215 Military - administration

Personal services	958,260
Operating expenses	746,963
Grants	<u>1,319,834</u>
Total	3,025,057
Source of funds	
General fund	<u>3,025,057</u>
Total	3,025,057

## Sec. B.216 Military - air service contract

Personal services	9,124,240
Operating expenses	<u>1,396,315</u>
Total	10,520,555
Source of funds	
General fund	665,922
Federal funds	<u>9,854,633</u>
Total	10,520,555

## Sec. B.217 Military - army service contract

Personal services	41,464,878
Operating expenses	<u>7,542,958</u>
Total	49,007,836
Source of funds	
Federal funds	<u>49,007,836</u>
Total	49,007,836

## Sec. B.218 Military - building maintenance

Personal services	789,478
Operating expenses	<u>937,403</u>
Total	1,726,881
Source of funds	
General fund	1,664,381
Special funds	<u>62,500</u>
Total	1,726,881

## Sec. B.219 Military - veterans' affairs

Personal services	1,204,996
Operating expenses	202,180
Grants	<u>33,300</u>
Total	1,440,476

Source of funds	
General fund	1,092,634
Special funds	241,942
Federal funds	<u>105,900</u>
Total	1,440,476
Sec. B.220 Center for crime victim services	
Personal services	1,967,547
Operating expenses	391,397
Grants	<u>9,181,723</u>
Total	11,540,667
Source of funds	
General fund	1,472,674
Special funds	3,461,972
Federal funds	<u>6,606,021</u>
Total	11,540,667
Sec. B.221 Criminal justice council	
Personal services	2,360,658
Operating expenses	<u>1,711,725</u>
Total	4,072,383
Source of funds	
General fund	3,720,035
Interdepartmental transfers	<u>352,348</u>
Total	4,072,383
Sec. B.222 Agriculture, food and markets - administration	
Personal services	2,648,873
Operating expenses	367,498
Grants	<u>217,222</u>
Total	3,233,593
Source of funds	
General fund	1,467,038
Special funds	1,242,062
Federal funds	<u>524,493</u>
Total	3,233,593
Sec. B.223 Agriculture, food and markets - food safety and consumer protection	
Personal services	4,963,520
Operating expenses	1,096,940
Grants	<u>2,780,000</u>
Total	8,840,460

Source of funds	
General fund	3,281,095
Special funds	3,942,188
Federal funds	1,605,177
Interdepartmental transfers	<u>12,000</u>
Total	8,840,460
Sec. B.224 Agriculture, food and markets - agricultural development	
Personal services	6,309,252
Operating expenses	678,344
Grants	<u>15,063,425</u>
Total	22,051,021
Source of funds	
General fund	2,968,393
Special funds	627,904
Federal funds	<u>18,454,724</u>
Total	22,051,021
Sec. B.225 Agriculture, food and markets - agricultural resource management and environmental stewardship	
Personal services	2,594,186
Operating expenses	979,802
Grants	<u>212,000</u>
Total	3,785,988
Source of funds	
General fund	745,509
Special funds	2,297,266
Federal funds	390,117
Interdepartmental transfers	<u>353,096</u>
Total	3,785,988
Sec. B.225.1 Agriculture, food and markets - Vermont Agriculture and Environmental Lab	
Personal services	1,711,447
Operating expenses	<u>1,363,276</u>
Total	3,074,723
Source of funds	
General fund	1,296,731
Special funds	1,715,459
Interdepartmental transfers	<u>62,533</u>
Total	3,074,723

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 Sec. B.225.2 Agriculture, Food and Markets - Clean Water

Personal services	3,637,927
Operating expenses	575,499
Grants	<u>6,580,630</u>
Total	10,794,056

## Source of funds

General fund	1,732,136
Special funds	8,248,477
Federal funds	462,351
Interdepartmental transfers	<u>351,092</u>
Total	10,794,056

## Sec. B.226 Financial regulation - administration

Personal services	2,580,669
Operating expenses	<u>159,635</u>
Total	2,740,304

## Source of funds

Special funds	<u>2,740,304</u>
Total	2,740,304

## Sec. B.227 Financial regulation - banking

Personal services	2,426,962
Operating expenses	<u>510,179</u>
Total	2,937,141

## Source of funds

Special funds	<u>2,937,141</u>
Total	2,937,141

## Sec. B.228 Financial regulation - insurance

Personal services	4,872,900
Operating expenses	<u>634,698</u>
Total	5,507,598

## Source of funds

Special funds	<u>5,507,598</u>
Total	5,507,598

## Sec. B.229 Financial regulation - captive insurance

Personal services	5,294,300
Operating expenses	<u>710,775</u>
Total	6,005,075

Source of funds	
Special funds	<u>6,005,075</u>
Total	6,005,075
Sec. B.230 Financial regulation - securities	
Personal services	1,294,776
Operating expenses	<u>279,335</u>
Total	1,574,111
Source of funds	
Special funds	<u>1,574,111</u>
Total	1,574,111
Sec. B.232 Secretary of state	
Personal services	17,824,897
Operating expenses	<u>3,932,905</u>
Total	21,757,802
Source of funds	
Special funds	16,241,811
Federal funds	<u>5,515,991</u>
Total	21,757,802
Sec. B.233 Public service - regulation and energy	
Personal services	11,014,203
Operating expenses	1,730,270
Grants	<u>328,300</u>
Total	13,072,773
Source of funds	
Special funds	12,310,355
Federal funds	741,706
Enterprise funds	<u>20,712</u>
Total	13,072,773
Sec. B.233.1 VT Community Broadband Board	
Personal services	1,211,623
Operating expenses	155,443
Grants	<u>1,300,000</u>
Total	2,667,066
Source of funds	
Special funds	1,110,687
Federal funds	<u>1,556,379</u>
Total	2,667,066

Sec. B.234 Public utility commission	
Personal services	3,913,942
Operating expenses	<u>549,933</u>
Total	4,463,875
Source of funds	
Special funds	<u>4,463,875</u>
Total	4,463,875
Sec. B.235 Enhanced 9-1-1 Board	
Personal services	4,344,046
Operating expenses	<u>451,287</u>
Total	4,795,333
Source of funds	
Special funds	<u>4,795,333</u>
Total	4,795,333
Sec. B.236 Human rights commission	
Personal services	915,815
Operating expenses	<u>90,104</u>
Total	1,005,919
Source of funds	
General fund	920,110
Federal funds	<u>85,809</u>
Total	1,005,919
Sec. B.236.1 Liquor & Lottery Comm. Office	
Personal services	8,610,070
Operating expenses	<u>5,529,374</u>
Total	14,139,444
Source of funds	
Special funds	60,000
Tobacco fund	213,843
Interdepartmental transfers	70,000
Enterprise funds	<u>13,795,601</u>
Total	14,139,444
Sec. B.240 Cannabis Control Board	
Personal services	4,829,061
Operating expenses	<u>341,631</u>
Total	5,170,692

Source of funds	
Special funds	<u>5,170,692</u>
Total	5,170,692
Sec. B.241 Total protection to persons and property	
Source of funds	
General fund	208,439,656
Transportation fund	20,250,000
Special funds	109,230,607
Tobacco fund	635,843
Federal funds	133,784,669
Interdepartmental transfers	13,729,981
Enterprise funds	<u>13,816,313</u>
Total	499,887,069
Sec. B.300 Human services - agency of human services - secretary's office	
Personal services	14,083,686
Operating expenses	5,402,086
Grants	<u>2,895,202</u>
Total	22,380,974
Source of funds	
General fund	9,767,874
Special funds	135,517
Federal funds	11,678,441
Interdepartmental transfers	<u>799,142</u>
Total	22,380,974
Sec. B.301 Secretary's office - global commitment	
Grants	<u>1,988,334,293</u>
Total	1,988,334,293
Source of funds	
General fund	647,414,827
Special funds	32,994,384
Tobacco fund	21,049,373
State health care resources fund	25,265,312
Federal funds	1,257,576,227
Interdepartmental transfers	<u>4,034,170</u>
Total	1,988,334,293
Sec. B.303 Developmental disabilities council	
Personal services	458,902
Operating expenses	95,330



Grants	<u>191,595</u>
Total	745,827
Source of funds	
Special funds	12,000
Federal funds	<u>733,827</u>
Total	745,827
Sec. B.304 Human services board	
Personal services	648,082
Operating expenses	<u>89,467</u>
Total	737,549
Source of funds	
General fund	452,996
Federal funds	<u>284,553</u>
Total	737,549
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	136,568,959
Operating expenses	44,391,640
Grants	<u>2,912,301</u>
Total	183,872,900
Source of funds	
General fund	35,605,917
Special funds	4,753,011
Federal funds	134,621,243
Global Commitment fund	4,220,337
Interdepartmental transfers	<u>4,672,392</u>
Total	183,872,900
Sec. B.307 Department of Vermont health access - Medicaid program - global commitment	
Personal services	547,983
Grants	<u>929,980,238</u>
Total	930,528,221

Source of funds	
Global Commitment fund	<u>930,528,221</u>
Total	930,528,221
Sec. B.309 Department of Vermont health access - Medicaid program - state only	
Grants	<u>53,067,318</u>
Total	53,067,318
Source of funds	
General fund	53,062,626
Global Commitment fund	<u>4,692</u>
Total	53,067,318
Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched	
Grants	<u>34,621,472</u>
Total	34,621,472
Source of funds	
General fund	12,634,069
Federal funds	<u>21,987,403</u>
Total	34,621,472
Sec. B.311 Health - administration and support	
Personal services	8,154,782
Operating expenses	7,410,428
Grants	<u>16,697,133</u>
Total	32,262,343
Source of funds	
General fund	3,131,446
Special funds	2,160,065
Federal funds	20,169,147
Global Commitment fund	6,732,468
Interdepartmental transfers	<u>69,217</u>
Total	32,262,343
Sec. B.312 Health - public health	
Personal services	64,592,946
Operating expenses	13,047,530
Grants	<u>45,946,724</u>
Total	123,587,200

Source of funds	
General fund	12,408,429
Special funds	25,017,725
Tobacco fund	1,088,918
Federal funds	66,753,896
Global Commitment fund	16,582,951
Interdepartmental transfers	1,710,281
Permanent trust funds	<u>25,000</u>
Total	123,587,200
Sec. B.313 Health - substance abuse programs	
Personal services	6,253,749
Operating expenses	511,500
Grants	<u>60,641,638</u>
Total	67,406,887
Source of funds	
General fund	5,191,811
Special funds	1,435,054
Tobacco fund	949,917
Federal funds	21,771,442
Global Commitment fund	<u>38,058,663</u>
Total	67,406,887
Sec. B.314 Mental health - mental health	
Personal services	47,716,644
Operating expenses	5,272,240
Grants	<u>264,539,814</u>
Total	317,528,698
Source of funds	
General fund	25,282,556
Special funds	1,708,155
Federal funds	10,999,654
Global Commitment fund	279,524,193
Interdepartmental transfers	<u>14,140</u>
Total	317,528,698
Sec. B.316 Department for children and families - administration & support services	
Personal services	44,440,362
Operating expenses	17,168,731
Grants	<u>3,919,106</u>
Total	65,528,199

Source of funds	
General fund	37,090,554
Special funds	2,781,912
Federal funds	23,540,549
Global Commitment fund	1,659,321
Interdepartmental transfers	<u>455,863</u>
Total	65,528,199
Sec. B.317 Department for children and families - family services	
Personal services	43,987,652
Operating expenses	5,180,385
Grants	<u>92,691,639</u>
Total	141,859,676
Source of funds	
General fund	59,227,017
Special funds	729,587
Federal funds	33,937,204
Global Commitment fund	47,928,131
Interdepartmental transfers	<u>37,737</u>
Total	141,859,676
Sec. B.318 Department for children and families - child development	
Personal services	5,668,525
Operating expenses	812,971
Grants	<u>95,860,842</u>
Total	102,342,338
Source of funds	
General fund	35,016,309
Special funds	16,745,000
Federal funds	37,419,258
Global Commitment fund	<u>13,161,771</u>
Total	102,342,338
Sec. B.319 Department for children and families - office of child support	
Personal services	12,411,108
Operating expenses	<u>3,714,732</u>
Total	16,125,840
Source of funds	
General fund	4,900,195
Special funds	455,719

Federal funds	10,382,326
Interdepartmental transfers	<u>387,600</u>
Total	16,125,840
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
Sec. B.321 Department for children and families - general assistance	
Personal services	15,000
Grants	<u>10,323,574</u>
Total	10,338,574
Source of funds	
General fund	10,041,239
Federal funds	11,320
Global Commitment fund	<u>286,015</u>
Total	10,338,574
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>35,536,413</u>
Total	35,567,046
Source of funds	
General fund	23,233,869
Special funds	5,970,229
Federal funds	3,531,330
Global Commitment fund	<u>2,831,618</u>
Total	35,567,046

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	758,166
Operating expenses	95,628
Grants	<u>27,534,109</u>
Total	28,387,903
Source of funds	
General fund	20,942,194
Special funds	83,135
Federal funds	4,935,273
Global Commitment fund	<u>2,427,301</u>
Total	28,387,903

Sec. B.326 Department for children and families - OEO - weatherization assistance

Personal services	415,233
Operating expenses	251,470
Grants	<u>11,838,018</u>
Total	12,504,721
Source of funds	
Special funds	7,649,635
Federal funds	<u>4,855,086</u>
Total	12,504,721

Sec. B.327 Department for Children and Families - Secure Residential Treatment

Personal services	258,100
Operating expenses	153,597
Grants	<u>3,476,862</u>
Total	3,888,559

Source of funds	
General fund	3,858,559
Global Commitment fund	<u>30,000</u>
Total	3,888,559
Sec. B.328 Department for children and families - disability determination services	
Personal services	7,486,999
Operating expenses	<u>489,130</u>
Total	7,976,129
Source of funds	
General fund	118,796
Federal funds	<u>7,857,333</u>
Total	7,976,129
Sec. B.329 Disabilities, aging, and independent living - administration & support	
Personal services	42,900,084
Operating expenses	<u>6,323,252</u>
Total	49,223,336
Source of funds	
General fund	21,899,725
Special funds	1,390,457
Federal funds	24,831,870
Global Commitment fund	35,000
Interdepartmental transfers	<u>1,066,284</u>
Total	49,223,336
Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants	
Grants	<u>22,180,328</u>
Total	22,180,328
Source of funds	
General fund	9,020,695
Federal funds	7,321,114
Global Commitment fund	<u>5,838,519</u>
Total	22,180,328
Sec. B.331 Disabilities, aging, and independent living - blind and visually impaired	
Grants	<u>1,907,604</u>
Total	1,907,604

Source of funds	
General fund	489,154
Special funds	223,450
Federal funds	890,000
Global Commitment fund	<u>305,000</u>
Total	1,907,604
Sec. B.332 Disabilities, aging, and independent living - vocational rehabilitation	
Grants	<u>10,179,845</u>
Total	10,179,845
Source of funds	
General fund	1,371,845
Federal funds	7,558,000
Interdepartmental transfers	<u>1,250,000</u>
Total	10,179,845
Sec. B.333 Disabilities, aging, and independent living - developmental services	
Grants	<u>308,668,057</u>
Total	308,668,057
Source of funds	
General fund	155,125
Special funds	15,463
Federal funds	431,512
Global Commitment fund	308,015,957
Interdepartmental transfers	<u>50,000</u>
Total	308,668,057
Sec. B.334 Disabilities, aging, and independent living - TBI home and community based waiver	
Grants	<u>6,638,028</u>
Total	6,638,028
Source of funds	
Global Commitment fund	<u>6,638,028</u>
Total	6,638,028
Sec. B.334.1 Disabilities, aging and independent living - Long Term Care	
Grants	<u>268,715,683</u>
Total	268,715,683
Source of funds	
General fund	498,579



Federal funds	2,450,000
Global Commitment fund	<u>265,767,104</u>
Total	268,715,683
Sec. B.335 Corrections - administration	
Personal services	3,806,377
Operating expenses	<u>243,057</u>
Total	4,049,434
Source of funds	
General fund	<u>4,049,434</u>
Total	4,049,434
Sec. B.336 Corrections - parole board	
Personal services	412,972
Operating expenses	<u>59,257</u>
Total	472,229
Source of funds	
General fund	<u>472,229</u>
Total	472,229
Sec. B.337 Corrections - correctional education	
Personal services	3,648,027
Operating expenses	<u>245,425</u>
Total	3,893,452
Source of funds	
General fund	3,744,668
Education fund	0
Interdepartmental transfers	<u>148,784</u>
Total	3,893,452
Sec. B.338 Corrections - correctional services	
Personal services	139,473,576
Operating expenses	<u>24,600,099</u>
Total	164,073,675
Source of funds	
General fund	159,502,946
Special funds	935,963
Federal funds	492,196
Global Commitment fund	2,746,255
Interdepartmental transfers	<u>396,315</u>
Total	164,073,675

## Sec. B.338.1 Corrections - Justice Reinvestment II

Grants	<u>10,659,519</u>
Total	10,659,519
Source of funds	
General fund	8,081,831
Federal funds	13,147
Global Commitment fund	<u>2,564,541</u>
Total	10,659,519

## Sec. B.339 Corrections - Correctional services-out of state beds

Personal services	<u>4,130,378</u>
Total	4,130,378
Source of funds	
General fund	<u>4,130,378</u>
Total	4,130,378

## Sec. B.340 Corrections - correctional facilities - recreation

Personal services	598,105
Operating expenses	<u>455,845</u>
Total	1,053,950
Source of funds	
Special funds	<u>1,053,950</u>
Total	1,053,950

## Sec. B.341 Corrections - Vermont offender work program

Personal services	1,220,613
Operating expenses	<u>525,784</u>
Total	1,746,397
Source of funds	
Internal service funds	<u>1,746,397</u>
Total	1,746,397

## Sec. B.342 Vermont veterans' home - care and support services

Personal services	18,187,631
Operating expenses	<u>5,978,873</u>
Total	24,166,504
Source of funds	
General fund	4,199,478
Special funds	11,655,797
Federal funds	<u>8,311,229</u>
Total	24,166,504

Sec. B.343 Commission on women	
Personal services	396,540
Operating expenses	<u>74,880</u>
Total	471,420
Source of funds	
General fund	467,572
Special funds	<u>3,848</u>
Total	471,420
Sec. B.344 Retired senior volunteer program	
Grants	<u>155,490</u>
Total	155,490
Source of funds	
General fund	<u>155,490</u>
Total	155,490
Sec. B.345 Green Mountain Care Board	
Personal services	8,136,639
Operating expenses	<u>402,594</u>
Total	8,539,233
Source of funds	
General fund	3,392,339
Special funds	<u>5,146,894</u>
Total	8,539,233
Sec. B.346 Office of the Child, Youth, and Family Advocate	
Personal services	387,000
Operating expenses	<u>26,000</u>
Total	413,000
Source of funds	
General fund	<u>413,000</u>
Total	413,000
Sec. B.347 Total human services	
Source of funds	
General fund	1,228,959,104
Special funds	124,537,345
Tobacco fund	23,088,208
State health care resources fund	25,265,312
Education fund	0
Federal funds	1,784,261,950
Global Commitment fund	1,941,036,077

Internal service funds	1,746,397
Interdepartmental transfers	28,591,925
Permanent trust funds	<u>25,000</u>
Total	5,157,511,318
Sec. B.400 Labor - programs	
Personal services	40,642,780
Operating expenses	5,955,495
Grants	<u>12,432,900</u>
Total	59,031,175
Source of funds	
General fund	10,600,636
Special funds	10,806,858
Federal funds	37,373,681
Interdepartmental transfers	<u>250,000</u>
Total	59,031,175
Sec. B.401 Total labor	
Source of funds	
General fund	10,600,636
Special funds	10,806,858
Federal funds	37,373,681
Interdepartmental transfers	<u>250,000</u>
Total	59,031,175
Sec. B.500 Education - finance and administration	
Personal services	17,683,192
Operating expenses	4,387,522
Grants	<u>15,270,700</u>
Total	37,341,414
Source of funds	
General fund	7,415,742
Special funds	16,575,926
Education fund	3,486,447
Federal funds	9,220,942
Global Commitment fund	260,000
Interdepartmental transfers	<u>382,357</u>
Total	37,341,414
Sec. B.501 Education - education services	
Personal services	30,951,380
Operating expenses	1,074,585

Grants	<u>460,105,273</u>
Total	492,131,238
Source of funds	
General fund	5,293,183
Special funds	2,919,560
Tobacco fund	750,388
Federal funds	<u>483,168,107</u>
Total	492,131,238
Sec. B.502 Education - special education: formula grants	
Grants	<u>226,195,600</u>
Total	226,195,600
Source of funds	
Education fund	<u>226,195,600</u>
Total	226,195,600
Sec. B.503 Education - state-placed students	
Grants	<u>19,000,000</u>
Total	19,000,000
Source of funds	
Education fund	<u>19,000,000</u>
Total	19,000,000
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>10,143,000</u>
Total	10,143,000
Source of funds	
General fund	921,500
Education fund	<u>9,221,500</u>
Total	10,143,000
Sec. B.505 Education - adjusted education payment	
Grants	<u>1,703,317,103</u>
Total	1,703,317,103

Source of funds	
Education fund	<u>1,703,317,103</u>
Total	1,703,317,103
Sec. B.506 Education - transportation	
Grants	<u>23,520,000</u>
Total	23,520,000
Source of funds	
Education fund	<u>23,520,000</u>
Total	23,520,000
Sec. B.507 Education - small school grants	
Grants	<u>8,300,000</u>
Total	8,300,000
Source of funds	
Education fund	<u>8,300,000</u>
Total	8,300,000
Sec. B.509 Education - Cannabis Afterschool Grant Program	
Grants	<u>6,000,000</u>
Total	6,000,000
Source of funds	
Education fund	<u>6,000,000</u>
Total	6,000,000
Sec. B.510 Education - essential early education grant	
Grants	<u>8,350,389</u>
Total	8,350,389
Source of funds	
Education fund	<u>8,350,389</u>
Total	8,350,389
Sec. B.511 Education - technical education	
Grants	<u>17,030,400</u>
Total	17,030,400
Source of funds	
Education fund	<u>17,030,400</u>
Total	17,030,400
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.513 Retired Teachers Pension Plus Funding	
Grants	<u>9,000,000</u>
Total	9,000,000
Source of funds	
General fund	<u>9,000,000</u>
Total	9,000,000
Sec. B.514 State teachers' retirement system	
Grants	<u>184,811,051</u>
Total	184,811,051
Source of funds	
General fund	151,682,914
Education fund	<u>33,128,137</u>
Total	184,811,051
Sec. B.514.1 State teachers' retirement system administration	
Personal services	359,615
Operating expenses	<u>3,032,746</u>
Total	3,392,361
Source of funds	
Pension trust funds	<u>3,392,361</u>
Total	3,392,361
Sec. B.515 Retired teachers' health care and medical benefits	
Grants	<u>53,740,528</u>
Total	53,740,528
Source of funds	
General fund	38,318,167
Education fund	<u>15,422,361</u>
Total	53,740,528
Sec. B.516 Total general education	
Source of funds	
General fund	216,199,064
Special funds	19,495,486
Tobacco fund	750,388
Education fund	2,072,971,937
Federal funds	493,305,099

Global Commitment fund	260,000
Interdepartmental transfers	382,357
Pension trust funds	<u>3,392,361</u>
Total	2,806,756,692
Sec. B.600 University of Vermont	
Grants	<u>54,084,366</u>
Total	54,084,366
Source of funds	
General fund	<u>54,084,366</u>
Total	54,084,366
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>17,500,000</u>
Total	17,500,000
Source of funds	
General fund	<u>17,500,000</u>
Total	17,500,000
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>25,378,588</u>
Total	25,378,588
Source of funds	
General fund	<u>25,378,588</u>
Total	25,378,588



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 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>86,520</u>
Total	86,520
Source of funds	
General fund	<u>86,520</u>
Total	86,520

## 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	128,339,478
Education fund	41,225
Global Commitment fund	<u>409,461</u>
Total	128,790,164

## Sec. B.700 Natural resources - agency of natural resources - administration

Personal services	5,824,798
Operating expenses	<u>1,471,913</u>
Total	7,296,711
Source of funds	
General fund	4,914,987
Special funds	775,079
Interdepartmental transfers	<u>1,606,645</u>
Total	7,296,711

## Sec. B.701 Natural resources - state land local property tax assessment

Operating expenses	<u>2,674,517</u>
Total	2,674,517

Source of funds	
General fund	2,253,017
Interdepartmental transfers	<u>421,500</u>
Total	2,674,517
Sec. B.702 Fish and wildlife - support and field services	
Personal services	21,567,730
Operating expenses	7,140,027
Grants	<u>936,232</u>
Total	29,643,989
Source of funds	
General fund	7,173,206
Special funds	370,644
Fish and wildlife fund	10,921,090
Federal funds	9,793,589
Interdepartmental transfers	<u>1,385,460</u>
Total	29,643,989
Sec. B.703 Forests, parks and recreation - administration	
Personal services	1,200,585
Operating expenses	<u>1,596,687</u>
Total	2,797,272
Source of funds	
General fund	2,675,711
Special funds	<u>121,561</u>
Total	2,797,272
Sec. B.704 Forests, parks and recreation - forestry	
Personal services	7,948,381
Operating expenses	921,952
Grants	<u>1,184,458</u>
Total	10,054,791
Source of funds	
General fund	6,033,830
Special funds	702,229
Federal funds	3,098,484
Interdepartmental transfers	<u>220,248</u>
Total	10,054,791
Sec. B.705 Forests, parks and recreation - state parks	
Personal services	12,306,202
Operating expenses	3,741,476

Grants	<u>50,000</u>
Total	16,097,678
Source of funds	
General fund	690,613
Special funds	<u>15,407,065</u>
Total	16,097,678
Sec. B.706 Forests, parks and recreation - lands administration and recreation	
Personal services	2,496,749
Operating expenses	395,675
Grants	<u>2,827,587</u>
Total	5,720,011
Source of funds	
General fund	1,110,710
Special funds	2,141,005
Federal funds	2,225,851
Interdepartmental transfers	<u>242,445</u>
Total	5,720,011
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	8,525,369
Operating expenses	4,700,521
Grants	<u>116,640</u>
Total	13,342,530
Source of funds	
General fund	2,039,082
Special funds	788,553
Federal funds	2,129,363
Interdepartmental transfers	<u>8,385,532</u>
Total	13,342,530
Sec. B.710 Environmental conservation - air and waste management	
Personal services	26,006,961
Operating expenses	10,026,393

Grants	<u>4,905,988</u>
Total	40,939,342
Source of funds	
General fund	193,565
Special funds	26,236,633
Federal funds	14,342,090
Interdepartmental transfers	<u>167,054</u>
Total	40,939,342
Sec. B.711 Environmental conservation - office of water programs	
Personal services	47,932,786
Operating expenses	7,982,625
Grants	<u>46,863,117</u>
Total	102,778,528
Source of funds	
General fund	9,841,201
Special funds	30,662,978
Federal funds	61,487,925
Interdepartmental transfers	<u>786,424</u>
Total	102,778,528
Sec. B.713 Natural resources board	
Personal services	3,082,659
Operating expenses	<u>397,315</u>
Total	3,479,974
Source of funds	
General fund	713,735
Special funds	<u>2,766,239</u>
Total	3,479,974
Sec. B.714 Total natural resources	
Source of funds	
General fund	37,869,582
Special funds	79,971,986
Fish and wildlife fund	10,921,090
Federal funds	93,077,302
Interdepartmental transfers	<u>13,215,308</u>
Total	235,055,268

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 Sec. B.800 Commerce and community development - agency of commerce  
 and community development - administration

Personal services	2,610,304
Operating expenses	982,307
Grants	<u>539,820</u>
Total	4,132,431
Source of funds	
General fund	3,666,442
Federal funds	351,000
Interdepartmental transfers	<u>114,989</u>
Total	4,132,431

## Sec. B.801 Economic development

Personal services	4,803,989
Operating expenses	1,050,879
Grants	<u>6,433,544</u>
Total	12,288,412
Source of funds	
General fund	5,489,902
Special funds	616,421
Federal funds	4,358,416
Interdepartmental transfers	<u>1,823,673</u>
Total	12,288,412

## Sec. B.802 Housing and community development

Personal services	6,428,334
Operating expenses	705,584
Grants	<u>23,739,005</u>
Total	30,872,923
Source of funds	
General fund	5,031,943
Special funds	6,937,054
Federal funds	15,854,615
Interdepartmental transfers	<u>3,049,311</u>
Total	30,872,923

## Sec. B.806 Tourism and marketing

Personal services	5,208,860
Operating expenses	8,930,168
Grants	<u>1,050,000</u>
Total	15,189,028

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Source of funds	
General fund	4,630,975
Federal funds	10,483,053
Interdepartmental transfers	<u>75,000</u>
Total	15,189,028
Sec. B.808 Vermont council on the arts	
Grants	<u>896,940</u>
Total	896,940
Source of funds	
General fund	<u>896,940</u>
Total	896,940
Sec. B.809 Vermont symphony orchestra	
Grants	<u>145,320</u>
Total	145,320
Source of funds	
General fund	<u>145,320</u>
Total	145,320
Sec. B.810 Vermont historical society	
Grants	<u>1,060,699</u>
Total	1,060,699
Source of funds	
General fund	<u>1,060,699</u>
Total	1,060,699
Sec. B.811 Vermont housing and conservation board	
Grants	<u>86,519,068</u>
Total	86,519,068
Source of funds	
Special funds	24,552,855
Federal funds	<u>61,966,213</u>
Total	86,519,068
Sec. B.812 Vermont humanities council	
Grants	<u>300,000</u>
Total	300,000
Source of funds	
General fund	<u>300,000</u>
Total	300,000

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 Sec. B.813 Total commerce and community development

Source of funds	
General fund	21,222,221
Special funds	32,106,330
Federal funds	93,013,297
Interdepartmental transfers	<u>5,062,973</u>
Total	151,404,821

## Sec. B.900 Transportation - finance and administration

Personal services	16,695,727
Operating expenses	5,232,777
Grants	<u>50,000</u>
Total	21,978,504
Source of funds	
Transportation fund	20,977,164
Federal funds	<u>1,001,340</u>
Total	21,978,504

## Sec. B.901 Transportation - aviation

Personal services	3,532,154
Operating expenses	13,397,252
Grants	<u>345,000</u>
Total	17,274,406
Source of funds	
Transportation fund	6,166,805
Federal funds	<u>11,107,601</u>
Total	17,274,406

## Sec. B.902 Transportation - buildings

Operating expenses	<u>1,525,000</u>
Total	1,525,000
Source of funds	
Transportation fund	<u>1,525,000</u>
Total	1,525,000

## Sec. B.903 Transportation - program development

Personal services	65,810,461
Operating expenses	311,158,635
Grants	<u>25,916,923</u>
Total	402,886,019
Source of funds	
Transportation fund	50,411,002

TIB fund	22,129,870
Special funds	3,000,000
Federal funds	321,560,449
Interdepartmental transfers	1,411,518
Local match	<u>4,373,180</u>
Total	402,886,019
Sec. B.904 Transportation - rest areas construction	
Personal services	800,000
Operating expenses	<u>846,444</u>
Total	1,646,444
Source of funds	
Transportation fund	166,964
Federal funds	<u>1,479,480</u>
Total	1,646,444
Sec. B.905 Transportation - maintenance state system	
Personal services	42,637,277
Operating expenses	<u>65,893,488</u>
Total	108,530,765
Source of funds	
Transportation fund	107,784,950
Federal funds	645,815
Interdepartmental transfers	<u>100,000</u>
Total	108,530,765
Sec. B.906 Transportation - policy and planning	
Personal services	4,984,735
Operating expenses	1,099,716
Grants	<u>7,227,544</u>
Total	13,311,995
Source of funds	
Transportation fund	3,260,534
Federal funds	9,989,315
Interdepartmental transfers	<u>62,146</u>
Total	13,311,995
Sec. B.906.1 Transportation - Environmental Policy and Sustainability	
Personal services	2,009,518
Grants	<u>25,964,730</u>
Total	27,974,248



Source of funds	
Transportation fund	472,695
Federal funds	22,095,781
Local match	<u>5,405,772</u>
Total	27,974,248
Sec. B.907 Transportation - rail	
Personal services	3,622,004
Operating expenses	<u>39,386,316</u>
Total	43,008,320
Source of funds	
Transportation fund	15,608,462
Federal funds	26,596,858
Interdepartmental transfers	671,000
Local match	<u>132,000</u>
Total	43,008,320
Sec. B.908 Transportation - public transit	
Personal services	4,062,649
Operating expenses	90,285
Grants	<u>44,642,396</u>
Total	48,795,330
Source of funds	
Transportation fund	9,016,189
Federal funds	39,639,141
Interdepartmental transfers	<u>140,000</u>
Total	48,795,330
Sec. B.909 Transportation - central garage	
Personal services	5,367,400
Operating expenses	<u>18,588,985</u>
Total	23,956,385
Source of funds	
Internal service funds	<u>23,956,385</u>
Total	23,956,385
Sec. B.910 Department of motor vehicles	
Personal services	31,563,822
Operating expenses	<u>13,346,863</u>
Total	44,910,685
Source of funds	
Transportation fund	42,101,908
Federal funds	2,687,081

Interdepartmental transfers	<u>121,696</u>
Total	44,910,685
Sec. B.911 Transportation - town highway structures	
Grants	<u>7,416,000</u>
Total	7,416,000
Source of funds	
Transportation fund	<u>7,416,000</u>
Total	7,416,000
Sec. B.912 Transportation - town highway local technical assistance program	
Personal services	443,165
Operating expenses	<u>34,750</u>
Total	477,915
Source of funds	
Transportation fund	117,915
Federal funds	<u>360,000</u>
Total	477,915
Sec. B.913 Transportation - town highway class 2 roadway	
Grants	<u>8,858,000</u>
Total	8,858,000
Source of funds	
Transportation fund	<u>8,858,000</u>
Total	8,858,000
Sec. B.914 Transportation - town highway bridges	
Personal services	16,970,000
Operating expenses	19,731,775
Grants	<u>500,000</u>
Total	37,201,775
Source of funds	
TIB fund	3,099,345
Federal funds	32,908,515
Local match	<u>1,193,915</u>
Total	37,201,775
Sec. B.915 Transportation - town highway aid program	
Grants	<u>28,672,753</u>
Total	28,672,753

Source of funds	
Transportation fund	<u>28,672,753</u>
Total	28,672,753
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	
Personal services	100,000
Operating expenses	275,000
Grants	<u>10,113,523</u>
Total	10,488,523
Source of funds	
Transportation fund	705,000
Special funds	5,000,000
Federal funds	<u>4,783,523</u>
Total	10,488,523
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	169,068
Operating expenses	<u>24,412</u>
Total	193,480
Source of funds	
Transportation fund	<u>193,480</u>
Total	193,480
Sec. B.922 Total transportation	
Source of funds	
Transportation fund	304,753,571
TIB fund	25,229,215
Special funds	8,050,000
Federal funds	476,014,899
Internal service funds	23,956,385
Interdepartmental transfers	2,706,360
Local match	<u>11,104,867</u>
Total	851,815,297
Sec. B.1000 Debt service	
Operating expenses	<u>75,705,398</u>
Total	75,705,398
Source of funds	
General fund	75,377,993
Transportation fund	<u>327,405</u>
Total	75,705,398
Sec. B.1001 Total debt service	
Source of funds	
General fund	75,377,993
Transportation fund	<u>327,405</u>
Total	75,705,398

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\* \* \* Fiscal Year 2024 Base Appropriations \* \* \*

Sec. B.1100 MISCELLANEOUS FISCAL YEAR 2024 ONE-TIME  
APPROPRIATIONS

(a) Agency of Administration. In fiscal year 2024, funds are appropriated for the following:

(1) \$2,300,000 General Fund to create, implement, and oversee a comprehensive statewide language access plan;

(2) \$5,000,000 General Fund for the purpose of supporting the Community Violence Prevention Program established by 18 V.S.A. § 13. Unexpended appropriations shall carry forward into the subsequent fiscal year and remain available for use for this purpose. All or part of this appropriation may be transferred to the Department of Health for this program if necessary;

(3) \$15,000,000 General Fund to be used to offset the cost of denied claims for Federal Emergency Management Agency (FEMA) reimbursement.

(b) Vermont State Colleges. In fiscal year 2024, funds are appropriated for the following:

(1) \$3,820,000 General Fund and \$5,180,000 American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds for bridge funding to support ongoing system transformation; and

(2) \$4,000,000 General Fund for the Community College of Vermont to reduce the tuition fee for certificates, degrees, and courses that have a direct nexus to Vermont business and industry needs.

(c) Department of Human Resources. In fiscal year 2024, funds are appropriated for the following:

(1) \$725,000 General Fund to fund seven new permanent full-time positions in the Operations division in fiscal year 2024. These position costs shall be funded through the Department of Human Resources – Internal Service Fund beginning in fiscal year 2025;

(2) \$75,000 General Fund to fund one new permanent full-time position in the VTHR Operations division in fiscal year 2024. This position costs shall be funded via the Department of Human Resources – Internal Service Fund beginning in fiscal year 2025; and

(3) \$1,900,000 General Fund for the implementation of a Paid Family and Medical Leave Insurance program available to all State employees in fiscal year 2024. This program cost shall be funded through the Department of Human Resources – Internal Service Fund beginning in fiscal year 2025.

(d) \$200,000 General Fund to the Department of Libraries in fiscal year 2024 to support the FiberConnect project relating to Internet access in public libraries.

(e) Department of Public Safety. In fiscal year 2024, funds are appropriated for the following:

(1) \$190,000 General Fund for external carriers (vests) that improve the ergonomics of ballistic personal protective equipment; and

(2) \$500,000 General Fund for hiring incentives, including hiring bonuses, to be paid to all new sworn members and emergency communication dispatchers; recruitment awards to current members for successful recruitment of a new member (criteria dependent); and student loan debt repayment of up to \$10,000 per new hire toward the repayment of preexisting student loan debt.

(f) Military Department. In fiscal year 2024, funds are appropriated for the following:

(1) \$10,000 General Fund for a grant to the USS Vermont Support Group, a nonprofit organization supporting military members serving on the USS Vermont (SSN 792) and their families; and

(2) \$10,000 General Fund for a grant to North Country Honor Flight, an organization that sponsors escorted trips for veterans to visit the war memorials on the National Mall, to cover the expenses of 10 Vermont resident attendees.

(g) Criminal Justice Council. In fiscal year 2024, funds are appropriated for the following:

(1) \$1,200,000 General Fund for a three-phase accreditation process to include job task analysis, curriculum development and piloting;

(2) \$20,000 General Fund for a records management system to ensure efficient and compliant recordkeeping, including case management tracking, reporting, and compliance monitoring for remote learning; and

(3) \$200,000 General Fund for request for proposals and contracts related to procedure development; off-site course development; records management system transition; developing pathways to certification; and medical personnel.

(h) \$210,000 General Fund to the Office of the Defender General in fiscal year 2024, for the case management system.

(i) Agency of Agriculture, Food and Markets. In fiscal year 2024, funds are appropriated for the following:

(1) \$110,000 General Fund for electric vehicle charger inspections. Funds shall be used for the purchase of two testing units and related equipment to support the development and implementation of the Commercial Electric Vehicle Fueling Systems regulatory program;

(2) \$1,070,000 General Fund for replacement of the existing Food Safety Inspection Database; and

(3) \$500,000 General Fund for a grant to Salvation Farms to expand access to locally grown food for all Vermonters.

(j) Department of Mental Health. In fiscal year 2024, funds are appropriated for the following:

(1) \$105,000 General Fund for expediting competency and sanity evaluations; and

(2) \$9,225,000 General Fund to continue construction of the Southwest Vermont Medical Center (SVMC) Youth Inpatient Facility to increase the number of psychiatric youth inpatient beds in the State.

(k) Green Mountain Care Board. In fiscal year 2024, funds are appropriated for the following:

(1) \$620,000 General Fund for costs associated with the implementation of the Vermont Health Care Uniform Reporting and Evaluation System (VHCURES) database;

(2) \$120,500 General Fund for the implementation of a new financial database solution; and

(3) \$50,000 General Fund for the development of the statutorily required Health Resources Allocation Plan Tool.

(l) Agency of Human Services Central Office. In fiscal year 2024, funds are appropriated for the following:

(1) \$1,000,000 General Fund to the State Refugee Office for the Employment Assistance Grants program created in 2022 Acts and Resolves No. 185, Sec. B.1100, as amended by 2023 Acts and Resolves No. 3, Sec.45. Funds remaining at the end of fiscal year 2025 shall revert to the General Fund;

(2) \$8,834,000 General Fund and \$11,483,302 Federal Revenue Fund #22005 for a two-year pilot to expand the Blueprint for Health Hub and Spoke program. Funds shall be used to expand the substances covered by the program, include mental health and pediatric screenings, and make strategic investments with community partners;

(3) \$10,000,000 General Fund to continue to address the emergent and exigent circumstances impacting health care providers following the COVID-19 pandemic; and

(4) \$10,534,603 General Fund and \$13,693,231 Federal Revenue Fund #22005 for use as Global Commitment matching funds for one-time caseload pressures due to the suspension of Medicaid eligibility redeterminations.

(m) \$366,066 General Fund and \$372,048 Federal Revenue Fund #22005 to the Department of Vermont Health Access in the non-waiver or state-only lines for a two-year pilot to expand the Blueprint for Health Hub and Spoke program and \$15,583,352 Global Commitment Fund #20405 to the Department of Health Access Medicaid program for a two-year pilot to expand the Blueprint for Health Hub and Spoke program.

(n) Department of Health. In fiscal year 2024, funds are appropriated for the following:

(1) \$4,595,448 Global Commitment Fund #20405 to the Division of Substance Use Program for a two-year pilot to expand the Blueprint for Health Hub and Spoke program;

(2) \$30,000 General Fund for a housing voucher program administered by the Vermont Association of Recovery Residences and Jenna's Promise to pay for a recovery home residents' first month of rent;

(3) \$1,590,000 General Fund for the Division of Substance Use Program, in conjunction with \$1,410,000 appropriated from the General Fund in Sec. B.313 of this act representing 30 percent of the fiscal year 2023 forecast for cannabis excise tax, and to be used in a manner consistent with the Substance Misuse Prevention Coalition funding intent as stated in 2022 Acts and Resolves No. 185, Sec. B.1100(a)(12)(A)(i);

(4) \$500,000 Tobacco Settlement Fund for Division of Substance Use Programs for tobacco and substance use disorder prevention and cessation activities. The Division shall require that information on the use of the funds appropriated in accordance with this section be provided to the Division by grantees in an agreed-upon time frame, including the specific activities supported by the funds, a description of the number of individuals served, and information on the outcomes achieved by this investment. On or before, January 10, 2024, the Division shall report on these metrics to the House and Senate Committees on Appropriations, to the House Committee on Human Services, and to the Senate Committee on Health and Welfare;

(5) \$100,000 General Fund to the Department of Health to support the Regional Emergency Medical Services Coordination study; and



(6) \$100,000 General Fund to the Division of Substance Use Programs for a grant to Jenna's Promise.

(o) Department for Children and Families. In fiscal year 2024, funds are appropriated for the following:

(1) \$2,000,000 General Fund to implement the two-year Reach Ahead Pilot Program. Funds shall be used to increase monthly food assistance benefits to Reach Ahead participants, expand the eligibility window for those leaving Reach Up, and provide incentive payments;

(2) \$650,000 General Fund for the 2-1-1 service line. The Department, in consultation with the Agency of Human Service Central Office, shall report on the status of the service and its funding to the Joint Fiscal Committee on or before the Committee's November 2023 meeting;

(3) \$40,000 General Fund to fund the purchase of a driving school vehicle for the Youth Development Program to support foster and former foster youth access to driver's education;

(4) \$18,884,610 General Fund to address the estimated need for the Adverse Weather Conditions policy and General Assistance Emergency Housing hotel and motel expenditures in fiscal year 2024;

(5) \$2,500,000 General Fund to the Housing Opportunity Grant Program to expand and provide wraparound support services for households participating in the General Assistance Emergency Housing program;

(6) \$3,000,000 General Fund for a grant to the Vermont Food Bank to support increased capacity of services to meet persistent food insecurity;

(7) \$375,000 General Fund for a grant to the Parent Child Centers in consultation with the Junior League of Vermont for the statewide distribution of diapers to families in need;

(8) \$50,000 General Fund for a grant to the Vermont Donor Milk Center for statewide activities;

(9) \$130,000 General Fund for a grant to the Snelling Center to restart the Early Childhood Education Leadership Program; and

(10) \$1,000,000 General Fund for a grant to Mentor Vermont. The Department shall identify alternative fund sources for future grants to Mentor Vermont and shall update the Joint Fiscal Committee on its findings on or before the Committee's November 2023 meeting.

(p) Department of Labor. In fiscal year 2024, funds are appropriated for the following:

(1) \$200,000 General Fund to be granted to the State Workforce Development Board for the New American Labor Force Program; and

(2) \$1,000,000 General Fund to provide services under the Work-Based Learning and Training Program established pursuant to 10 V.S.A. § 547.

(q) Natural Resources Board. In fiscal year 2024, funds are appropriated for the following:

(1) \$1,000,000 General Fund for the digitization of Natural Resources Board documents. Funds shall be used for the continued digitization of permanent, paper-based Act 250 land use permit records currently located at the Natural Resources Board's five district offices; and

(2) \$200,000 General Fund for an Act 250 study contract. Funds shall be used to contract with a consultant to assist with the preparation of a report on updates necessary to the Act 250 program, per 2022 Acts and Resolves No. 182, Sec. 41(a).

(r) \$200,000 General Fund in fiscal year 2024 to the Agency of Education for the work of the School Construction Task Force.

(s) \$35,000 General Fund to the Vermont Symphony Orchestra to support the celebration of the Symphony's 90th season.

(t) \$1,200,000 General Fund to the Vermont Housing and Conservation Board to administer and support the activities of the Land Access and Opportunity Board.

(u) \$1,750,000 Tax – Current Use Administration Fund #21594 to the Department of Taxes for the digitization of the Current Use program.

(v) Public Service Department. In fiscal year 2024, funds are appropriated for the following:

(1) \$500,000 Regulation/Energy Efficiency Fund #21698 to upgrade and expand the ePSD case management system;

(2) \$400,000 Regulation/Energy Efficiency Fund #21698 to complete the Telecom Plan Update scheduled for June 2024; and

(3) \$300,000 Regulation/Energy Efficiency Fund #21698 to craft policy proposals to reform and streamline electric sector policy.

(w) Agency of Digital Services. In fiscal year 2024, funds are appropriated for the following:

(1) \$10,000,000 Technology Modernization Fund #21951 for Network and Security Infrastructure Modernization including planning and design and

the replacement of legacy infrastructure, hardware and software, platforms underlying the network and security architecture.

(A) The Agency of Digital Services shall select a vendor through a competitive bid process. The Agency of Digital Services shall consider bids with options to buy or lease equipment. Per 3 V.S.A. § 3303, any project with a total cost of \$1,000,000 or greater shall be subject to an expert independent review. The review shall include an analysis of all options, although the Agency of Digital Services is limited to the bids that it receives. The Agency of Digital Services may also purchase or lease equipment through a separate competitive bid process.

(B) Once a vendor has been selected and an expert independent review completed, the Agency of Digital Services shall issue a verbal or written report to the Joint Information Technology Oversight Committee.

(x) \$4,680,000 General Fund to the Judiciary for the Judiciary network replacement project.

(A) Judiciary shall update the Joint Information Technology Oversight Committee on the status of this project on or before December 1, 2023.

(y) \$117,000 General Fund to the Agency of Commerce and Community Development for a grant to the Vermont 250th Anniversary Commission for the 250th celebration.

(z) Vermont Center for Crime Victims' Services. In fiscal year 2024, funds are appropriated for the following:

(1) \$25,000 General Fund for a grant for a monument to the survivors of St Joseph's Orphanage; and

(2) \$10,000 General Fund to continue the work of the Intercollegiate Sexual Harm Prevention Council.

(aa) \$450,000 Global Commitment Fund to the Department of Disabilities, Aging, and Independent Living to continue the SASH pilot for another year. \$195,660 General Fund and \$254,340 Federal Funds are appropriated to the Agency of Human Service Global Commitment program for the State and federal shares for this SASH pilot extension.

(bb) \$100,000 General Fund to the Vermont Pension Investment Commission for a study on the assets of the State's pension systems.

(cc) \$750,000 General Fund to the State Treasurer for the initial costs of the Vermont Saves program.

(dd) Secretary of State. In fiscal year 2024, funds are appropriated for the following:

(1) \$1,000,000 General Fund for a grant to the Vermont Access Network to offset declining cable revenues.

(2) \$100,000 General Fund for grants to municipalities for ranked choice voting.

\* \* \* Workforce Development \* \* \*

Sec. B.1101 WORKFORCE AND ECONOMIC DEVELOPMENT – FISCAL YEAR 2024 ONE-TIME APPROPRIATIONS

(a) Education workforce.

(1) In fiscal year 2024, the amount of \$500,000 is appropriated from the General Fund to the Agency of Education for the purpose of funding the Emerging Pathways Grant Program to encourage and support the development and retention of qualified and effective Vermont educators with the goal of increased program completion rates and increased rates of licensure of underrepresented demographics. These grants are to expand support, mentoring, and professional development to prospective educators seeking licensure through the Agency of Education’s emerging pathways, including peer review and apprentice pathways.

(A) Program administration. The Agency shall adopt policies, procedures, and guidelines necessary for implementation of the grant program. The Agency shall report to General Assembly on the status of the program on or before January 15, 2024.

(B) Eligibility criteria. The Agency shall issue grants to organizations, school districts, or a group of school districts for the development and administration of programs designed to provide prospective educators in emerging pathways with the support necessary for successful entry into the educator workforce. Recruitment, support, and retention of prospective educator candidates shall focus on diversity, equity, and inclusion. Support provided through the program may include:

(i) support through the Praxis exam process;

(ii) local, educator-led seminars designed around the Vermont licensure portfolio themes;

(iii) local educator mentors;

(iv) support in completing the peer review portfolio and licensing process; and

(v) continued professional development support within the first year of licensure.

(2) In fiscal year 2024, the amount of \$2,500,000 is appropriated from the General Fund to the Vermont Student Assistance Corporation for the Vermont Teacher Forgivable Loan Incentive Program to provide forgivable loans to students enrolled in an eligible school who meet the eligibility requirements in subsection (A) of this subdivision. The goal of the program is to encourage students to enter into teaching professions, with an emphasis on encouraging Black, Indigenous, and Persons of Color, New Americans, and other historically underrepresented communities.

(A) To be eligible for a forgivable loan under the program an individual, whether a resident or nonresident of Vermont, shall satisfy all of the following requirements:

(i) be enrolled in a teaching program at an eligible school;

(ii) maintain good standing at the eligible school at which the individual is enrolled;

(iii) agree to work as a teacher in a Vermont public school for a minimum of one year following licensure for each year of forgivable loan awarded;

(iv) have executed a credit agreement or promissory note that will reduce the individual's forgivable loan benefit, in whole or in part, pursuant to subdivision (B) of this section, if the individual fails to complete the period of service required in this subdivision;

(v) have completed the program's application form, the Free Application for Federal Student Aid (FAFSA), and, for Vermont residents, the Vermont grant application each academic year of enrollment in accordance with a schedule determined by the Corporation; and

(vi) have provided such other documentation as the Corporation may require.

(B) If an eligible individual fails to serve as a teacher in a Vermont public school for a period that would entitle the individual to the full forgivable loan benefit received by the individual, other than for good cause as determined by the Corporation, then the individual shall receive only partial loan forgiveness for a pro rata portion of the loan pursuant to the terms of the interest-free credit agreement or promissory note signed by the individual at the time of entering the program.

(C) There shall be no deadline to apply for a forgivable loan under this section. Forgivable loans shall be awarded on a rolling basis provided

funds are available, and any funds remaining at the end of a fiscal year shall roll over and shall be available to the Corporation in the following fiscal year to award additional forgivable loans as set forth in this section.

(D) The Corporation shall adopt policies, procedures, and guidelines necessary to implement the provisions of this section, including maximum forgivable loan amounts. The Corporation shall not use more than seven percent of the funds appropriated for the program for its costs of administration and may recoup its reasonable costs of collecting the forgivable loans in repayment.

(3) In fiscal year 2024, the sum of \$30,000 is appropriated from the General Fund to the Agency of Education for the purpose of funding the Historically Underrepresented Educator Affinity Groups Grant Program to provide grants for the support of existing and development of new educator affinity groups for historically underrepresented groups. The Agency of Education shall administer the program.

(A) The Agency shall adopt policies, procedures, and guidelines necessary for the implementation of the program established pursuant to this subdivision.

(b) Youth workforce.

(1) In fiscal year 2024, the amount of \$2,275,974 is appropriated from the General Fund to the Department of Forests, Parks and Recreation to fund the Vermont Serve, Learn, and Earn Program, which supports workforce development goals through creating meaningful paid service and learning opportunities for young adults, through the Serve, Learn, and Earn Partnership made up of the Vermont Youth Conservation Corps, Vermont Audubon, Vermont Works for Women, and Resource VT. The Department shall enter into a grant agreement with the Partnership that specifies the required services and outcomes for the Program.

(c) Higher education.

(1) In fiscal year 2024, the amount of \$500,000 is appropriated from the General Fund to the Vermont State Colleges to establish a Bachelor of Science program in restorative justice at Vermont State University.

(2) In fiscal year 2024 the amount of \$1,500,000 is appropriated from the General Fund to the Vermont State Colleges to establish the Certificate in 3-D Technology program.

(3) In fiscal year 2024, the amount of \$3,800,000 is appropriated from the General Fund to the Vermont State Colleges to provide Critical

Occupations Scholarships for eligible students with a household income of \$75,000 or less enrolled in education programs that lead to a career in an occupation with critical need, including early childhood occupations, clinical mental health counseling, criminal justice occupations, dental hygienists, and all levels of nursing.

(4) In fiscal year 2024, the amount of \$3,000,000 is appropriated from the General Fund to the University of Vermont to provide additional free classes through the Upskill Vermont Scholarship Program for Vermont residents seeking to transition to a new career or to enhance job skills.

(5) In fiscal year 2024, the amount of \$350,000 is appropriated from the General Fund to the Vermont Student Assistance Corporation for a subgrant to Advance Vermont to continue work pursuant to 2022 Acts and Resolves No. 183, Sec. 39 in support of the State's goal articulated in 10 V.S.A. § 546 that 70 percent of working-age Vermonters hold a credential of value by 2025. On or before December 15, 2023, Advance Vermont shall report to the General Assembly regarding outcomes achieved, the use of these State funds, and the other fund sources Advance Vermont has secured for this project.

(d) Healthcare and social services workforce.

(1) In fiscal year 2024, the amount of \$1,000,000 is appropriated from the General Fund to the Vermont Student Assistance Corporation for the Vermont Psychiatric Mental Health Nurse Practitioner Forgivable Loan Incentive Program created in 18 V.S.A. § 39.

(2) In fiscal year 2024, the amount of \$1,000,000 is appropriated from the General Fund to the Department of Health to provide training for emergency medical services personnel.

(3) In fiscal year 2024, the amount of \$170,000 is appropriated from the General Fund to the Agency of Human Services to provide one additional year of funding for the classified, three-year limited-service Health Care Workforce Coordinator position created in the Agency of Human Services, Office of Health Care Reform, pursuant to 2022 Acts and Resolves No. 183, Sec. 34(a).

(4) In fiscal year 2024, the amount of \$3,000,000 is appropriated from the General Fund to the Department of Mental Health to be distributed to the designated and specialized service agencies equitably based on each agency's proportion of full-time-equivalent (FTE) staff to the total number of FTE staff across all designated and specialized service agencies statewide. Funds shall be administered by each agency for student loan repayment, tuition assistance, or recruitment and retention payments in exchange for an agency-specified service obligation of not less than one year.

(A) The State Auditor shall review the designated and specialized service agencies' utilization of this funding and report to the General Assembly on the outcomes and effectiveness of this program.

(e) Economic development.

(1) In fiscal year 2024, the amount of \$5,000,000 is appropriated from the General Fund to the Agency of Commerce and Community Development for the Vermont Training Program to fulfill Vermont's obligation to procure incentives in accordance with the Creating Helpful Incentives to Produce Semiconductors for America (CHIPS) Act.

(2) In fiscal year 2024, the amount of \$1,250,000 is appropriated from the General Fund to the Agency of Commerce and Community Development for a grant to the regional development corporations to provide small- and mid-sized businesses with professional and technical assistance.

(3) In fiscal year 2024, the amount of \$72,000 is appropriated from the General Fund to the Vermont Council on the Arts to provide a State match for National Endowment for the Arts funding to enable the Council to continue its work boosting the creative economy in Vermont.

(4) In fiscal year 2024, the amount of \$8,000,000 General Fund is appropriated for Brownfields redevelopment consistent with Sec. F.5 of this act.

(5) In fiscal year 2024, the amount of \$1,000,000 General Fund is appropriated to the Department for Children and Families to augment service support funding in the Reach Up program.

(6) In fiscal year 2024, the amount of \$1,000,000 General Fund is appropriated to the Agency of Commerce and Community Development for awarding new relocating employee incentives pursuant to 10 V.S.A. § 4.

(f) Agriculture Economic Development

(1) In fiscal year 2024, the amount of \$1,000,000 General Fund is appropriated to the Agency of Agriculture, Food and Markets for the Working Lands Enterprise grant program.

(2) In fiscal year 2024, \$2,300,000 General Fund is appropriated to the Agency of Agriculture, Food and Markets to fund Agriculture Development Grants for meat, produce, and maple processing. The Secretary of Agriculture, Food and Markets shall determine that there are significant interests in establishing certain parameters in the grant program before making an award. Grants should be awarded to farmers, processors, and businesses, which shall not include hydroponic operations. Furthermore, the Secretary



shall not allocate more than 25 percent of grant funds toward the maple industry. Of the funds appropriated under this subdivision, an amount not to exceed \$125,000 may be used by the Agency of Agriculture, Food and Markets to support the cost of temporary employees to administer the grants.

(3) In fiscal year 2024, the amount of \$6,900,000 General Fund is appropriated to the Agency of Agriculture, Food and Markets to fund Agriculture Development Grants for the Organic Dairy Farm Assistance Program.

(4) In fiscal year 2024, the amount of \$300,000 General Fund is appropriated to the Agency of Agriculture, Food and Markets for a grant to the Vermont Sustainable Jobs Fund as follows:

(A) \$100,000 to the Independent Retail Grocers Project; and

(B) \$200,000 to the Beef on Dairy Project.

(5) In fiscal year 2024, \$150,000 General Fund is appropriated to the Vermont Housing and Conservation Board for the establishment by the Farm Viability Program of a pilot program to award grants for the use of virtual fences, solar powered collars, and solar powered transmitters to control livestock. As used in this section, "livestock" means cattle, horses, sheep, swine, and goats.

(6) In fiscal year 2024, \$415,000 General Fund is appropriated to the Agency of Agriculture, Food and Markets to fully fund the Dairy Risk Management Assistance Program for farmers who enroll in calendar year 2023. These funds are in addition to the unexpended funds appropriated under 2022 Acts and Resolves No. 83, Sec. 68 to implement the Dairy Risk Management Assistance Program.

(7) In fiscal year 2024, \$150,000 General Fund is appropriated to the Agency of Agriculture, Food and Markets for the Small Farmer Diversification and Transition Program. The Agency staff who support the Working Lands Enterprise Board shall administer the Program and provide small farmers in Vermont with State financial assistance in the form of grants.

(A) Program applicants shall:

(i) be a small farmer and not permitted as a medium farm or large farm at the time of application.

(ii) have a proposed plan for diversification or transition that includes possible markets for the proposed product and probable income; and

(iii) demonstrate to the Agency that there is potential from the proposed diversification or transition to create additional income for the

applicant.

(B) Small Farmer Diversification and Transition Program grants shall be used for costs of:

- (i) diversifying the farm products produced by the applicant;
- (ii) transitioning the applicant from one form of farming to another;
- (iii) processing of farm products on the farm owned or controlled by the applicant; and
- (iv) development of an accessory on-farm business by the applicant.

#### Sec. B.1101.1 TRUTH AND RECONCILIATION COMMISSION

(a) In fiscal year 2024, \$240,000 General Fund is appropriated to the Truth and Reconciliation Commission. These funds, in combination with carryforward funds, are intended to provide fiscal year 2024 funding for the Commission's activities.

\* \* \* Affordable Housing \* \* \*

#### Sec. B.1102 AFFORDABLE HOUSING DEVELOPMENT – FISCAL YEAR 2024 ONE-TIME APPROPRIATIONS

(a) In fiscal year 2024, the amount of \$10,000,000 General Fund is appropriated to the Department of Housing and Community Development for the Vermont Rental Housing Improvement Program established in 10 V.S.A. § 699.

(b) In fiscal year 2024, the amount of \$50,000,000 General Fund is appropriated to the Vermont Housing and Conservation Board (VHCB):

(1) \$10,000,000 to provide support and enhance capacity for emergency shelter and permanent homes for those experiencing homelessness. The intent is to expand Vermont's shelter capacity, provide homes for those experiencing homelessness, and decrease reliance on the General Assistance Emergency Housing hotel and motel program. The Vermont Housing and Conservation Board shall consult with the Agency of Human Services to ensure new investments in homes and shelters are paired with appropriate support services for residents, including services supported through Medicaid. Funded projects may utilize a range of housing options, including the expansion of shelter capacity, the conversion of hotels to housing, creation of permanent supportive housing, and utilization of manufactured homes on infill sites.

(2) \$40,000,000 to provide support and enhance capacity for the production and preservation of affordable mixed-income rental housing and homeownership units, including improvements to manufactured homes and communities, permanent homes for those experiencing homelessness, recovery residences, and housing available to farm workers and refugees. The Board is authorized to utilize up to 10 percent of these resources for innovative approaches to helping communities meet their housing needs.

\* \* \* Climate and Environment \* \* \*

Sec. B.1103 CLIMATE AND ENVIRONMENT – FISCAL YEAR 2024  
ONE-TIME APPROPRIATIONS

(a) In fiscal year 2024, the amount of \$700,000 General Fund is appropriated to the Agency of Natural Resources – Central Office for refrigerant management. Funds shall be used for incentives to improve or replace commercial and industrial refrigeration systems with the goal of reducing the use of high global warming potential (GWP) refrigerants.

(b) In fiscal year 2024, the amount of \$900,000 General Fund is appropriated to the Agency of Natural Resources – Climate Action Office technical analyses, tools, and training. Funds shall be used for investments in ongoing evaluation, implementation support and tracking of the impact of programs, and policy approaches needed to reduce greenhouse gas emissions and improve landscape-level resilience consistent with the Global Warming Solutions Act.

(c) In fiscal year 2024, the amount of \$2,000,000 General Fund is appropriated to the Department of Public Service for the School Heating Assistance with Renewables and Efficiency Program (SHARE) to assist Title I eligible schools in repairing or renovating their existing wood chip or pellet heating systems or to install new wood chip or pellet heating systems.

(d) In fiscal year 2024, the amount of \$150,000 General Fund is appropriated to the Department of Fish and Wildlife for Wildlife Crop Damage Payments. Funds shall be used for payments to farmers under the provisions of 10 V.S.A. §§ 4829 and 4831.

(e) In fiscal year 2024, the amount of \$500,000 General Fund is appropriated to the Department of Forests, Parks and Recreation for Parks personnel housing. Funds shall be used to renovate, remediate, and expand on-site housing opportunities, including installation of full hook-ups for RVs; splitting existing staff housing into multiple units; and making critical (health and safety) repairs to the existing housing stock for Vermont State Parks staff in critical locations statewide.

(f) In fiscal year 2024, the amount of \$1,000,000 General Fund is appropriated to the Department of Forests, Parks and Recreation for Small Communities Outdoor Recreation Grant matching funds. Funds shall be used to support Vermont communities by providing State match funds for federal recreation grants.

(g) In fiscal year 2024, the amount of \$500,000 General Fund is appropriated to the Department of Forests, Parks and Recreation for emerald ash borer mitigation and low income heating assistance. Funds shall be used to remove high-risk ash trees on Department of Forests, Parks and Recreation lands and provide free firewood to households with low income.

(h) In fiscal year 2024, the amount of \$2,500,000 General Fund is appropriated to the Department of Environmental Conservation for the Brownfields Reuse and Environmental Liability Limitation Act as codified in 10 V.S.A. § 6641. Funds shall be used for the assessment and cleanup planning for a maximum of 25 brownfields sites.

(i) In fiscal year 2024, the amount of \$600,000 General Fund is appropriated to the Department of Environmental Conservation for the Emissions Repair Program. Funds shall be used for the Emissions Repair Program established by 2021 Acts and Resolves No. 55, Sec. 25 for fiscal years 2024 through 2026.

(j) In fiscal year 2024, the amount of \$6,100,000 American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds is appropriated to the Department of Environmental Conservation for the Healthy Homes Initiative. Funds shall be used to make repairs or improvements to drinking water, wastewater, or stormwater systems for Vermonters who have low to moderate income or who live in manufactured housing communities, or both.

(k) In fiscal year 2024, the amount of \$1,000,000 General Fund is appropriated to the Department of Environmental Conservation for Polyfluoroalkyl Substances (PFAS) technical assistance. Funds shall be used to support statewide groundwater Polyfluoroalkyl Substances (PFAS) remediation efforts.

(l) In fiscal year 2024, the amount of \$5,000,000 Environmental Contingency Fund #21275 is appropriated to the Department of Environmental Conservation for statewide Polyfluoroalkyl Substances (PFAS) groundwater remediation.

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\* \* \* Pension Funding \* \* \*

Sec. B.1104 FISCAL YEAR 2024 VERMONT STATE LIVING PAYMENT;  
FISCAL YEAR 2024 APPROPRIATION

(a) In fiscal year 2024, notwithstanding 16 V.S.A. § 4025, the amount of \$3,000,000 is appropriated to the Vermont State Teachers' Retirement System from the Education Fund for Calendar Year 2023 supplemental payments made in Sec. E.514.2(b) of this act and associated costs.

(b) In fiscal year 2024, notwithstanding 16 V.S.A. § 4025, the amount of \$9,100,000 is reserved in the Education Fund to fund future supplemental cost of living payments to qualifying retired members and beneficiaries of the Vermont State Teachers' Retirement System or the present value of any changes made to the methodology for calculating the postretirement adjustments allowance set forth in 16 V.S.A. § 1949, or both.

\* \* \* Capital Projects \* \* \*

Sec. B.1105 CAPITAL PROJECTS – FISCAL YEAR 2024 ONE-TIME  
APPROPRIATIONS

(a) In fiscal year 2024, \$17,600,000 is appropriated from the Capital Infrastructure subaccount in the Cash Fund for Capital and Essential Investments for the following projects. This funding is provided by the General Fund transfer in Sec. D.101(a)(1)(E) of this act.

(1) \$9,800,000 is appropriated to the Agency of Natural Resources for the Department of Environmental Conservation for the State match to the Infrastructure Investment and Jobs Act for the Drinking Water State Revolving Fund and the Clean Water State Revolving Fund.

(2) \$4,000,000 is appropriated to the Agency of Natural Resources for the Department of Environmental Conservation for the Municipal Pollution Control Grants for pollution control projects and planning advances for feasibility studies.

(3) \$3,000,000 is appropriated to the Agency of Natural Resources for the Department of Forests, Parks and Recreation for the maintenance facilities at the Gifford Woods State Park and Groton State Forest; and

(4) \$800,000 is appropriated to the Agency of Natural Resources for the Department of Fish and Wildlife for infrastructure maintenance and improvements of the Department's buildings, including conservation camps.

(b) In fiscal year 2024, \$21,885,000 is appropriated from the Other Infrastructure and Essential Investments subaccount in the Cash Fund for Capital and Essential Investments for the following projects:

(1) \$400,000 is appropriated to the Department of Buildings and General Services for planning, reuse, and contingency;

(2) \$1,700,000 is appropriated to the Department of Buildings and General Services for the Barre, McFarland State Office Building, roof replacement and brick façade repairs;

(3) \$135,000 is appropriated to the Department of Buildings and General Services for the Burlington, 32 Cherry Street, parking garage repairs;

(4) \$1,000,000 is appropriated to the Department of Buildings and General Services for the Middlesex, Central Services complex, roof replacement;

(5) \$150,000 is appropriated to the Department of Buildings and General Services for the Montpelier, State House expansion, design documents;

(6) \$1,000,000 is appropriated to the Department of Buildings and General Services for the renovation of the interior HVAC steam lines at 120 State Street;

(7) \$600,000 is appropriated to the Department of Buildings and General Services for planning for the boiler replacement at the Northern State Correctional Facility in Newport;

(8) \$750,000 is appropriated to the Department of Buildings and General Services for planning for renovations to the administration building, West Cottage, at the Criminal Justice Training Council in Pittsford;

(9) \$600,000 is appropriated to the Department of Buildings and General Services for the Agency of Human Services for the planning and design of the booking expansion at the Northwest State Correctional Facility;

(10) \$1,500,000 is appropriated to the Department of Buildings and General Services for the Agency of Human Services for the planning and design for the replacement of the women's correctional facility and reentry facility;

(11) \$1,000,000 is appropriated to the Department of Buildings and General Services for the Agency of Human Services for the planning and design of the Department for Children and Families' short-term stabilization facility;

(12) \$750,000 is appropriated to the Department of Buildings and General Services for the Judiciary for renovations at the Washington County Superior Courthouse in Barre;

(13) \$250,000 is appropriated to the Department of Buildings and General Services for the Department of Public Safety for the planning and design of the Special Teams Facility and Storage;

(14) \$250,000 is appropriated to the Department of Buildings and General Services for the Department of Public Safety for the planning and design of the Rutland Field Station;

(15) \$300,000 is appropriated to the Department of Buildings and General Services for the Agency of Agriculture, Food and Markets for the planning and design of the Vermont Agriculture and Environmental Laboratory Heat Plant;

(16) \$1,000,000 is appropriated to the Department of Buildings and General Services for electric vehicle charging stations at State buildings;

(17) \$6,000,000 is appropriated to the Vermont State Colleges for construction, renovation, and major maintenance at any facility owned or operated in the State by the Vermont State Colleges; infrastructure transformation planning; and the planning, design, and construction of Green Hall and Vail Hall;

(18) \$4,500,000 is appropriated to the Agency of Natural Resources for the Department of Environmental Conservation for the Waterbury Dam rehabilitation.

