

JOURNAL OF THE HOUSE
OF THE
STATE OF VERMONT

ADJOURNED SESSION, 2024

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**(For May 10, 2024 Final Messages, Veto Session,
Appendices A & B, and General Index, see Volume 3)**



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STATE OF VERMONT

BUILDINGS AND GENERAL SERVICES, MIDDLESEX, VERMONT

Compiled and Edited by:

BetsyAnn Wrask, Clerk of the House and Theresa Utton-Jerman, House Journal Clerk

Journal of the House

of the
STATE OF VERMONT
ADJOURNED SESSION, 2024

Wednesday, January 3, 2024

At ten o'clock in the forenoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rev. Peter Plagge, Waterbury Congregational Church.

Pledge of Allegiance

Page Katharine “Kate” Carbee of Middlesex led the House in the Pledge of Allegiance.

Rules Suspended, House Bills Introduced

Pending first reading of the bills, on motion of **Rep. McCoy of Poultney**, the rules were suspended and the bills were read the first time by number and referred to committee as follows:

H. 524

By Rep. Krasnow of South Burlington,

House bill, entitled

An act relating to prohibiting cosmetic animal tests

To the Committee on Human Services.

H. 525

By Reps. Harrison of Chittenden and Arsenault of Williston,

House bill, entitled

An act relating to ordinances governing the possession of firearms in a municipal building

To the Committee on Government Operations and Military Affairs.

H. 526

By Reps. Anthony of Barre City, Bartholomew of Hartland, Burke of Brattleboro, Campbell of St. Johnsbury, Casey of Montpelier, Galfetti of Barre Town, McFaun of Barre Town, Morrissey of Bennington, Roberts of Halifax, Stebbins of Burlington, and Williams of Barre City,

House bill, entitled

An act relating to the redesign of Bridge 9 in Barre City

To the Committee on Transportation.

H. 527

By Reps. Donahue of Northfield, Dolan of Waitsfield, Krasnow of South Burlington, Leavitt of Grand Isle, and Mulvaney-Stanak of Burlington,

House bill, entitled

An act relating to requiring retail businesses to accept cash

To the Committee on Commerce and Economic Development.

H. 528

By Rep. Donahue of Northfield,

House bill, entitled

An act relating to the historical review and study of burial grounds

To the Committee on Corrections and Institutions.

H. 529

By Reps. Williams of Barre City, Anthony of Barre City, Berbeco of Winooski, Carpenter of Hyde Park, Chase of Chester, Christie of Hartford, Cole of Hartford, Headrick of Burlington, Howard of Rutland City, Hyman of South Burlington, Krasnow of South Burlington, Mulvaney-Stanak of Burlington, Page of Newport City, Priestley of Bradford, Rice of Dorset, Stebbins of Burlington, Torre of Moretown, and White of Bethel,

House bill, entitled

An act relating to publishing storage unit availability during a state of emergency

To the Committee on General and Housing.

H. 530

By Rep. Harrison of Chittenden,

House bill, entitled

An act relating to increasing the property tax credit housesite value exclusion

To the Committee on Ways and Means.

H. 531

By Rep. Wood of Waterbury,

House bill, entitled

An act relating to criminal penalties for burglary

To the Committee on Judiciary.

H. 532

By Rep. Hango of Berkshire,

House bill, entitled

An act relating to health insurance coverage for biomarker testing

To the Committee on Health Care.

H. 533

By Reps. Minier of South Burlington, Carpenter of Hyde Park, Hyman of South Burlington, and Krasnow of South Burlington,

House bill, entitled

An act relating to enhancing food allergen awareness in food service establishments

To the Committee on Human Services.

H. 534

By Reps. LaLonde of South Burlington, Notte of Rutland City, Anthony of Barre City, Arsenault of Williston, Austin of Colchester, Black of Essex, Brumsted of Shelburne, Burrows of West Windsor, Carpenter of Hyde Park, Chase of Chester, Christie of Hartford, Coffey of Guilford, Conlon of Cornwall, Dodge of Essex, Dolan of Essex Junction, Dolan of Waitsfield, Durfee of Shaftsbury, Houghton of Essex Junction, Howard of Rutland City, Hyman of South Burlington, and James of Manchester, Krasnow of South Burlington, Lalley of Shelburne, Masland of Thetford, McCann of Montpelier, McCarthy of St. Albans City, Minier of South Burlington,

Mrowicki of Putney, Noyes of Wolcott, Nugent of South Burlington, Ode of Burlington, Priestley of Bradford, Scheu of Middlebury, Sims of Craftsbury, Stebbins of Burlington, Templeman of Brownington, White of Bethel, and Wood of Waterbury,

House bill, entitled

An act relating to retail theft

To the Committee on Judiciary.

H. 535

By Reps. Krasnow of South Burlington, Andrews of Westford, Anthony of Barre City, Arsenault of Williston, Berbeco of Winooski, Bluemle of Burlington, Burke of Brattleboro, Burrows of West Windsor, Buss of Woodstock, Carroll of Bennington, Casey of Montpelier, Cina of Burlington, Cole of Hartford, Dodge of Essex, Farlice-Rubio of Barnet, Garofano of Essex, Graning of Jericho, Hango of Berkshire, Harrison of Chittenden, Headrick of Burlington, Hooper of Burlington, Howard of Rutland City, Hyman of South Burlington, LaBounty of Lyndon, Lalley of Shelburne, Leavitt of Grand Isle, McCann of Montpelier, McGill of Bridport, Minier of South Burlington, Morgan of Milton, Noyes of Wolcott, Nugent of South Burlington, Ode of Burlington, Page of Newport City, Patt of Worcester, Pouech of Hinesburg, Priestley of Bradford, Rachelson of Burlington, Stebbins of Burlington, Stone of Burlington, Torre of Moretown, Waters Evans of Charlotte, and Whitman of Bennington,

House bill, entitled

An act relating to public health outreach programs regarding dementia risk

To the Committee on Human Services.

H. 536

By Reps. Rice of Dorset, Cole of Hartford, Krasnow of South Burlington, Priestley of Bradford, Stone of Burlington, Toof of St. Albans Town, and Williams of Barre City,

House bill, entitled

An act relating to homeowners' insurance and dog breed discrimination

To the Committee on Commerce and Economic Development.

H. 537

By Reps. Andriano of Orwell and Wood of Waterbury,

House bill, entitled

An act relating to access to employee restrooms for individuals living with an inflammatory bowel disease

To the Committee on Human Services.

H. 538

By Rep. Wood of Waterbury,

House bill, entitled

An act relating to student application of sunscreen and car seat safety

To the Committee on Human Services.

H. 539

By Reps. Christie of Hartford and LaLonde of South Burlington,

House bill, entitled

An act relating to amending Vermont's disorderly conduct statutes

To the Committee on Judiciary.

H. 540

By Reps. Bos-Lun of Westminster, Burrows of West Windsor, Campbell of St. Johnsbury, Chapin of East Montpelier, Christie of Hartford, Cina of Burlington, Cordes of Lincoln, Goldman of Rockingham, Headrick of Burlington, McGill of Bridport, Mulvaney-Stanak of Burlington, Pajala of Londonderry, Priestley of Bradford, and Surprenant of Barnard,

House bill, entitled

An act relating to the siting of tiny houses

To the Committee on Environment and Energy.

H. 541

By Reps. Kornheiser of Brattleboro, Anthony of Barre City, Buss of Woodstock, Andrews of Westford, Arsenault of Williston, Brown of Richmond, Brownell of Pownal, Carpenter of Hyde Park, Casey of Montpelier, Chase of Chester, Christie of Hartford, Cole of Hartford, Dolan of Waitsfield, Farlice-Rubio of Barnet, Goldman of Rockingham, Graning of Jericho, Holcombe of Norwich, James of Manchester, Long of Newfane, McCann of Montpelier, Mihaly of Calais, Mrowicki of Putney, Noyes of Wolcott,

Ode of Burlington, Patt of Worcester, Rice of Dorset, Roberts of Halifax, Satcowitz of Randolph, Stebbins of Burlington, Stone of Burlington, Waters Evans of Charlotte, White of Bethel, and Williams of Barre City,

House bill, entitled

An act relating to State education property taxes and flood-related damage

To the Committee on Ways and Means.

H. 542

By Reps. Nugent of South Burlington, Anthony of Barre City, Beck of St. Johnsbury, Branagan of Georgia, Buss of Woodstock, Dodge of Essex, Farlice-Rubio of Barnet, Headrick of Burlington, Hyman of South Burlington, Krasnow of South Burlington, Lalley of Shelburne, LaLonde of South Burlington, Masland of Thetford, Minier of South Burlington, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Ode of Burlington, Pouech of Hinesburg, Priestley of Bradford, Templeman of Brownington, Torre of Moretown, and Williams of Barre City,

House bill, entitled

An act relating to speed limits in State-designated centers

To the Committee on Transportation.

H. 543

By Reps. Cina of Burlington, Hango of Berkshire, Berbeco of Winooski, Pajala of Londonderry, Rachelson of Burlington, Andrews of Westford, Andriano of Orwell, Anthony of Barre City, Arrison of Weathersfield, Arsenaault of Williston, Austin of Colchester, Bartley of Fairfax, Bluemle of Burlington, Bongartz of Manchester, Bos-Lun of Westminster, Boyden of Cambridge, Branagan of Georgia, Brumsted of Shelburne, Burrows of West Windsor, Buss of Woodstock, Campbell of St. Johnsbury, Carpenter of Hyde Park, Chapin of East Montpelier, Chase of Chester, Chesnut-Tangerman of Middletown Springs, Coffey of Guilford, Cole of Hartford, Dodge of Essex, Dolan of Essex Junction, Dolan of Waitsfield, Farlice-Rubio of Barnet, Garofano of Essex, Goldman of Rockingham, Graning of Jericho, Gregoire of Fairfield, Headrick of Burlington, Holcombe of Norwich, Houghton of Essex Junction, Howard of Rutland City, Hyman of South Burlington, Jerome of Brandon, Krasnow of South Burlington, Labor of Morgan, LaBounty of Lyndon, Lalley of Shelburne, Leavitt of Grand Isle, Logan of Burlington, Masland of Thetford, Mattos of Milton, McGill of Bridport, Mihaly of Calais, Minier of South Burlington, Morgan of Milton, Mulvaney-Stanak of Burlington, Nugent of South Burlington, Ode of Burlington, Page of Newport City, Patt of Worcester, Pouech of Hinesburg, Priestley of Bradford,

Rice of Dorset, Roberts of Halifax, Small of Winooski, Squirrell of Underhill, Stone of Burlington, Surprenant of Barnard, Taylor of Milton, Torre of Moretown, Troiano of Stannard, Waters Evans of Charlotte, White of Bethel, Whitman of Bennington, Williams of Barre City, Williams of Granby, and Wood of Waterbury,

House bill, entitled

An act relating to Vermont's adoption of the Social Work Licensure Compact

To the Committee on Health Care.

H. 544

By Reps. Labor of Morgan, Page of Newport City, Anthony of Barre City, Berbeco of Winooski, Bos-Lun of Westminster, Brumsted of Shelburne, Campbell of St. Johnsbury, Christie of Hartford, Dodge of Essex, Dolan of Essex Junction, Dolan of Waitsfield, Donahue of Northfield, Farlice-Rubio of Barnet, Galfetti of Barre Town, Gregoire of Fairfield, Hango of Berkshire, Holcombe of Norwich, LaBounty of Lyndon, Lalley of Shelburne, McCann of Montpelier, McGill of Bridport, Morrissey of Bennington, Pouech of Hinesburg, Priestley of Bradford, Rice of Dorset, Sims of Craftsbury, Templeman of Brownington, Torre of Moretown, and Wilson of Lyndon,

House bill, entitled

An act relating to regulating products containing perfluoroalkyl and polyfluoroalkyl substances

To the Committee on Human Services.

H. 545

By Rep. Canfield of Fair Haven,

House bill, entitled

An act relating to utility property valuation

To the Committee on Ways and Means.

H. 546

By Rep. Canfield of Fair Haven,

House bill, entitled

An act relating to administrative and policy changes to tax laws

To the Committee on Ways and Means.

H. 547

By Rep. Harrison of Chittenden,

House bill, entitled

An act relating to the repeal of the automated license plate recognition (ALPR) system statutes and the enactment of laws allowing for the use of automated law enforcement

To the Committee on Transportation.

H. 548

By Reps. Page of Newport City, Labor of Morgan, Anthony of Barre City, Berbeco of Winooski, Brumsted of Shelburne, Christie of Hartford, Dolan of Waitsfield, Donahue of Northfield, Farlice-Rubio of Barnet, Galfetti of Barre Town, Gregoire of Fairfield, Hango of Berkshire, Holcombe of Norwich, Lalley of Shelburne, McCann of Montpelier, McGill of Bridport, Peterson of Clarendon, Priestley of Bradford, Sims of Craftsbury, Smith of Derby, Templeman of Brownington, Torre of Moretown, and Wilson of Lyndon,

House bill, entitled

An act relating to the landfill disposal of solid waste

To the Committee on Environment and Energy.

H. 549

By Reps. Dolan of Essex Junction and Houghton of Essex Junction,

House bill, entitled

An act relating to the siting of outdoor cannabis cultivation

To the Committee on Environment and Energy.

H. 550

By Rep. Pearl of Danville,

House bill, entitled

An act relating to expanding eligibility under the local foods grant program

To the Committee on Agriculture, Food Resiliency, and Forestry.

H. 551

By Rep. Masland of Thetford,

House bill, entitled

An act relating to wakesports zones on State waters

To the Committee on Environment and Energy.

H. 552

By Reps. LaLonde of South Burlington, Arsenault of Williston, Chapin of East Montpelier, Dolan of Essex Junction, and Oliver of Sheldon,

House bill, entitled

An act relating to statements made by a child victim of an offense involving serious bodily injury

To the Committee on Judiciary.

H. 553

By Rep. Howard of Rutland City,

House bill, entitled

An act relating to the right of entry following a tax sale

To the Committee on General and Housing.

H. 554

By Reps. Morgan of Milton and Leavitt of Grand Isle,

House bill, entitled

An act relating to approval of the adoption of the charter of the Town of South Hero

To the Committee on Government Operations and Military Affairs.

H. 555

By Rep. Donahue of Northfield,

House bill, entitled

An act relating to enclosing the Vermont State Hospital cemetery

To the Committee on Corrections and Institutions.

H. 556

By Rep. Donahue of Northfield,

House bill, entitled

An act relating to requiring mobile home park flood risk disclosure

To the Committee on General and Housing.

H. 557

By Rep. Mrowicki of Putney,

House bill, entitled

An act relating to monitoring the homeowners insurance market in Vermont and protecting consumers

To the Committee on Commerce and Economic Development.

H. 558

By Reps. LaLonde of South Burlington and Christie of Hartford,

House bill, entitled

An act relating to operating a motor vehicle without consent of the owner

To the Committee on Judiciary.

H. 559

By Rep. LaLonde of South Burlington,

House bill, entitled

An act relating to a voluntary license to purchase firearms

To the Committee on Judiciary.

H. 560

By Rep. Marcotte of Coventry,

House bill, entitled

An act relating to making technical corrections to workers' compensation rulemaking requirements

To the Committee on Commerce and Economic Development.

H. 561

By Reps. LaLonde of South Burlington and Arsenault of Williston,

House bill, entitled

An act relating to prohibiting firearms at polling places and requiring that lost or stolen firearms be reported to a law enforcement agency

To the Committee on Judiciary.

H. 562

By Reps. Coffey of Guilford, LaLonde of South Burlington, and Shaw of Pittsford,

House bill, entitled

An act relating to the temporary use of automated traffic law enforcement (ATLE) systems

To the Committee on Transportation.

H. 563

By Reps. Burditt of West Rutland, Goslant of Northfield, and Oliver of Sheldon,

House bill, entitled

An act relating to attempted auto theft

To the Committee on Judiciary.

H. 564

By Reps. Burditt of West Rutland, Goslant of Northfield, and Oliver of Sheldon,

House bill, entitled

An act relating to entering a vehicle without legal authority or consent

To the Committee on Judiciary.

H. 565

By Rep. LaLonde of South Burlington,

House bill, entitled

An act relating to technical amendments to the child support statutes

To the Committee on Judiciary.

H. 566

By Rep. LaLonde of South Burlington,

House bill, entitled

An act relating to consideration of community impact at sentencing hearing

To the Committee on Judiciary.

H. 567

By Rep. Krasnow of South Burlington,

House bill, entitled

An act relating to the sale of dogs, cats, and wolf-hybrids by pet shops

To the Committee on Agriculture, Food Resiliency, and Forestry.

H. 568

By Reps. Dolan of Waitsfield, Anthony of Barre City, Bluemle of Burlington, Chapin of East Montpelier, Christie of Hartford, Howard of Rutland City, LaBounty of Lyndon, Lalley of Shelburne, Leavitt of Grand Isle, Masland of Thetford, Mrowicki of Putney, Noyes of Wolcott, Ode of Burlington, Patt of Worcester, Priestley of Bradford, Rice of Dorset, Satcowitz of Randolph, White of Bethel, and Williams of Barre City,

House bill, entitled

An act relating to the Municipal Planning and Resilience Grant Program

To the Committee on Environment and Energy.

H. 569

By Rep. Dolan of Waitsfield,

House bill, entitled

An act relating to use of administrative use controls at contaminated sites

To the Committee on Environment and Energy.

H. 570

By Rep. Anthony of Barre City,

House bill, entitled

An act relating to attorney's fees in civil actions

To the Committee on Judiciary.

H. 571

By Rep. Dolan of Essex Junction,

House bill, entitled

An act relating to requirements for operator's license reinstatement following a conviction of driving under the influence

To the Committee on Judiciary.

H. 572

By Reps. Hango of Berkshire, Cina of Burlington, Berbeco of Winooski, Pajala of Londonderry, Andrews of Westford, Andriano of Orwell, Anthony of Barre City, Arrison of Weathersfield, Arsenault of Williston, Austin of Colchester, Bluemle of Burlington, Boyden of Cambridge, Brumsted of Shelburne, Burrows of West Windsor, Buss of Woodstock,

Carpenter of Hyde Park, Chapin of East Montpelier, Chesnut-Tangerman of Middletown Springs, Coffey of Guilford, Farlice-Rubio of Barnet, Garofano of Essex, Graning of Jericho, Gregoire of Fairfield, Harrison of Chittenden, Holcombe of Norwich, Howard of Rutland City, Hyman of South Burlington, Labor of Morgan, Leavitt of Grand Isle, Minier of South Burlington, Morgan of Milton, Nugent of South Burlington, Ode of Burlington, Page of Newport City, Parsons of Newbury, Patt of Worcester, Priestley of Bradford, Rice of Dorset, Roberts of Halifax, Sims of Craftsbury, Stone of Burlington, Surprenant of Barnard, Taylor of Milton, Templeman of Brownington, Troiano of Stannard, White of Bethel, and Williams of Granby,

House bill, entitled

An act relating to enacting the Physician Assistant Licensure Compact
To the Committee on Health Care.

H. 573

By Rep. Stone of Burlington,

House bill, entitled

An act relating to the Rare Disease Advisory Council
To the Committee on Human Services.

H. 574

By Reps. Coffey of Guilford and Mihaly of Calais,

House bill, entitled

An act relating to residential service upgrades for beneficial electrification
To the Committee on Environment and Energy.

H. 575

By Reps. Patt of Worcester, Andrews of Westford, Austin of Colchester, Bongartz of Manchester, Burke of Brattleboro, Clifford of Rutland City, Dodge of Essex, Dolan of Waitsfield, Farlice-Rubio of Barnet, Krasnow of South Burlington, Morris of Springfield, Ode of Burlington, Rachelson of Burlington, Rice of Dorset, Satcowitz of Randolph, Stebbins of Burlington, and Stone of Burlington,

House bill, entitled

An act relating to the Community Media Public Benefit Fund
To the Committee on Environment and Energy.

H. 576

By Reps. Williams of Barre City, Graning of Jericho, and Priestley of Bradford,

House bill, entitled

An act relating to studying supplemental funding for the Unemployment Insurance Program

To the Committee on Commerce and Economic Development.

H. 577

By Rep. Emmons of Springfield,

House bill, entitled

An act relating to providing legal assistance to the Access Board

To the Committee on Corrections and Institutions.

H. 578

By Rep. Brennan of Colchester,

House bill, entitled

An act relating to requirements for the pay plans of certain law enforcement officers and firefighters employed by the State

To the Committee on General and Housing.

H. 579

By Rep. Burditt of West Rutland,

House bill, entitled

An act relating to organized retail theft, aggravated retail theft, and retail theft with the intent to resell

To the Committee on Judiciary.

H. 580

By Rep. Sibilias of Dover,

House bill, entitled

An act relating to the types of evidence permitted in weight of the evidence hearings

To the Committee on Judiciary.

H. 581

By Rep. Sibilias of Dover,
House bill, entitled
An act relating to bail and violations of conditions of release
To the Committee on Judiciary.

H. 582

By Reps. Mrowicki of Putney, Berbeco of Winooski, Carpenter of Hyde Park, and Goldman of Rockingham,
House bill, entitled
An act relating to prohibiting possession of semiautomatic assault weapons
To the Committee on Judiciary.