(c) In fiscal year 2024, \$3,000,000 as appropriated in Sec. B.903 – Transportation – program development of this act from the Cash Fund for Capital and Essential Investments is for projects as specified in the State transportation plan.

(d) In fiscal year 2024, to the extent funds are available under 32 V.S.A. § 1001b(b)(3), the following appropriations from the Cash Fund for Capital and Essential Investments shall be made in this order:

(1) \$3,500,000 is appropriated to the Agency of Transportation for the Saint Albans garage replacement project.

(2) \$10,000,000 is appropriated to the Department of Housing and Community Development for a grant to the Vermont Housing Finance Agency to provide capitalization of revolving loan fund for the development of ‘missing middle’ rental housing.

(3) \$5,000,000 is appropriated to the Department of Economic Development for the Rural Industrial Development Grant Program as established in this act.

(4) \$1,000,000 is appropriated to the Agency of Transportation for rail trail grants.

(5) \$1,000,000 is appropriated to the Department of Mental Health for a grant to Pathways Vermont for the purchase and renovation of a building to serve as a permanent home for the Soteria House program.

(A) Prior to issuing the grant the Commissioner of Mental with the assistance of the Secretary of Human Services and Commissioner of Buildings and General Services, shall review the accuracy and comprehensiveness of the financial analysis of the Pathways Vermont proposal to purchase specified property and operate the Soteria House program.

(B) An accounting of the respective State and Pathways Vermont shares of investment in this property shall be maintained in order to refund to the State an appropriate share of any net proceeds resulting from future divestiture of the property.

\* \* \* Fiscal Year 2023 Adjustments, Appropriations, and Amendments \* \* \*

Sec. C.100 FISCAL YEAR 2023 GENERAL FUND UNALLOCATED  
CARRYFORWARD

(a) After satisfying the requirements of 32 V.S.A. § 308, and after other reserve requirements have been met, but prior to satisfying the requirements of 32 V.S.A. § 308c, the first \$335,200,000 of remaining unreserved and undesignated funds at the close of fiscal year 2023 shall remain in the General Fund and be carried forward to fiscal year 2024.

Sec. C.101 DEPARTMENT OF CORRECTIONS FISCAL YEAR 2022 OUT  
OF STATE BEDS CARRYFORWARD FUNDS AND JUSTICE  
REINVESTMENT II FUNDING

(a) Notwithstanding 2021 Acts and Resolves No. 74, Sec. E.335, as amended by 2022 Acts and Resolves No. 83, Sec. 62, and by 2022 Acts and Resolves No. 185, Sec. C.111, \$1,000,000 of the Department of Corrections Out of State Bed General Fund appropriation carried forward from fiscal year 2022 shall be used for the development and implementation of the Offender Management System (OMS) intelligence layer.

Sec. C.102 2021 Acts and Resolves No. 74, Sec. E.335, as amended by 2022 Acts and Resolves No. 83, Sec. 62, and 2022 Acts and Resolves No. 185, Sec. C.111 is further amended to read:

Sec. E.335 CORRECTIONS APPROPRIATIONS; UNEXPENDED  
FUNDS TRANSFER; JUSTICE REINVESTMENT;  
REPORT



\* \* \*

~~(c) Any funds expended authorized to be used on community-based service programs justice reinvestment 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 may be carried forward over multiple fiscal years until fully expended.~~

Sec. C.103 2022 Acts and Resolves No. 185, Sec. E.335 is amended to read:

Sec. E.335 CORRECTIONS APPROPRIATIONS; UNEXPENDED FUNDS TRANSFER; JUSTICE REINVESTMENT; REPORT

\* \* \*

~~(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. [Repealed.]~~

Sec. C.104 DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
ARPA-SFR PROJECT FUNDS REVERSION

(a) \$1,100,000 of the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds appropriated to the Department of Environmental Conservation in 2021 Acts and Resolves No. 74, Sec. G.501(a)(2) shall revert to the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds for reallocation in fiscal year 2024.

Sec. C.105 32 V.S.A. § 1001b is amended to read:

§ 1001b. CASH FUND FOR CAPITAL EXPENDITURE CASH FUND AND ESSENTIAL INVESTMENTS

(a) Creation. There is hereby created the Capital Expenditure Cash Fund for Capital and Essential Investments to be administered by the Commissioner of Finance and Management, in consultation with the State Treasurer, for the purpose of using general funds. The Fund shall have the following three subaccounts:

(1) the Capital Infrastructure subaccount, to defray the costs of future capital expenditures that would otherwise be authorized in the capital construction act and paid for using the State's general obligation bonding authority and debt service obligations or paid for as a direct associated cost of a capital project;

(2) the Other Infrastructure, Essential Investments, and Reserves subaccount, to fund essential investments and infrastructure needs or to create reserves for these expenditures, including transportation-related projects; and

(3) the Supplemental Contingent Revenues subaccount, to capitalize revolving loan funds and other expenditures, as authorized by the General Assembly.

~~(b) Fund Accounts. The Fund may consist of:~~

(1) Capital Infrastructure Reserve subaccount. The Capital Infrastructure Reserve subaccount may consist of transfers made by the General Assembly up to or equal to four percent of the last completed fiscal year's General Fund appropriations, less the amount necessary to fund the State's general obligation debt service in the year for which the transfer is being made, as determined by the State Treasurer and the Commissioner of Finance and Management.

(2) Other Infrastructure and Essential Investments subaccount. The Other Infrastructure and Essential Investments subaccount may consist of any appropriations or transfers made by the General Assembly; from the General Fund or any other State fund and

~~(2) any interest earned by the Fund.~~

(3) Supplemental Contingent Revenues subaccount. The Supplemental Contingent Revenues subaccount may consist of any contingent transfers made by the General Assembly from the General Fund after satisfying the requirements of 32 V.S.A. § 308 but prior to satisfying the requirements of 32 V.S.A. § 308c in any fiscal year and any contingent transfers made by the General Assembly from other State funds.

~~(c) Use of funds. Expenditure shall only be made from the Fund by appropriations by the General Assembly. Plans for use shall be submitted as part of the operating budget adjustment or operating budget process. Monies in the Fund Accounts shall only be used for as follows:~~

~~(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; Expenditures shall only be made by the General Assembly from the Capital Infrastructure Reserve subaccount for:~~

~~(A) tangible capital investments, as described in section 309 of this title, with an anticipated lifespan of 20 years or more; and~~

~~(B) engineering and architectural costs directly associated with a proposed capital project.~~

~~(2) projects with an anticipated lifespan of 20 years; Expenditures shall only be made by the General Assembly from the Other Infrastructure, Essential Investments, and Reserves subaccount for:~~

(A) any expenditure eligible under subdivision (1) of this subsection (c); and

(B) any other essential investments and infrastructure needs, including transportation-related projects.

(3) costs associated with the early redemption of general obligation bonds; and

(4) other eligible capital projects receiving an appropriation from the General Assembly Expenditures shall only be made by the General Assembly from the Supplemental Contingent Revenues subaccount for:

(A) any expenditure eligible under subdivision (1) of this subsection (c); and

(B) any other purpose, including capitalization of revolving loan funds.

(d) Fund balance. All balances in the Fund accounts at the end of any fiscal year shall be carried forward and remain part of the Fund accounts. Notwithstanding 32 V.S.A. § 511, the Commissioner of Finance and Management shall not anticipate receipts for the Fund accounts and issue warrants thereon.

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

Sec. C.106 32 V.S.A. § 1001 is amended to read:

§ 1001. CAPITAL DEBT AFFORDABILITY ADVISORY COMMITTEE

\* \* \*

(c) Committee estimate of a prudent amount of net State tax-supported debt; affordability considerations. On or before September 30 of each year, the Committee shall submit to the Governor and the General Assembly the Committee's estimate of net State tax-supported debt that prudently may be authorized for the next fiscal year, together with a report explaining the basis for the estimate. The Committee's estimate shall not take into consideration

the balance remaining at the end of each fiscal year in the subaccounts of the Cash Fund for Capital and Essential Investments, established pursuant to section 1001b of this title. 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. In developing its annual estimate, and in preparing its annual report, the Committee shall consider:

\* \* \*

Sec. C.107 RESERVES FOR INFRASTRUCTURE INVESTMENT AND  
JOBS ACT (IIJA) MATCH

(a) To the extent available in fiscal years 2023 and 2024, the amount of \$25,000,000 is reserved in the Other Infrastructure, Essential Investments, and Reserves subaccount of the Cash Fund for Capital and Essential Investments to provide the State match in fiscal years 2025 and 2026 needed for federal funding for transportation related projects under the IIJA. These funds shall only be expended if authorized by the General Assembly.

(b) To the extent available in fiscal years 2023 and 2024, the amount of \$14,500,000 is reserved in the Other Infrastructure, Essential Investments, and Reserves subaccount of the Cash Fund for Capital and Essential Investments to provide the State match in fiscal years 2025 and 2026 needed for federal funding for water and wastewater related projects under the IIJA. These funds shall only be expended if authorized by the General Assembly.

Sec. C.108 SUPPLEMENTAL CONTINGENT TRANSFERS TO CASH  
FUND FOR CAPITAL AND ESSENTIAL INVESTMENTS

(a) Notwithstanding any other law to the contrary, to the extent any fund specified in 2022 Acts and Resolves No. 185, Sec. D.101(b)(2) as amended by 2023 Acts and Resolves No. 3, Sec. 48 has an unobligated fund balance in fiscal year 2023, the Commissioner of Finance and Management shall transfer to the subaccount created under 32 V.S.A. 1001b(b)(3) the respective fiscal year 2023 unobligated special fund balances. The Commissioner shall report the amounts transferred pursuant to this provision to the Joint Fiscal Committee in July 2023.

(b) To the extent available in fiscal year 2023, \$22,500,000 shall be transferred from the General Fund to the Cash Fund for Capital and Essential Investments pursuant to the provisions of 32 V.S.A. § 1001b(b)(3).

Sec. C.109 2022 Acts and Resolves No. 183, Sec. 51a is amended to read:

Sec. 51a. COVID-19-RELATED PAID LEAVE GRANT PROGRAM

(a) Establishment and appropriation.

(1) There is established in the Department of Financial Regulation 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 to employees as provided in subsection (e) of this section.

(2) The sum of ~~\$15,180,000~~ \$5,000,000 is appropriated from the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds to the Department of Financial Regulation for fiscal years 2023 and 2024 for the provision of grants to reimburse employers for the cost of providing COVID-19-related paid leave. ~~Not more than seven percent of the amount appropriated pursuant to this subdivision may be used for expenses related to Program administration and outreach.~~

\* \* \*

(c) Grant program.

\* \* \*

(3)(A) Employers may submit applications for grants during the period beginning on October 1, 2022 and ending on September 30, 2023 and may submit an application not more than once each calendar quarter during that period. Grant applications shall be submitted for paid leave provided during the preceding calendar quarter and, subject to subdivision (B) of this subdivision (3), for calendar quarters in the program period prior to the preceding calendar quarter.

(B) An employer shall be permitted to request grant funds for costs related to COVID-19-related paid leave described in subsection (e) of this section in a calendar quarter prior to the preceding calendar quarter if:

(i) the employer has not already received grant funds in relation to the COVID-19-related leave; and

(ii) the costs of the COVID-19-related leave are eligible for a grant pursuant to the provisions of this section and any applicable federal requirements.

(4) An employer may combine grant funds with funding from other sources but shall not use grant funds from multiple sources for the same instance of paid leave provided to its employees for COVID-19-related reasons. As used in this subdivision, an “instance” means a calendar day in which the employee was absent from work for a COVID-19-related reason.

\* \* \*

(6) Grants shall be awarded to eligible employers on a first-come, first-served basis, subject to available funding.

\* \* \*

(e) Amount of grants.

(1) Employers may, subject to the limitations of subdivision (2) of this subsection, apply for grants to either reimburse the cost of COVID-19-related paid leave provided to employees or to provide funds to be used to pay the cost 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 to the number of hours of COVID-19-related paid leave provided to each employee multiplied by the greater of either the minimum wage established pursuant to 21 V.S.A. § 384 or 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 to the number of hours of COVID-19-related paid leave to be provided to each employee multiplied by the greater of either the minimum wage established pursuant to 21 V.S.A. § 384 or the employee's regular hourly wage.~~

\* \* \*

Sec. C.110 FUNDING OF POLYCHLORINATED BIPHENYLS (PCB)  
REMEDICATION AND REMOVAL IN SCHOOLS

(a) Education Fund; PCB appropriations. Notwithstanding 2022 Acts and Resolves No. 178, Sec. 2(b):

(1) the funds reserved within the Education Fund for purposes of investigation, remediation, and removal of PCBs from schools are unreserved; and

(2) the unexpended or unobligated amount of the \$2,500,000 transferred by the Emergency Board to the Agency of Education for PCB remediation shall revert to the Education Fund for further allocation.

(b) Agency of Education; PCB remediation and removal reimbursement.

(1) Notwithstanding 16 V.S.A. § 4025(d), \$29,500,000 and the unexpended funds identified under subdivision (a)(2) of this section shall be appropriated from the Education Fund to the Agency of Education in fiscal year 2024 for one or more of the following purposes:

(A)(i) Grants to schools in the State that are required to conduct remediation or removal of PCB contamination in the school after Agency of Natural Resources testing but have not received a grant from the Agency of Natural Resources for the costs of remediation or removal. The grants shall be in an amount sufficient to pay for 100 percent of the school's remediation or removal costs, including the costs incurred when necessary under State or federal law to relocate students to a facility during remediation or removal activities.

(B) Grants to schools in the State that conducted remediation or removal of PCBs in the school after Agency of Natural Resources testing and received a grant for 80 percent of the costs of remediation or removal from the Agency of Natural Resources. The grants under this subdivision (b)(1)(B) shall be in an amount that will reimburse the school for any remediation or removal costs not paid by the Agency of Natural Resources.

(C) A grant to the Burlington School District to reimburse the school district for the cost of demolition and removal of PCB contamination at Burlington High School, not to exceed \$16,000,000.

(c) Grant criteria. The Secretary of Education, after consultation with the Vermont School Boards Association, the Vermont Superintendents Association, the Vermont School Custodian and Maintenance Association, and other stakeholders, shall develop criteria for priority use of funds and criteria for the costs of remediation and removal of PCB contamination that will be eligible for a grant under subsection (b)(A)(B) of this section.

Sec. C.111 2022 Acts and Resolves No. 172, Sec. 8 is amended to read:

Sec. 8. MUNICIPAL ENERGY REVOLVING FUND; FY 2023  
APPROPRIATION TRANSFER; REPORT

(a) In FY 2023, Upon receipt of the following federal funds and to the extent permitted by federal law, the following amounts shall be transferred to the Department of Buildings and General Services from the Department of Public Service for the Municipal Energy Revolving Fund, as established in 29 V.S.A. § 168b:

\* \* \*

Sec. C.112 PUBLIC SAFETY COMMUNICATIONS SYSTEM; DISPATCH;  
INVENTORY; DESIGN

(a) The General Assembly finds that protecting public safety and welfare is an essential function of State government and it is in the public interest to establish a statewide reliable, secure, and interoperable public safety communications system, comprising integrated 911 call-taking and regional

dispatch systems, and to ensure that the system is equitably and sustainably financed and universally accessible by all persons throughout the State.

(b) It is not the intent of the General Assembly to establish a public safety communications system that disrupts or in any way jeopardizes the exceptional dispatch services currently in place or the existing 911 system, but rather to support, enhance, strengthen and build upon those efforts and initiatives.

(c) The transition to a public safety communications system as specified in subsection (a) of this section shall be overseen and managed by the Enhanced 911 Board, in consultation with the Commissioner of Public Safety, the Secretary of Digital Services, the Commissioner of Public Service, and relevant State and local public safety and government stakeholders. In addition, the Board is authorized to retain a project manager and one or more additional consultants with relevant expertise in public safety communications technology, design, and financing to assist with the requirements of this section.

(d) The establishment of a statewide public safety communications system shall occur in essentially three phases that include data collection and analysis, design, and implementation. Certain aspects of each phase may occur simultaneously as deemed appropriate by the Board.

(1) Data collection and analysis. On or before January 15, 2024, the Board shall conduct a complete inventory and assessment of all aspects of dispatch service currently provided in Vermont and, to the extent possible, dispatch service currently provided outside Vermont for response agencies located in Vermont, which shall include:

(A) an inventory of all existing dispatch infrastructure and equipment, including facilities, hardware, software, applications, and land mobile radio systems, referring to and incorporating any existing relevant data collected by a State or municipal entity;

(B) the number of full-time and part-time personnel currently performing dispatch service, taking into account personnel who have other responsibilities in addition to providing dispatch service;

(C) the current total spending on dispatch service in Vermont, taking into account all federal, State, and municipal appropriations and fees;

(D) in consultation with the Commissioner of Public Service and to the extent feasible, identification of the communications dead zones in the State, meaning those areas that lack the infrastructure to support public safety land-mobile-radio communications or cellular voice and data service, or both, and taking into consideration all cell towers that are part of the FirstNet



statewide public safety radio access network; cellular mapping efforts conducted by the Department of Public Service; and any existing, relevant mapping data collected by a dispatch center or other entity;

(E) with the assistance of the Vermont League of Cities and Towns, a needs assessment to determine where and to what extent there are gaps in dispatch service or significant challenges to the delivery of dispatch service and to identify those municipalities that are likely to be most affected by either the curtailment of dispatch service from the two State-run public safety answering points or from a new financing mechanism for the continuation of such service;

(F) an assessment of the service provided by each dispatch center and identification of particular challenges or vulnerabilities, if any, including with regard to workforce, failover procedures, communications technology, costs, and governance; and

(G) collection and assessment of any other information the Board deems relevant.

(2) Design. On or before January 15, 2024, the Board shall develop findings and recommendations related to draft elements of a preliminary design for a public safety communications system, including identification of an implementation timeline and any additional data and resources needed to develop a final design on or before January 15, 2025. The final design shall include:

(A) technical and operational standards and protocols that ensure an interoperable and resilient system that incorporates computer-aided dispatch systems and land mobile radios;

(B) technology life cycle standards to ensure system and database upgrades are timely, sufficiently financed, and properly managed;

(C) system and database security and cybersecurity standards;

(D) continuity of operations standards and best practices that encompass failover procedures and other system redundancies to ensure the continuous performance of mission-critical operations;

(E) workforce training standards and other staffing best practices that support the retention and well-being of dispatch personnel;

(F) a resource allocation plan that ensures dispatch service is available in all regions of the State, including the establishment of new dispatch centers or expanded capacity and capability of existing dispatch centers, if deemed appropriate by the Board;

(G) a process for annually reviewing the budgets of dispatch centers;

(H) a recommended governance model to ensure effective State and regional oversight, management, and continuous improvement of the system, including identification of staffing or operational needs to support such oversight and management of the system by the Board or by another State agency, if deemed appropriate by the Board;

(I) cost estimates for implementing the system in Vermont, including operational and capital costs;

(J) an overview of sustainable and equitable financing mechanisms, taking into consideration:

(i) existing budgets for regional and local dispatch;

(ii) the population, grand list, and call volume of each municipality;

(iii) existing and potential State funding streams;

(iv) available federal funding opportunities for public safety agencies and emergency communications systems, including equipment, network infrastructure, and services;

(v) financing models adopted in other jurisdictions for public safety communications systems; and

(vi) any other standards or procedures deemed necessary or appropriate by the Board.

(e) On or before January 15, 2024, the Board shall submit the findings and recommendations required by subdivisions (d)(1) and (2) of this section in a written report to the Senate Committees on Government Operations and on Finance and the House Committees on Government Operations and Military Affairs, on Ways and Means, and on Environment and Energy.

Sec. C.113 2022 Acts and Resolves No. 185, Sec. B.1100 is amended to read:

Sec. B.1100 FISCAL YEAR 2023 ONE-TIME GENERAL FUND  
APPROPRIATIONS

\* \* \*

(b) \$11,000,000 is appropriated from the General Fund to the ~~Department of Public Safety~~ Enhanced 911 Board for regional dispatch funding. The funds are subject to the following conditions:

(1) ~~\$4,500,000 shall be held in reserve until the report required by Sec. E.209.1 of this act is submitted and further approval to expend the funds~~

is granted by the General Assembly Up to \$2,000,000 shall be available for the retention of technical experts to assist the Executive Director of the E-911 Board with regional dispatch analysis and planning as required by legislation enacted in 2023.

(2) \$6,500,000 to provide grants to regional dispatch facilities upon approval of the Joint Fiscal Committee subsequent to review of a Regional Dispatch Facility grant plan submitted by the Commissioner of Public Safety. The plan shall include the extent to which federal funding sources may be available for regional dispatch \$9,000,000 shall be held in reserve until the report required by legislation enacted in 2023 is submitted and further approval to expend the funds is granted by the General Assembly.

(3) It is the intent of the General Assembly that the Department of Public Safety seek to draw and deploy the \$9,000,000 in Congressionally Directed Spending to support Vermont's transition to a modernized, regional communications network in a manner that coordinates with and advances the goals of the statewide public safety communications system designed by the E-911 Board. The Commissioner of Public Safety shall consult with the Executive Director of the E-911 Board as the federal parameters for expending the funds become available and as the Commissioner develops a plan to expend such funds. In addition, the Commissioner of Public Safety shall update the Joint Fiscal Committee on planned expenditures.

\* \* \*

#### Sec. C.114 ORGANIC DAIRY FARM ASSISTANCE PROGRAM

(a) The Agency of Agriculture, Food and Markets shall establish an organic dairy farm assistance program consistent with the requirements of this section.

(b) An organic dairy farm is eligible for assistance under this section if:

(1) the farm is currently operating as a dairy farm producing milk, either organic or conventional;

(2) the farm shipped organic milk through the end of calendar year 2022 and provides documentation to the Agency of Agriculture, Food and Markets of the amount of milk shipped per hundredweight;

(3) the farm is in good standing with the Agency of Agriculture, Food and Markets; and

(4) the farm submits an application for assistance to the Agency of Agriculture, Food and Markets by a date specified by the Secretary of Agriculture, Food and Markets.

(c) Assistance. The Agency of Agriculture, Food and Markets shall award eligible organic dairy farms financial assistance in the form of a grant in the amount of \$5 per hundredweight of milk shipped by the organic dairy farm in calendar year 2022.

Sec. C.115 2022 Acts and Resolves No.185, Sec. G.600(a)(2), as amended by 2023 Acts and Resolves No. 3, is amended to read:

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:

\* \* \*

(2) \$35,000,000 to the Department of Public Service ~~to grant to contract with~~ 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~~ this purpose through December 31, 2026. Households approved for assistance in this section will also be offered services outlined in subdivision (4) of this subsection.

\* \* \*

Sec. C.116 2022 Acts and Resolves No. 182, Sec. 3 is amended to read:

Sec. 3. MANUFACTURED HOME IMPROVEMENT AND REPLACEMENT PROGRAM

Of the amounts available from federal COVID-19 relief funds, ~~the following amounts are~~ \$4,000,000 is appropriated to the Department of Housing and Community Development for the purposes specified:

(1) ~~\$2,500,000.00 for m-~~Manufactured home community small-scale capital grants, through which the Department may award not more than \$20,000.00 for owners of manufactured housing communities to complete small-scale capital needs to help infill vacant lots with homes, which may include projects such as disposal of abandoned homes, lot grading/preparation, site electrical box issues/upgrades, E911 safety issues, legal fees, transporting homes out of flood zones, individual septic system, and marketing to help make it easier for home-seekers to find vacant lots around the State.

(2) ~~\$750,000.00 for m-~~Manufactured home repair grants, through which the Department may award funding for minor rehab or accessibility projects, coordinated as possible with existing programs, for between 250 and 400

existing homes where the home is otherwise in good condition or in situations where the owner is unable to replace the home and the repair will keep them housed.

(3) ~~\$750,000.00 for n~~New manufactured home foundation grants, through which the Department may award not more than \$15,000.00 per grant for a homeowner to pay for a foundation or HUD-approved slab, site preparation, skirting, tie-downs, and utility connections on vacant lots within manufactured home communities.

\* \* \*

\* \* \* Fiscal Year 2024 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 \$560,000 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 in excess of \$560,000 from the property transfer tax deposited into the Current Use Administration Special Fund shall be transferred into the General Fund.

(2) The sum of \$21,462,855 is appropriated from the Vermont Housing and Conservation Trust Fund to the Vermont Housing and Conservation Board (VHCB). Notwithstanding 10 V.S.A. § 312, amounts in excess of \$21,462,855 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) shall 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 2024 appropriation of \$21,462,855 to the Vermont Housing and Conservation Board 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, it is the intent of the General Assembly that the \$1,500,000 reduction in the appropriation to the Vermont Housing and Conservation Board should be restored.

(3) The sum of \$7,545,993 is appropriated from the Municipal and Regional Planning Fund. Notwithstanding 24 V.S.A. § 4306(a), amounts in excess of \$7,545,993 from the property transfer tax that are deposited into the Municipal and Regional Planning Fund shall be transferred into the General Fund. The \$7,545,993 shall be allocated for the following:

(A) \$6,211,650 for disbursement to regional planning commissions in a manner consistent with 24 V.S.A. § 4306(b);

(B) \$898,283 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.100.1 LEGISLATIVE INTENT FOR FISCAL YEAR 2024  
PLANNING FUNDS

(a) It is the intent of the General Assembly that at least \$500,000 of the increased planning funds provided in Sec. D.100 of this act be available for municipal bylaw modernization.

Sec. D.101 FUND TRANSFERS, REVERSIONS, AND RESERVES

(a) Notwithstanding any other provision of law to the contrary, the following amounts shall be transferred from the funds indicated:

(1) From the General Fund to:

(A) the Environmental Contingency Fund (21275): \$5,000,000;

(B) the Enhanced 9-1-1 Board Fund (21711): \$2,115,000;

(i) Of the funds transferred to the Enhanced 9-1-1 Board Fund in this subdivision, \$815,000 shall be used to support necessary 9-1-1 system upgrades beginning in fiscal year 2024;

(C) the Technology Modernization Special Fund (21951): \$10,000,000;

(D) the Cash Fund for Capital and Essential Investments (21952):

(i) \$17,600,000 for the Capital Infrastructure subaccount for use on capital projects as authorized in the capital bill and appropriated in this act; and

(ii) \$40,400,000 for the Other Infrastructure, Essential Investments, and Reserves subaccount for other expenditures and reserves as authorized by the General Assembly.

(E) the Tax Computer System Modernization Fund #21909: \$2,700,000.

(2) From the Education Fund to:

(A) the Tax Computer System Modernization Fund #21909: \$1,100,000.

(3) From the Clean Water Fund (21932) established by 10 V.S.A. § 1388 to:

(A) the Agricultural Water Quality Special Fund (21933) created under 6 V.S.A. §4803: \$6,684,880; and

(B) the Lake in Crisis Response Program Special Fund (21938) created under 10 V.S.A. § 1315: \$120,000.

(4) From the Transportation Fund to:

(A) 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 2024:

(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>\$21,200,000</u>
	<u>Sports Wagering Fund</u>	<u>\$1,204,000</u>
	<u>Caledonia Fair</u>	<u>\$5,000</u>
	<u>North Country Hospital Loan Repayment</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 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 and reimbursement – Court order</u>	<u>\$1,000,000</u>
<u>621000</u>	<u>Unclaimed Property Fund</u>	<u>\$1,743,425</u>

(3) Notwithstanding 2016 Acts and Resolves No. 172, Sec. E. 228, \$60,044,000 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.

(c) Notwithstanding any provision of law to the contrary, in fiscal year 2024, the following amounts shall revert to the General Fund from the accounts indicated:

<u>3400004000</u>	<u>Agency of Human Services –</u>	
	<u>Secretary’s Office – Global Commitment</u>	<u>\$15,103,683</u>

(d) Notwithstanding any provisions of law to the contrary, in fiscal year 2024 the following estimated General Fund reserves shall be made:

(1) Pursuant to 32 V.S.A. § 308, an estimated amount of \$1,669,311 shall be unreserved from the General Fund Budget Stabilization Reserve.

#### Sec. D.102 27/53 RESERVE

(a) \$5,350,000 General Fund shall be transferred to the 27/53 reserve in fiscal year 2023. This action is the fiscal year 2024 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 UNRESERVED; INCENTIVE SCHOLARSHIP FUNDS

(a) In fiscal year 2024, \$700,000 in general funds reserved per 2022 Act and Resolves No. 185, Sec. C.107.2(b) are unreserved and available for appropriation.

\* \* \* General Government \* \* \*

#### Sec. E.100 EXECUTIVE BRANCH POSITIONS

(a) The establishment of 80 permanent positions is authorized in fiscal year 2024 for the following:

(1) Permanent classified positions:

(A) Agency of Agriculture, Food and Markets:

(i) one Consumer Protection Specialist I; and

(ii) two Food Safety Specialist Is;

(B) Criminal Justice Council: two FIP Instructors;

(C) Department of Disabilities, Aging, and Independent Living:



- 
- (i) five Quality and Program Participant Specialists;
    - (ii) one Dementia Coordinator; and
    - (iii) three Public Guardians;
  - (D) Department of Financial Regulation: two Insurance Examiners;
  - (E) Department of Human Resources:
    - (i) one Compensation Analyst;
    - (ii) one Configuration Analyst II;
    - (iii) one Employee Support Specialist;
    - (iv) one FMLI Manager;
    - (v) one HR Administrator III;
    - (vi) one HR Administrator IV;
    - (vii) one HR Manager; and
    - (viii) one Talent Coordinator;
  - (F) Department of Liquor and Lottery:
    - (i) one Financial Analyst; and
    - (ii) one Sports Betting Director;
  - (G) Department of Mental Health:
    - (i) one Crisis Program Director;
    - (ii) one Mental Health Analyst I;
    - (iii) one Operations Manager; and
    - (iv) one Training and Curriculum Development Supervisor; and
    - (v) one Quality and Program Specialist;
  - (H) Department of Taxes – State Appraisal and Litigation Assistance Program:
    - (i) one Property Valuation and Review Program Manager;
  - (I) Office of the State Treasurer:
    - (i) one Program Technician;
    - (ii) one Administrative Services Coordinator;
    - (iii) one Financial Specialist III;
    - (iv) one Financial Manager I;

(v) one Financial Manager II; and

(vi) one Program Technician II;

(J) E911 Board:

(i) one Program Technician I;

(K) Department of Motor Vehicles:

(i) three Motor Vehicle Inspectors;

(L) Office of the Defender General:

(i) one Financial Director;

(M) Agency of Natural Resources:

(i) one Aquatic Invasive Species Prevention Specialist;

(N) Agency of Transportation – Highway Division:

(i) one Transportation Operations Technician III; and

(ii) one Transportation Technician IV-;

(O) Department for Children and Families – Child Development Division:

(i) one Business Applications Support Manager;

(ii) two Licensing Field Specialist Is;

(iii) one Child Care Business Tech;

(iv) two Administrative Services Coordinator IIs;

(v) one Program Integrity Investigator;

(vi) one Grants and Contracts Manager – Compliance.

(vii) one Business Application Support Specialist;

(viii) one Process and Policy Administrator;

(ix) one Business Project Manager;

(x) one Business Services Specialist II;

(xi) one Training and Curriculum Development Specialist;

(xii) one Communications and Outreach Coordinator;

(xiii) one Financial Manager II;

(xiv) two Grants and Contracts Mangers; and

- 
- (xv) one Administrative Services Manager II;
  - (P) Department for Children and Families – Parental Leave Program:
    - (i) one Child Benefits Program Administrator;
  - (Q) Agency of Human Services – Central Office:
    - (i) three Quality and Program Specialists.
  - (2) Permanent exempt positions:
    - (A) Department of Taxes – State Appraisal and Litigation Assistance Program: one Staff Attorney;
    - (B) Agency of Commerce and Community Development – Division for Historic Preservation – Vermont Commission on Native American Affairs: one Executive Director;
    - (C) Human Rights Commission – one Staff Attorney;
    - (D) Office of the Attorney General – one private secretary; and
    - (E) Department of State’s Attorneys and Sheriffs:
      - (i) five Deputy State’s Attorneys;
      - (ii) one Victim Advocate; and
      - (iii) two Legal Assistants.
  - (b) The conversion of 46 limited service positions to classified permanent status is authorized in fiscal year 2024 as follows:
    - (1) Department of Public Safety, State Police:
      - (A) one Victim Services Specialist;
    - (2) Department of Vermont Health Access, Blueprint for Health Unit:
      - (A) one HCR Integration Manager;
    - (3) Department of Vermont Health Access, Health Care Reform Unit:
      - (A) one Administrative Services Manager I;
      - (B) five DVHA Program Consultants;
      - (C) one DVHA Quality Control Manager;
      - (D) one Health Reform Enterprise Director I;
      - (E) two Medicaid Operations Administrators;
      - (F) one Project and Operations Director;
      - (G) one Project and Operations Specialist; and

(H) one Project Director;

(4) Department of Vermont Health Access, Medicaid Policy Fiscal and Support Unit:

(A) two Audit Liaison/Internal Control positions;

(B) three DVHA Healthcare QC Auditors;

(C) one DVHA Healthcare QC CAP Auditor;

(D) two DVHA Program and Operations Auditors;

(E) one DVHA Program Consultant;

(F) one Health Reform Enterprise Director I; and

(G) one Nurse Auditor;

(5) Department of Vermont Health Access, Payment Reform/Reimbursement Unit:

(A) one Admin HC Payment Reform Analytics position;

(B) three Change Management Practitioners;

(C) one Deputy Director of Payment Reform;

(D) one Director of Operations for ACO Programs;

(E) one Grant Programs Manager;

(F) one Health Care Project Director;

(G) one Payment Reform Special Project Lead; and

(H) one Senior Policy Advisor; and

(6) Agency of Transportation – Aviation Program:

(A) nine Airport Maintenance Workers;

(B) one Airport Operations Specialist.

(c) The establishment of 10 new classified limited service positions is authorized in fiscal year 2024 as follows:

(1) Department for Children and Families for the Reach Ahead pilot program:

(A) one Benefits Program Assistant Administrator; and

(B) two Reach Up Case Manager IIs;

(2) Department for Children and Families – Parental Leave Program:

(A) one Process and Policy Administrator; and

(B) one Process and Performance Analyst;

(3) Department of Forests, Parks and Recreation:

(A) one Communications and Outreach Coordinator;

(B) one Climate Forester; and

(C) three Forester IIs.

(d) The establishment of 22 new exempt limited service positions is authorized in fiscal year 2024 as follows:

(1) Department of State's Attorneys and Sheriffs:

(A) six Deputy State's Attorneys;

(B) six State's Attorney Legal Assistants;

(C) six State's Attorney Victim Advocates; and

(D) four State's Attorney Secretaries.

Sec. E.107 3 V.S.A. § 473 is amended to read:

\* \* \*

(c)(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.

(d) Contributions of State. As provided by law, the Retirement Board shall certify to the Governor or Governor-Elect a statement of the percentage of the payroll of all members sufficient to pay for all operating expenses of the Vermont State Retirement System and all contributions of the State that will become due and payable during the next biennium. The contributions of the State to pay the annual actuarially determined employer contribution and any additional amounts pursuant to section (c)(8) of this section shall be charged to the departmental appropriation from which members' salaries are paid and shall be included in each departmental budgetary request. Annually, on or before September 15, the Commissioner of Finance and Management shall provide to the Joint Fiscal Committee a breakdown of the components of the

payroll charge applied to each department's budget for the current and next fiscal year. This report shall itemize the percentages of payroll assessments used to fund:

(1) the actuarially determined employer contribution to the Vermont State Retirement System;

(2) any additional payments made pursuant to section (c)(8) to the Vermont State Retirement System; and

(3) the employer contribution to the State Employees' Postemployment Benefits Trust Fund made pursuant to 3 V.S.A. § 479a (e)(3).

Sec. E.107.1 DEPARTMENT OF FINANCE AND MANAGEMENT;  
PENSION PLUS APPROPRIATION DIRECTIVE

(a) In fiscal year 2024, funds appropriated to the Department of Finance and Management/Agency of Administration in Sec. B.104.1 of this act to fund additional payments to the Vermont State Retirement System made pursuant to 3 V.S.A. § 473 (c)(8) may be directly deposited in the Vermont State Employees Retirement System fund. In fiscal years 2025 and 2026, funds appropriated for this purpose shall be distributed to departments and agencies up to the amount determined necessary by the Commissioner of Finance and Management to fund additional payments to the Vermont State Retirement System made pursuant to 3 V.S.A. § 473 (c)(8). Prior to distribution, the Commissioner shall require departments and agencies to demonstrate insufficient appropriation capacity to absorb the cost of the payroll charge assessed to fund the additional payments made pursuant to 3 V.S.A. § 473(c)(8). Any undistributed portion of this appropriation shall be reverted to the General Fund in fiscal year 2025. The Commissioner shall report to the Joint Fiscal Committee at its September 2023 meeting on the status of this appropriation.

Sec. E.108 3 V.S.A. § 479 is amended to read:

§ 479. GROUP INSURANCE

(a)(1) 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)(i) coverage in the group medical benefit plan provided by the State of Vermont for active State employees who are not eligible for Medicare;  
or

~~(B)~~(ii) 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 who are not eligible for Medicare and pursuant to the following, provided:

~~(i)~~(I) a member who has completed five years and less than 10 years of creditable service at the member's retirement shall pay the full cost of the premium;

~~(ii)~~(II) a member who has completed 10 years and less than 15 years of creditable service at the member's retirement shall pay 60 percent of the cost of the premium;

~~(iii)~~(III) a member who has completed 15 years and less than 20 years of creditable service at ~~his or her~~ the member's retirement shall pay 40 percent of the cost of the premium;

~~(iv)~~(IV) a member who has completed 20 years or more of creditable service at ~~his or her~~ the member's retirement shall pay 20 percent of the cost of the premium; and

~~(2)~~(B) 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.

(2) Notwithstanding any provision of subdivision (1)(A)(i) or (ii) of this subsection to the contrary, a member may be offered health coverage other than coverage in the group medical benefit plan provided by the State of Vermont for active State employees who are not eligible for Medicare if the following conditions are met:

(A) the alternative health coverage is substantially equivalent to the coverage offered through the group medical benefit plan provided by the State of Vermont for active State employees who are not eligible for Medicare; and

(B) the alternative health coverage is mutually agreeable to:

(i) the State;

(ii) the Vermont State Employees' Association;

(iii) the Vermont Troopers' Association; and

(iv) the Vermont Retired State Employees' Association.

(b) As of July 1, 2007, members of the Group C plan who separate from service prior to being eligible for retirement benefits under this chapter, who have 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 participate in the group medical benefit plan provided by the State of Vermont for active State employees who are not eligible for Medicare or any alternative health coverage provided pursuant to subdivision (a)(2) of this section. Premiums for the plan shall be prorated between the retired member and the Retirement System pursuant to section 631 of this title.

(c) Premiums for coverage of retired members of the Group C plan and their dependents in the group medical benefit plan or any alternative health coverage provided pursuant to subdivision (a)(2) of this section shall be prorated on the same basis as is provided for active employees by the current collective bargaining agreement for the nonmanagement unit. The amounts designated as the State's share of premium for the medical benefit plan and the total premium for group life insurance provided under subdivision (a)(2) of this section shall be paid by the Fund as an operating expense in accordance with subsection 473(d) of this title.

(d) After January 1, 2007, the State Treasurer may offer and administer a dental benefit plan for retired members, beneficiaries, eligible dependents, and eligible retirees of special affiliated groups and the dependents of members of those groups who are eligible for coverage in the State Employee Group Medical Benefit Plan or any alternative health coverage provided pursuant to subdivision (a)(2) of this section. The Plan shall be separate and apart from any dental benefit plan offered to Vermont State employees. The original plan of benefits, and any changes thereto, shall be determined by the State Treasurer with due consideration of recommendations from the Retired Employees' Committee on Insurance established in section 636 of this title.

\* \* \*

(3) Dependent eligibility shall be determined in the manner applied to determinations for coverage in the State Employee Medical Benefit Plan or any alternative health coverage provided pursuant to subdivision (a)(2) of this section.

(4) [Repealed.]

(e) As of January 1, 2007, and thereafter, upon retirement, members entitled to prorated group medical benefit plan premium payments from the Retirement System under the terms of this section shall have a one-time option to reduce the percentage of premium payments from the Retirement System during the member's life, with the provision that the Fund shall continue making an equal percentage of premium payments after the member's death



for the life of the dependent beneficiary nominated by the member under section 468 of this title, should such dependent beneficiary survive the member. The Retirement Board, after consultation with its actuary, shall establish reduced premium payment percentages that are as cost neutral to the Fund as possible.

(f) [Repealed.]

(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 who are not eligible for Medicare or any alternative health coverage provided pursuant to subdivision (a)(2) of this section, 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. E.108.1 3 V.S.A. § 925 is amended to read:

§ 925. MEDIATION; FACT FINDING

\* \* \*

(i)(1) In the case of the Vermont State Colleges or the University of Vermont, if the dispute remains unresolved 20 days after transmittal of findings and recommendations to the parties or within a time frame mutually agreed upon by the parties that may be not more than an additional 30 days, each party shall submit as a single package its last best offer on all disputed issues to the Board. Each party's last best offer shall be filed with the Board under seal and shall be unsealed and placed in the public record only when both parties' last best offers are filed with the Board. The Board shall hold one or more hearings. Within 30 days of the certifications, the Board shall select between the last best offers of the parties, considered in their entirety without amendment.

(2) In the case of the State of Vermont or the Department of State's Attorneys and Sheriffs, if the dispute remains unresolved 20 days after transmittal of findings and recommendations to the parties or within a time frame mutually agreed upon by the parties that may be not more than an additional 30 days, each party shall submit as a single package its last best offer on all disputed issues to the Board, or upon the request of either party, to

an arbitrator mutually agreed upon by the parties. If the parties cannot agree on an arbitrator, the American Arbitration Association shall appoint a neutral third party to act as arbitrator. Each party's last best offer shall be filed with the Board or the arbitrator under seal and shall be unsealed and placed in the public record only when both parties' last best offers are filed with the Board or the arbitrator. A party's last best offer shall not include a proposal to provide alternative health coverage to retired State employees that has not been agreed to pursuant to the provisions of subdivision 479(a)(2) of this title. The Board or the arbitrator shall hold one or more hearings. Within 30 days of the certifications, the Board or the arbitrator shall select between the last best offers of the parties, considered in their entirety without amendment.

\* \* \*

Sec. E.108.2 3 V.S.A. § 1018 is amended to read:

§ 1018. MEDIATION; FACT-FINDING; LAST BEST OFFER

\* \* \*

(i)(1) If the dispute remains unresolved 20 days after transmittal of findings and recommendations or within a period of time mutually agreed upon by the parties that may be not more than an additional 30 days, each party shall submit to the Board or, upon the request of either party, to an arbitrator mutually agreed upon by the parties its last best offer on all disputed issues as a single package. If the parties cannot agree on an arbitrator, the American Arbitration Association shall appoint a neutral third party to act as arbitrator.

(2) Each party's last best offer shall be:

(A) filed with the Board or the arbitrator under seal;

(B) certified to the Board or the arbitrator by the fact finder; and

(C) unsealed and placed in the public record only when both parties' last best offers are filed with the Board or the arbitrator.

(3) A party's last best offer shall not include a proposal to provide alternative health coverage to retired employees that has not been agreed to pursuant to the provisions of subdivision 479(a)(2) of this title.

(4) The Board or the arbitrator shall hold one or more hearings and consider the recommendations of the fact finder.

(4)(5)(A) Within 30 days of the certifications, the Board or the arbitrator shall select between the last best offers of the parties, considered in their entirety without amendment, and shall determine its cost.

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\* \* \*

~~(5)~~(6) The Board or the arbitrator shall not issue an order under this subsection that is in conflict with any law or rule or that relates to an issue that is not bargainable.

~~(6)~~(7) The decision of the Board or the arbitrator shall be final and binding on the parties.

Sec. E.111.1a 32 V.S.A. § 3209 is added as to read:

§ 3209. TAX COMPUTER SYSTEM MODERNIZATION FUND

(a) The Tax Computer System Modernization Fund #21909, as established in the State Treasury per 2007 Acts and Resolves No. 65, Sec. 282 as amended, is a special fund to support information technology improvements and initiatives of the Department of Taxes. Balances in the Fund shall be administered by the Department of Taxes and used exclusively for the purposes prescribed in subsection (c) of this section. Balances in the Fund at the end of each fiscal year shall be carried forward and remain part of the Fund. Interest earned by the Fund shall be deposited into the Fund.

(b) The Fund shall receive annual transfers from the General Fund and the Education Fund in amounts not to exceed 0.21 percent of total revenue collected in the prior fiscal year by the Department of Taxes. The fund may receive other receipts as directed or authorized by the General Assembly.

(c) The Fund shall be used for the development, implementation, enhancement, and maintenance of information technology systems and services for the administration of taxes and programs administered by the Department. This shall include requests for proposal, business requirements, analysis, implementation of new tax types, enhancements to existing systems, and payments due to vendors of information technology systems and services.

(d) The Commissioner of Taxes shall submit an annual report on the receipts, expenditures, and balances in the Tax Computer System Modernization Fund to the Joint Fiscal Committee each year at or prior to the Committee's November meeting each year.

Sec. E.111.1b TAX COMPUTER SYSTEM MODERNIZATION FUND  
TRANSFER

(a) Any remaining funds on June 30, 2023 in the Tax Computer System Modernization Fund established by 2007 Acts and Resolves No. 65, Sec. 282, and amended from time to time, shall be deposited into the fund established by 32 V.S.A. § 3209.

Sec. E.111.2 24 V.S.A. § 138(c) is amended to read:

(c) Any tax imposed under the authority of this section shall be collected and administered by the Department of Taxes, in accordance with State law governing such State tax or taxes; provided, however, that a sales tax imposed under this section shall be collected on each sale that is subject to the Vermont sales tax using a destination basis for taxation. Except with respect to taxes collected on the sale of aviation jet fuel, a per-return fee of \$5.96 shall be assessed ~~to compensate the Department for the costs of administration and collection,~~ 70 percent of which shall be borne by the municipality, and 30 percent of which shall be borne by the State to be paid from the PILOT Special Fund. Notwithstanding any provision of law or municipal charter to the contrary, revenue from the fee shall be used to compensate the Department for the costs of administering and collecting the local option tax and of administering the State appraisal and litigation program established in 32 V.S.A. § 5413. The fee shall be subject to the provisions of 32 V.S.A. § 605.

Sec. E.124 2018 (Sp. Sess.) Acts and Resolves No. 9, Sec. 8 is amended to read:

Sec. 8. REPEAL

~~On June 30, 2024:~~

~~(1) Sec. 3 of this act (creating the Executive Director of Racial Equity and Racial Equity Advisory Panel in 3 V.S.A. chapter 68) is repealed and the Executive Director position and Panel shall cease to exist; and~~

~~(2) Sec. 4 of this act (authorization for the Executive Director of Racial Equity position) is repealed. [Repealed.]~~

Sec. E.124.1 COUNCIL ON HOUSING AND HOMELESSNESS; INTENT

(a) It is the intent of the Vermont General Assembly to support the work of the Governor's Council on Housing and Homelessness, focusing on strategies for affordability and solving homelessness. The Council is encouraged to review and inventory the affordable housing that has been developed since January 2020, including the various public and private financing sources that have been utilized. Based on this review and analysis of the need for affordable housing construction, the Council is asked to provide recommendations for consideration by the General Assembly. The Council is also encouraged to review and inventory available housing assistance programs and funding levels. Based on this review and analysis of the need

for housing assistance for vulnerable and low income Vermonters, the Council is asked to provide recommendations for consideration by the General Assembly, including the potential to maximize supported housing programs within the State's Medicaid Global Commitment program.

Sec. E.124.2 PREVENTION PROGRAMS; REPORT

(a) The Chief Prevention Officer shall, in collaboration with the Department of Health, review and report to the General Assembly on all existing prevention programs in the State. The report shall include an assessment of the level of funding and funding sources of these programs as well as a needs assessment. The Chief Prevention Officer shall submit a written report to the General Assembly on or before December 1, 2023.

Sec. E.125 2022 Acts and Resolves No. 126, Sec. 2 is amended to read:

Sec. 2. REPORT ON ACCESS TO CIVIL JUSTICE REMEDIES AND LAW ENFORCEMENT QUALIFIED IMMUNITY IN VERMONT

(a) On or before November 15, ~~2022~~ 2023, 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:

\* \* \*

Sec. E.125.1 REVIEW OF WORKFORCE INCENTIVES, LOANS, AND SCHOLARSHIP PROGRAMS

(a) On or before January 15, 2024, the Office of Legislative Counsel and the Joint Fiscal Office, in collaboration with the Agency of Human Services, the Department of Mental Health, the Department of Health, the Department of Disabilities, Aging, and Independent Living, the Vermont Student Assistance Corporation (VSAC), and the Office of Primary Care and Area Health Education Centers (AHEC) Program at the University of Vermont Larner College of Medicine shall issue a written report to the House and Senate Committees on Appropriations including:

(1) a complete inventory of existing State programs that provide workforce incentives in the form of scholarships, forgivable loans or loan repayment grants for a specified service obligation or other incentives with the objective of increasing the number of practitioners in health care and other social service occupations in Vermont;

(2) a summary of the amount and sources of funds for each program, both base and one-time, and any anticipated carryforward of unobligated balances at the close of fiscal year 2023;

(3) recommendations for streamlining or restructuring the existing programs with the goal of consolidating administration and making the programs easily accessible to potential students and existing or potential staff. There should be consideration of the level of program specificity that should be included in statute or remain within the authority of the administering entities. The report shall include the authorizing statute for each program and necessary statutory amendments to accomplish the recommendations.

Sec. E.127 FISCAL YEAR 2024 FEE REPORT; NATURAL RESOURCES  
AND HUMAN SERVICES; NATURAL RESOURCES BOARD;  
VETERANS' HOME

(a) Fiscal Year 2024 Fee Information. The Secretary of Natural Resources, the Secretary of Human Services, the Executive Director of the Natural Resources Board, and the Chief Executive Officer of the Vermont Veterans' Home shall, in collaboration with the Joint Fiscal Office, prepare a comprehensive fee report for the Agency of Natural Resources, the Agency of Human Services, the Natural Resources Board, and the Vermont Veterans' Home, respectively, for each fee in existence on July 1, 2023. Each fee report shall contain the following information:

(1) the statutory authorization and termination date, if any;

(2) the current rate or amount and date the fee was last set or adjusted by the General Assembly or Joint Fiscal Committee;

(3) the Fund into which the fee revenues are deposited;

(4) the revenues derived from each fee in the previous five fiscal years;

(5) the number of instances that each fee was paid in the two most recent fiscal years;

(6) a projection for fee revenues in the current fiscal year and the next fiscal year;

(7) a description of the service or product provided or the regulatory function performed;

(8) the relationship between the revenue raised and the cost of the service, product, or regulatory function supported by the fee;

(9) the amount of the fee if it would have been adjusted by inflation since the fee was last set;

(10) for any fees deposited in a special fund, the percent of the special fund that the fee represents;

(11) whether any comparable fees exist in other jurisdictions;

(11) any policies that might affect the viability of the fee amount; and

(12) any other relevant considerations for setting the fee amount.

(b) Reports.

(1) On or before October 15, 2023, the Secretary of Natural Resources, the Secretary of Human Services, the Executive Director of the Natural Resources Board, and the Chief Executive Officer of the Vermont Veterans' Home shall each submit a written draft report of the fiscal year 2024 fee information described in subsection (a) of this section to the Joint Fiscal Office for review and feedback. The Secretary of Natural Resources, the Secretary of Human Services, the Executive Director of the Natural Resources Board, and the Chief Executive Officer of the Vermont Veterans' Home shall each work with the Joint Fiscal Office to respond to feedback prior to submission of the final report described in subdivision (2) of this subsection.

(2) On or before December 15, 2023, the Secretary of Natural Resources, the Secretary of Human Services, the Executive Director of the Natural Resources Board, and the Chief Executive Officer of the Vermont Veterans' Home shall each submit a written final report of the fiscal year 2024 fee information described in subsection (a) of this section to the House Committees on Appropriations and on Ways and Means and the Senate Committees on Appropriations and on Finance.

(3) If any of the information on any fee that is requested in this section cannot be provided, the Secretary of Natural Resources, the Secretary of Human Services, the Executive Director of the Natural Resources Board, and the Chief Executive Officer of the Vermont Veterans' Home shall include in both the draft and final reports described in this subsection (b) a written explanation for why the information is not available.

(c) Fee Report Moratorium. Notwithstanding 32 V.S.A. § 605, in fiscal year 2024, the Governor shall not be required to submit the consolidated Executive Branch fee report and request to the General Assembly.

#### Sec. E.128 OFFICE OF THE SERGEANT AT ARMS; NEW POSITIONS

(a) The establishment of two new permanent exempt Capitol Police Officer positions in the Office of the Sergeant at Arms are authorized in fiscal year 2024.

Sec. E.128.1 2021 Acts and Resolves No. 74, Sec. E.126(a) is amended to read:

Sec. E.126a LEGISLATIVE – HUMAN RESOURCES ASSOCIATE POSITION

(a) One ~~limited-service~~ permanent exempt position, Human Resources Associate Generalist, is authorized for establishment in fiscal year 2022.

Sec. E.128.2 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 2024 Farmers' Night Concert Series and who are not otherwise sponsored or compensated for their participation.

Sec. E.131 STATE TREASURER'S OFFICE – VCBB ESCROW ACCOUNT

(a) In fiscal year 2024, pursuant to 10 V.S.A. § 10, the Treasurer is authorized to use up to \$20,000,000 of the State's average cash balance to establish an escrow account for the exclusive benefit of the Vermont Community Broadband Board and for the sole purpose of securing federal funding under the National Telecommunications and Information Administration's Enabling Middle Mile Broadband Infrastructure Program.

(b) On or before January 15, 2024, the Vermont Community Broadband Board shall submit a recommendation to the House and Senate Committees on Appropriations with a recommendation for legislative action to create a long-term funding plan for the Enabling Middle Mile Broadband Infrastructure Program.

Sec. E. 131.1 TREASURER CLIMATE INFRASTRUCTURE FINANCING COORDINATION

(a) The Treasurer may use funds appropriated in fiscal year 2024 to coordinate the State's climate infrastructure financing efforts. Use of funds can include administrative costs and third party consultation. The Treasurer will collaborate with, among others, the Vermont Climate Council, the Agency of Natural Resources – Climate Action Office, the Public Service Department, Vermont members of the Coalition for Green Capital, and the three financial instrumentalities of the State to create a framework for effective collaboration among Vermont organizations, agencies, and the financial instrumentalities of the State to maximize the amount of federal Greenhouse Gas Reduction Funds the State may receive and effectively coordinate the deployment of these and other greenhouse gas reduction funds. The Treasurer shall submit



recommendations to the General Assembly regarding legislation for Vermont's climate infrastructure financing on or before January 15, 2024.

Sec. E.131.2 SCHOOL CONSTRUCTION AID TASK FORCE; REPORT

(a) Creation. The School Construction Aid Task Force is created to examine, evaluate, and report on issues relating to school construction aid.

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

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

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

(3) the State Treasurer or designee, who shall serve as co-chair;

(4) the Secretary of Education or designee, who shall serve as co-chair;

(5) the Executive Director of the Vermont National Education Association or designee;

(6) the Executive Director of the Vermont Principals' Association or designee;

(7) the Executive Director of the Vermont School Boards Association or designee;

(8) the Executive Director of the Vermont Superintendents Association or designee;

(9) the Executive Director of the Municipal Bond Bank or designee;

(10) the President of the Vermont School Custodians and Maintenance Association or designee;

(11) a person with expertise in historic preservation, appointed by the Governor;

(12) a person with expertise in the construction industry specializing in school facilities projects, appointed by the Governor; and

(13) a member of the American Industrial Hygiene Association, appointed by the Governor.

(c) Powers and duties. The Task Force shall review the results of the statewide school facilities inventory and conditions assessment and the school construction funding report required by 2021 Acts and Resolves No. 72 and study the following issues relating to school construction aid:

(1) the needs, both programmatic and health and safety, of statewide school construction projects;

(2) funding options for a statewide school construction program, including any incentive plans;

(3) a governance structure for the oversight and management of a school construction aid program;

(4) the appropriate state action level for response to polychlorinated biphenyl contamination in a school; and

(5) criteria for prioritizing school construction funding.

(d) Assistance.

(1) The Task Force shall have the administrative, technical, and legal assistance of the Agency of Education, the Department of Health, and the Office of the State Treasurer.

(2) The Office of the State Treasurer is authorized to contract for services for the Task Force for technical assistance from a school construction expert and any administrative, technical, financial, or legal assistance required by the Task Force.

(e) Report. On or before January 15, 2024, the Task Force shall submit a written report to the House Committees on Corrections and Institutions, on Education, and on Ways and Means and the Senate Committees on Education, on Finance, and on Institutions with its findings and any recommendations for legislative action, including a recommendation on how the State should expend the funding in the Education Fund reserved for future school construction.

(f) Meetings.

(1) The State Treasurer shall call the first meeting of the Task Force to occur on or before July 15, 2023.

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

(3) The Task Force shall cease to exist on July 1, 2024.

(g) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Task Force serving in the member's capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than 10 meetings. These payments shall be made from monies appropriated to the General Assembly.

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

Sec. E.133 VERMONT RETIREMENT SYSTEMS AND VERMONT  
PENSION INVESTMENT COMMISSION; SOURCE OF  
FUNDS

(a) Of the \$2,990,679 appropriated in Sec. B.133 of this act, \$2,018,947 constitutes the Vermont State Employees' Retirement System operating budget, and \$971,732 constitutes the portion of the Vermont Pension Investment Commission's budget attributable to the Vermont State Employees' Retirement System.

Sec. E.134 VERMONT RETIREMENT SYSTEMS AND VERMONT  
PENSION INVESTMENT COMMISSION; OPERATING  
BUDGET

(a) Of the \$1,721,823 appropriated in Sec. B.134 of this act, \$1,361,777 constitutes the Vermont Municipal Employees' Retirement System operating budget, and \$360,046 constitutes the portion of the Vermont Pension Investment Commission.

Sec. E.139 GRAND LIST LITIGATION ASSISTANCE

(a) Of the appropriation 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 hydroelectric plants and other expenses incurred to undertake utility property appraisals in the State of Vermont.

Sec. E.142 PAYMENTS IN LIEU OF TAXES

(a) The appropriation in Sec. B.142 of this act is for State payments in lieu of property taxes under 32 V.S.A. chapter 123, subchapter 4. 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 of this act do not exceed 100 percent of the assessed value of

State buildings as defined by 32 V.S.A. § 3701(2).

Sec. E.143 PAYMENTS IN LIEU OF TAXES – MONTPELIER

(a) Payments in lieu of taxes under Sec. B.143 of this act 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 Sec. B.144 of this act shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

\* \* \* Protection \* \* \*

Sec. E.200 ATTORNEY GENERAL

(a) Notwithstanding any provision of law to the contrary, 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.204 JUDICIARY; NEW POSITIONS

(a) The establishment of seven new permanent exempt positions at the Judiciary are authorized in fiscal year 2024: five Judicial Assistants, one Superior Judge, and one Law Clerk.

(b) The Superior Judge position created pursuant to this section:

(1) shall be for a six-year term of office commencing on April 1, 2023, irrespective of the date when the initial appointment is made; and

(2) shall be subject to the judicial retention process under Chapter II, Sec. 34 of the Vermont Constitution.

Sec. E.204.1. 13 V.S.A. § 7282 is amended to read:

§ 7282. SURCHARGE

(a) In addition to any penalty or fine imposed by the court or ~~Judicial Bureau~~ for a criminal offense or any civil penalty imposed by the Judicial Bureau for a traffic violation, including any violation of a fish and wildlife statute or regulation, violation of a motor vehicle statute, or violation of any

local ordinance relating to the operation of a motor vehicle, except violations relating to seat belts and child restraints and ordinances relating to parking violations, the clerk of the court or Judicial Bureau shall levy an additional surcharge of:

\* \* \*

(8)(A) For any offense or violation committed after June 30, 2006, but before July 1, 2008, \$26.00, of which \$18.75 shall be deposited in the Victims Compensation Special Fund.

(B) For any offense or violation committed after June 30, 2008, but before July 1, 2009, \$36.00, of which \$28.75 shall be deposited in the Victims' Compensation Special Fund.

(C) For any offense or violation committed after June 30, 2009, but before July 1, 2013, \$41, of which ~~\$23.75~~ \$27.50 shall be deposited in the Victims Compensation Special Fund created by section 5359 of this title, and of which ~~\$10.00~~ \$13.50 shall be deposited in the Domestic and Sexual Violence Special Fund created by section 5360 of this title.

(D) For any offense or violation committed after June 30, 2013, \$47.00, of which ~~\$29.75~~ \$33.50 shall be deposited in the Victims Compensation Special Fund created by section 5359 of this title, and of which ~~\$10.00~~ \$13.50 shall be deposited in the Domestic and Sexual Violence Special Fund created by section 5360 of this title.

\* \* \*

(c) ~~SUI~~ SIU surcharge. In addition to any penalty or fine imposed by the court or Judicial Bureau for a criminal offense committed after July 1, 2009, the clerk of the court or Judicial Bureau shall levy an additional surcharge of \$100.00 to be deposited in the General Fund, in support of the Specialized Investigative Unit Grants Board created in 24 V.S.A. § 1940(c), and used to pay for the costs of Specialized Investigative Units.

#### 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 Essex County Sheriff.

#### Sec. E.209 PUBLIC SAFETY – STATE POLICE

(a) Of the General Fund appropriation in Sec. B.209 of this act, \$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 of this act, \$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 the Drug Task Force or carried forward.

Sec. E.212 PUBLIC SAFETY – FIRE SAFETY

(a) Of the General Fund appropriation in Sec. B.212 of this act, \$55,000 shall be granted to the Vermont Rural Fire Protection Task Force to design 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.

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.223 9 V.S.A. § 2730 is amended to read:

§ 2730. LICENSING FOR OPERATION OF WEIGHING AND MEASURING DEVICES

(a) As used in this section:

\* \* \*

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

\* \* \*

(f)(1) The Secretary shall charge, per unit, the following annual license fees:

(A) Retail motor fuel dispenser meter: \$25.00.

\* \* \*

(E) Each distinct plug-in connection point of electric vehicle supply equipment available to the public: \$25.00.

Sec. E.232 30 V.S.A. § 3085 is added to read:

§ 3085. CERTIFICATE OF GOOD STANDING

(a) A district may apply to the Secretary of State for a certificate of good standing.

(b) A certificate of good standing shall include:

(1) the official name of the district;

(2) that the district is duly formed pursuant to this chapter;

(3) the date of the district's formation;

(3) that the fee required by this section has been paid; and

(4) that a plan of dissolution for the district has not been approved pursuant to section 3083 of this chapter.

(c) Subject to any qualification stated in the certificate, a certificate of good standing issued by the Secretary of State may be:

(1) relied upon as conclusive evidence that the district is in existence and is authorized to deliver communications services and operate a communications plant pursuant to this chapter; and

(2) taken as prima facie evidence of the facts stated in the certificate.

(d) A district that applies for a certificate of good standing under this section shall pay to the Secretary of State a nonrefundable application fee of \$25.00.

\* \* \* Human Services \* \* \*

Sec. E.300 FUNDING FOR THE OFFICE OF THE HEALTH CARE  
ADVOCATE; VERMONT LEGAL AID

(a) Of the funds appropriated in Sec. B.300 of this act:

(1) \$1,847,406 shall be used for the contract with the Office of the Health Care Advocate;

(2) \$1,717,994 for Vermont Legal Aid services, including the Poverty Law Project and mental health services; and

(3) \$650,000 is for the purposes of maintaining current Vermont Legal

Aid program capacity and addressing increased requests for services, including eviction prevention and protection from foreclosure and consumer debt.

Sec. E.300.1 DESIGNATED AND SPECIALIZED SERVICE AGENCIES;  
INCREASE

(a) In fiscal year 2024, the Agency of Human Services shall increase funding to the designated and specialized service agencies in the following manner:

(1) A three percent base increase.

(2) The remaining fund increase shall be used to provide payment equity across the provider agencies. These funds shall be distributed as determined by the Agency of Human Service in the annual agreements or appropriate valuation model allocations for providers. The Agency shall report to the General Assembly in the fiscal year 2023 budget adjustment process on the status of these payment changes and shall recommend the reallocation of funding across budget line items if necessary.

Sec. E.300.2 BLUEPRINT FOR HEALTH HUB AND SPOKE PROGRAM  
PILOT; FUND SOURCES

(a) The Agency of Human Services, in collaboration with the Departments of Vermont Health Access and of Health, shall identify alternative fund sources, including sales tax revenue from tobacco, cannabis, and liquor, for ongoing funding of the Blueprint for Health Hub and Spoke program and shall update the Joint Fiscal Committee on its findings on or before November 15, 2023.

Sec. E.301 SECRETARY'S OFFICE – GLOBAL COMMITMENT

(a) The Agency of Human Services shall use the funds appropriated in Sec. B.301 of this act 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 to Health Section 1115 demonstration (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 Sec. B.301 of this act, a total estimated sum of \$25,231,644 is anticipated to be certified as State matching funds under Global Commitment as follows:

(1) \$21,957,400 certified State match available from local education agencies for eligible special education school-based Medicaid services under Global Commitment. This amount, combined with \$28,542,600 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) \$3,093,521 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) To facilitate the end-of-year closeout for fiscal year 2024, 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 of Human Services 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 Committee's September 2024 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 to Health Section 1115 demonstration approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

Sec. E.301.2 2022 Acts and Resolves No. 83, Sec. 72a, as amended by 2022 Acts and Resolves No. 185, Sec. C.105 is further amended to read:

\* \* \*

(f) The Global Commitment Fund appropriated in subsection (e) of this section may be obligated in fiscal year 2023 and fiscal year 2024 for the purposes of bringing HCBS plan spending authority forward into fiscal year 2024 and fiscal year 2025, respectively. The funds appropriated in subsections (b), (c), and (e) of this section may be transferred on a net-neutral basis in fiscal year 2023 and fiscal year 2024 in the same manner as the Global Commitment appropriations in Sec. E.301 of H.740 of 2022 2022 Acts and

Resolves No. 185, Sec. E.301. The Agency shall report to the Joint Fiscal Committee in September 2023 and September 2024, respectively, on transfers of appropriations made and final amounts expended by each department in fiscal year 2023 and fiscal year 2024, respectively, and any obligated funds carried forward to be expended in fiscal year 2024 and fiscal year 2025, respectively.

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, 2024, but only if new State or federal law or guidance requires 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 2013 Acts and Resolves No. 73, Sec. 60(10), as amended by 2017 Acts and Resolves No. 73, Sec. 14, 2018 Acts and Resolves No. 187, Sec. 5, 2019 Acts and Resolves No. 71, Sec. 21, and 2021 Acts and Resolves No. 73, Sec. 14, is further amended to read:

(10) Secs. 48–51 (health claims tax) shall take effect on July 1, 2013 and Sec. 52 (Health IT-Fund; sunset) shall take effect on July 1, ~~2023~~ 2025.

Sec. E.306.2 2019 Acts and Resolves No. 6, Sec. 105, as amended by 2019 Acts and Resolves No. 71, Sec. 19 and 2022 Acts and Resolves No. 83, Sec. 75, is further amended to read:

Sec. 105. EFFECTIVE DATES

\* \* \*

(b) Sec. 73 (further amending 32 V.S.A. § 10402) shall take effect on July 1, ~~2023~~ 2025.

\* \* \*

Sec. E.307 2022 Acts and Resolves No. 185, Sec. E.334.1 is amended to read:

Sec. E.334.1 LONG-TERM CARE – PERSONAL NEEDS ALLOWANCE INCREASE

(a) The amount of the State supplement for Medicaid beneficiaries who reside in a nursing home and receive Supplemental Security Income shall

increase by 10 percent to the degree practicable effective January 1, 2023 but not later than January 1, 2024.

(b) The amount of the personal needs allowance for all Medicaid beneficiaries who reside in a nursing home shall increase by 10 percent to the degree practicable effective January 1, 2023 but not later than January 1, 2024.