H. 583

By Rep. Burditt of West Rutland,
House bill, entitled
An act relating to the Donor Intent Protection Act
To the Committee on Judiciary.

H. 584

By Reps. Goslant of Northfield and Oliver of Sheldon,
House bill, entitled
An act relating to jurisdiction in juvenile proceedings
To the Committee on Judiciary.

H. 585

By Reps. Mrowicki of Putney and Noyes of Wolcott,
House bill, entitled
An act relating to amending the pension system for sheriffs and certain deputy sheriffs
To the Committee on Government Operations and Military Affairs.

H. 586

By Reps. Dolan of Waitsfield, Anthony of Barre City, Bluemle of Burlington, Burrows of West Windsor, Chapin of East Montpelier, Cole of Hartford, Holcombe of Norwich, Hyman of South Burlington,

Jerome of Brandon, Lalley of Shelburne, Leavitt of Grand Isle, Masland of Thetford, Mrowicki of Putney, Ode of Burlington, Patt of Worcester, Pouech of Hinesburg, Priestley of Bradford, Rice of Dorset, Squirrell of Underhill, Stebbins of Burlington, Stevens of Waterbury, Stone of Burlington, Torre of Moretown, White of Bethel, and Williams of Barre City,

House bill, entitled

An act relating to flood protection and climate resilience infrastructure and financing

To the Committee on Environment and Energy.

H. 587

By Rep. Brennan of Colchester,

House bill, entitled

An act relating to enforcement of fish and wildlife violations

To the Committee on Environment and Energy.

H. 588

By Rep. Brennan of Colchester,

House bill, entitled

An act relating to threatened or endangered species

To the Committee on Environment and Energy.

H. 589

By Rep. Bongartz of Manchester,

House bill, entitled

An act relating to aquatic nuisance control

To the Committee on Environment and Energy.

H. 590

By Reps. Noyes of Wolcott and Carpenter of Hyde Park,

House bill, entitled

An act relating to insurance protections and leave from employment for living donors

To the Committee on Commerce and Economic Development.

H. 591

By Rep. Squirrell of Underhill,

House bill, entitled

An act relating to an examination of State funding that supports public safety and correctional programs

To the Committee on Judiciary.

H. 592

By Reps. Peterson of Clarendon, Hango of Berkshire, Harrison of Chittenden, and Wilson of Lyndon,

House bill, entitled

An act relating to tax benefits for school sports officiating

To the Committee on Ways and Means.

H. 593

By Reps. Harrison of Chittenden, Sims of Craftsbury, Andrews of Westford, Arrison of Weathersfield, Bartley of Fairfax, Black of Essex, Bos-Lun of Westminster, Buss of Woodstock, Chapin of East Montpelier, Dolan of Waitsfield, Farlice-Rubio of Barnet, Hango of Berkshire, Labor of Morgan, LaBounty of Lyndon, Leavitt of Grand Isle, Page of Newport City, Pajala of Londonderry, Priestley of Bradford, Rice of Dorset, Smith of Derby, Surprenant of Barnard, Templeman of Brownington, White of Bethel, and Williams of Barre City,

House bill, entitled

An act relating to a tax credit for emergency responders

To the Committee on Ways and Means.

H. 594

By Rep. Wilson of Lyndon,

House bill, entitled

An act relating to exempting Social Security income from income tax

To the Committee on Ways and Means.

H. 595

By Rep. Brennan of Colchester,

House bill, entitled

An act relating to deer and bear doing damage to crops

To the Committee on Agriculture, Food Resiliency, and Forestry.

H. 596

By Rep. Stebbins of Burlington,

House bill, entitled

An act relating to eligibility of reserve forestland for use value appraisal

To the Committee on Agriculture, Food Resiliency, and Forestry.

H. 597

By Rep. Brennan of Colchester,

House bill, entitled

An act relating to the collection, sale, and possession of wildlife

To the Committee on Environment and Energy.

H. 598

By Reps. Marcotte of Coventry, Higley of Lowell, Labor of Morgan, Page of Newport City, Sims of Craftsbury, and Smith of Derby,

House bill, entitled

An act relating to holding local hearings on hospital budgets

To the Committee on Health Care.

H. 599

By Rep. Sheldon of Middlebury,

House bill, entitled

An act relating to retroactively reinstating 10 V.S.A. § 6081(b)

To the Committee on Environment and Energy.

H. 600

By Reps. Casey of Montpelier and Krasnow of South Burlington,

House bill, entitled

An act relating to nondiscrimination concerning a parent with a disability

To the Committee on Judiciary.

H. 601

By Rep. Satcowitz of Randolph,

House bill, entitled

An act relating to prohibiting the presence of toxic chemicals in plastic packaging

To the Committee on Environment and Energy.

H. 602

By Rep. Satcowitz of Randolph,

House bill, entitled

An act relating to prohibiting the use of plastics in certain technologies

To the Committee on Environment and Energy.

H. 603

By Rep. Surprenant of Barnard,

House bill, entitled

An act relating to the poultry slaughter exception to inspection

To the Committee on Agriculture, Food Resiliency, and Forestry.

H. 604

By Rep. Sibia of Dover,

House bill, entitled

An act relating to a study of a statewide grid resilience plan

To the Committee on Environment and Energy.

H. 605

By Rep. Casey of Montpelier,

House bill, entitled

An act relating to prostitution

To the Committee on Judiciary.

H. 606

By Reps. Cole of Hartford, Dodge of Essex, and Holcombe of Norwich,

House bill, entitled

An act relating to professional licensure and immigration status
To the Committee on Government Operations and Military Affairs.

H. 607

By Rep. Pearl of Danville,
House bill, entitled
An act relating to business owner transparency
To the Committee on Commerce and Economic Development.

H. 608

By Rep. Howard of Rutland City,
House bill, entitled
An act relating to a nonresidential property tax surcharge
To the Committee on Ways and Means.

H. 609

By Reps. Stebbins of Burlington, Dodge of Essex, and Pouech of Hinesburg,
House bill, entitled
An act relating to repealing the Motorboat Registration Fund and establishing the Lake Protection and Access Pass for use of State waters
To the Committee on Environment and Energy.

H. 610

By Reps. Stone of Burlington, Burrows of West Windsor, and Krasnow of South Burlington,
House bill, entitled
An act relating to making home modifications for safety and livability
To the Committee on Ways and Means.

H. 611

By Reps. Beck of St. Johnsbury, Sibilia of Dover, Sims of Craftsbury, Anthony of Barre City, Priestley of Bradford, Templeman of Brownington, and Williams of Barre City,
House bill, entitled

An act relating to creating a study committee for the uniform local share of sales and use tax revenue and other revenue sharing options

To the Committee on Ways and Means.

H. 612

By Reps. McCarthy of St. Albans City and Birong of Vergennes,
House bill, entitled

An act relating to miscellaneous cannabis amendments

To the Committee on Government Operations and Military Affairs.

H. 613

By Rep. Burrows of West Windsor,
House bill, entitled

An act relating to disclosure of a sexually explicit depiction without consent

To the Committee on Judiciary.

H. 614

By Rep. Mihaly of Calais,
House bill, entitled

An act relating to land improvement fraud and timber trespass

To the Committee on Agriculture, Food Resiliency, and Forestry.

H. 615

By Reps. Mihaly of Calais, Casey of Montpelier, and Chapin of East Montpelier,

House bill, entitled

An act relating to transferring safety jurisdiction over certain hydroelectric dams

To the Committee on Environment and Energy.

H. 616

By Rep. Stevens of Waterbury,
House bill, entitled

An act relating to providing protections against eviction

To the Committee on General and Housing.

H. 617

By Rep. Stevens of Waterbury,

House bill, entitled

An act relating to residential rental application fees

To the Committee on General and Housing.

H. 618

By Reps. Arsenault of Williston and Taylor of Colchester,

House bill, entitled

An act relating to the definition of a mobile home park

To the Committee on General and Housing.

H. 619

By Rep. Andriano of Orwell,

House bill, entitled

An act relating to creating reciprocal rights to landlord-tenant attorney's fees and expenses

To the Committee on General and Housing.

H. 620

By Reps. Carpenter of Hyde Park, Anthony of Barre City, Arsenault of Williston, Berbeco of Winooski, Bluemle of Burlington, Boyden of Cambridge, Cole of Hartford, Dodge of Essex, Elder of Starksboro, Farlice-Rubio of Barnet, Garofano of Essex, Goldman of Rockingham, Hango of Berkshire, Harrison of Chittenden, Headrick of Burlington, Howard of Rutland City, Hyman of South Burlington, Krasnow of South Burlington, Logan of Burlington, McGill of Bridport, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Page of Newport City, Pajala of Londonderry, Priestley of Bradford, Stone of Burlington, and Whitman of Bennington,

House bill, entitled

An act relating to health insurance coverage for diagnostic tests used for screening purposes

To the Committee on Health Care.

H. 621

By Reps. Sibia of Dover, Carpenter of Hyde Park, Anthony of Barre City, Arsenault of Williston, Berbeco of Winooski, Boyden of Cambridge, Christie of Hartford, Cole of Hartford, Demrow of Corinth, Dodge of Essex, Elder of Starksboro, Farlice-Rubio of Barnet, Garofano of Essex, Goldman of Rockingham, Hango of Berkshire, Harrison of Chittenden, Headrick of Burlington, Howard of Rutland City, Hyman of South Burlington, Krasnow of South Burlington, Leavitt of Grand Isle, Logan of Burlington, McGill of Bridport, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Page of Newport City, Pajala of Londonderry, Priestley of Bradford, Sims of Craftsbury, Stone of Burlington, and Whitman of Bennington,

House bill, entitled

An act relating to health insurance coverage for diagnostic breast imaging

To the Committee on Health Care.

H. 622

By Reps. Sims of Craftsbury, Arrison of Weathersfield, Austin of Colchester, Bos-Lun of Westminster, Boyden of Cambridge, Brumsted of Shelburne, Buss of Woodstock, Carpenter of Hyde Park, Chapin of East Montpelier, Christie of Hartford, Cole of Hartford, Demrow of Corinth, Farlice-Rubio of Barnet, Goldman of Rockingham, Harrison of Chittenden, Howard of Rutland City, Hyman of South Burlington, LaBounty of Lyndon, Masland of Thetford, McGill of Bridport, Mrowicki of Putney, Noyes of Wolcott, Pajala of Londonderry, Priestley of Bradford, Sibia of Dover, Stebbins of Burlington, Templeman of Brownington, and Troiano of Stannard,

House bill, entitled

An act relating to emergency medical services

To the Committee on Health Care.

H. 623

By Reps. Carpenter of Hyde Park, Anthony of Barre City, Austin of Colchester, Boyden of Cambridge, Brumsted of Shelburne, Buss of Woodstock, Christie of Hartford, Cina of Burlington, Cole of Hartford, Farlice-Rubio of Barnet, Garofano of Essex, Goldman of Rockingham, Hango of Berkshire, Headrick of Burlington, Lalley of Shelburne, Leavitt of Grand Isle, Logan of Burlington, Mrowicki of Putney, Pajala of Londonderry, Patt of Worcester, Priestley of Bradford, Roberts of Halifax, Sims of Craftsbury, Templeman of Brownington, and Troiano of Stannard,

House bill, entitled

An act relating to access to public transit in rural Vermont

To the Committee on Transportation.

H. 624

By Reps. Sims of Craftsbury, Lipsky of Stowe, Anthony of Barre City, Boyden of Cambridge, Brennan of Colchester, Buss of Woodstock, Demrow of Corinth, Harrison of Chittenden, Parsons of Newbury, Pearl of Danville, Rice of Dorset, Templeman of Brownington, and Williams of Granby,

House bill, entitled

An act relating to providing financial assistance to the forest economy

To the Committee on Agriculture, Food Resiliency, and Forestry.

H. 625

By Reps. Mihaly of Calais, Casey of Montpelier, and Chapin of East Montpelier,

House bill, entitled

An act relating to the Study Committee on Dam Emergency Action Planning

To the Committee on Environment and Energy.

Bill Committed

S. 56

Senate bill, entitled

An act relating to child care and early childhood education

Pending second reading of the bill, on motion of **Rep. Lanpher of Vergennes**, the bill was committed to the Committee on Appropriations.

Message from the Senate No. 1

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolutions of the following titles:

J.R.S. 31. Joint resolution relating to weekend adjournment.

J.R.S. 32. Joint resolution to provide for a Joint Assembly to receive the State-of-the-State message from the Governor.

J.R.S. 33. Joint resolution relating to Town Meeting adjournment.

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

Adjournment

At ten o'clock and thirty-five minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Thursday, January 4, 2024

At nine o'clock and thirty minutes in the forenoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rev. Earl Kooperkamp, Church of the Good Shepherd, Barre.

Rules Suspended, House Bills Introduced

Pending first reading of House bills, on motion of **Rep. McCoy of Poultney**, the rules were suspended and the bills were read the first time by number and referred to committee as follows:

H. 626

By Reps. Waters Evans of Charlotte, Rice of Dorset, Sims of Craftsbury, Andrews of Westford, Anthony of Barre City, Bos-Lun of Westminster, Boyden of Cambridge, Buss of Woodstock, Casey of Montpelier, Clifford of Rutland City, Cole of Hartford, Gregoire of Fairfield, Hyman of South Burlington, Krasnow of South Burlington, LaBounty of Lyndon, O'Brien of Tunbridge, Priestley of Bradford, Rachelson of Burlington, Stone of Burlington, Surprenant of Barnard, Taylor of Milton, Torre of Moretown, White of Bethel, and Williams of Barre City,

House bill, entitled

An act relating to animal welfare

To the Committee on Agriculture, Food Resiliency, and Forestry.

H. 627

By Reps. Sims of Craftsbury, Andrews of Westford, Anthony of Barre City, Birong of Vergennes, Bluemle of Burlington, Boyden of Cambridge, Carpenter of Hyde Park, Cole of Hartford, Farlice-Rubio of Barnet, Garofano of Essex, Headrick of Burlington, Howard of Rutland City, LaBounty of Lyndon, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Pajala of Londonderry, Priestley of Bradford, Sabilia of Dover, Templeman of Brownington, and White of Bethel,

House bill, entitled

An act relating to emergency preparedness and hazard response

To the Committee on Government Operations and Military Affairs.

H. 628

By Reps. Sims of Craftsbury, Anthony of Barre City, Christie of Hartford, Cole of Hartford, Farlice-Rubio of Barnet, Garofano of Essex, Howard of Rutland City, Hyman of South Burlington, LaBounty of Lyndon, Masland of Thetford, Nugent of South Burlington, Ode of Burlington, Priestley of Bradford, Rice of Dorset, Satcowitz of Randolph, Stebbins of Burlington, and Templeman of Brownington,

House bill, entitled

An act relating to the collection and recycling of waste motor vehicle tires

To the Committee on Environment and Energy.

H. 629

By Reps. Kornheiser of Brattleboro and McCarthy of St. Albans City,

House bill, entitled

An act relating to changes to property tax abatement and tax sales

To the Committee on Ways and Means.

H. 630

By Reps. Holcombe of Norwich, Graning of Jericho, and Brady of Williston,

House bill, entitled

An act relating to boards of cooperative education services

To the Committee on Education.

H. 631

By Reps. Stebbins of Burlington, Campbell of St. Johnsbury, Patt of Worcester, and Torre of Moretown,

House bill, entitled

An act relating to access to utility energy consumption data and establishment of an energy storage program

To the Committee on Environment and Energy.

H. 632

By Rep. Sibilias of Dover,

House bill, entitled

An act relating to the Vermont Community Broadband Board and a transfer plan

To the Committee on Environment and Energy.

H. 633

By Rep. Sibilias of Dover,

House bill, entitled

An act relating to legislative approval of telephone property sales and leases

To the Committee on Environment and Energy.

H. 634

By Reps. Sibilias of Dover, Arsenault of Williston, Brady of Williston, Burrows of West Windsor, Granning of Jericho, Holcombe of Norwich, and Stone of Burlington,

House bill, entitled

An act relating to school closures and the designation of a public school to serve as the public school of the district

To the Committee on Education.

H. 635

By Reps. Page of Newport City, Bartley of Fairfax, Buss of Woodstock, Christie of Hartford, Donahue of Northfield, Farlice-Rubio of Barnet, Hango of Berkshire, Harrison of Chittenden, Hooper of Burlington, Howard of Rutland City, Hyman of South Burlington, Krasnow of South Burlington, Labor of Morgan, LaBounty of Lyndon, Masland of Thetford, McGill of Bridport, Nugent of South Burlington, Parsons of Newbury,

Peterson of Clarendon, Roberts of Halifax, Sammis of Castleton, Smith of Derby, Templeman of Brownington, Troiano of Stannard, and Wilson of Lyndon,

House bill, entitled

An act relating to employment protections for volunteer firefighters and emergency medical personnel and tax credits for employers

To the Committee on General and Housing.

H. 636

By Rep. Marcotte of Coventry,

House bill, entitled

An act relating to miscellaneous unemployment insurance amendments

To the Committee on Commerce and Economic Development.

H. 637

By Reps. Page of Newport City, Buss of Woodstock, Hango of Berkshire, Higley of Lowell, Howard of Rutland City, Labor of Morgan, Parsons of Newbury, Peterson of Clarendon, Roberts of Halifax, Smith of Derby, and Templeman of Brownington,

House bill, entitled

An act relating to repealing the Public Records Act exemption covering records relevant to litigation

To the Committee on Government Operations and Military Affairs.

H. 638

By Rep. Andriano of Orwell,

House bill, entitled

An act relating to the Working Group on Asynchronous Open Meetings

To the Committee on Government Operations and Military Affairs.

H. 639

By Reps. Stevens of Waterbury, Anthony of Barre City, Austin of Colchester, Berbeco of Winooski, Boyden of Cambridge, Brumsted of Shelburne, Campbell of St. Johnsbury, Carpenter of Hyde Park, Christie of Hartford, Cina of Burlington, Cole of Hartford, Dodge of Essex, Farlice-Rubio of Barnet, Harrison of Chittenden, Hooper of Burlington, Howard of Rutland City, Krasnow of South Burlington, Lalley of Shelburne, Logan of Burlington,

Mulvaney-Stanak of Burlington, Ode of Burlington, Pajala of Londonderry, Patt of Worcester, Priestley of Bradford, Sibia of Dover, Stebbins of Burlington, Templeman of Brownington, Troiano of Stannard, White of Bethel, and Williams of Barre City,

House bill, entitled

An act relating to disclosure of flood history of real property subject to sale
To the Committee on General and Housing.

H. 640

By Rep. Donahue of Northfield,

House bill, entitled

An act relating to three-member boards and the Open Meeting Law
To the Committee on Government Operations and Military Affairs.

H. 641

By Reps. Anthony of Barre City and Williams of Barre City,

House bill, entitled

An act relating to authorizing boards of abatement to hear like cases as a class

To the Committee on Government Operations and Military Affairs.

H. 642

By Rep. Donahue of Northfield,

House bill, entitled

An act relating to requirements for public access to electronic meetings under the Open Meeting Law

To the Committee on Government Operations and Military Affairs.

H. 643

By Rep. Boyden of Cambridge,

House bill, entitled

An act relating to the sale of closed containers of alcoholic beverages within a first- or third-class license serving area

To the Committee on Government Operations and Military Affairs.

H. 644

By Rep. Austin of Colchester,

House bill, entitled

An act relating to access to records by individuals who were in foster care

To the Committee on Government Operations and Military Affairs.

H. 645

By Reps. Dolan of Essex Junction, Arsenault of Williston, Chapin of East Montpelier, Christie of Hartford, LaLonde of South Burlington, and Rachelson of Burlington,

House bill, entitled

An act relating to the expansion of approaches to restorative justice

To the Committee on Judiciary.

H. 646

By Rep. Stevens of Waterbury,

House bill, entitled

An act relating to the transfer of property by Vermont's congregational churches

To the Committee on Judiciary.

H. 647

By Rep. Stevens of Waterbury,

House bill, entitled

An act relating to creation of the Housing Board of Appeals

To the Committee on General and Housing.

H. 648

By Rep. Mulvaney-Stanak of Burlington,

House bill, entitled

An act relating to contractor licensing

To the Committee on Government Operations and Military Affairs.

H. 649

By Rep. Burrows of West Windsor,

House bill, entitled

An act relating to the Vermont Truth and Reconciliation Commission

To the Committee on General and Housing.

H. 650

By Rep. Mulvaney-Stanak of Burlington,

House bill, entitled

An act relating to excluding income from damages related to employment-related lawsuits from income tax

To the Committee on Ways and Means.

House Resolution Placed on Calendar**H.R. 13**

House resolution, entitled

House resolution authorizing limited remote committee voting through the remainder of calendar year 2024

Offered by: Committee on Rules

Resolved by the House of Representatives:

That through the remainder of calendar year 2024, each member of a House committee is authorized to vote remotely in that committee:

- (1) if the member has tested positive for COVID-19 and is within a period of isolation as provided by Vermont Department of Health guidelines; and
- (2) for not more than three days, for any other reason, *and be it further*

Resolved: Such a member shall notify the committee chair and clerk that the member is exercising this remote voting authority, and shall count toward a committee quorum, *and be it further*

Resolved: The committee clerk shall record any vote cast by the member as a remote vote, and shall track the number of days the member exercises the member's non-COVID-19 remote voting authority.

Was read by title and placed on the Action Calendar on the next legislative day pursuant to House Rule 52.

Joint House Resolution Placed on Calendar**J.R.H. 7**

Joint House resolution, entitled

Joint resolution authorizing limited remote joint committee voting through the remainder of calendar year 2024

Offered by: Committee on Rules

Resolved by the Senate and House of Representatives:

That through the remainder of calendar year 2024, each member of a joint committee is authorized to vote remotely in that committee:

(1) if the member has tested positive for COVID-19 and is within a period of isolation as provided by Vermont Department of Health guidelines; and

(2) for not more than three days, for any other reason, *and be it further*

Resolved: Such a member shall notify the committee chair or co-chairs, as applicable, and the committee clerk that the member is exercising this remote voting authority, and shall count toward a committee quorum, *and be it further*

Resolved: The committee clerk shall record any vote cast by the member as a remote vote, and shall track the number of days the member exercises the member's non-COVID-19 remote voting authority.

Was read by title and placed on the Action Calendar on the next legislative day pursuant to House Rule 52.

Joint House Resolution Placed on Calendar**J.R.H. 8**

Joint House resolution, entitled

Joint resolution providing for an election to fill a vacancy in the Office of Sergeant at Arms

Offered by: Representatives Long of Newfane, McCoy of Poultney, and Mulvaney-Stanak of Burlington

Whereas, Sergeant at Arms Janet Miller has announced her retirement and has provided a retirement date of Friday, March 1, 2024, which will cause a vacancy in the office on that date, *and*

Whereas, 2 V.S.A. § 11 provides that the General Assembly shall fill a vacancy in office existing or occurring while it is in session, where the incumbent is by law elected by the General Assembly, and such an officer so

elected shall hold the respective office during the unexpired term, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Friday, March 1, 2024, at ten o'clock and thirty minutes in the forenoon, to elect a Sergeant at Arms for the remainder of the unexpired term. In case the election of Sergeant at Arms 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 the officer is elected.

Was read by title and placed on the Action Calendar on the next legislative day pursuant to House Rule 52.

Joint Resolution Adopted in Concurrence

J.R.S. 31

By Senator Baruth,

J.R.S. 31. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 5, 2024, it be to meet again no later than Tuesday, January 9, 2024.

Was taken up, read, and adopted in concurrence.

**Joint Resolution Adopted in Concurrence; Rules Suspended,
Messaged to the Senate Forthwith**

J.R.S. 32

By Senator Baruth,

J.R.S. 32. Joint resolution to provide for a Joint Assembly to receive the State-of-the-State message from the Governor.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, January 4, 2024, at two o'clock in the afternoon to receive the State-of-the-State message from the Governor.

Was taken up, read, and adopted in concurrence.

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the resolution was ordered messaged to the Senate forthwith.

Joint Resolution Adopted in Concurrence**J.R.S. 33**

By Senator Baruth,

J.R.S. 33. Joint resolution relating to Town Meeting adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 1, 2024, or Saturday, March 2, 2024, it be to meet again no later than Tuesday, March 12, 2024.

Was taken up, read, and adopted in concurrence.

Governor's Veto Overridden**H. 158**

House bill, entitled

An act relating to the beverage container redemption system

Appearing on the Calendar for Action, was taken up for immediate consideration.

Pursuant to Chapter II, Section 11 of the Vermont Constitution, the Clerk proceeded to call the roll and the question, Shall the bill pass, notwithstanding the Governor's refusal to approve the bill?, was decided in the affirmative.

Yeas, 112. Nays, 32.

Those who voted in the affirmative are:

Andrews of Westford	Dolan of Essex Junction	Morris of Springfield
Andriano of Orwell	Dolan of Waitsfield	Morrissey of Bennington
Anthony of Barre City	Donahue of Northfield	Mrowicki of Putney
Arrison of Weathersfield	Durfee of Shaftsbury	Mulvaney-Stanak of Burlington
Arsenault of Williston	Elder of Starksboro	Notte of Rutland City
Austin of Colchester	Emmons of Springfield	Noyes of Wolcott
Bartholomew of Hartland	Farlice-Rubio of Barnet	Nugent of South Burlington
Berbeco of Winooski	Garofano of Essex	O'Brien of Tunbridge
Birong of Vergennes	Goldman of Rockingham	Ode of Burlington
Black of Essex	Graning of Jericho	Page of Newport City
Bluemle of Burlington	Gregoire of Fairfield	Pajala of Londonderry
Bongartz of Manchester	Headrick of Burlington	Patt of Worcester
Bos-Lun of Westminster	Holcombe of Norwich	Pouech of Hinesburg
Boyden of Cambridge	Hooper of Randolph	Priestley of Bradford
Brady of Williston	Hooper of Burlington	Rachelson of Burlington
Branagan of Georgia	Houghton of Essex Junction	Rice of Dorset
Brown of Richmond	Howard of Rutland City	Roberts of Halifax
Brownell of Pownal	Hyman of South Burlington	Satcowitz of Randolph *
Brumsted of Shelburne	James of Manchester	Scheu of Middlebury
Burke of Brattleboro	Jerome of Brandon	Sheldon of Middlebury *
Burrows of West Windsor	Kornheiser of Brattleboro	

Buss of Woodstock	Krasnow of South Burlington	Sims of Craftsbury
Campbell of St. Johnsbury	Burlington	Small of Winooski
Carroll of Bennington	Krowinski of Burlington	Smith of Derby
Casey of Montpelier	LaBounty of Lyndon	Squirrell of Underhill
Chapin of East Montpelier	Lalley of Shelburne	Stebbins of Burlington *
Chase of Chester	LaLonde of South Burlington	Stevens of Waterbury
Chase of Colchester	Burlington	Stone of Burlington
Chesnut-Tangerman of Middletown Springs	LaMont of Morristown	Surprenant of Barnard
Christie of Hartford	Lanpher of Vergennes	Taylor of Colchester
Cina of Burlington	Leavitt of Grand Isle	Templeman of Brownington
Coffey of Guilford	Logan of Burlington	Toleno of Brattleboro
Cole of Hartford	Long of Newfane	Torre of Moretown *
Conlon of Cornwall	Masland of Thetford	Troiano of Stannard
Corcoran of Bennington	McCarthy of St. Albans City	Waters Evans of Charlotte
Cordes of Lincoln	McGill of Bridport	White of Bethel
Demrow of Corinth	Mihaly of Calais	Whitman of Bennington
Dodge of Essex	Minier of South Burlington	Williams of Barre City
		Wood of Waterbury

Those who voted in the negative are:

Bartley of Fairfax	Hango of Berkshire	Morgan of Milton
Beck of St. Johnsbury	Higley of Lowell	Oliver of Sheldon
Brennan of Colchester	Labor of Morgan	Parsons of Newbury
Burditt of West Rutland	Laroche of Franklin	Peterson of Clarendon
Canfield of Fair Haven	Lipsky of Stowe	Sammis of Castleton
Clifford of Rutland City	Maguire of Rutland City	Shaw of Pittsford
Demar of Enosburgh	Marcotte of Coventry	Taylor of Milton
Dickinson of St. Albans Town	Mattos of Milton	Toof of St. Albans Town
Goslant of Northfield	McCann of Montpelier	Walker of Swanton
Graham of Williamstown	McCoy of Poultney	Williams of Granby
	McFaun of Barre Town	Wilson of Lyndon

Those members absent with leave of the House and not voting are:

Carpenter of Hyde Park	Harrison of Chittenden	Pearl of Danville
Galfetti of Barre Town	Nicoll of Ludlow	Sibilia of Dover

Rep. Satcowitz of Randolph explained his vote as follows:

“Madam Speaker:

This updated version of the bottle bill will more efficiently and expansively turn used bottles into new bottles, making our economy more circular and making better use of our finite, natural resources. It will hold producers responsible for the containers they send out into the world, and it will create incentives to keep more of these containers from littering our parks, roadsides, and waterways, fulfilling the original intent of the bottle law as written back in 1973.”

Rep. Sheldon of Middlebury explained her vote as follows:

“Madam Speaker:

The bottle bill addresses one piece of a larger solid waste challenge that our throwaway economy has created for us. It shifts the cost of product disposal from the taxpayer to the manufacturer who profits from their product. Changes to the bottle bill are overdue and strongly supported by the majority of Vermonters. Modernizing the bottle bill is the right thing to do.”

Rep. Stebbins of Burlington explained her vote as follows:

“Madam Speaker:

Two years ago we had a veto vote on the bottle bill. Stakeholders worked for many hours, addressing the concerns that were raised previously. It is high time to update this 50-year-old bill.”

Rep. Torre of Moretown explained her vote as follows:

“Madam Speaker:

The bottle bill will allow our small communities to successfully recycle and I’m very excited about the producer responsibility organization and the ability to expand resources equitably and ensure the most recycling success.”

Message from the Senate No. 2

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 34. Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

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

Adjournment

At ten o'clock and twenty-two minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Friday, January 5, 2024

At nine o'clock and thirty minutes in the forenoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Mollie Burke of Brattleboro.

Memorial Service

House members rose as the Speaker placed before the House the following names of members of past sessions of the Vermont General Assembly who had passed away recently:

Rep. Louvenia Dorsey Bright of South Burlington	Member of the House, Sessions 1989-1994
Rep. John C. "Jack" Candon of Norwich	Member of the House, Sessions 1983-1986
Rep. Mark J. Candon of Proctor	Member of the House, Sessions 1981-1984
Rep. Betty C. Ferraro of Rutland City	Member of the House, Sessions 1991-1992
Rep. Betty A. Nuovo of Middlebury	Member of the House, Sessions 1981-1990 and 1997-2016
Rep. Albert E. "Chuck" Pearce of Richford	Member of the House, Sessions 2009-2018
Rep. Connie N. Quimby of Concord	Member of the House, Sessions 2013-2020

Thereupon, the members of the House held a moment of silence in memory of the deceased members.

Rules Suspended, House Bills Introduced

Pending first reading of House bills, on motion of **Rep. McCoy of Poultney**, the rules were suspended and the bills were read the first time by number and referred to committee as follows:

H. 651

By Reps. Mulvaney-Stanak of Burlington, Graning of Jericho, and Priestley of Bradford,

House bill, entitled

An act relating to the Commissioner of Financial Regulation and an annual supervision and regulation report

To the Committee on Commerce and Economic Development.

H. 652

By Rep. Bongartz of Manchester,

House bill, entitled

An act relating to updates to the HOME Act

To the Committee on Environment and Energy.

H. 653

By Reps. Berbeco of Winooski, Burke of Brattleboro, and Goldman of Rockingham,

House bill, entitled

An act relating to limiting facility fees for certain hospital outpatient department services

To the Committee on Health Care.

H. 654

By Reps. LaLonde of South Burlington, Arsenault of Williston, Christie of Hartford, and Small of Winooski,

House bill, entitled

An act relating to recognition of foreign laws concerning parental rights and legally protected health care

To the Committee on Judiciary.

H. 655

By Reps. Dolan of Essex Junction, Christie of Hartford, LaLonde of South Burlington, and Rachelson of Burlington,

House bill, entitled

An act relating to qualifying offenses for sealing criminal history records and access to sealed criminal history records

To the Committee on Judiciary.

H. 656

By Reps. Burrows of West Windsor, Stone of Burlington, and Rachelson of Burlington,

House bill, entitled

An act relating to establishing a right to repair powered wheelchairs

To the Committee on Commerce and Economic Development.

H. 657

By Reps. Sims of Craftsbury, Anthony of Barre City, and Masland of Thetford,

House bill, entitled

An act relating to the modernization of Vermont's communications taxes and fees

To the Committee on Environment and Energy.

H. 658

By Reps. Marcotte of Coventry and Jerome of Brandon,

House bill, entitled

An act relating to banking, insurance, and securities

To the Committee on Commerce and Economic Development.

H. 659

By Reps. Marcotte of Coventry and Jerome of Brandon,

House bill, entitled

An act relating to captive insurance

To the Committee on Commerce and Economic Development.

H. 660

By Rep. Peterson of Clarendon,

House bill, entitled

An act relating to youth sports in Vermont

To the Committee on Education.

H. 661

By Reps. Stebbins of Burlington, Bluemle of Burlington, and Stone of Burlington,

House bill, entitled

An act relating to child abuse and neglect investigation and substantiation standards and procedures

To the Committee on Human Services.

H. 662

By Reps. Marcotte of Coventry and Page of Newport City,

House bill, entitled

An act relating to the merger of entities that hold separate alcoholic beverage licenses

To the Committee on Government Operations and Military Affairs.

H. 663

By Rep. Mulvaney-Stanak of Burlington,

House bill, entitled

An act relating to requiring payment of the prevailing wage for State-funded storm repair and climate change mitigation projects

To the Committee on General and Housing.

H. 664

By Reps. Bos-Lun of Westminster, Berbeco of Winooski, Brumsted of Shelburne, Coffey of Guilford, Cole of Hartford, Dodge of Essex, Farlice-Rubio of Barnet, Goldman of Rockingham, Labor of Morgan, Page of Newport City, Priestley of Bradford, Stebbins of Burlington, and Waters Evans of Charlotte,

House bill, entitled

An act relating to designating a State Mushroom

To the Committee on General and Housing.

H. 665

By Reps. Holcombe of Norwich, Carpenter of Hyde Park, Goldman of Rockingham, and Noyes of Wolcott,

House bill, entitled

An act relating to the Green Mountain Care Board's regulatory duties and hospital budget reviews

To the Committee on Health Care.

H. 666

By Reps. Harrison of Chittenden, Burditt of West Rutland, Buss of Woodstock, Canfield of Fair Haven, Chesnut-Tangerman of Middletown Springs, Clifford of Rutland City, Dolan of Waitsfield, Howard of Rutland City, Jerome of Brandon, Maguire of Rutland City, McCoy of Poultney, Sammis of Castleton, and Shaw of Pittsford,

House bill, entitled

An act relating to escrow deposit bonds

To the Committee on Commerce and Economic Development.

H. 667

By Reps. Casey of Montpelier, Anthony of Barre City, Birong of Vergennes, Branagan of Georgia, Burke of Brattleboro, Chase of Chester, Christie of Hartford, Coffey of Guilford, Elder of Starksboro, Farlice-Rubio of Barnet, Harrison of Chittenden, Headrick of Burlington, Hooper of Burlington, Howard of Rutland City, LaBounty of Lyndon, Logan of Burlington, McCann of Montpelier, McGill of Bridport, Mihaly of Calais, Nugent of South Burlington, Priestley of Bradford, Rice of Dorset, Sammis of Castleton, Troiano of Stannard, and Williams of Barre City,

House bill, entitled

An act relating to the creation of the Vermont-Ireland Trade Commission

To the Committee on Commerce and Economic Development.

H. 668

By Reps. Stebbins of Burlington, Cordes of Lincoln, Torre of Moretown, Anthony of Barre City, Campbell of St. Johnsbury, Cole of Hartford, Headrick of Burlington, Hyman of South Burlington, Leavitt of Grand Isle, Logan of Burlington, McGill of Bridport, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Pouech of Hinesburg, Sims of Craftsbury, Templeman of Brownington, and Troiano of Stannard,

House bill, entitled

An act relating to the Low-Income Electric Ratepayer Protection Act

To the Committee on Environment and Energy.

H. 669

By Reps. Stebbins of Burlington, Cordes of Lincoln, Torre of Moretown, Anthony of Barre City, Campbell of St. Johnsbury, Cole of Hartford, Headrick of Burlington, Hyman of South Burlington, Logan of Burlington, McGill of Bridport, Mrowicki of Putney, Pouech of Hinesburg, Sims of Craftsbury, Templeman of Brownington, and Troiano of Stannard,

House bill, entitled

An act relating to thermal energy networks

To the Committee on Environment and Energy.

H. 670

By Reps. Harrison of Chittenden, Burditt of West Rutland, Canfield of Fair Haven, Clifford of Rutland City, Howard of Rutland City, Jerome of Brandon, Maguire of Rutland City, McCoy of Poultney, Peterson of Clarendon, Sammis of Castleton, and Shaw of Pittsford,

House bill, entitled

An act relating to the scope and enforcement of bail and conditions of release

To the Committee on Judiciary.

H. 671

By Reps. Wilson of Lyndon, Brennan of Colchester, Burditt of West Rutland, Clifford of Rutland City, Lipsky of Stowe, Parsons of Newbury, Peterson of Clarendon, Sammis of Castleton, and Smith of Derby,

House bill, entitled

An act relating to repealing the Affordable Heat Act and Global Warming Solutions Act

To the Committee on Environment and Energy.

H. 672

By Rep. Harrison of Chittenden,

House bill, entitled

An act relating to work search requirements for individuals receiving unemployment insurance benefits

To the Committee on Commerce and Economic Development.

H. 673

By Reps. Rice of Dorset, Sims of Craftsbury, Anthony of Barre City, Boyden of Cambridge, Christie of Hartford, Cole of Hartford, Harrison of Chittenden, Headrick of Burlington, Jerome of Brandon, LaBounty of Lyndon, Lalley of Shelburne, Lipsky of Stowe, Logan of Burlington, Morris of Springfield, Nugent of South Burlington, Priestley of Bradford, Roberts of Halifax, Surprenant of Barnard, Templeman of Brownington, Torre of Moretown, and Williams of Granby,

House bill, entitled

An act relating to Vermont's outdoor recreation economy

To the Committee on Environment and Energy.

H. 674

By Reps. Templeman of Brownington, Anthony of Barre City, Campbell of St. Johnsbury, Carpenter of Hyde Park, Christie of Hartford, Cina of Burlington, Cole of Hartford, Dolan of Waitsfield, Farlice-Rubio of Barnet, Headrick of Burlington, Lalley of Shelburne, McGill of Bridport, Page of Newport City, Priestley of Bradford, Roberts of Halifax, Sims of Craftsbury, Stebbins of Burlington, and Surprenant of Barnard,

House bill, entitled

An act relating to regulation of septage and other materials containing perfluoroalkyl and polyfluoroalkyl substances

To the Committee on Environment and Energy.

H. 675

By Reps. Bos-Lun of Westminster, Cina of Burlington, Cole of Hartford, Cordes of Lincoln, Dodge of Essex, Farlice-Rubio of Barnet, Garofano of Essex, Headrick of Burlington, LaMont of Morristown, Logan of Burlington, McCann of Montpelier, McGill of Bridport, Mulvaney-Stanak of Burlington, Pouech of Hinesburg, Priestley of Bradford, Stebbins of Burlington, and Surprenant of Barnard,

House bill, entitled

An act relating to issuing grants for permanent supportive housing

To the Committee on General and Housing.

H. 676

By Rep. Mihaly of Calais,

House bill, entitled

An act relating to health insurance coverage for coronary artery calcium testing for individuals with chronic high cholesterol

To the Committee on Health Care.

H. 677

By Rep. Buss of Woodstock,

House bill, entitled

An act relating to providing positions and funding to support statewide student support systems

To the Committee on Education.

H. 678

By Reps. Jerome of Brandon, Carroll of Bennington, Marcotte of Coventry, Priestley of Bradford, White of Bethel, and Williams of Barre City,

House bill, entitled

An act relating to utilization of first responders in emergency management

To the Committee on Government Operations and Military Affairs.

H. 679

By Rep. Stevens of Waterbury,

House bill, entitled

An act relating to establishing a property tax surcharge and allocation of property transfer tax revenue

To the Committee on Ways and Means.

H. 680

By Reps. Dolan of Waitsfield, Birong of Vergennes, and Jerome of Brandon,

House bill, entitled

An act relating to expanding access to special venue serving permits

To the Committee on Government Operations and Military Affairs.

H. 681

By Rep. Pajala of Londonderry,

House bill, entitled

An act relating to home-delivered meals as a Medicaid covered service

To the Committee on Health Care.

H. 682

By Rep. Burrows of West Windsor,

House bill, entitled

An act relating to the Education Equity Team Pilot Project and report

To the Committee on Education.

Joint Resolution Adopted in Concurrence**J.R.S. 34**

By Senator Kitchel,

J.R.S. 34. 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 Tuesday, January 23, 2024, at one o'clock in the afternoon to receive the budget message of the Governor.

Was taken up, read, and adopted in concurrence.

House Resolution Adopted**H.R. 13**

Rep. Bartholomew of Hartland spoke for the Committee on Rules.

House resolution, entitled

House resolution authorizing limited remote committee voting through the remainder of calendar year 2024

Was taken up and adopted.

Joint Resolution Adopted**J.R.H. 7**

Rep. Bartholomew of Hartland spoke for the Committee on Rules.

Joint House resolution, entitled

Joint resolution authorizing limited remote joint committee voting through the remainder of calendar year 2024

Was taken up and adopted on the part of the House.

Joint Resolution Adopted

J.R.H. 8

Joint House resolution, entitled

Joint resolution providing for an election to fill a vacancy in the Office of Sergeant at Arms

Was taken up and adopted on the part of the House.

**Committee Relieved of Consideration and Bill Committed to
Other Committee**

H. 649

Rep. Stevens of Waterbury moved that the Committee on General and Housing be relieved of House bill, entitled

An act relating to the Vermont Truth and Reconciliation Commission

And that the bill be committed to the Committee on Government Operations and Military Affairs, which was agreed to.