Sec. E.307.1 33 V.S.A. § 1992 is amended to read:

§ 1992. MEDICAID COVERAGE FOR ADULT DENTAL SERVICES

(a) Vermont Medicaid shall provide coverage for medically necessary dental services provided by a dentist, dental therapist, or dental hygienist working within the scope of the provider's license as follows:

\* \* \*

(2)(A) Diagnostic, restorative, and endodontic procedures, to a maximum of ~~\$1,000.00~~ \$1,500.00 per calendar year, provided that the Department of Vermont Health Access may approve adjust the maximum pursuant to the process outlined in subdivision (B) of this subdivision (2) and may approve expenditures in excess of that amount when exceptional medical circumstances so require.

(B) The Department may set the maximum for coverage of diagnostic, restorative, and endodontic procedures in excess of the amount set forth in subdivision (A) of this subdivision (2) for a calendar year based on the Department's annual assessment of available funds, provided that the Department submit a report to the House Committee on Health Care, the Senate Committee on Health and Welfare, and the House and Senate Committees on Appropriations, or to the Joint Fiscal Committee if the General Assembly is not in session, each time the Department adjusts the maximum.

\* \* \*

Sec. E.312 HEALTH – PUBLIC HEALTH

(a) AIDS/HIV funding:

(1) In fiscal year 2024, the Department of Health shall provide grants in the amount of \$475,000 in AIDS Medication Rebates special funds to 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 2024, 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 act.

(B) 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 2024, 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 2024, the Department of Health shall provide grants in the amount of \$300,000 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 shall be State fiscal year 2024. Grant reporting shall include outcomes and results.

(6) In fiscal year 2024, the Department of Health shall not reduce any grants to Vermont AIDS service and peer-support organizations or syringe service programs from funds appropriated for AIDS/HIV services to levels below those in fiscal year 2023 without receiving prior approval from the Joint Fiscal Committee.

Sec. E.312.1 DEPARTMENT OF HEALTH: EMERGENCY MEDICAL SERVICES COORDINATION; REPORT

(a) The Commissioner of Health shall provide a report to the General Assembly on or before January 15, 2024, on Emergency Medical Services in Vermont.

(b) The Commissioner shall design and conduct a stakeholder engagement process that ensures input and representation from all types of emergency medical service providers serving Vermonters, as well as hospital and health systems, public safety, and municipal government.

(c) The report shall identify issues and provide recommendations for legislative consideration that will sustain and improve the provision of emergency medical services for Vermonters. This may include:

(1) issues related to costs of service and existing funding models;

(2) issues related to coordination across agencies; and

(3) issues related to EMS District structure and authority, including consideration of recommendations on the number and configuration of EMS Districts and their powers, duties, and authority.

Sec. E.312.2 18 V.S.A. § 13 is added to read:

§ 13. COMMUNITY VIOLENCE PREVENTION PROGRAM

(a) There is established the Community Violence Prevention Program to be administered by the Department of Health in consultation and collaboration with the Chief Prevention Officer, the Department of Public Safety, the Director of Violence Prevention, and the Executive Director of Racial Equity. The Program shall work with communities to implement innovative, evidence-based, and evidence-informed programs addressing causes of youth and community violence. Grants awarded pursuant to this section shall be at the discretion of the Commissioner of Health and shall build on and complement existing programs addressing the causes of youth and community violence.

(b)(1) A Vermont municipality or nonprofit organization may submit an application for a Community Violence Prevention Program grant to the Commissioner of Health. Grants awarded under this section shall be for the purpose of funding innovative, evidence-based, or evidence-informed approaches to reducing violence and associated community harm.

(2) The Commissioner of Health, in consultation with the Department of Public Safety and the Executive Director of Racial Equity, shall develop and publish guidelines, for the award of Community Violence Prevention grants. The guidelines shall include a focus on increasing community capacity to implement approaches for human services, public health, and public safety collaboration to address root causes of community violence through data-driven projects.

(c) The Community Violence Prevention Program shall collect data to monitor youth and community violence and its related risk and protective factors and to evaluate the impact of prevention efforts and shall use the data to plan and implement programs. The Program shall use monitoring and evaluation data to track the impact of interventions.

#### Sec. E.312.3 COMMUNITY VIOLENCE PREVENTION PROGRAM; FUNDING

(a) Grants awarded from State funds to the Community Violence Prevention Program established by 18 V.S.A. § 13 shall be dependent upon the amount of the appropriation.

(b) The Department of Health is authorized to seek and accept grant funding for the purpose of supporting the Community Violence Prevention Program to supplement State appropriations.

(c) If funding is available for the Community Violence Prevention Program from federal grants or legal settlements related to drug use or criminal activity:

(1) such federal or settlement funds shall be utilized ahead of General Funds if allowed.

#### Sec. E.313 HEALTH; SUBSTANCE USE PROGRAMS

(a) In fiscal year 2024, the Department of Health shall provide additional grants from the Global Commitment fund in the amount of \$1,850,000 to Vermont's 12 recovery centers. The methods by which these funds are distributed shall be determined by mutual agreement of the Department and the recipients. The performance period of these grants shall be State fiscal year 2024. Recipients shall report outcomes to the Department.

(b) The Department of Health shall review and analyze the capital and operating model for recovery residences. This shall include the portion of capital investment for these facilities that is privately and publicly financed, a description of the existing operating models of these facilities, existence and content of sustainability plans, the current operating margins net of rental income generated and the array of existing other operating funding available to the facilities, and the annual amounts of depreciation claimed by investors related to these facilities. The Department shall report to the General Assembly on this analysis and any related recommendations.

Sec. E.321 GENERAL ASSISTANCE HOUSING: ADVERSE WEATHER CONDITIONS

(a) The Commissioner for Children and Families may, by policy, provide temporary housing for a limited duration in adverse weather conditions when appropriate shelter space is not available.

Sec. E.323 33 V.S.A. § 1001 is amended to read:

§ 1001. DEFINITIONS

As used in this chapter:

~~(1) “Able to work” means to be free of any physical, emotional, or mental condition that would prevent the individual from engaging in any combination of the work activities for at least 35 hours per week. [Repealed.]~~

~~(2) “Able to work part time” means having a physical, emotional, or mental condition that would allow the individual to engage in any combination of the work activities for at least 10 hours per week but would prevent the individual from engaging in such activities for 35 or more hours per week. [Repealed.]~~

\* \* \*

~~(25) “Unable to work” means not able to work and not able to work part time. [Repealed.]~~

~~(26) “Work activities” means the following activities limited to the extent and degree that they are allowed and countable in accordance with Part A of Title IV of the Social Security Act:~~

~~(A) unsubsidized employment;~~

~~(B) subsidized private sector employment;~~

~~(C) subsidized public sector employment;~~

~~(D) work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector~~

employment is not available;

~~(E) on the job training;~~

~~(F) job search and job readiness assistance;~~

~~(G) community service programs;~~

~~(H) vocational educational training (not to exceed 12 months with respect to any individual);~~

~~(I) job skills training directly related to employment;~~

~~(J) education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency;~~

~~(K) satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate;~~

~~(L) the provision, consistent with the Department's rules applicable to self-employment, of child care services to an individual who is participating in a community service program;~~

~~(M) attendance at a financial literacy class; and~~

~~(N) any other work activity recognized in accordance with Part A of Title IV of the Social Security Act, as amended. [Repealed.]~~

~~(27) "Work-ready" means the participant possesses the education or skills demanded by the local job market or is capable of participating in one or more work activities at the level required by the participant's work requirement, and is not subject to any barrier. [Repealed.]~~

Sec. E.323.1 33 V.S.A. § 1004 is amended to read:

§ 1004. REACH FIRST PAYMENT

\* \* \*

(c) For the purposes of calculating the payment, child support shall be treated as income, except that the first \$500.00 \$100.00 amount of child support shall be disregarded from income.

Sec. E.323.2 33 V.S.A. § 1005(b)(8) is amended to read:

(8) ~~Assistance with obtaining documentation of an apparent or claimed physical, emotional, or mental condition that reasonably can be presumed to limit or eliminate the individual's capacity to engage in employment or other work activity. [Repealed.]~~



Sec. E.323.3 33 V.S.A. § 1006 is amended to read:

§ 1006. CASE MANAGEMENT; FAMILY DEVELOPMENT PLANS;  
COORDINATED SERVICES

\* \* \*

(b) The family development plan shall include:

(1) Each ~~parent~~ parent's or caretaker's employment goal or plan to engage in the program, to the best of the parent's or caretaker's ability.

\* \* \*

Sec. E.323.4 33 V.S.A. § 1011 is amended to read:

§ 1011. TRANSITION TO OTHER PROGRAMS

\* \* \*

~~(b) If a family finds employment meeting or exceeding the work requirements for Reach Up for the family's size and composition, but is financially eligible for Reach Up, the Department shall transfer the family to Reach Up, unless the family chooses not to participate. A family transferring from Reach First to Reach Up shall be treated as a recipient for the purposes of income calculation. [Repealed.]~~

~~(c) If a family finds employment meeting or exceeding the work requirements for Reach Up for the family's size and composition, is not financially eligible for Reach Up, and is eligible for the Reach Ahead program, the Department shall transfer the family to Reach Ahead, unless the family chooses not to participate. A family transferring from Reach First to Reach Ahead shall be treated as a recipient for the purposes of income calculation. [Repealed.]~~

\* \* \*

Sec. E.323.5 33 V.S.A. § 1203 is amended to read:

§ 1203. ELIGIBILITY

A family shall be eligible for Reach Ahead if the family resides in Vermont and:

(1) has left Reach Up or the postsecondary education program within the prior six months for employment that meets the federal work requirements for the ~~Reach Up~~ TANF program for the family's size and composition;

\* \* \*

Sec. E.323.6 33 V.S.A. § 1212 is amended to read:

§ 1212. TRANSITION TO OTHER PROGRAMS

If a family loses employment meeting or exceeding the work requirements for ~~Reach Up TANF~~ for the family's size and composition and is financially eligible for Reach Up, the family shall be transferred to Reach First or Reach Up without an additional application process, unless the family chooses not to participate. Verification of income or other documentation may be required as provided for by rule.

Sec. E 323.7 REACH AHEAD PILOT PROGRAM

(a) Notwithstanding any provision to the contrary in 33 V.S.A. chapter 12, funds appropriated to the Department for Children and Families for the Reach Ahead Pilot Program in fiscal year 2024 shall be used to:

(1) enroll families that have left the Reach Up program or the postsecondary education program within the prior 12 months for employment that meets the federal work requirements for the Temporary Assistance for Needy Families program for the family's size and composition;

(2) increase the amount of monthly food assistance from \$50 to \$100 in the first 12 months of a family's participation in Reach Ahead;

(3) increase the amount of monthly food assistance from \$5 to \$50 in the second 12 months of a family's participation in Reach Ahead; and

(4) provide incentive payments to participating families in the amounts of:

(A) \$750, to be paid after participating in the Program for six months;

(B) \$1,000, to be paid after participating in the Program for 12 months;

(C) \$1,000, to be paid after participating in the Program for 18 months; and

(D) \$1,000, to be paid after participating in the Program for 24 months.

(b) This program is funded with one-time money and is only in effect for fiscal years 2024 and 2025, unless additional funding is authorized.

Sec. E.323.8 REACH AHEAD PILOT PROGRAM

(a) The Department for Children and Families – Economic Services Division shall collect and report data that measures outcomes for participants

of the Reach Ahead Pilot Program established in Sec. E.323.7 of this act; the indicators used to measure participant and Pilot Program progress; and the strategies that are implemented.

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 General Fund appropriation in Sec. B.325 of this act, \$18,776,814 shall be granted to community agencies to assist individuals experiencing homelessness 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.

(b) Of the General Fund appropriation in Sec. B.325 of this act, \$170,301 shall be granted to community agencies for financial coaching.

Sec. E.325.1 CHILD CARE FACILITIES FINANCING PROGRAM

(a) 33 V.S.A. § 3521 (Child Care Facilities Financing Program established) is repealed.

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 18 V.S.A. § 8725 is amended to read:

§ 8725. SYSTEM OF CARE PLAN

\* \* \*

(e) Notwithstanding 2 V.S.A. § 20(d), on or before ~~January~~ February 15 of each year, the Department shall report to the Governor and the committees of jurisdiction regarding implementation of the plan, the extent to which the

principles of service set forth in section 8724 of this title are achieved, and whether people with a developmental disability have any unmet service needs, including the number of people on waiting lists for developmental services.

\* \* \*

Sec. E. 334 NURSING HOME RATE SETTING

(a) The Department of Disabilities, Aging, and Independent Living and the Department of Vermont Health Access shall report to the House Committees on Human Services and on Appropriations and the Senate Committees on Health and Welfare and on Appropriations not later than December 15, 2023, on the budgetary impact of eliminating the minimum occupancy threshold in the nursing home rate setting process and reducing the minimum occupancy threshold to not more than 80 percent in the nursing home rate setting process. The report shall include a recommendation on whether to eliminate or reduce the minimum occupancy requirement, timeline, and next steps for implementing the recommendation and anticipated impact on sustainability of Vermont nursing homes.

Sec. E.335 28 V.S.A. § 126 is added to read:

§ 126. DEPARTMENT OF CORRECTIONS; PEER SUPPORT PROGRAM;  
CONFIDENTIALITY

(a) As used in this section:

(1) “Department” has the same meaning as in subdivision 3(4) of this title.

(2) “Participant” means a Department staff member who has been involved in a traumatic incident by reason of employment at the Department and who has agreed to participate in the Department’s peer support program.

(3) “Peer support” means appropriate support and services offered by a peer support specialist to a participant.

(4) “Peer support program” means a program established by the Department of Corrections to provide appropriate peer support services to Department staff members.

(5) “Peer support session” means a peer support program session for a Department staff member who has been involved in a traumatic incident by reason of employment at the Department or related to other personal matters.

(6) “Peer support specialist” means a Department staff member who, by reason of the staff member’s prior experience, training, or interest, has expressed a desire and has been selected to provide appropriate peer support

services to a participant.

(7) “Staff member” means a supervising officer as defined in subdivision 3(9) of this title, a correctional officer as defined in subdivision 3(10) of this title, and any other employee of the Department.

(b)(1) Except as provided in subsection (d) of this section, any communication made by a participant or peer support specialist in a peer support session of the peer support program, including any oral or written information conveyed during a peer support session, shall not be disclosed by any individual participating in the peer support session.

(2) Except as provided by subsection (d) of this section, any communication relating to a peer support session between peer support specialists, between peer support specialists and participants of the peer support program, between participants of the peer support program, or between any other Department staff member, including any oral or written information, shall not be disclosed by any individual participating in the communication.

(3) Written communications described in this subsection, such as notes, records, and reports related to a peer support session, are exempt from public inspection and copying under the Public Records Act and shall be kept confidential. The Public Records Act exemptions created in this section shall not be subject to the provisions of 1 V.S.A. § 317(e) (repeal of Public Records Act exemptions).

(c) Except as provided by subsection (d) of this section, any communication made by a participant or peer support specialist in a peer support session, including any oral or written communication, such as notes, records, and reports related to the peer support session, shall not be admissible in a judicial, administrative, or arbitration proceeding. Limitations on disclosure imposed by this subsection include disclosure during any discovery conducted as part of an adjudicatory proceeding. Limitations on disclosure imposed by this subsection shall not include knowledge acquired by the Department or staff members from observations made during the course of employment or information acquired by the by the Department or staff members during the course of employment that is otherwise subject to discovery or introduction into evidence.

(d)(1) Confidentiality protections described in subsections (b) and (c) of this section shall only apply to a peer support session conducted by an individual who has:

(A) been designated by the Department or the peer support program to act as a peer support specialist; and

(B) received and completed training in peer support and providing emotional and moral support to Department staff members who have been involved in emotionally traumatic incidents by reason of their employment or other personal matters.

(2) Confidentiality protections described in subsections (b) and (c) of this section shall not apply to the following information as it pertains to an individual designated to receive such information in the normal course the individual's professional responsibilities:

(A) any threat of suicide or homicide made by a participant of a peer support session or any information conveyed in a peer support session relating to a threat of suicide or homicide;

(B) any information relating to the abuse of a child or vulnerable adult, or other information that is required to be reported by law;

(C) any admission of criminal conduct; or

(D) any admission of a plan to commit a crime.

(e) Nothing in this section shall prohibit any communications between peer support specialists regarding a peer support session or between peer support specialists and participants of the peer support program.

#### 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.338.1 13 V.S.A. § 7554b is amended to read:

#### § 7554b. HOME DETENTION PROGRAM

(a) Definition. As used in this section, “home detention” means a program of confinement and supervision that restricts a defendant to a preapproved residence continuously, except for authorized absences, and is enforced by appropriate means of surveillance and electronic monitoring by the Department of Corrections, including the use of passive electronic monitoring. The court may authorize scheduled absences such as for work, school, or treatment. Any changes in the schedule shall be solely at the discretion of the Department of Corrections. A defendant who is on home detention shall remain in the custody of the Commissioner of Corrections with conditions set by the court.

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Sec. E.338.2 HOME DETENTION PROGRAM; REVIEW; REPORT

(a) The Joint Legislative Justice Oversight Committee shall review the Home Detention Program under 13 V.S.A. § 7554b, including its historical and current use, defendant eligibility criteria, and any potential changes to the types of crimes for which it can be used.

(b) On or before November 15, 2023, the Committee shall submit any findings resulting from its review in the form of proposed legislation to the Joint Legislative Justice Oversight Committee.

Sec. E.338.3 REPEALS

(a) 13 V.S.A. § 7554(a)(1)(G) is repealed.

(b) 13 V.S.A. § 7554(a)(2)(F) is repealed.

(c) 13 V.S.A. § 7554d is repealed.

Sec. E.338.4 28 V.S.A. chapter 11 is amended to read:

\* \* \*

§ 808e. ABSCONDING FROM FURLOUGH; WARRANT

(a) “Absconded” has the same meaning as “absconding” as defined in subdivision 722(1) of this title.

(b) The Commissioner of Corrections may issue a warrant for the arrest of a person who has absconded from furlough status in violation of subsection 808(a) or section 723 or 808a, ~~808b, or 808e~~ of this title, requiring the person to be returned to a correctional facility. A law enforcement officer who is provided with a warrant issued pursuant to this section shall execute the warrant and return the person who has absconded from furlough to the Department of Corrections.

~~(b)~~(c) A person for whom an arrest warrant is issued pursuant to this section shall not earn credit toward service of ~~his or her~~ the person’s sentence for any days that the warrant is outstanding.

\* \* \*

Sec. E.345 HOSPITAL SYSTEM TRANSFORMATION PLANNING;  
PILOT PROJECTS; UPDATE

(a) The Green Mountain Care Board Shall submit an update to the Health Reform Oversight Committee on or before November 1, 2023 regarding the financial status of hospitals as reflected in the fiscal year 2022 actual operating results, any early indications for fiscal year 2023 hospital budget performance, and an overview of the fiscal year 2024 budget guidance provided to hospitals. The update shall address how budget guidance development aligns with the

intent and requirements of 2022 Acts and Resolves No. 167.

\* \* \* General Education \* \* \*

Sec. E.500 EDUCATION – FINANCE AND ADMINISTRATION

(a) The Global Commitment funds appropriated in Sec. B.500 of this act 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 16 V.S.A. § 4018 is added to read:

§ 4018. AFTERSCHOOL AND SUMMER LEARNING PROGRAMS

(a) Revenue from the sales and use tax imposed by 32 V.S.A. chapter 233 on retail sales of cannabis or cannabis products in this State shall be used to fund grant programs for the expansion of summer and afterschool programs with an emphasis on increasing access in underserved areas of the State.

(b) The Secretary of Education shall administer the grant programs, as follows:

(1) Cannabis sales tax revenue shall be used to support a mixed delivery system for afterschool and summer programming. Eligible recipients can be public, private, or nonprofit organizations.

(2) Grants may be used for technical assistance, program implementation, program expansion, program sustainability, and related costs.

(3) Funds may be used to directly target communities with low existing capacity to serve youth in afterschool and summer settings.

(4) The Agency may use up to \$500,000 for administrative costs to allow for the support of the grant program and technical assistance to communities. This could include subcontracts to support the grant programs.

(c) An Advisory Committee is created to support the Secretary of Education in administering funds pursuant to this section. The Agency shall provide administrative and technical support to the Committee. The Committee is to be composed of:

- (1) the State’s Chief Prevention Officer;
- (2) the Commissioner for Children and Families or designee;
- (3) the Commissioner of Health or designee;
- (4) the Commissioner of Mental Health or designee;



- (5) the Secretary of Natural Resources or designee;
- (6) the Secretary of Commerce and Community Development or designee;
- (7) the Vermont Afterschool Executive Director or designee; and
- (8) a representative from the Governor's Office.

(d) On or before each November 15, the Agency of Education shall submit to the General Assembly a plan to fund grants in furtherance of the purposes of subsection (a) of this section and report outcomes data on the grants made during the previous year. The Agency shall also report on the number of programs, slots, weeks, or hours; geographic distribution; and what is known about costs to families. The report should be inclusive of 21C programming. The grants shall be in an amount equal to the official forecasted revenues to be raised from the sales and use tax imposed by 32 V.S.A. § 233 on cannabis or cannabis products in this State. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the plan to be made under this subsection.

#### Sec. E.500.2 REPEALS

(a) 2020 Acts and Resolves No. 164, Secs. 17c. (dedicated use of sales and use tax on cannabis) and 17d. (annual budgeting of sales and use tax revenue) are repealed.

#### 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 \$4,195,600 shall be used by the Agency of Education in fiscal year 2024 as funding for 16 V.S.A. § 2967(b)(2)–(6). In distributing such funds, the Secretary will not be limited by the restrictions contained within 16 V.S.A. § 2969(c)–(d).

#### Sec. E.503 EDUCATION – STATE-PLACED STUDENTS

(a) The Independence Place Program of the Lund Family Center will be considered a 24-hour residential program for the purposes of reimbursement of education costs.

#### Sec. E.504 ADULT BASIC EDUCATION FUNDING; REPORT

(a) The Secretary of Education shall review and report to the Joint Fiscal Committee on or before November 1, 2023 on the annual level of Education Funds directed to Adult Basic Education providers since fiscal year 2019 through the high school completion funding provided in the flexible pathways line item. The report shall include information on the cause of any changes in

the level of Education Funds directed to Adult Basic Education Providers.

Sec. E.504.1 EDUCATION – FLEXIBLE PATHWAYS

(a) Of the appropriation in Sec. B.504 of this act, \$1,900,000 from the Education Fund will 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) \$921,500 is available for dual enrollment programs notwithstanding 16 V.S.A. § 944(f)(2);

(2) \$2,000,000 is available to support the Vermont Virtual High School;

(3) \$400,000 is available for secondary school reform grants;

(4) \$4,000,000 is available for Early College pursuant to 16 V.S.A. § 946.

(c) Of the appropriation in Sec. B.504 of this act, \$921,500 from the General Fund is available for dual enrollment programs.

Sec. E.511.1 MORATORIUM ON APPROVAL OF NEW APPROVED  
INDEPENDENT SCHOOLS

(a) Notwithstanding any provision of law to the contrary, the State Board of Education shall be prohibited from approving an application for initial approval of an approved independent school until further direction by the General Assembly.

Sec. E.514 VERMONT STATE TEACHERS' RETIREMENT SYSTEM

(a) The total annual employer contribution to the Vermont State Teachers' Retirement System (VSTRS) in fiscal year 2024 shall be \$203,281,051.

(b) In accordance with 16 V.S.A. § 1944(g)(2), the annual contribution to the Vermont State Teachers' Retirement System (VSTRS) shall be \$194,281,051 of which \$184,811,051 shall be the State's contribution and \$9,470,000 shall be contributed from local school systems or educational entities pursuant to 16 V.S.A. § 1944(c).

(c) In accordance with 16 V.S.A. § 1944(c)(2), of the annual contribution, \$34,825,673 is the "normal contribution," and \$159,455,378 is the "accrued liability contribution."

(d) In accordance with 16 V.S.A. § 1944(c)(13)(A), \$9,000,000 shall be contributed from the General Fund for a supplemental plus accrued liability contribution.

Sec. E.514.1 VERMONT STATE TEACHERS' RETIREMENT SYSTEM;  
OPERATING BUDGET

(a) Of the \$3,448,255 appropriated in Sec. B.514.1 of this act, \$2,401,835 constitutes the Vermont State Teachers' Retirement System operating budget, and \$1,046,420 constitutes the portion of the Vermont Pension Investment Commission's budget attributable to the Vermont State Teachers' Retirement System.

Sec. E.514.2 VERMONT STATE TEACHERS' RETIREMENT SYSTEM;  
CALENDAR YEAR 2023–2024 SUPPLEMENTAL COST OF  
LIVING PAYMENTS; INTENT; ACTUARIAL COST  
ANALYSIS

(a) Intent. It is the intent of the General Assembly that:

(1) The maximum percentage value methodology set forth in 16 V.S.A. § 1949 that applies to the postretirement adjustment allowances for the Vermont State Teachers' Retirement System (VSTRS) shall be actuarially evaluated to determine the cost required to revert to the methodology used prior to the enactment of 2016 Acts and Resolves No. 114.

(2) The General Assembly further intends to make such a reversion by future legislative action amending 16 V.S.A. § 1949, provided that the present value of changes to the postretirement adjustment allowance methodology be fully funded at the time the change is made and not increase the unfunded liability in VSTRS.

(3) The General Assembly further intends that if the June 30, 2023, change in the Consumer Price Index exceeds the statutory maximum percentage values set forth in 16 V.S.A. § 1949 (b)(1), the General Assembly will provide a sufficient appropriation in the 2024 Budget Adjustment Act to make a one-time supplemental payment, similar in form to that described in subsection (b) of this section, to qualifying VSTRS retired members and beneficiaries in calendar year 2024.

(b) Calendar year 2023 supplemental payment. A one-time supplemental payment during calendar year 2023 shall be made to VSTRS retired members and beneficiaries who received a 2.5 percent postretirement adjustment allowance in an amount equal to the net difference between what members actually received in calendar year 2023 and what they would have received under a 3.8 percent postretirement adjustment allowance.

(c) Actuarial cost analysis. Following the completion of the next experience study, expected in fall 2023, the State Treasurer shall conduct an actuarial analysis to evaluate the cost of changing the current methodology for calculating the postretirement adjustment allowance for the Vermont State

Teachers' Retirement System to a methodology calculated by applying the maximum percentage values set forth in 16 V.S.A. § 1949(b)(1) to the postretirement adjustment allowance rather than applying the statutory maximum percentage values to the net percentage change in the Consumer Price Index. The actuarial analysis shall take into account any changes to actuarial assumptions that may occur following the experience study to be performed at the end of fiscal year 2023, as required by 16 V.S.A. § 1942.

(d) Report. Based on the actuarial cost analysis described in subsection (c) of this section, on or before January 15, 2024, the State Treasurer shall submit a report to the House and Senate Committees on Appropriations with an actuarial cost estimate for changing the VSTRS postretirement adjustment allowance methodology as set forth in subsection (c) of this section.

Sec. E.514.3 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 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) Of each Group C member, the following shall apply:

\* \* \*

(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:

\* \* \*

(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. Beginning on July 1, 2024, a Group C member shall have the rate set forth in this subdivision (b)(2)(B)(iii) 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 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~~ 6.15 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 \$50,000.00, the rate is 6.20 percent;

(III) if a member's base salary is ~~\$60,000.01~~ \$50,000.01 or more but not more than ~~\$80,000.00~~ \$60,000.00, 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~~ 6.30 percent;

(IV) if a member's base salary is ~~\$80,000.01~~ \$60,000.01 or more but not more than ~~\$100,000.00~~ \$70,000.00, 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~~ 6.40 percent; and

(V) if a member's base salary is ~~\$100,000.01~~ \$70,000.01 or more but not more than ~~\$80,000.00~~, 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~~ 6.55 percent.

(VI) If a member's base salary is \$80,000.01 or more but not more than \$90,000.00, the rate is 6.80 percent.

(VII) If a member's base salary is \$90,000.01 or more but not more than \$100,000.00, the rate is 7.10 percent.

(VIII) If a member's base salary is \$100,000.01 or more, the rate is 7.35 percent.

#### Sec. E.515 RETIRED TEACHERS' HEALTH CARE AND MEDICAL BENEFITS

(a) In accordance with 16 V.S.A. § 1944b(b)(2), and 16 V.S.A. § 1944b(h)(1), the annual contribution to the Retired Teachers' Health and Medical Benefits plan shall be \$61,290,528, of which \$53,740,528 shall be the State's contribution and \$7,550,000 shall be from the annual charge for teacher health care contributed by employers pursuant to 16 V.S.A. §1944d. Of the annual contribution, \$17,589,046 is the "normal contribution," and \$43,701,482 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) to comply with State matching fund requirements necessary for the receipt of available federal or private funds, or both.

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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 to comply with State matching fund requirements necessary for the receipt of available federal or private funds, or both.

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 this appropriation, not more than \$300,000 may be used by VSAC for a student aspirational initiative to serve one or more high schools.

(c) Of the appropriated amount remaining after accounting for subsections (a) and (b) of this section, not less than 93 percent of this appropriation shall be used for direct student aid.

(d) In this act or any other legislation enacted into law this year or in 2022, to the extent other funding is appropriated or otherwise provided to VSAC, or is appropriated to the Agency of Human Services or any of its Departments for disbursement to VSAC for the administration of a program or initiative, up to seven percent may be used by VSAC for its costs of administration, and VSAC may recoup its reasonable costs of collecting the forgivable loans in repayment. Funds shall not be used for indirect costs. To the extent these are federal funds, allocation for expenses associated with administering the funds shall be consistent with federal grant requirements.

(e) \$1,000,000 of the General Fund appropriation in Sec. B.605 of this act shall be used to continue operating the Vermont Trades Scholarship Program in

accordance with 2022 Acts and Resolves No. 183, Sec. 14.

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. The Vermont Student Assistance Corporation 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) On or before January 15, 2024, the Vermont Student Assistance Corporation shall report on the program to the House Committees on Appropriations and on Commerce and Economic Development and the Senate Committees on Appropriations and on Economic Development, Housing and General Affairs.

Sec. E.702 10 V.S.A. § 4829(a) is amended to read:

(a) A person engaged in the business of farming who suffers damage by deer to the person's crops, fruit trees, or crop-bearing plants on land not posted against the hunting of deer, or a person engaged in the business of farming who suffers damage by black bear to the person's cattle, sheep, swine, poultry, or bees or bee hives on land not posted against hunting or trapping of black bear is entitled to reimbursement for the damage up to an amount not to exceed \$5,000.00 per year, and may apply to the Department of Fish and Wildlife within 72 hours of the occurrence of the damage for reimbursement for the damage. As used in this section, "post" means any signage that would lead a reasonable person to believe that hunting is prohibited on the land.

\* \* \*

Sec. E.811 LAND ACCESS AND OPPORTUNITY BOARD;  
ATTACHMENT FOR ADMINISTRATION; REPORT

(a) On or before December 15, 2023, the Land Access and Opportunity Board shall submit a written report to the House Committees on Appropriations and on Government Operations and Military Affairs and the Senate Committees on Appropriations and on Government Operations regarding the appropriate State entity for the Board to be attached to for administrative purposes. The report shall, in consideration of the mission,



powers, and duties of the Board, identify various State entities to which the Board could be attached for administrative purposes and shall examine the potential benefits and drawbacks of the Board being attached to each of the entities identified. The report shall consider the benefits and drawbacks of the Board continuing to be attached to the Vermont Housing and Conservation Board for administrative purposes.

Sec. E.900 TRANSPORTATION FUND RESERVE – REVERSIONS  
EXCLUDED

(a) To calculate the fiscal year 2024 Transportation Fund Stabilization Reserve requirement of five percent of prior year appropriations, reversions of \$20,727,012 are excluded from the fiscal year 2023 total appropriations amount.

Sec. E.1000 2022 Acts and Resolves No. 83 Sec. 53(b)(5), as amended by 2022 Acts and Resolves No. 185, Sec. C.102, is further amended to read:

\* \* \*

~~(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. Notwithstanding 32 V.S.A. §1001b(e), beginning 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 transferred and reserved in the Capital Expenditure Cash Fund, as establish in 32 V.S.A. §1001b created in Sec. E. 106.1 of H.740 of 2022.~~

\* \* \* Workforce and Economic Development Policies (H.484) \* \* \*

Sec. F.1 TEACHER LICENSING FEES; SUSPENSION

(a) Notwithstanding any provision of law to the contrary, peer review process one-time licensure fee requirements under 16 V.S.A. § 1697(a)(7) are suspended during fiscal years 2024 through 2029.

(b) In fiscal year 2024, the estimated fees that would have been collected under 16 V.S.A. § 1697(a)(7) shall be accounted for through funds appropriated to the Agency of Education from the General Fund.

Sec. F.2 EDUCATOR WORKFORCE DIVERSITY

(a) Educator demographics. In order to understand and improve the longstanding and well-documented issue of underrepresentation in the Vermont educator workforce, including underrepresentation of Black, Indigenous, and Persons of Color; New Americans; and other historically underrepresented communities, the Agency of Education shall collect demographic information from educators and report such information in its annual teacher and staff full-

time equivalencies report. The Agency shall submit the educator demographic information section of the report annually to the General Assembly on or before each January 15.

Sec. F.3 18 V.S.A. § 39 is added to read:

§ 39. VERMONT PSYCHIATRIC MENTAL HEALTH NURSE  
PRACTITIONER FORGIVABLE LOAN INCENTIVE PROGRAM

(a) As used in this section:

(1) “Corporation” means the Vermont Student Assistance Corporation established in 16 V.S.A. § 2821.

(2) “Eligible individual” means an individual who satisfies the eligibility requirements under this section for a forgivable loan.

(3) “Eligible school” means an approved postsecondary education institution, as defined under 16 V.S.A. § 2822.

(4) “Forgivable loan” means a loan awarded under this section covering tuition, which may also cover room, board, and the cost of required books and supplies for up to full-time attendance at an eligible school.

(5) “Program” means the Vermont Psychiatric Mental Health Nurse Practitioner Forgivable Loan Incentive Program created under this section.

(b) The Vermont Psychiatric Mental Health Nurse Practitioner Forgivable Loan Incentive Program is created and shall be administered by the Corporation in collaboration with the Department of Health. The Program provides forgivable loans to students enrolled in a master’s program at an eligible school who commit to working as a psychiatric mental health nurse practitioner in this State and who meet the eligibility requirements in subsection (d) of this section.

(c) The Corporation shall disburse forgivable loan funds under the Program on behalf of eligible individuals, subject to the appropriation of funds by the General Assembly for this purpose.

(d) To be eligible for a forgivable loan under the Program, an individual, whether a resident or nonresident, shall satisfy all of the following requirements:

(1) be enrolled at an eligible school in a program, whether through in-person or remote instruction, that leads to a master’s degree or specialty in psychiatric mental health;

(2) maintain good standing at the eligible school at which the individual is enrolled;

(3) agree to work as a psychiatric mental health nurse practitioner in Vermont for a minimum of one year following licensure for each year of forgivable loan awarded;

(4) have executed a credit agreement or promissory note that will reduce the individual's forgivable loan benefit, in whole or in part, pursuant to subsection (f) of this section, if the individual fails to complete the period of service required in subdivision (3) of this subsection;

(5) have completed the Program's application form and the Free Application for Federal Student Aid (FAFSA), in accordance with a schedule determined by the Corporation; and

(6) have provided such other documentation as the Corporation may require.

(e) If an eligible individual fails to serve as a psychiatric mental health nurse practitioner in this State in compliance with the Program for a period that would entitle the individual to the full forgivable loan benefit received by the individual, other than for good cause as determined by the Corporation in consultation with the Vermont Department of Health, then the individual shall receive only partial loan forgiveness for a pro rata portion of the loan pursuant to the terms of the interest-free reimbursement promissory note signed by the individual at the time of entering the Program.

(f) The Corporation shall adopt policies, procedures, and guidelines necessary to implement the provisions of this section, including maximum forgivable loan amounts.

Sec. F.4 18 V.S.A. § 40 is added to read:

§ 40. VERMONT DENTAL HYGIENIST FORGIVABLE LOAN  
INCENTIVE PROGRAM

(a) As used in this section:

(1) "Corporation" means the Vermont Student Assistance Corporation established in 16 V.S.A. § 2821.

(2) "Eligible individual" means an individual who satisfies the eligibility requirements under this section for a forgivable loan.

(3) "Eligible school" means an approved postsecondary education institution, as defined under 16 V.S.A. § 2822.

(4) “Forgivable loan” means a loan awarded under this section covering tuition, which may also include room, board, and the cost of required books and supplies for up to full-time attendance at an eligible school.

(5) “Program” means the Vermont Dental Hygienist Forgivable Loan Incentive Program created under this section.

(b) The Vermont Dental Hygienist Forgivable Loan Incentive Program is created and shall be administered by the Department of Health in collaboration with the Corporation. The Program provides forgivable loans to students enrolled in an eligible school who commit to working as a dental hygienist in this State and who meet the eligibility requirements in subsection (d) of this section.

(c) The Corporation shall disburse forgivable loan funds under the Program on behalf of eligible individuals, subject to the appropriation of funds by the General Assembly for this purpose.

(d) To be eligible for a forgivable loan under the Program, an individual, whether a resident or nonresident, shall satisfy all of the following requirements:

(1) be enrolled at a dental hygienist program at an eligible school;

(2) maintain good standing at the eligible school at which the individual is enrolled;

(3) agree to work as a dental hygienist in Vermont for a minimum of one year following licensure for each year of forgivable loan awarded;

(4) have executed a credit agreement or promissory note that will reduce the individual’s forgivable loan benefit, in whole or in part, pursuant to subsection (g) of this section, if the individual fails to complete the period of service required in this subsection;

(5) have completed the Program’s application form, the Free Application for Federal Student Aid (FAFSA), and the Vermont grant application each academic year of enrollment in accordance with a schedule determined by the Corporation; and

(6) have provided such other documentation as the Corporation may require.

(e) If an eligible individual fails to serve as a dental hygienist in this State for a period that would entitle the individual to the full forgivable loan benefit received by the individual, other than for good cause as determined by the Corporation in consultation with the Vermont Department of Health, then the

individual shall receive only partial loan forgiveness for a pro rata portion of the loan pursuant to the terms of the interest-free credit agreement or promissory note signed by the individual at the time of entering the Program.

(f) There shall be no deadline to apply for a forgivable loan under this section. Forgivable loans shall be awarded on a rolling basis as long as funds are available, and any funds remaining at the end of a fiscal year shall roll over and shall be available to the Department of Health and the Corporation in the following fiscal year to award additional forgivable loans as set forth in this section.

(g) The Corporation shall adopt policies, procedures, and guidelines necessary to implement the provisions of this section, including maximum forgivable loan amounts.

#### Sec. F.5 BROWNFIELDS FUNDING; USE IN FISCAL YEAR 2024

(a) The Department of Economic Development shall use the funds appropriated in fiscal year 2024 for brownfields redevelopment for the assessment, remediation, and redevelopment of brownfield sites 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 a maximum amount per site. The Agency of Commerce and Community Development shall award the amount of \$1,000,000 in fiscal year 2024 to regional planning commissions for the purposes of brownfields assessment. In awarding funds under this section, the Secretary, in consultation with the Vermont Association of Planning and Development Agencies, shall select one regional planning commission to administer these funds. To ensure statewide availability, the selected regional planning commission shall subgrant to regional planning commissions with brownfield programs, with not more than 10 percent of the funds being used for administrative purposes.

#### Sec. F.6 10 V.S.A. § 6654(e) is amended to read:

(e) A grant may be awarded by the Secretary of Commerce and Community Development with the approval of the Secretary of Natural Resources, provided that:

(1) A grant may not exceed \$50,000 for characterization and assessment of a site.

(2) A grant may not exceed ~~\$200,000~~ \$500,000 for remediation of a site.

(3) A grant may be used by an applicant to purchase environmental insurance relating to the performance of the characterization, assessment, or

remediation of a Brownfield site in accordance with a corrective action plan approved by the Secretary of Natural Resources.

(4) Financial assistance may be provided to applicants by developing a risk sharing pool, an indemnity pool, or other insurance mechanism designed to help applicants.

(5) All reports generated by financial assistance from the Brownfield Revitalization Fund, including site assessments, site investigations, feasibility studies, corrective action plans, and completion reports shall be provided as hard copies to the Secretaries of Commerce and Community Development and of Natural Resources.

Sec. F.7 10 V.S.A. § 4 is amended to read:

#### § 4. NEW RELOCATING EMPLOYEE INCENTIVES

\* \* \*

(e) As used in this section:

\* \* \*

(2) “Relocating employee” means an individual who submits an application before becoming a resident of this State and who meets the following criteria:

(A)(i) ~~On or after July 1, 2021~~ the individual is a new relocating employee who meets the following criteria:

(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 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~~ the individual is a new remote employee who meets the following criteria:

(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~~ the employee’s 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. F.8 2021 Acts and Resolves No. 74, Sec. H.18, as amended by 2022 Acts and Resolves No. 183, Sec. 46, is further amended to read:

Sec. H.18. COMMUNITY RECOVERY AND REVITALIZATION  
GRANT PROGRAM

\* \* \*

(b) Eligible applicants.

(1) To be eligible for a grant, the applicant must be located within the State and:

(A)(i) the applicant is a for-profit entity with not less than a 10 percent equity interest in the project, or a nonprofit entity, which has documented financial impacts from the COVID-19 pandemic; or

(ii) intends to utilize the funds for an enumerated use as defined in the U.S. Treasury Final Rule for Coronavirus State and Fiscal Recovery Funds;

(B)(i) the applicant is a municipality;

(ii) the municipality needs to make infrastructure improvements to incentivize community development; and

(iii) 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 significance for employment.

(2) The applicant must demonstrate:

(A) community and regional support for the project;

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

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

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

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

(A) ~~a State or local government-operated business~~ [Repealed.]

(B) 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

(C) a publicly traded company.

(c) Grant funds; eligible uses for municipalities. A municipality is only authorized to utilize program funding under this section if:

(1) the project clearly requires substantial public investment over and above the normal municipal operating or bonded debt expenditures;

(2) the public improvements being requested are integral to the expected private development; and

(3) the project meets one of the following criteria:

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

(B) 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; or

(C) the development will enhance transportation by creating improved traffic patterns and flow or creating or improving public transportation systems; or

(D) the development will promote and provide community benefit through educational services, agriculture, arts and entertainment, or food security.

\* \* \*

(g) Application process; decisions; awards.

(1)(A) Under the grant program established in 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 this section to use grant funding for a project.

(B) The Agency shall accept applications from for-profit or nonprofit entities on a rolling basis until Program funds are expended.

(2) [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 the following:

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

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

(C) 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.

(5) The Secretary may give priority to projects that support the goals of the Vermont State Strategic Plan, or that promote job growth and retention in support of the goals.

\* \* \*

#### Sec. F.9 RURAL INDUSTRY DEVELOPMENT GRANT PROGRAM

(a) Creation; purpose.

(1) A Rural Industry Development Grant Program is created within the Agency of Commerce and Community Development to provide grant funding through local development corporations for business relocation and expansion efforts, including the purchase, demolition, and renovation of property for industrial use.

(2)(A) To the extent funding is authorized and appropriated, the Agency shall make grants through the Program to assist local development corporations with business relocation and expansion efforts throughout Vermont.

(B) The Agency shall ensure an accounting of the respective State and Grantee shares of investment in any property be maintained to refund to the State an appropriate share of any net proceeds resulting from future sale or transfer of such property acquired or improved through a grant awarded under this program.

(b) Grant considerations. In making grant awards, the Agency shall consider:

(1) the real estate needs of growing and relocating businesses, including nonprofit organizations, in the applicant's region;

(2) the ability of the proposed project to meet the site-specific needs of businesses considering whether to expand or locate in this State;

(3) the funding that the applicant has identified, or secured, to leverage a grant award; and

(4) the readiness of an applicant to move a project forward.

(c) Eligible applicants; priority.

(1) To be eligible for a grant, an applicant must be a local development corporation, as defined in subdivision 212(10) of this title, located within this State.

(2) The Secretary of Commerce and Community Development may designate projects and agreements as first priority based on rural communities that continue to experience insufficient economic and grand list growth.

(d) Eligible activities. A grant recipient may use funding for the following:

(1) to purchase land for potential industrial use;

(2) for the costs of site development, permitting, or providing infrastructure for property the recipient owns;

(3) for the equity investment required for a loan transaction through the Vermont Economic Development Authority under 10 V.S.A. chapter 12, subchapter 3; or

(4) for the matching requirement of another State or federal grant consistent with this section.

(e) Application; market assessment.

(1) An applicant shall include in its application a local and regional market assessment that demonstrates reasonable need for the proposed development and identifies imminent, potential, or existing business growth opportunities.

(2) An applicant shall submit the following to demonstrate a readiness to begin and complete the proposed project:

(A) community and regional support for the project;

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

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

(D) a description of the permitting required to proceed with the project and a plan for obtaining the permits.

(f) Awards; amount.

(1) An award shall not exceed the lesser of \$1,000,000 or 20 percent of the total project cost.

(2) A recipient may combine grant funds with funding from other sources.

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

(4) A grant recipient may apply for additional grant funds if future amounts are appropriated for the Program and the funds are for a separate but eligible use.

(g) Deed restrictions; property sales. The Agency shall include deed restrictions that require the return of the principal amount to the state and may require the payment of a percentage of the sales profit.

Sec. F.10 24 V.S.A. § 2799 is amended to read:

§ 2799. BETTER PLACES PROGRAM; CROWD GRANTING

(a)(1) There is created the Better Places Program within the Department of Housing and Community Development, and the Better Places Fund, which the Department shall manage pursuant to 32 V.S.A. chapter 7, subchapter 5.

(2) The purpose of the Program is to utilize crowdfunding to spark community revitalization through collaborative grantmaking for projects that create, activate, or revitalize public spaces.

(3) The Department may administer the Program in coordination with and support from other State agencies and nonprofit and philanthropic partners.

(b) The Fund is composed of the following:

- (1) State or federal funds appropriated by the General Assembly;
- (2) gifts, grants, or other contributions to the Fund; and
- (3) any interest earned by the Fund.

(c) As used in this section, “public space” means an area or place that is open and accessible to all people with no charge for admission and includes village greens, squares, parks, community centers, town halls, libraries, and other publicly accessible buildings and connecting spaces such as sidewalks, streets, alleys, and trails.

(d)(1) The Department of Housing and Community Development shall establish an application process, eligibility criteria, and criteria for prioritizing assistance for awarding grants through the Program.

(2) The Department may award a grant to a municipality, a nonprofit organization, or a community group with a fiscal sponsor for a project that is located in or serves a designated downtown, village center, new town center, or neighborhood development area that will create a new public space or revitalize or activate an existing public space.

(3) The Department may award a grant to not more than ~~one project~~ three projects per calendar year within a municipality.

(4) The minimum amount of a grant award is \$5,000, and the maximum amount of a grant award is \$40,000.

(5) The Department shall develop matching grant eligibility requirements to ensure a broad base of community and financial support for the project, subject to the following:

(A) A project shall include in-kind support and matching funds raised through a crowdfunding approach that includes multiple donors.

(B) An applicant may not donate to its own crowdfunding campaign.

(C) A donor may not contribute more than \$10,000 or 35 percent of the campaign goal, whichever is less.

(D) An applicant shall provide matching funds raised through crowdfunding of not less than 33 percent of the grant award.

(e) The Department of Housing and Community Development, with the assistance of a fiscal agent, shall distribute funds under this section in a manner that provides funding for projects of various sizes in as many geographical areas of the State as possible.

(f) The Department of Housing and Community Development may use up to 15 percent of any appropriation to the Fund from the General Fund to assist with crowdfunding, administration, training, and technological needs of the Program.

Sec. F.11 24 V.S.A. § 2792(d) is amended to read:

(d) The Department shall provide staff and administrative support to the State Board, ~~and shall produce guidelines to direct municipalities seeking to obtain designation under this chapter, and shall pay per diem compensation for board members pursuant to 32 V.S.A. § 1010(b).~~

Sec. F.12 24 V.S.A. § 2793(b) is amended to read:

(b) ~~Within 45 days of receipt of a completed application~~ Upon the first meeting of the State Board held after 45 days of receipt of a completed application, the State Board shall designate a downtown development district if the State Board finds in its written decision that the municipality has:

\* \* \*

Sec. F.13 24 V.S.A. § 2793a(b) is amended to read:

(b) ~~Within 45 days of receipt of a completed application~~ Upon the first meeting of the State Board held after 45 days of receipt of a completed application, the State Board shall designate a village center if the State Board finds the applicant has met the requirements of subsection (a) of this section.

Sec. F.14 24 V.S.A. § 2793b(b) is amended to read:

(b) ~~Within 45 days of receipt of a completed application~~ Upon the first meeting of the State Board held after 45 days of receipt of a completed application, the State Board shall designate a new town center development district if the State Board finds, with respect to that district, the municipality has:

\* \* \*

Sec. F.15 24 V.S.A. § 2793e(d) is amended to read:

(d) ~~Within 45 days of receipt of a completed application~~ Upon the first meeting of the State Board held after 45 days of receipt of a completed application, for designation of a neighborhood development area, the State Board, after opportunity for public comment, shall approve a neighborhood development area if the Board determines that the applicant has met the requirements of this section.

Sec. F.16 2018 Acts and Resolves No. 196, Sec. 1, as amended by 2019 Acts and Resolves No. 80, Sec. 13, is further amended to read:

Sec. 1. SIMPLIFYING GOVERNMENT FOR SMALL BUSINESSES

(a) The Secretary of State Digital Services shall serve as the chair of a steering committee, composed of the Secretary of State, the Secretary of Commerce and Community Development, the Secretary of Administration, and the Secretary of Digital Services or their designees.

(b) ~~The Secretary of State, in collaboration with the steering committee, and in collaboration with other State agencies and departments and interested stakeholders as necessary, shall:~~

(1) review and consider the necessary procedural and substantive steps to enhance the Secretary of State's one-stop business portal for businesses, entrepreneurs, and citizens to provide information about starting and operating a business in Vermont; and

(2) submit on or before December 15, ~~2019~~ 2023:

(A) a design proposal that includes a project scope, timeline, roadmap, and cost projections;

(B) any statutory or regulatory changes needed to implement the proposal; and

(C) a sustainable funding model for the portal.

(c) The steering committee shall evaluate the cost and efficacy, and integrate into the current one-stop portal to the extent feasible, features that:

(1) enhance State websites to simplify registrations and provide a ~~clear~~ comprehensive, one-stop compilation of other State business requirements, including permits and licenses;

(2) implement a data collection component that offers the registrant the option to self-identify, and make available to the public through the business search function, demographic information concerning ownership of the business, including whether the business is woman-owned, veteran-owned, BIPOC-owned, LGBTQ-owned, or minority-owned;

(3) simplify the mechanism for making payments to the State by allowing a person to pay amounts ~~he or she~~ the person owes to the State for taxes, fees, or other charges to a single recipient within State government;

~~(3)~~(4) simplify annual filing requirements by allowing a person to make a single filing to a single recipient within State government and check a box if nothing substantive has changed from the prior year;

~~(4)~~(5) provide guidance, assistance with navigation, and other support to persons who are forming or operating a small business;

~~(5)~~(6) after registration, provide information about additional and ongoing State requirements and a point of contact to discuss questions or explore any assistance needed;

~~(6)~~(7) provide guidance and information about State and federal programs and initiatives, as well as State partner organizations and Vermont-based businesses of interest; and

(7)(8) map communication channels for project updates, including digital channels such as e-mail, social media, and other communications.

(d) All State agencies and departments shall designate a single employee or team of employees who are charged with the duty to provide assistance to the steering committee upon its request.

(e) The steering committee shall focus its review on providing services through the one-stop business portal primarily for the benefit of businesses with 20 or fewer employees.

(f) The Agency of Digital Services shall assign a project manager or business analyst to report directly to the Secretary of State to assist with the implementation of this act through June 30, ~~2020~~ 2025 for the purpose of developing and implementing a one-stop navigable portal for businesses, entrepreneurs, and citizens to access information about starting a business in Vermont, and to provide ongoing support to businesses interfacing with State government.

\* \* \* Fees \* \* \*

\* \* \* Enhanced Driver's License \* \* \*

Sec. G.100 23 V.S.A. § 7 is amended to read:

§ 7. ENHANCED DRIVER'S LICENSE; MAINTENANCE OF DATABASE INFORMATION; FEE

\* \* \*

(d) The fee for an enhanced license shall be ~~\$30.00~~ \$36.00 in addition to the fees otherwise established by this title.

\* \* \*

\* \* \* Department of Motor Vehicles \* \* \*

Sec. G.101 23 V.S.A. § 114 is amended to read:

§ 114. FEES

(a) The Commissioner shall be paid the following fees for miscellaneous transactions:

- |  |                                   |
|--|-----------------------------------|
| (1) Listings of 1 through 4 registrations      | <del>\$8.00</del> <u>\$10.00</u>  |
| (2) Certified copy of registration application | <del>\$8.00</del> <u>\$10.00</u>  |
| (3) Sample plates                              | <del>\$18.00</del> <u>\$22.00</u> |

- |   |   |
|---|---|
| (4) Lists of registered dealers, transporters, periodic inspection stations, fuel dealers, and distributors, including gallonage sold or delivered and rental vehicle companies | <del>\$8.00</del> <u>\$10.00</u> per page     |
| (5) [Repealed.]   |   |
| (6) Periodic inspection sticker record  | <del>\$8.00</del> <u>\$10.00</u>              |
| (7) Certified copy individual crash report  | <del>\$12.00</del> <u>\$15.00</u>             |
| (8) Certified copy police crash report  | <del>\$18.00</del> <u>\$22.00</u>             |
| (9) Certified copy suspension notice  | <del>\$8.00</del> <u>\$10.00</u>              |
| (10) Certified copy mail receipt  | <del>\$8.00</del> <u>\$10.00</u>              |
| (11) Certified copy proof of mailing  | <del>\$8.00</del> <u>\$10.00</u>              |
| (12) Certified copy reinstatement notice  | <del>\$8.00</del> <u>\$10.00</u>              |
| (13) Certified copy operator's license application  | <del>\$8.00</del> <u>\$10.00</u>              |
| (14) Certified copy three-year operating record   | <del>\$14.00</del> <u>\$17.00</u>             |
| (15) [Repealed.]  |   |
| (16) Government official photo identification card  | <del>\$6.00</del> <u>\$8.00</u>               |
| (17) Listing of operator's licenses of 1 through 4  | <del>\$8.00</del> <u>\$10.00</u>              |
| (18) Statistics and research  | <del>\$42.00</del> <u>\$51.00</u> per hour    |
| (19) Insurance information on crash   | <del>\$8.00</del> <u>\$10.00</u>              |
| (20) Certified copy complete operating record   | <del>\$20.00</del> <u>\$24.00</u>             |
| (21) Records not otherwise specified  | <del>\$8.00</del> <u>\$10.00</u> per page     |
| (22) Public records request for Department records requiring custom computer programming  | \$100.00 per hour, but not less than \$500.00 |
| (23) Public records request for Department records requiring custom computer programming (updated)  | <del>\$119.00</del> <u>\$143.00</u>           |

\* \* \*

Sec. G.102. 23 V.S.A. § 115 is amended to read:  
 § 115. NONDRIVER IDENTIFICATION CARDS

(a) Any Vermont resident may make application to the Commissioner and be issued an identification card that is attested by the Commissioner as to true name, correct age, residential address unless the listing of another address is requested by the applicant or is otherwise authorized by law, and any other



identifying data as the Commissioner may require that shall include, in the case of minor applicants, the written consent of the applicant's parent, guardian, or other person standing in loco parentis. Every application for an identification card shall be signed by the applicant and shall contain such evidence of age and identity as the Commissioner may require, consistent with subsection (1) of this section. New and renewal application forms shall include a space for the applicant to request that a "veteran" designation be placed on the applicant's identification card. If a veteran, as defined in 38 U.S.C. § 101(2), requests a veteran designation and provides a Department of Defense Form 214 or other proof of veteran status specified by the Commissioner, and the Office of Veterans Affairs confirms the veteran's status as an honorably discharged veteran or a veteran discharged under honorable conditions, the identification card shall include the term "veteran" on its face. The Commissioner shall require payment of a fee of ~~\$24.00~~ \$29.00 at the time application for an identification card is made, except that an initial nondriver identification card shall be issued at no charge to an individual who surrenders ~~his or her~~ the individual's license in connection with a suspension or revocation under subsection 636(b) of this title due to a physical or mental condition.

(b) Every identification card shall expire, unless earlier canceled, at 12:00 midnight on the eve of the fourth anniversary of the date of birth of the cardholder following the date of original issue, and may be renewed every four years upon payment of a ~~\$24.00~~ \$29.00 fee. A renewed identification card shall expire, unless earlier canceled, at 12:00 midnight on the eve of the fourth anniversary of the date of birth of the cardholder following the expiration of the card being renewed. At least 30 days before an identification card will expire, the Commissioner shall mail first-class to the cardholder or send the cardholder electronically an application to renew the identification card; a cardholder shall be sent the renewal notice by mail unless the cardholder opts in to receive electronic notification. An individual born on February 29 shall, for the purposes of this section, be considered as born on March 1.

(c) In the event an identification card is lost, destroyed, mutilated, or a new name is acquired, a replacement may be obtained upon furnishing satisfactory proof to the Commissioner and paying a ~~\$20.00~~ \$24.00 fee.

\* \* \*

\* \* \* Registration; General Provisions \* \* \*

Sec. G.103 23 V.S.A. § 304 is amended to read:

§ 304. REGISTRATION CERTIFICATES; NUMBER PLATES; VANITY  
AND OTHER SPECIAL PLATES

\* \* \*

(b) The authority to issue vanity motor vehicle number plates or special number plates for safety organizations and service organizations shall reside with the Commissioner. Determination of compliance with the criteria contained in this section shall be within the discretion of the Commissioner. Series of number plates for safety and service organizations that are authorized by the Commissioner shall be issued in order of approval, subject to the operating considerations in the Department as determined by the Commissioner. The Commissioner shall issue vanity and special organization number plates in the following manner:

(1) Vanity plates. Subject to the restrictions of this section, vanity plates shall be issued at the request of the registrant of a motor vehicle unless the vehicle is registered under the International Registration Plan, upon application and upon payment of an annual fee of ~~\$48.00~~ \$58.00 in addition to the annual fee for registration. The Commissioner shall not issue two sets of plates bearing the same initials or letters unless the plates also contain a distinguishing number. Vanity plates are subject to reassignment if not renewed within 60 days of expiration of the registration.

(2) Special organization plates.

\* \* \*

(B) The officer of a safety organization or service organization may apply to the Commissioner to approve special plates indicating membership in a qualifying organization to be issued to organization members for a ~~\$17.00~~ \$21.00 special fee for each set of plates in addition to the annual fee for registration. The application shall include designation of an officer or member to serve as the principal contact with the Department and a distinctive name or emblem, or both, for use on the proposed special plate. The name and emblem shall not be objectively obscene or confusing to the general public and shall not promote, advertise, or endorse a product, brand, or service provided for sale. The organization's name and emblem must not infringe on or violate a trademark, trade name, service mark, copyright, or other proprietary or property right, and the organization must have the right to use the name and emblem. After consulting with the principal contact, the Commissioner shall determine the design of the special plate on the basis that the primary purpose of motor vehicle number plates is vehicle identification. An organization may have only one design, regardless of the number of individual organizational units, squads, or departments within the State that may conduct the same or substantially similar activities.

(C) After the plate design is finalized and an officer or the principal contact provides the Commissioner a written statement authorizing issuance of the plates, the organization shall deposit ~~\$2,200.00~~ \$2,600.00 with the Commissioner. Of this deposit, \$500.00 shall be retained by the Department to recover costs of developing the organization plate. Notwithstanding 32 V.S.A. § 502, the Commissioner may charge the actual costs of production of the plates against the fees collected and the balance shall be deposited in the Transportation Fund. Upon application, special plates shall be issued to a registrant of a vehicle registered at the pleasure car rate or of a truck registered for less than 26,001 pounds (but excluding trucks registered under the International Registration Plan) who furnishes the Commissioner satisfactory proof that ~~he or she~~ the registrant is a member of an organization that has satisfied the requirements of this subdivision (b)(2). For each of the first 100 applicants to whom sets of plates are issued, the ~~\$17.00~~ \$21.00 special plate fee shall not be collected and shall be subtracted from the balance of the deposit. When the ~~\$1,700.00~~ \$2,100.00 balance of the deposit is depleted, applicants shall be required to pay the ~~\$17.00~~ \$21.00 fee as provided for in subdivision (2)(B) of this subsection. No organization shall charge its members any additional fee or premium charge for the authorization, right, or privilege to display special number plates, but any organization may recover up to ~~\$1,700.00~~ \$2,100.00 from applicants for the special plates.

\* \* \*

(f) Upon the request of a registrant of a motor vehicle with the previous issue number plates, the Commissioner shall issue current issue number plates bearing the same number as shown on the previous issue plates that are being replaced. The initial one-time fee for the plates shall be ~~\$24.00~~ \$29.00 in addition to the regular registration fee. Official plates and plates with numbers of 9999 or lower are specifically exempted.

\* \* \*

Sec. G.104 23 V.S.A. § 304b is amended to read:

§ 304b. CONSERVATION MOTOR VEHICLE REGISTRATION PLATES

(a) The Commissioner shall, upon application, issue conservation registration plates for use only on vehicles registered at the pleasure car rate, on trucks registered for less than 26,001 pounds, and on vehicles registered to State agencies under section 376 of this title, but excluding vehicles registered under the International Registration Plan. Plates so acquired shall be mounted on the front and rear of the vehicle. The Commissioners of Motor Vehicles and of Fish and Wildlife shall determine the graphic design of the special plates in a manner that serves to enhance the public awareness of the State's interest in restoring and protecting its wildlife and major watershed areas. The

Commissioners of Motor Vehicles and of Fish and Wildlife may alter the graphic design of these special plates, provided that plates in use at the time of a design alteration shall remain valid subject to the operator's payment of the annual registration fee. Applicants shall apply on forms prescribed by the Commissioner and shall pay an initial fee of ~~\$26.00~~ \$32.00 in addition to the annual fee for registration. In following years, in addition to the annual registration fee, the holder of a conservation plate shall pay a renewal fee of ~~\$26.00~~ \$32.00. The Commissioner may adopt rules under 3 V.S.A. chapter 25 to implement the provisions of this subsection.

\* \* \*

Sec. G.105 23 V.S.A. § 304c is amended to read:

§ 304c. MOTOR VEHICLE REGISTRATION PLATES: BUILDING  
BRIGHT SPACES FOR BRIGHT FUTURES FUND

(a) The Commissioner shall, upon application, issue "Building Bright Spaces for Bright Futures Fund," referred to as "the Bright Futures Fund," registration plates for use only on vehicles registered at the pleasure car rate, on trucks registered for less than 26,001 pounds, on vehicles registered to State agencies under section 376 of this title, and excluding vehicles registered under the International Registration Plan. Plates so acquired shall be mounted on the front and rear of the vehicle. The Commissioner of Motor Vehicles shall utilize the graphic design recommended by the Commissioner for Children and Families for the special plates to enhance the public awareness of the State's interest in supporting children's services. Applicants shall apply on forms prescribed by the Commissioner of Motor Vehicles and shall pay an initial fee of ~~\$24.00~~ \$29.00 in addition to the annual fee for registration. In following years, in addition to the annual registration fee, the holder of a Bright Futures Fund plate shall pay a renewal fee of ~~\$24.00~~ \$29.00. The Commissioner of Motor Vehicles shall adopt rules under 3 V.S.A. chapter 25 to implement the provisions of this subsection.

\* \* \*

Sec. G.106 23 V.S.A. § 307 is amended to read:

§ 307. CARRYING OF REGISTRATION CERTIFICATE; REPLACEMENT  
AND CORRECTED CERTIFICATES

\* \* \*

(b) In case of the loss, mutilation, or destruction of a certificate, the owner of the vehicle described in it shall forthwith notify the Commissioner and remit a fee of ~~\$16.00~~ \$20.00, upon receipt of which the Commissioner shall

furnish the owner with a duplicate certificate.

(c) A corrected registration certificate shall be furnished by the Commissioner upon request and receipt of a fee of ~~\$16.00~~ \$20.00.

(d) An operator cited for violating subsection (a) of this section with respect to a pleasure car, motorcycle, or truck that could be registered for less than 26,001 pounds shall be subject to a civil penalty of not more than \$5.00, which penalty shall be exempt from surcharges under 13 V.S.A. § 7282(a), if ~~he or she~~ the operator is cited within the 14 days following the expiration of the motor vehicle's registration.

Sec. G.107 23 V.S.A. § 323 is amended to read:

#### § 323. TRANSFER FEES

A person who transfers the ownership of a registered motor vehicle to another, upon the filing of a new application and upon the payment of a fee of ~~\$25.00~~ \$30.00, may have registered in ~~his or her~~ the person's name another motor vehicle for the remainder of the registration period without payment of any additional registration fee, provided the proper registration fee of the motor vehicle sought to be registered is the same as the registration fee of the transferred motor vehicle. However, if the proper registration fee of the motor vehicle sought to be registered by such person is greater than the registration fee of the transferred motor vehicle, the applicant shall pay, in addition to such fee of ~~\$25.00~~ \$30.00, the difference between the registration fee of the motor vehicle previously registered and the proper fee for the registration of the motor vehicle sought to be registered.

\* \* \* Registration; Fees and Exemptions \* \* \*

Sec. G.108 23 V.S.A. § 361 is amended to read:

#### § 361. PLEASURE CARS

The annual registration fee for ~~registration of any motor vehicle of the a~~ pleasure car type, as defined in subdivision 4(28) of this title, and all vehicles powered by electricity, shall be ~~\$74.00~~ \$89.00, and the biennial fee shall be ~~\$136.00~~ \$163.00.

Sec. G.109 23 V.S.A. § 364 is amended to read:

#### § 364. MOTORCYCLES

The annual fee for registration of a motorcycle, with or without sidecar, shall be ~~\$46.00~~ \$56.00.

Sec. G.110 23 V.S.A. § 364a is amended to read:

§ 364a. MOTOR-DRIVEN CYCLES: REGISTRATION; FINANCIAL RESPONSIBILITY

(a) The annual fee for registration of a motor-driven cycle shall be ~~\$28.00~~ \$34.00.

\* \* \*

Sec. G.111 23 V.S.A. § 364b is amended to read:

§ 364b. ALL-SURFACE VEHICLES; REGISTRATION

(a) The annual fee for registration of an all-surface vehicle (ASV) shall be the sum of the fees established by sections 3305 and 3504 of this title, plus ~~\$26.00~~ \$32.00.

\* \* \*

Sec. G.112 23 V.S.A. § 367 is amended to read:

§ 367. TRUCKS

(a)(1) The annual fee for registration of tractors, truck-tractors, or motor trucks except truck cranes, truck shovels, road oilers, bituminous distributors, and farm trucks used as specified in subsection (f) of this section shall be based on the total weight of the truck-tractor or motor truck, including body and cab plus the heaviest load to be carried. In computing the fees for registration of tractors, truck-tractors, or motor trucks with trailers or semi-trailers attached, except trailers or semi-trailers with a gross weight of less than 6,000 pounds, the fee shall be based upon the weight of the tractor, truck-tractor, or motor truck, the weight of the trailer or semi-trailer, and the weight of the heaviest load to be carried by the combined vehicles. In addition to the fee set out in the following schedule, the fee for vehicles weighing between 10,000 and 25,999 pounds inclusive shall be an additional ~~\$35.50~~ \$42.53, the fee for vehicles weighing between 26,000 and 39,999 pounds inclusive shall be an additional ~~\$70.98~~ \$85.03, the fee for vehicles weighing between 40,000 and 59,999 pounds inclusive shall be an additional ~~\$248.48~~ \$297.68, and the fee for vehicles 60,000 pounds and over shall be an additional ~~\$390.48~~ \$467.80. The fee shall be computed at the following rates per 1,000 pounds of weight determined pursuant to this subdivision and rounded up to the nearest whole dollar; the minimum fee for registering a tractor, truck-tractor, or motor truck to 6,000 pounds shall be the same as for the pleasure car type:

~~\$15.20~~ \$18.21 when the weight exceeds 6,000 pounds but does not exceed 8,000 pounds.

~~\$17.39~~ \$20.83 when the weight exceeds 8,000 pounds but does not exceed 12,000 pounds.

~~\$19.17~~ \$22.97 when the weight exceeds 12,000 pounds but does not exceed 16,000 pounds.

~~\$20.50~~ \$24.56 when the weight exceeds 16,000 pounds but does not exceed 20,000 pounds.

~~\$21.46~~ \$25.71 when the weight exceeds 20,000 pounds but does not exceed 30,000 pounds.

~~\$21.92~~ \$26.26 when the weight exceeds 30,000 pounds but does not exceed 40,000 pounds.

~~\$22.45~~ \$26.90 when the weight exceeds 40,000 pounds but does not exceed 50,000 pounds.

~~\$22.65~~ \$27.13 when the weight exceeds 50,000 pounds but does not exceed 60,000 pounds.

~~\$23.42~~ \$28.06 when the weight exceeds 60,000 pounds but does not exceed 70,000 pounds.

~~\$24.21~~ \$29.00 when the weight exceeds 70,000 pounds but does not exceed 80,000 pounds.

~~\$24.99~~ \$29.94 when the weight exceeds 80,000 pounds but does not exceed 90,000 pounds.

\* \* \*

(b) The annual fee for registration of a category I special purpose vehicle shall be ~~\$178.00~~ \$214.00, and the annual fee for a category II special purpose vehicle shall be ~~\$415.00~~ \$498.00.