**Committee Relieved of Consideration and Bill Committed to
Other Committee**

H. 105

Rep. McCarthy of St. Albans City moved that the Committee on Government Operations and Military Affairs be relieved of House bill, entitled

An act relating to the Community Resilience and Disaster Mitigation Fund

And that the bill be committed to the Committee on Ways and Means, which was agreed to.

Message from the Senate No. 3

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 128. House concurrent resolution honoring Vermont National Guard Deputy Adjutant General Kenneth Gragg for his exemplary career accomplishments.

H.C.R. 129. House concurrent resolution designating September 26, 2024 as Mesothelioma Awareness Day in Vermont.

H.C.R. 130. House concurrent resolution honoring Richard DeGray for his dedication to the botanical beautification of Brattleboro.

H.C.R. 131. House concurrent resolution congratulating the 2023 Division I Colchester High School Lakers championship girls' soccer team.

Adjournment

At ten o'clock and six minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, January 9, 2024, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 31.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Rule 16b of the Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House:

H.C.R. 128

House concurrent resolution honoring Vermont National Guard Deputy Adjutant General Kenneth Gragg for his exemplary career accomplishments

H.C.R. 129

House concurrent resolution designating September 26, 2024 as Mesothelioma Awareness Day in Vermont

H.C.R. 130

House concurrent resolution honoring Richard DeGray for his dedication to the botanical beautification of Brattleboro

H.C.R. 131

House concurrent resolution congratulating the 2023 Division I Colchester High School Lakers championship girls' soccer team

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2024 Adjourned Session.]

Tuesday, January 9, 2024

At ten o'clock in the forenoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Jon Gailmor, Singer, Elmore.

Pledge of Allegiance

Page Margaret Platzer of New Haven led the House in the Pledge of Allegiance.

Rules Suspended, House Bills Introduced

Pending first reading of the bills, on motion of **Rep. McCoy of Poultney**, the rules were suspended and the bills were read the first time by number and referred to committee as follows:

H. 683

By Rep. Bongartz of Manchester,

House bill, entitled

An act relating to modernizing the State Designated Areas Program

To the Committee on Environment and Energy.

H. 684

By Reps. Williams of Barre City, Anthony of Barre City, Arsenault of Williston, Berbeco of Winooski, Bluemle of Burlington, Bos-Lun of Westminster, Buss of Woodstock, Campbell of St. Johnsbury, Carpenter of Hyde Park, Chase of Chester, Christie of Hartford, Cole of Hartford, Dolan of Essex Junction, Farlice-Rubio of Barnet, Garofano of Essex, Graning of Jericho, Houghton of Essex Junction, Howard of Rutland City, Hyman of South Burlington, Krasnow of South Burlington, LaBounty of Lyndon, LaLonde of South Burlington, Leavitt of Grand Isle, Masland of Thetford, McGill of Bridport, Nugent of South Burlington, Patt of Worcester, Priestley of Bradford, Rice of Dorset, Satcowitz of Randolph, Stebbins of Burlington, Stone of Burlington, Templeman of Brownington, Torre of Moretown, Troiano of Stannard, and White of Bethel,

House bill, entitled

An act relating to creating a rental housing registry

To the Committee on General and Housing.

H. 685

By Reps. Lalley of Shelburne, Andrews of Westford, Bartholomew of Hartland, Bongartz of Manchester, Brumsted of Shelburne, Burke of Brattleboro, Campbell of St. Johnsbury, Cole of Hartford, Dodge of Essex, Dolan of Waitsfield, Elder of Starksboro, Farlice-Rubio of Barnet, Goldman of Rockingham, LaMont of Morristown, Leavitt of Grand Isle, Masland of Thetford, McGill of Bridport, Noyes of Wolcott, Nugent of South Burlington, O'Brien of Tunbridge, Ode of Burlington, Stone of Burlington, Templeman of Brownington, and Torre of Moretown,

House bill, entitled

An act relating to pedestrians and pedestrian safety and bicycle and pedestrian facilities

To the Committee on Transportation.

H. 686

By Reps. Bartley of Fairfax, Cina of Burlington, Elder of Starksboro, Krasnow of South Burlington, Sibia of Dover, Andriano of Orwell, Beck of St. Johnsbury, Berbeco of Winooski, Birong of Vergennes, Boyden of Cambridge, Brumsted of Shelburne, Buss of Woodstock, Campbell of St. Johnsbury, Carpenter of Hyde Park, Christie of Hartford, Cole of Hartford, Cordes of Lincoln, Garofano of Essex, Harrison of Chittenden, Headrick of Burlington, Howard of Rutland City, LaBounty of Lyndon, Lalley of Shelburne, LaMont of Morristown, Leavitt of Grand Isle, Logan of Burlington, Marcotte of Coventry, Masland of Thetford, Mattos of Milton, McCann of Montpelier, McGill of Bridport, Pajala of Londonderry, Patt of Worcester, Priestley of Bradford, Rachelson of Burlington, Sims of Craftsbury, Stone of Burlington, Surprenant of Barnard, Troiano of Stannard, and White of Bethel,

House bill, entitled

An act relating to measuring progress toward statewide and regional housing targets

To the Committee on General and Housing.

H. 687

By Reps. Sheldon of Middlebury and Bongartz of Manchester,

House bill, entitled

An act relating to community resilience and biodiversity protection through land use

To the Committee on Environment and Energy.

H. 688

By Reps. Stebbins of Burlington, Anthony of Barre City, Burke of Brattleboro, Logan of Burlington, Morris of Springfield, Rice of Dorset, and Satcowitz of Randolph,

House bill, entitled

An act relating to including rechargeable batteries and battery-containing products under the State battery stewardship program

To the Committee on Environment and Energy.

H. 689

By Reps. Hango of Berkshire and Rachelson of Burlington,

House bill, entitled

An act relating to child abuse and neglect allegations involving military personnel

To the Committee on Human Services.

H. 690

By Reps. LaLonde of South Burlington, Bos-Lun of Westminster, Casey of Montpelier, Dolan of Essex Junction, Headrick of Burlington, Maguire of Rutland City, Mulvaney-Stanak of Burlington, Rachelson of Burlington, Small of Winooski, and Troiano of Stannard,

House bill, entitled

An act relating to establishing community restitution as a sentencing alternative

To the Committee on Judiciary.

H. 691

By Reps. Andrews of Westford, Dodge of Essex, Garofano of Essex, Berbeco of Winooski, Brumsted of Shelburne, Christie of Hartford, Cina of Burlington, Gregoire of Fairfield, Howard of Rutland City, Hyman of South Burlington, Krasnow of South Burlington, LaBounty of Lyndon, Logan of Burlington, Priestley of Bradford, Stebbins of Burlington, and Templeman of Brownington,

House bill, entitled

An act relating to exempting veterans from paying town fees for a license to peddle or vend goods

To the Committee on Government Operations and Military Affairs.

H. 692

By Rep. Mulvaney-Stanak of Burlington,

House bill, entitled

An act relating to encouraging the sale of homes to buyers who are financing

To the Committee on Ways and Means.

H. 693

By Reps. Coffey of Guilford, Burke of Brattleboro, Andrews of Westford, Anthony of Barre City, Austin of Colchester, Bartholomew of Hartland, Berbeco of Winooski, Black of Essex, Bluemle of Burlington, Bos-Lun of Westminster, Brown of Richmond, Brumsted of Shelburne, Buss of Woodstock, Campbell of St. Johnsbury, Carpenter of Hyde Park, Casey of Montpelier, Chapin of East Montpelier, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Cina of Burlington, Cole of Hartford, Cordes of Lincoln, Dodge of Essex, Dolan of Essex Junction, Dolan of Waitsfield, Durfee of Shaftsbury, Elder of Starksboro, Farlice-Rubio of Barnet, Garofano of Essex, Goldman of Rockingham, Graning of Jericho, Headrick of Burlington, Holcombe of Norwich, Houghton of Essex Junction, Howard of Rutland City, Hyman of South Burlington, James of Manchester, Jerome of Brandon, Kornheiser of Brattleboro, Krasnow of South Burlington, Lalley of Shelburne, LaLonde of South Burlington, Leavitt of Grand Isle, Logan of Burlington, Long of Newfane, McCann of Montpelier, McCarthy of St. Albans City, McGill of Bridport, Mihaly of Calais, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Nugent of South Burlington, Patt of Worcester, Pouech of Hinesburg, Priestley of Bradford, Rachelson of Burlington, Rice of Dorset, Satcowitz of Randolph, Scheu of Middlebury, Sheldon of Middlebury, Sims of Craftsbury, Squirrell of Underhill, Stebbins of Burlington, Stone of Burlington, Surprenant of Barnard, Templeman of Brownington, Toleno of Brattleboro, Torre of Moretown, Troiano of Stannard, Williams of Barre City, and Wood of Waterbury,

House bill, entitled

An act relating to 2024 transportation initiatives to improve infrastructure, increase resiliency, and reduce carbon emissions

To the Committee on Transportation.

H. 694

By Reps. Emmons of Springfield and Arsenault of Williston,
House bill, entitled
An act relating to sexual exploitation
To the Committee on Judiciary.

H. 695

By Reps. Higley of Lowell, Anthony of Barre City, Arsenault of Williston, Brumsted of Shelburne, Burditt of West Rutland, Campbell of St. Johnsbury, Carpenter of Hyde Park, Christie of Hartford, Clifford of Rutland City, Dolan of Essex Junction, Farlice-Rubio of Barnet, Galfetti of Barre Town, Gregoire of Fairfield, Hango of Berkshire, Harrison of Chittenden, Hooper of Burlington, Howard of Rutland City, Krasnow of South Burlington, Labor of Morgan, LaBounty of Lyndon, Maguire of Rutland City, Masland of Thetford, Morgan of Milton, Morrissey of Bennington, Mrowicki of Putney, Noyes of Wolcott, Oliver of Sheldon, Page of Newport City, Peterson of Clarendon, Roberts of Halifax, Sammis of Castleton, Shaw of Pittsford, Sims of Craftsbury, Smith of Derby, Stone of Burlington, Templeman of Brownington, and Wilson of Lyndon,

House bill, entitled
An act relating to survivor benefits for law enforcement officers
To the Committee on General and Housing.

H. 696

By Rep. Brumsted of Shelburne,
House bill, entitled
An act relating to establishing the Critical Incident Review Team
To the Committee on Human Services.

H. 697

By Reps. Austin of Colchester, Buss of Woodstock, Farlice-Rubio of Barnet, Ode of Burlington, Roberts of Halifax, Stebbins of Burlington, and Toof of St. Albans Town,
House bill, entitled
An act relating to the advancement of literacy instruction
To the Committee on Education.

H. 698

By Rep. Shaw of Pittsford,

House bill, entitled

An act relating to the governance and transformation of the Vermont State Colleges Corporation

To the Committee on Education.

H. 699

By Rep. Minier of South Burlington,

House bill, entitled

An act relating to the availability of menstrual products in schools

To the Committee on Education.

H. 700

By Reps. Hango of Berkshire, Birong of Vergennes, and Sibia of Dover,

House bill, entitled

An act relating to the Armed Services Scholarships

To the Committee on Education.

H. 701

By Reps. Demrow of Corinth and Beck of St. Johnsbury,

House bill, entitled

An act relating to the Vermont earned income tax credit and the Vermont child tax credit

To the Committee on Ways and Means.

H. 702

By Reps. Brumsted of Shelburne, Kornheiser of Brattleboro, Leavitt of Grand Isle, McCarthy of St. Albans City, and Walker of Swanton,

House bill, entitled

An act relating to legislative operations and government accountability

To the Committee on Government Operations and Military Affairs.

H. 703

By Reps. McGill of Bridport, Anthony of Barre City, Arsenault of Williston, Berbeco of Winooski, Brumsted of Shelburne, Casey of Montpelier, Christie of Hartford, Cina of Burlington, Cole of Hartford, Cordes of Lincoln, Dodge of Essex, Elder of Starksboro, Farlice-Rubio of Barnet, Garofano of Essex, Gregoire of Fairfield, Krasnow of South Burlington, Lalley of Shelburne, LaMont of Morristown, Logan of Burlington, McCann of Montpelier, Minier of South Burlington, Pajala of Londonderry, Priestley of Bradford, Rachelson of Burlington, Rice of Dorset, Small of Winooski, and Williams of Barre City,

House bill, entitled

An act relating to 3SquaresVT

To the Committee on Human Services.

H. 704

By Rep. Garofano of Essex,

House bill, entitled

An act relating to disclosure of compensation in job advertisements

To the Committee on General and Housing.

H. 705

By Reps. Headrick of Burlington, Minier of South Burlington, Andrews of Westford, Black of Essex, Bos-Lun of Westminster, Brownell of Pownal, Burke of Brattleboro, Burrows of West Windsor, Campbell of St. Johnsbury, Carpenter of Hyde Park, Christie of Hartford, Conlon of Cornwall, Cordes of Lincoln, Elder of Starksboro, Farlice-Rubio of Barnet, Harrison of Chittenden, Houghton of Essex Junction, Howard of Rutland City, Hyman of South Burlington, Leavitt of Grand Isle, McCann of Montpelier, McGill of Bridport, Mulvaney-Stanak of Burlington, Page of Newport City, Pouech of Hinesburg, Priestley of Bradford, Rachelson of Burlington, Rice of Dorset, Roberts of Halifax, Sammis of Castleton, Small of Winooski, Stebbins of Burlington, Stone of Burlington, Templeman of Brownington, and Troiano of Stannard,

House bill, entitled

An act relating to opioid overdose response training and the distribution of opioid antagonists

To the Committee on Human Services.

H. 706

By Reps. Chesnut-Tangerman of Middletown Springs, Anthony of Barre City, Bartholomew of Hartland, Berbeco of Winooski, Bongartz of Manchester, Buss of Woodstock, Campbell of St. Johnsbury, Carpenter of Hyde Park, Christie of Hartford, Cina of Burlington, Cole of Hartford, Cordes of Lincoln, Dolan of Waitsfield, Headrick of Burlington, Leavitt of Grand Isle, Logan of Burlington, Masland of Thetford, McGill of Bridport, Morris of Springfield, Mrowicki of Putney, Nugent of South Burlington, O'Brien of Tunbridge, Ode of Burlington, Page of Newport City, Patt of Worcester, Rice of Dorset, Satcowitz of Randolph, Scheu of Middlebury, Sheldon of Middlebury, Squirrell of Underhill, Stebbins of Burlington, Surprenant of Barnard, Templeman of Brownington, Torre of Moretown, Troiano of Stannard, White of Bethel, and Williams of Barre City,

House bill, entitled

An act relating to banning the use of neonicotinoid pesticides

To the Committee on Agriculture, Food Resiliency, and Forestry.

H. 707

By Reps. Marcotte of Coventry and Jerome of Brandon,

House bill, entitled

An act relating to revising the delivery and governance of the Vermont workforce system

To the Committee on Commerce and Economic Development.

H. 708

By Reps. Marcotte of Coventry and Jerome of Brandon,

House bill, entitled

An act relating to the creation of a forgivable loan track within VEGI program and repealing the VEGI sunset

To the Committee on Commerce and Economic Development.

H. 709

By Reps. Priestley of Bradford, Anthony of Barre City, Christie of Hartford, Elder of Starksboro, Farlice-Rubio of Barnet, Graning of Jericho, Headrick of Burlington, Lalley of Shelburne, Logan of Burlington, McCann of Montpelier, Rice of Dorset, Roberts of Halifax, Templeman of Brownington, and White of Bethel,

House bill, entitled

An act relating to creating the Office of Entrepreneurship and other programs pertaining to entrepreneurs

To the Committee on Commerce and Economic Development.

H. 710

By Reps. Priestley of Bradford, Anthony of Barre City, Burrows of West Windsor, Chase of Chester, Christie of Hartford, Jerome of Brandon, Masland of Thetford, Roberts of Halifax, Sibia of Dover, Sims of Craftsbury, Templeman of Brownington, White of Bethel, and Williams of Barre City,

House bill, entitled

An act relating to regulating developers and deployers of certain artificial intelligence systems

To the Committee on Commerce and Economic Development.

H. 711

By Reps. Priestley of Bradford, Burrows of West Windsor, Chase of Chester, Christie of Hartford, Jerome of Brandon, Masland of Thetford, Roberts of Halifax, Sibia of Dover, Sims of Craftsbury, Templeman of Brownington, White of Bethel, and Williams of Barre City,

House bill, entitled

An act relating to creating oversight and liability standards for developers and deployers of inherently dangerous artificial intelligence systems

To the Committee on Commerce and Economic Development.

H. 712

By Reps. Priestley of Bradford, Anthony of Barre City, Arsenault of Williston, Austin of Colchester, Berbeco of Winooski, Buss of Woodstock, Carpenter of Hyde Park, Casey of Montpelier, Chase of Chester, Christie of Hartford, Cole of Hartford, Dodge of Essex, Elder of Starksboro, Farlice-Rubio of Barnet, Graning of Jericho, Hango of Berkshire, Headrick of Burlington, Howard of Rutland City, Hyman of South Burlington, Jerome of Brandon, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Nugent of South Burlington, Ode of Burlington, Sibia of Dover, Sims of Craftsbury, Stebbins of Burlington, and Templeman of Brownington,

House bill, entitled

An act relating to age-appropriate design code

To the Committee on Commerce and Economic Development.

H. 713

By Reps. Priestley of Bradford, Anthony of Barre City, Howard of Rutland City, McGill of Bridport, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, and Williams of Barre City,

House bill, entitled

An act relating to establishing a 32-hour workweek

To the Committee on General and Housing.

H. 714

By Reps. Garofano of Essex, Andrews of Westford, Anthony of Barre City, Arsenault of Williston, Berbeco of Winooski, Black of Essex, Brumsted of Shelburne, Carpenter of Hyde Park, Christie of Hartford, Cole of Hartford, Dodge of Essex, Dolan of Essex Junction, Farlice-Rubio of Barnet, Houghton of Essex Junction, Hyman of South Burlington, Krasnow of South Burlington, LaBounty of Lyndon, Logan of Burlington, McCann of Montpelier, Mulvaney-Stanak of Burlington, Pouech of Hinesburg, Priestley of Bradford, Rachelson of Burlington, Roberts of Halifax, Small of Winooski, Templeman of Brownington, Torre of Moretown, and Whitman of Bennington,

House bill, entitled

An act relating to bolstering child and youth voices in Vermont

To the Committee on Human Services.

Ceremonial Reading**H.C.R. 128**

House concurrent resolution honoring Vermont National Guard Deputy Adjutant General Kenneth Gragg for his exemplary career accomplishments

Offered by: Representatives Hango of Berkshire, Birong of Vergennes, Sibilina of Dover, Austin of Colchester, Bluemle of Burlington, Brumsted of Shelburne, Cina of Burlington, Dolan of Essex Junction, Dolan of Waitsfield, Donahue of Northfield, Goslant of Northfield, Gregoire of Fairfield, Harrison of Chittenden, Houghton of Essex Junction, Howard of Rutland City, Krasnow of South Burlington, Lipsky of Stowe, Morgan of Milton, Morrissey of Bennington, Nugent of South Burlington, Ode of Burlington, Page of Newport City, Rachelson of Burlington, Smith of Derby, Stevens of Waterbury, Stone of Burlington, Taylor of Colchester, Williams of Granby, and Wood of Waterbury

Offered by: Senators Hardy, Ram Hinsdale, Williams, and Wrenner

Whereas, Deputy Adjutant General Ken Gragg began his military service in 1978 with a four-year enlistment in the U.S. Air Force, and

Whereas, as a Vermont National Guard (VTNG) member from 1982–2008, he served as Supervisor and Superintendent of the Munitions Storage Area, Chief of Security Forces, and as Command Chief Master Sergeant, and

Whereas, from 2001–2014, Ken Gragg was employed at the Williston Law Enforcement Support Center of U.S. Immigration and Customs Enforcement, where he served as Director of Financial Operations, and

Whereas, for the past decade, Ken Gragg has served honorably at the Vermont Department of Military Affairs, first, from 2014–2018, as Financial Director, where, in 2015, he enabled the Department to earn its first clean financial audit, and since 2018, as the Vermont Deputy Adjutant General, and

Whereas, his skill and leadership were essential in the planning and financing of many significant departmental construction projects, and

Whereas, Ken Gragg’s effective advocacy and professional partnership with the VTNG and Veterans’ Affairs Legislative Caucus were important factors in the General Assembly’s adoption of an improved VTNG Tuition Benefit Program, a revision of the State’s VTNG laws, and a more reliable capital funding stream, and

Whereas, as Deputy Adjutant General, he coordinated the rapid construction of a temporary 400-bed Alternate Health Care Facility in response to COVID-19, and

Whereas, Ken Gragg is concluding his service as Deputy Adjutant General with great distinction, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly honors Vermont National Guard Deputy Adjutant General Kenneth Gragg for his exemplary career accomplishments, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Deputy Adjutant General Kenneth Gragg.

Having been adopted in concurrence on Friday, January 5, 2024 in accord with Joint Rule 16b, was read.

Message from the Senate No. 4

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 36. Joint resolution relating to weekend adjournment on January 12, 2024.

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

Adjournment

At ten o'clock and twenty-eight minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

Wednesday, January 10, 2024

At three o'clock in the afternoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Senator Mark Daly, Chair of the Irish Senate, County Kerry, Ireland.

Rules Suspended, House Bills Introduced

Pending first reading of the bills, on motion of **Rep. McCoy of Poultney**, the rules were suspended and the bills were read the first time by number and referred to committee as follows:

H. 715

By Reps. Sabilia of Dover, Buss of Woodstock, Hango of Berkshire, Harrison of Chittenden, Priestley of Bradford, and Sims of Craftsbury,

House bill, entitled

An act relating to climate change resilience under Act 250

To the Committee on Environment and Energy.

H. 716

By Reps. Marcotte of Coventry and Jerome of Brandon,

House bill, entitled

An act relating to career and technical education

To the Committee on Education.

H. 717

By Reps. McGill of Bridport, Arsenault of Williston, Berbeco of Winooski, Brumsted of Shelburne, Burrows of West Windsor, Casey of Montpelier, Christie of Hartford, Cina of Burlington, Cordes of Lincoln, Elder of Starksboro, Farlice-Rubio of Barnet, LaMont of Morristown, Logan of Burlington, McCann of Montpelier, Pajala of Londonderry, Priestley of Bradford, Rachelson of Burlington, Roberts of Halifax, and Templeman of Brownington,

House bill, entitled

An act relating to supports to help students experiencing homelessness and students exiting the foster care system succeed in postsecondary educational institutions

To the Committee on Education.

H. 718

By Rep. Elder of Starksboro,

House bill, entitled

An act relating to the calculation of a school district's long-term membership

To the Committee on Education.

H. 719

By Reps. Bartley of Fairfax, Hango of Berkshire, Sims of Craftsbury, Small of Winooski, Andrews of Westford, Anthony of Barre City, Arrison of Weathersfield, Beck of St. Johnsbury, Bos-Lun of Westminster, Branagan of Georgia, Buss of Woodstock, Campbell of St. Johnsbury, Canfield of Fair Haven, Carpenter of Hyde Park, Clifford of Rutland City, Elder of Starksboro, Farlice-Rubio of Barnet, Goslant of Northfield, Harrison of Chittenden, Krasnow of South Burlington, LaBounty of Lyndon, Leavitt of Grand Isle, Logan of Burlington, Mattos of Milton, McCoy of Poultney, Morris of Springfield, Noyes of Wolcott, Oliver of Sheldon, Pajala of Londonderry, Patt of Worcester, Priestley of Bradford, Surprenant of Barnard, Templeman of Brownington, Toof of St. Albans Town, and Walker of Swanton,

House bill, entitled

An act relating to housing development and unit rehabilitation

To the Committee on Environment and Energy.

H. 720

By Rep. Carroll of Bennington,

House bill, entitled

An act relating to improper disclosure of discovery information in criminal proceedings

To the Committee on Judiciary.

H. 721

By Reps. Houghton of Essex Junction, Andrews of Westford, Anthony of Barre City, Arsenault of Williston, Berbeco of Winooski, Birong of Vergennes, Black of Essex, Bluemle of Burlington, Bongartz of Manchester, Bos-Lun of Westminster, Boyden of Cambridge, Brown of Richmond, Brumsted of Shelburne, Burke of Brattleboro, Burrows of West Windsor, Buss of Woodstock, Campbell of St. Johnsbury, Carpenter of Hyde Park, Chase of Chester, Chesnut-Tangerman of Middletown Springs, Cina of Burlington, Coffey of Guilford, Cole of Hartford, Conlon of Cornwall, Cordes of Lincoln, Dodge of Essex, Dolan of Essex Junction, Durfee of Shaftsbury, Elder of Starksboro, Emmons of Springfield, Farlice-Rubio of Barnet, Garofano of Essex, Goldman of Rockingham, Graning of Jericho, Headrick of Burlington, Holcombe of Norwich, Hooper of Burlington, Howard of Rutland City, Hyman of South Burlington, James of Manchester, Jerome of Brandon, Kornheiser of Brattleboro, Krasnow of South Burlington, LaBounty of Lyndon, LaLonde of South Burlington, Leavitt of Grand Isle, Logan of Burlington, Long of Newfane, McCann of Montpelier, McCarthy of St. Albans City, McFaun of Barre Town, McGill of Bridport, Morris of Springfield, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Notte of Rutland City, Noyes of Wolcott, Nugent of South Burlington, Ode of Burlington, Pajala of Londonderry, Patt of Worcester, Pouech of Hinesburg, Priestley of Bradford, Rachelson of Burlington, Rice of Dorset, Roberts of Halifax, Satcowitz of Randolph, Sheldon of Middlebury, Sims of Craftsbury, Small of Winooski, Stevens of Waterbury, Stone of Burlington, Templeman of Brownington, Toleno of Brattleboro, Torre of Moretown, Troiano of Stannard, Waters Evans of Charlotte, Whitman of Bennington, Williams of Barre City, and Wood of Waterbury,

House bill, entitled

An act relating to expanding access to Medicaid and Dr. Dynasaur

To the Committee on Health Care.

H. 722

By Reps. McGill of Bridport, Arsenault of Williston, Berbeco of Winooski, Brumsted of Shelburne, Burrows of West Windsor, Casey of Montpelier, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Cina of Burlington, Cordes of Lincoln, Elder of Starksboro, Farlice-Rubio of Barnet, LaMont of Morristown, Logan of Burlington, McCann of Montpelier, Pajala of Londonderry, Priestley of Bradford, Rachelson of Burlington, Roberts of Halifax, and Templeman of Brownington,

House bill, entitled

An act relating to the waiver of certain fees for vital records and other identification for persons experiencing homelessness

To the Committee on Government Operations and Military Affairs.

H. 723

By Reps. Williams of Barre City, McCann of Montpelier, Casey of Montpelier, Anthony of Barre City, Boyden of Cambridge, Branagan of Georgia, Brown of Richmond, Brumsted of Shelburne, Burrows of West Windsor, Campbell of St. Johnsbury, Chapin of East Montpelier, Chase of Chester, Chesnut-Tangerman of Middletown Springs, Cina of Burlington, Cole of Hartford, Farlice-Rubio of Barnet, Goldman of Rockingham, Headrick of Burlington, Howard of Rutland City, Hyman of South Burlington, Krasnow of South Burlington, LaBounty of Lyndon, LaLonde of South Burlington, Logan of Burlington, Ode of Burlington, Patt of Worcester, Priestley of Bradford, Rice of Dorset, Stebbins of Burlington, Surprenant of Barnard, Torre of Moretown, Troiano of Stannard, Waters Evans of Charlotte, and Wood of Waterbury,

House bill, entitled

An act relating to flood recovery

To the Committee on Environment and Energy.

H. 724

By Rep. LaLonde of South Burlington,

House bill, entitled

An act relating to sealing eviction records

To the Committee on Judiciary.

H. 725

By Reps. Christie of Hartford, Anthony of Barre City, Burrows of West Windsor, Cina of Burlington, Cole of Hartford, Cordes of Lincoln, Elder of Starksboro, Garofano of Essex, Headrick of Burlington, Howard of Rutland City, Hyman of South Burlington, LaBounty of Lyndon, LaLonde of South Burlington, Logan of Burlington, McGill of Bridport, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Priestley of Bradford, Rachelson of Burlington, Stevens of Waterbury, Stone of Burlington, and Templeman of Brownington,

House bill, entitled

An act relating to the Human Rights Commission

To the Committee on General and Housing.

H. 726

By Rep. Nugent of South Burlington,

House bill, entitled

An act relating to compliance checks by the Division of Liquor Control

To the Committee on Government Operations and Military Affairs.

H. 727

By Reps. Nugent of South Burlington, Anthony of Barre City, Farlice-Rubio of Barnet, Headrick of Burlington, and McGill of Bridport,

House bill, entitled

An act relating to social host liability for furnishing alcohol or cannabis to an individual under 21

To the Committee on Judiciary.

H. 728

By Reps. Dodge of Essex, Berbeco of Winooski, Carpenter of Hyde Park, Christie of Hartford, Cina of Burlington, Cole of Hartford, Dolan of Essex Junction, Elder of Starksboro, Farlice-Rubio of Barnet, Garofano of Essex, Goldman of Rockingham, Headrick of Burlington, Houghton of Essex Junction, Howard of Rutland City, Leavitt of Grand Isle, Logan of Burlington, Masland of Thetford, McCann of Montpelier, McGill of Bridport, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Ode of Burlington, Patt of Worcester, Priestley of Bradford, Rachelson of Burlington, Roberts of Halifax, Sims of Craftsbury, Torre of Moretown, and Williams of Barre City,

House bill, entitled

An act relating to the provision of translation services during school enrollment

To the Committee on Education.

H. 729

By Reps. Gregoire of Fairfield, Anthony of Barre City, Boyden of Cambridge, Campbell of St. Johnsbury, Christie of Hartford, Cole of Hartford, Dodge of Essex, Garofano of Essex, Hango of Berkshire, Harrison of Chittenden, Howard of Rutland City, Labor of Morgan, LaBounty of Lyndon, Masland of Thetford, Noyes of Wolcott, Sibia of Dover, Stebbins of Burlington, Templeman of Brownington, and Williams of Granby,

House bill, entitled

An act relating to establishing a tobacco substitute directory

To the Committee on Human Services.

H. 730

By Reps. Christie of Hartford, Bluemle of Burlington, Cina of Burlington, Howard of Rutland City, Hyman of South Burlington, Mrowicki of Putney, Rachelson of Burlington, and Templeman of Brownington,

House bill, entitled

An act relating to uniformly removing members of State boards and commissions

To the Committee on Government Operations and Military Affairs.

H. 731

By Reps. Headrick of Burlington, Andrews of Westford, Bluemle of Burlington, Bos-Lun of Westminster, Burke of Brattleboro, Burrows of West Windsor, Casey of Montpelier, Chapin of East Montpelier, Christie of Hartford, Cina of Burlington, Cole of Hartford, Cordes of Lincoln, Elder of Starksboro, Farlice-Rubio of Barnet, Garofano of Essex, LaBounty of Lyndon, Leavitt of Grand Isle, Logan of Burlington, McCann of Montpelier, McGill of Bridport, Minier of South Burlington, Morris of Springfield, Mulvaney-Stanak of Burlington, Pouech of Hinesburg, Priestley of Bradford, Rachelson of Burlington, Rice of Dorset, Small of Winooski, Stebbins of Burlington, Stone of Burlington, and Surprenant of Barnard,

House bill, entitled

An act relating to Family Division jurisdiction in juvenile proceedings

To the Committee on Judiciary.

H. 732

By Reps. LaBounty of Lyndon, Andriano of Orwell, Anthony of Barre City, Berbeco of Winooski, Branagan of Georgia, Campbell of St. Johnsbury, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Farlice-Rubio of Barnet, Goslant of Northfield, Hango of Berkshire, Hooper of Burlington, Howard of Rutland City, Krasnow of South Burlington, Labor of Morgan, Masland of Thetford, McFaun of Barre Town, Page of Newport City, Patt of Worcester, Priestley of Bradford, Sammis of Castleton, Sheldon of Middlebury, Smith of Derby, Waters Evans of Charlotte, and Williams of Granby,

House bill, entitled

An act relating to traffic cameras and traffic violations for illegally passing a school bus

To the Committee on Transportation.

H. 733

By Rep. Carroll of Bennington,

House bill, entitled

An act relating to General Assistance emergency housing

To the Committee on Human Services.

Joint Resolution Adopted in Concurrence**J.R.S. 36**

By Senator Baruth,

J.R.S. 36. Joint resolution relating to weekend adjournment on January 12, 2024.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 12, 2024, it be to meet again no later than Tuesday, January 16, 2024.

Was taken up, read, and adopted in concurrence.

**Committee Relieved of Consideration and Bill Committed to
Other Committee****H. 619**

Rep. Stevens of Waterbury moved that the Committee on General and Housing be relieved of House bill, entitled

An act relating to creating reciprocal rights to landlord-tenant attorney's fees and expenses

And that the bill be committed to the Committee on Judiciary, which was agreed to.

**Committee Relieved of Consideration and Bill Committed to
Other Committee**

H. 657

Rep. Sheldon of Middlebury moved that the Committee on Environment and Energy be relieved of House bill, entitled

An act relating to the modernization of Vermont's communications taxes and fees

And that the bill be committed to the Committee on Ways and Means, which was agreed to.

Second Reading; Bill Amended; Third Reading Ordered

H. 27

Rep. Arsenault of Williston, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to coercive controlling behavior and abuse prevention orders

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 15 V.S.A. § 1101 is amended to read:

§ 1101. DEFINITIONS

~~The following words as used in this chapter shall have the following meanings~~ As used in this chapter:

(1) "Abuse" means:

(A) the occurrence of one or more of the following acts between family or household members:

(A)(i) ~~Attempting~~ attempting to cause or causing physical harm;

(B)(ii) ~~Placing~~ placing another in fear of imminent serious physical harm;

(C)(iii) ~~Abuse~~ abuse to children as defined in 33 V.S.A. chapter 49, subchapter 2;

(D)(iv) ~~Stalking~~ stalking as defined in 12 V.S.A. § 5131(6); or

~~(E)(v)~~ Sexual sexual assault as defined in 12 V.S.A. § 5131(5); or

(B) coercive controlling behavior between family or household members.

(2)(A) “Coercive controlling behavior” means a pattern of conduct that recklessly causes or has the effect of causing a reasonable person:

(i) to fear for the plaintiff’s safety or the safety of a family member; or

(ii) to suffer substantial emotional distress.

(B) “Coercive controlling behavior” does not include:

(i) conduct between a child under 18 years of age and the child’s parent or guardian involving the exercise of a parent’s constitutional right to the care, custody, and control of the parent’s child;

(ii) conduct taken by a plaintiff to protect themselves, the plaintiff’s family or household members, or an animal that is connected to the family from the risk of present or future harm; or

(iii) constitutionally protected activity.

(3) “Household members” means persons who, for any period of time, are living or have lived together, are sharing or have shared occupancy of a dwelling, are engaged in or have engaged in a sexual relationship, or minors or adults who are dating or who have dated. “Dating” means a social relationship of a romantic nature. Factors that the court may consider when determining whether a dating relationship exists or existed include:

(A) the nature of the relationship;

(B) the length of time the relationship has existed;

(C) the frequency of interaction between the parties; and

(D) the length of time since the relationship was terminated, if applicable.

~~(3)~~(4) A “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, 33 V.S.A. chapter 69, or 12 V.S.A. chapter 178.

~~(4)~~(5) “Other state” and “issuing state” shall 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.

~~(5)~~(6) A “protection order” means any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final orders issued by civil and criminal courts, other than support or child custody orders, whether obtained by filing an independent action or as a pendente lite order in another proceeding ~~so long as,~~ provided that any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

~~(6)~~(7) [Repealed.]

Sec. 2. 15 V.S.A. § 1101a is added to read:

§ 1101a. LEGISLATIVE INTENT; COERCIVE CONTROLLING
BEHAVIOR

(a) It is the intent of the General Assembly to recognize that coercive controlling behavior is a form of abuse.

(b) The inclusion of coercive controlling behavior within the definition of “abuse” in section 1101 of this title and the language included in that section is derived from the 2022 Model Code on Domestic and Family Violence issued by the National Council of Juvenile and Family Court Judges.

(c) As identified in the model code, coercive controlling behavior may include a pattern of any of the following:

(1) monitoring or surveilling the plaintiff’s daily personal activities;

(2) manipulating the plaintiff’s mental health status to the detriment of the plaintiff;

(3) isolating the plaintiff from family or friends or the opportunity to participate in a faith community, employment, education, or other support networks;

(4) repeatedly humiliating, threatening, or intimidating the plaintiff;

(5) threatening to harm or abduct the plaintiff or the plaintiff’s children;

(6) committing or threatening to commit harm to an animal that is connected to the family;

(7) threatening deportation or to contact local or federal authorities based on actual or perceived immigration status of the plaintiff or the plaintiff’s family or threatening to jeopardize the immigration application status of the plaintiff or the plaintiff’s family;

(8) depriving the plaintiff of the means needed for independence, resistance, or escape, such as denying or impeding the plaintiff's access to a vehicle, banking services, or the plaintiff's own identification documents;

(9) controlling, regulating, or monitoring the plaintiff's finances or economic resources; or

(10) controlling the reproductive autonomy of the plaintiff through force, threat of force, or intimidation, including placing unreasonable pressure on the plaintiff to become pregnant, deliberately interfering with the plaintiff's contraceptive use or access to reproductive health information, or using coercive tactics to control or attempt to control pregnancy outcomes.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on Judiciary agreed to, and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 72

Rep. Small of Winooski, for the Committee on Human Services, to which had been referred House bill, entitled

An act relating to a harm-reduction criminal justice response to drug use

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 4254 is amended to read:

§ 4254. IMMUNITY FROM LIABILITY; OVERDOSE PREVENTION

* * *

(j)(1) The following persons shall not be cited, arrested, or prosecuted for unlawful possession of a regulated drug in violation of this chapter or subject to the property forfeiture provisions of this chapter for participation in or with an overdose prevention center that has been approved pursuant to subsection (m) of this section:

(A) a person using the services of an overdose prevention center;

(B) a staff member or administrator of an overdose prevention center, including a health care professional, manager, employee, or volunteer; or

(C) a property owner who owns real property at which an overdose prevention center is located and operates.

(2) The immunity provisions of this subsection apply only to the use and derivative use of evidence gained as a proximate result of participation in or with an overdose prevention center.

(k) An overdose prevention center:

(1) provides a space supervised by health care professionals or other trained staff where persons who use drugs can consume preobtained drugs and medication for substance use disorder;

(2) provides harm reduction supplies, including sterile injection supplies; collects used hypodermic needles and syringes; and provides secure hypodermic needle and syringe disposal services;

(3) answers questions on safer consumption practices;

(4) administers first aid, if needed, and monitors and treats potential overdoses;

(5) provides referrals to addiction treatment, medical services, and social services;

(6) educates participants on the risks of contracting HIV and viral hepatitis, wound care, and safe sex education;

(7) provides overdose prevention education and distributes overdose reversal medications, including naloxone;

(8) educates participants regarding proper disposal of hypodermic needles and syringes;

(9) provides reasonable security of the program site;

(10) establishes operating procedures for the program as well as eligibility criteria for program participants; and

(11) trains staff members to deliver services offered by the program.

(l) The Department of Health, in consultation with stakeholders and health departments of other states that have overdose prevention centers, shall develop operating guidelines for overdose prevention centers.

(m)(1) An entity may apply to the Department of Health for approval to operate an overdose prevention center. Entities may apply to establish and operate more than one program, and services may be provided at a fixed location or a mobile unit, or both. A safe syringe program may apply to operate an overdose prevention center.

(2) If an applicant complies with all applicable laws, rules, and operating guidelines adopted pursuant to subsection (l) of this section, the application shall be approved within 45 days after receipt. If the application is

denied, the applicant shall be provided with a written explanation of the basis for the denial and the steps necessary to remedy the application. The applicant may resubmit the application and the Department shall have 45 days to respond. Approval for a program shall be for a period of two years and may be renewed.

(n) An entity operating an overdose prevention center shall make publicly available the following information annually on or before January 15:

(1) the number of program participants;

(2) deidentified demographic information of program participants;

(3) the number of overdoses and the number of overdoses reversed on-site;

(4) the number of times emergency medical services were contacted and responded for assistance;

(5) the number of times law enforcement were contacted and responded for assistance; and

(6) the number of participants directly and formally referred to other services and the type of services.

Sec. 2. 18 V.S.A. § 4475(2) is amended to read:

(2) “Organized community-based needle exchange program” means a program approved by the Commissioner of Health under section 4478 of this title, the purpose of which is to provide access to clean needles and syringes; ~~and which is operated by an AIDS service organization, a substance abuse treatment provider, or a licensed health care provider or facility.~~ Such programs shall be operated in a manner that is consistent with the provisions of 10 V.S.A. chapter 159 (waste management; hazardous waste), and any other applicable laws.

Sec. 3. 18 V.S.A. § 4478 is amended to read:

§ 4478. NEEDLE EXCHANGE PROGRAMS

The Department of Health, in ~~collaboration~~ consultation with the ~~statewide harm reduction coalition~~ community stakeholders, shall develop operating guidelines for needle exchange programs. If a program complies with such operating guidelines and with existing laws and regulations, it shall be approved by the Commissioner of Health. ~~Such operating guidelines shall be established no later than September 30, 1999.~~ A needle exchange program may apply to be an overdose prevention center pursuant to section 4254 of this title.

Sec. 4. 33 V.S.A. § 2004 is amended to read:

§ 2004. MANUFACTURER FEE

(a) Annually, each pharmaceutical manufacturer or labeler of prescription drugs that are paid for by the Department of Vermont Health Access for individuals participating in Medicaid, Dr. Dynasaur, or VPharm shall pay a fee to the Agency of Human Services. The fee shall be ~~1.75~~ 2.25 percent of the previous calendar year's prescription drug spending by the Department and shall be assessed based on manufacturer labeler codes as used in the Medicaid rebate program.