\* \* \*

Sec. G.113 23 V.S.A. § 371 is amended to read:

§ 371. TRAILER AND SEMI-TRAILER

(a)(1) The one-year and two-year fees for registration of a trailer or semi-trailer, except a contractor's trailer or farm trailer, shall be as follows:

(A) ~~\$27.00~~ \$33.00 and ~~\$51.00~~ \$62.00, respectively, when such trailer or semi-trailer has a gross weight of trailer and load of 1,500 pounds or less;

(B) ~~\$52.00~~ \$63.00 and ~~\$102.00~~ \$123.00, respectively, when such trailer or semi-trailer has a gross weight of trailer and load of more than 1,500 pounds and is drawn by a vehicle of the pleasure car type;

(C) ~~\$52.00~~ \$63.00 and ~~\$102.00~~ \$123.00, respectively, when such trailer or semi-trailer is drawn by a motor truck or tractor, when such trailer or semi-trailer has a gross weight of more than 1,500 pounds but less than 3,000 pounds.

(D) ~~\$52.00~~ \$63.00 and ~~\$102.00~~ \$123.00, respectively, when such trailer or semi-trailer is used in combination with a truck-tractor or motor truck registered at the fee provided for combined vehicles under section 367 of this title. Excepting for the fees, the provisions of this subdivision shall not apply to trailer coaches as defined in section 4 of this title nor to modular homes being transported by trailer or semi-trailer.

(2) The one-year and two-year fees for registration of a contractor's trailer shall be ~~\$197.00~~ \$237.00 and ~~\$394.00~~ \$473.00, respectively.

\* \* \*

Sec. G.114 23 V.S.A. § 372 is amended to read:

§ 372. MOTOR BUS

The annual fee for registration of a motor bus shall be based on the actual weight of such bus, plus passenger carrying capacity at 150 pounds per person, and shall be ~~\$2.00~~ \$2.40 per 100 pounds of such weight, except for motor buses registered under section 372a or 376 of this title. Fractions of a hundred-weight shall be disregarded. The minimum fee for the registration of any motor bus shall be \$43.00.

Sec. G.115 23 V.S.A. § 372a is amended to read:

§ 372a. LOCAL TRANSIT PUBLIC TRANSPORTATION SERVICE

(a) The annual registration fee for any motor bus used in local transit or public transportation service shall be ~~\$62.00~~ \$75.00, except for those vehicles owned by a municipality for such service that are subject to the provisions of section 376 of this title. In the event a bus registered for local transit or public transportation service is subsequently registered for general use during the same registration year, such fee shall be applied toward the fee for general registration.

\* \* \*

Sec. G.116 23 V.S.A. § 373 is amended to read:

§ 373. EXHIBITION VEHICLES; YEAR OF MANUFACTURE PLATES

(a) The annual fee for the registration of a motor vehicle that is maintained for use in exhibitions, club activities, parades, and other functions of public



interest and that is not used for general daily transportation of passengers or property on any highway shall be ~~\$21.00~~ \$26.00, in lieu of fees otherwise provided by law. Permitted use shall include:

\* \* \*

Sec. G.117 23 V.S.A. § 376 is amended to read:

§ 376. STATE, MUNICIPAL, FIRE DEPARTMENT, AND RESCUE  
ORGANIZATION MOTOR VEHICLES

\* \* \*

(b) The fee for registration of a motor vehicle owned by any municipality in this State and used entirely by it or any other municipality for municipal purposes shall be ~~\$12.00~~ \$15.00 in lieu of fees otherwise specified in this chapter. ~~As used in~~ For purposes of this subsection, the term municipality shall include county-owned vehicles. The Commissioner shall issue specially designed registration plates for county-owned sheriffs' departments' vehicles.

(c) The registration fee for registration of a motor truck, trailer, ambulance, or other motor vehicle, owned by a volunteer fire department or other volunteer ~~fire-fighting~~ firefighting organization or other organization conducting rescue operations and used solely for fire fighting or rescue purposes shall be ~~\$12.00~~ \$15.00 in lieu of fees otherwise specified in this chapter. A motor vehicle or trailer registered under this section shall be plainly marked on both sides of the body or cab to indicate its ownership.

\* \* \*

(f) A replacement registration plate shall be provided by the Commissioner upon the payment of a fee of ~~\$9.00~~ \$11.00.

(g)(1) The fee for registration of a motor vehicle obtained from the government as excess government property, or a vehicle purchased with 100 percent federal funds and used for federally supported local programs, shall be \$14.00, in lieu of fees otherwise specified in this chapter. The Commissioner shall determine the eligibility as to whether or not the motor vehicle qualifies for this registration and ownership of the vehicle shall be plainly marked on both sides of the body or cab.

\* \* \*

Sec. G.118 23 V.S.A. § 382 is amended to read:

§ 382. DIESEL-POWERED PLEASURE CARS

Notwithstanding any other provision of law, the annual registration fee for a pleasure car or tractor, truck-tractor, or motor truck up to 6,000 pounds

powered by fuel as defined in section 3002 of this title shall be ~~\$74.00~~ \$89.00, and the biennial fee shall be ~~\$136.00~~ \$163.00.

\* \* \* Registration; Registration of Dealers and Transporters \* \* \*

Sec. G.119 23 V.S.A. § 453 is amended to read:

§ 453. FEES AND NUMBER PLATES

(a)(1) An application for registration as a dealer in new or used cars or motor trucks shall be accompanied by a fee of ~~\$503.00~~ \$603.00 for each certificate issued in such dealer's name. The Commissioner shall furnish free of charge with each dealer's registration certificate three number plates showing the distinguishing number assigned such dealer. The Commissioner may furnish additional plates according to the volume of the dealer's sales in the prior year or, in the case of an initial registration, according to the dealer's reasonable estimate of expected sales, as follows:

\* \* \*

(2) If the issuance of additional plates is authorized under subdivision (1) of this subsection, up to two plates shall be provided free of charge, and the Commissioner shall collect ~~\$55.00~~ \$66.00 for each additional plate thereafter.

(b) Application by a "dealer in farm tractors or other self-propelled farm implements," which shall mean a person actively engaged in the business of selling or exchanging new or used farm tractors or other self-propelled farm implements, for such dealer registration shall annually be accompanied by a fee of ~~\$78.00~~ \$94.00. The Commissioner shall furnish free of charge with each such dealer registration certificate two sets of number plates showing the distinguishing number assigned such dealer and in ~~his or her~~ the Commissioner's discretion may furnish further sets of plates at a fee of \$12.00 per set; such number plates may, however, be displayed only upon a farm tractor or other self-propelled farm implement.

(c) Application by a "dealer in motorized highway building equipment and road making appliances," which shall mean a person actively engaged in the business of selling or exchanging new or used motorized highway building equipment or road making appliances, for such dealer registration shall annually be accompanied by a fee of ~~\$123.00~~ \$148.00. The Commissioner shall furnish free of charge with each such dealer registration certificate two sets of number plates showing the distinguishing number assigned such dealer and in ~~his or her~~ the Commissioner's discretion may furnish further sets of plates at a fee of \$30.00 per set; such number plates may, however, be displayed only upon motorized highway building equipment or road making appliances.

(d) If a dealer is engaged only in the business of selling or exchanging motorcycles or motor-driven cycles, the registration fee shall be ~~\$62.00~~ \$75.00, which shall include three number plates. The Commissioner may, in ~~his or her~~ the Commissioner's discretion, furnish further sets of plates at a fee of \$10.00 for each set.

(e) If a dealer is engaged only in the business of selling or exchanging trailers, semi-trailers, or trailer coaches, the registration fee shall be ~~\$123.00~~ \$148.00, which shall include three number plates; such number plates may, however, be displayed only upon a trailer, semi-trailer, or trailer coach. The Commissioner may, in ~~his or her~~ the Commissioner's discretion, furnish further plates at a fee of \$10.00 for each such plate.

\* \* \*

Sec. G.120 23 V.S.A. § 457 is amended to read:

§ 457. TEMPORARY PLATES

At the time of the issuance of a registration certificate to a dealer as provided in this chapter, the Commissioner shall furnish the dealer with a sufficient number of number plates and temporary validation stickers, temporary number plates, or temporary decals for use during the 60-day period immediately following sale of a vehicle or motorboat by the dealer. The plates and decals shall have the same general design as the plates or decals furnished individual owners, but the plates and decals may be of a material and color as the Commissioner may determine. The Commissioner shall collect a fee of ~~\$5.00~~ \$6.00 for each temporary plate issued.

Sec. G.121 23 V.S.A. § 463 is amended to read:

§ 463. SALE OF VEHICLE TO GO OUT OF STATE

A registered motor vehicle dealer is authorized to issue an in-transit registration permit for the purpose of movement over the highways of certain motor vehicles otherwise required to be registered when these vehicles are sold in this State to be transported to and registered in another state or province. The Commissioner of Motor Vehicles shall, upon request, provide registered motor vehicle dealers with such numbers of applications and special in-transit number plates for vehicles sold in this State to be transported to and registered in another state or province as shall be necessary. The Commissioner is authorized to charge a fee of ~~\$6.00~~ \$8.00 for the processing of the plate application and the issuance of the plate. The dealer, upon the sale of a motor vehicle to be transported to and registered in another state or province, shall cause the application to be filled out and transmitted to the Commissioner and shall attach to the vehicle the in-transit number plate corresponding to the application. No registered motor vehicle dealer shall sell, exchange, give, or

transfer any application or in-transit plate to any person other than the person to whom the dealer sells or exchanges a motor vehicle to be registered in another state or province. The application shall be in a form prescribed and furnished by the Commissioner. The special in-transit number plate to be attached to the vehicle will be issued in the form and design as prescribed by the Commissioner and shall be valid for a period of 30 days from the date of issue.

Sec. G.122 23 V.S.A. § 476 is amended to read:

§ 476. MOTOR VEHICLE WARRANTY FEE

A motor vehicle warranty fee of ~~\$6.00~~ \$8.00 is imposed on the registration of each new motor vehicle in this State, not including trailers, tractors, motorized highway building equipment, road-making appliances, snowmobiles, motorcycles, motor-driven cycles, or trucks with a gross vehicle weight over 12,000 pounds.

Sec. G.123 23 V.S.A. § 494 is amended to read:

§ 494. FEES

The annual fee for a transporter's registration certificate, number plate, or validation sticker is ~~\$123.00~~ \$148.00.

\* \* \* Registration; Display of Number Plates \* \* \*

Sec. G.124 23 V.S.A. § 514 is amended to read:

§ 514. REPLACEMENT NUMBER PLATES

(a) In case of the loss of a number plate, the owner of the motor vehicle to which it was assigned shall immediately notify the Commissioner of such loss, and the Commissioner shall furnish such owner with a new plate. The fee charged shall be ~~\$12.00~~ \$15.00 for each plate. The owner of a motor vehicle who has lost one number plate may operate ~~his or her~~ the owner's vehicle with only one number plate attached, until a new plate is furnished ~~him or her~~ to the owner, provided ~~he or she~~ the owner notified the Commissioner as required under this section.

(b) Any replacement number plate shall be issued at a fee of ~~\$12.00~~ \$15.00. However, if the Commissioner, in ~~his or her~~ the Commissioner's discretion, determines that a plate has become illegible as a result of deficiencies in the manufacturing process or by use of faulty materials, the replacement fee shall be waived.

Sec. G.125 23 V.S.A. § 516 is amended to read:

§ 516. SALE OF VEHICLE TO GO OUT OF STATE BY A PERSON  
OTHER THAN DEALER

The Commissioner of Motor Vehicles is authorized to issue an in-transit registration permit for the purpose of movement over the highways of certain motor vehicles otherwise required to be registered when the vehicles are sold in this State by a person, other than a registered motor vehicle dealer, to be transported to and registered in another state or province. The registration may be obtained by submitting an application on a form prescribed and furnished by the Commissioner of Motor Vehicles. The Commissioner is authorized to charge a fee of ~~\$6.00~~ \$8.00 for the processing of the application and the issuance of the plate. The in-transit registration plate pursuant to this section shall be valid for a period of 30 days from issuance and shall be in the form and design prescribed by the Commissioner of Motor Vehicles. Issuance of an in-transit plate for vehicles sold by a registered motor vehicle dealer to a person to be transported to and registered in another state or province shall be governed by the provisions of section 463 of this title.

Sec. G.126 23 V.S.A. § 517 is amended to read:

§ 517. INTRASTATE IN-TRANSIT PERMIT

The Commissioner may issue an intrastate in-transit registration permit to authorize the movement within Vermont of a motor vehicle otherwise required to be registered, if the vehicle is sold in this State by a person other than a registered motor vehicle dealer. The permit may be obtained after submission of an application on a form prescribed and furnished by the Commissioner and payment of a ~~\$6.00~~ \$8.00 fee. The permit shall be valid for a period of 10 days from the date of issuance and shall be in the form and design prescribed by the Commissioner.

\* \* \* Operator's License; General Provisions \* \* \*

Sec. G.127 23 V.S.A. § 608 is amended to read:

§ 608. FEES

(a) The four-year fee required to be paid the Commissioner for licensing an operator of motor vehicles or for issuing an operator's privilege card shall be ~~\$51.00~~ \$62.00. The two-year fee required to be paid the Commissioner for licensing an operator or for issuing an operator's privilege card shall be ~~\$32.00~~ \$39.00, and the two-year fee for licensing a junior operator or for issuing a junior operator's privilege card shall be ~~\$32.00~~ \$39.00.

(b) An additional fee of ~~\$3.00~~ \$4.00 per year shall be paid for a motorcycle endorsement. The endorsement may be obtained for either a two-year or four-

year period, to be coincidental with the length of the operator's license.

Sec. G.128 23 V.S.A. § 613 is amended to read:

§ 613. REPLACEMENT LICENSE

(a) In case of the loss, mutilation, or destruction of a license or error in a license, the licensee shall forthwith notify the Commissioner who shall furnish such licensee with a replacement on receipt of ~~\$20.00~~ \$24.00.

\* \* \*

Sec. G.129 23 V.S.A. § 617 is amended to read:

§ 617. LEARNER'S PERMIT

\* \* \*

(b)(1) Notwithstanding the provisions of subsection (a) of this section, any licensed person may apply to the Commissioner of Motor Vehicles for a learner's permit for the operation of a motorcycle in the form prescribed by the Commissioner. The Commissioner shall offer both a motorcycle learner's permit that authorizes the operation of three-wheeled motorcycles only and a motorcycle learner's permit that authorizes the operation of any motorcycle. The Commissioner shall require payment of a fee of ~~\$20.00~~ \$24.00 at the time application is made.

(2) After the applicant has successfully passed all parts of the applicable motorcycle endorsement examination, other than a skill test, the Commissioner may issue to the applicant a learner's permit that entitles the applicant, subject to subsection 615(a) of this title, to operate a three-wheeled motorcycle only, or to operate any motorcycle, upon the public highways for a period of 120 days from the date of issuance. The fee for the examination shall be ~~\$9.00~~ \$11.00.

(3) A motorcycle learner's permit may be renewed only twice upon payment of a ~~\$20.00~~ \$24.00 fee. If, during the original permit period and two renewals the permittee has not successfully passed the applicable skill test or motorcycle rider training course, ~~he or she~~ the permittee may not obtain another motorcycle learner's permit for a period of 12 months from the expiration of the permit unless:

\* \* \*

(d) An applicant shall pay ~~\$20.00~~ \$24.00 to the Commissioner for each learner's permit or a duplicate or renewal thereof.

\* \* \*

\* \* \* Operator's License; General Provisions \* \* \*

Sec. G.130 23 V.S.A. § 634 is amended to read:

§ 634. FEE FOR EXAMINATION

(a) The fee for an examination for a learner's permit shall be ~~\$32.00~~ \$39.00. The fee for an examination to obtain an operator's license when the applicant is required to pass an examination pursuant to section 632 of this title shall be ~~\$19.00~~ \$23.00. The fee for a motorcycle skill test to obtain a motorcycle endorsement shall be ~~\$19.00~~ \$23.00.

(b) A scheduling fee of ~~\$24.00~~ \$29.00 shall be paid by the applicant before ~~he or she~~ the applicant may schedule the road test required under section 632 of this title. Unless an applicant gives the Department at least 48 hours' notice of cancellation, if the applicant does not appear as scheduled, the ~~\$24.00~~ \$29.00 scheduling fee is forfeited. If the applicant appears for the scheduled road test, the fee shall be applied toward the license examination fee. The Commissioner may waive the scheduling fee until the Department is capable of administering the fee electronically.

\* \* \*

\* \* \* Operator's License; Suspension and Revocation \* \* \*

Sec. G.131 23 V.S.A. § 675 is amended to read:

§ 675. FEE PRIOR TO TERMINATION OR REINSTATEMENT OF  
SUSPENSION OR REVOCATION OF LICENSE

(a) Before a suspension or revocation issued by the Commissioner of a person's operator's license or privilege of operating a motor vehicle may be terminated or before a person's operator's license or privilege of operating a motor vehicle may be reinstated, there shall be paid to the Commissioner a fee of ~~\$80.00~~ \$96.00 in addition to any other fee required by statute. This section shall not apply to suspensions issued under the provisions of chapter 11 of this title nor suspensions issued for physical disabilities or failing to pass reexamination. The Commissioner shall not reinstate the license of a driver whose license was suspended pursuant to section 1205 of this title until the Commissioner receives certification from the court that the costs due the State have been paid.

\* \* \*

\* \* \* Operator's License; Driver Training School Licenses \* \* \*

Sec. G.132 23 V.S.A. § 702 is amended to read:

§ 702. TRAINING SCHOOL AND INSTRUCTOR'S LICENSES

A person shall not operate a driver training school or act as an instructor unless the person has secured a license from the Commissioner. Applications for such licenses may be filed with the Commissioner and shall contain the information and shall be on the forms the Commissioner may prescribe. Each application for a driver's training school license shall be accompanied by an application fee of ~~\$150.00~~ \$180.00, which shall not be refunded. If the application is approved by the Commissioner, the applicant upon payment of an additional fee of ~~\$225.00~~ \$270.00 shall be granted a license, which shall become void two years after the first day of the month of issue unless sooner revoked as provided in this subchapter. The renewal fee shall be ~~\$225.00~~ \$270.00. Each application for an instructor's license shall be accompanied by an application fee of ~~\$105.00~~ \$126.00, which shall not be refunded. If the application is approved by the Commissioner, the applicant upon payment of an additional fee of ~~\$75.00~~ \$90.00 shall be granted a license, which shall become void two years after the first day of the month of issue unless sooner revoked as provided in this subchapter. The renewal fee shall be ~~\$75.00~~ \$90.00.

Sec. G.133 23 V.S.A. § 703 is amended to read:

§ 703. POSSESSION OF LICENSE

Each person granted a driver's training school license shall display the same conspicuously on the school premises. Each person granted an instructor's license shall carry the same in ~~his or her~~ the person's possession while engaged in giving driver training. In case of loss, mutilation, or destruction of a license certificate, the Commissioner shall issue a duplicate certificate upon payment of a fee of ~~\$8.00~~ \$10.00.

\* \* \* Operation of Vehicles; Equipment \* \* \*

Sec. G.134 23 V.S.A. § 1230 is amended to read:

§ 1230. CHARGE

For each inspection certificate issued by the Department of Motor Vehicles, the Commissioner shall be paid ~~\$6.00~~ \$8.00, provided that State and municipal inspection stations that inspect only State or municipally owned and registered vehicles shall not be required to pay a fee. All vehicle inspection certificate charge revenue shall be allocated to the Transportation Fund with one-half reserved for bridge maintenance activities.

\* \* \* Operation of Vehicles; Weight, Size, Loads \* \* \*

Sec. G.135 23 V.S.A. § 1392 is amended to read:

§ 1392. GROSS WEIGHT LIMITS ON HIGHWAYS



Except as provided in section 1400 of this title, a person ~~or corporation~~ shall not operate or cause to be operated a motor vehicle in excess of the total weight, including vehicle, object, or contrivance and load, of:

\* \* \*

(13) Despite the axle-load provisions of section 1391 of this title and the maximum gross load of subdivision (4) of this section, a special annual permit, which shall expire with the vehicle's registration, except for vehicles not registered in Vermont in which case the permit shall become void on January 1 following date of issue, may be issued to a person operating on designated routes on the State Highway System for a fee of ~~\$382.00~~ \$458.00 for each vehicle registered for a weight of 80,000 pounds. This special permit shall be issued only for a combination of vehicle and semi-trailer or trailer equipped with five or more axles, with a distance between axles that meets the minimum requirements of registering the vehicle to 80,000 pounds as allowed under subdivision (4) of this section. The maximum gross load under this special permit shall be 90,000 pounds. Unless authorized by federal law, this subdivision shall not apply to operation on the Dwight D. Eisenhower National System of Interstate and Defense Highways.

(14) Despite the axle-load provisions of section 1391 of this title and the axle spacing and maximum gross load provisions of subdivision (4) of this section, a special annual permit, which shall expire with the vehicle's registration, except for vehicles not registered in Vermont in which case the permit shall become void on January 1 following date of issue, may be issued to a person transporting loads on vehicles on designated routes on the State Highway System for the following fees for each vehicle unit. Unless authorized by federal law, the provisions of this subdivision regarding weight limits or tolerances, or both, shall not apply to operation on the Dwight D. Eisenhower National System of Interstate and Defense Highways. This special permit shall be issued for the following vehicles and conditions:

(A) 3-axle trucks with a single steering axle and a rear tandem axle that have a maximum gross weight of not more than 60,000 pounds when registered for a minimum gross weight of not more than 55,000 pounds, the permit fee shall be ~~\$156.00~~ \$187.00.

(B) 4-axle trucks with a single steering axle and a rear tri-axle unit that have a maximum gross weight of not more than 69,000 pounds when registered for a minimum weight of 60,000 pounds, the permit fee shall be ~~\$352.00~~ \$422.00.

(C) 4-axle tractor semi-trailer or truck trailer combination with a maximum gross weight of not more than 72,000 pounds, provided the distance

between the second axle of the tractor and the rear axle of the trailer is at least 24 feet measured to the nearest foot. For each foot or fraction of a foot less than 24 feet, measured to the nearest foot, a reduction of 2,000 pounds in the maximum gross weight shall be made. The permit fee shall be ~~\$15.00~~ \$18.00.

(D) 5- or more axle tractor semi-trailer or truck trailer combination with a maximum gross weight of not more than 76,000 pounds, provided that the distance between the first and last axle of two consecutive sets of tandem axles is at least 24 feet measured to the nearest foot. For each foot or fraction of a foot less than 24 feet, measured to the nearest foot, a reduction of 2,000 pounds in the maximum gross weight shall be made. The permit fee shall be ~~\$15.00~~ \$18.00.

\* \* \*

(17) Notwithstanding the gross vehicle weight provisions of subdivision (4) of this section, a truck trailer combination or truck tractor, semi-trailer combination with six or more load-bearing axles registered for 80,000 pounds shall be allowed to bear a maximum of 99,000 pounds by special annual permit, which shall expire with the vehicle's registration, except for vehicles not registered in Vermont in which case the permit shall become void on January 1 following the date of issue, for operating on designated routes on State and town highways, subject to the following:

\* \* \*

(F) The fee for the annual permit as provided in this subdivision (17) shall be ~~\$382.00~~ \$458.00 for vehicles bearing up to 90,000 pounds and ~~\$560.00~~ \$671.00 for vehicles bearing up to 99,000 pounds.

\* \* \*

Sec. G.136 23 V.S.A. § 1402 is amended to read:

§ 1402. OVERWEIGHT, WIDTH, HEIGHT, AND LENGTH PERMITS;  
FEES

(a) Overweight, overwidth, indivisible overlength, and overheight permits. Overweight, overwidth, indivisible overlength, and overheight permits shall be signed by the Commissioner or by ~~his or her~~ the Commissioner's agent and a copy shall be kept in the office of the Commissioner or in a location approved by the Commissioner. Except as provided in subsection (c) of this section, a copy shall also be available in the towing vehicle and must be available for inspection on demand of a law enforcement officer. Before operating a traction engine, tractor, trailer, motor truck, or other motor vehicle, the person to whom a permit to operate in excess of the weight, width, indivisible

overlength, and height limits established by this title is granted shall pay a fee of ~~\$40.00~~ \$48.00 for each single trip permit or ~~\$112.00~~ \$135.00 for a blanket permit, except that the fee for a fleet blanket permit shall be ~~\$112.00~~ \$135.00 for the first unit and ~~\$6.00~~ \$8.00 for each unit thereafter. At the option of a carrier, an annual permit for the entire fleet, to operate over any approved route, may be obtained for ~~\$112.00~~ \$135.00 for the first tractor and ~~\$6.00~~ \$8.00 for each additional tractor, up to a maximum fee of \$1,000.00. The fee for a fleet permit shall be based on the entire number of tractors owned by the applicant. An applicant for a fleet permit may apply for any number of specific routes, each of which shall be reviewed with regard to the characteristics of the route and the type of equipment operated by the applicant. When the weight or size of the vehicle-load are considered sufficiently excessive for the routing requested, the Agency of Transportation shall, on request of the Commissioner, conduct an engineering inspection of the vehicle-load and route, for which a fee of \$300.00 will be added to the cost of the permit if the load is a manufactured home. For all other loads of any size or with gross weight limits less than 150,000 pounds, the fee shall be \$800.00 for any engineering inspection that requires up to eight hours to conduct. If the inspection requires more than eight hours to conduct, the fee shall be \$800.00 plus \$60.00 per hour for each additional hour required. If the vehicle and load weigh 150,000 pounds or more but not more than 200,000 pounds, the engineering inspection fee shall be \$2,000.00. If the vehicle and load weigh more than 200,000 pounds but not more than 250,000 pounds, the engineering inspection fee shall be \$5,000.00. If the vehicle and load weigh more than 250,000 pounds, the engineering inspection fee shall be \$10,000.00. The study must be completed prior to the permit being issued. Prior to the issuance of a permit, an applicant whose vehicle weighs 150,000 pounds or more, or is 15 or more feet in width or height, shall file with the Commissioner a special certificate of insurance showing minimum coverage of \$250,000.00 for death or injury to one person, \$500,000.00 for death or injury to two or more persons, and \$250,000.00 for property damage, all arising out of any one crash.

(b) Overlength permits. Except as provided in subsections 1432(c) and (e) of this title, it shall be necessary to obtain an overlength permit as follows:

(1) For vehicles with a trailer or semitrailer longer than 75 feet, anywhere in the State on highways approved by the Agency of Transportation. In such cases, the vehicle may be operated with a single trip overlength permit issued by the Department of Motor Vehicles for a fee of ~~\$28.00~~ \$34.00. If the vehicle is 100 feet or more in length, the permit applicant shall file with the Commissioner of Motor Vehicles a special certificate of insurance showing minimum coverage of \$250,000.00 for death or injury to one person,

\$500,000.00 for death or injury to two or more persons, and \$250,000.00 for property damage, all arising out of any one crash.

\* \* \*

\* \* \* Title to Motor Vehicles; General Provisions \* \* \*

Sec. G.137 23 V.S.A. § 2002 is amended to read:

§ 2002. FEES

(a) The Commissioner shall be paid the following fees:

(1) for any certificate of title, including a salvage certificate of title, or an exempt vehicle title, ~~\$35.00~~ \$42.00;

(2) for each security interest noted upon a certificate of title, including a salvage certificate of title, ~~\$11.00~~ \$14.00;

(3) for a certificate of title after a transfer, ~~\$35.00~~ \$42.00;

(4) for each assignment of a security interest noted upon a certificate of title, ~~\$11.00~~ \$14.00;

(5) for a duplicate certificate of title, including a salvage certificate of title, ~~\$35.00~~ \$42.00;

(6) for an ordinary certificate of title issued upon surrender of a distinctive certificate, ~~\$35.00~~ \$42.00;

(7) for filing a notice of security interest, ~~\$11.00~~ \$14.00;

(8) for a certificate of search of the records of the Department of Motor Vehicles, for each motor vehicle searched against, ~~\$22.00~~ \$27.00;

(9) for filing an assignment of a security interest, ~~\$11.00~~ \$14.00;

(10) for a certificate of title after a security interest has been released, ~~\$35.00~~ \$42.00;

(11) for a certificate of title for a motor vehicle acquired by a veteran with financial assistance from the U.S. Department of Veterans Affairs and exempt from registration fees pursuant to section 378 of this title, no fee;

(12) for a corrected certificate of title, ~~\$35.00~~ \$42.00.

\* \* \*

\* \* \* Titling of Vessels, Snowmobiles, and All-terrain Vehicles \* \* \*

Sec. G.138. 23 V.S.A. § 3802 is amended to read:

§ 3802. FEES

- (a) The Commissioner shall be paid the following fees:
- (1) for filing an application for a first certificate of title, ~~\$22.00~~ \$27.00;
  - (2) for each security interest noted upon a certificate of title, ~~\$11.00~~ \$14.00;
  - (3) for a certificate of title after a transfer, ~~\$22.00~~ \$27.00;
  - (4) for each assignment of a security interest noted upon a certificate of title, ~~\$11.00~~ \$14.00;
  - (5) for a duplicate certificate of title, ~~\$22.00~~ \$27.00;
  - (6) for an ordinary certificate of title issued upon surrender of a distinctive certificate, ~~\$22.00~~ \$27.00;
  - (7) for filing a notice of security interest, ~~\$11.00~~ \$14.00;
  - (8) for a certificate of search of the records of the Department of Motor Vehicles for each vessel, snowmobile, or all-terrain vehicle searched against, ~~\$22.00~~ \$27.00;
  - (9) for filing an assignment of a security interest, ~~\$11.00~~ \$14.00;
  - (10) for a certificate of clear title after the security interest or interests have been released, ~~\$22.00~~ \$27.00;
  - (11) for a corrected certificate of title, ~~\$22.00~~ \$27.00.

\* \* \*

\* \* \* Commercial Driver's License Act \* \* \*

Sec. G.139 23 V.S.A. § 4108 is amended to read:

§ 4108. COMMERCIAL DRIVER'S LICENSE, COMMERCIAL  
LEARNER'S PERMIT QUALIFICATION STANDARDS

\* \* \*

(f) The fee for a knowledge test and the fee for a skills test shall each be ~~\$32.00~~ \$39.00. The fee for an endorsement test shall be ~~\$14.00~~ \$17.00. In the event that an applicant fails a test three times, ~~he or she~~ the applicant may not take the test again for at least six months. A fee of ~~\$24.00~~ \$29.00 shall be paid by the applicant before ~~he or she~~ the applicant may schedule a skills test. If an applicant does not appear for the scheduled skills test, the ~~\$24.00~~ \$29.00 scheduling fee is forfeited, unless the applicant has given the Department of Motor Vehicles at least 48 hours' notice of cancellation of the test. If the applicant appears for the skills test, the ~~\$24.00~~ \$29.00 scheduling fee for that test will be used as part of the test fee. Use of an interpreter is prohibited during the administration of the knowledge or skills tests.

\* \* \*

Sec. G.140 23 V.S.A. § 4110 is amended to read:

§ 4110. APPLICATION FOR COMMERCIAL DRIVER'S LICENSE OR  
COMMERCIAL LEARNER'S PERMIT

\* \* \*

(8) The proper fee.

(A) The four-year fee for a commercial driver's license shall be ~~\$90.00~~ \$108.00. The two-year fee shall be ~~\$60.00~~ \$72.00. In those instances where the applicant surrenders a valid Vermont Class D license, the total fees due shall be reduced by:

\* \* \*

(B) The fee for a commercial learner's permit is ~~\$15.00~~ \$18.00.

\* \* \*

(b) When a licensee or permittee changes ~~his or her~~ the licensee's or permittee's name, mailing address, or residence or in the case of the loss, mutilation, or destruction of a license or permit, the licensee or permittee shall forthwith notify the Commissioner and apply in person for a duplicate license or permit in the same manner as set forth in subsection (a) of this section. The fee for a duplicate license or permit shall be ~~\$15.00~~ \$18.00.

\* \* \*

\* \* \* Motor Vehicle Purchase and Use Tax \* \* \*

Sec. G.141 32 V.S.A. § 8903 is amended to read:

§ 8903. TAX IMPOSED

(a)(1) There is hereby imposed upon the purchase in Vermont of a motor vehicle by a resident a tax at the time of such purchase, payable as hereinafter provided. The amount of the tax shall be six percent of the taxable cost of a:

\* \* \*

(2) For any other motor vehicle, it shall be six percent of the taxable cost of the motor vehicle or ~~\$2,075.00~~ \$2,486.00 for each motor vehicle, whichever is smaller, except that pleasure cars that are purchased, leased, or otherwise acquired for use in short-term rentals shall be subject to taxation under subsection (d) of this section.

(b)(1) There is hereby imposed upon the use within this State a tax of six percent of the taxable cost of a:

\* \* \*

(2) For any other motor vehicle, it shall be six percent of the taxable cost of the motor vehicle or ~~\$2,075.00~~ \$2,486.00 for each motor vehicle, whichever is smaller, by a person at the time of first registering or transferring a registration to such motor vehicle payable as hereinafter provided, except no use tax shall be payable hereunder if the tax imposed by subsection (a) of this section has been paid, or the vehicle is a pleasure car that was purchased, leased, or otherwise acquired for use in short-term rentals, in which case the vehicle shall be subject to taxation under subsection (d) of this section.

\* \* \*

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

#### Sec. H.100 EFFECTIVE DATES

(a) This section and Secs. C.100 through C.116 (fiscal year 2023 adjustments, appropriations, and amendments) shall take effect upon passage.

(b) Sections G.100 through G.141 shall take effect on January 1, 2024.

(c) All remaining sections shall take effect on July 1, 2023.

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 read was read the second time by title only pursuant to Rule 43.

Thereupon, pending the question, Shall the Senate propose to the House that the bill be amended as recommended by the Committee on Appropriations?, Senators Kitchel, Baruth, Lyons, Perchlik, Sears, Starr and Westman moved to amend the proposal of amendment of the Committee on Appropriations as follows:

First: By adding a new Sec. B.1105(d)(6) to read as follows:

#### Sec. B.1105 CAPITAL PROJECTS – FISCAL YEAR 2024 ONE-TIME APPROPRIATIONS

\* \* \*

(6) \$1,000,000 is appropriated to the Department of Housing and Community Development for a grant to the Vermont Housing Finance Agency for its first generation homebuyer program.

Second: In Sec. C.110, in subdivision (b)(1), after “in fiscal year 2024 for” and before “the following purposes” by striking out “one or more of”

Third: In Sec. C.110, in subdivision (b)(1)(C), after “district for the” and before “cost of demolition and removal” by inserting actual

Fourth: In Sec. C.110, in subsection (c), by striking out “subsection (b)(A)(B) of this section” where it appears and inserting in lieu thereof subdivisions (b)(1)(A) and (B) of this section

Fifth: In Sec. E.338.2, in subsection (b), by striking out “Joint Legislative Justice Oversight Committee” where it appears and inserting in lieu thereof General Assembly

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 Appropriations, as amended?, Senator Collamore requested that the question be divided and that Secs. G.100 through G.141 be voted on separately.

Thereupon, the pending question, Shall the Senate propose to the House that the bill be amended as recommended by the Committee on Appropriations, as amended, in Secs. G.100 to G.141?, was agreed to on a roll call, Yeas 22, Nays 7.

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:** Bray, Campion, Chittenden, Clarkson, Cummings, Gulick, Hardy, Harrison, Hashim, Kitchel, Lyons, MacDonald, McCormack, Perchlik, Ram Hinsdale, Sears, Starr, Vyhovsky, Watson, Westman, White, Wrenner.

**Those Senators who voted in the negative were:** Brock, Collamore, Ingalls, Mazza, Norris, Weeks, Williams.

**The Senator absent or not voting was:** Baruth (presiding).

Thereupon, the pending question, Shall the Senate propose to the House that bill be amended as recommended by the Committee on Appropriations, as amended, in all remaining sections?, was agreed to.

Thereupon, third reading of the bill was ordered, on a roll call, Yeas 24, Nays 5.



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:** Bray, Champion, Chittenden, Clarkson, Cummings, Gulick, Hardy, Harrison, Hashim, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Perchlik, Ram Hinsdale, Sears, Starr, Vyhovsky, Watson, Westman, White, Wrenner.

**Those Senators who voted in the negative were:** Brock, Collamore, Norris, Weeks, Williams.

**The Senator absent or not voting was:** Baruth (presiding).

### **Joint Resolution Adopted in Concurrence**

#### **J.R.H. 5.**

Joint House resolution entitled:

Joint resolution authorizing the Green Mountain Girls State educational program is authorized to use the facilities of the State House on a mutually agreed upon day and for a designated time span during the week of June 18, 2023.

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

### **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:

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

**H. 504.** An act relating to approval of amendments to the charter of the Town of Berlin.

**H. 505.** An act relating to approval of an amendment to the charter of the City of Rutland.

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. 36.** An act relating to permitting an arrest without a warrant for assaults and threats against health care workers and disorderly conduct at health care

facilities.

**S. 48.** An act relating to regulating the sale of catalytic converters.

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

The Governor has informed the House that on April 25, 2023, he approved and signed a bill originating in the House of the following title:

**H. 35.** An act relating to the Victims Assistance Program.

### **Adjournment**

On motion of Senator Clarkson, the Senate adjourned until one o'clock in the afternoon on Thursday, April 27, 2023.

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### **THURSDAY, APRIL 27, 2023**

The Senate was called to order by the President.

### **Devotional Exercises**

Devotional exercises were conducted by the Rabbi Tobie Weisman of Montpelier.

### **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 on Appropriations:

**H. 206.** An act relating to miscellaneous changes affecting the duties of the Department of Vermont Health Access.

**H. 476.** An act relating to miscellaneous changes to law enforcement officer training laws.

### **Senate Resolution Referred**

#### **S.R. 11.**

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

By Senators Watson, Baruth, Bray, Brock, Champion, Chittenden, Clarkson, Collamore, Cummings, Gulick, Hardy, Harrison, Hashim, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Norris, Perchlik, Ram Hinsdale, Sears, Starr, Vyhovsky, Weeks, Westman, White, Williams, and Wrenner,

**S.R. 11.** Senate resolution relating to supporting the continuing resiliency and strengthening of the Abenaki communities in Vermont and encouraging a greater appreciation and respect for Abenaki culture during Abenaki Recognition and Heritage Week and throughout the year.

*Whereas*, Indigenous People in Vermont were long denied legal recognition and experienced direct discrimination, especially as a result of the Vermont Eugenics Survey and the eugenics-inspired and State-sanctioned sterilizations authorized in 1931 Acts and Resolves No. 174, and

*Whereas*, over the past 15 years, the injustices that the Abenakis experienced have begun to be addressed, and

*Whereas*, 2006 Acts and Resolves No. 125 established the Vermont Commission of Native American Affairs, and 2010 Acts and Resolves No. 107 granted the Commission the authority to review applications from Native American tribes and bands for State recognition, and

*Whereas*, during the 2011–2012 biennium, the General Assembly confirmed the Commission’s determination that the Elu Abenaki tribe; the Nulhegan Band of the Coosuk Abenaki Nation; the Koasek Abenaki of the Koas; and the Missisquoi, St. Francis-Sokoki Band had satisfied the criteria for State recognition, and

*Whereas*, in 2021 Acts and Resolves No. R-114, the General Assembly adopted a joint resolution extending an official State apology to all impacted Vermonters, including members of Indigenous communities, for the harms they suffered due to State-sanctioned eugenics policies and practices, and this apology was modeled on the apology that the University of Vermont issued for its role in the conducting of the Vermont Eugenics Survey, and

*Whereas*, having extended an apology for the effects of the 1931 sterilization legislation, the General Assembly, in 2022 Acts and Resolves No. 128, established a Truth and Reconciliation Commission to address past harms, including those referenced in the 2021 joint resolution, and

*Whereas*, the Abenakis and other Indigenous people hold great reverence for and have an enduring bond with the land and waters of Vermont, and they have long counted on these natural resources as a source of sustenance and as a place of gathering for civic and sacred purposes, and

*Whereas*, the General Assembly recently enacted legislation in recognition of this ancient bond by passing 2020 Acts and Resolves No. 143, which provides for free hunting and fishing licenses for certified citizens of State-recognized Native American Indian tribes, and 2020 Acts and Resolves No. 174, which establishes a process to add Abenaki names as appropriate on new or replaced signs in State parks, and

*Whereas*, for the fifth consecutive year, Governor Philip B. Scott has designated the first week of May as Abenaki Recognition and Heritage Week, and this designation affords an ideal opportunity for Vermonters to gain a more informed understanding of Abenaki life in Vermont, *now therefore be it*

***Resolved by the Senate:***

That the Senate of the State of Vermont supports the continuing resiliency and strengthening of the Abenaki communities in Vermont and encourages a greater appreciation and respect for Abenaki culture during Abenaki Recognition and Heritage Week and throughout the year, *and be it further*

***Resolved:*** That the Secretary of the Senate be directed to send a copy of this resolution to the Vermont Commission on Native American Affairs and to each Vermont-recognized Abenaki tribe and band.

Thereupon, the President, in his discretion, treated the joint resolution as a bill and referred it to the Committee on Government Operations.

**Bill Introduced**

Senate bill of the following title was introduced, read the first time and referred:

**S. 151.**

By Senator Lyons,

An act relating to pay parity and transparency in health care.

To the Committee on Health and Welfare.

**Bills Referred**

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

**H. 504.** An act relating to approval of amendments to the charter of the Town of Berlin.

**H. 505.** An act relating to approval of an amendment to the charter of the City of Rutland.

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

**House Proposal of Amendment Concurred In**

**S. 5.**

House proposal of amendment to Senate bill entitled:

An act relating to affordably meeting the mandated greenhouse gas reductions for the thermal sector through efficiency, weatherization measures, electrification, and decarbonization.

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. SHORT TITLE

This act shall be known and may be cited as the “Affordable Heat Act.”

Sec. 2. 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 (GWSA), remain true and are incorporated by reference here.

(2) Under the GWSA 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 GWSA 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 GWSA, 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 in 2018 came from the thermal sector. In that year, approximately 72 percent of Vermont’s thermal energy use was fossil based, including 29 percent from the burning of heating oil, 24 percent from fossil gas, and 19 percent from propane.

(5) To meet the greenhouse gas emission reductions required by the GWSA, 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.

(6) Vermonters have an unprecedented opportunity to invest in eligible clean heat measures with funding from new federal laws including the

Infrastructure Investment and Jobs Act of 2021 and the Inflation Reduction Act of 2022.

Sec. 3. 30 V.S.A. chapter 94 is added to read:

CHAPTER 94. CLEAN HEAT STANDARD

§ 8121. INTENT

Pursuant to 2 V.S.A. § 205(a), 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)(2) and (3), minimizes costs to customers, protects public health, and recognizes that affordable heating is essential for Vermonters. It shall enhance social equity by prioritizing customers with low income and moderate income and those households with the highest energy burdens. The Clean Heat Standard shall, to the greatest extent possible, maximize the use of available federal funds to deliver clean heat measures.

§ 8122. 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 shall obtain the required amount of clean heat credits through delivery of eligible clean heat measures by a default delivery agent, unless the obligated party receives prior approval from the Commission to use another method as described in section 8125 of this title.

(d) The Commission shall adopt rules and may issue orders to implement and enforce the Clean Heat Standard program.

§ 8123. DEFINITIONS

As used in this chapter:

(1) "Carbon intensity value" means the amount of lifecycle greenhouse gas emissions per unit of energy of fuel expressed in grams of carbon dioxide equivalent per megajoule (gCO<sub>2</sub>e/MJ).

(2) “Clean heat credit” means a tradeable, nontangible commodity that represents the amount of greenhouse gas reduction attributable to a clean heat measure. The Commission shall establish a system of management for clean heat credits pursuant to this chapter.

(3) “Clean heat measure” means fuel delivered and technologies installed to end-use customers in Vermont that reduce greenhouse gas emissions from the thermal sector. 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.

(4) “Commission” means the Public Utility Commission.

(5) “Customer with low income” means a customer with a household income of up to 60 percent of the area or statewide median income, whichever is greater, as published annually by the U.S. Department of Housing and Urban Development or a customer who qualifies for a government-sponsored, low-income energy subsidy.

(6) “Customer with moderate income” means a customer with a household income between 60 percent and 120 percent of the area or statewide median income, whichever is greater, as published annually by the U.S. Department of Housing and Urban Development.

(7) “Default delivery agent” means an entity designated by the Commission to provide services that generate clean heat measures.

(8) “Energy burden” means the annual spending on thermal energy as a percentage of household income.

(9) “Entity” means any individual, trustee, agency, partnership, association, corporation, company, municipality, political subdivision, or any other form of organization.

(10) “Fuel pathway” means a detailed description of all stages of fuel production and use for any particular fuel, including feedstock generation or extraction, production, transportation, distribution, and combustion of the fuel by the consumer. The fuel pathway is used in the calculation of the carbon intensity value and lifecycle greenhouse gas emissions of each fuel.

(11) “Heating fuel” means fossil-based heating fuel, including oil, propane, natural gas, coal, and kerosene.

(12) “Obligated party” means:

(A) A regulated natural gas utility serving customers in Vermont.

(B) For other heating fuels, the entity that imports heating fuel for ultimate consumption within the State, or the entity that produces, refines,

manufactures, or compounds heating fuel within the State for ultimate consumption within the State. For the purpose of this section, the entity that imports heating fuel is the entity that has ownership title to the heating fuel at the time it is brought into Vermont.

(13) “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 and does not include nonroad diesel or any other transportation or other fuel use categorized elsewhere in the Vermont Greenhouse Gas Emissions Inventory and Forecast.

#### § 8124. 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)(2) and (3) expressed as lifecycle greenhouse gas emissions pursuant to subsection 8127(g) 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. The annual percentage reduction shall be the same for all obligated parties. To ensure understanding among obligated parties, the Commission shall publicly provide a description of the annual requirements in plain terms.

(3) To support the ability of the obligated parties to plan for the future, the Commission shall establish and update annual clean heat credit requirements for the next 10 years. 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)(2) and (3) for 2030 and 2050 will be achieved.

(4) The Commission may temporarily, for a period not to exceed 36 months, adjust the annual requirements for good cause after notice and opportunity for public process. Good cause may include a shortage of clean heat credits, market conditions as identified by the Department’s potential study conducted pursuant to section 8125 of this title, or undue adverse financial impacts on particular customers or demographic segments. The



Commission shall ensure that any downward adjustment has the minimum impact possible on the State's ability to comply with the thermal sector portion of the requirements of 10 V.S.A. § 578(a)(2) and (3).

(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 first registration deadline is January 31, 2024, and the annual deadline shall remain January 31 of each year unless a different deadline is 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; types of heating fuel sold; and the exact amount of gallons of each type of heating fuels sold 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, separated by type, that was purchased by the submitting entity and the name and location of the entity from which it was purchased.

(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 updating 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.

(5) For any entity not registered on or before January 31, 2024, 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.

(7) Entities that cease to operate shall retain their clean heat requirement for their final year of operation.

(c) Early action credits. Beginning on January 1, 2023, clean heat measures that are installed and provide emission reductions are creditable. Upon the establishment of the clean heat credit system, entities may register credits for actions taken starting in 2023.

(d) Equitable distribution of clean heat measures.

(1) The Clean Heat Standard shall be designed and implemented to enhance social equity by prioritizing customers with low income, moderate income, those households with the highest energy burdens, residents of manufactured homes, and renter households with tenant-paid energy bills. 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, residential building type, or homeownership status.

(2) Of their annual requirement, each obligated party shall retire at least 16 percent from customers with low income and an additional 16 percent from customers with low or moderate income. For each of these groups, at least one-half of these credits shall be from installed clean heat measures that require capital investments in homes, have measure lives of 10 years or more, and are estimated by the Technical Advisory Group to lower annual energy bills. Examples shall include weatherization improvements and installation of heat pumps, heat pump water heaters, and advanced wood heating systems. The Commission may identify additional measures that qualify as installed measures.

(3) The Commission shall, to the extent reasonably possible, frontload the credit requirements for customers with low income and moderate income so that the greatest proportion of clean heat measures reach Vermonters with low income and moderate income in the earlier years.

(4) With consideration to how to best serve customers with low income and moderate income, the Commission shall have authority to change the percentages established in subdivision (2) of this subsection 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.

(5) In determining whether to exceed the minimum percentages of clean heat measures that must be delivered to customers with low income and moderate income, the Commission shall take into account participation in other government-sponsored low-income and moderate-income weatherization programs. Participation in other government-sponsored low-income and

moderate-income weatherization programs shall not limit the ability of those households to participate in programs under this chapter.

(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.

(7) Customer income data collected shall be kept confidential by the Commission, the Department of Public Service, the obligated parties, and any entity that delivers clean heat measures.

(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) 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 shall order an obligated party that fails to retire the number of clean heat credits required in a given year, including the required amounts from customers with low income and moderate income, to make a noncompliance payment to the default delivery agent for the number of credits deficient. The per-credit amount of the noncompliance payment shall be two times the amount established by the Commission for timely per-credit payments to the default delivery agent.

(3) However, the Commission may waive the noncompliance payment required by subdivision (2) of this subsection for an obligated party if the Commission:

(A) finds that the obligated party made a good faith effort to acquire the required amount and its failure resulted from market factors beyond its control; and

(B) directs the obligated party to add the number of credits deficient to one or more future years.

(4) False or misleading statements or other representations made to the Commission 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.

(5) The Commission's enforcement authority does not in any way impede the enforcement authority of other entities such as the Attorney General's office.

(6) Failure to register with the Commission as required by this section is a violation of the Consumer Protection Act in 9 V.S.A. chapter 63.

(g) 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.

(h) Reports.

(1) As used in this subsection, "standing committees" means the House Committee on Environment and Energy 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 January 15 of each year following the year in which the rules are first adopted under this chapter, 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.

(i) LIHEAP pricing. The Margin Over Rack pricing program for fuel assistance shall reflect the default delivery agent credit cost established by the Commission.

#### § 8125. DEFAULT DELIVERY AGENT

(a) Default delivery agent designated. In place of obligated-party specific programs, the Commission shall provide for the development and implementation of statewide clean heat programs and measures by one or more default delivery agents appointed by the Commission for these purposes. The Commission may specify that appointment of a default delivery agent to deliver clean heat services, on behalf of obligated entities who pay the per-

credit fee to the default delivery agent, satisfies those entities' corresponding obligations under this chapter.

(b) Appointment. The default delivery agent shall be one or more statewide entities capable of providing a variety of clean heat measures. The Commission shall designate the first default delivery agent on or before June 1, 2024. The designation of an entity under this subsection may be by order of appointment or contract. A designation, whether by order of appointment or by contract, may only be issued after notice and opportunity for hearing. An existing order of appointment issued by the Commission under section 209 of this title may be amended to include the responsibilities of the default delivery agent. An order of appointment shall be for a limited duration not to exceed 12 years, although an entity may be reappointed by order or contract. An order of appointment may include any conditions and requirements that the Commission deems appropriate to promote the public good. For good cause, after notice and opportunity for hearing, the Commission may amend or revoke an order of appointment.

(c) Supervision. Any entity appointed by order of appointment under this section that is not an electric or gas utility already regulated under this title shall not be considered to be a company as defined under section 201 of this title but shall be subject to the provisions of sections 18–21, 30–32, 205–208; subsection 209(a); sections 219 and 221; and subsection 231(b) of this title, to the same extent as a company as defined under section 201 of this title. The Commission and the Department of Public Service shall have jurisdiction under those sections over the entity, its directors, receivers, trustees, lessees, or other persons or companies owning or operating the entity and of all plants, equipment, and property of that entity used in or about the business carried on by it in this State as covered and included in this section. This jurisdiction shall be exercised by the Commission and the Department so far as may be necessary to enable them to perform the duties and exercise the powers conferred upon them by law. The Commission and the Department each may, when they deem the public good requires, examine the plants, equipment, and property of any entity appointed by order of appointment to serve as a default delivery agent.

(d) Use of default delivery agent.

(1) An obligated party shall meet its annual requirement through a designated default delivery agent appointed by the Commission. However, the obligated party may seek to meet its requirement, in whole or in part, through one or more of the following ways: by delivering eligible clean heat measures, by contracting for delivery of eligible clean heat measures, or through the market purchase of clean heat credits. An obligated party shall be approved by

the Commission to meet its annual requirement using a method other than the default delivery agent if it provides sufficient details on the party's capacity and resources to achieve the emissions reductions. This approval shall not be unreasonably withheld.

(2) The Commission shall provide a form for an obligated party to indicate how it intends to meet its requirement. The form shall require sufficient information to determine the nature of the credits that the default delivery agent will be responsible to deliver on behalf of the obligated party. If the Commission approves of a plan for an obligated party to meet its obligation through a mechanism other than payment to a designated default delivery agent, then the Commission shall make such approvals known to the default delivery agent as soon as practicable.

(3) The Commission shall by rule or order establish a standard timeline under which the default delivery agent credit cost or costs are established and by which an obligated party must file its form. The default delivery agent's schedule of costs shall include sufficient costs to deliver installed measures and shall specify separately the costs to deliver measures to customers with low income and customers with moderate income as required by subsection 8124(d) of this title. The Commission shall provide not less than 120 days' notice of default delivery agent credit cost or costs prior to the deadline for an obligated party to file its election form so an obligated party can assess options and inform the Commission of its intent to procure credits in whole or in part as fulfillment of its requirement.

(4) The default delivery agent shall deliver creditable clean heat measures either directly or indirectly to end-use customer locations in Vermont sufficient to meet the total aggregated annual requirement assigned to it, along with any additional amount achievable through noncompliance payments as described in subdivision 8124(f)(2) of this title. Clean heat credits generated through installed measures delivered by the default delivery agent on behalf of an obligated party are creditable in future years. Those credits not required to meet the obligated party's existing obligations shall be owned by the obligated party.

(e) Budget.

(1) The Commission shall open a proceeding on or before July 1, 2023 and at least every three years thereafter to establish the default delivery agent credit cost or costs and the quantity of credits to be generated for the subsequent three-year period. That proceeding shall include:

(A) a potential study conducted by the Department of Public Service, the first of which shall be completed not later than September 1, 2024, to include an assessment and quantification of technically available, maximum achievable, and program achievable thermal resources. The results shall include a comparison to the legal obligations of the thermal sector portion of the requirements of 10 V.S.A. § 578(a)(2) and (3). The potential study shall consider and evaluate market conditions for delivery of clean heat measures within the State, including an assessment of workforce characteristics capable of meeting consumer demand and meeting the obligations of 10 V.S.A. § 578(a)(2) and (3);

(B) the development of a three-year plan and associated proposed budget by the default delivery agent to be informed by the final results of the Department's potential study. The default delivery agent may propose a portion of its budget towards promotion and market uplift, workforce development, and trainings for clean heat measures; and

(C) opportunity for public participation.

(2) Once the Commission provides the default delivery agent with the obligated parties' plan to meet the requirements, the default delivery agent shall be granted the opportunity to amend its plan and budget before the Commission.

(f) Compliance funds. All funds received from noncompliance payments pursuant to subdivision 8124(f)(2) of this title shall be used by the default delivery agent to provide clean heat measures to customers with low income.

(g) Specific programs. The default delivery agent shall create specific programs for multiunit dwellings, condominiums, rental properties, commercial and industrial buildings, and manufactured homes.

#### § 8126. RULEMAKING

(a) The Commission shall adopt rules and may issue orders to implement and enforce the Clean Heat Standard program.

(b) The requirements to adopt rules and any requirements regarding the need for legislative approval before any part of the Clean Heat Standard goes into effect do not in any way impair the Commission's authority to issue orders or take any other actions, both before and after final rules take effect, to implement and enforce the Clean Heat Standard.

(c) The Commission's rules may include a provision that allows the Commission to revise its Clean Heat Standard rules by order of the Commission without the revisions being subject to the rulemaking requirements of the 3 V.S.A. chapter 25, provided the Commission:

- (1) provides notice of any proposed changes;
- (2) allows for a 30-day comment period;
- (3) responds to all comments received on the proposed change;
- (4) provides a notice of language assistance services on all public outreach materials; and
- (5) arranges for language assistance to be provided to members of the public as requested using professional language services companies.

(d) Any order issued under this chapter shall be subject to appeal to the Vermont Supreme Court under section 12 of this title, and the Commission must immediately file any orders, a redline, and clean version of the revised rules with the Secretary of State, with notice simultaneously provided to the House Committee on Environment and Energy and the Senate Committees on Finance and on Natural Resources and Energy.

#### § 8127. TRADEABLE CLEAN HEAT CREDITS

(a) Credits established. By rule or order, the Commission shall establish or adopt a system of tradeable clean heat credits that are 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) Credit ownership. The Commission, in consultation with the Technical Advisory Group, shall establish a standard methodology for determining what party or parties shall be the owner of a clean heat credit upon its creation. The owner or owners may transfer those credits to a third party or to an obligated party.

(c) Credit values. Clean heat credits shall be based on the accurate and verifiable lifecycle CO<sub>2</sub>e emission reductions in Vermont's thermal sector that result from the delivery of eligible clean heat measures to existing or new end-use customer locations into or in Vermont.

(1) For clean heat measures that are installed, credits will be created for each year of the expected life of the installed measure. The annual value of the clean heat credits for installed measures in each year shall be equal to the lifecycle CO<sub>2</sub>e emissions of the fuel use that is avoided in a given year



because of the installation of the measure, minus the lifecycle emissions of the fuel that is used instead in that year.

(2) For clean heat measures that are fuels, clean heat credits will be created only for the year the fuel is delivered to the end-use customer. The value of the clean heat credits for fuels shall be the lifecycle CO<sub>2</sub>e emissions of the fuel use that is avoided, minus the lifecycle CO<sub>2</sub>e emissions of the fuel that is used instead.

(d) List of eligible measures. Eligible clean heat measures delivered to or installed in residential, commercial, and industrial buildings in Vermont shall include:

(1) thermal energy efficiency improvements and weatherization;

(2) cold-climate air, ground source, and other heat pumps, including district, network, grid, microgrid, and building geothermal systems;

(3) heat pump water heaters;

(4) utility-controlled electric water heaters;

(5) solar hot water systems;

(6) electric appliances providing thermal end uses;

(7) advanced wood heating;

(8) noncombustion or renewable energy-based district heating services;

(9) the supply of sustainably sourced biofuels;

(10) the supply of green hydrogen;

(11) the replacement of a manufactured home with a high efficiency manufactured home and weatherization or other efficiency or electrification measures in manufactured homes; and

(12) line extensions that connect facilities with thermal loads to the grid.

(e) Renewable natural gas. 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.

(f) Carbon intensity of fuels.

(1) To be eligible as a clean heat measure, a liquid or gaseous clean heat measure shall have a carbon intensity value as follows:

(A) below 80 in 2025;

(B) below 60 in 2030; and

(C) below 20 in 2050, provided the Commission may allow liquid and gaseous clean heat measures with a carbon intensity value greater than 20 if excluding them would be impracticable based on the characteristics of Vermont's buildings, the workforce available in Vermont to deliver lower carbon intensity clean heat measures, cost, or the effective administration of the Clean Heat Standard.

(2) The Commission shall establish and publish the rate at which carbon intensity values shall decrease annually for liquid and gaseous clean heat measures consistent with subdivision (1) of this subsection as follows:

(A) on or before January 1, 2025 for 2025 to 2030; and

(B) on or before January 1, 2030 for 2031 to 2050.

(3) For the purpose of this section, the carbon intensity values shall be understood relative to No. 2 fuel oil delivered into or in Vermont in 2023 having a carbon intensity value of 100. Carbon intensity values shall be measured based on fuel pathways.

(g) Emissions schedule.

(1) 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 any fuel that is used in a clean heat measure, including electricity, or is itself a clean heat measure, including biofuels. The schedule shall be based on transparent, verifiable, 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 fit the Vermont thermal sector context, and the requirements of 10 V.S.A. § 578(a)(2) and (3).

(2) For each fuel pathway, the schedule shall account for greenhouse gas emissions from biogenic and geologic sources, including fugitive emissions and loss of stored carbon. In determining the baseline emission rates for clean heat measures that are fuels, emissions baselines shall fully account for methane emissions reductions or captures already occurring, or expected to occur, for each fuel pathway as a result of local, State, or federal legal requirements that have been enacted or adopted that reduce greenhouse gas emissions.

(3) The schedule may be amended based upon changes in technology or evidence on emissions, but clean heat credits previously awarded or already under contract to be produced shall not be adjusted retroactively.

(h) Review of consequences. The Commission shall biennially assess harmful consequences that may arise in Vermont or elsewhere from the implementation of specific types of clean heat measures and shall set standards or limits to prevent those consequences. Such consequences shall include environmental burdens as defined in 3 V.S.A. § 6002, public health, deforestation or forest degradation, conversion of grasslands, increased emissions of criteria pollutants, damage to watersheds, or the creation of new methane to meet fuel demand.

(i) Time stamp. Clean heat credits shall be “time stamped” for the year in which the clean heat measure delivered emission reductions. For each subsequent year during which the measure produces emission reductions, credits shall be generated for that year. Only clean heat credits that have not been retired shall be eligible to satisfy the current year obligation.

(j) Delivery in Vermont. Clean heat credits shall 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.

(k) Credit eligibility.

(1) All eligible clean heat measures that are delivered in Vermont beginning on January 1, 2023 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 or funded in whole or in part by other federal or 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. Clean heat measures delivered or installed pursuant to any local, State, or federal program or policy may count both towards goals or requirements of such programs and policies and be eligible clean heat measures that count towards the emission reduction obligations of this chapter.

(2) The owner or owners of a clean heat credit are not required to sell the credit.

(3) Regardless of the programs or pathways contributing to clean heat credits being earned, an individual credit may be counted only once towards satisfying an obligated party’s emission reduction obligation.

(l) Credit registration.

(1) The Commission shall create an administrative system to register, sell, transfer, and trade 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. Customer income data collected shall be kept confidential by the Commission, the Department of Public Service, the obligated parties, and any entity that delivers clean heat measures.

(m) Greenhouse Gas Emissions Inventory and Forecast. 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.

#### § 8128. 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 8124(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 impacts; 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 expected life length of clean heat measures for the purpose of calculating credit amounts;

(5) establishing credit values for each year over a clean heat measure's expected 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) calculating the savings associated with public health benefits due to clean heat measures;

(9) 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;

(10) advising the Commission on the periodic assessment and revision requirement established in subdivision 8124(a)(3) of this chapter; and

(11) any other matters referred to the TAG by the Commission.

(b) The Clean Heat Standard Technical Advisory Group shall consist of up to 15 members appointed by the Commission. The Commission shall establish the procedure for the TAG, including member term lengths and meeting procedures. Members of the TAG shall be appointed by the Commission and shall include the Department of Public Service, the Agency of Natural Resources, the Department of Health, 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, mitigating environmental burdens as defined in 3 V.S.A. § 6002, public health impacts of air quality and climate change, delivery of heating fuels, land use changes, deforestation and forest degradation, 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 CO<sub>2</sub>e lifecycle emissions analyses. The TAG shall provide input and feedback on the consultant's work. The Commission may use appropriated funds to hire the consultant.

(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.

§ 8129. 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 Vermonters with low income and moderate income and that Vermonters with low income and moderate income 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 Vermonters with low income and moderate income in the public process for developing the Clean Heat Standard program;

(2) supporting the Commission in assessing whether customers are equitably served by clean heat measures and how to increase equity;

(3) identifying actions needed to provide customers with low income and moderate income with better service and to mitigate the fuel price impacts calculated in section 8128 of this title;

(4) recommending any additional programs, incentives, or funding needed to support customers with low income and moderate income and organizations that provide social services to Vermonters in affording heating fuel and other heating expenses;

(5) providing feedback to the Commission on the impact of the Clean Heat Standard on the experience of Vermonters with low income and moderate income; and

(6) providing information to the Commission on the challenges renters and residents of manufactured homes face in equitably accessing clean heat measures and recommendations to ensure that renters and residents of manufactured homes 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; a community action agency with expertise in low-income weatherization; a community action agency with expertise in serving residents of manufactured homes; Efficiency Vermont; the Vermont Association of Area Agencies on Aging; individuals with socioeconomically, racially, and geographically diverse backgrounds; renters; rental property owners; the Vermont Housing Finance Agency; 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.

(c) The Equity Advisory Group shall cease to exist when the initial Clean Heat Standard rules are adopted. Thereafter, the issues described in subsection (a) of this section shall be reviewed by the Commission, in compliance with 3 V.S.A. chapter 72.

#### § 8130. 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.

#### § 8131. RULEMAKING AUTHORITY

Notwithstanding any other provision of law to the contrary, the Commission shall not file proposed rules with the Secretary of State implementing the Clean Heat Standard without specific authorization enacted by the General Assembly.

Sec. 4. 10 V.S.A. § 582 is amended to read:

#### § 582. GREENHOUSE GAS INVENTORIES; REGISTRY

(a) Inventory and forecasting. The Secretary shall work, in conjunction with other states or a regional consortium, to establish a periodic and consistent inventory of greenhouse gas emissions. The Secretary shall publish the Vermont Greenhouse Gas Emission Inventory and Forecast by ~~no~~ not later than June 1, 2010, and updates shall be published annually until 2028, until a regional or national inventory and registry program is established in which Vermont participates, or until the federal National Emissions Inventory includes mandatory greenhouse gas reporting. The Secretary of Natural Resources shall include a supplemental accounting in the Vermont Greenhouse Gas Emissions Inventory and Forecast that measures the upstream and lifecycle greenhouse gas emissions of liquid, gaseous, solid geologic and biogenic fuels combusted in Vermont.

\* \* \*

## Sec. 5. CONFIDENTIALITY OF FUEL TAX RETURNS; 2024

(a) Notwithstanding 32 V.S.A. § 3102(a), from January 1, 2024 until December 31, 2024, the Commissioner of Taxes shall disclose to the Public Utility Commission and the Department of Public Service a return or return information related to the fuel tax imposed under 33 V.S.A. § 2503, provided the return or return information provided is necessary to verify the identity, fuel tax liability, and registration status of an entity that sells heating fuel into Vermont for purposes of administering the Clean Heat Standard established in 30 V.S.A. chapter 94.

(b) Pursuant to 32 V.S.A. § 3102(h), the person or persons receiving return or return information under this section shall be subject to the penalty provisions of 32 V.S.A. § 3102(a) for unauthorized disclosure of return or return information as if such person were the agent of the Commissioner. Pursuant to 32 V.S.A. § 3102(g), nothing in this section shall be construed to prohibit the publication of statistical information, rulings, determinations, reports, opinions, policies, or other information, provided the data is disclosed in a form that cannot identify or be associated with a particular person.

(c) Pursuant to 1 V.S.A. § 317(c)(6), a fuel tax return and related documents, correspondence, and certain types of substantiating forms that include the same type of information as in the tax return itself filed with or maintained by the Vermont Department of Taxes disclosed to the Public Utility Commission and the Department of Public Service under this section shall be exempt from public inspection and copying.

## Sec. 6. PUBLIC UTILITY COMMISSION IMPLEMENTATION

(a) Commencement. On or before August 31, 2023, the Public Utility Commission shall commence a proceeding to implement Sec. 3 (Clean Heat Standard) of this act.

(b) Facilitator. The Commission shall hire a third-party consultant with expertise in equity, justice, and diversity to design and conduct public engagement. The Commission and the facilitator shall incorporate the Guiding Principles for a Just Transition into the public engagement process. The Commission may use funds appropriated under this act on hiring the consultant. Public engagement shall be conducted by the facilitator for the purposes of:

(1) supporting the Commission in assessing whether customers will be equitably served by clean heat measures and how to increase equity in the delivery of clean heat measures;



(2) identifying actions needed to provide customers with low income and moderate income with better service and to mitigate the fuel price impacts calculated in 30 V.S.A. § 8128;

(3) recommending any additional programs, incentives, or funding needed to support customers with low income and moderate income and organizations that provide social services to Vermonters in affording heating fuel and other heating expenses; and

(4) providing information to the Commission on the challenges renters face in equitably accessing clean heat measures and recommendations to ensure that renters have equitable access to clean heat measures.

(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 allow any person to register at any time in the Commission's online case management system, ePUC, as a participant in the Clean Heat Standard proceeding. All members of the Equity Advisory Group shall be made automatic participants to that proceeding. All registered participants in the proceeding, including all members of the Equity Advisory Group, shall receive all notices of public meetings and all notices of opportunities to comment in that proceeding.

(2) The Commission shall hold at least six public hearings or workshops that shall be recorded and publicly posted on the Commission's website or on ePUC. These meetings shall be open to everyone, including all stakeholders, members of the public, and all other potentially affected parties, with translation services available to those attending.

(3) The Commission also shall provide at least three opportunities for the submission of written comments. Any person may submit written comments to the Commission.

(d) 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. All advertisements of public meetings shall include a notice of language assistance services. The Commission shall arrange for language assistance to be provided to members of the public as requested using the services of professional language services companies.

(e) Draft proposed rules. The Commission shall publish draft proposed rules publicly and provide notice of them through the Commission's online

case management system, ePUC, to the stakeholders in this rulemaking who registered their names and e-mail addresses with the Commission through ePUC. The Commission shall provide a 30-day comment period on the draft and accept written comments from the public and stakeholders. The Commission shall consider changes in response to the public comments before filing the proposed rules with the Secretary of State and the Legislative Committee on Administrative Rules.

(f) Final rules.

(1) On or before January 15, 2025, 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), (b), (c), 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, unless the adopted rules allow for amendments through a different process in accordance with 30 V.S.A. § 8126(c) and (d).