(b) Fees collected under this section shall fund collection and analysis of information on pharmaceutical marketing activities under 18 V.S.A. §§ 4632 and 4633; analysis of prescription drug data needed by the Office of the Attorney General for enforcement activities; the Vermont Prescription Monitoring System established in 18 V.S.A. chapter 84A; the evidence-based education program established in 18 V.S.A. chapter 91, subchapter 2; statewide unused prescription drug disposal initiatives; prevention of prescription drug misuse, abuse, and diversion; the Substance Misuse Prevention Oversight and Advisory Council established in 18 V.S.A. § 4803; treatment of substance use disorder; exploration of nonpharmacological approaches to pain management; a hospital antimicrobial program for the purpose of reducing hospital-acquired infections; the purchase and distribution of fentanyl testing strips; the purchase and distribution of naloxone to emergency medical services personnel; ~~and any opioid-antagonist education, training, and distribution program operated by the Department of Health or its agents; and grants to overdose prevention centers to address the harms of the opioid epidemic.~~ The fees shall be collected in the Evidence-Based Education and Advertising Fund established in section 2004a of this title.

(c) The Secretary of Human Services or designee shall make rules for the implementation of this section.

* * *

Sec. 5. 33 V.S.A. § 2004a is amended to read:

§ 2004a. EVIDENCE-BASED EDUCATION AND ADVERTISING FUND

(a) The Evidence-Based Education and Advertising Fund is established in the State Treasury as a special fund to be a source of financing for activities relating to fund collection and analysis of information on pharmaceutical marketing activities under 18 V.S.A. §§ 4632 and 4633; for analysis of prescription drug data needed by the Office of the Attorney General for enforcement activities; for the Vermont Prescription Monitoring System established in 18 V.S.A. chapter 84A; for the evidence-based education

program established in 18 V.S.A. chapter 91, subchapter 2; for statewide unused prescription drug disposal initiatives; for the prevention of prescription drug misuse, abuse, and diversion; for the Substance Misuse Prevention Oversight and Advisory Council established in 18 V.S.A. § 4803; for treatment of substance use disorder; for exploration of nonpharmacological approaches to pain management; for a hospital antimicrobial program for the purpose of reducing hospital-acquired infections; for the purchase and distribution of fentanyl testing strips; for the purchase and distribution of naloxone to emergency medical services personnel; ~~and~~ for the support of any opioid-antagonist education, training, and distribution program operated by the Department of Health or its agents; and grants to overdose prevention centers to address the harms of the opioid epidemic. Monies deposited into the Fund shall be used for the purposes described in this section.

* * *

Sec. 6. PILOT PROGRAM; OVERDOSE PREVENTION CENTERS

In fiscal year 2025, \$1,000,000.00 is authorized from the Evidence-Based Education and Advertising Fund pursuant to 33 V.S.A. § 2004a to the Department of Health for the purpose of awarding one or more grants for fixed-site or mobile overdose prevention centers to applicants that demonstrate the ability to run such a program in accordance with the requirements of Sec. 1 of this act. The Department shall award grants based on an applicant's ability to establish such sites in accordance with guidelines established by the Department for overdose prevention centers.

Sec. 7. STUDY; OVERDOSE PREVENTION CENTERS

(a) On or before December 1, 2024, the Department of Health shall contract with a researcher or independent consulting entity with expertise in the field of rural addiction or overdose prevention centers, or both, to study the impact of overdose prevention center pilot programs authorized in Sec. 6 of this act in their respective communities. The study shall evaluate the current impacts of the overdose crisis in Vermont, as well as any changes up to four years following the implementation of the overdose prevention center pilot programs. The work of the researcher or independent consulting entity shall be governed by the following goals:

(1) the current state of the overdose crisis and deaths across the State of Vermont and the impact of overdose prevention center pilot programs on the overdose crisis and deaths across Vermont, with a focus on the communities where pilot programs are established;

(2) the current crime rates in communities where the overdose prevention center pilot programs will be established and the impact of overdose prevention center pilot programs on crime rates in communities where the overdose prevention center pilot programs are established;

(3) the current rates of syringe litter in communities where overdose prevention center pilot programs will be established and the impact of overdose prevention center pilot programs on the rates of syringe litter where overdose prevention center pilot programs are established;

(4) the current number of emergency medical services response calls related to overdoses across Vermont, with a focus on the communities where pilot programs will be established, and the impact of overdose prevention center pilot programs on the number of emergency response calls related to overdoses;

(5) the current rate of syringe service program participant uptake of treatment and recovery services and the impact of overdose prevention center pilot programs on the rates of participant uptake of treatment and recovery services; and

(6) the impact of overdose prevention center pilot programs on the number of emergency response calls related to overdoses across Vermont, with a focus on the communities where pilot programs are established.

(b) The Department of Health shall collaborate with the researcher or independent consulting agency to provide the General Assembly with interim annual reports on or before January 15 of each year with a final report containing the results of the study and any recommendations on or before January 15, 2029.

Sec. 8. APPROPRIATION; STUDY; OVERDOSE PREVENTION

CENTERS

In fiscal year 2025, \$300,000.00 is appropriated to the Department of Health from the General Fund for the purpose of funding the study of the impact of overdose prevention center pilot programs authorized in Sec. 7 of this act.

Sec. 9. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

Rep. Kornheiser of Brattleboro, for the Committee on Ways and Means, recommended the bill ought to pass when amended as recommended by the Committee on Human Services.

Rep. Bluemle of Burlington, for the Committee on Appropriations, recommended the bill ought to pass when amended as recommended by the Committee on Human Services.

The bill, having appeared on the Notice Calendar, was taken up and read the second time.

Pending the question, Shall the bill be amended as recommended by the Committee on Human Services?, **Reps. Wood of Waterbury, Small of Winooski, Brumsted of Shelburne, Garofano of Essex, Gregoire of Fairfield, Hyman of South Burlington, McGill of Bridport, Noyes of Wolcott, Pajala of Londonderry, and Whitman of Bennington** moved to amend the report of the Committee on Human Services as follows:

First: In Sec. 1, 18 V.S.A. § 4254, in subsection (1), after the words “overdose prevention centers” and before the period by inserting “not later than April 1, 2025”

Second: In Sec. 6, Pilot Program; Overdose Prevention Centers, in the first sentence by striking out “\$1,000,000.00” and inserting in lieu thereof “\$2,000,000.00” and by striking out “one or more” and after “grants for” by inserting “two”

Third: In Sec. 8, Appropriation; Study; Overdose Prevention Centers, by striking out “General Fund” and inserting in lieu thereof “Opioid Abatement Special Fund”

Fourth: In Sec. 9, Effective Date, by striking out “July 1, 2024” and inserting in lieu thereof “passage”

Which was agreed to.

Pending the question, Shall the bill be amended as recommended by the Committee on Human Services, as amended?, **Rep. Wood of Waterbury** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as recommended by the Committee on Human Services, as amended?, was decided in the affirmative. Yeas, 96. Nays, 35.

Those who voted in the affirmative are:

Andrews of Westford	Emmons of Springfield	Nicoll of Ludlow
Anthony of Barre City	Farlice-Rubio of Barnet	Notte of Rutland City
Arsenault of Williston	Garofano of Essex	Noyes of Wolcott
Austin of Colchester	Goldman of Rockingham	Nugent of South Burlington
Bartholomew of Hartland	Graning of Jericho	O'Brien of Tunbridge
Berbeco of Winooski *	Headrick of Burlington	Ode of Burlington
Black of Essex	Holcombe of Norwich	Pajala of Londonderry
Bluemle of Burlington *	Hooper of Burlington	Patt of Worcester

Bongartz of Manchester	Houghton of Essex Junction	Pearl of Danville
Bos-Lun of Westminster	Howard of Rutland City	Rachelson of Burlington *
Boyden of Cambridge	Hyman of South Burlington	Rice of Dorset
Brady of Williston	James of Manchester	Roberts of Halifax *
Brown of Richmond *	Jerome of Brandon	Sammis of Castleton
Brumsted of Shelburne	Kornheiser of Brattleboro	Satcowitz of Randolph
Burke of Brattleboro	Krasnow of South	Scheu of Middlebury
Burrows of West Windsor	Burlington	Sheldon of Middlebury
Buss of Woodstock	LaBounty of Lyndon	Sibilia of Dover
Carpenter of Hyde Park	LaLonde of South	Sims of Craftsbury
Carroll of Bennington	Burlington	Small of Winooski
Casey of Montpelier	LaMont of Morristown	Squirrell of Underhill
Chapin of East Montpelier	Lanpher of Vergennes	Stebbins of Burlington
Chase of Chester	Leavitt of Grand Isle	Stevens of Waterbury
Chase of Colchester	Lipsky of Stowe	Stone of Burlington
Chesnut-Tangerman of	Logan of Burlington	Surprenant of Barnard
Middletown Springs	Long of Newfane	Taylor of Colchester
Christie of Hartford	Masland of Thetford	Templeman of Brownington
Coffey of Guilford	McCarthy of St. Albans	Toleno of Brattleboro
Cole of Hartford	City	Torre of Moretown
Conlon of Cornwall	McGill of Bridport	Troiano of Stannard
Dodge of Essex	Mihaly of Calais	Waters Evans of Charlotte
Dolan of Essex Junction	Minier of South Burlington	Whitman of Bennington *
Dolan of Waitsfield	Mrowicki of Putney	Williams of Barre City *
Durfee of Shaftsbury	Mulvaney-Stanak of	Wood of Waterbury *
Elder of Starksboro	Burlington	

Those who voted in the negative are:

Arrison of Weathersfield	Galfetti of Barre Town	Morgan of Milton
Branagan of Georgia	Goslant of Northfield	Morris of Springfield
Brennan of Colchester	Gregoire of Fairfield	Morrissey of Bennington
Brownell of Pownal	Hango of Berkshire	Page of Newport City
Burditt of West Rutland	Harrison of Chittenden	Parsons of Newbury
Canfield of Fair Haven	Hooper of Randolph	Peterson of Clarendon *
Clifford of Rutland City	Labor of Morgan	Shaw of Pittsford
Corcoran of Bennington	Laroche of Franklin	Smith of Derby
Demar of Enosburgh	Maguire of Rutland City *	Taylor of Milton
Dickinson of St. Albans	Marcotte of Coventry	Toof of St. Albans Town
Town	Mattos of Milton	Williams of Granby
Donahue of Northfield	McCoy of Poultney	Wilson of Lyndon

Those members absent with leave of the House and not voting are:

Andriano of Orwell	Cordes of Lincoln	McFaun of Barre Town
Bartley of Fairfax	Demrow of Corinth	Oliver of Sheldon
Beck of St. Johnsbury	Graham of Williamstown	Pouech of Hinesburg
Birong of Vergennes	Higley of Lowell	Priestley of Bradford
Campbell of St. Johnsbury	Lalley of Shelburne	Walker of Swanton
Cina of Burlington	McCann of Montpelier	White of Bethel

Rep. Berbeco of Winooski explained her vote as follows:

“Madam Speaker:

I am voting yes because until our system of care can offer people, living with substance use issues, comprehensive integrated mental health and substance use care and recovery services, we are obligated to be nearby as compassionate neighbors, family members and friends.”

Rep. Bluemle of Burlington explained her vote as follows:

“Madam Speaker:

I support this bill, grateful for the combined courage, persistence, compassion and expertise that finally brought it to the floor today. I cast this vote in honor of the life work and tireless advocacy of Scot Pavek.”

Rep. Brown of Richmond explained her vote as follows:

“Madam Speaker:

I voted yes in support of H.72 because it is imperative that we provide this harm reduction strategy to communities overwhelmed by our current overdose crisis. The urgency of this issue and its heartbreaking impact on Vermonters in our communities cannot be overstated. We must employ new strategies to meet this challenging moment.”

Rep. Maguire of Rutland City explained his vote as follows:

“Madam Speaker:

The State of Vermont does not have the substance abuse contingency of care infrastructure in place to support this harm reduction model.”

Rep. Peterson of Clarendon explained his vote as follows:

“Madam Speaker:

Passage of H.72 will make Vermont drug dealers very happy.”

Rep. Rachelson of Burlington explained her vote as follows:

“Madam Speaker:

Research shows that overdose prevention centers make a positive difference by reducing public drug use, decreasing syringe litter, lowering the demand on local health care providers and emergency responders, connecting people to other services, and most importantly preventing drug overdoses. Let’s not lose any more Vermonters to overdoses, a preventable cause of death.”

Rep. Roberts of Halifax explained his vote as follows:

“Madam Speaker:

It’s not just our population that’s suffering, but our workforce. I vote Yes for the reduced toll this will have on our Emergency Medical Services and our hard-working EMTs. For the individual already traumatized by their addiction, their overdose can be prevented, or reversed in a loving environment where they can be recalled back to life by name, and without shame.”

Rep. Whitman of Bennington explained his vote as follows:

“Madam Speaker:

During the COVID-19 pandemic, we promised Vermonters that we would follow the science and prioritize saving lives. I believe that H.72 continues this promise by making life-saving services available for Vermonters at-risk of fatal overdose.”

Rep. Williams of Barre City explained his vote as follows:

“Madam Speaker:

I vote yes for my brother Justin. I am so grateful he is still with us. My new nephew is so beautiful! So many others were not so lucky. I look forward to when an overdose prevention center is built in Barre, next door, or otherwise.”

Rep. Wood of Waterbury explained her vote as follows:

“Madam Speaker:

Today we took a brave step forward to save lives and increase access to supportive services, including counseling and medical care. My yes vote is to provide hope to people impacted by substance use disorder and hope to all citizens of our brave State.”

Thereupon third reading was ordered.

Adjournment

At five o'clock and fifty-eight minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

Thursday, January 11, 2024

At three o'clock in the afternoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rev. Elissa Johnk, First Congregational Church of Burlington.

Message from the Senate No. 5

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

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

J.R.H. 7. Joint resolution authorizing limited remote joint committee voting through the remainder of calendar year 2024.

J.R.H. 8. Joint resolution providing for an election to fill a vacancy in the Office of Sergeant at Arms.

And has adopted the same in concurrence.

Rules Suspended, House Bills Introduced

Pending first reading of the House bills, on motion of **Rep. McCoy of Poultney**, the rules were suspended and the bills were read the first time by number and referred to committee as follows:

H. 734

By Rep. Carroll of Bennington,

House bill, entitled

An act relating to establishing a residency requirement for the General Assistance Emergency Housing Program and the emergency housing transition benefit

To the Committee on Human Services.

H. 735

By Rep. Carroll of Bennington,

House bill, entitled

An act relating to exemptions for food manufacturing establishments

To the Committee on Human Services.

H. 736

By Reps. Stone of Burlington, Arsenault of Williston, Burrows of West Windsor, and Graning of Jericho,

House bill, entitled

An act relating to requiring approved independent schools to confirm compliance with the Vermont Public Accommodations Act

To the Committee on Education.

H. 737

By Reps. Stone of Burlington, Arsenault of Williston, Burrows of West Windsor, and Graning of Jericho,

House bill, entitled

An act relating to the appointment of State Board of Education members

To the Committee on Education.

H. 738

By Reps. Canfield of Fair Haven, Branagan of Georgia, Clifford of Rutland City, Morgan of Milton, Sammis of Castleton, Taylor of Milton, and Williams of Granby,

House bill, entitled

An act relating to the rights of school district and supervisory union employees to testify before a school board or supervisory union board

To the Committee on Education.

H. 739

By Reps. Hango of Berkshire, Birong of Vergennes, Sibia of Dover, Austin of Colchester, Stone of Burlington, Bartley of Fairfax, Beck of St. Johnsbury, Boyden of Cambridge, Branagan of Georgia, Brennan of Colchester, Brumsted of Shelburne, Carpenter of Hyde Park, Clifford of Rutland City, Demar of Enosburgh, Dolan of Essex Junction, Dolan of Waitsfield, Goslant of Northfield, Graham of Williamstown, Gregoire of Fairfield, Higley of Lowell, Houghton of Essex Junction, Labor of Morgan, LaBounty of Lyndon, Lipsky of Stowe, Maguire of Rutland City, McFaun of Barre Town, Morgan of Milton, Morris of Springfield, Morrissey of Bennington, Ode of Burlington, Oliver of Sheldon, Parsons of Newbury,

Peterson of Clarendon, Rachelson of Burlington, Smith of Derby, Taylor of Milton, Toof of St. Albans Town, Walker of Swanton, and Williams of Granby,

House bill, entitled

An act relating to raising awareness of military-related postsecondary opportunities

To the Committee on Education.

H. 740

By Reps. McCann of Montpelier, Chase of Chester, Cole of Hartford, Dolan of Essex Junction, Headrick of Burlington, Hyman of South Burlington, Masland of Thetford, McGill of Bridport, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Priestley of Bradford, and Stone of Burlington,

House bill, entitled

An act relating to inclusive curricular standards for the sciences, arts, and humanities

To the Committee on Education.

H. 741

By Reps. McCann of Montpelier, Anthony of Barre City, Arsenault of Williston, Austin of Colchester, Beck of St. Johnsbury, Bos-Lun of Westminster, Brady of Williston, Branagan of Georgia, Brown of Richmond, Brownell of Pownal, Burke of Brattleboro, Buss of Woodstock, Chase of Chester, Cina of Burlington, Conlon of Cornwall, Dolan of Essex Junction, Emmons of Springfield, Farlice-Rubio of Barnet, Galfetti of Barre Town, Hango of Berkshire, Headrick of Burlington, Hooper of Randolph, Hyman of South Burlington, Jerome of Brandon, Krasnow of South Burlington, Labor of Morgan, LaBounty of Lyndon, McGill of Bridport, Minier of South Burlington, Morrissey of Bennington, Mrowicki of Putney, Ode of Burlington, Page of Newport City, Patt of Worcester, Priestley of Bradford, Rice of Dorset, Stone of Burlington, Taylor of Milton, Templeman of Brownington, Waters Evans of Charlotte, Whitman of Bennington, and Williams of Barre City,

House bill, entitled

An act relating to health insurance coverage for colorectal cancer screening

To the Committee on Health Care.

H. 742

By Rep. McCann of Montpelier,

House bill, entitled

An act relating to health insurance reimbursement rate parity

To the Committee on Health Care.

H. 743

By Reps. Brennan of Colchester, Branagan of Georgia, Canfield of Fair Haven, Clifford of Rutland City, Demar of Enosburgh, Graham of Williamstown, Hango of Berkshire, Labor of Morgan, Morgan of Milton, Oliver of Sheldon, Page of Newport City, Parsons of Newbury, Shaw of Pittsford, Smith of Derby, Taylor of Milton, Walker of Swanton, and Williams of Granby,

House bill, entitled

An act relating to an exemption to the firearms transfer waiting period for persons who already own firearms

To the Committee on Judiciary.

H. 744

By Reps. Rachelson of Burlington, Chapin of East Montpelier, and Headrick of Burlington,

House bill, entitled

An act relating to disclosure of sexually explicit images without consent

To the Committee on Judiciary.

H. 745

By Rep. LaLonde of South Burlington,

House bill, entitled

An act relating to the Vermont Parentage Act

To the Committee on Judiciary.

H. 746

By Rep. LaBounty of Lyndon,

House bill, entitled

An act relating to unemployment insurance eligibility and benefits

To the Committee on Commerce and Economic Development.

H. 747

By Reps. Branagan of Georgia, Andrews of Westford, Anthony of Barre City, Austin of Colchester, Birong of Vergennes, Black of Essex, Brumsted of Shelburne, Burke of Brattleboro, Burrows of West Windsor, Buss of Woodstock, Campbell of St. Johnsbury, Casey of Montpelier, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Cina of Burlington, Cole of Hartford, Dodge of Essex, Elder of Starksboro, Farlice-Rubio of Barnet, Garofano of Essex, Goldman of Rockingham, Headrick of Burlington, Hooper of Burlington, Hyman of South Burlington, Krasnow of South Burlington, Lalley of Shelburne, Logan of Burlington, Masland of Thetford, McGill of Bridport, Minier of South Burlington, Mulvaney-Stanak of Burlington, Noyes of Wolcott, Nugent of South Burlington, O'Brien of Tunbridge, Ode of Burlington, Patt of Worcester, Rachelson of Burlington, Roberts of Halifax, Satcowitz of Randolph, Small of Winooski, Stebbins of Burlington, Stone of Burlington, Surprenant of Barnard, Templeman of Brownington, Torre of Moretown, and Waters Evans of Charlotte,

House bill, entitled

An act relating to appropriating funds to reimburse the Burlington Fire Department for assisting individuals experiencing a drug overdose

To the Committee on Human Services.

H. 748

By Rep. Taylor of Milton,

House bill, entitled

An act relating to updating terminology and fees related to the Department of Public Safety's response to alarms

To the Committee on Government Operations and Military Affairs.

H. 749

By Reps. Toof of St. Albans Town, Hango of Berkshire, Bartley of Fairfax, Branagan of Georgia, Canfield of Fair Haven, Clifford of Rutland City, Demar of Enosburgh, Goslant of Northfield, Graham of Williamstown, Gregoire of Fairfield, Harrison of Chittenden, Higley of Lowell, LaBounty of Lyndon, Maguire of Rutland City, McFaun of Barre Town, Morgan of Milton, Morrissey of Bennington, Oliver of Sheldon, Page of Newport City, Peterson of Clarendon, Shaw of Pittsford, Smith of Derby, and Taylor of Milton,

House bill, entitled

An act relating to waived registration fees for volunteer firefighter motor vehicles

To the Committee on Transportation.

H. 750

By Rep. LaBounty of Lyndon,

House bill, entitled

An act relating to unemployment insurance eligibility for members of the General Assembly

To the Committee on Commerce and Economic Development.

H. 751

By Reps. Chesnut-Tangerman of Middletown Springs, Burrows of West Windsor, Elder of Starksboro, Headrick of Burlington, Howard of Rutland City, LaBounty of Lyndon, LaMont of Morristown, Mulvaney-Stanak of Burlington, Roberts of Halifax, Small of Winooski, and White of Bethel,

House bill, entitled

An act relating to expanding equal pay protections

To the Committee on General and Housing.

H. 752

By Reps. Morgan of Milton, Hango of Berkshire, and Sammis of Castleton,

House bill, entitled

An act relating to pedestrians, pedestrian safety, and motor vehicle safety

To the Committee on Transportation.

H. 753

By Reps. Toof of St. Albans Town, Taylor of Milton, Bartley of Fairfax, Clifford of Rutland City, Hango of Berkshire, Labor of Morgan, Maguire of Rutland City, McFaun of Barre Town, Morgan of Milton, Morrissey of Bennington, Oliver of Sheldon, Page of Newport City, Parsons of Newbury, Peterson of Clarendon, and Williams of Granby,

House bill, entitled

An act relating to driver education for students participating in the home study program

To the Committee on Transportation.

H. 754

By Reps. Chesnut-Tangerman of Middletown Springs, Burditt of West Rutland, Campbell of St. Johnsbury, Canfield of Fair Haven, Clifford of Rutland City, Goldman of Rockingham, Howard of Rutland City, McGill of Bridport, Mulvaney-Stanak of Burlington, Sammis of Castleton, and Satcowitz of Randolph,

House bill, entitled

An act relating to the governance and transformation of the Vermont State Colleges Corporation

To the Committee on Education.

H. 755

By Reps. Masland of Thetford, Sibilia of Dover, and Sims of Craftsbury,

House bill, entitled

An act relating to mergers and governance of communications union districts

To the Committee on Environment and Energy.

H. 756

By Reps. Logan of Burlington, Anthony of Barre City, Campbell of St. Johnsbury, Carpenter of Hyde Park, Christie of Hartford, Cina of Burlington, Cole of Hartford, Cordes of Lincoln, Garofano of Essex, Headrick of Burlington, Masland of Thetford, McGill of Bridport, Mulvaney-Stanak of Burlington, Small of Winooski, Troiano of Stannard, and Williams of Barre City,

House bill, entitled

An act relating to short-term rental occupancy requirements

To the Committee on General and Housing.

H. 757

By Rep. Buss of Woodstock,

House bill, entitled

An act relating to a property transfer tax surcharge to fund housing

To the Committee on Ways and Means.

H. 758

By Rep. Buss of Woodstock,

House bill, entitled

An act relating to the local property tax exemption for homes and dwellings

To the Committee on Ways and Means.

H. 759

By Reps. Nugent of South Burlington, Arsenault of Williston, Austin of Colchester, Brady of Williston, Chase of Chester, and Hyman of South Burlington,

House bill, entitled

An act relating to changes to the Downtown Transportation and Related Capital Improvement Fund

To the Committee on Environment and Energy.

H. 760

By Reps. Buss of Woodstock, Bartley of Fairfax, Boyden of Cambridge, Burrows of West Windsor, Campbell of St. Johnsbury, Christie of Hartford, Elder of Starksboro, Harrison of Chittenden, Lalley of Shelburne, Priestley of Bradford, Roberts of Halifax, Sibia of Dover, and Sims of Craftsbury,

House bill, entitled

An act relating to Act 250 transparency

To the Committee on Environment and Energy.

H. 761

By Reps. Smith of Derby, Andrews of Westford, Anthony of Barre City, Arrison of Weathersfield, Bartley of Fairfax, Beck of St. Johnsbury, Berbeco of Winooski, Bongartz of Manchester, Boyden of Cambridge, Branagan of Georgia, Brennan of Colchester, Canfield of Fair Haven, Carroll of Bennington, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Clifford of Rutland City, Cole of Hartford, Corcoran of Bennington, Cordes of Lincoln, Demar of Enosburgh, Dickinson of St. Albans Town, Elder of Starksboro, Farlice-Rubio of Barnet, Galfetti of Barre Town, Goslant of Northfield, Graham of Williamstown, Gregoire of Fairfield, Hango of Berkshire, Harrison of Chittenden, Higley of Lowell, Hooper of Randolph, Hooper of Burlington, Howard of Rutland City, Labor of Morgan, Laroche of Franklin, Lipsky of Stowe, Logan of Burlington, Masland of Thetford, Mattos of Milton, McFaun of Barre Town, McGill of Bridport, Morgan of Milton,

Morris of Springfield, Morrissey of Bennington, Oliver of Sheldon, Page of Newport City, Parsons of Newbury, Patt of Worcester, Peterson of Clarendon, Satcowitz of Randolph, Sims of Craftsbury, Small of Winooski, Taylor of Milton, Templeman of Brownington, Toof of St. Albans Town, Torre of Moretown, Troiano of Stannard, Walker of Swanton, Williams of Granby, and Wilson of Lyndon,

House bill, entitled

An act relating to penalties and point assessments for using a portable electronic device while operating a moving motor vehicle and the Distracted Driving Diversion Program

To the Committee on Transportation.

H. 762

By Reps. Goslant of Northfield, Oliver of Sheldon, Bartley of Fairfax, Beck of St. Johnsbury, Branagan of Georgia, Burditt of West Rutland, Clifford of Rutland City, Demar of Enosburgh, Graham of Williamstown, Hango of Berkshire, Harrison of Chittenden, Labor of Morgan, Maguire of Rutland City, McFaun of Barre Town, Morgan of Milton, Morrissey of Bennington, Page of Newport City, Peterson of Clarendon, Shaw of Pittsford, Smith of Derby, Walker of Swanton, and Williams of Barre City,

House bill, entitled

An act relating to a single process for sealing criminal history records

To the Committee on Judiciary.

H. 763

By Rep. Austin of Colchester,

House bill, entitled

An act relating to the creation of the Youth Participatory Action Research Project

To the Committee on Education.

H. 764

By Rep. Birong of Vergennes,

House bill, entitled

An act relating to a study on employer-provided housing

To the Committee on General and Housing.

H. 765

By Reps. Cordes of Lincoln, Anthony of Barre City, Black of Essex, Bos-Lun of Westminster, Burrows of West Windsor, Cina of Burlington, Elder of Starksboro, Farlice-Rubio of Barnet, Headrick of Burlington, LaBounty of Lyndon, Logan of Burlington, McCann of Montpelier, McGill of Bridport, Priestley of Bradford, and Stebbins of Burlington,

House bill, entitled

An act relating to health insurance coverage for obesity care

To the Committee on Health Care.

H. 766

By Reps. Black of Essex, Houghton of Essex Junction, Andrews of Westford, Berbeco of Winooski, Bos-Lun of Westminster, Carpenter of Hyde Park, Cina of Burlington, Cordes of Lincoln, Demar of Enosburgh, Dodge of Essex, Dolan of Essex Junction, Farlice-Rubio of Barnet, Garofano of Essex, Goldman of Rockingham, Graning of Jericho, McCarthy of St. Albans City, McFaun of Barre Town, Ode of Burlington, Peterson of Clarendon, Roberts of Halifax, and Waters Evans of Charlotte,

House bill, entitled

An act relating to prior authorization and step therapy requirements, health insurance claims, provider contracts, and collection of cost sharing amounts

To the Committee on Health Care.

H. 767

By Reps. Goslant of Northfield, Oliver of Sheldon, Arrison of Weathersfield, Bartley of Fairfax, Beck of St. Johnsbury, Branagan of Georgia, Brennan of Colchester, Clifford of Rutland City, Demar of Enosburgh, Graham of Williamstown, Gregoire of Fairfield, Hango of Berkshire, Harrison of Chittenden, Maguire of Rutland City, McFaun of Barre Town, Morgan of Milton, Morrissey of Bennington, Parsons of Newbury, Peterson of Clarendon, Shaw of Pittsford, Smith of Derby, Taylor of Milton, Toof of St. Albans Town, and Walker of Swanton,

House bill, entitled

An act relating to increasing penalties for drug-related offenses

To the Committee on Judiciary.

H. 768

By Rep. Stebbins of Burlington,

House bill, entitled

An act relating to municipal delegation of Act 250 authority

To the Committee on Environment and Energy.

H. 769

By Reps. Noyes of Wolcott, Andrews of Westford, Anthony of Barre City, Arsenault of Williston, Austin of Colchester, Bartley of Fairfax, Beck of St. Johnsbury, Berbeco of Winooski, Birong of Vergennes, Black of Essex, Bluemle of Burlington, Bos-Lun of Westminster, Boyden of Cambridge, Brumsted of Shelburne, Burke of Brattleboro, Buss of Woodstock, Campbell of St. Johnsbury, Carpenter of Hyde Park, Casey of Montpelier, Chase of Chester, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Cina of Burlington, Coffey of Guilford, Cole of Hartford, Cordes of Lincoln, Demrow of Corinth, Dodge of Essex, Dolan of Essex Junction, Dolan of Waitsfield, Elder of Starksboro, Farlice-Rubio of Barnet, Garofano of Essex, Goldman of Rockingham, Graning of Jericho, Headrick of Burlington, Holcombe of Norwich, Hooper of Randolph, Houghton of Essex Junction, Howard of Rutland City, Hyman of South Burlington, Krasnow of South Burlington, LaBounty of Lyndon, Lalley of Shelburne, Leavitt of Grand Isle, Logan of Burlington, Masland of Thetford, McCann of Montpelier, McGill of Bridport, Minier of South Burlington, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Ode of Burlington, Pajala of Londonderry, Patt of Worcester, Priestley of Bradford, Rachelson of Burlington, Rice of Dorset, Roberts of Halifax, Sibia of Dover, Sims of Craftsbury, Stebbins of Burlington, Stevens of Waterbury, Stone of Burlington, Taylor of Colchester, Torre of Moretown, Troiano of Stannard, Waters Evans of Charlotte, White of Bethel, Whitman of Bennington, and Williams of Barre City,

House bill, entitled

An act relating to establishing a baby bond trust program

To the Committee on Commerce and Economic Development.

Bills Referred to Committee on Ways and Means

House bills of the following titles, appearing on the Notice Calendar, affecting the revenue of the State or materially affecting the revenue of one or more municipalities, pursuant to House Rule 35(a), were referred to the Committee on Ways and Means:

H. 247

House bill, entitled

An act relating to Vermont's adoption of the Occupational Therapy Licensure Compact

H. 518

House bill, entitled

An act relating to the approval of amendments to the charter of the Town of Essex

H. 543

House bill, entitled

An act relating to Vermont's adoption of the Social Work Licensure Compact

**Committee Relieved of Consideration and Bill Committed to
Other Committee**

H. 690

Rep. LaLonde of South Burlington moved that the Committee on Judiciary be relieved of House bill, entitled

An act relating to establishing community restitution as a sentencing alternative

And that the bill be committed to the Committee on Corrections and Institutions, which was agreed to.

Third Reading; Bill Passed

H. 27

House bill, entitled

An act relating to coercive controlling behavior and abuse prevention orders

Was taken up and read the third time.

Pending the question, Shall the bill pass?, **Rep. Long of Newfane** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill pass?, was decided in the affirmative. Yeas, 106. Nays, 31.

Those who voted in the affirmative are:

Andrews of Westford
Anthony of Barre City

Donahue of Northfield
Durfee of Shaftsbury

Mulvaney-Stanak of
Burlington

Arrison of Weathersfield	Emmons of Springfield	Nicoll of Ludlow
Arsenault of Williston *	Garofano of Essex	Notte of Rutland City *
Austin of Colchester	Goldman of Rockingham	Noyes of Wolcott
Bartholomew of Hartland	Graning of Jericho	Nugent of South Burlington
Berbeco of Winooski	Harrison of Chittenden	O'Brien of Tunbridge
Birong of Vergennes	Headrick of Burlington	Ode of Burlington
Black of Essex	Holcombe of Norwich	Pajala of Londonderry
Bluemle of Burlington	Hooper of Burlington	Patt of Worcester
Bongartz of Manchester	Houghton of Essex Junction	Pearl of Danville
Bos-Lun of Westminster	Howard of Rutland City	Pouech of Hinesburg
Boyden of Cambridge	Hyman of South Burlington	Rachelson of Burlington
Brady of Williston	James of Manchester	Rice of Dorset
Brown of Richmond	Jerome of Brandon	Roberts of Halifax
Brownell of Pownal	Kornheiser of Brattleboro	Sammis of Castleton
Brumsted of Shelburne	Krasnow of South Burlington	Satcowitz of Randolph
Burke of Brattleboro	LaBounty of Lyndon	Scheu of Middlebury
Burrows of West Windsor	LaLonde of South Burlington	Sheldon of Middlebury
Buss of Woodstock	LaMont of Morristown	Sibilia of Dover
Carpenter of Hyde Park	Lanpher of Vergennes	Sims of Craftsbury
Carroll of Bennington	Leavitt of Grand Isle	Small of Winooski
Casey of Montpelier	Lipsky of Stowe	Squirrell of Underhill
Chapin of East Montpelier	Logan of Burlington	Stebbins of Burlington
Chase of Chester	Long of Newfane	Stevens of Waterbury
Chase of Colchester	Marcotte of Coventry	Stone of Burlington
Chesnut-Tangerman of Middletown Springs	Masland of Thetford	Surprenant of Barnard
Christie of Hartford	McCann of Montpelier	Taylor of Colchester
Coffey of Guilford	McCarthy of St. Albans City	Templeman of Brownington
Cole of Hartford	McGill of Bridport	Toleno of Brattleboro
Conlon of Cornwall	Mihaly of Calais	Torre of Moretown
Corcoran of Bennington	Minier of South Burlington	Troiano of Stannard
Demrow of Corinth	Morris of Springfield	Waters Evans of Charlotte
Dodge of Essex	Mrowicki of Putney	White of Bethel
Dolan of Essex Junction *		Whitman of Bennington
Dolan of Waitsfield		Williams of Barre City
		Wood of Waterbury

Those who voted in the negative are:

Bartley of Fairfax	Goslant of Northfield	Page of Newport City
Beck of St. Johnsbury	Graham of Williamstown	Parsons of Newbury
Branagan of Georgia	Gregoire of Fairfield	Peterson of Clarendon
Brennan of Colchester	Hango of Berkshire	Shaw of Pittsford
Burditt of West Rutland	Labor of Morgan	Smith of Derby
Canfield of Fair Haven	Laroche of Franklin	Taylor of Milton
Clifford of Rutland City	Maguire of Rutland City	Toof of St. Albans Town
Demar of Enosburgh	Mattos of Milton	Walker of Swanton
Dickinson of St. Albans Town	McCoy of Poultney	Williams of Granby
Galfetti of Barre Town	Morgan of Milton	Wilson of Lyndon
	Morrissey of Bennington	

Those members absent with leave of the House and not voting are:

Andriano of Orwell	Elder of Starksboro	Lalley of Shelburne
Campbell of St. Johnsbury	Farlice-Rubio of Barnet	McFaun of Barre Town
Cina of Burlington	Higley of Lowell	Oliver of Sheldon
Cordes of Lincoln	Hooper of Randolph	Priestley of Bradford

Rep. Arsenault of Williston explained her vote as follows:

“Madam Speaker:

Forty percent of all calls to Vermont law enforcement for violent crimes are cases of domestic violence and 80% of victims are women. Nearly half of all homicides in Vermont are related to domestic violence. We cannot say that we truly care about public safety – or the women of our State – without doing all we can to address domestic violence. H.27 expands the definition of abuse to accurately capture the harm of coercive controlling behavior – both on its own and as a known precursor to physical violence. I vote yes in honor of all victims of domestic violence, especially those who are no longer here to use their own voice.”

Rep. Dolan of Essex Junction explained her vote as follows:

“Madam Speaker:

I vote yes to protect Vermonters from the harms of coercive controlling behavior and provide our State with an important tool to address domestic violence as early as possible.”

Rep. Notte of Rutland City explained his vote as follows:

“Madam Speaker:

H.27 adds protections for people attempting to escape abusive relationships. And while we employ gender neutral language when drafting bills, the honest reality here is that we are trying to assist women facing abuse from men who want to keep them under their thumb. I voted yes on H.27 because it offers needed protections for such women. Such women have died in instances where the first physically violent act of their partner was the one that killed them. Physical violence cannot be the bar, too many lives depend on this.”

Bill Amended; Third Reading; Recess; Bill Passed**H. 72**

Pending third reading of the bill, **Rep. Maguire of Rutland City** moved to amend the bill as follows:

First: In Sec. 1, 18 V.S.A. § 4254, in subsection (l), by adding a second sentence to read as follows: “The operating guidelines shall include the level of staff qualifications required for medical safety and treatment and referral support.”

Second: In Sec. 1, 18 V.S.A. § 4254, by inserting a new subsection (n) to read as follows:

(n) An overdose prevention center shall be permitted to operate within a municipality only upon the affirmative vote of the legislative body of the municipality.

And by relettering the remaining subsection to be alphabetically correct.

Which was agreed to.

Pending third reading of the bill, **Rep. Small of Winooski** moved to amend the bill as follows:

In Sec. 1, 18 V.S.A. § 4254, in subdivision (j)(1), after “subsection (m) of this section”, by inserting “and that is acting in the good faith provision of overdose prevention services in accordance with the guidelines established pursuant to subsection (l) of this section”

Which was agreed to.

Thereafter, the bill was read the third time.

At four o'clock and ten minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At four o'clock and twenty-one minutes in the afternoon, the Speaker called the House to order.

Thereupon, the bill passed.

Vermont Economic Progress Council Appointment

Pursuant to 32 V.S.A. § 3325, the Speaker appointed the following member to the Vermont Economic Progress Council:

Rep. Jerome of Brandon

Adjournment

At four o'clock and twenty-four minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Friday, January 12, 2024

At nine o'clock and thirty minutes in the forenoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Geof Hewitt, Poet, Calais.

Rules Suspended, House Bills Introduced

Pending first reading of the House bills, on motion of **Rep. McCoy of Poultney**, the rules were suspended and the bills were read the first time by number and referred to committee as follows:

H. 770

By Rep. Troiano of Stannard,

House bill, entitled

An act relating to municipal authority to conduct dredging

To the Committee on Environment and Energy.

H. 771

By Rep. Chesnut-Tangerman of Middletown Springs,

House bill, entitled

An act relating to landowner liability for unmarked and improperly marked access control devices

To the Committee on Judiciary.

H. 772

By Reps. Buss of Woodstock, Boyden of Cambridge, Burrows of West Windsor, Campbell of St. Johnsbury, Christie of Hartford, Cole of Hartford, Elder of Starksboro, Lalley of Shelburne, Pajala of Londonderry, Priestley of Bradford, Roberts of Halifax, and Torre of Moretown,

House bill, entitled

An act relating to warranty coverage for heating and cooling systems

To the Committee on Commerce and Economic Development.

H. 773

By Rep. Burditt of West Rutland,

House bill, entitled

An act relating to how a defendant's criminal record is considered in imposing conditions of release

To the Committee on Judiciary.

H. 774

By Reps. Oliver of Sheldon, Goslant of Northfield, Bartley of Fairfax, Beck of St. Johnsbury, Branagan of Georgia, Brennan of Colchester, Burditt of West Rutland, Clifford of Rutland City, Demar of Enosburgh, Graham of Williamstown, Hango of Berkshire, Harrison of Chittenden, Labor of Morgan, McFaun of Barre Town, Morgan of Milton, Morrissey of Bennington, Page of Newport City, Parsons of Newbury, Peterson of Clarendon, Shaw of Pittsford, Smith of Derby, Walker of Swanton, and Williams of Granby,

House bill, entitled

An act relating to bail and violations of conditions of release

To the Committee on Judiciary.

H. 775

By Reps. Morgan of Milton, Demar of Enosburgh, Goslant of Northfield, Hango of Berkshire, Oliver of Sheldon, Sammis of Castleton, Smith of Derby, and Taylor of Milton,

House bill, entitled

An act relating to bail and pretrial release

To the Committee on Judiciary.

H. 776

By Rep. Casey of Montpelier,

House bill, entitled

An act relating to establishing the Division of Policy, Planning, and Innovation at the Green Mountain Care Board

To the Committee on Health Care.

H. 777

By Reps. Rachelson of Burlington and Holcombe of Norwich,

House bill, entitled

An act relating to donor-conceived persons and gamete agencies, gamete banks, and fertility clinics

To the Committee on Health Care.

H. 778

By Reps. Sammis of Castleton, Brownell of Pownal, Cina of Burlington, and Headrick of Burlington,

House bill, entitled

An act relating to legislative and executive term limits

To the Committee on Government Operations and Military Affairs.