(5) The final proposed rules shall contain the first set of annual required amounts for obligated parties as described in 30 V.S.A. § 8124(a)(1). The first set of annual required amounts shall only be adopted through the rulemaking process established in this section, not through an order.

(g) Consultant. The Commission may contract with a consultant to assist with implementation of 30 V.S.A. § 8127 (clean heat credits).

(h) Funding. On or before February 15, 2024, 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 and shall include programs to support market transformation such as

workforce development, market uplift, and training that may be administered by a third party.

(i) Check-back reports. On or before February 15, 2024 and January 15, 2025, the Commission shall submit a written report to and be available to provide oral testimony to the House Committee on Environment and Energy 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. The modeled impacts shall estimate high-, medium-, and low-price impacts. The reports shall recommend any legislative action needed to address enforcement or other aspects of the Clean Heat Standard, including how to ensure fuel use that occurs outside the thermal sector is not impacted under the program.

(j) Assistance. The Agency of Commerce and Community Development, the Department of Public Service, and other State agencies and departments shall assist the Commission with economic modeling for the required reports and rulemaking process.

(k) Report on equity issues. On or before January 15, 2025, the Equity Advisory Group shall report to the General Assembly on the Group's findings from the review of issues under 30 V.S.A. § 8129(a).

#### Sec. 7. 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;
- (2) one permanent exempt Analyst; and
- (3) one limited-service exempt Analyst.

(b) The sum of \$825,000.00 is appropriated to the Public Utility Commission from the General Fund in fiscal year 2024 for the positions established in subsection (a) of this section; for all consultants required by this act; and for additional operating costs required to implement the Clean Heat Standard, including marketing and public outreach for Sec. 6 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 \$900,000.00 is appropriated to the Department of Public Service from the General Fund in fiscal year 2024 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. § 8127(a), for conducting the potential study, and for associated operating costs related to the implementation of the Clean Heat Standard.

#### Sec. 8. EFFECTIVE DATE

This act shall take effect on passage.

Thereupon, the question, Shall the Senate concur in the House proposal of amendment?, was decided on a roll call, Yeas 20, Nays 10.

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:** Baruth, Bray, Champion, Chittenden, Clarkson, Cummings, Gulick, Hardy, Harrison, Hashim, Kitchel, Lyons, MacDonald, McCormack, Perchlik, Ram Hinsdale, Sears, Vyhovsky, Watson, White.

**Those Senators who voted in the negative were:** Brock, Collamore, Ingalls, Mazza, Norris, Starr, Weeks, Westman, Williams, Wrenner.

#### House Proposal of Amendment Concurred In

#### S. 37.

House proposal of amendment to Senate bill entitled:

An act relating to access to legally protected health care activity and regulation of health care providers.

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:

\* \* \* Definitions \* \* \*

Sec. 1. 1 V.S.A. § 150 is added to read:

#### § 150. LEGALLY PROTECTED HEALTH CARE ACTIVITY

- (a) “Gender-affirming health care services” means all supplies, care, and

services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative, or supportive nature, including medication, relating to the treatment of gender dysphoria and gender incongruence. “Gender-affirming health care services” does not include conversion therapy as defined by 18 V.S.A. § 8351.

(b)(1) “Legally protected health care activity” means:

(A) the exercise and enjoyment, or attempted exercise and enjoyment, by any person of rights to reproductive health care services or gender-affirming health care services secured by this State;

(B) any act or omission undertaken to aid or encourage, or attempt to aid or encourage, any person in the exercise and enjoyment, or attempted exercise and enjoyment, of rights to reproductive health care services or gender-affirming health care services secured by this State, provided that the provision of such a health care service by a person duly licensed under the laws of this State and physically present in this State shall be legally protected if the service is permitted under the laws of this State, regardless of the patient’s location; or

(C) the provision, issuance, or use of, or enrollment in, insurance or other health coverage for reproductive health care services or gender-affirming health care services that are legal in this State, or any act to aid or encourage, or attempt to aid or encourage, any person in the provision, issuance, or use of, or enrollment in, insurance or other health coverage for those services, regardless of the location of the insured or individual seeking insurance or health coverage, if the insurance or health coverage is permitted under the laws of this State.

(2) Except as provided in subdivision (3) of this subsection, the protections applicable to “legally protected health care activity” shall not apply to a lawsuit; judgment; or civil, criminal, or administrative action that is based on conduct for which an action would exist under the laws of this State if the course of conduct that forms the basis for liability had occurred entirely in this State.

(3) Notwithstanding subdivision (2) of this subsection, the provision of a health care service by a person duly licensed under the laws of this State and physically present in this State shall be legally protected if the service is permitted under the laws of this State, regardless of the patient’s location or whether the health care provider is licensed in the state where the patient is located at the time the service is rendered.

(c)(1) “Reproductive health care services” means all supplies, care, and services of a medical, behavioral health, mental health, surgical, psychiatric,

therapeutic, diagnostic, preventative, rehabilitative, or supportive nature, including medication, relating to pregnancy, contraception, assisted reproduction, pregnancy loss management, or the termination of a pregnancy.

(2) “Reproductive health care services” includes medication that was approved by the U.S. Food and Drug Administration (FDA) for termination of a pregnancy as of January 1, 2023, regardless of the medication’s current FDA approval status:

(A) when such medication is procured, ordered, stored, distributed, prescribed, dispensed, or administered, or a combination thereof, by a person duly licensed under the laws of this State, as long as the licensee’s actions conform to the essential standards of acceptable and prevailing practice for the licensee’s profession; or

(B) when such medication is used by an individual.

\* \* \* Medical Malpractice \* \* \*

Sec. 2. 8 V.S.A. chapter 129 is amended to read:

#### CHAPTER 129. INSURANCE TRADE PRACTICES

\* \* \*

#### § 4722. DEFINITIONS

\* \* \*

(4)(A) “Abusive litigation” means litigation or other legal action to deter, prevent, sanction, or punish any person engaging in legally protected health care activity by:

(i) filing or prosecuting any action in any other state where liability, in whole or part, directly or indirectly, is based on legally protected health care activity that occurred in this State, including any action in which liability is based on any theory of vicarious, joint, or several liability derived therefrom; or

(ii) attempting to enforce any order or judgment issued in connection with any such action by any party to the action or any person acting on behalf of a party to the action.

(B) A lawsuit shall be considered to be based on conduct that occurred in this State if any part of any act or omission involved in the course of conduct that forms the basis for liability in the lawsuit occurs or is initiated in this State, whether or not such act or omission is alleged or included in any pleading or other filing in the lawsuit.

(5) “Legally protected health care activity” has the same meaning as in 1 V.S.A. § 150.

\* \* \*

§ 4724. UNFAIR METHODS OF COMPETITION OR UNFAIR OR DECEPTIVE ACTS OR PRACTICES DEFINED

The following are hereby defined as unfair methods of competition or unfair or deceptive acts or practices in the business of insurance:

\* \* \*

(7) Unfair discrimination; arbitrary underwriting action.

(A) Making or permitting any unfair discrimination between insureds of the same class and equal risk in the rates charged for any contract of insurance, or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contracts.

\* \* \*

(F)(i) Discriminating against a health care provider, as defined by 18 V.S.A. § 9496, or adjusting or otherwise calculating a health care provider’s risk classification or premium charges on the basis that:

(I) the health care provider provides or assists in the provision of legally protected health care activity that is unlawful in another state;

(II) another state’s laws create potential or actual liability for that activity;

(III) abusive litigation against a provider concerning legally protected health care activity resulted in a claim, settlement, or judgement against the provider; or

(IV) the license of the provider has been disciplined in any way by another state based solely on the provider’s provision of legally protected health care activity.

(ii) For purposes of this subdivision (F), it shall not be unfairly discriminatory nor an arbitrary underwriting action against a health care provider if the risk classifications, premium charges, or other underwriting considerations are based on factors other than those listed in subdivision (i) of this subdivision (F).

\* \* \*

\* \* \* Insurance Coverage \* \* \*

Sec. 3. 8 V.S.A. § 4088m is added to read:

§ 4088m. COVERAGE FOR GENDER-AFFIRMING HEALTH CARE SERVICES

(a) Definitions. As used in this section:

(1) “Gender-affirming health care services” has the same meaning as in 1 V.S.A. § 150.

(2) “Health insurance plan” means Medicaid and any other public health care assistance program, any individual or group health insurance policy, any hospital or medical service corporation or health maintenance organization subscriber contract, or any other health benefit plan offered, issued, or renewed for any person in this State by a health insurer as defined by 18 V.S.A. § 9402. For purposes of this section, health insurance plan includes any health benefit plan offered or administered by the State or any subdivision or instrumentality of the State. The term does not include benefit plans providing coverage for a specific disease or other limited benefit coverage, except that it includes any accident and sickness health plan.

(b) Coverage.

(1) A health insurance plan shall provide coverage for gender-affirming health care services that:

(A) are medically necessary and clinically appropriate for the individual’s diagnosis or health condition; and

(B) are included in the State’s essential health benefits benchmark plan.

(2) Coverage provided pursuant to this section by Medicaid or any other public health care assistance program shall comply with all federal requirements imposed by the Centers for Medicare and Medicaid Services.

(3) Nothing in this section shall prohibit a health insurance plan from providing greater coverage for gender-affirming health care services than is required under this section.

(c) Cost sharing. A health insurance plan shall not impose greater coinsurance, co-payment, deductible, or other cost-sharing requirements for coverage of gender-affirming health care services than apply to the diagnosis and treatment of any other physical or mental condition under the plan.



Sec. 4. 8 V.S.A. § 4099e is added to read:

§ 4099e. COVERAGE FOR ABORTION AND ABORTION-RELATED SERVICES

(a) Definitions. As used in this section:

(1) “Abortion” means any medical treatment intended to induce the termination of, or to terminate, a clinically diagnosable pregnancy except for the purpose of producing a live birth.

(2) “Health insurance plan” means Medicaid and any other public health care assistance program, any individual or group health insurance policy, any hospital or medical service corporation or health maintenance organization subscriber contract, or any other health benefit plan offered, issued, or renewed for any person in this State by a health insurer as defined by 18 V.S.A. § 9402. For purposes of this section, health insurance plan shall include any health benefit plan offered or administered by the State or any subdivision or instrumentality of the State. The term shall not include benefit plans providing coverage for a specific disease or other limited benefit coverage, except that it shall include any accident and sickness health plan.

(b) Coverage. A health insurance plan shall provide coverage for abortion and abortion-related care.

(c) Cost sharing. The coverage required by this section shall not be subject to any co-payment, deductible, coinsurance, or other cost-sharing requirement or additional charge, except:

(1) to the extent such coverage would disqualify a high-deductible health plan from eligibility for a health savings account pursuant to 26 U.S.C. § 223; and

(2) for coverage provided by Medicaid.

Sec. 5. STATE PLAN AMENDMENT

The Agency of Human Services shall seek a state plan amendment from the Centers for Medicare and Medicaid Services or federal authorities if needed to allow Vermont’s Medicaid program to provide coverage consistent with this act.

\* \* \* Professional Regulation \* \* \*

Sec. 6. 3 V.S.A. § 129a is amended to read:

§ 129a. UNPROFESSIONAL CONDUCT

(a) In addition to any other provision of law, the following conduct by a licensee constitutes unprofessional conduct. When that conduct is by an

applicant or person who later becomes an applicant, it may constitute grounds for denial of a license or other disciplinary action. Any one of the following items or any combination of items, whether the conduct at issue was committed within or outside the State, shall constitute unprofessional conduct:

\* \* \*

(7) Willfully making or filing false reports or records in the practice of the profession, willfully impeding or obstructing the proper making or filing of reports or records, or willfully failing to file the proper reports or records, or willfully providing inaccurate health or medical information to a patient, including purposeful misrepresentation of a patient's health status.

\* \* \*

(29) Providing or claiming to provide services or medications that are purported to reverse the effects of a medication abortion.

\* \* \*

(f)(1) Health care providers. Notwithstanding subsection (e) of this section or any other law to the contrary, no health care provider who is certified, registered, or licensed in Vermont shall be subject to professional disciplinary action by a board or the Director, nor shall a board or the Director take adverse action on an application for certification, registration, or licensure of a qualified health care provider, based solely on:

(A) the health care provider providing or assisting in the provision of legally protected health care activity; or

(B) a criminal, civil, or disciplinary action in another state against the health care provider that is based solely on the provider providing or assisting in the provision of legally protected health care activity.

(2) Definitions. As used in this subsection:

(A) "Health care provider" means a person who provides professional health care services to an individual during that individual's medical care, treatment, or confinement.

(B) "Health care services" means services for the diagnosis, prevention, treatment, cure, or relief of a physical or mental health condition, including procedures, products, devices, and medications.

(C) "Legally protected health care activity" has the same meaning as in 1 V.S.A. § 150.

Sec. 7. 26 V.S.A. § 1354 is amended to read:

§ 1354. UNPROFESSIONAL CONDUCT

\* \* \*

(d)(1) Health care providers. Notwithstanding any other law to the contrary, no health care provider who is certified, registered, or licensed in Vermont shall be subject to professional disciplinary action by the Board, nor shall the Board take adverse action on an application for certification, registration, or licensure of a qualified health care provider, based solely on:

(A) the health care provider providing or assisting in the provision of legally protected health care activity; or

(B) a criminal, civil, or disciplinary action in another state against the health care provider that is based solely on the provider providing or assisting in the provision of legally protected health care activity.

(2) Definitions. As used in this subsection:

(A) “Health care provider” means a person who provides professional health care services to an individual during that individual’s medical care, treatment, or confinement.

(B) “Health care services” means services for the diagnosis, prevention, treatment, cure, or relief of a physical or mental health condition, including procedures, products, devices, and medications.

(C) “Legally protected health care activity” has the same meaning as in 1 V.S.A. § 150.

\* \* \* Pregnancy Centers \* \* \*

Sec. 8. 9 V.S.A. chapter 63, subchapter 11 is added to read:

Subchapter 11. Pregnancy Services Centers

§ 2491. FINDINGS; LEGISLATIVE INTENT

(a) Findings. The General Assembly finds that:

(1) Centers that seek to counsel clients against abortion, often referred to as crisis pregnancy centers or limited-services pregnancy centers, have become common across the country, including in Vermont. Accurate information about the services that a limited-services pregnancy center performs, in addition to forthright acknowledgement of its limitations, is essential to enable individuals in this State to make informed decisions about their care. This includes individuals being informed of whether they are receiving services from a licensed and qualified health care provider at a limited-services pregnancy center, as this allows individuals to determine if

they need to seek medical care elsewhere in order to continue or terminate a pregnancy.

(2) Although some limited-services pregnancy centers openly acknowledge in their advertising, on their websites, and at their facilities that they neither provide abortions nor refer clients to other providers of abortion services, others provide confusing and misleading information to pregnant individuals contemplating abortion by leading those individuals to believe that their facilities offer abortion services and unbiased counseling. Some limited-services pregnancy centers have promoted patently false or biased medical claims about abortion, pregnancy, contraception, and reproductive health care providers.

(3) False and misleading advertising by centers that do not offer or refer clients for abortion is of special concern to the State because of the time-sensitive and constitutionally protected nature of the decision to continue or terminate a pregnancy. When a pregnant individual is misled into believing that a center offers services that it does not in fact offer or receives false or misleading information regarding health care options, the individual loses time crucial to the decision whether to terminate a pregnancy and may lose the option to choose a particular method or to terminate a pregnancy at all.

(4) Telling the truth is how trained health care providers demonstrate respect for patients, foster trust, promote self-determination, and cultivate an environment where best practices in shared decision-making can flourish. Without veracity in information and communication, it is difficult for individuals to make informed, voluntary choices that are essential to one's sense of personal agency and autonomy.

(5) Advertising strategies and educational information about health care options that lack transparency, use misleading or ambiguous terminology, misrepresent or obfuscate services provided, or provide factually inaccurate information are a form of manipulation that disrespects individuals, undermines trust, broadens health disparity, and can result in patient harm.

(b) Intent.

(1) It is the intent of the General Assembly to ensure that the public is provided with accurate, factual information about the types of health care services that are available to pregnant individuals in this State. The General Assembly respects the constitutionally protected right of each individual to personal reproductive autonomy, which includes the right to receive clear, honest, and nonmisleading information about the individual's options and to make informed, voluntary choices after considering all relevant information.

(2) The General Assembly respects the right of limited-services pregnancy centers to counsel individuals against abortion, and nothing in this subchapter should be construed to regulate, limit, or curtail such advocacy.

§ 2492. DEFINITIONS

As used in this subchapter:

(1) “Abortion” means any medical treatment intended to induce the termination of, or to terminate, a clinically diagnosable pregnancy except for the purpose of producing a live birth.

(2) “Client” means an individual who is inquiring about or seeking services at a pregnancy services center.

(3) “Emergency contraception” means any drug approved by the U.S. Food and Drug Administration as a contraceptive method for use after sexual intercourse, whether provided over the counter or by prescription.

(4) “Health information” means any oral or written information in any form or medium that relates to health insurance or the past, present, or future physical or mental health or condition of a client.

(5) “Limited-services pregnancy center” means a pregnancy services center that does not directly provide, or provide referrals to clients for, abortions or emergency contraception.

(6) “Pregnancy services center” means a facility, including a mobile facility, where the primary purpose is to provide services to individuals who are or may be pregnant and that either offers obstetric ultrasounds, obstetric sonograms, or prenatal care to pregnant individuals or has the appearance of a medical facility. A pregnancy services center has the appearance of a medical facility if two or more of the following factors are present:

(A) The center offers pregnancy testing or pregnancy diagnosis, or both.

(B) The center has staff or volunteers who wear medical attire or uniforms.

(C) The center contains one or more examination tables.

(D) The center contains a private or semiprivate room or area containing medical supplies or medical instruments.

(E) The center has staff or volunteers who collect health information from clients.

(F) The center is located on the same premises as a State-licensed medical facility or provider or shares facility space with a State-licensed

medical provider.

(7) “Premises” means land and improvements or appurtenances or any part thereof.

§ 2493. UNFAIR AND DECEPTIVE ACT

(a) It is an unfair and deceptive act and practice in commerce and a violation of section 2453 of this title for any limited-services pregnancy center to disseminate or cause to be disseminated to the public any advertising about the services or proposed services performed at that center that is untrue or clearly designed to mislead the public about the nature of services provided. Advertising includes representations made directly to consumers; marketing practices; communication in any print medium, such as newspapers, magazines, mailers, or handouts; and any broadcast medium, such as television or radio, telephone marketing, or advertising over the Internet such as through websites and web ads. For purposes of this chapter, advertising or the provision of services by a limited-services pregnancy center is an act in commerce.

(b) Health care providers certified, registered, or licensed under Title 26 of the Vermont Statutes Annotated who are employed by, contracted to provide services for or on behalf of, or volunteer to provide services at a limited-services pregnancy center shall be responsible for conducting and providing health care services, information, and counseling at the center. The failure of a health care professional certified, registered, or licensed under Title 26 of the Vermont Statutes Annotated to conduct or to ensure that health care services, information, and counseling at the limited-services pregnancy services center are conducted in accordance with State law and professional standards of practice may constitute unprofessional conduct under 3 V.S.A. § 129a and 26 V.S.A. § 1354.

(c) The Attorney General has the same authority to make rules, conduct civil investigations, and bring civil actions with respect to violations of subsection (a) of this section as provided under subchapter 1 of this chapter.

\* \* \* Reports; Interstate Compacts \* \* \*

Sec. 9. 18 V.S.A. § 9405 is amended to read:

§ 9405. STATE HEALTH IMPROVEMENT PLAN; HEALTH RESOURCE ALLOCATION PLAN

\* \* \*

(b) The Green Mountain Care Board, in consultation with the Secretary of Human Services or designee, shall publish on its website the Health Resource

Allocation Plan identifying Vermont's critical health needs, goods, services, and resources, which shall be used to inform the Board's regulatory processes, cost containment and statewide quality of care efforts, health care payment and delivery system reform initiatives, and any allocation of health resources within the State. The Plan shall identify Vermont residents' needs for health care services, programs, and facilities; the resources available and the additional resources that would be required to realistically meet those needs and to make access to those services, programs, and facilities affordable for consumers; and the priorities for addressing those needs on a statewide basis. The Board may expand the Plan to include resources, needs, and priorities related to the social determinants of health. The Plan shall be revised periodically, but not less frequently than once every four years.

\* \* \*

(3) The Board shall receive and consider public input on the Plan at a minimum of one Board meeting and one meeting of the Advisory Committee and shall give interested persons an opportunity to submit their views orally and in writing.

(4) The Board shall include reproductive health care services and gender-affirming health care services, as those terms are defined in 1 V.S.A. § 150, in its Plan analysis.

(5) As used in this section:

(A) "Health resources" means investments into the State's health care system, including investments in personnel, equipment, and infrastructure necessary to deliver:

\* \* \*

#### Sec. 9a. AGENCY OF HUMAN SERVICES; STATE HEALTH ASSESSMENT; COMMUNITY PROFILES

The Agency of Human Services shall work with LGBTQA+ community stakeholders and health care providers during the upcoming State Health Assessment and Community Profiles community engagement processes to explore barriers to equitable access to gender-affirming health care services, as defined in 1 V.S.A. § 150.

#### Sec. 10. BOARD OF MEDICAL PRACTICE; OFFICE OF PROFESSIONAL REGULATION; INTERSTATE COMPACTS; REPORT

On or before November 1, 2025, the Office of Professional Regulation, in consultation with the Board of Medical Practice, shall submit a report to the House Committee on Health Care and the Senate Committee on Health and Welfare with findings and recommendations for legislative action to address

any concerns regarding the State's participation, or contemplated participation, in interstate licensure compacts as a result of the provisions of this act, including the State's participation in the Nurse Licensure Compact pursuant to 26 V.S.A. chapter 28, subchapter 5 and the Interstate Medical Licensure Compact pursuant to 26 V.S.A. chapter 23, subchapter 3A.

Sec. 10a. 26 V.S.A. chapter 56 is amended to read:

CHAPTER 56. OUT-OF-STATE TELEHEALTH LICENSURE &  
REGISTRATION AND INTERSTATE COMPACTS

Subchapter 1. Out-of-State Telehealth Licensure and Registration

\* \* \*

Subchapter 2. Interstate Compacts; Health Care Provider Compacts

§ 3071. HEALTH CARE PROVIDER COMPACTS; DIRECTION TO  
VERMONT REPRESENTATIVES

(a) The General Assembly finds that a state's prohibition of or limitation on the provision of gender-affirming health care services or reproductive health care services, or both, as defined by 1 V.S.A. § 150, prohibits health care providers from following health care best practices and is a failure on the part of the state to provide health care services that are medically necessary and clinically appropriate for its residents. Therefore, it is the General Assembly's intent to protect the ability of professionals licensed, certified, or registered in Vermont, and professionals from other member states seeking to practice a profession in Vermont pursuant to an interstate compact or agreement, to have the benefit of compacts and agreements while at the same time engaging in, providing, or otherwise facilitating, personally or professionally, gender-affirming health care and reproductive health care services.

(b) Vermont's representative or delegate for an interstate compact or agreement related to health care shall seek an amendment or exception to the language, rules, directives, or bylaws of the compact or agreement, as necessary, so that if a licensee is disciplined by another state solely for providing or assisting in the provision of gender-affirming health care services or reproductive health care services that would be legal and meet professional standards of care if provided in Vermont, the compact or agreement does not require that Vermont take professional disciplinary action against the licensee.



\* \* \* Emergency Contraception \* \* \*

Sec. 11. 26 V.S.A. chapter 36, subchapter 1 is amended to read:

Subchapter 1. General Provisions

\* \* \*

§ 2022. DEFINITIONS

As used in this chapter:

\* \* \*

(22) “Emergency contraception” means any drug approved by the U.S. Food and Drug Administration as a contraceptive method for use after sexual intercourse, whether provided over the counter or by prescription.

§ 2023. CLINICAL PHARMACY; PRESCRIBING

\* \* \*

(b) A pharmacist may prescribe in the following contexts:

\* \* \*

(2) State protocol.

(A) A pharmacist may prescribe, order, or administer in a manner consistent with valid State protocols that are approved by the Commissioner of Health after consultation with the Director of Professional Regulation and the Board and the ability for public comment:

\* \* \*

(ix) emergency prescribing of albuterol or glucagon while contemporaneously contacting emergency services; and

(x) tests for SARS-CoV for asymptomatic individuals or related serology for individuals by entities holding a Certificate of Waiver pursuant to the Clinical Laboratory Amendments of 1988 (42 U.S.C. § 263a); and

(xi) emergency contraception.

\* \* \*

Sec. 11a. 26 V.S.A. § 2077 is added to read:

§ 2077. EMERGENCY CONTRACEPTION; VENDING MACHINES

(a) A retail or institutional drug outlet licensed under this chapter or a postsecondary school, as defined in and subject to 16 V.S.A. § 176, may make over-the-counter emergency contraception and other nonprescription drugs or articles for the prevention of pregnancy or conception available through a

vending machine or similar device.

(b) Notwithstanding any provision of subsection 2032(h) of this chapter to the contrary, the Board may adopt rules in accordance with 3 V.S.A. chapter 25 to regulate the location, operation, utilization, and oversight of the vending machines and similar devices described in subsection (a) of this section in a manner that balances consumer access with appropriate safeguards for theft prevention and safety.

\* \* \* Higher Education; Health Care Services \* \* \*

Sec. 12. 16 V.S.A. chapter 78 is added to read:

CHAPTER 78. ACCESS TO REPRODUCTIVE AND GENDER-  
AFFIRMING HEALTH CARE SERVICES

§ 2501. DEFINITIONS

As used in this chapter:

(1) “Gender-affirming health care readiness” means each institution’s preparedness to provide gender-affirming health care services to students or assist students in obtaining gender-affirming health care services, including having in place equipment, protocols, patient educational materials, informational websites, and training for staff; provided, however, that gender-affirming health care readiness may include the provision of gender-affirming health care services.

(2) “Gender-affirming health care services” has the same meaning as in 1 V.S.A. § 150.

(3) “Institution” means the University of Vermont or a college in the Vermont State College system.

(4) “Reproductive health care services” has the same meaning as in 1 V.S.A. § 150.

(5) “Reproductive health care readiness” means each institution’s preparedness to provide reproductive health care services to students or assist students in obtaining reproductive health care services, including having in place equipment, protocols, patient educational materials, informational websites, and training for staff; provided, however, that reproductive health care readiness may include the provision of reproductive health care services.

(6) “Telehealth” has the same meaning as in 26 V.S.A. § 3052.

§ 2502. GENDER-AFFIRMING HEALTH CARE AND REPRODUCTIVE HEALTH CARE READINESS; REPORTS

(a) Each institution shall report to the Agency of Human Services annually, on or before November 1, on the current status of its gender-affirming health care and reproductive health care readiness, including:

(1) whether the institution has an operational health center on campus;

(2) whether the institution employs health care providers on campus;

(3) the types of gender-affirming health care services and reproductive health care services that the institution offers to its students on campus and the supports that the institution provides to students who receive those services;

(4) the institution's efforts to assist students with obtaining gender-affirming health care services and reproductive health care services from licensed health care professionals through telehealth;

(5) the institution's proximity to a hospital, clinic, or other facility that provides gender-affirming health care services or reproductive health care services, or both, that are not available to students on campus;

(6) the information that the institution provides regarding facilities that offer gender-affirming health care services and reproductive health care services that are not available to students on campus, including information regarding the scope of the services that are available at each such facility; and

(7) the availability, convenience, and cost of public transportation between the institution and the closest facility that provides gender-affirming health care services or reproductive health care services, or both, and whether the institution provides transportation.

(b) On or before January 31 of each year, the Agency of Human Services shall compile the materials submitted pursuant to subsection (a) of this section and report to the House Committees on Education, on Health Care, and on Human Services and the Senate Committees on Education and on Health and Welfare on the status of gender-affirming health care and reproductive health care readiness at Vermont's institutions.

Sec. 13. GENDER-AFFIRMING HEALTH CARE AND REPRODUCTIVE HEALTH CARE READINESS; IMPLEMENTATION

Each institution shall submit its first report on the status of its gender-affirming health care and reproductive health care readiness as required under 16 V.S.A. § 2502(a) to the Agency of Human Services on or before November 1, 2023, and the Agency shall provide its first legislative report on or before January 31, 2024.

\* \* \* Prohibition on Disclosure of Protected Health Information \* \* \*

Sec. 14. 18 V.S.A. § 1881 is amended to read:

§ 1881. DISCLOSURE OF PROTECTED HEALTH INFORMATION  
PROHIBITED

(a) As used in this section:

(1) “Business associate” has the same meaning as in 45 C.F.R. § 160.103.

(2) “Covered entity” shall have has the same meaning as in 45 C.F.R. § 160.103.

(3) “Legally protected health care activity” has the same meaning as in 1 V.S.A. § 150.

(2)(4) “Protected health information” shall have has the same meaning as in 45 C.F.R. § 160.103.

(5) “Telehealth” has the same meaning as in 26 V.S.A. § 3052.

(b) A covered entity or business associate shall not disclose protected health information unless the disclosure is permitted under the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

(c) In order to protect patients and providers who engage in legally protected health care activity, a covered entity or business associate shall not disclose protected health information related to a legally protected health care activity for use in a civil or criminal action; a proceeding preliminary to a civil or criminal action; or a probate, legislative, or administrative proceeding unless the disclosure meets one or more of the following conditions:

(1) The disclosure is authorized by the patient or the patient’s conservator, guardian, or other authorized legal representative.

(2) The disclosure is specifically required by federal law, Vermont law, or rules adopted by the Vermont Supreme Court.

(3) The disclosure is ordered by a court of competent jurisdiction pursuant to federal law, Vermont law, or rules adopted by the Vermont Supreme Court. An order compelling disclosure under this subdivision shall include the court’s determination that good cause exists to require disclosure of the information related to legally protected health care activity.

(4) The disclosure is to be made to a person designated by the covered entity or business associate and will be used solely in the defense of the covered entity or business associate against a claim that has been made, or

there is a reasonable belief will be made, against the covered entity or business associate in a civil or criminal action; a proceeding preliminary to a civil or criminal action; or a probate, legislative, or administrative proceeding.

(5) The disclosure is to Vermont's Board of Medical Practice or Office of Professional Regulation, as applicable, in connection with a bona fide investigation in Vermont of a licensed, certified, or registered health care provider or a bona fide investigation of whether an individual who is not licensed, certified, or registered to practice a health care profession in Vermont engaged in unauthorized practice in this State, whether in person or through telehealth.

(6) The disclosure is to the Vermont Department of Health or the Vermont Department of Disabilities, Aging, and Independent Living, or both, in connection with a bona fide investigation of a licensed health care facility in Vermont.

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

#### Sec. 15. EFFECTIVE DATES

(a) This section, Sec. 1 (definitions), Sec. 2 (medical malpractice), Secs. 6 and 7 (unprofessional conduct), Sec. 8 (pregnancy services centers), Secs. 9, 9a, and 10 (reports and analyses), Sec. 11a (emergency contraception; vending machines), Secs. 12 and 13 (gender-affirming health care and reproductive health care readiness; reports), and Sec. 14 (prohibition on disclosure of protected health information) shall take effect on passage.

(b) Secs. 3 and 4 (insurance coverage) shall take effect on January 1, 2024 and shall apply to all health insurance plans issued on and after January 1, 2024 on such date as a health insurer offers, issues, or renews the health insurance plan, but in no event later than January 1, 2025.

(c) Sec. 5 (state plan amendment) shall take effect on January 1, 2024, except that the Agency of Human Services shall submit its request for approval of Medicaid coverage of the services prescribed in Sec. 4 of this act, if needed, to the Centers for Medicare and Medicaid Services on or before July 1, 2023, and the Medicaid coverage shall begin on the later of the date of approval or January 1, 2024.

(d) Sec. 10a (interstate compacts; state representatives) shall take effect on July 1, 2023.

(e) Sec. 11 (emergency contraception) shall take effect on or before September 1, 2023, on such date as the Commissioner of Health approves the State protocol.

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

**Bill Passed in Concurrence**

**H. 178.**

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

An act relating to commissioning Department of Corrections personnel as notaries public.

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

**H. 494.**

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, Baruth, Lyons, Perchlik, Sears, Starr and Westman move to amend the Senate proposal of amendment by striking out Sec. B.317 in its entirety and inserting in lieu thereof a new Sec. B.317 to read as follows:

Sec. B.317 Department for children and families - family services

Personal services	43,987,652
Operating expenses	5,180,385
Grants	<u>92,941,639</u>
Total	142,109,676
Source of funds	
General fund	59,227,017
Special funds	729,587
Federal funds	33,937,204
Global Commitment fund	48,178,131
Interdepartmental transfers	<u>37,737</u>
Total	142,109,676

Which was agreed to.

Thereupon, pending third reading of the bill, Senator Chittenden moved to amend the Senate proposal of amendment in Sec. E.131.2, School Construction Aid Task Force; report, in subsection (b), in subdivision (12), at the end of the subdivision, by striking out the word "and"; in subdivision (13),

at the end of the subdivision, by striking out “.” and inserting in lieu thereof ; and; and by adding a subdivision (14) to read as follows:

(14) a person with expertise in school energy efficiency and energy performance contracting, who shall be appointed by the Governor.

Which was agreed to.

Thereupon, pending third reading of the bill, Senator Baruth moved to amend the Senate proposal of amendment in Sec. B.1105, Capital Projects – Fiscal Year 2024 One-Time Appropriations, by adding a subsection (e) to read as follows:

(e)(1) Except as provided in subdivision (2) of this subsection, any contract awarded for a maintenance, construction, or improvement project that receives funding from subsections (a) and (b) of this section shall provide that all construction employees working on the project shall be paid not less than the mean prevailing wage published periodically by the Vermont Department of Labor in its occupational employment and wage survey plus an additional fringe benefit of 42 and one-half percent of wage, as calculated by the current Vermont prevailing wage survey. As used in this subdivision, “fringe benefits” has the same meaning as used in 29 V.S.A. § 161.

(2) The requirements of subdivision (1) of this subsection shall not apply to:

(A) any contract awarded for a maintenance, construction, or improvement project that received an appropriation prior to the effective date of this act if any of the following apply as of the effective date of this act:

(i) the project has been invited or advertised for bid;

(ii) the project is under contract; or

(iii) the funds are obligated; and

(B) contracts awarded for maintenance, construction, or improvements projects that are required by law to comply with the requirements of the federal Davis-Bacon Act.

Which was agreed to.

Thereupon, pending third reading of the bill, Senators Hashim and Vyhovsky moved to amend the Senate proposal of amendment as follows:

First: In Sec. B.1100, miscellaneous fiscal year 2024 one-time appropriations, by striking out subdivision (o)(4) in its entirety and inserting new subdivision (o)(4) to read as follows:

(4)(A) \$38,884,610 General Fund to address the estimated need for the Adverse Weather Conditions policy and General Assistance Emergency Housing hotel and motel expenditures in fiscal year 2024 and, for the period from July 1, 2023 through March 31, 2024, to provide temporary housing to vulnerable households as defined in subdivision (B) of this subdivision (4).

(B) From July 1, 2023 through March 31, 2024, eligible households that seek emergency housing shall receive it, regardless of the number of nights previously received or adverse weather conditions. The Department shall use the income and resource eligibility criteria in effect as of June 2021. A household is eligible if it meets one or more of the following:

(i) the household lost its housing due to a natural disaster, such as a flood, fire, or hurricane;

(ii)(I) the household has a member who has experienced domestic violence, dating violence, sexual assault, stalking, or human trafficking; or

(II) the household has a member who has experienced a dangerous or life-threatening incident related to violence against the member that either occurred within the member's home or caused the member to reasonably believe that the member was at risk of further harm if the member remained in the home;

(iii) the household has a child or children who are either under 18 years of age or who are 18 or 19 years of age and attending secondary school on full-time basis or an equivalent level of vocational or technical training;

(iv) the household has a member who is 60 years of age or older;

(v) the household has a member who receives SSI or SSDI;

(vi) the household has a member who is pregnant;

(vii) the household is pursuing legal resolution of violations of the Rental Housing Health Code through the Department of Health or appropriate local officials; or

(viii) the household has been physically barred from entering their residence through an intentional act of the landlord.

Second: In Sec. B.1101, workforce and economic development – fiscal year 2024 one-time appropriations, by striking out subdivision (e)(6) in its entirety

Third: By adding a new section to be Sec. C.117 to read as follows:



Sec. C.117 REPEAL; NEW RELOCATING EMPLOYEES INCENTIVE PROGRAM; TRANSFER OF FUNDS

(a) 10 V.S.A. § 4 (new relocating employee incentive program) is repealed.

(b) The Department of Finance and Management shall redirect any funds remaining in the new relocating employee incentive program established pursuant to 10 V.S.A. § 4 to support the expenditures for temporary housing pursuant to Sec. B.1100(o)(4) of this act.

Fourth: In Sec. H.100, effective dates, in subdivision (a), by striking out “C.116” and inserting in lieu thereof C.117

Thereupon, pending the question, Shall the Senate proposal of amendment be amended as recommended by Senators Hashim and Vyhovsky?, Senator Hashim requested that the question be divided.

Thereupon, the question, Shall the Senate proposal of amendment be amended as recommended in the *first* proposal of amendment?, was disagreed to.

Thereupon, the question, Shall the Senate proposal of amendment be amended as recommended in the *second*, *third* and *fourth* proposals of amendment?, was disagreed to.

**The President *pro tempore* Assumes the Chair**

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

First: In Sec. C.114, in subsection (b), by striking out subdivision (2) in its entirety and inserting a new subdivision (2) to read as follows:

(2) the farm shipped organic milk or processed its own organic milk under the requirements of 6 V.S.A. chapter 151 during calendar year 2022 and provides documentation to the Agency of Agriculture, Food and Markets of the amount of organic milk shipped or processed during calendar year 2022 per hundredweight;

Second: In Sec. C.114, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) The Agency of Agriculture, Food and Markets shall award eligible organic dairy farms financial assistance in the form of a grant in the amount of \$5 per hundredweight of organic milk shipped or sold by the organic dairy farm in calendar year 2022. Once the Agency of Agriculture, Food and Markets determines that applications under this section are administratively complete, the Agency shall process applications for payment in their order of receipt. If all funds appropriated for implementation of this section are

awarded by the Agency, no further awards shall be made. If any funds appropriated for implementation of this section remain after all timely applications are processed, the remaining funds shall be transferred to the Working Lands Enterprise Fund not later than December 31, 2023 for distribution by the Working Lands Enterprise Board.

Third: In Sec. B.1101, in subdivision (f)(5), after “a pilot program to award” and before “for the use of virtual fences” by striking out “grants” and inserting in lieu thereof a grant

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

### **Third Readings Ordered**

#### **S. 141.**

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

An act relating to approval of the charter of Fairfax Fire District No. 1.

Reported that the bill ought to pass.

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

#### **H.150.**

Senator Norris, 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 Village of Alburgh.

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. 110.**

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

An act relating to extending the sunset under 30 V.S.A. § 248a.

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. 30 V.S.A. § 248a is amended to read:

§ 248a. CERTIFICATE OF PUBLIC GOOD FOR COMMUNICATIONS FACILITIES

\* \* \*

(i) Sunset of Commission authority. Effective on July 1, ~~2023~~ 2026, no new applications for certificates of public good under this section may be considered by the Commission.

\* \* \*

Sec. 2. SECTION 248a REPORT

On or before January 15, 2024, the Commissioner of Public Service in consultation with the Public Utility Commission shall report to the Senate Committee on Finance and the House Committee on Environment and Energy on of the process of siting telecommunications facilities under 30 V.S.A. § 248a. The report shall address how to make the process easier to participate in for municipalities and individuals, how to encourage municipal participation, and recommend any necessary updates to 30 V.S.A. § 248a. The Commissioner shall hear from the Vermont League of Cities and Towns, the utilities, and any other interested parties.

Sec. 3. 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 Messaged**

On motion of Senator Kitchel, the rules were suspended, and the following bill was ordered messaged to the House forthwith:

**H.494.**

### **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:

Mr. President:

I am directed to inform the Senate that:

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

**S. 73.** An act relating to workers' compensation coverage for firefighters with cancer.

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. 25.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

The House has considered Senate proposal of amendment to House bill of the following title:

**H. 53.** An act relating to driver's license suspensions.

And has severally concurred therein with a further proposal of amendment thereto, in the adoption of which the concurrence of the Senate is requested.

### **Adjournment**

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

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### **FRIDAY, APRIL 28, 2023**

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 on Appropriations:

**H. 157.** An act relating to the Vermont basic needs budget.

**H. 414.** An act relating to establishing an unused drug repository for Vermont.

**Proposal of Amendment; Third Reading Ordered**

**H. 479.**

Senators 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;  
Technical Corrections \* \* \*

Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS;  
TECHNICAL CORRECTIONS

(a) Adoption. The Agency of Transportation's Proposed Fiscal Year 2024 Transportation Program appended to the Agency of Transportation's proposed fiscal year 2024 budget (Revised January 27, 2023), as amended by this act, is adopted to the extent federal, State, and local funds are available.

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

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

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

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

(4) "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.

(5) "Secretary" means the Secretary of Transportation.

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

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

(c) Technical corrections.

(1) In the Agency of Transportation’s Proposed Fiscal Year 2024 Transportation Program for Municipal Mitigation, the value “\$7,685,523” is struck and the value “\$10,113,523” is inserted in lieu thereof to correct a typographic error; the value “\$3,355,523” is struck and the value “\$4,783,523” is inserted in lieu thereof to correct a typographic error; the value “\$4,000,000” is struck and the value “\$5,000,000” is inserted in lieu thereof to correct a typographic error; and the value “\$8,060,523” is struck twice and the value “\$10,488,523” is inserted in lieu thereof twice to correct two typographic errors.

(2) In the Agency of Transportation’s Proposed Fiscal Year 2024 Transportation Program for Aviation, in the summary chart, the value “\$11,335,874” is struck and the value “\$10,885,874” is inserted in lieu thereof to correct a typographic error; the value “\$4,759,078” is struck and the value “\$4,719,078” is inserted in lieu thereof to correct a typographic error; and the value “\$17,764,405” struck and the value “\$17,274,405” is inserted in lieu thereof to correct a typographic error.

(3) In the Agency of Transportation’s Proposed Fiscal Year 2024 Transportation Program for Rail, in the project details, the following projects are deleted:

(A) Rail Statewide – Railroad Bridges; and

(B) Rail Statewide STRBMATN – Various-Railroads.

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\* \* \* Summary of Transportation Investments \* \* \*

Sec. 2. FISCAL YEAR 2024 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 2024 transportation investments intended to reduce transportation-related greenhouse gas emissions, reduce fossil fuel use, and save Vermont households money in furtherance of the policies articulated in 19 V.S.A. § 10b and the goals of the Comprehensive Energy Plan and the Vermont Climate Action Plan and to satisfy the Executive and Legislative Branches' commitments to the Paris Agreement climate goals. In fiscal year 2024, these efforts will include the following:

(1) Park and Ride Program. This act provides for a fiscal year expenditure of \$2,266,045.00, which will fund one construction project to create a new park-and-ride facility; the design and construction of improvements to one existing park-and-ride facility; the design of improvements to one existing park-and-ride facility scheduled for construction in future fiscal years; and paving projects for existing park-and-ride facilities. This year's Park and Ride Program will create 202 new State-owned spaces. Specific additions and improvements include:

- (A) Manchester—construction of 50 new spaces;
- (B) Sharon—design for 10 new spaces; and
- (C) Williston—construction of 142 new spaces.

(2) Bike and Pedestrian Facilities Program.

(A) This act provides for a fiscal year expenditure, including local match, of \$13,039,521.00, which will fund 33 bike and pedestrian construction projects; 18 bike and pedestrian design, right-of-way, or design and right-of-way projects for construction in future fiscal years; 15 scoping studies; and three projects to improve signage. The construction projects include the creation, improvement, or rehabilitation of walkways, sidewalks, shared-use paths, bike paths, and cycling lanes. Projects are funded in Arlington, Bennington, Berlin, Bethel, Brattleboro, Bristol, Burke, Burlington, Castleton, Chester, Coventry, Dorset, Dover, Enosburg Falls, Fair Haven, Fairfax, Franklin, Hartford, Hartland, Hinesburg, Jericho, Lyndonville, Middlebury, Middlesex, Montpelier, Moretown, New Haven, Newfane, Newport City, Northfield, Pawlet, Proctor, Richford, Royalton, Rutland City, Rutland Town, Shaftsbury, Shelburne, South Burlington, South Hero, Springfield, St. Albans City, St. Albans Town, Sunderland, Swanton, Tunbridge, Vergennes, Wallingford, Waterbury, West Rutland, and Wilmington. This act also

provides funding for:

(i) some of Local Motion's operation costs to run the Bike Ferry on the Colchester Causeway, which is part of the Island Line Trail;

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

(iii) projects funded through the Safe Routes to School program;

(iv) education and outreach to K-8 schools to encourage higher levels of walking and bicycling to school; and

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

(B) Sec. 5 of this act also creates the Rail Trail Community Connectivity Grants, with the purpose to continue the build out and enhancement of LVRT amenities and improve visitor experience.

(3) Transportation Alternatives Program. This act provides for a fiscal year expenditure of \$5,195,346.00, including local funds, which will fund 22 transportation alternatives construction projects; 19 transportation alternatives design, right-of-way, or design and right-of-way projects; and seven studies, including scoping, historic preservation, and connectivity. Of these 48 projects, 16 involve environmental mitigation related to clean water or stormwater concerns, or both clean water and stormwater concerns, and 29 involve bicycle and pedestrian facilities. Projects are funded in Bennington, Brandon, Bridgewater, Bristol, Burke, Burlington, Colchester, Derby, Duxbury, Enosburg, Fair Haven, Fairfax, Franklin, Hartford, Hinesburg, Hyde Park, Jericho, Johnson, Killington, Mendon, Milton, Montgomery, Moretown, Newfane, Norwich, Proctor, Putney, Rockingham, Rutland City, South Burlington, Stowe, Swanton, Tinmouth, Vergennes, Wardsboro, Warren, West Rutland, Williston, Wilmington, and Winooski.

(4) Public Transit Program. This act provides for a fiscal year expenditure of \$48,795,330.00 for public transit uses throughout the State. Included in the authorization are:

(A) Go! Vermont, with an authorization of \$405,000.00. This authorization supports transportation demand management (TDM) strategies, including the State's Trip Planner and commuter services, to promote the use of carpools and vanpools.

(B) Mobility and Transportation Innovations (MTI) Grant Program, with an authorization of \$500,000.00. This authorization continues to support projects that improve both mobility and access to services for transit-



dependent Vermonters, reduce the use of single-occupancy vehicles, and reduce greenhouse gas emissions.

(5) Rail Program. This act provides for a fiscal year expenditure of \$43,008,320.00, including local funds, for intercity passenger rail service and rail infrastructure throughout the State, including the recent addition 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 21 plug-in hybrid electric vehicles and 13 battery electric vehicles in the State Vehicle Fleet. In fiscal year 2024, 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 (PEVs), 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 (EVSE). This act provides for a fiscal year expenditure of \$7,625,000.00 to increase the presence of EVSE in Vermont in accordance with the State’s federally approved National Electric Vehicle Infrastructure (NEVI) Plan, which will lead to the installation of Direct Current Fast Charging (DC/FC) along designated alternative fuel corridors. This is in addition to monies that were previously appropriated, but not yet expended, for EVSE at multiunit dwellings, workplaces, and public venues and attractions.

(8) Vehicle incentive programs and expansion of the PEV market.

(A) Incentive Program for New PEVs, MileageSmart, and Replace Your Ride Program. No additional monies are authorized for the State’s vehicle incentive programs in this act, but it is estimated that approximately the following prior appropriations will be available in fiscal year 2024:

(i) \$8,200,000.00 for the Incentive Program for New PEVs;

(ii) \$2,250,000.00 for MileageSmart; and

(iii) \$3,200,000.00 for the Replace Your Ride Program.

(B) Electrify Your Fleet Program. Sec. 17 of this act creates the Electrify Your Fleet Program, which will provide incentives to Vermont municipalities and business entities in Vermont that maintain a fleet of motor vehicles to incentivize a transition to PEVs and reduce greenhouse gas emissions, including a limited number of increased incentives to nonprofit mobility services organizations, and authorizes \$500,000.00 in incentives

under the Electrify Your Fleet Program.

(C) eBike Incentive Program. Sec. 18 of this act authorizes an additional \$50,000.00 in incentives under the eBike Incentive Program.

(9) Carbon Reduction Formula Program and Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) Formula Program. This act provides for a fiscal year expenditure of \$12,771,029.00 in State and federal monies under the Carbon Reduction Formula Program and the PROTECT Formula Program.

\* \* \* One-Time Appropriations \* \* \*

### Sec. 3. ONE-TIME APPROPRIATIONS

(a) Within the Agency of Transportation's Proposed Fiscal Year 2024 Transportation Program for One-Time Appropriations, authorized spending is amended as follows:

<u>FY24</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Operating	3,500,000	0	-3,500,000
Grants	3,000,000	0	-3,000,000
Total	6,500,000	0	-6,500,000
<u>Sources of funds</u>			
General	3,000,000	0	-3,000,000
Capital	3,500,000	0	-3,500,000
Total	6,500,000	0	-6,500,000

(b) Within the Agency of Transportation's Proposed Fiscal Year 2024 Transportation Program for One-Time Appropriations, the following are struck:

(1) "Rail Trail Community Connectivity Grants - \$3M General Fund Grants"; and

(2) "St. Albans District Maintenance Facility - \$3.5M Capital Fund Operating."

\* \* \* St. Albans District Maintenance Facility \* \* \*

### Sec. 4. ST. ALBANS DISTRICT MAINTENANCE FACILITY

The following project is added to the Agency of Transportation's Proposed Fiscal Year 2024 Transportation Program for Transportation Buildings: St. Albans District Maintenance Facility.

\* \* \* Rail Trail Community Connectivity Grants \* \* \*

Sec. 5. RAIL TRAIL COMMUNITY CONNECTIVITY GRANTS

(a) Project addition. The following project is added to the Agency of Transportation's Proposed Fiscal Year 2024 Transportation Rail Program: Rail Trail Community Connectivity Grants.

(b) Purpose. The purpose of the Rail Trail Community Connectivity Grants is to continue the build-out and enhancement of Lamoille Valley Rail Trail (LVRT) amenities and improve visitor experience, which shall be consistent with the priorities outlined in the recently completed LVRT Management Plan.

(c) Eligible projects. Projects may include trail infrastructure improvements, such as trailheads, picnic areas, kiosks, and connections to towns; signage; and interpretive panel installations.

(d) Match. Grant recipients shall be required to provide a 20 percent match toward any projects that are awarded a grant.

\* \* \* Project Cancellations; Project Addition \* \* \*

Sec. 6. PROJECT CANCELLATIONS; PROJECT ADDITION

(a) Pursuant to 19 V.S.A. § 10g(h) (legislative approval for cancellation of projects), the General Assembly approves cancellation of the following project within the Roadway Program: Bennington Bypass South NH F 019-1(4) – Southern Segment of the Bennington Bypass.

(b) Pursuant to 19 V.S.A. § 10g(h) (legislative approval for cancellation of projects), the General Assembly approves cancellation of the following project within the Town Highway Bridge Program: Sheldon BO 1448(47) – Scoping for Bridge #20 on TH #22.

(c) The following project is added to the Town Highway Bridge Program: Sheldon BO 1448(48) – Scoping for Bridge #11 on Bridge Street, which will replace the existing Sheldon BO TRUS(11) as a Development and Evaluation project.

\* \* \* Transportation Alternatives Grant Program \* \* \*

Sec. 7. TRANSPORTATION ALTERNATIVES GRANT PROGRAM  
AWARDS IN STATE FISCAL YEARS 2024 TO 2027

Notwithstanding 19 V.S.A. § 38(c), Transportation Alternatives Grant Program awards in State fiscal years 2024 to 2027 shall not exceed \$600,000.00 per grant allocation.

\* \* \* Central Garage Fund \* \* \*

\* \* \* Amendments Effective July 1, 2023 \* \* \*

Sec. 8. 19 V.S.A. § 13 is amended to read:

§ 13. CENTRAL GARAGE FUND

(a) There is created the Central Garage Fund, which shall be used to:

(1) ~~to~~ furnish equipment on a rental basis to the districts and other sections of the Agency for construction, maintenance, and operation of highways or other transportation activities; and

(2) ~~to~~ provide a general equipment repair and major overhaul service, inclusive of any assets, supplies, labor, or use of contractors necessary to provide that service, as well as to furnish necessary supplies for the operation of the equipment.

(b) ~~To~~ In order to maintain a safe, and reliable equipment fleet, the Agency shall use Central Garage Fund monies to acquire new or replacement highway maintenance equipment shall be acquired using Central Garage Fund monies. The Agency is authorized to acquire replacement pieces for existing highway equipment or new, additional equipment equivalent to equipment already owned; however, ~~the Agency shall not increase the total number of permanently assigned or authorized motorized or self-propelled vehicles without approval by the General Assembly.~~

(c)(1) For the purpose specified in subsection (b) of this section, the following amount shall be transferred from the Transportation Fund to the Central Garage Fund:

(A) in fiscal year 2021, \$1,355,358.00; and

(B) in subsequent fiscal years, at a minimum, the amount specified in subdivision (A) of this subdivision (1) as adjusted annually by increasing the previous fiscal year's amount by the percentage increase in the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) during the two most recently closed State fiscal years.

(2) Each fiscal year, the sum of the following shall be appropriated from the Central Garage Fund exclusively for the purpose specified in subsection (b) of this section:

(A) the amount transferred pursuant to subdivision (1) of this subsection (c);

(B) the amount of the equipment depreciation expense from the prior fiscal year; and

(C) the amount of the net equipment sales from the prior fiscal year.

(d) In each fiscal year, net income of the Fund earned during that fiscal year shall be retained in the Fund.

(e) For the purposes of computing net worth and net income, the fiscal year shall be the year ending June 30.

(f) As used in this section, “equipment” means registered motor vehicles and ~~highway maintenance equipment assigned to~~ necessary assets required by the Central Garage in order to fulfill the objectives established in subsection (a) of this section.

(g) [Repealed.]

\* \* \* Appropriation for Acquisition of New or Replacement Equipment in State Fiscal Years 2024–2026 \* \* \*

Sec. 9. CALCULATION OF APPROPRIATION FROM CENTRAL GARAGE FUND FOR ACQUISITION OF NEW OR REPLACEMENT EQUIPMENT IN STATE FISCAL YEARS 2024–2026

Notwithstanding 19 V.S.A. § 13(c)(2)(B), the amount appropriated from the Central Garage Fund exclusively for the purposes specified in 19 V.S.A. § 13(b) in State fiscal years 2024–2026 shall be:

(1) the amount transferred pursuant to 19 V.S.A. § 13(c)(1);

(2) the amount of the equipment depreciation expense from the prior fiscal year or, for equipment that is fully depreciated and still actively in service, an amount equal to the depreciation on that piece of equipment from the prior year; and

(3) the amount of the net equipment sales from the prior fiscal year.

\* \* \* Public Transit \* \* \*

Sec. 10. GREEN MOUNTAIN TRANSIT; PLAN FOR TIERED-FARE SERVICE; REPORT

(a) Green Mountain Transit shall, in consultation with community action agencies and other relevant entities, such as those that represent the migrant and refugee populations, develop and implement, not later than January 1, 2024, a plan to establish tiered-fare service on urban Green Mountain Transit routes.

(b) At a minimum, the plan to establish tiered-fare service shall:

(1) incorporate a low-income transit program to provide certain passengers with service at no cost or a reduced cost to the passenger through digital methods, such as a handheld device, and nondigital methods, such as an electronic benefits transfer (EBT) card or a transit card; and

(2) be designed, based on reasonable revenue estimates, to generate fare revenue of at least 10 percent of projected operational costs on urban Green Mountain Transit routes.

(c) Green Mountain Transit shall advise the House and Senate Committees on Transportation of its plan to establish tiered-fare service by filing the final version of the plan to establish tiered-fare service with the House and Senate Committees on Transportation Committees on or before December 1, 2023.

Sec. 11. RECOMMENDATIONS ON FUNDING SOURCE FOR  
NONFEDERAL MATCH; PUBLIC TRANSIT; REPORT

The Vermont Public Transportation Association, in consultation with the Agency of Transportation and the Vermont League of Cities and Towns, shall provide the House and Senate Committees on Transportation with a written recommendation on one or more funding sources for the nonfederal match required of public transit providers operating in the statewide transit system not later than January 15, 2024.

Sec. 12. STATEWIDE PUBLIC TRANSIT SYSTEM;  
RECOMMENDATIONS; REPORT

(a) The Agency of Transportation, in consultation with the Agency of Human Services, Division of Vermont Health Access, and the Vermont Public Transportation Association, shall conduct a benefit and risk assessment of the current systems for delivering public transit and nonemergency medical transportation services in Vermont, known as the “braided service model.”

(b) The assessment shall also include a review of other public transit service approaches implemented in the United States and make recommendations on modifications to the management of Vermont’s statewide mobility service design to make Vermont’s public transit system as efficient, robust, and resilient as possible and fully maximize all available federal funding.

(c) The Agency of Transportation shall file the written assessment with the House and Senate Committees on Transportation, the House Committee on Human Services, and the Senate Committee on Health and Welfare not later than January 15, 2024.

Sec. 13. SEPARATING THE MOBILITY AND TRANSPORTATION INNOVATIONS (MTI) GRANT PROGRAM FROM GO! VERMONT

(a) Go! Vermont. Within the Agency of Transportation's Proposed Fiscal Year 2024 Transportation Program for Public Transit, authorized spending for Go! Vermont STPG GOVT( ) is amended as follows:

<u>FY24</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	905,000	405,000	-500,000
Total	905,000	405,000	-500,000
<u>Sources of funds</u>			
State	30,000	30,000	0
Federal	875,000	375,000	-500,000
Total	905,000	405,000	-500,000

(b) Mobility and Transportation Innovations (MTI) Grant Program.

(1) Project addition. The following project is added to the Agency of Transportation's Proposed Fiscal Year 2024 Transportation Program for Public Transit: Mobility and Transportation Innovations (MTI) Grant Program.

(2) Authorization. Spending authority for MTI Grant Program is authorized as follows:

<u>FY24</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Other	0	500,000	500,000
Total	0	500,000	500,000
<u>Sources of funds</u>			
Federal	0	500,000	500,000
Total	0	500,000	500,000

\* \* \* Vehicle Incentive Programs \* \* \*

\* \* \* Repeal of Existing Vehicle Incentive Programs \* \* \*

Sec. 14. REPEALS

(a) 2019 Acts and Resolves No. 59, Sec. 34, 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, 2021 Acts and Resolves No. 55, Secs. 18, 19, and 21–24, and 2022 Acts and Resolves No. 184, Sec. 6, is repealed.

(b) 2021 Acts and Resolves No. 55, Sec. 27, as amended by 2022 Acts and Resolves No. 184, Sec. 22, is repealed.

\* \* \* Codification of Vehicle Incentive Programs \* \* \*

Sec. 15. 19 V.S.A. chapter 29 is added to read:

CHAPTER 29. VEHICLE INCENTIVE PROGRAMS

§ 2901. DEFINITIONS

As used in this chapter:

(1) “Adaptive electric cycle” means an electric bicycle or an electric cargo bicycle that has been modified to meet the physical needs or abilities of the operator or a passenger.

(2) “Electric bicycle” has the same meaning as in 23 V.S.A. § 4(46)(A).

(3) “Electric cargo bicycle” means a motor-assisted bicycle, as defined in 23 V.S.A. § 4(45)(B)(i), with an electric motor, as defined under 23 V.S.A. § 4(45)(B)(i)(II), that is specifically designed and constructed for transporting loads, including at least one or more of the following: goods; one or more individuals in addition to the operator; or one or more animals. A motor-assisted bicycle that is not specifically designed and constructed for transporting loads, including a motor-assisted bicycle that is only capable of transporting loads because an accessory rear or front bicycle rack has been installed, is not an electric cargo bicycle.

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

§ 2902. INCENTIVE PROGRAM FOR NEW PLUG-IN ELECTRIC VEHICLES

(a) Creation; administration.

(1) There is created the Incentive Program for New Plug-In Electric Vehicles (PEVs), which shall be administered by the Agency of Transportation.

(2) Subject to State procurement requirements, the Agency may retain a contractor or contractors to assist with marketing, program development, and administration of the Program.

(b) Program structure. The Incentive Program for New PEVs shall structure PEV purchase and lease incentive payments by income to help all Vermonters benefit from electric driving, including Vermont’s most vulnerable. Specifically, the Incentive Program for New PEVs:



(1) shall apply to both purchases and leases of new PEVs with an emphasis on incentivizing the purchase and lease of battery electric vehicles (BEVs) and plug-in hybrid electric vehicles (PHEVs) with an electric range of 20 miles or greater per complete charge as rated by the Environmental Protection Agency when the vehicle was new;

(2) shall provide not more than one incentive of not more than \$3,000.00 for a PEV, per individual per year, to:

(A) an individual domiciled in the State whose federal income tax filing status is single with an adjusted gross income under the laws of the United States greater than \$60,000.00 and at or below \$100,000.00;

(B) an individual domiciled in the State whose federal income tax filing status is head of household with an adjusted gross income under the laws of the United States greater than \$75,000.00 and at or below \$125,000.00;

(C) an individual domiciled in the State whose federal income tax filing status is surviving spouse with an adjusted gross income under the laws of the United States greater than \$90,000.00 and at or below \$150,000.00;

(D) an individual who is part of a married couple with at least one spouse domiciled in the State whose federal income tax filing status is married filing jointly with an adjusted gross income under the laws of the United States greater than \$90,000.00 and at or below \$150,000.00; or

(E) an individual who is part of a married couple with at least one spouse domiciled in the State and at least one spouse whose federal income tax filing status is married filing separately with an adjusted gross income under the laws of the United States greater than \$60,000.00 and at or below \$100,000.00;

(3) shall provide not more than one incentive of not more than \$6,000.00 for a PEV, per individual per year, to:

(A) an individual domiciled in the State whose federal income tax filing status is single with an adjusted gross income under the laws of the United States at or below \$60,000.00;

(B) an individual domiciled in the State whose federal income tax filing status is head of household with an adjusted gross income under the laws of the United States at or below \$75,000.00;

(C) an individual domiciled in the State whose federal income tax filing status is surviving spouse with an adjusted gross income under the laws of the United States at or below \$90,000.00;

(D) an individual who is part of a married couple with at least one spouse domiciled in the State whose federal income tax filing status is married filing jointly with an adjusted gross income under the laws of the United States at or below \$90,000.00; or

(E) an individual who is part of a married couple with at least one spouse domiciled in the State and at least one spouse whose federal income tax filing status is married filing separately with an adjusted gross income under the laws of the United States at or below \$60,000.00;

(4) shall, as technology progresses, establish a minimum electric range in order for a PHEV to be eligible for an incentive;

(5) shall apply to:

(A) manufactured PEVs with any base Manufacturer's Suggested Retail Price (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;

(B) manufactured PHEVs with a base MSRP as determined by the Agency of Transportation and meeting the following requirements:

(i) shall not exceed a base MSRP of \$55,000.00;

(ii) shall phase out incentives for PHEVs with an electric range of less than 20 miles as rated by the Environmental Protection Agency when the vehicle was new; and

(iii) shall be benchmarked to a base MSRP of the equivalent of approximately \$50,000.00 or less in model year 2023; and

(C) manufactured BEVs with a base MSRP as determined by the Agency of Transportation and meeting the following requirements:

(i) shall not exceed a base MSRP of \$55,000.00; and

(ii) shall be benchmarked to a base MSRP of the equivalent of approximately \$50,000.00 or less in model year 2023; and

(6) shall provide incentives that may be in addition to any other available incentives, including through another program funded by the State, provided that not more than one incentive under the Incentive Program for New PEVs is used for the purchase or lease of any one PEV.

(c) Administrative costs. Up to 15 percent of any appropriations for the Incentive Program for New PEVs may be used for any costs associated with administering and promoting the Incentive Program for New PEVs.

(d) Outreach and marketing. The Agency, in consultation with any retained contractors, shall ensure that there is sufficient outreach and marketing, including the use of translation and interpretation services, of the Incentive Program for New PEVs so that Vermonters who are eligible for an incentive can easily learn how to secure as many different incentives as are available, and such costs shall be considered administrative costs for purposes of subsection (c) of this section.

§ 2903. MILEAGESMART

(a) Creation; administration.

(1) There is created a used high fuel efficiency vehicle incentive program, which shall be administered by the Agency of Transportation and known as MileageSmart.

(2) Subject to State procurement requirements, the Agency may retain a contractor or contractors to assist with marketing, program development, and administration of MileageSmart.

(b) Program structure. MileageSmart shall structure high fuel efficiency purchase incentive payments by income to help all Vermonters benefit from more efficient driving and reduced greenhouse gas emissions, including Vermont's most vulnerable. Specifically, MileageSmart shall:

(1) apply to purchases of used high fuel-efficient motor vehicles, which for purposes of this program shall be pleasure cars with a combined city/highway fuel efficiency of at least 40 miles per gallon or miles-per-gallon equivalent as rated by the Environmental Protection Agency when the vehicle was new; and

(2) provide not more than one point-of-sale voucher worth up to \$5,000.00 to an individual who is a member of a household with an adjusted gross income that is at or below 80 percent of the State median income.

(c) Administrative costs. Up to 15 percent of any appropriations for MileageSmart may be used for any costs associated with administering and promoting MileageSmart.

(d) Outreach and marketing. The Agency, in consultation with any retained contractors, shall ensure that there is sufficient outreach and marketing, including the use of translation and interpretation services, of MileageSmart so that Vermonters who are eligible for an incentive can easily learn how to secure as many different incentives as are available, and such

costs shall be considered administrative costs for purposes of subsection (c) of this section.

§ 2904. REPLACE YOUR RIDE PROGRAM

(a) Creation; administration.

(1) There is created the Replace Your Ride Program, which shall be administered by the Agency of Transportation.

(2) Subject to State procurement requirements, the Agency may retain a contractor or contractors to assist with marketing, program development, and administration of the Program.

(b) Program structure. The Replace Your Ride Program shall structure incentive payments by income to help all Vermonters benefit from replacing lower efficient modes of transportation with modes of transportation that reduce greenhouse gas emissions. The Agency may apply a sliding scale incentive based on electric range, with larger incentives being available for PEVs with a longer electric range.

(c) Incentive amount. The Replace Your Ride Program shall provide up to a \$2,500.00 incentive for those who qualify under subdivision (d)(1)(A) of this section and up to a \$5,000.00 incentive for those who qualify under subdivision (d)(1)(B) of this section, either of which may be in addition to any other available incentives, including through a program funded by the State, to individuals who qualify based on both income and the removal of an internal combustion vehicle. Only one incentive per individual is available under the Replace Your Ride Program.

(d) Eligibility. Applicants must qualify through both income and the removal of an eligible vehicle with an internal combustion engine.

(1) Income eligibility.

(A) The lower incentive amount of up to \$2,500.00 is available to the following, provided that all other eligibility requirements are met:

(i) an individual domiciled in the State whose federal income tax filing status is single with an adjusted gross income under the laws of the United States greater than \$60,000.00 and at or below \$100,000.00;

(ii) an individual domiciled in the State whose federal income tax filing status is head of household with an adjusted gross income under the laws of the United States greater than \$75,000.00 and at or below \$125,000.00;

(iii) an individual domiciled in the State whose federal income tax filing status is surviving spouse with an adjusted gross income under the laws

of the United States greater than \$90,000.00 and at or below \$150,000.00;

(iv) an individual who is part of a married couple with at least one spouse domiciled in the State whose federal income tax filing status is married filing jointly with an adjusted gross income under the laws of the United States greater than \$90,000.00 and at or below \$150,000.00; or

(v) an individual who is part of a married couple with at least one spouse domiciled in the State and at least one spouse whose federal income tax filing status is married filing separately with an adjusted gross income under the laws of the United States greater than \$60,000.00 and at or below \$100,000.00.

(B) The higher incentive amount of up to \$5,000.00 is available to the following, provided that all other eligibility requirements are met:

(i) an individual domiciled in the State whose federal income tax filing status is single with an adjusted gross income under the laws of the United States at or below \$60,000.00;

(ii) an individual domiciled in the State whose federal income tax filing status is head of household with an adjusted gross income under the laws of the United States at or below \$75,000.00;

(iii) an individual domiciled in the State whose federal income tax filing status is surviving spouse with an adjusted gross income under the laws of the United States at or below \$90,000.00;

(iv) an individual who is part of a married couple with at least one spouse domiciled in the State whose federal income tax filing status is married filing jointly with an adjusted gross income under the laws of the United States at or below \$90,000.00;

(v) an individual who is part of a married couple with at least one spouse domiciled in the State and at least one spouse whose federal income tax filing status is married filing separately with an adjusted gross income under the laws of the United States at or below \$60,000.00; or

(vi) an individual who is a member of a household with an adjusted gross income that is at or below 80 percent of the State median income.

(2) Vehicle removal.

(A) In order for an individual to qualify for an incentive under the Replace Your Ride Program, the individual must remove an older low-efficiency vehicle from operation and switch to a mode of transportation that produces fewer greenhouse gas emissions. The entity that administers the

Replace Your Ride Program, in conjunction with the Agency of Transportation, shall establish Program guidelines that specifically provide for how someone can show that the vehicle removal eligibility requirement has been, or will be, met.

(B) For purposes of the Replace Your Ride Program:

(i) An “older low-efficiency vehicle”:

(I) is currently registered, and has been for two years prior to the date of application, with the Vermont Department of Motor Vehicles;

(II) is currently titled in the name of the applicant and has been for at least one year prior to the date of application;

(III) has a gross vehicle weight rating of 10,000 pounds or less;

(IV) is at least 10 model years old;

(V) has an internal combustion engine; and

(VI) passed the annual inspection required under 23 V.S.A. § 1222 within the prior year.

(ii) Removing the older low-efficiency vehicle from operation must be done by disabling the vehicle’s engine from further use and fully dismantling the vehicle for either donation to a nonprofit organization to be used for parts or destruction.

(iii) The following qualify as a switch to a mode of transportation that produces fewer greenhouse gas emissions:

(I) purchasing or leasing a new or used PEV;

(II) purchasing a new or used bicycle, electric bicycle, electric cargo bicycle, adaptive electric cycle, or motorcycle that is fully electric, and the necessary safety equipment; and

(III) utilizing shared-mobility services.

(e) Administrative costs. Up to 15 percent of any appropriations for the Replace Your Ride Program may be used for any costs associated with administering and promoting the Replace Your Ride Program.

(f) Outreach and marketing. The Agency, in consultation with any retained contractors, shall ensure that there is sufficient outreach and marketing, including the use of translation and interpretation services, of the Replace Your Ride Program so that Vermonters who are eligible for an incentive can easily learn how to secure as many different incentives as are available and such

costs shall be considered administrative costs for purposes of subsection (e) of this section.

§ 2905. ANNUAL REPORTING

(a) The Agency shall annually evaluate the programs established under this chapter to gauge effectiveness and shall submit a written report on the effectiveness of the programs to the House and Senate Committees on Transportation, the House Committee on Environment and Energy, and the Senate Committee on Finance on or before the 31st day of January in each year following a year that an incentive was provided through one of the programs.

(b) The report shall also include:

(1) any intended modifications to program guidelines for the upcoming fiscal year along with an explanation for the reasoning behind the modifications and how the modifications will yield greater uptake of PEVs and other means of transportation that will reduce greenhouse gas emissions; and

(2) any recommendations on statutory modifications to the programs, including to income and vehicle eligibility, along with an explanation for the reasoning behind the statutory modification recommendations and how the modifications will yield greater uptake of PEVs and other means of transportation that will reduce greenhouse gas emissions.

(c) Notwithstanding 2 V.S.A. § 20(d), the annual report required under this section shall continue to be required if an incentive is provided through one of the programs unless the General Assembly takes specific action to repeal the report requirement.

\* \* \* Vehicle Incentive Program; Fiscal Year 2023 Authorizations \* \* \*

Sec. 16. 2022 Acts and Resolves No. 184, Sec. 5 is amended to read:

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, and subsequently codified in 19 V.S.A. chapter 29.

(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, and subsequently codified in 19 V.S.A. chapter 29.

(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, and subsequently codified in 19 V.S.A. chapter 29.

\* \* \*

\* \* \* Electrify Your Fleet Program and eBike Incentive Program \* \* \*

\* \* \* Creation of Electrify Your Fleet Program and Authorization \* \* \*

Sec. 17. ELECTRIFY YOUR FLEET PROGRAM; AUTHORIZATION

(a) Creation; administration.

(1) There is created the Electrify Your Fleet Program, which shall be administered by the Agency of Transportation.

(2) Subject to State procurement requirements, the Agency may retain a contractor or contractors to assist with marketing, program development, and administration of the Program.

(b) Authorization. The Agency is authorized to spend up to \$500,000.00 in one-time General Fund monies on the Electrify Your Fleet Program established pursuant to subdivision (a)(1) of this section.

(c) Definitions. The definitions in 19 V.S.A. § 2901, as added by Sec. 15 of this act, shall apply to this section.

(d) Program structure. The Electrify Your Fleet Program shall reduce the greenhouse gas emissions of persons operating a motor vehicle fleet in Vermont by structuring purchase and lease incentive payments on a first-come, first-served basis to replace vehicles other than a plug-in electric vehicle (PEV) cycled out of a motor vehicle fleet or avoid the purchase of vehicles other than a PEV for a motor vehicle fleet. Specifically, the Electrify Your Fleet Program shall:

(1) provide incentives to Vermont municipalities and business entities registered in Vermont that maintain a fleet of motor vehicles that are registered in Vermont with no single applicant being eligible for more than 20 incentives over the existence of the Program;

(2) provide \$2,500.00 purchase and lease incentives for:

(A) BEVs with a base Manufacturer's Suggested Retail Price (MSRP) of \$60,000.00 or less;

(B) PHEVs with an electric range of 20 miles or greater per complete charge as rated by the Environmental Protection Agency when the vehicle was new and a base MSRP of \$60,000.00 or less;



(C) electric bicycles and electric cargo bicycles with a base MSRP of \$6,000.00 or less;

(D) adaptive electric cycles with any base MSRP;

(E) electric motorcycles with a base MSRP of \$30,000.00 or less;  
and

(F) electric snowmobiles with a base MSRP of \$20,000.00 or less;

(3) require a showing that the incentive will be used to electrify the applicant's motor vehicle fleet; and

(4) require a showing of any other requirements implemented by the Agency of Transportation that are designed to maximize the impact of State-funded Electrify Your Fleet Program incentives by ensuring that, as applicable, other incentives, subsidies, and credits are fully taken advantage of.

(e) Increased incentives for nonprofit mobility services organizations. Nonprofit mobility services organizations incorporated in the State of Vermont for the purpose of providing Vermonters with transportation alternatives to personal vehicle ownership shall be entitled to:

(1) up to 15 \$2,500.00 incentives available under subsection (d) of this section on a first-come, first-served basis amongst all applicants for incentives under the Electrify Your Fleet Program over the existence of the Program, provided that the requirements of subsection (d) of this section are met; and

(2) notwithstanding subdivisions (d)(1) and (2) of this section, up to five increased incentives at the incentive amount available to individuals who purchase or lease a BEV and who qualify for an incentive under 19 V.S.A. § 2902(b)(3) (the lower-income tier for the Incentive Program for New PEVs), as added by Sec. 15 of this act, for BEVs with a base MSRP of \$55,000.00 or less, provided that the requirements of subdivisions (d)(3) and (4) of this section are met.

(f) Administrative costs. Up to 15 percent of any appropriations for the Electrify Your Fleet Program may be used for any costs associated with administering and promoting the Electrify Your Fleet Program.

(g) Outreach and marketing. The Agency, in consultation with any retained contractors, shall ensure that there is sufficient outreach and marketing, including the use of translation and interpretation services, of the Electrify Your Fleet Program so that persons who are eligible for an incentive can easily learn how to secure an incentive and such costs shall be considered administrative costs for purposes of subsection (f) of this section.

(h) Reporting. The reporting requirements of 19 V.S.A. § 2905, as added by Sec. 15 of this act, shall, notwithstanding 2 V.S.A. § 20(d), apply to the Electrify Your Fleet Program if an incentive is provided through the Electrify Your Fleet Program unless the General Assembly takes specific action to repeal the report requirement.

\* \* \* eBike Incentive Program; Authorization \* \* \*

Sec. 18. MODIFICATIONS TO EBIKE INCENTIVE PROGRAM;  
REPORT

(a) Definitions. The definitions in 19 V.S.A. § 2901, as added by Sec. 15 of this act, shall apply to this section.

(b) Authorization and modifications. The Agency is authorized to spend up to \$50,000.00 in one-time General Fund monies on the continuation of the eBike Incentive Program established pursuant to 2021 Acts and Resolves No. 55, Sec. 28, as amended by 2022 Acts and Resolves No. 184, Sec. 23, with the following modifications:

(1) incentives shall be provided in the form of a voucher redeemable as a point-of-sale rebate at participating retail shops;

(2) vouchers shall be provided to applicants that self-certify as to both:

(A) meeting income eligibility requirements under 19 V.S.A. § 2902(b)(3) (the lower-income tier for the Incentive Program for New PEVs), as added by Sec. 15 of this act; and

(B) that the incentivized electric bicycle, electric cargo bicycle, or adaptive electric cycle shall be used in a way that reduces greenhouse gas emissions, such as a substitute for trips that would have been taken in a vehicle other than a plug-in electric vehicle;

(3) only electric bicycles with a base Manufacturer's Suggested Retail Price (MSRP) of \$4,000.00 or less shall be eligible for an incentive;

(4) only electric cargo bicycles with a base MSRP of \$5,000.00 or less shall be eligible for an incentive;

(5) an adaptive electric cycle with any base MSRP shall be eligible for an incentive; and

(6) only electric bicycles, electric cargo bicycles, and adaptive electric cycles that meet one or more of the following standards shall be eligible for an incentive:

(A) American National Standard (ANSI)/Controller Area Network (CAN)/Underwriters Laboratories (UL) 2849 – Standard for Electrical Systems for eBikes, as amended, and any standards incorporated by reference in ANSI/CAN/UL 2849;

(B) Europäische Norm (EN) 15194 – Electrically Power Assisted Cycles (EPAC Bicycles), as amended; or

(C) another applicable standard designed to reduce the serious risk of dangerous fires, as determined by the Agency of Transportation, if neither of the standards in subdivisions (A) and (B) of this subdivision (6) are applicable.

(c) Administrative costs. Up to 15 percent of the authorization in subsection (b) of this section may be used for any costs associated with administering and promoting the eBike Incentive Program.

(d) Reporting. The Agency of Transportation shall address incentives for electric bicycles, electric cargo bicycles, and adaptive electric cycles provided pursuant to this section in the January 31, 2024 report required under 19 V.S.A. § 2905, as added by Sec. 15 of this act, including:

(1) the demographics of who received an incentive under the eBike Incentive Program;

(2) a breakdown of where vouchers were redeemed;

(3) a breakdown, by manufacturer and type, of electric bicycles, electric cargo bicycles, and adaptive electric cycles incentivized;

(4) a detailed summary of information provided in the self-certification forms; and

(5) a detailed summary of information collected through participant surveys.

Sec. 19. AGENCY OF TRANSPORTATION AUTHORITY TO MODIFY  
INCOME ELIGIBILITY REQUIREMENTS FOR EBIKE  
INCENTIVE PROGRAM ON PASSAGE

Notwithstanding 2022 Acts and Resolves No. 55, Sec. 28(a)(3), the Agency of Transportation may choose to only provide incentives to individuals who self-certify as to meeting income eligibility requirements under 19 V.S.A. § 2902(b)(3) (the lower-income tier for the Incentive Program for New PEVs), as added by Sec. 15 of this act.

\* \* \* Reallocation of Funding \* \* \*

Sec. 20. 2022 Acts and Resolves No. 184, Sec. 2(8)(C), as amended by 2023 Acts and Resolves No. 3, Sec. 83, is further amended to read:

(C) Replace Your Ride Program. Sec. 5(c) of this act authorizes ~~\$2,900,000.00~~ \$2,350,000.00 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.

Sec. 21. 2022 Acts and Resolves No. 184, Sec. 5(c), as amended by 2023 Acts and Resolves No. 3, Sec. 84, is further amended to read:

(c) Replace Your Ride Program. The Agency is authorized to spend up to ~~\$2,900,000.00~~ \$2,350,000.00 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.

Sec. 22. 2022 Acts and Resolves No. 185, Sec. G.600(b)(5), as amended by 2023 Acts and Resolves No. 3, Sec. 85, is further amended to read:

(5) ~~\$2,900,000.00~~ \$2,350,000.00 to the Agency of Transportation for the Replace Your Ride Program, established in 2021 Acts and Resolves No. 55, Sec. 27, as amended.

\* \* \* Mileage-Based User Fee (MBUF) \* \* \*

#### Sec. 23. MILEAGE-BASED USER FEE LEGISLATIVE INTENT

It is the intent of the General Assembly for the State:

(1) to start collecting a mileage-based user fee from all battery-electric vehicles registered in Vermont starting on July 1, 2025, which is expected to be the first day of the first fiscal year when more than 15 percent of new pleasure car registrations in the State are plug-in electric vehicles (PEVs);

(2) to start subjecting plug-in hybrid electric vehicles (PHEVs) that are a pleasure car to an increased annual or a biennial registration fee starting on July 1, 2025, and that PHEVs shall not be subject to a mileage-based user fee;

(3) to work towards collecting a fee on kWhs that are dispensed through certain electric vehicle supply equipment available to the public so as to supplant lost gas tax revenue from PEVs; and

(4) to not commence collecting a mileage-based user fee until such authorizing language is codified in statute and becomes effective.

#### Sec. 24. MILEAGE-BASED USER FEE AUTHORIZATION

(a) Within the Agency of Transportation's Proposed Fiscal Year 2024 Transportation Program for Environmental Policy and Sustainability, the Agency of Transportation, including the Department of Motor Vehicles, is

authorized to apply for and accept a competitive federal Strategic Innovation for Revenue Collection grant established pursuant to the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58 (IIJA), Sec. 13001, with up to \$350,000.00 in Transportation Fund monies authorized for the nonfederal match in fiscal year 2024 and a to-be-determined amount for the nonfederal match in subsequent fiscal years.

(b) As permitted under federal regulations and grant terms, the Agency shall utilize grant monies to design a mileage-based user fee that is consistent with Secs. 23 and 25 of this act.

(c) Subject to State procurement requirements, the Agency may retain one or more contractors or consultants, or both, to assist with the design of a process to commence collecting a mileage-based user fee on July 1, 2025.

#### Sec. 25. MILEAGE-BASED USER FEE DESIGN

(a) Definitions. As used in Secs. 23–26 of this act:

(1) “Account manager” means a person under contract with the Agency of Transportation or Department of Motor Vehicles to administer and manage the mileage-based user fee.

(2) “Annual vehicle miles traveled” means the total number of miles that a BEV is driven between annual inspections as reported by an inspection mechanic to the Department of Motor Vehicles.

(3) “Mileage-based user fee” means the total amount that an owner or lessee of a BEV registered in Vermont owes the State and is calculated by multiplying the mileage-based user fee rate by the annual vehicle miles traveled or, in the case of a terminating event, by multiplying the mileage-based user fee rate by the vehicle miles traveled between the last Vermont annual inspection and the terminating event.

(4) “Mileage-based user fee rate” means the per-mile usage fee charged to the owner or lessee of a BEV registered in Vermont.

(5) “Mileage reporting period” means the time between annual inspections or the time between an annual inspection and a terminating event.

(6) “Pleasure car” has the same meaning as in 23 V.S.A. § 4(28).

(7) “Plug-in electric vehicle (PEV)” has the same meaning as in 23 V.S.A. § 4(85) and includes battery electric vehicles (BEVs) and plug-in hybrid electric vehicles (PHEVs), which have the same meaning as in 23 V.S.A. § 4(85)(A) and (B).

(8) “Terminating event” means either the registering of a BEV that had been registered in Vermont in a different state or a change in ownership or

lesseeship of the BEV, or both.

(b) Commencement date. The Agency shall design a process to collect a mileage-based user fee for miles driven by a BEV registered in Vermont to commence collecting revenue on July 1, 2025.

(c) Covered vehicles. The Agency shall design a process to collect a mileage-based user fee based on the annual vehicle miles traveled by BEVs registered in the State.

(d) Imposition of a mileage-based user fee. The Agency shall design a process to collect a mileage-based user fee from the owner or lessee of a BEV registered in Vermont for each mileage reporting period within 60 days after the Vermont annual inspection or terminating event that closes the mileage reporting period.

#### Sec. 26. REPORTS

The Secretary of Transportation and the Commissioner of Motor Vehicles shall file a written report not later than January 31, 2024 with the House and Senate Committees on Transportation, the House Committee on Ways and Means, and the Senate Committee on Finance that provides the following:

(1) a comprehensive implementation plan to commence collecting, on July 1, 2025, a mileage-based user fee for miles driven by a BEV registered in Vermont;

(2) a recommendation on what language should be codified in statute to enable the State to commence collecting, on July 1, 2025, a mileage-based user fee for miles driven by a BEV registered in Vermont, which shall include a recommendation for the mileage-based user fee rate and that includes, for that recommendation:

(A) an explanation for how the recommended mileage-based user fee rate was calculated;

(B) what the recommended mileage-based user fee rate is estimated to yield in revenue for the State in total per year; and

(C) how the anticipated mileage-based user fee for a pleasure car is expected to compare to the amount collected by the State in gas tax revenue from the use of a non-PEV pleasure car registered in Vermont and the amount collected by the State in gas tax revenue and increased registration fee from the use of a non-PHEV pleasure car registered in Vermont based on estimates of low, medium, and high annual vehicle miles traveled;

(3) a recommendation on what should be required in annual reporting on the mileage-based user fee starting in 2026 for fiscal year 2025, which shall, at a minimum, address whether the following should be reported on:

(A) the total amount of revenue collected in mileage-based user fees for the prior fiscal year and an estimate of the total amount of revenue anticipated to be collected in mileage-based user fees during the subsequent fiscal year;

(B) the average mileage-based user fee collected for a BEV with low, medium, and high annual vehicle miles traveled in the prior fiscal year;

(C) an estimate of the average amount in motor fuel revenue that was collected for a pleasure car that is not a plug-in electric vehicle with low, medium, and high annual vehicle miles traveled in the prior fiscal year;

(D) an estimate of the average amount in motor fuel revenue and increased registration fee that was collected for a pleasure car that is a plug-in hybrid electric vehicle with low, medium, and high annual vehicle miles traveled in the prior fiscal year;

(E) the total number of delinquent mileage-based user fees in the prior fiscal year;

(F) the total number of outstanding payment plans for delinquent mileage-based user fees; and

(G) the cost to collect the mileage-based user fees in the prior fiscal year;

(4) an outline of what the Agency intends to adopt, if authorized, as rule in order to commence collecting, on July 1, 2025, a mileage-based user fee for miles driven by a BEV registered in Vermont, which shall, at a minimum, establish:

(A) a process to calculate and report the annual vehicle miles traveled by a BEV registered in Vermont;

(B) payment periods and other payment methods and procedures for the payment of the mileage-based user fee, which shall include the option to prepay the anticipated mileage-based user fee in installments on a monthly, quarterly, or annual basis;

(C) standards for mileage reporting mechanisms for an owner or lessee of a BEV to report vehicle miles traveled throughout the year;

(D) procedures to provide security and protection of personal information and data connected to a mileage-based user fee;

(E) penalty and appeal procedures necessary for the collection of a mileage-based user fee, which, to the extent practicable, shall duplicate and build upon existing Department of Motor Vehicles processes; and

(F) Agency oversight of any account manager, including privacy protection of personal information and access and auditing capability of financial and other records related to administration of the process to collect a mileage-based user fee; and

(5) an update on what other states and the federal government are doing to address lost gas tax revenue from the adoption of PEVs along with any applicable suggestions for opportunities for regional collaboration and an explanation of the source of the information provided under this subdivision.

\* \* \* Transportation Programs; Federal Carbon Reduction Program;  
PROTECT Formula Program; Prioritization; Equity \* \* \*

Sec. 27. AGENCY OF TRANSPORTATION EFFORTS TO IMPLEMENT  
THE FEDERAL CARBON REDUCTION PROGRAM AND  
PROTECT FORMULA PROGRAM; PRIORITIZATION; EQUITY

(a) The Agency of Transportation, through its development of the State's Carbon Reduction Strategy, shall:

(1) develop a methodology to:

(A) quantify the emissions reductions the Agency will achieve from the State's Transportation Program;

(B) measure the gap between the emissions reductions calculated under subdivision (A) of this subdivision (a)(1) and the emissions reductions required under the Global Warming Solutions Act, as codified in 10 V.S.A. § 578; and

(C) evaluate what additional emissions reductions are possible through the implementation of additional policies and programs within the State's Transportation Program;

(2) articulate the ongoing investments, particularly under the Carbon Reduction Program, established through the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58 (IIJA) and codified as 23 U.S.C. § 175, that the Agency intends to implement through the State's annual Transportation Program in order to reduce emissions from activities within the control of the Agency;

(3) identify and evaluate the effectiveness of other policies and programs to reduce transportation sector greenhouse gas emissions as required



by the Global Warming Solutions Act, as codified in 10 V.S.A. § 578, and as identified in the Vermont Climate Action Plan, as amended, which shall include:

(A) an analysis of the potential to generate revenue sources sufficient for ongoing greenhouse gas emissions reduction implementation; and

(B) recommendations regarding additional policy or revenue sources to close any implementation gaps identified in subdivision (a)(1)(B) of this section;

(4) engage in public outreach through the following:

(A) establishing an advisory committee with a broad group of stakeholders, including representatives of the Vermont Climate Council, to help guide the identification and evaluation of policies and programs to reduce transportation sector greenhouse gas emissions;

(B) working with stakeholders, including environmental groups; community-based organizations that represent equity and environmental justice interests; business community groups, including chambers of commerce; transportation industry associations, including those representing rail and trucking; municipalities; regional planning commissions; and elected officials on ways to reduce transportation sector greenhouse gas emissions; and

(C) hosting not less than two public meetings, with at least one to gather input on proposed policies and programs to reduce transportation sector greenhouse gas emissions and at least one to address the evaluation of the anticipated outcomes of the draft of the State's Carbon Reduction Strategy; and

(5) coordinate with the Climate Action Office within the Agency of Natural Resources to track and report progress towards achieving the State's greenhouse gas emissions as required by the Global Warming Solutions Act and codified in 10 V.S.A. § 578.

(b) The Agency shall develop the State's Resilience Improvement Plan to establish how it will use federal monies available under the Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) Formula Program, established through the IIJA and codified as 23 U.S.C. § 176, and existing tools and processes to address transportation resilience, specifically for:

(1) resilience planning, predesign, design, or the development of data tools to simulate transportation disruption scenarios, including vulnerability assessments, community response strategies, or evacuation planning and

preparation;

(2) resilience projects to improve the ability of an existing surface transportation asset to withstand one or more elements of a weather event or natural disaster; and

(3) community resilience and evacuation route activities that strengthen and protect routes that are essential for providing and supporting evacuations caused by emergency events.

(c) The Agency shall develop recommendations for the integration of carbon reduction, resilience, and equity factors into its project prioritization system through the Agency's existing prioritization process and the development of the Equity Framework Project.

#### Sec. 28. REPORT ON TRANSPORTATION POLICY STATUTES

The Agency of Transportation shall provide a written report summarizing the work completed pursuant to Sec. 27 of this act and written recommendations on how to amend statute, including 19 V.S.A. §§ 10b and 10i, to reflect the work completed pursuant to Sec. 27 of this act to the House and Senate Committees on Transportation on or before January 15, 2024.

\* \* \* Complete Streets \* \* \*

Sec. 29. 19 V.S.A. § 10b is amended to read:

#### § 10b. STATEMENT OF POLICY; GENERAL

(a) The Agency shall be the responsible agency of the State for the development of transportation policy. It shall develop a mission statement to reflect:

(1) that State transportation policy shall be to encompass, coordinate, and integrate all modes of transportation and to consider “complete streets”, as defined in section 2401 of this title, principles, which are principles of safety and accommodation of all transportation system users, regardless of age, ability, or modal preference; and

(2) the need for transportation projects that will improve the State's economic infrastructure, as well as the use of resources in efficient, coordinated, integrated, cost-effective, and environmentally sound ways, and that will be consistent with the recommendations of the Comprehensive Energy Plan (CEP) issued under 30 V.S.A. § 202b.

(b) The Agency shall coordinate planning and, education, and training efforts with those of the Vermont Climate Change Oversight Committee and these of local and regional planning entities to:

(1) ~~to ensure that the transportation system as a whole is integrated;~~ that access to the transportation system as a whole is integrated; and that statewide, local, and regional conservation and efficiency opportunities and practices are integrated; and

(2) ~~to support employer-led or local or regional government-led conservation, efficiency, rideshare, and bicycle programs and other innovative transportation advances, especially employer-based incentives.~~

(c) In developing the State's annual Transportation Program, the Agency shall, consistent with the planning goals listed in 24 V.S.A. § 4302 ~~as amended by 1988 Acts and Resolves No. 200~~ and with appropriate consideration to local, regional, and State agency plans:

(1) ~~Develop~~ develop or incorporate designs that provide integrated, safe, and efficient transportation and that are consistent with the recommendations of the CEP;

~~(2)(A) Consider the safety and accommodation of all transportation system users, including motorists, bicyclists, public transportation users, and pedestrians of all ages and abilities, consider complete streets principles in all State- and municipally managed transportation projects and project phases, including planning, development, construction, and maintenance, except in the case of projects or project components involving unpaved highways. If, after the consideration required under this subdivision, a State-managed project does not incorporate complete streets principles, the project manager shall make a written determination, supported by documentation and available for public inspection at the Agency, that one or more of the following circumstances exist:~~

~~(i) Use of the transportation facility by pedestrians, bicyclists, or other users is prohibited by law.~~

~~(ii) The cost of incorporating complete streets principles is disproportionate to the need or probable use as determined by factors including land use, current and projected user volumes, population density, crash data, historic and natural resource constraints, and maintenance requirements. The Agency shall consult local and regional plans, as appropriate, in assessing these and any other relevant factors.~~

~~(iii) Incorporating complete streets principles is outside the scope of a project because of its very nature.~~

~~(B) The written determination required under subdivision (A) of this subdivision (2) shall be final and shall not be subject to appeal or further review;~~

(3) ~~Promote~~ promote economic opportunities for Vermonters and the best use of the State's environmental and historic resources.; and

(4) ~~Manage~~ manage available funding to:

\* \* \*

#### Sec. 30. REPEAL

19 V.S.A. § 309d (policy for municipally managed transportation projects) is repealed.

Sec. 31. 19 V.S.A. chapter 24 is added to read:

#### CHAPTER 24. COMPLETE STREETS

##### § 2401. DEFINITION

As used in this chapter, "complete streets" means streets that provide safe and accessible options for multiple travel modes for individuals of all ages and abilities, including walking, cycling, public transportation, and motor vehicles.

##### § 2402. STATE POLICY

(a) Agency of Transportation funded, designed, or funded and designed projects shall seek to increase and encourage more pedestrian, bicycle, and public transit trips, with the State goal to promote intermodal access to the maximum extent feasible, which will help the State meet the transportation-related recommendations outlined in the Comprehensive Energy Plan (CEP) issued under 30 V.S.A. § 202b and the recommendations of the Vermont Climate Action Plan (CAP) issued under 10 V.S.A. § 592.

(b) Except in the case of projects or project components involving unpaved highways, for all transportation projects and project phases managed by the Agency or a municipality, including planning, development, construction, or maintenance, it is the policy of this State for the Agency and municipalities, as applicable, to incorporate complete streets principles that:

(1) serve individuals of all ages and abilities, including vulnerable users as defined in 23 V.S.A. § 4(81);

(2) follow state-of-the-practice design guidance; and

(3) are sensitive to the surrounding community, including current and planned buildings, parks, and trails and current and expected transportation needs.

§ 2403. PROJECTS NOT INCORPORATING COMPLETE STREETS PRINCIPLES

(a) State projects. A State-managed project shall incorporate complete streets principles unless the project manager makes a written determination, supported by documentation, that one or more of the following circumstances exist:

(1) Use of the transportation facility by pedestrians, bicyclists, or other users is prohibited by law.

(2) The cost of incorporating complete streets principles is disproportionate to the need or probable use as determined by factors including land use, current and projected user volumes, population density, crash data, historic and natural resource constraints, and maintenance requirements. The Agency shall consult local and regional plans, as appropriate, in assessing these and any other relevant factors. If the project manager bases the written determination required under this subsection in whole or in part on this subdivision then the project manager shall provide a supplemental written determination with specific details on costs, needs, and probable uses, as applicable.

(3) Incorporating complete streets principles is outside the limited scope of a project as defined in the latest version of the Agency's Complete Streets Guidance.

(b) Municipal projects. A municipally managed project shall incorporate complete streets principles unless the municipality managing the project makes a written determination, supported by documentation, that one or more of the following circumstances exist:

(1) Use of the transportation facility by pedestrians, bicyclists, or other users is prohibited by law.

(2) The cost of incorporating complete streets principles is disproportionate to the need or probable use as determined by factors such as land use, current and projected user volumes, population density, crash data, historic and natural resource constraints, and maintenance requirements. The municipality shall consult local and regional plans, as appropriate, in assessing these and any other relevant factors. If the municipality managing the project bases the written determination required under this subsection in whole or in part on this subdivision then the project manager shall provide a supplemental written determination with specific details on costs, needs, and probable uses, as applicable.

(3) Incorporating complete streets principles is outside the limited scope of a project as defined in the latest version of the Agency’s Complete Streets Guidance.

(c) Finality of determinations. The written determinations required by subsections (a) and (b) of this section shall be final and shall not be subject to appeal or further review.

(d) Posting and availability of determinations. The written determinations required by subsections (a) and (b) of this section shall be posted to a web page on the Agency of Transportation’s website dedicated to complete streets, in the case of a State-managed project, and made available for public inspection at the office of the municipal clerk, in the case of a municipally managed project.

#### § 2404. ANNUAL REPORT; PUBLIC DATA SOURCE

(a) Annual report. Notwithstanding 2 V.S.A. § 20(d), the Agency shall annually, on or before September 1 starting in 2025, submit a report detailing the State’s efforts in following the complete streets policy established in section 2402 of this chapter during the previous fiscal year to the House and Senate Committees on Transportation.

(b) Public data source.

(1) The Agency of Transportation shall maintain a web-accessible and web-searchable data source dedicated to complete streets on the Agency’s website that shall contain information on all State-managed transportation projects that have been bid since January 1, 2023, including a description of the project, the location of the project, which complete streets principles were incorporated in the project, as applicable, and an explanation as to which circumstance or circumstances contained in subsection 2403(a) of this chapter existed in the case of projects not incorporating complete streets principles.

(2) The web-accessible and web-searchable data source required under this subsection shall be updated on at least an annual basis.

#### Sec. 32. IMPLEMENTATION; PUBLIC DATA SOURCE

The Agency shall create and make accessible to the general public the web-accessible and web-searchable data source required under 19 V.S.A. § 2404(b), as added by Sec. 31 of this act, on or before January 1, 2024.

#### Sec. 33. MUNICIPAL TRAINING ON COMPLETE STREETS

The Agency of Transportation, in consultation with the Vermont League of Cities and Towns and regional planning commissions, shall design and

implement a program to provide training on complete streets to municipalities.

Sec. 34. REPLACEMENT OF THE CURRENT VERMONT STATE STANDARDS

(a) The Agency of Transportation will be preparing replacements to the current Vermont State Standards and related documents, standards, guidance, and procedures in accordance with the plan required pursuant to 2022 Acts and Resolves No. 184, Sec. 19.

(b) The Agency shall provide an oral update on the process to replace the current Vermont State Standards and related documents, standards, guidance, and procedures to the House and Senate Committees on Transportation on or before February 15, 2024.

\* \* \* Municipal and Regional Support for a Route 5 Bicycle Corridor \* \* \*

Sec. 35. SUPPORT FOR A ROUTE 5 BICYCLE CORRIDOR; SURVEY REPORT

(a) The Agency of Transportation, in partnership with regional planning commissions through the annual Transportation Planning Initiative, shall conduct a survey of municipal support for the creation of a bicycle corridor—consisting of one or more segments of bicycle lanes or bicycle paths, or both—to provide a safe means of travel via bicycle on or along a route that is roughly adjacent to U.S. Route 5 for the approximately 190 miles spanning between the State border with Massachusetts and the State border with Quebec, Canada.

(b) The survey shall address the level of interest of municipalities and regional planning commissions in prioritizing the creation of a bicycle corridor along some or all of U.S. Route 5, including the consideration of the costs of creation and benefits to the tourism industry in Vermont in general and to the municipalities along U.S. Route 5 in particular.

(c) The Agency shall provide a report on outcome of the survey to the House and Senate Committees on Transportation on or before January 15, 2024.

\* \* \* Micromobility Safety Education Program; Report \* \* \*

Sec. 36. MICROMOBILITY SAFETY EDUCATION PROGRAM; REPORT

(a) The Agency, in consultation with stakeholders identified by the Agency, shall develop a comprehensive micromobility safety education program that enhances and expands on current efforts to increase safety for individuals who use roads, sidewalks, corridors, and paths in Vermont, with an emphasis on bicycle safety.

(b) The Agency shall provide an oral report on micromobility safety program design, recommended modifications to current efforts to increase micromobility safety throughout the State, and any recommendations for statutory changes needed to support expanded micromobility safety in the State to the House and Senate Committees on Transportation on or before January 31, 2024.

(c) As used in this section, “micromobility” includes the following, as defined in 23 V.S.A. § 4:

- (1) bicycles;
- (2) electric bicycles;
- (3) electric personal assistive mobility devices,
- (4) motor-driven cycles, which includes scooters; and
- (5) motor-assisted bicycles.

\* \* \* Sunset Extension \* \* \*

Sec. 37. 2018 Acts and Resolves No. 158, Sec. 21 is amended to read:

Sec. 21. REPEAL OF TRANSPORTATION P3 AUTHORITY

19 V.S.A. §§ 2613 (Agency of Transportation’s P3 authority) and 2614 (legislative approval of P3 proposals) chapter 26, subchapter 2 shall be repealed on July 1, 2023 2026.

\* \* \* Repeals \* \* \*

Sec. 38. REPEALS

(a) 5 V.S.A. § 3616 (connection of passenger trains; Board may determine) is repealed.

(b) 19 V.S.A. § 314 (covered bridges restrictions; vote at town meeting) is repealed.

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

Sec. 39. EFFECTIVE DATES

(a) This section and Secs. 19 (authority to modify eBike Incentive Program eligibility requirements) and 37 (extension of sunset for Agency of Transportation’s P3 authority) shall take effect on passage.

(b) All other sections shall take effect on July 1, 2023.

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



Senator Chittenden, 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 amendments thereto:

First: By inserting a reader assistance heading and one new section to be Sec. 2a to read as follows:

\* \* \* Paving \* \* \*

Sec. 2a. PAVING; STATEWIDE DISTRICT LEVELING

(a) Within the Agency of Transportation's Proposed Fiscal Year 2024 Transportation Program for Paving, authorized spending for STATEWIDE District Leveling TBD is amended as follows:

<u>FY24</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Const.	3,150,000	3,150,000	0
Total	3,150,000	3,150,000	0
<u>Sources of funds</u>			
State	3,150,000	150,000	-3,000,000
Other	0	3,000,000	3,000,000
Total	3,150,000	3,150,000	0

(b) Within the Agency of Transportation's Proposed Fiscal Year 2024 Transportation Program for Paving, the following footnote is added: "Other funds of \$3,000,000 are Cash Fund for Capital and Essential Investments (21952) funds, drawn from the Other Infrastructure, Essential Investments, and Reserves subaccount."

Second: By striking out Sec. 3, one-time appropriations, in its entirety and inserting in lieu thereof the following:

Sec. 3. ONE-TIME APPROPRIATIONS

(a) Within the Agency of Transportation's Proposed Fiscal Year 2024 Transportation Program for One-Time Appropriations, authorized spending is amended as follows:

<u>FY24</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Operating	3,500,000	3,500,000	0
Grants	3,000,000	1,000,000	-2,000,000
Total	6,500,000	4,500,000	-2,000,000

Sources of funds

General	3,000,000	0	-3,000,000
Capital	3,500,000	0	-3,500,000
Other	0	4,500,000	4,500,000
Total	6,500,000	4,500,000	-2,000,000

(b) Within the Agency of Transportation’s Proposed Fiscal Year 2024 Transportation Program for One-Time Appropriations, “St. Albans District Maintenance Facility - \$3.5M Capital Fund Operating” is struck and “St. Albans District Maintenance Facility - \$3.5M Cash Fund for Capital and Essential Investments funds (21952, Supplemental Contingent Revenues subaccount)” is inserted in lieu thereof.

(c) Within the Agency of Transportation’s Proposed Fiscal Year 2024 Transportation Program for One-Time Appropriations, “Rail Trail Community Connectivity Grants - \$3M General Fund Grants” is struck and “Rail Trail Community Connectivity Grants - \$1M Cash Fund for Capital and Essential Investments funds (21952, Supplemental Contingent Revenues subaccount)” is inserted in lieu thereof.

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 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 Ingalls, Chittenden, Kitchel, Mazza and Perchlik move to amend the proposal of amendment of the Committee on Transportation by inserting a reader assistance heading and two new sections to be Secs. 5a and 5b to read as follows:

\* \* \* State Airports \* \* \*

Sec. 5a. SALE OR LEASE OF CALEDONIA COUNTY STATE AIRPORT

(a) The Agency of Transportation is authorized to solicit proposals for the purchase or lease of the Caledonia County State Airport, located in the Town of Lyndon, and the Agency shall consult with the Town of Lyndon on any requests for proposals related to the purchase or lease of the Airport prior to the issuance of any requests for proposals related to the purchase or lease of the Airport.

(b) Subject to obtaining any necessary approvals from the U.S. Federal Aviation Administration, the Vermont Secretary of Transportation, as agent for the State, is authorized to convey the Airport property by warranty deed according to the terms of a purchase and sale agreement or through a long-term lease.

(c) Any such conveyance shall:

(1) include assignment of the State's interest in easements, leases, licenses, and other agreements pertaining to the Airport and the acceptance of the State's obligations under such easements, leases, licenses, and other agreements that requires, at a minimum, that any leases that are in effect at the time of the conveyance of the Airport are fully honored for the balance of the lease term;

(2) ensure that there are investments in the Airport to address current deficiencies and necessary repairs;

(3) ensure that the Airport continues to be a public-use airport and that the public continues to have access to the Airport for general aviation uses in perpetuity;

(4) ensure that the Airport continues to be identified as a public-use airport within the National Plan of Integrated Airport Systems until at least 2050, subject to federal determination; and

(5) include, if the Airport is conveyed through a purchase and sale agreement, a right of first refusal for the State to repurchase the Airport if the Airport is ever resold.

(d) The Agency shall not proceed with a sale or lease of the Airport unless:

(1) there is a fair market value offer, as required under 19 V.S.A. § 10k(b) or 26a(a), that meets the requirements of subsection (c) of this section; and

(2) the Town of Lyndon is given the opportunity to review and comment on the final purchase and sale agreement or lease as applicable.

(e) This section shall constitute specific prior approval, including of any sale or lease terms, by the General Assembly for purposes of 5 V.S.A. § 204.

Sec. 5b. REPEAL OF AUTHORITY FOR SALE OR LEASE OF  
CALEDONIA COUNTY STATE AIRPORT

Sec. 5a of this act shall be repealed on May 1, 2026.

Which was agreed to.

Thereupon, the pending question, Shall the Senate propose to the House that the bill be amended as recommended by the Committee on Transportation, as amended?, was agreed to.

Thereupon, third reading of the bill was ordered, on a roll call, Yeas 29, Nays 1.

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

**Roll Call**

**Those Senators who voted in the affirmative were:** Baruth, Bray, Brock, Campion, Chittenden, Clarkson, Collamore, Cummings, Gulick, Harrison, Hashim, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Norris, Perchlik, Ram Hinsdale, Sears, Starr, Vyhovsky, Watson, Weeks, Westman, White, Williams, Wrenner.

**The Senator who voted in the negative was:** Hardy.

**Bill Passed**

**S. 141.**

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

An act relating to approval of the charter of Fairfax Fire District No. 1.

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

**H. 110.**

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

An act relating to extending the sunset under 30 V.S.A. § 248a.

**Bill Passed in Concurrence**

**H. 150.**

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

An act relating to approval of an amendment to the charter of the Village of Alburgh.

---

**Third Reading Ordered****H. 288.**

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

An act relating to liability for the sale of alcoholic beverages.

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. 230.**

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

An act relating to implementing mechanisms to reduce suicide.

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) More than 700 Vermont residents died of gunshot wounds in the decade from 2011 to 2020. Eighty-eight percent of these deaths were by suicide.

(2) Of all the deaths in Vermont involving firearms in 2021, 89 percent were by suicide and eight percent were by homicide.

(3) The 2021 suicide rate by all methods in Vermont was 20.3 per 100,000 persons, compared to a national rate of 14.0 per 100,000 persons. Suicide among Vermont men and boys is 50 percent higher than the national average.

(4) In 2021, the number of suicides in Vermont was 142, with 83 of them completed by firearm, or 58 percent.

(5) According to 2023 data from the Vermont Department of Health, 44 percent of Vermont households store at least one firearm in or around the home.

(6) Children are 4.4 times more likely to die by suicide in a home with a firearm compared to a home without a firearm.

(7) Extreme risk protection orders have proven successful in situations where other protective orders, mental health proceedings, or criminal charges could not address the risk presented. In fiscal year 2022, 18 extreme risk protection order petitions were filed statewide. In at least five of these cases, a temporary or final order was based on a finding that the respondent had “threatened or attempted suicide or serious bodily harm.”

(8) Emphasis on the eight percent of firearm deaths by homicide in the State of Vermont does not portray the full impact of Vermont firearms on public safety. Firearms purchased in Vermont and transferred, lawfully or unlawfully, out of state contribute to violent crime in other states, including homicide. A report prepared by the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives revealed that in 2016, there were 51 traces of firearms involved in a homicide to the State of Vermont.

(9) The National Firearms Commerce and Trafficking Assessment (NFCTA): Crime Guns - Volume Two report prepared by the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) revealed that between 2017 and 2021, 6,333 firearms that were used in a crime were traced to Vermont. Of the 1,903 firearms that could be traced to a known purchaser, 65 percent were recovered from someone other than the purchaser, and 64 percent were recovered outside the State of Vermont. Over 750 of these firearms were recovered in our neighboring states of New York, Massachusetts, and New Hampshire.

(10) Waiting period laws, which create a buffer between the time of gun purchase and gun acquisition, can help to prevent impulsive acts of gun violence. One study found that waiting period laws that delay the purchase of firearms by a few days can reduce gun homicides by roughly 17 percent.

## Sec. 2. LEGISLATIVE PURPOSE

The purposes of this legislation are to prevent death by suicide by reducing access to operable firearms by children and prohibited persons and to reduce community violence. Although there are many other methods for completing suicide, firearms are unique in their ability to create instantaneous and irreversible outcomes. Nearly every other commonly used method for suicide has a high survivability rate. It is extremely rare for someone to survive a suicide attempt in which a firearm is used. This fact, combined with the high prevalence of firearms in Vermont, is why this method alone is being addressed by this act.

Sec. 3. 13 V.S.A. § 4024 is added to read:

§ 4024. NEGLIGENT FIREARMS STORAGE

(a)(1) A person who stores or keeps a firearm within any premises that are under the person's custody or control, and who knows or reasonably should know that a child or prohibited person is likely to gain access to the firearm, shall be:

(A) imprisoned not more than one year or fined not more than \$1,000.00, or both, if a child or prohibited person gains access to the firearm and uses it in the commission of a crime or displays it in a threatening manner; or

(B) imprisoned not more than five years or fined not more than \$5,000.00, or both, if a child or prohibited person gains access to the firearm and uses it to cause death or serious bodily injury to any person.

(2) This subsection shall not apply if:

(A) the firearm is carried by or within such close proximity that it can be readily retrieved and used by the owner or another authorized user;

(B) a child or prohibited person accesses the firearm as a result of an illegal entry;

(C) a child or prohibited person accesses and uses the firearm during the course of a lawful act of self-defense or defense of another person; or

(D) the person stores or keeps the firearm in a locked container or equipped with a tamper-resistant mechanical lock or other safety device.

(b)(1) At any location where a licensed dealer conducts firearm sales or transfers, the licensed dealer shall conspicuously display a sign containing the information required by subdivision (2) of this subsection in any area where the sales or transfers occur. The sign shall be posted so that it can be easily viewed by persons purchasing or receiving firearms, and the sign shall not be removed, obscured, or rendered illegible. If the location where the sales or transfers occur is the premises listed on the dealer's federal firearms license, an additional sign shall be placed at or near the entrance to the premises.

(2) The sign required by subdivision (1) of this subsection shall be at least eight and one-half inches high by 11 inches wide and shall contain black text at least half an inch high against a white background. The sign shall contain the following text and no other statements or markings:

"WARNING: Access to a firearm in the home significantly increases the risk of suicide; death during domestic violence disputes; and the unintentional death of children, household members, and others. If you or a loved one is

experiencing distress or depression, call the 988 Suicide and Crisis hotline or text “VT” to 741741.

Failure to securely store firearms may result in criminal prosecution. It is important that the owner of a firearm seek firearm safety instructions from a certified firearms instructor and keep firearms secured from unauthorized use.

Posted pursuant to 13 V.S.A. § 4024.”

(c) As used in this section:

(1) “Authorized user” means a person 18 years of age or older who is not a prohibited person and who has been authorized to carry or use the firearm by the owner.

(2) “Child” means a person under 18 years of age.

(3) “Firearm” has the same meaning as in subsection 4017(d) of this title.

(4) “Licensed dealer” means a person issued a license as a dealer in firearms pursuant to 18 U.S.C. § 923(a).

(5) “Locked container” means a box, case, chest, locker, safe, or other similar receptacle equipped with a tamper-resistant lock.

(6) “Prohibited person” means a person who is prohibited from possessing a firearm by state or federal law or by court order.

(7) “Serious bodily injury” has the same meaning as in subdivision 1021(a)(2) of this title.

Sec. 4. 13 V.S.A. § 4051 is amended to read:

#### § 4051. DEFINITIONS

As used in this subchapter:

\* \* \*

(7) “Household members” means persons who are living together, are sharing occupancy of a dwelling, are engaged in a sexual relationship, or minors or adults who are dating. “Dating” means a social relationship of a romantic nature. Factors that the court may consider when determining whether a dating relationship exists include:

(A) the nature of the relationship;

(B) the length of time the relationship has existed; and

(C) the frequency of interaction between the parties.



Sec. 5. 13 V.S.A. § 4053 is amended to read:

§ 4053. PETITION FOR EXTREME RISK PROTECTION ORDER

(a) A State's Attorney ~~or~~, the Office of the Attorney General, or a family or household member may file a petition requesting that the court issue an extreme risk protection order prohibiting a person from purchasing, possessing, or receiving a dangerous weapon or having a dangerous weapon within the person's custody or control. The petitioner shall submit an affidavit in support of the petition.

(b)(1) Except as provided in section 4054 of this title, the court shall grant relief only after notice to the respondent and a hearing. The petitioner shall have the burden of proof by clear and convincing evidence.

(2) When a petition has been filed by a family or household member, the State's Attorney of the County where the petition was filed shall be substituted as the plaintiff in the action upon the issuance of an ex-parte order under section 4054 of this title or at least seven days prior to the hearing for a petition filed under this section. Upon substitution of the State's Attorney as the plaintiff, the family or household member shall no longer be a party.

\* \* \*

(d)(1) The court shall hold a hearing within 14 days after a petition is filed under this section. Notice of the hearing shall be served pursuant to section 4056 of this title concurrently with the petition and any ex parte order issued under section 4054 of this title.

(2) If a petition is filed by a family or household member under this section, the court shall transmit a copy of the petition to the State's Attorney of the County where the petition was filed, along with all supporting documents and the notice of the initial status conference or hearing.

\* \* \*

Sec. 6. 13 V.S.A. § 4054 is amended to read:

§ 4054. EMERGENCY RELIEF; TEMPORARY EX PARTE ORDER

(a)(1) A State's Attorney ~~or~~, the Office of the Attorney General, or a family or household member may file a motion requesting that the court issue an extreme risk protection order ex parte, without notice to the respondent. A law enforcement officer may notify the court that an ex parte extreme risk protection order is being requested pursuant to this section, but the court shall not issue the order until after the motion is submitted.

\* \* \*

(b)(1)(A) The court shall grant the motion and issue a temporary ex parte extreme risk protection order if it finds by a preponderance of the evidence, or by clear and convincing evidence if the petition was filed by a family or household member, that at the time the order is requested the respondent poses an imminent and extreme risk of causing harm to himself or herself themselves or another person by purchasing, possessing, or receiving a dangerous weapon or by having a dangerous weapon within the respondent's custody or control. The petitioner shall cause a copy of the order to be served on the respondent pursuant to section 4056 of this title, and the court shall deliver a copy to the holding station.

(B) If a motion is filed by a family or household member under this section and the court has issued an ex parte order, the court shall transmit a copy of the motion to the State's Attorney of the county where the petition was filed, along with all supporting documents and the notice of the initial status conference or hearing.

\* \* \*

Sec. 7. 13 V.S.A. § 4019a is added to read:

§ 4019a. FIREARMS TRANSFERS; WAITING PERIOD

(a) A person shall not transfer a firearm to another person until 72 hours after the licensed dealer facilitating the transfer is provided with a unique identification number for the transfer by the National Instant Criminal Background Check System (NICS) or seven business days have elapsed since the dealer contacted NICS to initiate the background check, whichever occurs first.

(b) A person who transfers a firearm to another person in violation of subsection (a) of this section shall be imprisoned not more than one year or fined not more than \$500.00, or both.

(c) This section shall not apply to a firearm transfer that does not require a background check under 18 U.S.C. § 922(t) or section 4019 of this title.

(d) As used in this section, "firearm" has the same meaning as in subsection 4017(d) of this title.

(e)(1) This section shall not apply to a firearms transfer at a gun show.

(2) As used in this subsection, "gun show" means a function sponsored by:

(A) a national, state, or local organization, devoted to the collection, competitive use, or other sporting use of firearms; or

(B) an organization or association that sponsors functions devoted to the collection, competitive use, or other sporting use of firearms in the community.

(3) This subsection shall be repealed on July 1, 2024.

#### Sec. 8. SEVERABILITY

As set forth in 1 V.S.A. § 215, the provisions of this act are severable, and if a court finds any provision of this act to be invalid, or if any application of this act to any person or circumstance is invalid, the invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

#### Sec. 9. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

And that after passage the title of the bill be amended to read:

An act relating to implementing mechanisms to reduce suicide and community violence.

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 was agreed to.

Thereupon, third reading of the bill was ordered, on a roll call, Yeas 21, Nays 9.

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

#### **Roll Call**

**Those Senators who voted in the affirmative were:** Baruth, Bray, Campion, Chittenden, Clarkson, Cummings, Gulick, Hardy, Harrison, Hashim, Kitchel, Lyons, MacDonald, McCormack, Perchlik, Ram Hinsdale, Sears, \*Vyhovsky, Watson, White, Wrenner.

**Those Senators who voted in the negative were:** Brock, Collamore, Ingalls, Mazza, Norris, Starr, Weeks, Westman, Williams.

\*Senator Vyhovsky explained her vote as follows:

“As a social worker who works primarily with teens and young adults, I know just how big and transitory their emotions can be. One moment it's the end of the world and in a few hours or days no longer a big deal, and due to brain development this population is particularly impulsive when under duress.

Further as a gun owner myself nothing in this bill strikes me as overly cumbersome but simple common sense safety measures. I am proud to vote yes on H.230, because it will save lives.”

**House Proposal of Amendment Concurred In with Further Proposal  
Amendment**

**S. 36.**

House proposal of amendment to Senate bill entitled:

An act relating to permitting an arrest without a warrant for assaults and threats against health care workers and disorderly conduct at health care facilities.

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. Rule 3 of the Vermont Rules of Criminal Procedure is amended to read:

Rule 3. Arrest Without a Warrant; Citation to Appear

\* \* \*

(c) Nonwitnessed Misdemeanor Offenses. If an officer has probable cause to believe a person has committed or is committing a misdemeanor outside the presence of the officer, the officer may issue a citation to appear before a judicial officer in lieu of arrest. The officer may arrest the person without a warrant if the officer has probable cause to believe:

\* \* \*

(8) The person has committed a misdemeanor which involves an assault against a family member, or against a household member, as defined in 15 V.S.A. § 1101(2), or a child of such a family or household member.

\* \* \*

(14) The person has violated 13 V.S.A. § 1023 (simple assault).

\* \* \*

(18) The person has committed a misdemeanor that involves an assault against:

(A) a health care worker in a hospital as those terms are defined in 13 V.S.A. § 1028(d)(3) and 18 V.S.A. § 1902(1); or

(B) a person providing emergency medical treatment as defined in 24 V.S.A. § 2651(9).

(19) The person has violated 13 V.S.A. § 1702 (criminal threatening) against:

(A) a health care worker in a hospital as those terms are defined in 13 V.S.A. § 1028(d)(3) and 18 V.S.A. § 1902(1); or

(B) a person providing emergency medical treatment as defined in 24 V.S.A. § 2651(9).

(20) The person has committed a violation of 13 V.S.A. § 1026(a)(1) (disorderly conduct for engaging in fighting or in violent or threatening behavior) that interfered with the provision of medically necessary health care services:

(A) in a hospital as defined in 18 V.S.A. § 1902(1); or

(B) by a person providing emergency medical treatment as defined in 24 V.S.A. § 2651(9).

\* \* \*

Sec. 2. 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, 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.

\* \* \*

(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) A person who violates subsection (a) of this section with the intent to terrify or intimidate a health care worker or an emergency medical personnel member because of the worker's or member's action or inaction taken in the provision of health care services shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(h) As used in this section:

(1) "Serious bodily injury" has the same meaning as in section 1021 of this title.

(2) "Threat" and "threaten" 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.

(9) "Emergency medical personnel" has the same meaning as in 24 V.S.A. § 2651(6).

(10) "Health care services" means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.

(11) "Health care worker" has the same meaning as in section 1028 of this title.

~~(h)~~(i) Any person charged under this section who is younger than the age identified in 33 V.S.A. § 5201(d) shall be subject to a juvenile proceeding.

Sec. 3. 18 V.S.A. § 1883 is added to read:

§ 1883. DISCLOSURE OF PROTECTED HEALTH INFORMATION

REQUIRED

(a) When a law enforcement officer responds to an alleged crime committed by a patient at a hospital:

(1) an authorized representative of the hospital shall disclose to the law enforcement officer the following information before the officer removes the patient from the hospital:

(A) information that is sufficient to confirm whether the patient is stabilized, has been evaluated, or is awaiting inpatient care; and

(B) any other information that will be necessary for purposes of safely taking custody of the patient; and

(2) the law enforcement officer shall not remove the patient from the hospital if an authorized representative of the hospital informs the officer that the patient is not stabilized, has not yet been evaluated, or is awaiting inpatient care.

(b) When a law enforcement officer responds to an alleged crime committed by a patient at a scene where emergency medical treatment was or is being provided:

(1) a member of the emergency medical personnel who provided the treatment shall disclose to the law enforcement officer the following information before the officer removes the patient from the emergency medical treatment scene:

(A) information that is sufficient to confirm whether the patient is stabilized, has been evaluated, or is awaiting transport for health care; and

(B) any other information that will be necessary for purposes of safely taking custody of the patient; and

(2) the law enforcement officer shall not remove the patient from the emergency medical treatment scene if a member of the emergency medical personnel who provided the treatment informs the officer that the patient is not stabilized, has not yet been evaluated, or is awaiting transport for health care.

(c) As used in this section:

(1) "Emergency medical personnel" has the same meaning as in 24 V.S.A. § 2651(6).

(2) "Emergency medical treatment" has the same meaning as in 24 V.S.A. § 2651(9).

(3) "Hospital" has the same meaning as in subdivision 1902(1) of this title.

(4) "Stabilized" means that no material deterioration of the patient's medical condition is likely, within reasonable medical probability, to result

from or occur during the transport of the patient from the hospital or the emergency medical treatment scene.

#### Sec. 4. REPORT ON DE-ESCALATION

On or before January 15, 2024, the Vermont Program for Quality in Health Care, in consultation with stakeholders, including hospital employee stakeholders, shall provide a report to the Senate Committee on Health and Welfare and the House Committee on Health Care regarding adequate training, including de-escalation of potentially violent situations in hospitals, sufficient staffing levels, ongoing assessment of visitors and patients for aggressive behavior, indicators to adapt care interventions and environments appropriately, centralized reporting, and factors related to physical environments. With a health equity impact informed lens, the report shall include best practices, barriers to best practices, and recommendations for appropriate policy improvements.

#### Sec. 5. DEPARTMENT OF PUBLIC SAFETY REPORT ON ARRESTS WITHOUT WARRANT

On or before January 15, 2024, the Department of Public Safety shall report to the House and Senate Committees on Judiciary on any systemic or statutory changes needed to permit the Department to collect data on responses and arrests pursuant to Vermont Rules of Criminal Procedure 3(c)(18), (19), and (20). The report shall include changes necessary to collect data on the number and demographics of persons arrested; the town, county, and type of health care facility where the arrest occurred; and the number and types of charges filed after the arrest.

#### Sec. 6. 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 crimes against health care workers at hospitals and against emergency medical treatment providers”

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 a further proposal of amendment as follows:

In Sec.1, Rule 3 of the Vermont Rules of Criminal Procedure, in subsection (c), by striking out subdivision (20) in its entirety and inserting in lieu thereof a new subdivision 20 to read as follows:



(20) The person has committed a violation of 13 V.S.A. § 1026(a)(1) (disorderly conduct for engaging in fighting or in violent, tumultuous, or threatening behavior) that interfered with the provision of medically necessary health care services:

(A) in a hospital as defined in 18 V.S.A. § 1902(1); or

(B) by a person providing emergency medical treatment as defined in 24 V.S.A. § 2651(9).

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

### **Appointments Confirmed**

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

Arrison, John of Ascutney - Member of the Connecticut River Valley Flood Control Commission - August 29, 2022 to February 29, 2024.

Howrigan, Harold of Sheldon - Member of the Current Use Advisory Board - July 26, 2022 to January 31, 2025.

Larrabee, Steve of West Danville - Member of the Natural Resources Board - April 20, 2022 to January 31, 2024.

Wolcott, Julie of Enosburg - Alternate Member of the Natural Resources Board - April 20, 2022 to January 31, 2024.

Hastings, Walter of South Royalton - Member of the Current Use Advisory Board - July 26, 2022 to January 31, 2025.

Fallar, Gail of Tinmouth - Member of the Current Use Advisory Board - July 26, 2022 to January 31, 2025.

Frazier, Allison of Richmond - Member of the Fish and Wildlife Board - August 29, 2022 to February 28, 2026.

Moore, Gary of Bradford - Member of the Connecticut River Valley Flood Control Commission - July 8, 2022 to February 28, 2026.

Hogan, Michael of Marshfield - Member of the Current Use Advisory Board - July 26, 2022 to January 31, 2025.

Lagerquist, Josh of Montpelier - Member of the Current Use Advisory Board - July 26, 2022 to January 31, 2025.

Burris, Laurey of Shelburne - Member of the Children and Family Council for Prevention Programs - April 20, 2022 to February 29, 2024.

Loner, Michael of Hinesburg - Member of the Children and Family Council for Prevention Programs - April 20, 2022 to February 29, 2024.

Sproul, Marga of Burlington - Member of the Board of Medical Practice - August 29, 2022 to February 28, 2023.

Mazza, Mackenzie of Colchester - Member of the Children and Family Council for Prevention Programs - April 20, 2022 to February 28, 2025.

Wolf, Matt of East Montpelier - Member of the Children and Family Council for Prevention Programs - April 20, 2022 to February 28, 2023.

Wolf, Matt of East Montpelier - Member of the Children and Family Council for Prevention Programs - March 1, 2023 to February 28, 2026.

Kersey, Kiersten of White River Junction - Member of the Children and Family Council for Prevention Programs - July 26, 2022 to February 28, 2024.

Liebow, David of Townshend - Member of the Board of Medical Practice - August 29, 2022 to February 28, 2023.

Greenberg, Matthew of Montpelier - Member of the Board of Medical Practice - March 28, 2022 to February 28, 2023.

Lukasik, Christopher of Brattleboro - Member of the Children and Family Council for Prevention Programs - April 20, 2022 to February 28, 2025.

Clattenburg, Richard of Perkinsville - Member of the Board of Medical Practice - August 29, 2022 to February 29, 2024.

Lorentz, Stephanie of Rutland - Member of the Board of Medical Practice - September 21, 2022 to February 28, 2027.

Aiken, Katie of Bennington - Member of the Human Services Board - August 29, 2022 to February 28, 2025.

Johnson, Linda of Montpelier - Member of the Children and Family Council for Prevention Programs - April 20, 2022 to February 29, 2024.

McShane, Michael of Montpelier - Member of the State Board of Health - June 30, 2022 to February 28, 2025.

Payne, Christine of Peacham - Member of the Board of Medical Practice - August 29, 2022 to February 29, 2024.

Grassi, Richard of White River Junction - Member of the Parole Board - March 1, 2023 to February 28, 2026.

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**Adjournment**

On motion of Senator Baruth, 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. 53**

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

Mr. President:

I am directed to inform the Senate that:

The House has considered Senate proposal of amendment to the following House bill:

**H. 89.** An act relating to civil and criminal procedures concerning legally protected health care activity.

And has severally concurred therein.

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

**H. 494.** 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;

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

Rep. Lanpher of Vergennes

Rep. Scheu of Middlebury

Rep. Wood of Waterbury.

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

**H.C.R. 100.** House concurrent resolution recognizing May 2023 as Older Americans Month in Vermont.

**H.C.R. 101.** House concurrent resolution honoring spouses Eugene Uman and Elsa Borrero on their quarter century of leadership at the Vermont Jazz Center and for their individual artistic and educational contributions.

**H.C.R. 102.** House concurrent resolution commemorating the bicentennial of the Old West Church in Calais.

**H.C.R. 103.** House concurrent resolution congratulating the 2023 Vermont Principal of the Year, Christopher Young.

**H.C.R. 104.** House concurrent resolution in memory of Albert D. Corey of St. Albans.

**H.C.R. 105.** House concurrent resolution congratulating the 2023 U-32 Raiders Division II championship boys' ice hockey team.

**H.C.R. 106.** House concurrent resolution recognizing May 2023 as National Foster Care Month in Vermont.

**H.C.R. 107.** House concurrent resolution honoring the 83 years of outstanding Paquette family agricultural entrepreneurship.

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

### **Committee of Conference Appointed**

#### **H. 494.**

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 Perchlik  
Senator Westman

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 the House Committee on Human Services,

#### **H.C.R. 100.**

House concurrent resolution recognizing May 2023 as Older Americans Month in Vermont.

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By Reps. Burke and others,

By Senators Harrison and Hashim,

**H.C.R. 101.**

House concurrent resolution honoring spouses Eugene Uman and Elsa Borrero on their quarter century of leadership at the Vermont Jazz Center and for their individual artistic and educational contributions.

By Rep. Mihaly,

**H.C.R. 102.**

House concurrent resolution commemorating the bicentennial of the Old West Church in Calais.

By Reps. Page and others,

By Senators Ingalls and Starr,

**H.C.R. 103.**

House concurrent resolution congratulating the 2023 Vermont Principal of the Year, Christopher Young.

By Reps. McCarthy and Toof,

**H.C.R. 104.**

House concurrent resolution in memory of Albert D. Corey of St. Albans.

By Reps. Chapin and others,

By Senators Cummings, Perchlik and Watson,

**H.C.R. 105.**

House concurrent resolution congratulating the 2023 U-32 Raiders Division II championship boys' ice hockey team.

By the House Committee on Human Services,

**H.C.R. 106.**

House concurrent resolution recognizing May 2023 as National Foster Care Month in Vermont.

By Reps. Austin and others,

By Senator Mazza,

**H.C.R. 107.**

House concurrent resolution honoring the 83 years of outstanding Paquette family agricultural entrepreneurship.

**Adjournment**

On motion of Senator Baruth, the Senate adjourned, to reconvene on Tuesday, May 2, 2023, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 25.

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**TUESDAY, MAY 2, 2023**

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.

**Message from the House No. 54**

A message was received from the House of Representatives by Mr. Nigel Hicks-Tibbles, its First Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

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

**S. 14.** An act relating to a report on criminal justice-related investments and trends.

**S. 91.** An act relating to competency to stand trial and insanity as a defense.

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

**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. 67.** An act relating to household products containing hazardous substances.

**H. 171.** An act relating to adult protective services.

**H. 270.** An act relating to miscellaneous amendments to the adult-use and medical cannabis programs.

**H. 470.** An act relating to miscellaneous amendments to alcoholic beverage laws.

### **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 on Appropriations:

**H. 31.** An act relating to aquatic nuisance control.

**H. 62.** An act relating to the interstate Counseling Compact.

**H. 77.** An act relating to Vermont's adoption of the Physical Therapy Licensure Compact.

**H. 86.** An act relating to Vermont's adoption of the Audiology and Speech-Language Pathology Interstate Compact.

**H. 291.** An act relating to the creation of the Cybersecurity Advisory Council.

**H. 461.** An act relating to making miscellaneous changes in education laws.

### **Bills Referred**

Pursuant to Temporary Rule 44A, House bills of the following titles:

**H. 504.** An act relating to approval of amendments to the charter of the Town of Berlin.

**H. 505.** An act relating to approval of an amendment to the charter of the City of Rutland.

Were severally referred to the Committee on Government Operations.

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

#### **J.R.S. 26.**

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

By Senator Baruth,

**J.R.S. 26.** Joint resolution relating to weekend adjournment.

*Resolved by the Senate and House of Representatives:*

That when the two Houses adjourn on Friday, May 5, 2023, it be to meet again no later than Tuesday, May 9, 2023.

### **Proposed Amendment to the Constitution Introduced**

The Proposed Amendment to the Constitution of the State of Vermont designated as Proposal 3 was introduced, read the first time and referred:

By Senators Hashim, Baruth, Bray, Campion, Clarkson, Cummings, Gulick, Hardy, Harrison, Lyons, MacDonald, McCormack, Perchlik, Ram Hinsdale, Sears, Vyhovsky, Watson, Weeks, White and Wrenner,

### **PROPOSAL 3**

#### Sec. 1. PURPOSE

This proposal would amend the Constitution of the State of Vermont to provide that the citizens of the State have a right to collectively bargain.

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

Article 23. [Right to collectively bargain]

That employees have a right to organize or join a labor organization for the purpose of collectively bargaining with their employer through an exclusive representative of their choosing for the purpose of negotiating wages, hours, and working conditions and to protect their economic welfare and safety in the workplace, and that a labor organization chosen to represent a group of employees shall have the right to collect dues from its members. Therefore, no law shall be adopted that interferes with, negates, or diminishes the right of employees to collectively bargain with respect to wages, hours, and other terms and conditions of employment and workplace safety, or that prohibits the application or execution of an agreement between an employer and a labor organization representing the employer's employees that requires membership in the labor organization as a condition of employment.

#### Sec. 3. EFFECTIVE DATE

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

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



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**Bill Introduced**

Senate bill of the following title was introduced, read the first time and referred:

**S. 152.**

By Senator Sears,

An act relating to public access to trials.

To the Committee on Judiciary.

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

House bill of the following title was read the third time.

**H. 230.** An act relating to implementing mechanisms to reduce suicide.

And passed in concurrence with proposal of amendment on a roll call, Yeas 19, Nays 9.

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

**Roll Call**

**Those Senators who voted in the affirmative were:** Baruth, Bray, Champion, Chittenden, Clarkson, Cummings, Gulick, Harrison, Hashim, Kitchel, Lyons, MacDonald, Perchlik, Ram Hinsdale, Sears, Vyhovsky, Watson, White, Wrenner.

**Those Senators who voted in the negative were:** Brock, Collamore, Ingalls, Mazza, Norris, Starr, Weeks, Westman, Williams.

**Those Senators absent and not voting were:** Hardy, McCormack.

**Bill Passed in Concurrence****H. 288.**

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

An act relating to liability for the sale of alcoholic beverages.

**Recess**

On motion of Senator Baruth the Senate recessed until the fall of the gavel.

**Called to Order**

The Senate was called to order by the President.

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

House bill of the following title was read the third time.

**H. 479.** An act relating to the Transportation Program and miscellaneous changes to laws related to transportation.

And passed in concurrence with proposal of amendment on a roll call, Yeas 28, Nays 0.

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

**Roll Call**

**Those Senators who voted in the affirmative were:** Baruth, Bray, Brock, Champion, Chittenden, Clarkson, Collamore, Cummings, Gulick, Harrison, Hashim, Ingalls, Kitchel, Lyons, MacDonald, Mazza, Norris, Perchlik, Ram Hinsdale, Sears, Starr, Vyhovsky, Watson, Weeks, Westman, White, Williams, Wrenner.

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

**Those Senators absent and not voting were:** Hardy, McCormack.

**Adjournment**

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Wednesday, May 3, 2023.

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**WEDNESDAY, MAY 3, 2023**

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:

Mr. President:

I am directed to inform the Senate that:

The House has considered Senate proposal of amendment to House bill of the following title:

**H. 222.** An act relating to reducing overdoses.

And has severally concurred therein with a further proposal of amendment thereto, in the adoption of which the concurrence of the Senate is requested.

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**Bill Referred to Committee on Finance****H. 217.**

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 workers' compensation amendments.

**Bill Referred to Committee on Appropriations****H. 282.**

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 the Psychology Interjurisdictional Compact.

**House Proposal of Amendment Concurred In with Further Proposal of Amendment****S. 48.**

House proposal of amendment to Senate bill entitled:

An act relating to regulating the sale of catalytic converters.

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. 9 V.S.A. chapter 82 is amended to read:

**CHAPTER 82. SCRAP METAL PROCESSORS**

\* \* \*

**§ 3022. PURCHASE OF NONFERROUS SCRAP, METAL ARTICLES, PROPRIETARY ARTICLES, AND RAILROAD SCRAP****(a) Catalytic converters.**

(1) A scrap metal processor shall not purchase more than one used and detached catalytic converter per day from any person, other than a motor vehicle recycler or motor vehicle repair shop.

(2) A person, other than a motor vehicle recycler or motor vehicle repair shop, shall not transport simultaneously two or more used and detached catalytic converters unless:

(A) each catalytic converter is engraved or otherwise permanently marked with the vehicle identification number of the vehicle from which it was removed; and

(B) the person transporting the catalytic converter has in the person's possession documentation demonstrating proof of lawful ownership as specified in subdivision (b)(1) of this section.

(b) Documentation required for sale. A scrap metal processor may purchase nonferrous scrap, metal articles, proprietary articles, and railroad scrap only if the scrap metal processor complies with all the following procedures:

(1) At the time of sale, the processor:

(A) requires the seller to provide a current government-issued photographic identification that indicates the seller's full name, current address, and date of birth, and records in a permanent ledger the identification information of the seller, the time and date of the transaction, the license number of the seller's vehicle, and a description of the items received from the seller; and

(B) requests and, ~~if available,~~ collects:

~~(i) third-party documentation from the seller of the items offered for sale, that establishes that the seller lawfully owns the items to be sold, such as a bill of sale, itemized receipt, or letter of authorization, signed by the person from whom the seller purchased the item; or similar evidence~~

~~(ii) a written affidavit of ownership that establishes states that the seller lawfully owns the items to be sold.~~

(2) After purchasing an item from a person who ~~fails to~~ does not provide ~~documentation~~ a bill of sale, itemized receipt, or letter of authorization signed by the person from whom the seller purchased the item pursuant to subdivision (1)(B)(i) of this subsection, the processor:

(A) submits to the Department of Public Safety ~~no~~ not later than the close of the following business day a report that describes the item and the seller's identifying information required in subdivision (1)(A) of this subsection; and

(B) holds the item for at least 10 days following purchase.

(c) Retention of records. The information collected by a scrap metal processor pursuant to this section shall be retained for at least five years at the processor's normal place of business or other readily accessible and secure

location. On request, this information shall be made available to any law enforcement official or authorized security agent of a governmental entity who provides official credentials at the scrap metal processor's business location during regular business hours.

#### § 3023. PENALTIES

(a) A ~~scrap metal processor~~ person who violates any provision of this chapter for the first time may be assessed a civil penalty not to exceed \$1,000.00 for each transaction.

(b) A ~~scrap metal processor~~ person who violates any provision of this chapter for a second or subsequent time shall be fined not more than \$25,000.00 for each transaction.

Sec. 2. 24 V.S.A. § 2242 is amended to read:

#### § 2242. REQUIREMENT FOR OPERATION OR MAINTENANCE

(a) A person shall not operate, establish, or maintain a salvage yard unless ~~he or she~~ the person:

(1) holds a certificate of approval for the location of the salvage yard; and

(2) holds a certificate of registration issued by the Secretary to operate, establish, or maintain a salvage yard.

(b) The issuance of a certificate of registration under subsection (a) of this section shall not relieve a salvage yard from the obligation to comply with existing State and federal environmental laws and to obtain all permits required under State or federal environmental law.

(c) The Secretary may require a person to obtain a salvage yard certificate of registration under this section upon a determination, based on available information, that the person has taken action to circumvent the requirements of this subchapter.

(d) Prior to issuing a certificate of registration, the Secretary shall obtain written acknowledgment that the person seeking the certificate is aware of, and will comply with, the requirements for buying, selling, transporting, and keeping records concerning nonferrous scrap, metal articles, proprietary articles, and railroad scrap pursuant to 9 V.S.A. chapter 82.

Sec. 3. 24 V.S.A. § 2244 is added to read:

#### § 2244. PERIODIC INSPECTIONS

(a) The Secretary shall conduct an unannounced inspection of the physical operation, record-keeping practices, and regulatory compliance practices of

salvage yards to ensure compliance with applicable provisions of this subchapter.

(b) As part of the inspection program, the Secretary shall annually inspect at least one facility to ensure compliance with 9 V.S.A. chapter 82.

#### Sec. 4. ADOPTION OF FORMS; PUBLIC OUTREACH

(a) The Department of Public Safety shall adopt and make available on its public website sample forms for an affidavit or other proof of ownership, for collection and retention of records, and for other record-keeping purposes that persons may use to comply with the requirements for buying, selling, transporting, and keeping records concerning nonferrous scrap, metal articles, proprietary articles, and railroad scrap pursuant to 9 V.S.A. chapter 82.

(b) The Department of Public Safety and the Agency of Natural Resources shall coordinate to design and implement a public outreach campaign to educate sellers of scrap metal and proprietary articles, including catalytic converters; scrap metal processors; and law enforcement on the requirements for buying, selling, transporting, and keeping records concerning nonferrous scrap, metal articles, proprietary articles, and railroad scrap pursuant to 9 V.S.A. chapter 82 and other relevant provisions of law.

Sec. 5. 20 V.S.A. § 2355 is amended to read:

#### § 2355. COUNCIL POWERS AND DUTIES

\* \* \*

(b)(1) The Council shall conduct and administer training schools and offer courses of instruction for law enforcement officers and other criminal justice personnel. The Council shall offer courses of instruction for law enforcement officers in different areas of the State and shall strive to offer nonovernight courses whenever possible.

(2) The Council may also offer the basic officer's course for preservice students and educational outreach courses for the public, including firearms safety and use of force.

(3) Following the conclusion of each session of the General Assembly, the Council shall prepare and make available to law enforcement agencies throughout the State and constables exercising law enforcement authority pursuant to 24 V.S.A. § 1936 materials or training concerning new or amended State law that affects law enforcement activities, including changes to civil, criminal, and administrative violations, procedures, penalties, and enforcement.

---

\* \* \*

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, Senators Chittenden, Ingalls, Kitchel, Mazza and Perchlik moved that the Senate concur in the House proposal of amendment with further proposal of amendment as follows:

By striking out Sec. 5 (Criminal Justice Council annual legislative materials) in its entirety and by renumbering Sec. 6 to be Sec. 5.

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

**House Proposal of Amendment Concurred In**

**S. 73.**

House proposal of amendment to Senate bill entitled:

An act relating to workers' compensation coverage for firefighters with cancer.

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. 21 V.S.A. § 601 is amended to read:

§ 601. DEFINITIONS

~~Unless the context otherwise requires, words and phrases used in this chapter shall be construed as follows~~ As used in this chapter:

\* \* \*

(11) "Personal injury by accident arising out of and in the course of employment" includes an injury caused by the willful act of a third person directed against an employee because of that employment.

\* \* \*

(E) In the case of a firefighter, as defined in 20 V.S.A. § 3151(3) and (4), who dies or has a disability from a cancer listed in subdivision (iii) of this subdivision (E), the firefighter shall be presumed to have had the cancer as a result of exposure to conditions in the line of duty, unless it is shown by a preponderance of the evidence that the cancer was caused by nonservice-

connected risk factors or nonservice-connected exposure, provided:

(i)(I) the firefighter completed an initial and any subsequent cancer screening evaluations as recommended by the American Cancer Society based on the age and sex of the firefighter prior to becoming a firefighter or within two years of July 1, 2007 while serving as a firefighter, and the evaluation indicated no evidence of cancer;

(II) the firefighter was engaged in firefighting duties or other hazardous activities over a period of at least five years in Vermont prior to the diagnosis; and

(III) the firefighter is under 65 years of age.

(ii) The presumption shall not apply to any firefighter who has used tobacco products at any time within 10 years of the date of diagnosis.

(iii) The disabling cancer shall be limited to leukemia, lymphoma, or multiple myeloma, and cancers originating in the bladder, brain, breast, colon, gastrointestinal tract, kidney, liver, lung, pancreas, reproductive system, skin, or testicles thyroid.

(F) A firefighter who is diagnosed with cancer within 10 years of the last active date of employment as a firefighter shall be eligible for benefits under this subdivision. The date of injury shall be the date of the last injurious exposure as a firefighter.

(G) It is recommended that fire departments:

(i) maintain incident report records for at least 10 years; and

(ii) offer or provide annual cancer screenings to all firefighters who are employed by or who volunteer for the department.

\* \* \*

## Sec. 2. ANNUAL CANCER SCREENINGS; PERSONAL PROTECTIVE EQUIPMENT UPGRADES; REPORT

(a) On or before January 15, 2024, the Director of the Division of Fire Safety shall submit a written report to the House Committees on Appropriations, on Commerce and Economic Development, and on Government Operations and Military Affairs and the Senate Committees on Appropriations; on Economic Development, Housing and General Affairs; and on Government Operations regarding the following topics:

(1) the projected cost for the State to fund annual or biennial cancer screenings for all career and volunteer firefighters in Vermont;



(2) the projected cost for the State to fund cancer screenings for all enrollees in the Vermont Fire Academy Firefighter I certification program prior to the commencement of training;

(3) potential opportunities for the State to reduce the cost for fire departments to provide annual cancer screenings for their firefighters;

(4) the projected cost for the State to fund the replacement of personal protective equipment for all volunteer and career firefighters on a rolling basis so that all personal protective equipment is replaced within 10 years after being acquired; and

(5) potential opportunities for the State to reduce the cost to fire departments for the replacement of personal protective equipment.

(b) The report may include recommendations for legislative action to facilitate:

(1) the early identification of cancer in firefighters;

(2) the acquisition of personal protective equipment by fire departments; and

(3) the elimination of PFAS and other carcinogens in firefighting equipment.

### Sec. 3. WORKERS' COMPENSATION FOR FIREFIGHTERS WITH CANCER; ELIGIBILITY; REPORT

(a) On or before January 15, 2024, the Commissioners of Labor and of Financial Regulation, in consultation with the Director of the Division of Fire Safety, shall submit a written report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs regarding the following topics:

(1) the potential impacts on workers' compensation claims, premiums, and loss costs of amending or repealing the provisions of 21 V.S.A. § 601(11)(E) that bar a firefighter from the presumption that the firefighter's cancer resulted from work-related exposure if the firefighter:

(A) is over 65 years of age; or

(B) has used tobacco products within the last 10 years;

(2) the potential impacts on workers' compensation claims, premiums, and loss costs of amending 21 V.S.A. § 601(11)(E)(iii) to expand the list of cancers presumed to have been caused by exposure to working conditions as a firefighter, including:

(A) additional types of cancer:

(i) that occur more frequently in firefighters than the general public;

(ii) that are caused by carcinogens to which firefighters are exposed in the line of duty; or

(iii) both; or

(B) all forms of cancer; and

(3) potential methods for apportioning liability for workers' compensation in instances where a firefighter has been employed by more than one fire department, including when a firefighter is employed as a career firefighter by one department and a volunteer firefighter by another department.

(b) The report may include recommendations for legislative action to:

(1) amend or repeal the provisions of 21 V.S.A. § 601(11)(E) that bar a firefighter from the presumption that the firefighter's cancer resulted from work-related exposure if the firefighter is over 65 years of age or has used tobacco products within the last 10 years; and

(2) amend 21 V.S.A. § 601(11)(E)(iii) to expand the list of cancers presumed to have been caused by exposure to working conditions as a firefighter to include either:

(A) additional types of cancer:

(i) that occur more frequently in firefighters than the general public;

(ii) that are caused by carcinogens to which firefighters are exposed in the line of duty; or

(iii) both; or

(B) all forms of cancer.

#### Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

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

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**Third Readings Ordered****H. 161.**

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

An act relating to issuance of burning permits.

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. 495.**

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

An act relating to the approval of the amendment to the charter of the Town of Middlebury.

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. 94.**

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

An act relating to removing the Reach Up ratable reduction.

Reported recommending that the Senate propose to the House to amend the bill in Sec. 1, report; Reach Up; ratable reduction, in the first sentence, by striking out the word "January" and inserting in lieu thereof the word March

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.

**Proposals of Amendment; Third Reading Ordered****H. 127.**

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

An act relating to sports wagering.

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

First: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in section 1302 (Department of Liquor and Lottery; authority and duties), in subdivision (c)(5), by striking out the last sentence.

Second: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in section 1302 (Department of Liquor and Lottery; authority and duties), in subsection (g), by striking out subdivisions (1) through (3) in their entireties and inserting in lieu thereof new subdivisions (1) and (2) to read as follows:

(1) a provision that prohibits the use of sports wagering advertisements, logos, trademarks, or brands on products that are sold in Vermont and intended primarily for persons under 21 years of age; and

(2) an advertising plan, which shall include strategies to limit unwanted advertising and advertising aimed at persons under 21 years of age.

Third: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in section 1320 (sports wagering operators; competitive bidding process), in subsection (c), by striking out subdivisions (2) through (6) in their entireties and inserting in lieu thereof new subdivisions (2) through (6) to read as follows:

(2) For two operators, \$412,500.00 per operator.

(3) For three operators, \$366,666.00 per operator.

(4) For four operators, \$343,750.00 per operator.

(5) For five operators, \$330,000.00 per operator.

(6) For six operators, \$320,833.00 per operator.

Fourth: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in section 1341a (Problem Gambling Program), in subsection (a), by striking out subdivisions (2) through (5) in their entireties and inserting in lieu thereof new subdivisions (2) and (3) to read as follows:

(2) promote public awareness of and provide education concerning gambling addiction using online capabilities and other best practices; and

(3) promote public awareness of assistance programs for gambling addiction using online capabilities and other best practices.

Fifth: In Sec. 2a, appropriations, by adding a subsection (c) to read as follows:

(c) In each fiscal year after fiscal year 2025, a sum equal to five percent of the annual sports wagering revenue received by the Department of Liquor and Lottery shall be appropriated from the Sports Wagering Fund to the Department of Mental Health for purposes of the Problem Gambling Program.

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

Senator Chittenden, 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 follows:

First: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in section 1304, in the section heading, following the words “SPORTS WAGERING”, by inserting the word ENTERPRISE before “FUND”, and in the text of the section, following the words “Sports Wagering”, by inserting the word Enterprise before “Fund”.

Second: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in section 1341, in the section heading, following the words “SPORTS WAGERING”, by inserting the word ENTERPRISE before “FUND”, and in subsection (a), following the words “Sports Wagering” by inserting the word Enterprise before “Fund”.

Third: In Sec. 2a, appropriations, in both subsection (a) and subsection (b), following the words “Sports Wagering” by inserting the word Enterprise before “Fund” in both instances.

Fourth: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in section 1320 (sports wagering operators; competitive bidding process), by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) Each operator selected through the competitive bidding process shall pay an operator fee of \$550,000.00. The Commissioner and an operator may negotiate the renewal term upon which the fee will be reassessed. However, the Department shall not require an operator to pay the fee more than once in any three-year period.

Fifth: By adding a new Sec. 3 to read as follows:

Sec. 3. 32 V.S.A. § 5823 is amended to read:

§ 5823. VERMONT INCOME OF INDIVIDUALS, ESTATES, AND TRUSTS

\* \* \*

(b) For any taxable year, the Vermont income of a nonresident individual, estate, or trust is the sum of the following items of income to the extent they are required to be included in the adjusted gross income of the individual or the gross income of an estate or trust for that taxable year:

\* \* \*

(6) proceeds from wagering transactions made within the State; or any Vermont State Lottery, tri-state lottery, or multijurisdictional lottery ticket paid to a person who purchased the ticket in Vermont, including payments received from a third party for the transfer of the rights to future proceeds related to the ticket; and the Commissioner may require withholding of any taxes due to the State under this subdivision from payments of wagering or lottery proceeds.

\* \* \*

And by renumbering the remaining sections to be numerically correct.

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

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

By striking out the *fifth* proposal of amendment in its entirety and inserting in lieu thereof a new *fifth* proposal of amendment to read as follows:

Fifth: In Sec. 2a, appropriations, by striking out subsections (a) and (b) in their entireties and inserting in lieu thereof the following:

(a) In fiscal year 2024, the following sums are appropriated from the Sports Wagering Fund:

(1) \$250,000.00 to the Department of Mental Health for purposes of establishing and administering the Problem Gambling Program;

(2) \$550,000.00 to the Department of Liquor and Lottery in anticipation of receipts from sports wagering operator fees; and

(3) \$100,000.00 to the Agency of Digital Services for purposes of establishing the self-exclusion program required by this act.

(b) The appropriation to the Problem Gambling Program in subsection (a) of this section shall be combined with the fiscal year 2024 funding from the State Lottery Fund for the same purpose. Any contract scope of work,

memorandum of understanding parameters, or program design shall be executed in consultation with the Chief Prevention Officer.

(1) On or before January 15, 2024, the Department of Mental Health, Department of Liquor and Lottery, and Chief Prevention Officer shall report to the General Assembly on the status of the Problem Gambling Program, Program funding, and the projected use of the Program. The report shall detail how the Program funding aligns with other similar programs.

(2) The report required by this subsection shall include recommendations for allocations for problem gambling programs:

(A) for fiscal year 2025, in the form of a specific appropriation from each enterprise fund; and

(B) for fiscal year 2026 and after, in the form of a recommended minimum appropriation or percentage of revenue allocation from each enterprise fund.

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

Thereupon, the bill was read a 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 Appropriations.

Thereupon, the recommendation of proposal of amendment of the Committee on Economic Development, Housing and General Affairs, as amended, was agreed to.

Thereupon, the recommendation of the proposal of amendment of the Committee on Finance, was agreed to.

Thereupon, Senators Sears, Baruth, Hashim, Norris and Vyhovsky moved to amend the proposal of amendment as follows:

First: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in section 1325 (crimes and penalties), by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) A corporation, association, or partnership that is not permitted to conduct sports wagering pursuant to this chapter that operates, conducts, or exposes sports wagering for play or accepts a bet or wager associated with sports wagering shall:

(1) for a first violation of this subsection, be fined not more than \$50,000.00 or imprisoned not more than six months, or both;

(2) for a second violation of this subsection, be fined not more than \$150,000.00 or imprisoned not more than one year, or both; and

(3) for a third or subsequent violation of this subsection, be fined not more than \$300,000.00 or imprisoned not more than two years, or both.

Second: In Sec. 1, 31 V.S.A. chapter 25 (sports wagering), in section 1320 (sports wagering operators; competitive bidding process), by adding new subsections (e) and (f) to read as follows:

(e) The Board shall adopt procedures governing the review and consideration of criminal background checks as a component of the competitive bidding process. The procedures shall establish standards for determining whether an applicant should not be selected as an operator due to the criminal history of the applicant's principals or other individuals who control the operator applicant. The Department shall obtain a copy of fingerprint-based Vermont criminal history records, out-of-state criminal history records, and criminal history records from the Federal Bureau of Investigation for each operator applicant, principal of an operator applicant, and any individual who controls an operator applicant.

(f) Notwithstanding subsection (e) of this section, the Department may accept third-party criminal background checks submitted by an operator applicant, principal of an operator applicant, or any individual who controls an operator applicant in lieu of obtaining those records from the Vermont Crime Information Center. The 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 multijurisdiction criminal record locator.

Third: By adding a new Sec. 3 to read as follows:

Sec. 3. 31 V.S.A. § 655 is amended to read:

§ 655. DUTIES OF THE COMMISSIONER

\* \* \*

(b) The Commissioner shall:

\* \* \*

(7) Subject to the approval of the Board, establish a user agreement with the Vermont Crime Information Center in accordance with 20 V.S.A. chapter 117 for the purpose of obtaining Vermont criminal history records, out-of-state



criminal history records, and criminal history records from the Federal Bureau of Investigation to review applications of any sports wagering operator or for any Lottery sales agent license issued under this title and by renumbering the remaining sections to be numerically correct.

Which was agreed to.

Thereupon, third reading of the bill was ordered.

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

#### **H. 481.**

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

An act relating to public health initiatives to address death by suicide.

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

First: In Sec. 1, 18 V.S.A. chapter 192, in section 8151, by striking out the last sentence and inserting in lieu thereof the following:

The Director shall:

- (1) expand partnerships, including with service members, veterans, and their families;
- (2) implement innovative data-driven initiatives;
- (3) coordinate suicide prevention programs across the State; and
- (4) work to secure federal funding.

Second: In Sec. 2, statewide suicide prevention; strategic plan and school protocol, in subdivision (a)(1), after the second sentence, by inserting the following sentence: The plan shall consider emerging research on factors contributing to suicide.

Third: In Sec. 2, statewide suicide prevention; strategic plan and school protocol, in subdivision (a)(1), in the last sentence, after “schools,” by inserting the phrase afterschool programs,

Fourth: In Sec. 2, statewide suicide prevention; strategic plan and school protocol, in subsection (b), by inserting a second sentence to read as follows: The model protocol shall:

- (1) reflect preliminary data related to grants to expand mental health and well-being services to youth pursuant to 2022 Acts and Resolves No. 112, Sec. 3; and

(2) ensure that school employees receive education pertaining to the prevention of, use of language regarding, and identification of eating disorders in youth.

Fifth: By inserting a new Sec. 3 after Sec. 2 to read as follows:

Sec. 3. SUICIDE PREVENTION; HEALTH CARE FACILITIES; MODEL  
PROTOCOL

On or before July 1, 2024, the Director of Suicide Prevention, in collaboration with the Agency of Human Services, medical and professional boards, and stakeholders, shall develop and submit a model protocol to the House Committee on Health Care and to the Senate Committee on Health and Welfare for health care facilities regarding suicide prevention and postvention services. This model protocol shall consider the recommendations of the report required pursuant to 2022 Acts and Resolves No. 115, Sec. 13.

And by renumbering the remaining sections to be numerically correct.

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. 482.**

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

An act relating to Vermont Criminal Justice Council recommendations for law enforcement officer training.

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:

\* \* \* Fair and Impartial Policing Training; Advanced Roadside Impaired  
Driving Enforcement Training \* \* \*

Sec. 1. PURPOSE

The purpose of this act is, in part, to amend the laws of Vermont regarding law enforcement officer training to emphasize achieving increased competency over prescribed minimum hours of training in fair and impartial policing. The change to a focus on skills and competency is meant to align with the goals of

increasing transparency and accountability to historically stigmatized communities.

Sec. 2. 20 V.S.A. § 2358 is amended to read:

§ 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

\* \* \*

(e)(1) The criteria for all minimum training standards under this section shall include anti-bias training approved by the Vermont Criminal Justice Council and training on the State, county, or municipal law enforcement agency's fair and impartial policing policy, adopted pursuant to subsection 2366(a) of this title.

~~(2) On or before December 31, 2018, law enforcement officers shall receive a minimum of four hours of training as required by this subsection. [Repealed.]~~

(3) In order to remain certified, law enforcement officers shall receive a refresher course on the training required by this subsection during every odd-numbered year in a program approved by the Vermont Criminal Justice Council designed to demonstrate achieved law enforcement officer competency in fair and impartial policing.

\* \* \*

~~(f) The criteria for all minimum training standards under this section shall include Advanced Roadside Impaired Driving Enforcement training as approved by the Vermont Criminal Justice Council. On or before December 31, 2021, law enforcement officers shall receive a minimum of 16 hours of training as required by this subsection. [Repealed.]~~

\* \* \*

Sec. 3. FAIR AND IMPARTIAL POLICING TRAINING; REPORT

On or before January 15, 2024, the Vermont Criminal Justice Council shall report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations on its efforts to update and implement fair and impartial policing training and whether the integrity of training standards has been maintained in the transition from using improved competency rather than fixed hours of training as a measure of completed training. The report shall describe how competency is being measured in fair and impartial policing and include precise metrics.

Sec. 4. 20 V.S.A. § 2355 is amended to read:

§ 2355. COUNCIL POWERS AND DUTIES

(a) The Council shall adopt rules with respect to:

\* \* \*

(13) Advanced Roadside Impaired Driving Enforcement training programs and requirements for Levels I, II, and III law enforcement certification, including minimum hours of training, prerequisites, and time periods for completion.

\* \* \*

\* \* \* Roadside Stop Data Collection \* \* \*

Sec. 5. 20 V.S.A. § 2366 is amended to read:

§ 2366. LAW ENFORCEMENT AGENCIES; FAIR AND IMPARTIAL POLICING POLICY; RACE DATA COLLECTION

\* \* \*

(e)(1) ~~On or before September 1, 2014, every~~ Every State, county, and municipal law enforcement agency shall collect roadside stop data consisting of the following:

(A) the age, gender, and race of the driver;

(B) the grounds for the stop;

(C) the grounds for the search and the type of search conducted, if any;

(D) the evidence located, if any;

(E) the date, time, and location of the stop; and

(F) the outcome of the stop, including whether physical force was employed or threatened during the stop, and, if so, the type of force employed and whether the force resulted in bodily injury or death, and whether:

\* \* \*

\* \* \* Duty to Contact Current or Former Agencies When Hiring Law Enforcement Officer \* \* \*

Sec. 6. 20 V.S.A. § 2362a is amended to read:

§ 2362a. POTENTIAL HIRING AGENCY; DUTY TO CONTACT CURRENT OR FORMER AGENCY AGENCIES

(a)(1) Prior to hiring a law enforcement officer, the executive officer of a potential hiring law enforcement agency shall:

(A) require that officer to execute a written waiver that explicitly authorizes ~~the officer's~~:

(i) the officer's current law enforcement agency employer to disclose its analysis of the officer's performance at that agency, if the officer is still employed at that agency; or

(ii) ~~last any previous~~ law enforcement agency ~~employer employers~~ to disclose their analysis of the officer's performance at that agency and the reason that officer is no longer employed by that agency, if regardless of whether or not the officer is not currently employed at an agency; and

(B) ~~contact that agency~~ all known previous law enforcement agencies to obtain ~~that disclosure~~ the disclosures described in subdivisions (A)(i) and (ii) of this subdivision (1) and provide to that the previous law enforcement agency a copy of that the officer's written waiver.

(2) An officer who refuses to execute the written waiver shall not be hired by the potential hiring agency.

\* \* \*

\* \* \* Rule Adoption Deadline Modification \* \* \*

#### Sec. 7. REPEAL

2020 Acts and Resolves No. 166, Sec. 8(b) (Rules) is repealed.

#### Sec. 8. RULE ADOPTION DEADLINE

On or before July 1, 2025, the Vermont Criminal Justice Council shall adopt the rules regarding alternate routes to the certification required by 20 V.S.A. § 2355(a)(1).

\* \* \* Effective Date \* \* \*

#### Sec. 9. 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.

**Bill Ordered to Lie****H. 227.**

House bill entitled:

An act relating to the Vermont Uniform Power of Attorney Act.

Was taken up.

Thereupon, pending the report on the Committee on Judiciary, on motion of Senator Sears, the bill was ordered to lie.

**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:

Mr. President:

I am directed to inform the Senate that:

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

**H. 479.** An act relating to the Transportation Program and miscellaneous changes to laws related to transportation.

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. Coffey of Guilford  
Rep. Corcoran of Bennington  
Rep. Burke of Brattleboro.

The Governor has informed the House that on May 2, 2023, he approved and signed a bill originating in the House of the following title:

**H. 190.** An act relating to removing the residency requirement from Vermont's patient choice at end of life laws.

**Adjournment**

On motion of Senator Baruth, the Senate adjourned until ten o'clock in the morning on Thursday, May 4, 2023.

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**THURSDAY, MAY 4, 2023**

The Senate was called to order by the President.

**Devotional Exercises**

A moment of silence was observed in lieu of devotions.

**Committee of Conference Appointed****H. 479.**

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

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

Senator Mazza  
Senator Chittenden  
Senator Ingalls

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

**Bill Referred to Committee on Appropriations****H. 125.**

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 boards and commissions.

**Bills Passed in Concurrence with Proposals of Amendment**

House bills of the following titles were read the third time and passed in concurrence with proposals of amendment:

**H. 94.** An act relating to removing the Reach Up ratable reduction.

**H. 127.** An act relating to sports wagering.

**H. 481.** An act relating to public health initiatives to address death by suicide.

**H. 482.** An act relating to Vermont Criminal Justice Council recommendations for law enforcement officer training.

**Bill Passed in Concurrence****H. 495.**

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

An act relating to the approval of the amendment to the charter of the Town of Middlebury.

**Third Reading Ordered****H. 102.**

Senator Harrison, for the Committee on Institutions, to which was referred House bill entitled:

An act relating to the Art in State Buildings Program.

Reported that the bill ought to pass in concurrence.

Senator Perchlik, for the Committee on Appropriations, to which the bill was referred, reported recommending 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. 414**

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

An act relating to establishing an unused drug repository for Vermont.

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.

**Proposal of Amendment; Third Reading Ordered****H. 45.**

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

An act relating to abusive litigation filed against survivors of domestic abuse, stalking, or sexual assault.



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. 15 V.S.A. chapter 21, subchapter 5 is added to read:

Subchapter 5. Abusive Litigation

§ 1181. DEFINITIONS

As used in this subchapter:

(1) “Abusive litigation” means litigation where the criteria set forth below in each of subdivisions (A)–(D) are found to have been established:

(A) The opposing parties have a current or former family or household member relationship or there has been a civil order or criminal conviction determining that one of the parties stalked or sexually assaulted the other party.

(B) The party who is filing, initiating, advancing, or continuing the litigation has been found by a court to have abused, stalked, or sexually assaulted the other party pursuant to:

(i) a final order issued pursuant to subchapter 1 of this chapter (abuse prevention orders);

(ii) a final order issued pursuant to 12 V.S.A. chapter 178 (orders against stalking or sexual assault);

(iii) a final foreign abuse prevention order;

(iv) an order under section 665a of this title (conditions of parent-child contact in cases involving domestic violence);

(v) a conviction for domestic assault pursuant to 13 V.S.A. chapter 19, subchapter 6; stalking pursuant to 13 V.S.A. chapter 19, subchapter 7; or sexual assault pursuant to 13 V.S.A. chapter 72; or

(vi) a court determination of probable cause for a charge of domestic assault and the court imposed criminal conditions of release pertaining to the safety of the victim, which include distance restrictions or restrictions on contact with the victim.

(C) The litigation is being initiated, advanced, or continued primarily for the purpose of abusing, harassing, intimidating, threatening, or maintaining contact with the other party.

(D) At least one of the following applies:

(i) the claims, allegations, or other legal contentions made in the litigation are not warranted by existing law or by a reasonable argument for the extension, modification, or reversal of existing law, or the establishment of new law; or

(ii) the allegations and other factual contentions made in the litigation are without adequate evidentiary support or are unlikely to have evidentiary support after a reasonable opportunity for further investigation; or

(iii) an issue or issues that are the basis of the litigation have previously been filed in one or more other courts or jurisdictions and the actions have been litigated and disposed of unfavorably to the party filing, initiating, advancing, or continuing the litigation.

(2) “Foreign abuse prevention order” means any protection order issued by the court of any other state that contains provisions similar to relief provisions authorized under this chapter, the Vermont Rules for Family Proceedings, or 12 V.S.A. chapter 178. “Other state” and “issuing state” mean any state other than Vermont and any federally recognized Indian tribe, territory or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia.

(3) “Litigation” means any kind of legal action or proceeding, including:

(A) filing a summons, complaint, or petition;

(B) serving a summons, complaint, or petition, regardless of whether it has been filed;

(C) filing a motion, notice of court date, or order to appear;

(D) serving a motion, notice of court date, or order to appear, regardless of whether it has been filed or scheduled;

(E) filing a subpoena, subpoena duces tecum, request for interrogatories, request for production, notice of deposition, or other discovery request; or

(F) serving a subpoena, subpoena duces tecum, request for interrogatories, request for production, notice of deposition, or other discovery request.

(4) “Perpetrator of abusive litigation” means a person who files, initiates, advances, or continues litigation in violation of an order restricting abusive litigation.

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§ 1182. ORDER RESTRICTING ABUSIVE LITIGATION

(a) A party who meets the requirements of subdivision 1181(1) of this title may request an order restricting abusive litigation:

(1) in any answer or response to the litigation being filed, initiated, advanced, or continued;

(2) by motion made at any time during any open or ongoing case;

(3) in an answer or response to any motion or request for an order; or

(4) orally in any hearing.

(b) Any court of competent jurisdiction may, on its own motion or on motion of a party, determine that a hearing is necessary to determine if a party is engaging in abusive litigation.

(c) Proceedings pursuant to this subchapter may be initiated by petition instituting a new case or by motion in a pending case.

(d) The Court Administrator shall create forms for a petition or motion for an order restricting abusive litigation and an order restricting abusive litigation, and the forms shall be maintained by the clerks of the courts.

(e) No filing fee shall be charged to the unrestricted party for proceedings pursuant to this subchapter, regardless of whether it is filed pursuant to this subchapter.

(f) The provisions of this subchapter are nonexclusive and shall not affect any other remedy available.

§ 1183. HEARING; PROCEDURE

At the hearing, evidence of any of the following shall create a rebuttable presumption that litigation is being initiated, advanced, or continued primarily for the purpose of harassing, intimidating, or maintaining contact with the other party:

(1) The same or substantially similar issues between the same or substantially similar parties have been litigated within the past five years in the same court or any other court of competent jurisdiction.

(2) The same or substantially similar issues between the same or substantially similar parties have been raised, pled, or alleged in the past five years and were decided on the merits or dismissed.

(3) Within the last 10 years, the party allegedly engaging in abusive litigation has been sanctioned by any court for filing one or more cases, petitions, motions, or other filings that were found to have been frivolous,

vexatious, intransigent, or brought in bad faith involving the same opposing party.

(4) Any court has determined that the party allegedly engaging in abusive litigation has previously engaged in abusive litigation or similar conduct and has been subject to a court order imposing prefiling restrictions.

#### § 1184. BURDEN OF PROOF

(a) If the court finds by a preponderance of the evidence that a party is engaging in abusive litigation and that any or all of the motions or actions pending before the court are abusive litigation, the litigation shall be dismissed, denied, stricken, or resolved by other disposition with prejudice.

(b) After providing the parties an opportunity to be heard on any order or sanctions to be issued, the court may enter an order restricting abusive litigation that may include conditions deemed necessary and appropriate including:

(1) awarding the other party reasonable attorney's fees and costs of responding to the abusive litigation, including the cost of seeking the order restricting abusive litigation; and

(2) identifying the party protected by the order and imposing prefiling restrictions upon the party found to have engaged in abusive litigation that pertains to any future litigation against the protected party or the protected party's dependents.

(c) If the court finds that the litigation does not constitute abusive litigation, the court shall enter written or oral findings and the litigation shall proceed. Nothing in this section or chapter shall be construed as limiting the court's inherent authority to control the proceedings and litigants before it.

#### § 1185. FILING OF A NEW CASE BY A PERSON SUBJECT TO AN ORDER RESTRICTING ABUSIVE LITIGATION

(a) Except as otherwise provided in this section, a person who is subject to an order restricting abusive litigation is prohibited from filing, initiating, advancing, or continuing the litigation against the protected party for the period of time that the filing restrictions are in effect.

(b) A person who is subject to an order restricting litigation against whom prefiling restrictions have been imposed pursuant to this subchapter who wishes to initiate a new case or file a motion in an existing case during the time the person is under filing restrictions shall make an application to a judicial officer. A judicial officer shall review such application and determine whether the proposed litigation is abusive litigation or if there are reasonable

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and legitimate grounds upon which the litigation is based. The judicial officer shall determine whether a hearing is necessary.

(c)(1) If the judicial officer determines the proposed litigation is abusive litigation based on reviewing the files, records, and pleadings, it is not necessary for the person protected by the order to appear or participate in any way. If the judicial officer is unable to determine whether the proposed litigation is abusive without hearing from the person protected by the order, then the court shall issue an order scheduling a hearing and notifying the protected party of the party's right to appear or participate in the hearing. The order shall specify whether the protected party is expected to submit a written response. When possible, the protected party shall be permitted to appear remotely.

(2) If the judicial officer believes the litigation that the party who is subject to the prefiling order is making application to file will constitute abusive litigation, the application shall be denied, dismissed, or otherwise disposed of with prejudice.

(3) If the judicial officer believes that the litigation the party who is subject to the prefiling order is making application to file will not be abusive litigation, the judicial officer may grant the application and issue an order permitting the filing of the case, motion, or pleading. The order shall be attached to the front of the pleading to be filed with the clerk. The party who is protected by the order shall be served with a copy of the order at the same time as the underlying pleading.

(d) The judicial officer shall make findings and issue a written order supporting the ruling. If the party who is subject to the order disputes the finding of the judicial officer, the party may seek review of the decision as provided by the applicable court rules.

(e) If the application for the filing of a pleading is granted pursuant to this section, the period of time commencing with the filing of the application requesting permission to file the action and ending with the issuance of an order permitting filing of the action shall not be computed as a part of any applicable period of limitations within which the matter must be instituted.

(f) If, after a party who is subject to prefiling restrictions has made application and been granted permission to file or advance a case pursuant to this section, any judicial officer hearing or presiding over the case, or any part thereof, determines that the person is attempting to add parties, amend the complaint, or is otherwise attempting to alter the parties and issues involved in the litigation in a manner that the judicial officer reasonably believes would constitute abusive litigation, the judicial officer shall stay the proceedings and

refer the case back to the judicial officer who granted the application to file, for further disposition.

(g)(1) If a party who is protected by an order restricting abusive litigation is served with a pleading filed by the person who is subject to the order, and the pleading does not have an attached order allowing the pleading, the protected party may respond to the case by filing a copy of the order restricting abusive litigation.

(2) If it is brought to the attention of the court that a person against whom prefiling restrictions have been imposed has filed a new case or is continuing an existing case without having been granted permission pursuant to this section, the court shall dismiss, deny, or otherwise dispose of the matter. This action may be taken by the court on the court's own motion or initiative. The court may take whatever action against the perpetrator of abusive litigation deemed necessary and appropriate for a violation of the order restricting abusive litigation.

## Sec. 2. EFFECTIVE DATE

This act shall take effect on September 1, 2023.

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.

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

### **H. 206.**

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

An act relating to miscellaneous changes affecting the duties of the Department of Vermont Health Access.

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

First: By striking out Sec. 4, federally qualified health centers; alternative payment methodology; report, in its entirety and inserting in lieu thereof a new Sec. 4 to read as follows:

Sec. 4. FEDERALLY QUALIFIED HEALTH CENTERS; ALTERNATIVE PAYMENT METHODOLOGY; REPORT

The Department of Vermont Health Access shall collaborate with representatives of Vermont's federally qualified health centers (FQHCs) to develop a mutually agreeable alternative payment methodology for Medicaid payments to the FQHCs that is at least equal to the amount that would be paid under the prospective payment system established under the Benefits Improvement and Protections Act of 2000. On or before October 1, 2023, the Department shall provide a final report on the development of the methodology to the Joint Fiscal Committee, the House Committee on Health Care, and the Senate Committee on Health and Welfare.

Second: By striking out Sec. 5, effective date, in its entirety and inserting in lieu thereof four new sections to be Secs. 5–8 to read as follows:

Sec. 5. BLUEPRINT FOR HEALTH; DEPARTMENT OF VERMONT HEALTH ACCESS; UPDATE

On or before March 1, 2024, the Blueprint for Health, in collaboration with other partners identified by the Blueprint for Health, shall present the Senate Committee on Health and Welfare and the House Committee on Health Care with a breakdown of Blueprint for Health per-member per-month payments to patient-centered medical homes and financial contributions for community health teams made by each payer for fiscal year 2023.

Sec. 6. REPEAL OF PROSPECTIVE REPEAL OF 18 V.S.A. § 9473(g)

2021 Acts and Resolves No. 74, Sec. E.227.2 (prospective repeal; pharmacy benefit managers; 340B entities), as amended by 2022 Acts and Resolves No. 131, Sec. 7, is repealed.

Sec. 7. 18 V.S.A. § 2251 is amended to read:

§ 2251. LIEN ESTABLISHED

(a) Except as otherwise provided in this section, a hospital in Vermont, as defined in section 1801 of this title, furnishing medical or other service, including charges of private duty nurses, to a patient injured by reason of an accident not covered by the Workers' Compensation Act, 21 V.S.A. § 601–et seq. chapter 9, shall have may file a lien upon any recovery for damages to be received by the patient, or by his–or–her the patient's heirs or personal representatives in the case of his–or–her the patient's death, whether by judgment or by settlement or compromise after the date of the services. This lien shall not attach to one-third of the recovery or \$500.00, whichever shall be the lesser, and in addition the lien shall be subordinate to an attorney's lien.

(b)(1) Notwithstanding subsection (a) of this section, a hospital shall not have a lien under this chapter if the patient has health insurance, including coverage under Medicare, Medicaid, or a health plan issued by a health insurer, as defined in section 9402 of this title, and the patient provides the hospital with proof of health insurance not later than 90 days after the patient's discharge from the hospital.

(2) Notwithstanding subdivision (1) of this subsection, a hospital may file a lien pursuant to subsection (a) of this section for any amount owed to the hospital for the patient's deductible or coinsurance, or both, under the health insurance plan for the medical or other services furnished by the hospital by filing notice of a lien at least 120 days after the hospital billed the patient's health insurance plan for the amount owed to the hospital for services furnished to the patient.

(3) The patient's health insurance plan shall not deny payment for services furnished by the hospital to the patient on the basis that some or all of the patient's medical costs may be covered by a property and casualty insurance plan, unless such denial is required or expressly permitted by State or federal law.

(c)(1) A hospital that recovers under this chapter shall be responsible for a pro rata share of the legal and administrative expenses incurred in obtaining the judgment, settlement, or compromise.

(2) In no event shall the hospital lien exceed one-third of the net judgment, settlement, or compromise received by the injured patient.

#### Sec. 8. EFFECTIVE DATES

This act shall take effect on July 1, 2023, except that Sec. 7 (hospital liens) shall take effect on January 1, 2024.

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

Thereupon, Senators Lyons, Gulick and Williams moved to substitute a recommendation of proposal of amendment for the recommendation of proposal of amendment of the Committee on Health and Welfare as follows:

First: By striking out Sec. 4, federally qualified health centers; alternative payment methodology; report, in its entirety and inserting in lieu thereof a new Sec. 4 to read as follows:

#### Sec. 4. FEDERALLY QUALIFIED HEALTH CENTERS; ALTERNATIVE PAYMENT METHODOLOGY; REPORT



The Department of Vermont Health Access shall collaborate with representatives of Vermont's federally qualified health centers (FQHCs) to develop a mutually agreeable alternative payment methodology for Medicaid payments to the FQHCs that is at least equal to the amount that would be paid under the prospective payment system established under the Benefits Improvement and Protection Act of 2000. On or before October 1, 2023, the Department shall provide a final report on the development of the methodology to the Joint Fiscal Committee, the House Committee on Health Care, and the Senate Committee on Health and Welfare.

Second: By striking out Sec. 5, effective date, in its entirety and inserting in lieu thereof five new sections to be Secs. 5-9 to read as follows:

Sec. 5. BLUEPRINT FOR HEALTH; PAYMENTS TO PATIENT-CENTERED MEDICAL HOMES; REPORT

On or before January 15, 2024, the Director of Health Care Reform in the Agency of Human Services shall recommend to the House Committees on Health Care and on Appropriations and the Senate Committees on Health and Welfare, on Appropriations, and on Finance the amounts by which health insurers and Vermont Medicaid should increase the amount of the per-person, per-month payments they make to Blueprint for Health patient-centered medical homes in furtherance of the goal of providing the additional resources necessary for delivery of comprehensive primary care services to Vermonters and in order to sustain access to primary care services in Vermont. The Agency shall provide an estimate of the State funding that would be needed to support the increase for Medicaid, both with and without federal financial participation. The Agency shall also evaluate and report on potential mechanisms for ensuring that all payers are contributing equitably to the Blueprint on behalf of their covered lives in Vermont, including a consideration of supporting Blueprint initiatives through the health care claims tax established in 32 V.S.A. chapter 243.

Sec. 6. REPEAL OF PROSPECTIVE REPEAL OF 18 V.S.A. § 9473(g)

2021 Acts and Resolves No. 74, Sec. E.227.2 (prospective repeal; pharmacy benefit managers; 340B entities), as amended by 2022 Acts and Resolves No. 131, Sec. 7, is repealed.

Sec. 7. 18 V.S.A. § 2251 is amended to read:

§ 2251. LIEN ESTABLISHED

(a) A Except as otherwise provided in this section, a hospital in Vermont, as defined in section 1801 of this title, furnishing medical or other service, including charges of private duty nurses, to a patient injured by reason of an accident not covered by the Workers' Compensation Act, 21 V.S.A. § 601 et

~~seq. chapter 9, shall have~~ may file a lien upon any recovery for damages to be received by the patient, or by his or her the patient's heirs or personal representatives in the case of his or her the patient's death, whether by judgment or by settlement or compromise after the date of the services. This lien shall not attach to one-third of the recovery or \$500.00, whichever shall be the lesser, and in addition the lien shall be subordinate to an attorney's lien.

(b)(1) Notwithstanding subsection (a) of this section, a hospital shall not have a lien under this chapter if the patient has health insurance, including coverage under Medicare, Medicaid, or a health plan issued by a health insurer, as defined in section 9402 of this title, and the patient, or the patient's heirs or personal representatives in the case of the patient's death, provides the hospital with proof of health insurance not later than 90 days after the patient's discharge from or death at the hospital.

(2) Notwithstanding subdivision (1) of this subsection, a hospital may file a lien pursuant to subsection (a) of this section for any amount owed to the hospital for the patient's deductible or coinsurance, or both, under the health insurance plan for the medical or other services furnished by the hospital by filing notice of a lien at least 120 days after the hospital billed the patient's health insurance plan for the amount owed to the hospital for services furnished to the patient.

(3) The patient's health insurance plan shall not deny payment for services furnished by the hospital to the patient on the basis that some or all of the patient's medical costs may be covered by a property and casualty insurance plan, unless such denial is required or expressly permitted by State or federal law.

(c)(1) A hospital that recovers under this chapter shall be responsible for a pro rata share of the legal and administrative expenses incurred in obtaining the judgment, settlement, or compromise.

(2) In no event shall the hospital lien exceed one-third of the net judgment, settlement, or compromise received by the injured patient.

Sec. 8. 2022 Acts and Resolves No. 167, Sec. 2a is added to read:

Sec. 2a. GREEN MOUNTAIN CARE BOARD; HOSPITAL SYSTEM  
TRANSFORMATION; PILOT PROJECTS; REPORT

(a) The Agency of Human Services shall engage in transformation planning with up to four hospitals, or other number of hospitals if possible with alternate funds, to reduce inefficiencies, lower costs, improve population health outcomes, reduce health inequities, and increase access to essential services while maintaining sufficient capacity for emergency management.

The transformation planning shall be informed by the data analysis and community engagement required in Sec. 2 of this act. The Secretary of Human Services or designee and the Chair and staff of the Green Mountain Care Board shall consult with each other on the engagements in this section and the data analysis and community engagement required in Sec. 2 of this act to ensure the work is aligned.

(b) On or before February 15, 2024, the Agency of Human Services shall update the Senate Committee on Health and Welfare and the House Committee on Health Care on the progress of this work.

#### Sec. 9. EFFECTIVE DATES

This act shall take effect on July 1, 2023, except that Sec. 7 (hospital liens) shall take effect on January 1, 2024.

Which was agreed to.

Senator Lyons, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill ought to pass in concurrence with the proposals of amendment as recommended by the Committee on Health and Welfare, as substituted.

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

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

#### **H. 305.**

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

An act relating to professions and occupations regulated by the Office of Professional Regulation.

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

First: In Sec. 7, 26 V.S.A. § 2022, by striking out subdivision (14) in its entirety and inserting in lieu thereof a new subdivision (14) to read as follows:

(14) “Pharmacy technician” means an individual who, only while assisting and under the supervision of a licensed pharmacist, performs tasks relative to dispensing only while assisting and under the supervision and control of a licensed pharmacist prescription drugs, administering immunizations, and performing tests for COVID-19. Pharmacy technicians

shall administer immunizations and perform tests for COVID-19 in compliance and accordance with section 2042a of this title.

Second: By striking out Sec. 8, 26 V.S.A. § 2023, in its entirety and inserting in lieu thereof a new Sec. 8 to read as follows:

Sec. 8. 26 V.S.A. § 2023 is amended to read:

§ 2023. CLINICAL PHARMACY; PRESCRIBING

\* \* \*

(b) A pharmacist may prescribe in the following contexts:

\* \* \*

(2) State protocol.

(A) A pharmacist may prescribe, order, or administer in a manner consistent with valid State protocols that are approved by the Commissioner of Health after consultation with the Director of Professional Regulation and the Board and the ability for public comment:

\* \* \*

(v) self-administered hormonal contraceptives, including subcutaneous depot medroxyprogesterone acetate;

\* \* \*

(vii) influenza vaccines for patients 18 years of age or older, vaccinations recommended by the Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices (ACIP) and administered consistently with the ACIP-approved immunization schedules, as may be amended from time to time;

(viii) for patients five years of age or older, influenza vaccine, COVID-19 vaccine, and subsequent formulations or combination products thereof;

(ix) in the event of a significant public health risk, an appropriate vaccine to mitigate the effects on public health after finding that existing channels for vaccine administration are insufficient to meet the public health need;

~~(ix)~~(x) emergency prescribing of albuterol or glucagon while contemporaneously contacting emergency services; and

(xi) tests for COVID-19 for individuals by entities holding a Certificate of Waiver pursuant to the Clinical Laboratory Amendments of 1988

(42 U.S.C. § 263a). If a test for COVID-19, prescribed, ordered, or administered by a pharmacist in accordance with this section and the resulting State protocol incidentally detects influenza or human respiratory syncytial virus, a pharmacist shall advise the individual tested that the results indicate influenza or human respiratory syncytial virus infection and recommend to the individual to seek further care from an appropriate health care provider.

\* \* \*

Third: By striking out Sec. 9, 26 V.S.A. § 2042a, in its entirety and inserting in lieu thereof a new Sec. 9 to read as follows:

Sec. 9. 26 V.S.A. § 2042a is amended to read:

§ 2042a. PHARMACY TECHNICIANS; QUALIFICATIONS FOR REGISTRATION

(a) No person shall perform the duties of a pharmacy technician unless registered with the Board. To obtain a registration as a pharmacy technician, an applicant shall:

\* \* \*

(b) Pharmacy technicians administering immunizations shall meet the following requirements:

(1) hold a registration as a pharmacy technician in accordance with subsection (a) of this section;

(2) hold a current CPR certification;

(3) have successfully completed an Accreditation Council of Pharmacy Education–accredited training program approved by the Board; and

(4) successfully complete two hours of immunization-related continuing education approved by the Accreditation Council for Pharmacy Education every two-year licensing period.

(c) Pharmacy technicians shall only administer immunizations:

(1) to patients 18 years of age or older, as established in subdivision 2023(b)(2)(A)(vii) and the resulting State protocol;

(2) to patients five years of age or older, influenza vaccine, COVID-19 vaccine, and subsequent formulations or combination products thereof, in accordance with subdivision 2023(b)(2)(A)(viii) and the resulting State protocol;

(3) pursuant to the schedules and recommendations of the Advisory Committee on Immunization Practices’ recommendations for the administration of immunizations, as those recommendations may be updated

from time to time; and

(4) when a licensed pharmacist who is trained to immunize is present and able to assist with the immunization, as needed.

(d) Pharmacy technicians shall administer only those immunizations that:

(1) are recommended by the Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices (ACIP); and

(2) licensed pharmacists are permitted to administer under the State clinical pharmacy protocol, as established in subdivision 2023(b)(2) of this title.

(e) Pharmacy technicians performing COVID-19 tests shall do so only:

(1) when a licensed pharmacist who is trained to perform COVID-19 tests is present and able to assist with the test, as needed;

(2) in accordance with a State protocol adopted under subdivision 2023(b)(2)(A)(x) of this title; and

(3) in accordance with rules adopted by the Board.

(f) The Board may adopt rules regarding the administration of immunizations and the performance of COVID-19 tests by pharmacy technicians.

Fourth: By striking out Sec. 12, effective date, and its reader assistance heading in their entirety and inserting in lieu thereof the following:

Sec. 12. 2022 Acts and Resolves No. 117, Sec. 8, mental health professional licensure; study, is amended to read:

Sec. 8. MENTAL HEALTH PROFESSIONAL LICENSURE; STUDY

\* \* \*

(b) Stakeholder input. The Director of the Office of Professional Regulation shall seek the input and recommendations of the following stakeholders in completing the study:

\* \* \*

(7) other interested stakeholders, including individuals from diverse backgrounds to represent the interests of communities of color and other historically underrepresented populations in mental health care professions, and individuals representing the interests of art and music therapists.

(c) Findings and recommendations. On or before December 15, 2024, the Director of the Office of Professional Regulation shall provide the Office's

findings and recommendations to the House Committees on Health Care and on Government Operations and the Senate Committees on Health and Welfare and on Government Operations. The findings and recommendations shall include a process for the certification of music therapists and art therapists.

Sec. 13. 26 V.S.A. § 2061 is amended to read:

§ 2061. REGISTRATION AND LICENSURE

\* \* \*

(e) Retail and institutional drug outlets shall be managed by licensed pharmacists who have held an unrestricted license in this or another state for at least one year. The Board may grant a pharmacy permission to appoint a licensed pharmacist to manage the pharmacy who has been licensed for less than a year, subject to rules adopted by the Board. A pharmacist who holds a restricted license may petition the Board for permission to be a pharmacist manager, which may be granted by the Board for good cause shown.

\* \* \*

\* \* \* Secretary of State Fees \* \* \*

\* \* \* Advisor Professions \* \* \*

Sec. 14. 3 V.S.A. § 125 is amended to read:

§ 125. FEES

(a) In addition to the fees otherwise authorized by law, a board or advisor profession may charge the following fees:

(1) Verification of license, \$20.00.

(2) An examination fee established by the Secretary, which shall be ~~no~~ not greater than the costs associated with examinations.

(3) Reinstatement fees for expired licenses pursuant to section 127 (unauthorized practice) of this title.

(4) Continuing, qualifying, or prelicensing education course approval:

(A) Provider, \$100.00.

(B) Individual, \$25.00.

(5) A preapplication criminal background determination, \$25.00.

(b) Unless otherwise provided by law, the following fees shall apply to all professions regulated by the Director in consultation with advisor appointees under Title 26:

(1) Application for registration, ~~\$75.00~~ \$100.00, except application for:

(A) Private investigator and security services employees, unarmed registrants, ~~\$60.00~~ \$70.00.

(B) Private investigator and security service employees, transitory permits, ~~\$60.00~~ \$70.00.

(C) Private investigator and security service employees, armed registrants, ~~\$120.00~~ \$140.00.

(2) Application for licensure or certification, ~~\$100.00~~ \$115.00, except application for:

(A) Barbering or cosmetology schools and shops, ~~\$300.00~~ \$355.00.

(B) Funeral directors, embalmers, disposition facility personnel, removal personnel, funeral establishments, disposition facilities, and limited services establishments, ~~\$70.00~~ \$85.00.

(C) Application for real estate appraisers, ~~\$275.00~~ \$315.00.

(D) Temporary real estate appraiser license, ~~\$150.00~~ \$175.00.

(E) Appraisal management company registration, ~~\$600.00~~ \$685.00.

(F) Private investigator or security services agency, ~~\$340.00~~ \$390.00.

(G) Private investigator and security services agency, ~~\$400.00~~ \$460.00.

(H) Private investigator or security services sole proprietor, \$250.00.

(I) Private investigator or security services unarmed licensee, ~~\$150.00~~ \$175.00.

(J) Private investigator or security services armed licensee, ~~\$200.00~~ \$230.00.

(K) Private investigator and security services instructor, ~~\$120.00~~ \$140.00.

(L) Barbers, cosmetologists, nail technicians, and estheticians, \$120.00.

(M) Massage therapist, bodyworker, or touch professional, \$90.00.

(N) Optician, \$145.00.

(O) Physical therapists and assistants, \$120.00.

(P) Independent clinical social workers and master's social workers, \$120.00.



- 
- (3) Optician trainee registration, ~~\$50.00~~ \$75.00.
- (4) Biennial renewal, ~~\$240.00~~ \$275.00, except biennial renewal for:
- (A) Independent clinical social workers and master's social workers, ~~\$150.00~~ \$180.00.
  - (B) Occupational therapists and assistants, ~~\$150.00~~ \$180.00.
  - (C) Physical therapists and assistants, ~~\$150.00~~ \$180.00.
  - (D) Optician trainees, ~~\$100.00~~ \$135.00.
  - (E) Barbers, cosmetologists, nail technicians, and estheticians, ~~\$130.00~~ \$155.00.
  - (F) Schools of barbering or cosmetology, ~~\$300.00~~ \$355.00.
  - (G) Funeral directors and embalmers, ~~\$280.00~~ \$415.00.
  - (H) Disposition facility personnel and removal personnel, ~~\$100.00~~ \$150.00.
  - (I) Funeral establishments, disposition facilities, and limited services establishments, ~~\$640.00~~ \$945.00.
  - (J) [Repealed.]
  - (K) Radiologic therapist, radiologic technologist, nuclear medicine technologist, ~~\$150.00~~ \$175.00.
  - (L) Certified alcohol and drug abuse counselor, certified apprentice addiction professional, and licensed alcohol and drug abuse counselor, ~~\$225.00~~ \$260.00.
  - (M) Private investigator or security services agency, or both, ~~\$300.00~~ \$345.00.
  - (N) Private investigator or security services unarmed licensee, ~~\$120.00~~ \$140.00.
  - (O) Private investigator or security services armed licensee, ~~\$180.00~~ \$205.00.
  - (P) Private investigator or security services unarmed registrant, ~~\$80.00~~ \$95.00.
  - (Q) Private investigator or security services armed registrant, ~~\$130.00~~ \$150.00.
  - (R) Private investigator or security services sole proprietor, \$250.00.

(S) Private investigator or security services instructor, ~~\$180.00~~ \$205.00.

(T) Barbering or cosmetology shop, \$285.00.

(5) Limited temporary license or work permit, ~~\$50.00~~ \$60.00.

(6) Radiologic evaluation, \$125.00.

(7) Annual renewal for appraisal management company registration, ~~\$300.00~~ \$345.00.

(8) Real estate appraiser trainee, \$115.00.

\* \* \*

\* \* \* Boxing \* \* \*

Sec. 15. 26 V.S.A. § 6009 is amended to read:

§ 6009. FEES

(a) Applicants and persons regulated by this subchapter shall be subject to the following fees:

(1) Promoter registration ~~\$500.00~~ \$825.00

(2) Boxer registration ~~\$25.00~~ \$30.00

(3) Manager registration ~~\$25.00~~ \$30.00

(4) Second registration ~~\$25.00~~ \$30.00

(5) Referee registration ~~\$25.00~~ \$30.00

(6) Judge registration ~~\$25.00~~ \$30.00

(7) Biennial renewal for ~~professional boxers~~, managers, seconds, referees, and judges ~~\$25.00~~ \$30.00

(8) Biennial renewal for professional boxer \$35.00

(9) Biennial renewal for professional promoter \$45.00

\* \* \*

\* \* \* Mixed Martial Arts \* \* \*

Sec. 16. 26 V.S.A. § 6033 is amended to read:

§ 6033. FEES

Applicants and persons regulated by this subchapter shall be subject to the following fees:

## (1) Application:

(A) Promoter license ~~\$500.00~~ \$545.00(B) Event license ~~\$250.00~~ \$275.00(C) Contestant license ~~\$25.00~~ \$30.00(D) Participant license ~~\$25.00~~ \$30.00(2) Biennial renewal for managers, seconds, referees, and judges  
~~\$25.00~~ \$30.00(3) Biennial renewal for promoters ~~\$500.00~~ \$545.00(4) Annual renewal for contestants ~~\$25.00~~ \$30.00

(5) Late fees set pursuant to 3 V.S.A. § 127(d)(1).

\* \* \* Nursing Home Administrators \* \* \*

Sec. 17. 18 V.S.A. § 2058 is amended to read:

## § 2058. LICENSE FEES

Applicants and persons regulated under this chapter shall be subject to the following fees:

(1) Application ~~\$100.00~~ \$115.00(2) Biennial renewal ~~\$200.00~~ \$275.00

\* \* \* Board Professions \* \* \*

\* \* \* Accounting \* \* \*

Sec. 18. 26 V.S.A. § 56 is amended to read:

## § 56. FEES

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

(1) Application for license ~~\$100.00~~ \$115.00(2) Biennial renewal of license ~~\$220.00~~ \$255.00(3) Firm registration ~~\$200.00~~ \$230.00

(4) [Repealed.]

(5) Firm biennial renewal of registration ~~\$400.00~~ \$460.00(6) Sole proprietor firm biennial renewal of registration ~~\$200.00~~  
\$230.00

\* \* \* Allied Mental Health \* \* \*

Sec. 19. 26 V.S.A. § 4089a is amended to read:

§ 4089a. FEES

A person who seeks entry on the roster shall pay the following fees:

- (1) Initial roster entry ~~\$80.00~~ \$95.00
- (2) Biennial roster reentry ~~\$150.00~~ \$175.00

Sec. 20. 26 V.S.A. § 4041a is amended to read:

§ 4041a. FEES

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

- (1) Application for licensure ~~\$150.00~~ \$175.00
- (2) Biennial renewal ~~\$250.00~~ \$285.00

Sec. 21. 26 V.S.A. § 3270a is amended to read:

§ 3270a. FEES

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

- (1) Application for licensure ~~\$150.00~~ \$175.00
- (2) Biennial renewal ~~\$200.00~~ \$230.00

\* \* \* Architect \* \* \*

Sec. 22. 26 V.S.A. § 209 is amended to read:

§ 209. FEES

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

- (1) Application for initial license ~~\$60.00~~ \$120.00
- (2) ~~Initial license issuance~~ \$20.00
- (~~3~~) Biennial renewal ~~\$155.00~~ \$225.00

\* \* \* Chiropractor \* \* \*

Sec. 23. 26 V.S.A. § 535 is amended to read:

§ 535. FEES

Applicants and persons regulated under this chapter shall pay the following

fees:

- (1) Chiropractors
  - (A) Application ~~\$200.00~~ \$225.00
  - (B) Biennial renewal ~~\$265.00~~ \$295.00
  - (C) Initial competency endorsement under section 525 of this title \$70.00
  - (D) Biennial renewal of competency endorsement under section 525 of this title \$70.00
  - (E) Evaluation \$125.00
- (2) Registration of intern ~~\$50.00~~ \$80.00

\* \* \* Dental \* \* \*

Sec. 24. 26 V.S.A. § 662 is amended to read:

§ 662. FEES

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

- (1) Application
  - (A) Dentist ~~\$250.00~~ \$285.00
  - (B) Dental therapist ~~\$185.00~~ \$215.00
  - (C) Dental hygienist ~~\$175.00~~ \$200.00
  - (D) Dental assistant ~~\$70.00~~ \$80.00
- (2) Biennial renewal
  - (A) Dentist ~~\$575.00~~ \$655.00
  - (B) Dental therapist ~~\$270.00~~ \$310.00
  - (C) Dental hygienist ~~\$215.00~~ \$245.00
  - (D) Dental assistant ~~\$90.00~~ \$105.00

\* \* \*

\* \* \* Engineer \* \* \*

Sec. 25. 26 V.S.A. § 1176 is amended to read:

§ 1176. FEES

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

(1) Application for engineering license or application to add additional specialty discipline ~~\$100.00~~ \$115.00

(2) Application for engineer intern certificate ~~\$50.00~~ \$60.00

(3) Biennial license renewal ~~\$150.00~~ \$175.00

(4) [Repealed.]

\* \* \* Land Surveyor \* \* \*

Sec. 26. 26 V.S.A. § 2597 is amended to read:

§ 2597. FEES

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

(1) Application ~~\$200.00~~ \$290.00

(2) Biennial renewal of license ~~\$300.00~~ \$365.00

\* \* \* Nursing \* \* \*

Sec. 27. 26 V.S.A. § 1577 is amended to read:

§ 1577. FEES

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

(1) Nursing Assistants

(A) Application ~~\$20.00~~ \$25.00

(B) Biennial renewal ~~\$55.00~~ \$65.00

(2) Practical Nurses and Registered Nurses

(A) Application by exam \$75.00

(B) Application by endorsement ~~\$150.00~~ \$175.00

(C) Biennial renewal for Practical Nurses ~~\$175.00~~ \$200.00

(D) Biennial renewal for Registered Nurses ~~\$190.00~~ \$220.00

(3) Advanced Practice Registered Nurses

(A) Initial endorsement of advanced practice registered nurses ~~\$100.00~~ \$115.00

(B) Biennial renewal of advanced practice registered nurses ~~\$125.00~~ \$145.00

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\* \* \* Optometry \* \* \*

Sec. 28. 26 V.S.A. § 1718 is amended to read:

§ 1718. FEES

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

- (1) Application ~~\$225.00~~ \$325.00
- (2) Biennial renewal ~~\$350.00~~ \$395.00

\* \* \* Osteo \* \* \*

Sec. 29. 26 V.S.A. § 1794 is amended to read:

§ 1794. FEES

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

- (1) Application
  - (A) Licensure ~~\$500.00~~ \$450.00
  - (B) Limited temporary license ~~\$50.00~~ \$75.00
- (2) Biennial license renewal ~~\$300.00~~ \$350.00
- (3) Annual limited temporary license renewal ~~\$100.00~~ \$145.00

\* \* \*

\* \* \* Pharmacy \* \* \*

Sec. 30. 26 V.S.A. § 2046 is amended to read:

§ 2046. FEES

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

- (1) Initial application:
  - (A) Pharmacists ~~\$110.00~~ \$155.00
  - (B) Retail drug outlets ~~\$300.00~~ \$410.00
  - (C) Institutional drug outlets ~~\$400.00~~ \$460.00
  - (D) Manufacturing drug outlet ~~\$400.00~~ \$550.00
  - (E) Wholesale drug outlet ~~\$700.00~~ \$800.00
  - (F) Investigative and research projects ~~\$300.00~~ \$410.00

- (G) Pharmacy technicians ~~\$50.00~~ \$70.00
  - (H) Outsourcing drug outlet ~~\$700.00~~ \$800.00
  - (I) Nuclear drug outlet ~~\$700.00~~ \$800.00
  - (J) Compounding drug outlet ~~\$700.00~~ \$800.00
  - (K) Home infusion drug outlet ~~\$700.00~~ \$800.00
  - (L) Third-party logistics ~~\$700.00~~ \$800.00
  - (M) Pharmacy interns ~~\$20.00~~ \$25.00
  - (N) Nonresident manufacturers \$800.00
  - (O) Community-based long-term care pharmacy \$550.00
  - (P) Institutional long-term care pharmacy \$550.00
- (2) Biennial renewal:
- (A) Pharmacists ~~\$125.00~~ \$145.00
  - (B) Retail drug outlets ~~\$400.00~~ \$460.00
  - (C) Institutional drug outlets ~~\$500.00~~ \$570.00
  - (D) Manufacturing drug outlet ~~\$500.00~~ \$570.00
  - (E) Wholesale drug outlet ~~\$500.00~~ \$570.00
  - (F) Investigative and research projects ~~\$300.00~~ \$345.00
  - (G) Pharmacy technicians ~~\$60.00~~ \$85.00
  - (H) Outsourcing drug outlet ~~\$500.00~~ \$570.00
  - (I) Nuclear drug outlet ~~\$500.00~~ \$570.00
  - (J) Compounding drug outlet ~~\$500.00~~ \$570.00
  - (K) Home infusion drug outlet ~~\$500.00~~ \$570.00
  - (L) Third-party logistics ~~\$500.00~~ \$570.00
  - (M) Pharmacy interns ~~\$45.00~~ \$55.00
  - (N) Nonresident manufacturers \$570.00
  - (O) Community-based long-term care pharmacy \$570.00
  - (P) Institutional long-term care pharmacy \$570.00
- (3) Pharmacy reinspection \$100.00



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\* \* \* Psychology \* \* \*

Sec. 31. 26 V.S.A. § 3010 is amended to read:

§ 3010. FEES; LICENSES

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

- (1) Application for license ~~\$175.00~~ \$240.00
- (2) Biennial renewal of license ~~\$150.00~~ \$195.00
- (3) [Repealed.]
- (4) [Repealed.]

\* \* \* Real Estate \* \* \*

Sec. 32. 26 V.S.A. § 2255 is amended to read:

§ 2255. FEES

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

\* \* \*

- (2) Biennial renewal of broker or salesperson license ~~\$240.00~~ \$220.00

\* \* \*

\* \* \* Veterinary \* \* \*

Sec. 33. 26 V.S.A. § 2414 is amended to read:

§ 2414. FEES

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

- (1) Application ~~\$100.00~~ \$145.00
- (2) Biennial Renewal ~~\$175.00~~ \$200.00

\* \* \* Corporations Division \* \* \*

\* \* \* Assumed Business Name \* \* \*

Sec. 34. 11 V.S.A. § 1625 is amended to read:

§ 1625. FEES

(a) A person, copartnership, association, limited liability company, or corporation required by the provisions of this chapter to file a return, shall, at the time of filing as provided, pay a registration fee of ~~\$50.00~~ \$70.00 to the

Secretary of State.

(b) A person, copartnership, association, limited liability company, or corporation required by the provisions of this chapter to file a certificate of cessation or change of business status or an application to reserve a business name shall, at the time of filing, pay a fee of ~~\$20.00~~ \$35.00 to the Secretary of State.

\* \* \*

Sec. 35. 11 V.S.A. § 1635 is amended to read:

§ 1635. REREGISTRATION

(a) One or more persons doing business under a registered business name shall reregister the name every five years by filing a reregistration return with the Secretary of State with a fee of ~~\$40.00~~ \$65.00 within 60 days following the date five years after the date of the original registration or of the last reregistration. The Secretary of State shall prepare and supply the necessary forms.

\* \* \*

\* \* \* Corporation \* \* \*

Sec. 36. 11A V.S.A. § 1.22 is amended to read:

§ 1.22. FILING; SERVICE AND COPYING FEES

(a) The Secretary of State shall collect the following fees when the documents described in this section are delivered to the Office of the Secretary of State for filing:

(1) Articles of incorporation	<del>\$125.00</del> <u>\$155.00</u>
(2) Application for reserved name	<del>\$20.00</del> <u>\$40.00</u>
(3) Notice of transfer of reserved name	No fee <u>\$20.00</u>
(4) Application for registered name of a foreign corporation	<del>\$25.00</del> <u>\$50.00</u>
(5) Application for renewal of registered name of a foreign corporation	<del>\$25.00</del> <u>\$50.00</u>

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(6) Statement of change of registered agents or registered office, or both	\$25.00 and not to exceed \$1,000.00 per filer per calendar year.
(7) Agent's statement of resignation	No fee
(8) Amendment of articles of incorporation	<del>\$25.00</del> <u>\$50.00</u>
(9) Restatement of articles of incorporation	<del>\$25.00</del> <u>\$50.00</u>
(10) Articles of merger or share exchange	<del>\$50.00</del> <u>\$95.00</u>
(11) Articles of dissolution	<del>\$20.00</del> <u>\$35.00</u>
(12) Articles of revocation of dissolution	<del>\$20.00</del> <u>\$35.00</u>
(13) Application for certificate of authority	<del>\$125.00</del> <u>\$155.00</u>
(14) Application for amended certificate of authority	<del>\$25.00</del> <u>\$50.00</u>
(15) Application for certificate of withdrawal	<del>\$20.00</del> <u>\$25.00</u>
(16) Annual report of a foreign corporation	<del>\$200.00</del> <u>\$250.00</u>
(17) Annual report of a domestic corporation	<del>\$45.00</del> <u>\$60.00</u>
(18) Application for certificate of good standing	\$25.00
(19) Any other document required or permitted to be filed by this title	<del>\$20.00</del> <u>\$35.00</u>
(20) <u>Articles of correction</u>	<u>\$20.00</u>

(21) <u>Articles of domestication</u>	<u>\$20.00</u>
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(22) <u>Statement of conversion</u>	<u>\$20.00</u>
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\* \* \*

(d) When a corporation has been involuntarily terminated for failure to file its annual report, the Secretary of State shall collect, for each year the corporation failed to file its annual report, the annual report filing fee and a reinstatement fee of ~~\$25.00~~ \$50.00.

\* \* \* Limited Liability Company \* \* \*

Sec. 37. 11 V.S.A. § 4012 is amended to read:

§ 4012. FEES

(a) The Secretary of State shall collect the following fees when a document described in this section is delivered to the Office of the Secretary of State for filing:

(1) Articles of organization ~~\$125.00~~ \$155.00

(2) Application for certificate of authority ~~\$125.00~~ \$155.00

(3) Amendment of articles or certificate of authority ~~\$25.00~~ \$35.00

(4) Cancellation of certificate of authority ~~\$20.00~~ \$25.00

(5) Application for reserved name ~~\$20.00~~ \$25.00

(6) Notice of transfer of reserved name ~~No fee~~ \$20.00

(7) Application for registered name \$25.00

(8) Application for renewal of registered name \$25.00

(9) Statement of change of designated agent or designated office, or both ~~\$25.00~~ \$35.00 and not to exceed \$1,000.00 per filer per calendar year

(10) Agent's statement of resignation no fee

(11) Restatement of articles of organization \$25.00

(12) Articles of correction ~~\$25.00~~ \$35.00

(13) Application for certificate of existence or authorization ~~\$25.00~~ \$35.00

(14) Articles of merger ~~\$50.00~~ \$55.00

(15) Annual report of a domestic limited liability company ~~\$35.00~~ \$45.00

(16) Annual report of a foreign limited liability company ~~\$140.00~~  
\$170.00

(17) Reinstatement ~~\$25.00~~ \$35.00

(18) Any other document required or permitted to be filed by this chapter \$20.00

(19) Articles of domestication \$20.00

(20) Articles of termination \$20.00

(21) Notice of withdrawal of reserved name \$20.00

(22) Statement of conversion \$20.00

(b) The Secretary of State shall collect the following fees:

(1) ~~\$25.00~~ \$35.00 each time process is served on the Secretary under this chapter. The party to a proceeding causing service of process is entitled to recover this fee as costs if ~~he or she~~ the party prevails in the proceeding.

(2) \$25.00 for the certificate certifying the copy of any filed document relating to a limited liability company or a foreign limited liability company.

\* \* \* Limited Liability Partnership \* \* \*

Sec. 38. 11 V.S.A. § 3310 is amended to read:

§ 3310. FEES

(a) The Secretary of State shall collect the following fees when a document described in this section is delivered to the Office of the Secretary of State for filing:

(1) Statement of authority	<del>\$125.00</del> <u>\$155.00</u>
(2) Statement of denial	<del>No fee</del> <u>\$25.00</u>
(3) Statement of dissociation	<del>No fee</del> <u>\$20.00</u>
(4) Statement of dissolution	<del>No fee</del> <u>\$25.00</u>
(5) Statement of merger	<del>\$50.00</del> <u>\$85.00</u>
(6) Statement of qualification	<del>\$75.00</del> <u>\$130.00</u>

(7) Statement of foreign qualification	<del>\$100.00</del> <u>\$170.00</u>
(8) Amendment	<del>\$25.00</del> <u>\$45.00</u>
(9) Cancellation	<del>\$5.00</del> <u>\$10.00</u>
(10) Annual report of domestic limited liability partnership	<del>\$15.00</del> <u>\$30.00</u>
(11) Annual report of foreign limited liability partnership	<del>\$100.00</del> <u>\$170.00</u>
(12) Reinstatement	<del>\$25.00</del> <u>\$45.00</u>
(13) Statement of change of designated agent or designated office, or both	<del>\$25.00</del> <u>\$35.00</u> , not to exceed \$1,000.00 per filer per calendar year
(14) Application for certificate of good standing	<del>\$25.00</del> <u>\$45.00</u>
(15) Any other document permitted or required to be filed by this chapter	\$20.00
(16) <u>Amendment – Foreign</u>	<u>\$35.00</u>

\* \* \*

\* \* \* Limited Partnership \* \* \*

Sec. 39. 11 V.S.A. § 3420 is amended to read:

§ 3420. FEES

(a) The Secretary of State shall collect the following fees when a document described in this section is delivered to the Office of the Secretary of State for

## filing:

(1) Certificate of Limited Partnership	<del>\$125.00</del> <u>\$130.00</u>
(2) Registration of Foreign Limited Partnership	<del>\$125.00</del> <u>\$155.00</u>
(3) Amendment - <u>Domestic</u>	<del>\$25.00</del> <u>\$35.00</u>
(4) Cancellation	No fee <u>\$25.00</u>
(5) Merger	<del>\$50.00</del> <u>\$65.00</u>
(6) Statement of change of designated agent or designated office, or both	<del>\$25.00</del> <u>\$35.00</u> , not to exceed \$1,000.00 per filer per calendar year
(7) Application for certificate of good standing	<del>\$25.00</del> <u>\$35.00</u>
(8) Any other document permitted or required to be filed by this chapter	\$20.00
(9) <u>Amendment – Foreign</u>	<u>\$35.00</u>
(10) <u>Name reservation, application</u>	<u>\$20.00</u>
(11) <u>Name reservation, transfer</u>	<u>\$20.00</u>
(12) <u>Restated certificate of limited partnership</u>	<u>\$20.00</u>

\* \* \*

\* \* \* Nonprofit Corporations \* \* \*

Sec. 40. 11B V.S.A. § 1.22 is amended to read:

## § 1.22. FILING; SERVICE AND COPYING FEES

The Secretary of State shall collect the following fees when the documents described in this section are delivered to the Office of the Secretary of State

for filing:

(1) Articles of incorporation	\$125.00 <u>\$155.00</u>
(2) Application for reserved name	\$20.00 <u>\$35.00</u>
(3) Transfer of reserved name	No fee <u>\$35.00</u>
(4) Application for registered name	\$25.00 <u>\$45.00</u>
(5) Renewal of registered name	\$25.00 <u>\$45.00</u>
(6) Statement of change of registered agents or registered office, or both	\$25.00 <u>\$35.00</u>
	and not to exceed \$1,000.00 per filer per calendar year.
(7) Agent's statement of registration	No fee
(8) Amendment of articles of association	\$25.00 <u>\$45.00</u>
(9) Restatement of articles of association	\$25.00 <u>\$45.00</u>
(10) Articles of merger	\$50.00 <u>\$90.00</u>
(11) Articles of dissolution	No fee
(12) Articles of revocation of dissolution	\$5.00 <u>\$10.00</u>
(13) Application for reinstatement following administrative dissolution	\$25.00 <u>\$45.00</u>



(14) Application for certificate of authority for a foreign corporation	<del>\$100.00</del> <u>\$175.00</u>
(15) Application for amended certificate of authority	<del>\$25.00</del> <u>\$45.00</u>
(16) Application for certificate of withdrawal	<del>\$5.00</del> <u>\$10.00</u>
(17) Biennial report	<del>\$20.00</del> <u>\$35.00</u>

except that a corporation ~~which~~ that certifies to the Secretary of State, on a form approved by the Secretary, that it did not compensate its officers, directors, or employees during the prior calendar year shall be exempt from the fee required by this subdivision.

(18) Articles of correction	<del>\$15.00</del> <u>\$30.00</u>
(19) Application for certificate of good standing	<del>\$25.00</del> <u>\$35.00</u>
(20) Certified copy of any filed document	<del>\$25.00</del>
(21) <u>Restatement of articles of organization</u>	<u>\$30.00</u>

Sec. 41. 12 V.S.A. § 852 is amended to read:

§ 852. FEES; MAILING OF COPY TO CORPORATION

When process is served on the Secretary of State under the provisions of section 851 of this title, there shall be paid to ~~him or her~~ the Secretary by the officer at the time of such service the sum of ~~\$5.00~~ \$35.00. The Secretary shall forthwith forward by mail prepaid one of the duplicate copies to the corporation at its home office or to a person whom it designates.

\* \* \* Trademark \* \* \*

Sec. 42. 9 V.S.A. § 2523 is amended to read:

§ 2523. CERTIFICATE OF REGISTRATION; FILING FEE

There shall be paid to the Secretary of State for the filing of such statement a fee of ~~\$20.00~~ \$35.00. The Secretary of State shall deliver to the person filing such statement or causing the same to be filed, a certificate of registration under ~~his or her~~ the Secretary's signature and State Seal, showing the name and address of the person claiming ownership of the trademark registered, the date of such filing, a general description of the trademark to be registered, and a receipt showing the payment of the filing fee therefore. The fee for renewal of any registration shall be ~~\$20.00~~ \$35.00.

Sec. 43. 9 V.S.A. § 2525 is amended to read:

§ 2525. ASSIGNMENTS

Title to any trademark and its registration hereunder may be transferred and assigned to any person together with the goodwill of the business to which such trademark pertains or with that part of the goodwill of the business connected with the use of and symbolized by the mark. Written assignments shall be recorded by the Secretary of State upon payment of the fee of ~~\$20.00~~ \$35.00. When such assignment is recorded, a new certificate of registration shall be issued in the name of the assignee.

\* \* \* Uniform Commercial Code \* \* \*

Sec. 44. 9A V.S.A. § 9-525 is amended to read:

§ 9—525. FEES

(a) The fee for filing and indexing a record under this article is ~~\$35.00~~ \$45.00.

(b) ~~The fee for filing and indexing an initial financing statement of the kind described in subsection 9—502(c) of this title is \$6.00 per page. In addition to the fee provided in subsection (a) of this section:~~

(1) the fee for filing and indexing an initial financing statement of the kind described in subsection 9-502(c) of this title is \$25.00;

(2) the fee for filing and indexing a record under this article for a manufactured home, transmitting utility, or public finance transaction is \$25.00.

(c) The fee for responding to a request for information from the filing office, including for issuing a certificate showing whether there is on file any financing statement naming a particular debtor is ~~\$25.00~~ \$35.00.

~~(d) This section does not require a fee with respect to a record of a mortgage which is effective as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut under subsection 9—502(c) of this title. However, the recording and satisfaction fees that otherwise would be applicable to the record of the mortgage apply. [Repealed.]~~

\* \* \* Effective Date \* \* \*

Sec. 45. EFFECTIVE DATE

This act shall take effect on passage.

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

Senator Chittenden, for the Committee on Finance, 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 collectively agreed to, and third reading of the bill was ordered.

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

#### **H. 493.**

Senator Ingalls, for the Committee on Institutions, to which was referred House bill entitled:

An act relating to capital construction and State bonding.

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

(a) It is the intent of the General Assembly that of the \$122,767,376.00 authorized in this act, not more than \$56,445,325.00 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.

#### Sec. 2. STATE BUILDINGS

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

(b) The following sums are appropriated in FY 2024:

<u>(1) Statewide, major maintenance:</u>	<u>\$8,001,244.00</u>
<u>(2) Statewide, physical security enhancements:</u>	<u>\$250,000.00</u>
<u>(3) Statewide, planning, reuse, and contingency:</u>	<u>\$425,000.00</u>
<u>(4) Bennington, Battle Monument, construction of safety fencing:</u>	<u>\$500,000.00</u>
<u>(5) Brattleboro, courthouse, roof replacement:</u>	<u>\$2,750,000.00</u>
<u>(6) Middlesex, Middlesex Therapeutic Community Residence, master plan, design, and decommissioning:</u>	<u>\$350,000.00</u>
<u>(7) Montpelier, State House, replacement of historic finishes:</u>	<u>\$50,000.00</u>
<u>(8) Montpelier, State House, HVAC renovations:</u>	<u>\$3,725,000.00</u>
<u>(9) Montpelier, 133 State Street, Office of Legislative Information Technology, renovations:</u>	<u>\$200,000.00</u>
<u>(10) St. Albans, Northwest State Correctional Facility, roof replacement:</u>	<u>\$1,300,000.00</u>
<u>(11) St. Johnsbury, Northeast State Correctional Facility, Caledonia Community Work Camp, door control system replacement:</u>	<u>\$1,000,000.00</u>
<u>(12) White River Junction, courthouse, renovations:</u>	<u>\$2,000,000.00</u>
<u>(13) Statewide, three-acre parcel, stormwater, planning, design, and construction:</u>	<u>\$1,500,000.00</u>
<u>(14) Statewide, R22 refrigerant phase out:</u>	<u>\$250,000.00</u>
<u>(15) Statewide, Art in State Buildings Program:</u>	<u>\$75,000.00</u>

(c) The following sums are appropriated in FY 2025:

<u>(1) Statewide, major maintenance:</u>	<u>\$8,500,000.00</u>
<u>(2) Statewide, physical security enhancements:</u>	<u>\$250,000.00</u>
<u>(3) Statewide, planning, reuse, and contingency:</u>	<u>\$425,000.00</u>
<u>(4) Middlesex, Middlesex Therapeutic Community Residence, master plan, design, and decommissioning:</u>	<u>\$400,000.00</u>
<u>(5) Montpelier, State House, replacement of historic finishes:</u>	<u>\$50,000.00</u>
<u>(6) Montpelier, State House, HVAC renovations:</u>	<u>\$3,900,000.00</u>

(7) Newport, Northern State Correctional Facility, planning and construction for the boiler replacement: \$3,500,000.00

(8) St. Johnsbury, Northeast State Correctional Facility, Caledonia Community Work Camp, door control system replacement: \$1,750,000.00

(9) White River Junction, courthouse, renovations: \$4,000,000.00

(10) Statewide, three-acre parcel, stormwater, planning, design, and construction: \$1,500,000.00

(11) Statewide, R22 refrigerant phase out: \$1,000,000.00

(d) For the project described in subdivisions (b)(10) and (c)(6) of this section, the Department of Buildings and General Services is authorized to expend funds for a water-to-water heat pump system to dehumidify the State House in the summer months.

Appropriation – FY 2024 \$22,376,244.00

Appropriation – FY 2025 \$25,275,000.00

Total Appropriation – Section 2 \$47,651,244.00

### Sec. 3. HUMAN SERVICES

(a) The sum of \$300,000.00 is appropriated in FY 2024 to the Department of Buildings and General Services for the Department of Corrections for planning, design, and construction for HVAC system upgrades and replacements at statewide correctional facilities.

(b) The following sums are appropriated in FY 2025 to the Department of Buildings and General Services for the Agency of Human Services for the following projects described in this subsection:

(1) Northwest State Correctional Facility, booking expansion, planning, design, and construction: \$2,500,000.00

(2) Women's correctional facility and reentry facility, replacement, planning and design: \$13,000,000.00

(3) Statewide, correctional facilities, HVAC systems, planning, design, and construction for upgrades and replacements: \$700,000.00

(c) For the amount appropriated in subsection (a) and subdivision (b)(3) of this section, the Department of Buildings and General Services shall evaluate and develop a design for upgrades and replacement of HVAC systems in all State correctional facilities. To the extent the Department identifies HVAC systems in common areas, break rooms, day rooms, and cafeterias that can be replaced to immediately alleviate heat-related stress for staff and residents at the facility, the Department is authorized to use the funds appropriated in

subsection (a) and subdivision (b)(3) of this section for installation of HVAC systems in those areas.

<u>Appropriation – FY 2024</u>	<u>\$300,000.00</u>
<u>Appropriation – FY 2025</u>	<u>\$16,200,000.00</u>
<u>Total Appropriation – Section 3</u>	<u>\$16,500,000.00</u>

#### Sec. 4. COMMERCE AND COMMUNITY DEVELOPMENT

(a) The following sums are appropriated in FY 2024 to the Agency of Commerce and Community Development for the following projects described in this subsection:

<u>(1) Major maintenance at statewide historic sites:</u>	<u>\$500,000.00</u>
<u>(2) Underwater preserves:</u>	<u>\$46,000.00</u>
<u>(3) Placement and replacement of roadside historic markers:</u>	<u>\$25,000.00</u>
<u>(4) Unmarked Burial Sites Special Fund:</u>	<u>\$25,000.00</u>

(b) The following sums are appropriated in FY 2025 to the Agency of Commerce and Community Development for the following projects described in this subsection:

<u>(1) Major maintenance at statewide historic sites:</u>	<u>\$500,000.00</u>
<u>(2) Underwater preserves:</u>	<u>\$46,000.00</u>
<u>(3) Placement and replacement of roadside historic markers:</u>	<u>\$25,000.00</u>
<u>(4) Unmarked Burial Sites Special Fund:</u>	<u>\$25,000.00</u>

<u>Appropriation – FY 2024</u>	<u>\$596,000.00</u>
<u>Appropriation – FY 2025</u>	<u>\$596,000.00</u>
<u>Total Appropriation – Section 4</u>	<u>\$1,192,000.00</u>

#### Sec. 5. GRANT PROGRAMS

(a) The following sums are appropriated in FY 2024 for the Building Communities Grants established in 24 V.S.A. chapter 137:

<u>(1) To the Agency of Commerce and Community Development, Division for Historic Preservation, for the Historic Preservation Grant Program:</u>	<u>\$300,000.00</u>
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(2) To the Agency of Commerce and Community Development, Division for Historic Preservation, for the Historic Barns Preservation Grant Program: \$325,000.00

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

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

(5) To the Department of Buildings and General Services for the Human Services and Educational Facilities Competitive Grant Program (Human Services): \$150,000.00

(6) To the Department of Buildings and General Services for the Human Services and Educational Facilities Competitive Grant Program (Education): \$150,000.00

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

(8) To the Agency of Agriculture, Food and Markets for the Agricultural Fairs and Field Days Capital Projects Competitive Grant Program: \$350,000.00

(b) The following sums are appropriated in FY 2025 for the Building Communities Grants established in 24 V.S.A. chapter 137:

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

(2) To the Agency of Commerce and Community Development, Division for Historic Preservation, for the Historic Barns Preservation Grant Program: \$325,000.00

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

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

(5) To the Department of Buildings and General Services for the Human Services and Educational Facilities Competitive Grant Program (Human Services): \$150,000.00

(6) To the Department of Buildings and General Services for the Human Services and Educational Facilities Competitive Grant Program (Education): \$150,000.00

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

(8) To the Agency of Agriculture, Food and Markets for the Agricultural Fairs and Field Days Capital Projects Competitive Grant Program: \$350,000.00

Appropriation – FY 2024 \$2,175,000.00

Appropriation – FY 2025 \$2,175,000.00

Total Appropriation – Section 5 \$4,350,000.00

#### Sec. 6. EDUCATION

(a) The sum of \$50,000.00 is appropriated in FY 2024 to the Agency of Education for funding emergency projects.

(b) The sum of \$50,000.00 is appropriated in FY 2025 to the Agency of Education for the projects described in subsection (a) of this section.

Appropriation – FY 2024 \$50,000.00

Appropriation – FY 2025 \$50,000.00

Total Appropriation – Section 6 \$100,000.00

#### Sec. 7. UNIVERSITY OF VERMONT

(a) The sum of \$1,600,000.00 is appropriated in FY 2024 to the University of Vermont for construction, renovation, and major maintenance at any facility owned or operated in the State by the University of Vermont.

(b) The sum of \$1,500,000.00 is appropriated in FY 2025 to the University of Vermont for the projects described in subsection (a) of this section.

Appropriation – FY 2024 \$1,600,000.00

Appropriation – FY 2025 \$1,500,000.00

Total Appropriation – Section 7 \$3,100,000.00



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 Sec. 8. VERMONT STATE COLLEGES

(a) The sum of \$1,500,000.00 is appropriated in FY 2024 to the Vermont State Colleges for construction, renovation, and major maintenance at any facility owned or operated in the State by the Vermont State Colleges.

(b) The sum of \$1,500,000.00 is appropriated in FY 2025 to the Vermont State Colleges for the projects described in subsection (a) of this section.

<u>Appropriation – FY 2024</u>	<u>\$1,500,000.00</u>
<u>Appropriation – FY 2025</u>	<u>\$1,500,000.00</u>
<u>Total Appropriation – Section 8</u>	<u>\$3,000,000.00</u>

## Sec. 9. NATURAL RESOURCES

(a) The following sums are appropriated in FY 2024 to the Agency of Natural Resources for the Department of Environmental Conservation for the projects described in this subsection:

(1) State match, drinking water supply, Drinking Water State Revolving Fund: \$174,586.00

(2) Dam safety and hydrology projects: \$1,000,000.00

(b) The following sums are appropriated in FY 2024 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, statewide small-scale road rehabilitation projects, and three-acre stormwater rule compliance: \$3,750,000.00

(2) Open access recreational infrastructure and State forests and recreational access points: \$768,863.00

(c) The following amounts are appropriated in FY 2024 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: \$1,878,632.00

(2) Lake Champlain Walleye Association, Inc., to upgrade and repair the Walleye rearing, restoration, and stocking infrastructure: \$25,000.00

(d) The sum of \$2,207,901.00 is appropriated in FY 2025 to the Agency of Natural Resources for the Department of Environmental Conservation for the

State's match to the Drinking Water State Revolving Fund for the drinking water supply.

(e) The following sums are appropriated in FY 2025 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, statewide small-scale road rehabilitation projects, and three-acre stormwater rule compliance: \$3,250,000.00

(2) Open access recreational infrastructure and forest park access roads: \$670,000.00

(f) The following amounts are appropriated in FY 2025 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: \$1,344,150.00

(2) Lake Champlain Walleye Association, Inc., to upgrade and repair the Walleye rearing, restoration, and stocking infrastructure: \$25,000.00

Appropriation – FY 2024 \$7,597,081.00

Appropriation – FY 2025 \$7,497,051.00

Total Appropriation – Section 9 \$15,094,132.00

#### Sec. 10. CLEAN WATER INITIATIVES

(a) The sum of \$2,202,019.00 is appropriated in FY 2024 to the Agency of Agriculture, Food and Markets for water quality grants and contracts.

(b) The following sums are appropriated in FY 2024 to the Agency of Natural Resources for the following projects:

(1) the Clean Water State/EPA Revolving Loan Fund (CWSRF) match for the Water Pollution Control Fund: \$332,981.00

(2) municipal pollution control grants: \$4,000,000.00

(c) The sum of \$550,000.00 is appropriated in FY 2024 to the Agency of Natural Resources for the Department of Forests, Parks and Recreation for forestry access roads, recreation access roads, and water quality improvements.

(d)(1) The following sums are appropriated in FY 2024 to the Vermont Housing and Conservation Board for the following projects:

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

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

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

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

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

(e) The sum of \$6,000,000.00 is appropriated in FY 2025 to the Agency of Natural Resources for the Department of Environmental Conservation for clean water implementation projects.

(f) On or before December 1, 2023:

(1) The Clean Water Board shall review and recommend Clean Water Act implementation programs funded from subsection (e) of this section.

(2) The Board shall submit a report with the list of programs recommended for FY 2025 to the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions and to the Governor for the FY 2024 capital budget adjustment report. The report shall include a recommendation on whether funds appropriated to the Clean Water Fund, established in 10 V.S.A. § 1388, may be used for municipal pollution control grants in FY 2025.

(g) In FY 2024 and FY 2025, any agency that receives funding from this section shall consult with the State Treasurer to ensure that the projects are capital eligible.

Appropriation – FY 2024 \$9,885,000.00

Appropriation – FY 2025 \$6,000,000.00

Total Appropriation – Section 10 \$15,885,000.00

Sec. 11. MILITARY

(a) The sum of \$1,251,000.00 is appropriated in FY 2024 to the Department of Military for maintenance, renovations, and ADA compliance at State armories.

(b) The sum of \$1,064,000.00 is appropriated in FY 2025 to the Department of Military for the projects described in subsection (a) of this section.

<u>Appropriation – FY 2024</u>	<u>\$1,251,000.00</u>
<u>Appropriation – FY 2025</u>	<u>\$1,064,000.00</u>
<u>Total Appropriation – Section 11</u>	<u>\$2,315,000.00</u>

Sec. 12. AGRICULTURE, FOOD AND MARKETS

(a) The sum of \$1,200,000.00 is appropriated in FY 2024 to the Department of Buildings and General Services for the Agency of Agriculture, Food and Markets for major maintenance at the Vermont building of the Eastern States Exposition.

(b) The following sums are appropriated in FY 2025 to the Department of Buildings and General Services for the Agency of Agriculture, Food and Markets for the following projects:

(1) Vermont Agriculture and Environmental Laboratory Heat Plant, construction: \$1,040,000.00

(2) Vermont building of the Eastern States Exposition, major maintenance: \$1,500,000.00

<u>Appropriation – FY 2024</u>	<u>\$1,200,000.00</u>
<u>Appropriation – FY 2025</u>	<u>\$2,540,000.00</u>
<u>Total Appropriation – Section 12</u>	<u>\$3,740,000.00</u>

Sec. 13. VERMONT RURAL FIRE PROTECTION

(a) The sum of \$125,000.00 is appropriated in FY 2024 to the Department of Public Safety for the Vermont Rural Fire Protection Task Force for the dry hydrant program.

(b) The sum of \$125,000.00 is appropriated in FY 2025 to the Department of Public Safety for the Vermont Rural Fire Protection Task Force for the project described in subsection (a) of this section.

<u>Appropriation – FY 2024</u>	<u>\$125,000.00</u>
<u>Appropriation – FY 2025</u>	<u>\$125,000.00</u>
<u>Total Appropriation – Section 13</u>	<u>\$250,000.00</u>

Sec. 14. VERMONT HOUSING AND CONSERVATION BOARD

(a) The sum of \$1,800,000.00 is appropriated in FY 2024 to the Vermont Housing and Conservation Board for housing and conservation projects.

(b) The sum of \$1,800,000.00 is appropriated in FY 2025 to the Vermont Housing and Conservation Board for the project described in subsection (a) of this section.

<u>Appropriation – FY 2024</u>	<u>\$1,800,000.00</u>
<u>Appropriation – FY 2025</u>	<u>\$1,800,000.00</u>
<u>Total Appropriation – Section 14</u>	<u>\$3,600,000.00</u>

Sec. 15. VETERANS HOME

(a) The sum of \$260,000.00 is appropriated in FY 2024 to the Department of Buildings and General Services for the Vermont Veterans’ Home for maintenance at the Veterans’ Home.

(b) The following sums are appropriated in FY 2024 to the Vermont Veterans’ Home for the following projects:

- (1) an emergency generator and boiler plant replacement: \$4,500,000.00
- (2) elevator upgrade: \$1,000,000.00
- (3) resident care furnishings and security systems: \$230,000.00

(c) For the amounts appropriated in subsection (a) and subdivision (b)(3) of this section, on or before January 15, 2024, the Veterans’ Home shall submit a report to the House Committee on Corrections and Institutions and the Senate Committee on Institutions on the status of expended funds and an anticipated timeline of when any remaining funds will be expended.

<u>Appropriation – FY 2024</u>	<u>\$5,990,000.00</u>
<u>Total Appropriation – Section 15</u>	<u>\$5,990,000.00</u>

\* \* \* Funding \* \* \*

Sec. 16. 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:

- (1) of the amount appropriated in 2012 Acts and Resolves No. 40, Sec. 19(a) (Veterans’ Home, replace nurse call system): \$14,668.72
- (2) of the amount appropriated 2012 Acts and Resolves No. 40, Sec. 19(b) (Veterans’ Home kitchen upgrade): \$13,522.98
- (3) of the amount appropriated in 2014 Acts and Resolves No. 51, Sec. 2(b) (various projects): \$365.00

(4) of the amount appropriated in 2014 Acts and Resolves No. 51, Sec. 17 (Veterans' Home kitchen renovation and mold remediation): \$21,493.59

(5) of the amount appropriated in 2015 Acts and Resolves No. 26, Sec. 2(b) (various projects): \$65,463.17

(6) of the amount appropriated in 2015 Acts and Resolves No. 26, Sec. 2(b)(9) (108 Cherry Street, parking garage): \$134,937.34

(7) of the amount appropriated in 2016 Acts and Resolves No. 160, Sec. 1(c)(5) (major maintenance): \$93,549.00

(8) of the amount appropriated in 2016 Acts and Resolves No. 160, Sec. 9(g) (Roxbury Fish Hatchery): \$6,175.00

(9) of the amount appropriated in 2017 Acts and Resolves No. 84, Sec. 2(b)(13) (108 Cherry Street, parking garage): \$1,736,256.55

(10) of the amount appropriated in 2017 Acts and Resolves No. 84, Sec. 2(c) (various projects): \$24,363.06

(11) of the amount appropriated in 2017 Acts and Resolves No. 84, Sec. 6(a)(4) (Recreational Facilities Grant Program): \$14,833.00

(12) Of the amount appropriated in 2017 Acts and Resolves No. 84, Sec. 16(b) (Veterans' Home kitchen renovation and mold remediation): \$209, 533.90

(13) of the amount appropriated in 2019 Acts and Resolves No. 42, Sec. 2(b)(3) (major maintenance): \$32,780.00

(14) of the amount appropriated in 2019 Acts and Resolves No. 42, Sec. 2(c)(5) (108 Cherry Street, parking garage): \$6,944,999.00

(15) of the amount appropriated in 2021 Acts and Resolves No. 50, Sec. 2(b)(5)(108 Cherry Street, parking garage): \$3,100,000.00

(16) of the amount appropriated in 2022 Acts and Resolves No. 180, Sec. 2(c)(18) (108 Cherry Street, parking garage): \$1,940,000.00

(b) Of the amount appropriated to the Department of Buildings and General Services for the Agency of Human Services in 2020 Acts and Resolves No. 139, Sec. 2(c)(5) (relocation of greenhouse), the sum of \$26,131.60 is reallocated to defray expenditures authorized in this act.

(c) Of the amount appropriated to the Agency of Education in 2019 Acts and Resolves No. 42, Sec. 7(a) (emergency projects), the sum of \$34,760.56 is reallocated to defray expenditures authorized in this act.

(d) Of the amount appropriated to the Department of Environmental Conservation in 2017 Acts and Resolves No. 84, Sec. 10(a)(3) (municipal pollution control grants), the sum of \$64,628.10 is reallocated to defray expenditures authorized in this act.

(e) The following sums appropriated to the Department of Forest, Parks and Recreation are reallocated to defray expenditures authorized in this act:

(1) of the amount appropriated in 2017 Acts and Resolves No. 84, Sec. 10(b) (infrastructure rehabilitation): \$219.08

(2) of the amount appropriated in 2017 Acts and Resolves No. 84, Sec. 10(f) (infrastructure rehabilitation): \$1,865.52

(3) of the amount appropriated in 2019 Acts and Resolves No. 42, Sec. 10(b) (infrastructure rehabilitation): \$33,638.68

(4) of the amount appropriated in 2019 Acts and Resolves No. 42, Sec. 10(g) (infrastructure rehabilitation): \$16,043.11

(5) of the amount appropriated in 2019 Acts and Resolves No. 42, Sec. 11(c)(1) (forestry skidder bridges): \$3,600.00

(f) of the amount appropriated in 2019 Acts and Resolves No. 42, Sec. 17(a)(2) (committee room chairs), the sum of \$2,006.46 is reallocated to defray expenditures authorized in this act.

(g) The following sums appropriated to the Vermont Veterans' Home are reallocated to defray expenditures authorized in this act:

(1) of the amount appropriated in 2017 Acts and Resolves No. 84, Sec. 16(a) (resident care furnishings): \$88,835.00

(2) of the amount appropriated in 2017 Acts and Resolves No. 84, Sec. 16(c)(resident care furnishings): \$49,914.00

(3) of the amount appropriated in 2018 Acts and Resolves No. 190, Sec. 11 (security access system): \$92,794.00

Total Reallocations and Transfers – Section 16 \$14,767,376.32

#### Sec. 17. GENERAL OBLIGATION BONDS AND APPROPRIATIONS

The State Treasurer is authorized to issue general obligation bonds in the amount of \$108,000,000.00 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.

Total Revenues – Section 17 \$108,000,000.00

Sec. 18. FY 2024 AND 2025; CAPITAL PROJECTS; FY 2024  
APPROPRIATIONS ACT; INTENT; AUTHORIZATIONS

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

(b) Intent. It is the intent of the General Assembly to authorize certain capital projects eligible for funding by 32 V.S.A. § 1001b in this act but appropriate the funds for these projects in the FY 2024 Appropriations Act. It is also the intent of the General Assembly that the FY 2024 Appropriations Act appropriate funds to the Fund established in 32 V.S.A. § 1001b for projects in FY 2025, which shall be allocated pursuant to the process set forth in subsection (e) of this section.

(c) Authorizations. In FY 2024, spending authority for the following capital projects are authorized as follows:

(1) the Department of Buildings and General Services is authorized to spend \$400,000.00 for planning, reuse, and contingency;

(2) Barre, McFarland State Office Building, roof replacement and brick façade repairs: \$1,700,000.00

(3) the Department of Buildings and General Services is authorized to spend \$135,000.00 for parking garage repairs at 32 Cherry Street in Burlington;

(4) Middlesex, Central Services complex, roof replacement: \$1,000,000.00

(5) Montpelier, State House expansion, design documents: \$150,000.00

(6) the Department of Buildings and General Services is authorized to spend \$1,000,000.00 for the renovation of the interior HVAC steam lines at 120 State Street in Montpelier;

(7) the Department of Buildings and General Services is authorized to spend \$600,000.00 for planning for the boiler replacement at the Northern State Correctional Facility in Newport;



(8) the Department of Buildings and General Services is authorized to spend \$750,000.00 for planning for renovations to the administration building, West Cottage, at the Criminal Justice Training Council in Pittsford;

(9) the Department of Buildings and General Services is authorized to spend \$600,000.00 for the Agency of Human Services for the planning and design of the booking expansion at the Northwest State Correctional Facility;

(10) the Department of Buildings and General Services is authorized to spend \$1,500,000.00 for the Agency of Human Services for the planning and design for the replacement of the women's correctional facility and reentry facility;

(11) the Department of Buildings and General Services is authorized to spend \$1,000,000.00 for the Agency of Human Services for the planning and design of the Department for Children and Families' short-term stabilization facility;

(12) the Department of Buildings and General Services is authorized to spend \$750,000.00 for the Judiciary for renovations at the Washington County Superior Courthouse in Barre;

(13) the Department of Buildings and General Services is authorized to spend \$250,000.00 for the Department of Public Safety for the planning and design of the Special Teams Facility and Storage;

(14) the Department of Buildings and General Services is authorized to spend \$250,000.00 for the Department of Public Safety for the planning and design of the Rutland Field Station;

(15) the Department of Buildings and General Services is authorized to spend \$300,000.00 for the Agency of Agriculture, Food and Markets for the planning and design of the Vermont Agriculture and Environmental Laboratory Heat Plant;

(16) the Department of Buildings and General Services is authorized to spend \$1,000,000.00 for electric vehicle charging stations at State buildings;

(17) the Vermont State Colleges is authorized to spend \$6,000,000.00 for construction, renovation, and major maintenance at any facility owned or operated in the State by the Vermont State Colleges; infrastructure transformation planning; and the planning, design, and construction of Green Hall and Vail Hall;

(18) the Agency of Natural Resources is authorized to spend \$9,800,000.00 for the Department of Environmental Conservation for the State match to the Infrastructure Investment and Jobs Act for the Drinking Water State Revolving Fund and the Clean Water State Revolving Fund;

(19) the Agency of Natural Resources is authorized to spend \$4,500,000.00 for the Department of Environmental Conservation for the Waterbury Dam rehabilitation;

(20) the Agency of Natural Resources is authorized to spend \$4,000,000.00 for the Department of Environmental Conservation for the Municipal Pollution Control Grants for pollution control projects and planning advances for feasibility studies;

(21) the Agency of Natural Resources is authorized to spend \$3,000,000.00 for the Department of Forests, Parks and Recreation for the maintenance facilities at the Gifford Woods State Park and Groton Forest State Park; and

(22) the Agency of Natural Resources is authorized to spend \$800,000.00 for the Department of Fish and Wildlife for infrastructure maintenance and improvements of the Department's buildings, including conservation camps.

(d) FY 2025 capital projects. To the extent general funds are available to appropriate to the Fund established in 32 V.S.A. § 1001b in FY 2025, it is the intent of the General Assembly that the following capital projects receive funding from the Fund:

(1) the sum of \$250,000.00 to the Department of Buildings and General Services for planning, reuse, and contingency;

(2) the sum of \$2,300,000.00 to the Department of Buildings and General Services for parking garage repairs at 32 Cherry Street in Burlington;

(3) the sum of \$2,000,000.00 to the Department of Buildings and General Services for the renovation of the interior HVAC steam lines at 120 State Street in Montpelier;

(4) the sum of \$1,000,000.00 to the Department of Buildings and General Services for the Judiciary for renovations at the Washington County Superior Courthouse in Barre;

(5) the sum of \$1,000,000.00 to the Department of Buildings and General Services for the Department of Public Safety for the planning and design of the Special Teams Facility and Storage;

(6) the sum of \$1,000,000.00 to the Department of Buildings and General Services for the Department of Public Safety for the planning and design of the Rutland Field Station;

(7) the sum of \$1,500,000.00 to the Vermont Veterans' Home for design for the renovation of the Brandon and Cardinal units;

(8) the sum of \$500,000.00 to the Department of Buildings and General Services for the Newport courthouse replacement, planning, and design;

(9) the sum of \$250,000.00 to the Department of Buildings and General Services for planning for the 133-109 State Street tunnel waterproofing and Aiken Avenue reconstruction; and

(10) the sum of \$200,000.00 to the Department of Buildings and General Services for the renovation of the stack area, HVAC upgrades, and the elevator replacement at 111 State Street.

(e) Recommendation. On or before December 15, 2023:

(1) the Secretary of Administration shall review and recommend capital projects to be funded from the Fund established in 32 V.S.A. § 1001b; and

(2) the Secretary of Administration shall submit the list of capital projects recommended for FY 2025 to the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions and to the Governor for the FY 2025 capital budget adjustment report.

\* \* \* Policy \* \* \*

\* \* \* Agriculture, Food and Markets \* \* \*

Sec. 19. 26 V.S.A. § 4811 is amended to read:

§ 4811. SAFETY STANDARDS

Minimum safety standards for the conduct of any race covered by this chapter are established as follows:

(1) Each race track shall have a substantial fence of steel wire or plank construction or other barrier not less than three feet high between the track and area designated for spectators. No grandstand shall be constructed or spectators allowed on a curved side of a track unless the barrier, including all walls, fencing, and overhangs, meets the same standards for the straightaway of the track with spectators. For motorcycle, ATV, or snowmobile racing, each track shall have a snow fence or other suitable barrier not less than four feet high between the track and the area designated for spectators. The outside portion of all tracks shall be a reasonable distance from the spectators.

\* \* \*

\* \* \* Buildings and General Services \* \* \*

Sec. 20. 29 V.S.A. § 166 is amended to read:

§ 166. SELLING OR RENTING STATE PROPERTY

\* \* \*

(b)(1) Upon authorization by the General Assembly, which may be granted by resolution, and with the advice and consent of the Governor, the Commissioner of Buildings and General Services may sell real estate owned by the State. Such property shall be sold to the highest bidder therefor at public auction or upon sealed bids in the discretion of the Commissioner of Buildings and General Services, who may reject any or all bids. Notice, or the Commissioner is authorized to list the sale of property with a real estate agent licensed by the State.

(2) If the Commissioner elects to sell the property at auction or by sealed bid, notice of the sale or a request for sealed bids shall be posted:

(A) by electronic means; or

(B) in at least three public places in the town where the property is located and also published three times in a newspaper having a known circulation in the town, the last publication to be not less than 10 days before the date of sale or opening of the bids. ~~Failing to consummate a sale under the method prescribed in this section, the Commissioner of Buildings and General Services is authorized to list the sale of this property with a real estate agent licensed by the State of Vermont.~~

(3) This subsection shall not apply to the sale, conveyance, exchange, or lease of lands or interests in lands; to the amendment of deeds, leases, and easements; or to sales of timber made in accordance with the provisions of 10 V.S.A. chapter 155 or the provisions of 10 V.S.A. chapter 83.

\* \* \*

Sec. 21. SALE OF PROPERTIES

(a) 110 State Street. Notwithstanding 29 V.S.A. § 166(b), the Commissioner of Buildings and General Services is authorized to sell the property located at 110 State Street in the City of Montpelier. The Commissioner shall first offer in writing to the City the right to purchase the property.

(1) The City's preferential right to purchase the property authorized in this subsection shall terminate unless the City submits a written notification to the Commissioner of its intent to purchase the property within 90 days from the date of the written offer.

(2) If the City submits a notification of its intent to purchase the property pursuant to subdivision (1) of this subsection, the City shall submit a written offer to the Commissioner not later than June 1, 2024. In the event the City fails to submit a written offer by June 1, 2024, then the City's preferential right to purchase the property shall terminate and the Commissioner is authorized to sell the property to another party.

(b) Stanley Hall and Wasson Hall. Notwithstanding 29 V.S.A. § 166(b), the Commissioner of Buildings and General Services is authorized to subdivide, sell, or otherwise dispose of the portion of land in the Waterbury State Office Complex (Parcel ID # 916-0103.V as designated on the Town of Waterbury's Tax Parcel Maps) that housed the former Stanley Hall and the adjacent parking lot, located at 32 Park Row, and Wasson Hall, located at 64 Horseshoe Drive, to the Town of Waterbury.

(1) The Commissioner of Buildings and General Services shall notify, in writing, the Town of Waterbury of the right to purchase or acquire the properties described in subdivision (1) of this subsection provided that the following conditions are met:

(A) the Town of Waterbury's Select Board takes a formal action within 90 days from the date of the written offer indicating the Town's interest in purchasing or acquiring the properties; and

(B) if the Town elects to purchase or acquire the properties, the Town submits a written offer not later than June 1, 2024;

(2) If the conditions in subdivision (1) of this subsection are not met, then the Commissioner's authority to subdivide, sell, or otherwise dispose of the property described in this subsection shall be rescinded.

(c) 108 Cherry Street. Notwithstanding 29 V.S.A. § 166(b), the Commissioner of Buildings and General Services is authorized to sell the property located at 108 Cherry Street in the City of Burlington. The Commissioner shall first offer in writing to the City the right to purchase the property.

(1) The City's preferential right to purchase the property authorized in this subsection shall terminate unless the City submits a written notification to the Commissioner of its intent to purchase the property within 90 days from the date of the written offer.

(2) If the City submits a notification of its intent to purchase the property pursuant to subdivision (1) of this subsection, the City shall submit a written offer to the Commissioner not later than June 1, 2024. In the event the City fails to submit a written offer by June 1, 2024, then the City's preferential right to purchase the property shall terminate and the Commissioner is

authorized to sell the property to another party.

Sec. 22. RELOCATION OF STATE EMPLOYEES; DEPARTMENT OF BUILDINGS AND GENERAL SERVICES; CITY OF BURLINGTON

Prior to the sale of the building located at 108 Cherry Street in Burlington, the Department of Buildings and General Services shall work with the City of Burlington to find another appropriate location in downtown Burlington to relocate State employees who provide client services.

Sec. 23. 32 V.S.A. § 701a is amended to read:

§ 701a. CAPITAL CONSTRUCTION BILL

(a) When the capital budget has been submitted by the Governor to the General Assembly, it shall immediately be referred to the House Committee on Corrections and Institutions, which shall proceed to consider the budget request in the context of the 10-year capital program plan also submitted by the Governor pursuant to sections 309 and 310 of this title. The Committee shall also propose to the General Assembly:

(1) a prudent amount of total general obligation bonding for the following fiscal year, for support of the capital budget, in consideration of the recommendation of the Capital Debt Affordability Advisory Committee pursuant to chapter 13, subchapter 8 of this title; and

(2) recommendations for capital projects that may be paid for from the Cash Fund for Capital Infrastructure and Other Essential Investments, established in section 1001b of this title.

(b) As soon as possible, the Committee shall prepare a bill to be known as the “capital construction bill,” which shall be introduced for action by the General Assembly.

(c) The spending authority authorized by a capital construction act shall carry forward until expended, unless otherwise provided.

(1) All unexpended funds remaining for projects authorized by capital construction acts enacted in a legislative session that was two or more years prior to the current legislative session shall be reported to the General Assembly and may be reallocated in future capital construction acts.

(2) Notwithstanding subdivision (1) of this subsection, any amounts appropriated in a previous capital construction act that are unexpended for at least five years shall be reallocated to future capital construction acts.

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

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

(e) The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the reports to be made under subsections (c) and (d) of this section.

\* \* \* Corrections \* \* \*

Sec. 24. 29 V.S.A. § 170a is added to read:

§ 170a. DESIGN OF CORRECTIONAL FACILITIES; USE OF EVIDENCE-BASED DESIGN PRINCIPLES FOR WELLNESS ENVIRONMENTS

The Department of Buildings and General Services shall coordinate with the Department of Corrections on the design and planning for any maintenance, renovation, or construction to a State correctional facility to ensure that evidence-based design principles for wellness environments are incorporated into the design and planning phase of a project.

Sec. 25. NORTHWEST STATE CORRECTIONAL FACILITY; FUNDING REQUEST FOR FEDERAL DETAINEES; INTENT FOR BOOKING EXPANSION DESIGN

(a) On or before August 15, 2023, the Secretary of Human Services shall request federal funds to support capital construction at the Northwest State Correctional Facility, which houses federal detainees, including U.S. Immigration and Customs Enforcement detainees. The Commissioner of Finance and Management shall only release the funds appropriated in Sec. 3(1) of this act upon notification from the Secretary that the request was submitted.

(b) It is the intent of the General Assembly that the Commissioner of Buildings and General Services shall incorporate into booking expansion design at the Northwest State Correctional Facility:

- (1) renovations to the HVAC system;
- (2) enhanced employee amenities, including amenities to address employee health and wellness needs;
- (3) the use of renewable energy; and
- (4) the use of evidence-based principles for wellness environments for supporting trauma-informed practices.

Sec. 26. REPLACEMENT WOMEN'S FACILITIES; SITE LOCATION PROPOSAL; DESIGN INTENT

(a)(1) Site location proposal. On or before January 15, 2024, the Commissioner of Buildings and General Services shall submit a site location proposal for replacement women's facilities for justice-involved women to the House Committee on Corrections and Institutions and the Senate Committee on Institutions. It is the intent of the General Assembly that when evaluating site locations, preference shall be given to State-owned property. The proposal shall consider both co-locating facilities in a campus-style approach for operational efficiencies and the need for separate facilities at different locations.

(2) Beginning September 15, 2023 and ending December 15, 2023, the Commissioner of Buildings and General Services shall submit monthly status reports on the site location proposal described in subdivision (1) of this subsection (a).

(b) Design intent. It is the intent of the General Assembly that the Commissioner of Buildings and General Services, in consultation with the Commissioner of Corrections, shall incorporate into the design of any women's replacement facility the use of evidence-based principles for wellness environments for supporting trauma-informed practices.

Sec. 27. DEPARTMENT OF CORRECTIONS, REPLACEMENT WOMEN'S FACILITIES; REPORT

(a) It is the intent of the General Assembly that the State's long-term goal and vision for justice-involved individuals includes their reentry into the community through a system of supports grounded in restorative justice principles.

(b) On or before November 15, 2023, the Department of Corrections shall submit a written report to the House Committees on Corrections and Institutions and on Judiciary and the Senate Committees on Institutions and on Judiciary regarding the proposed size and scale of replacement women's facilities. The report shall address the following:



- (1) proposed allocation of beds in correctional and re-entry facilities;
- (2) bed types for specialized populations in each facility; and
- (3) data and rationale used to inform size of each facility.

\* \* \* Judiciary \* \* \*

Sec. 28. BARRE; WASHINGTON COUNTY SUPERIOR COURTHOUSE;  
RENOVATIONS

On or before September 15, 2023, the Commissioner of Buildings and General Services shall engage the City of Barre on options for renovating the existing Washington County Superior Courthouse or finding a new site location for the building.

\* \* \* Legislature \* \* \*

Sec. 29. 2020 Acts and Resolves No. 154, Sec. E.126.3, as amended by 2021 Acts and Resolves No. 50, Sec. 31 and 2022 Acts and Resolves No. 180, Sec. 20, is further amended to read:

Sec. E.126.3 GENERAL ASSEMBLY; STATE BUILDINGS; USE OF  
SPACE; AUTHORITY OF SERGEANT AT ARMS

\* \* \*

(c) Beginning on January 1, 2023 and ending on June 30, ~~2023~~ 2024, notwithstanding the provisions of 29 V.S.A. § 165 and any other provision of law to the contrary, in order to perform its constitutional duties, the Legislative Branch shall have exclusive use of rooms 264, 267, 268, and 270 on the second floor of 109 State Street.

\* \* \*

Sec. 30. STATE HOUSE; EXPANSION; DESIGN; SPECIAL COMMITTEE

(a) The Department of Buildings and General Services has contracted with Freeman, French, Freeman to develop programming options that will be the basis for a schematic design for the expansion of the State House. The programming options will be finalized in June 2023 and the schematic design in November 2023 when the General Assembly is not in session. It is the intent of the General Assembly to approve the programming option for a schematic design plan for the State House expansion as soon as practicable to allow the Department of Buildings and General Services to begin the design development phase of the expansion.

(b) A special committee consisting of the Joint Legislative Management Committee and the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions (special committee) is

hereby established. The special committee is authorized to meet to review, approve, or recommend alterations to the schematic design described in subsection (a) of this section at a regularly scheduled Joint Legislative Management Committee meeting. In making its decision, the special committee shall consider:

(1) how the design impacts the ability of the General Assembly to conduct legislative business;

(2) allows for public access to citizens;

(3) the financial consequences to the State of approval or disapproval of the proposal; and

(4) whether any potential alternatives are available.

(c) The special committee shall be entitled to per diem and expenses as provided in 2 V.S.A. § 23.

Sec. 31. 2016 Acts and Resolves No. 88, Sec. 3a, as amended by 2019 Acts and Resolves No. 42, Sec. 24 and 2021 Acts and Resolves No. 50, Sec. 23, is further amended to read:

Sec. 3a. REPEAL

2 V.S.A. chapter 30 (Capitol Complex Security Advisory Committee) is repealed on ~~June 30, 2023~~ June 30, 2024.

\* \* \* Natural Resources \* \* \*

Sec. 32. REPEAL

2018 Acts and Resolves No. 185, Sec. 12 (suspension of private loans for clean water projects) is repealed.

\* \* \* Public Safety \* \* \*

Sec. 33. 2021 Acts and Resolves No. 50, Sec. 12, as amended by 2022 Acts and Resolves No. 180, Sec. 10, is further amended to read:

Sec. 12. PUBLIC SAFETY

\* \* \*

(b) The following amounts are sum of \$50,000.00 is 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

(c) The sum of \$3,500,000.00 is appropriated in FY 2023 to the Department of Buildings and General Services for the Department of Public Safety for the construction of the Williston Public Field Station.

Appropriation – FY 2022	\$6,120,000.00
Appropriation – FY 2023	\$3,550,000.00
Total Appropriation – Section 12	\$9,670,000.00

\* \* \* Effective Date \* \* \*

#### Sec. 34. EFFECTIVE DATE

This act shall take effect on passage.

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

Senator Perchlik, 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.

#### **The President *pro tempore* Assumes the Chair**

#### **The President Resumes the Chair**

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; Bills Messaged**

On motion of Senator Baruth, the rules were suspended, and the following bills were severally ordered messaged to the House forthwith:

**H.94, H.127, H.481, H.482, H.495, H.479.**

#### **House Proposal of Amendment Not Concurred In; Committee of Conference Requested**

#### **S. 14.**

House proposal of amendment to Senate bill entitled:

An act relating to a report on criminal justice-related investments and trends.

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. 28 V.S.A. § 125 is amended to read:

§ 125. JUSTICE REINVESTMENT II INITIATIVES CRIMINAL JUSTICE INVESTMENTS AND TRENDS; REPORT

(a) Intent. It is the intent of the General Assembly that the report on Vermont's criminal justice investments and trends required under this section assist in the systemic assessment of the State's Justice Reinvestment and justice reform efforts and initiatives to inform future legislative policy and fiscal decisions.

(b) Definitions. As used in this section:

(1) "Arrest" means when a person is seized by law enforcement, charged with the commission of an offense, and referred for prosecution.

(2) "Clearance" means the process by which a law enforcement agency closes an offense by arrest or exceptional means in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program.

(3) "Desistance" means the process by which criminality, or the individual risk for antisocial conduct, declines over the life-course of the individual, generally after adolescence.

(4) "Exceptional means" means the death of the offender, the victim's refusal to cooperate with the prosecution after the offender is identified, the denial of extradition because the offender committed a crime in another jurisdiction and is being prosecuted for that offense, or other circumstance in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program.

(5) "Recidivism" has the same meaning as in section 4 of this title.

(c) Report.

(1) ~~On or before January~~ November 15 each year, 2024 and every three years thereafter, the ~~Commissioner of Corrections~~ Vermont Statistical Analysis Center (SAC), in consultation with the Commissioners of Corrections, of Health, of Mental Health, of Public Safety, of Labor, and for Children and Families ~~and;~~ the Attorney General; the Defender General; the Chief Superior Judge of the Superior Court; the Division of Racial Justice Statistics; the Executive Director of the Department of State's Attorneys and Sheriffs; and the Parole Board Director, shall submit a report to the House Committees on Appropriations, on Judiciary, and on Corrections and Institutions ~~and,~~ the Senate Committees on Appropriations and on Judiciary ~~detailing the expenditures on Justice Reinvestment II and the following related initiatives:~~

~~(1) funding for domestic violence intervention programming in the Department of Corrections;~~

~~(2) funding for offender transitional housing capacity with the Department of Corrections and other departments;~~

~~(3) funding for the Department of Correction's data collection Offender Management System;~~

~~(4) funding for community-based mental health and substance use services for individuals under Department of Corrections supervision;~~

~~(5) funding provided for diversion and restorative justice programs including community justice centers, court diversion, and balanced and restorative justice (BARJ); and~~

~~(6) funding and a description of any other General Fund expenditures for Justice Reinvestment II initiatives, the Joint Legislative Justice Oversight Committee, and the Executive Director of the Office of Racial Equity examining the trends associated with Vermont's criminal justice-related investments and expenditures since the last report was submitted pursuant to this section.~~

(2) The report required pursuant to subdivision (1) of this subsection shall include data showing:

(A) recidivism rates;

(B) clearance rates;

(C) evidence of desistance, including successful completion of community supervision;

(D) returns to incarceration from community supervision with the following relevant data points:

(i) community supervision type, classified by probation, parole, and furlough;

(ii) an indication if a return was for a violation or a new charge, including the crime type;

(iii) an indication if a violation was classified as "significant/not violent" or "significant and violent" for any applicable statuses; and

(iv) all available demographic information;

(E) bail rates, including detainees held without bail, detainees held with bail and the associated monetary amounts, and bailees who post bail and are released;

(F) pretrial detainees held in Vermont correctional facilities, including the crime type and jurisdiction for which they are held;

(G) the funding for, and utilization of, substance use disorder treatment, mental health, educational, and vocational initiatives for incarcerated individuals; and

(H) the funding for, and utilization by, individuals served through Justice Reinvestment II and related initiatives, including:

(i) domestic violence intervention programming in the Department of Corrections, including the results from the evaluation framework between the Vermont Network Against Domestic and Sexual Violence and the University of Nebraska;

(ii) offender transitional housing capacity with the Department of Corrections and other departments;

(iii) advancements to the Department of Corrections' data collection Offender Management System;

(iv) agencies, departments, municipalities, programs, and services employing restorative justice principles, including community justice centers;

(v) other General Fund expenditures for Justice Reinvestment II initiatives;

(vi) the Department of Corrections' out-of-state beds contracted by the Department and the average cost per bed in fiscal year 2019 and for each fiscal year thereafter; and

(vii) the Department of Corrections' in-state beds, separated by gender, including specialty units and units closed or unavailable in fiscal year 2019 and for each fiscal year thereafter.

~~(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.~~

(d) Informational availability.

(1) The information required pursuant to subsection (c) of this section shall include race, gender, age, and other demographic variables whenever possible.

(2) The report required pursuant to subsection (c) of this section shall explain any obstacles or impediments to the availability and collectability of data required pursuant to this section, including whether collecting certain data would put particular populations at risk, along with the substance use and

mental health needs and educational and vocational status of justice-involved individuals.

(e) Data sharing. Notwithstanding any provision of law to the contrary, all State and local agencies and departments that possess the data necessary to compile the report required pursuant to this section shall, upon request, provide SAC with any data that it determines is relevant to the report. The obligation to disclose shall supersede any other legal obligation with respect to the data required pursuant to this section, and a department, agency, or other entity shall not decline to disclose data required based on any other purported legal obligation.

(f) Confidentiality. Any data or records transmitted to or obtained by SAC are exempt from public inspection and copying under the Public Records Act and shall be confidential to the extent required by law unless and until the data or records are included in the report required by this section. A State or local agency or department that transmits data or records to SAC shall be the sole records custodian for purposes of responding to requests for the data or records. SAC may direct any request for these data or records to the transmitting agency or department for response.

Sec. 2. 28 V.S.A. § 126 is added to read:

§ 126. COORDINATED JUSTICE REFORM ADVISORY COUNCIL

(a) Creation. There is created the Coordinated Justice Reform Advisory Council to establish a unified and collaborative State approach to support State and local community-based programs and services that are consistent with Vermont's restorative justice policy pursuant to section 2a of this title. The Council shall consult with State and local partners to use a data-driven approach that improves public safety, reduces correctional and criminal justice spending, and reinvests savings or redirects funding in strategies that foster desistance or decrease crime, delinquencies, and recidivism.

(b) Membership. The Coordinated Justice Reform Advisory Council shall be composed of the following members:

- (1) the Attorney General or designee;
- (2) the Chief Superior Judge of the Vermont Superior Court or designee;
- (3) the Commissioner of Corrections or designee;
- (4) the Commissioner for Children and Families or designee;
- (5) the Executive Director of the Vermont Center for Crime Victim Services or designee;

(6) the Executive Director of the Vermont Statistical Analysis Center or designee;

(7) one current member of the House of Representatives selected from the Committee on Appropriations, the Committee on Corrections and Institutions, or the Committee on Judiciary, appointed by the Speaker of the House; and

(8) one current member of the Senate selected from the Committee on Appropriations or the Committee on Judiciary, appointed by the Committee on Committees.

(c) Powers and duties. The Coordinated Justice Reform Advisory Council shall:

(1) Review and provide data-driven recommendations for the priorities and appropriations necessary to support a unified and collaborative State approach in accordance with subsection (a) of this section.

(2) Review all relevant government appropriations, reauthorizations, and allocations made during the most recent fiscal year.

(3) Consult with Department of Mental Health; the Department of State's Attorneys and Sheriffs; the Office of the Defender General; the Parole Board; the Office of Racial Equity; the Office of the Child, Youth, and Family Advocate; the Vermont Network Against Domestic and Sexual Violence; and community justice entities that receive State funding for programs and services employing restorative justice principles on the potential uses and priorities of funding in accordance with subsection (a) of this section.

(4) Consistent with subsection (a) of this section, consider opportunities and make recommendations to establish a sustainable planning and funding structure to administer State and local community-based programs and services and modern data collection systems.

(5) On or before September 1, 2023 and annually thereafter, recommend to the Commissioner of Corrections the appropriate allocation of not more than \$900,000.00 from the Justice Reinvestment II line item of the Department of Corrections' budget for the upcoming fiscal year to support community-based programs and services, related data collection and analysis capacity, and other initiatives in accordance with subsection (a) of this section.

(d) Assistance. The Coordinated Justice Reform Advisory Council shall have the administrative, technical, and legal assistance of the Office of the Attorney General, the Department of Corrections, and the Department for



Children and Families for those issues and services within the jurisdiction of the respective office or department.

(e) Reports. On or before November 15, 2023 and annually thereafter, the Coordinated Justice Reform Advisory Council shall submit recommendations pursuant to subdivisions (c)(4) and (c)(5) of this section to the Joint Legislative Justice Oversight Committee; the Senate Committees on Appropriations and on Judiciary; and the House Committees on Appropriations, on Corrections and Institutions, and on Judiciary. Any recommendations submitted pursuant to subdivision (c)(4) shall be in the form of proposed legislation.

(f) Meetings; officers; committees; rules; compensation; term.

(1) The Chief Superior Judge of the Vermont Superior Court or designee shall call the first meeting of the Coordinated Justice Reform Advisory Council on or before July 15, 2023.

(2) The Council shall meet not more than six times per year.

(3) The Chief Superior Judge of the Vermont Superior Court or designee shall serve as the Chair of the Council.

(4) The Council may elect additional officers from its members, establish committees or subcommittees, and adopt procedural rules or bylaws as necessary and appropriate to perform its work.

(5) Members who are appointed to the Council shall be appointed for terms of three years, except that the Commissioners of Corrections and for Children and Families and members appointed by the Speaker of the House of Representative and the Senate Committee on Committees shall be appointed for a term of two years. Initial appointments shall be made such that the Commissioners of Corrections and for Children and Families and the members appointed by the Speaker of the House of Representative and the Senate Committee on Committees shall be appointed for a term of one year. Members shall hold office for the term of their appointments until their successors have been appointed. Vacancies on the Council shall be filled for the remaining period of the term in the same manner as initial appointments. Members are eligible for reappointment.

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

(7) Members of the Council who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than six meetings per year.

(8) Council meetings shall be subject to the Open Meeting Law.

Sec. 3. 28 V.S.A. § 102(c) is amended to read:

(c) The Commissioner is charged with the following responsibilities:

\* \* \*

(23) To include the Coordinated Justice Reform Advisory Council's appropriation recommendations made pursuant to subdivision 126(c)(5) of this title in the Department's annual proposed budget for the purposes of developing the State budget required to be submitted to the General Assembly in accordance with 32 V.S.A. § 306.

Sec. 4. REPEALS

(a) 28 V.S.A. 102(c)(23) (Commissioner of Corrections' responsibility to incorporate Coordinated Justice Reform Advisory Council's recommendations into the Department's budget) is repealed on July 1, 2028.

(b) 28 V.S.A. § 125 (criminal justice investments and trends; report) is repealed on July 1, 2028.

(c) 28 V.S.A. § 126 (Coordinated Justice Reform Advisory Council) is repealed on July 1, 2028.

Sec. 5. EFFECTIVE DATES

This act shall take effect on July 1, 2023, except that Secs. 1 (criminal justice investments and trends; report) and 4(b) (prospective repeal of 28 V.S.A. § 125) shall take effect on passage.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, on motion of Senator Hashim, the Senate refused to concur in the House proposal of amendment and requested a Committee of Conference.

#### **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:

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

**H. 490.** An act relating to approving the merger of the Village of Lyndonville with the Town of Lyndon.

**H. 506.** An act relating to approval of amendments to the election boundary provisions of the charter of the City of Burlington.

**H. 507.** An act relating to approval of amendments to the polling place provisions of the charter of the City of Burlington.

**H. 508.** An act relating to approval of an amendment to the ranked choice voting provisions of the charter of the City of Burlington.

**H. 509.** An act relating to approval of amendments to the voter qualification provisions of the charter of the City of Burlington.

In the passage 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. 26.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

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

**S. 17.** An act relating to sheriff reforms.

**S. 99.** An act relating to miscellaneous changes to laws related to vehicles.

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 Senate proposal of amendment to the following House bill:

**H. 473.** An act relating to radiologist assistants.

And has severally concurred therein with a further proposal of amendment thereto, in the adoption of which the concurrence of the Senate is requested.

### **Adjournment**

On motion of Senator Baruth, the Senate adjourned until ten o'clock and in the morning.

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### **FRIDAY, MAY 5, 2023**

The Senate was called to order by the President.

### **Devotional Exercises**

A moment of silence was observed in lieu of devotions.

### **Message from the Governor**

A message was received from His Excellency, the Governor, by Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the fourth date of May, 2023 he returned without signature and *vetoed* a bill originating in the Senate of the following title:

**S. 5.** An act relating to affordably meeting the mandated greenhouse gas reductions for the thermal sector through efficiency, weatherization measures, electrification, and decarbonization.

**Text of Communication from Governor**

The text of the communication from His Excellency, the Governor, whereby he vetoed and returned unsigned **Senate Bill No. 5** to the Senate is as follows:

May 4, 2023

The Honorable John Bloomer, Jr.  
Secretary of the Senate  
115 State House  
Montpelier, VT 05633-5401

Dear Secretary Bloomer:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I'm returning S.5, *An act relating to affordably meeting the mandated greenhouse gas reductions for the thermal sector through efficiency, weatherization measures, electrification, and decarbonization*, without my signature because of my objections described herein:

As Governor, I believe we must make Vermont more affordable by helping Vermonters keep more of what they earn, while we simultaneously make transformative, strategic investments in important areas like community revitalization, climate action, housing, childcare, clean water, and broadband.

I also believe government transparency is essential to maintaining faith and trust in our democracy. When we pass laws, we must clearly communicate both the burdens and the benefits to Vermonters. From my perspective, S.5 conflicts with these principles, and I cannot support it.

It's important to note despite significant concerns with the policy, I would not veto a bill that directs the Public Utilities Commission (PUC) to design a potential clean heat standard – provided it's returned to the Legislature, in bill form with all the details, and debated, amended, and voted on with the transparency Vermonters deserve.

The so-called “check back” in S.5 does not achieve my simple request. Instead, the “check back” language in the bill is confusing, easily misconstrued, and contradictory to multiple portions of the bill.

As I have repeatedly stated publicly, this veto could have been avoided had the Legislature eliminated the confusion and spelled out, in plain language, that the proposed plan would return to the Legislature to be considered for codification and voted on in bill form.

Again, I continue to fully support efforts to reduce greenhouse gas emissions. As the Legislature is well aware, more than any previous governor, I have proposed, supported, and invested hundreds of millions of dollars to reduce emissions in the transportation and thermal sectors. I’m also committed to following through on the work outlined in our thermal sector action plan.

Here’s the bottom line: The risk to Vermonters and our economy throughout the state is too great; the confusion around the language and the unknowns are too numerous; and we are making real and measurable progress reducing emissions with a more thoughtful, strategic approach that is already in motion.

For these reasons I cannot allow this bill to go into law. It’s my sincere hope that members of the Legislature will have the courage to put their constituents ahead of party politics and sustain this veto.

Sincerely,

/s/Philip B. Scott  
Governor

PBS/kp

**Rules Suspended; Third Reading Ordered; Rules Suspended; Senate Resolution Adopted**

**S.R. 11.**

Appearing on the Calendar for notice, on motion of Senator Baruth, the rules were suspended and Senate resolution entitled:

Senate resolution supporting the continuing resiliency and strengthening of the Abenaki communities in Vermont and encouraging a greater appreciation and respect for Abenaki culture during Abenaki Recognition and Heritage Week and throughout the year.

Was taken up for immediate consideration.

Senator Watson, for the Committee on Government Operations, reported that the resolution ought to be adopted.

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

Thereupon, on motion of Senator Baruth, the rules were suspended and the resolution was placed in all remaining stages of adoption.

Thereupon, the Senate resolution was read the third time and adopted.

### **Committee of Conference Appointed**

#### **S. 14.**

An act relating to a report on criminal justice-related investments and trends.

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

Senator Hashim  
Senator Vyhovsky  
Senator Norris

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

### **Bill Referred to Committee on Appropriations**

#### **H. 270.**

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 miscellaneous amendments to the adult-use and medical cannabis programs.

### **Bills Referred**

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

**H. 490.** An act relating to approving the merger of the Village of Lyndonville with the Town of Lyndon.

**H. 506.** An act relating to approval of amendments to the election boundary provisions of the charter of the City of Burlington.

**H. 507.** An act relating to approval of amendments to the polling place provisions of the charter of the City of Burlington.

**H. 508.** An act relating to approval of an amendment to the ranked choice voting provisions of the charter of the City of Burlington.