H. 779

By Reps. Williams of Granby, Arrison of Weathersfield, Branagan of Georgia, Brownell of Pownal, Canfield of Fair Haven, Clifford of Rutland City, Demar of Enosburgh, Donahue of Northfield, Goslant of Northfield, Graham of Williamstown, Hango of Berkshire, Labor of Morgan, LaBounty of Lyndon, Maguire of Rutland City, Morrissey of Bennington, Page of Newport City, Parsons of Newbury, Peterson of Clarendon, Sammis of Castleton, Shaw of Pittsford, and Smith of Derby,

House bill, entitled

An act relating to crimes against an unborn child

To the Committee on Judiciary.

H. 780

By Reps. LaLonde of South Burlington and Rachelson of Burlington,

House bill, entitled

An act relating to judicial nominations and appointments

To the Committee on Judiciary.

H. 781

By Reps. Bluemle of Burlington, Jerome of Brandon, Priestley of Bradford, and Williams of Barre City,

House bill, entitled

An act relating to the waiver of unemployment insurance overpayments

To the Committee on Commerce and Economic Development.

H. 782

By Reps. Galfetti of Barre Town, Andriano of Orwell, Anthony of Barre City, Arrison of Weathersfield, Bartley of Fairfax, Beck of St. Johnsbury, Bos-Lun of Westminster, Brennan of Colchester, Buss of Woodstock, Carpenter of Hyde Park, Clifford of Rutland City, Conlon of Cornwall, Demrow of Corinth, Dolan of Waitsfield, Donahue of Northfield, Elder of Starksboro, Farlice-Rubio of Barnet, Goslant of Northfield, Gregoire of Fairfield, Hango of Berkshire, Harrison of Chittenden, Higley of Lowell, Hooper of Burlington, Krasnow of South Burlington, Labor of Morgan, LaBounty of Lyndon, Lipsky of Stowe, Mattos of Milton, McFaun of Barre Town, McGill of Bridport, Morgan of Milton, Morrissey of Bennington, Noyes of Wolcott, O'Brien of Tunbridge, Ode of Burlington, Page of Newport City, Roberts of Halifax, Sammis of Castleton, Stevens of Waterbury, Stone of Burlington, Templeman of Brownington, Toof of St. Albans Town, and Wood of Waterbury,

House bill, entitled

An act relating to the designation of Ken Squier Day

To the Committee on General and Housing.

H. 783

By Reps. Masland of Thetford, Anthony of Barre City, Bluemle of Burlington, and Cole of Hartford,

House bill, entitled

An act relating to the radon test kit pilot program

To the Committee on Human Services.

H. 784

By Rep. Noyes of Wolcott,

House bill, entitled

An act relating to establishing a student nurse apprenticeship program

To the Committee on Health Care.

H. 785

By Reps. Sammis of Castleton and Headrick of Burlington,

House bill, entitled

An act relating to review of orders placing the Vermont National Guard in federal active duty status

To the Committee on Government Operations and Military Affairs.

H. 786

By Reps. Dodge of Essex, Anthony of Barre City, Berbeco of Winooski, Burke of Brattleboro, Campbell of St. Johnsbury, Chase of Chester, Cordes of Lincoln, Dolan of Essex Junction, Farlice-Rubio of Barnet, Garofano of Essex, Goldman of Rockingham, LaMont of Morristown, Leavitt of Grand Isle, McCann of Montpelier, McFaun of Barre Town, Ode of Burlington, Pouech of Hinesburg, and Priestley of Bradford,

House bill, entitled

An act relating to child care provider citizenship status

To the Committee on Human Services.

H. 787

By Reps. Black of Essex, Dolan of Essex Junction, Garofano of Essex, Andrews of Westford, Arsenault of Williston, Berbeco of Winooski, Bluemle of Burlington, Bos-Lun of Westminster, Brady of Williston, Brumsted of Shelburne, Burrows of West Windsor, Carpenter of Hyde Park, Chapin of East Montpelier, Christie of Hartford, Coffey of Guilford, Cole of Hartford, Dodge of Essex, Elder of Starksboro, Farlice-Rubio of Barnet, Goldman of Rockingham, Graning of Jericho, Headrick of Burlington, Houghton of Essex Junction, Howard of Rutland City, Hyman of South Burlington, Krasnow of South Burlington, LaLonde of South Burlington, Logan of Burlington, McGill of Bridport, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Pajala of Londonderry, Rachelson of Burlington, Rice of Dorset, Roberts of Halifax, Small of Winooski, Stone of Burlington, Waters Evans of Charlotte, and Whitman of Bennington,

House bill, entitled

An act relating to an excise tax on the sale of firearms and ammunition

To the Committee on Ways and Means.

H. 788

By Reps. Masland of Thetford, Anthony of Barre City, and Cole of Hartford,

House bill, entitled

An act relating to net metering rates

To the Committee on Environment and Energy.

H. 789

By Reps. Roberts of Halifax, Black of Essex, Buss of Woodstock, Chase of Chester, Surprenant of Barnard, and Williams of Barre City,

House bill, entitled

An act relating to establishing the Data Trust Study Committee

To the Committee on Commerce and Economic Development.

H. 790

By Reps. Masland of Thetford, Anthony of Barre City, Bluemle of Burlington, Cole of Hartford, and Goslant of Northfield,

House bill, entitled

An act relating to requiring radon testing disclosure in residential real estate sales

To the Committee on General and Housing.

H. 791

By Reps. Masland of Thetford, Anthony of Barre City, and Cole of Hartford,

House bill, entitled

An act relating to impact fees and affordable housing

To the Committee on General and Housing.

Bill Referred to Committee on Ways and Means**H. 659**

House bill, entitled

An act relating to captive insurance

Appearing on the Notice Calendar, and pursuant to House Rule 35(a), affecting the revenue of the State, was referred to the Committee on Ways and Means.

Favorable Report; Second Reading; Third Reading Ordered**H. 516**

Rep. Waters Evans of Charlotte, for the Committee on Government Operations and Military Affairs, to which had been referred House bill, entitled

An act relating to approval of amendments to the charter of the City of Essex Junction

Reported in favor of its passage. The bill, having appeared on the Notice Calendar, was taken up, read the second time, and third reading ordered.

Favorable Report; Second Reading; Third Reading Ordered**S. 141**

Rep. Birong of Vergennes, for the Committee on Government Operations and Military Affairs, to which had been referred Senate bill, entitled

An act relating to approval of the charter of Fairfax Fire District No. 1

Reported in favor of its passage in concurrence.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and third reading ordered.

Message from the Senate No. 6

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 132. House concurrent resolution congratulating the 2023 Georgia Elementary and Middle School Chargers seventh- and eighth-grade girls' softball team on its exciting, undefeated season.

H.C.R. 133. House concurrent resolution congratulating the 2023 Thetford Academy Panthers' Division III baseball championship team.

H.C.R. 134. House concurrent resolution in memory of youth mental health care leader Margaret Atkins Reilly Gannaway.

H.C.R. 135. House concurrent resolution congratulating the 2023 Milton High School Division II Yellowjackets on winning the school's 17th girls' soccer state championship.

Adjournment

At ten o'clock and three minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, January 16, 2024, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 36.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Rule 16b of the Joint Rules of the House of Representatives and the Senate, are hereby adopted on the part of the House:

H.C.R. 132

House concurrent resolution congratulating the 2023 Georgia Elementary and Middle School Chargers seventh- and eighth-grade girls' softball team on its exciting, undefeated season

H.C.R. 133

House concurrent resolution congratulating the 2023 Thetford Academy Panthers' Division III baseball championship team

H.C.R. 134

House concurrent resolution in memory of youth mental health care leader Margaret Atkins Reilly Gannaway

H.C.R. 135

House concurrent resolution congratulating the 2023 Milton High School Division II Yellowjackets on winning the school's 17th girls' soccer state championship

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2024 Adjourned Session.]

Tuesday, January 16, 2024

At ten o'clock in the forenoon, the Speaker called the House to order.

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Pledge of Allegiance

Page Ada Allen of Crafsbury led the House in the Pledge of Allegiance.

Rules Suspended, House Bills Introduced

Pending first reading of the House bills, on motion of **Rep. McCoy of Poultney**, the rules were suspended and the bills were read the first time by number and referred to committee as follows:

H. 792

By Reps. Campbell of St. Johnsbury, Anthony of Barre City, Austin of Colchester, Berbeco of Winooski, Bluemle of Burlington, Bos-Lun of Westminster, Burke of Brattleboro, Chesnut-Tangerman of Middletown Springs, Dodge of Essex, Farlice-Rubio of Barnet, Goldman of Rockingham, Headrick of Burlington, Hooper of Burlington, Jerome of Brandon, Krasnow of South Burlington, LaBounty of Lyndon, Logan of Burlington, Masland of Thetford, Morris of Springfield, Mulvaney-Stanak of Burlington, Ode of Burlington, Patt of Worcester, Rachelson of Burlington, Small of Winooski, Stebbins of Burlington, Taylor of Colchester, and Torre of Moretown,

House bill, entitled

An act relating to the Residential and Commercial Building Energy Standards

To the Committee on Environment and Energy.

H. 793

By Reps. Campbell of St. Johnsbury, Anthony of Barre City, Austin of Colchester, Berbeco of Winooski, Bluemle of Burlington, Bos-Lun of Westminster, Burke of Brattleboro, Chesnut-Tangerman of Middletown Springs, Dodge of Essex, Farlice-Rubio of Barnet, Goldman of Rockingham, Headrick of Burlington, Hooper of Burlington, Jerome of Brandon, Krasnow of South Burlington, LaBounty of Lyndon, Logan of Burlington, Masland of Thetford, Morris of Springfield, Mulvaney-Stanak of Burlington, Ode of Burlington, Patt of Worcester, Rachelson of Burlington, Small of Winooski, Stebbins of Burlington, Taylor of Colchester, and Torre of Moretown,

House bill, entitled

An act relating to studying the adoption of a residential building code

To the Committee on General and Housing.

H. 794

By Reps. Morrissey of Bennington, Arrison of Weathersfield, Austin of Colchester, Bartley of Fairfax, Beck of St. Johnsbury, Bongartz of Manchester, Bos-Lun of Westminster, Branagan of Georgia, Brennan of Colchester, Brownell of Pownal, Burditt of West Rutland, Canfield of Fair Haven, Carpenter of Hyde Park, Casey of Montpelier, Chase of Chester, Christie of Hartford, Clifford of Rutland City, Corcoran of Bennington, Cordes of Lincoln, Demar of Enosburgh, Dickinson of St. Albans Town, Dodge of Essex, Dolan of Essex Junction, Elder of Starksboro, Emmons of Springfield, Galfetti of Barre Town, Garofano of Essex, Goslant of Northfield, Graham of Williamstown, Gregoire of Fairfield, Hango of Berkshire, Harrison of Chittenden, Headrick of Burlington, Higley of Lowell, Hooper of Burlington, Howard of Rutland City, Hyman of South Burlington, Labor of Morgan, Laroche of Franklin, Lipsky of Stowe, Maguire of Rutland City, Marcotte of Coventry, Mattos of Milton, McCoy of Poultney, McFaun of Barre Town, Morgan of Milton, Morris of Springfield, Mrowicki of Putney, Oliver of Sheldon, Page of Newport City, Parsons of Newbury, Peterson of Clarendon, Roberts of Halifax, Shaw of Pittsford, Sheldon of Middlebury, Sibia of Dover, Stone of Burlington, Taylor of Milton, Taylor of Colchester, Templeman of Brownington, Toof of St. Albans Town, Troiano of Stannard, Walker of Swanton, Whitman of Bennington, Williams of Granby, and Wilson of Lyndon,

House bill, entitled

An act relating to services provided by the Vermont Veterans' Home

To the Committee on Government Operations and Military Affairs.

H. 795

By Reps. Cina of Burlington, Cole of Hartford, Headrick of Burlington, Logan of Burlington, Priestley of Bradford, and Sammis of Castleton,

House bill, entitled

An act relating to the creation of an earned allowance program and other workforce development for justice-involved individuals

To the Committee on Corrections and Institutions.

H. 796

By Reps. Cina of Burlington, Cole of Hartford, Headrick of Burlington, Logan of Burlington, Priestley of Bradford, and Sammis of Castleton,

House bill, entitled

An act relating to promoting recovery in residential facilities for justice-involved individuals

To the Committee on Corrections and Institutions.

H. 797

By Reps. Arsenault of Williston, Anthony of Barre City, Berbeco of Winooski, Burrows of West Windsor, Buss of Woodstock, Carpenter of Hyde Park, Carroll of Bennington, Chapin of East Montpelier, Chesnut-Tangerman of Middletown Springs, Cole of Hartford, Dodge of Essex, Dolan of Essex Junction, Graning of Jericho, Headrick of Burlington, Hooper of Randolph, Jerome of Brandon, LaBounty of Lyndon, Lalley of Shelburne, Logan of Burlington, McGill of Bridport, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Nugent of South Burlington, Stebbins of Burlington, Torre of Moretown, and Williams of Barre City,

House bill, entitled

An act relating to the regulation of social media platforms for the protection of child users

To the Committee on Commerce and Economic Development.

H. 798

By Reps. Chase of Colchester, Hooper of Burlington, and Waters Evans of Charlotte,

House bill, entitled

An act relating to prohibiting speed bumps and speed humps

To the Committee on Transportation.

H. 799

By Rep. Arsenault of Williston,

House bill, entitled

An act relating to judicial retention and judicial nominations

To the Committee on Judiciary.

H. 800

By Reps. Cina of Burlington, Berbeco of Winooski, Brumsted of Shelburne, Cole of Hartford, Harrison of Chittenden, Krasnow of South Burlington, Logan of Burlington, McGill of Bridport, Page of Newport City, and Rachelson of Burlington,

House bill, entitled

An act relating to creating the Vermont Olympics Task Force

To the Committee on Commerce and Economic Development.

H. 801

By Reps. Wood of Waterbury and Stevens of Waterbury,

House bill, entitled

An act relating to approval of the adoption of the charter of the Town of Waterbury

To the Committee on Government Operations and Military Affairs.

H. 802

By Rep. Carroll of Bennington,

House bill, entitled

An act relating to local option taxes

To the Committee on Government Operations and Military Affairs.

H. 803

By Reps. Chase of Colchester, Birong of Vergennes, Hooper of Burlington, McCarthy of St. Albans City, Nugent of South Burlington, and Waters Evans of Charlotte,

House bill, entitled

An act relating to the modification of a motor vehicle's exhaust system

To the Committee on Transportation.

H. 804

By Reps. Chase of Colchester, Birong of Vergennes, Boyden of Cambridge, Hooper of Burlington, McCarthy of St. Albans City, and Waters Evans of Charlotte,

House bill, entitled

An act relating to exhibition vehicle registration

To the Committee on Transportation.

H. 805

By Reps. Christie of Hartford, Anthony of Barre City, Arsenault of Williston, Berbeco of Winooski, Bos-Lun of Westminster, Burrows of West Windsor, Carpenter of Hyde Park, Cina of Burlington, Cole of Hartford, Dodge of Essex, Elder of Starksboro, Farlice-Rubio of Barnet, Garofano of Essex, Headrick of Burlington, Hooper of Burlington, Howard of Rutland City, Hyman of South Burlington, LaMont of Morristown, Logan of Burlington, McGill of Bridport, Morris of Springfield, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Patt of Worcester, Priestley of Bradford, Rachelson of Burlington, Sibia of Dover, Stone of Burlington, Troiano of Stannard, and White of Bethel,

House bill, entitled

An act relating to amending the prohibitions against harassment in schools

To the Committee on Education.

H. 806

By Reps. Chesnut-Tangerman of Middletown Springs, McCann of Montpelier, Anthony of Barre City, Berbeco of Winooski, Casey of Montpelier, Farlice-Rubio of Barnet, Goldman of Rockingham, Headrick of Burlington, Hyman of South Burlington, Logan of Burlington, Masland of Thetford, Morris of Springfield, Mulvaney-Stanak of Burlington, Priestley of Bradford, Surprenant of Barnard, Torre of Moretown, Troiano of Stannard, and White of Bethel,

House bill, entitled

An act relating to the prohibition of book bans by public and school libraries

To the Committee on Government Operations and Military Affairs.

H. 807

By Reps. Farlice-Rubio of Barnet, Andrews of Westford, Anthony of Barre City, Austin of Colchester, Berbeco of Winooski, Black of Essex, Bluemle of Burlington, Campbell of St. Johnsbury, Carpenter of Hyde Park, Casey of Montpelier, Chapin of East Montpelier, Chase of Chester, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Cina of Burlington, Cordes of Lincoln, Dodge of Essex, Garofano of Essex, Goldman of Rockingham, Headrick of Burlington, Hyman of South Burlington, LaLonde of South Burlington, LaMont of Morristown, McCann of Montpelier, McFaun of Barre Town, McGill of Bridport, Minier of South Burlington, Morris of Springfield,

Mulvaney-Stanak of Burlington, Patt of Worcester, Priestley of Bradford, Rachelson of Burlington, Rice of Dorset, Roberts of Halifax, Small of Winooski, Surprenant of Barnard, Torre of Moretown, Troiano of Stannard, White of Bethel, and Williams of Barre City,

House bill, entitled

An act relating to a school library material selection policy

To the Committee on Education.

H. 808

By Rep. Brennan of Colchester,

House bill, entitled

An act relating to the use of gun suppressors while hunting

To the Committee on Judiciary.

H. 809

By Reps. LaLonde of South Burlington, Sheldon of Middlebury, Andrews of Westford, Anthony of Barre City, Arsenault of Williston, Austin of Colchester, Bartholomew of Hartland, Berbeco of Winooski, Black of Essex, Bluemle of Burlington, Bongartz of Manchester, Bos-Lun of Westminster, Brady of Williston, Brown of Richmond, Brumsted of Shelburne, Burke of Brattleboro, Burrows of West Windsor, Buss of Woodstock, Campbell of St. Johnsbury, Casey of Montpelier, Chapin of East Montpelier, Chase of Chester, Chase of Colchester, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Cina of Burlington, Coffey of Guilford, Cole of Hartford, Conlon of Cornwall, Dodge of Essex, Dolan of Essex Junction, Dolan of Waitsfield, Durfee of Shaftsbury, Elder of Starksboro, Farlice-Rubio of Barnet, Garofano of Essex, Goldman of Rockingham, Graning of Jericho, Headrick of Burlington, Holcombe of Norwich, Hooper of Randolph, Hooper of Burlington, Houghton of Essex Junction, Howard of Rutland City, Hyman of South Burlington, James of Manchester, Jerome of Brandon, Kornheiser of Brattleboro, Krasnow of South Burlington, LaBounty of Lyndon, Lalley of Shelburne, LaMont of Morristown, Leavitt of Grand Isle, Logan of Burlington, Long of Newfane, Masland of Thetford, McCann of Montpelier, McCarthy of St. Albans City, McGill of Bridport, Minier of South Burlington, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Notte of Rutland City, Nugent of South Burlington, O'Brien of Tunbridge, Ode of Burlington, Patt of Worcester, Pouech of Hinesburg, Priestley of Bradford, Rachelson of Burlington, Rice of Dorset, Roberts of Halifax, Satcowitz of Randolph, Scheu of Middlebury, Sabilia of Dover, Sims of Craftsbury, Small of Winooski, Stebbins of Burlington, Stevens of Waterbury, Stone of Burlington,

Surprenant of Barnard, Templeman of Brownington, Torre of Moretown, Troiano of Stannard, Williams of Barre City, and Wood of Waterbury,

House bill, entitled

An act relating to climate change cost recovery

To the Committee on Judiciary.

H. 810

By Reps. Cole of Hartford, Farlice-Rubio of Barnet, Anthony of Barre City, Austin of Colchester, Buss of Woodstock, Carpenter of Hyde Park, Chase of Colchester, Dodge of Essex, Elder of Starksboro, Garofano of Essex, Goldman of Rockingham, Graham of Williamstown, Leavitt of Grand Isle, Lipsky of Stowe, Minier of South Burlington, O'Brien of Tunbridge, Pearl of Danville, Rice of Dorset, Surprenant of Barnard, Templeman of Brownington, Torre of Moretown, Whitman of Bennington, and Williams of Barre City,

House bill, entitled

An act relating to establishing the Agricultural Workforce and Housing Directory

To the Committee on Agriculture, Food Resiliency, and Forestry.

H. 811

By Reps. Masland of Thetford and Anthony of Barre City,

House bill, entitled

An act relating to the eligibility of posted land for enrollment in the Use Value Appraisal Program

To the Committee on Environment and Energy.

H. 812

By Reps. Satcowitz of Randolph, Berbeco of Winooski, Bongartz of Manchester, Bos-Lun of Westminster, Cina of Burlington, Clifford of Rutland City, Cole of Hartford, Dodge of Essex, Farlice-Rubio of Barnet, Garofano of Essex, Headrick of Burlington, Labor of Morgan, LaBounty of Lyndon, Logan of Burlington, McGill of Bridport, Morris of Springfield, Ode of Burlington, Patt of Worcester, Roberts of Halifax, Sheldon of Middlebury, Sabilia of Dover, Smith of Derby, Stebbins of Burlington, and Torre of Moretown,

House bill, entitled

An act relating to threatened and endangered species

To the Committee on Environment and Energy.

H. 813

By Reps. Arrison of Weathersfield, Mrowicki of Putney, Anthony of Barre City, Burke of Brattleboro, Chase of Chester, Hooper of Burlington, Ode of Burlington, Patt of Worcester, Rice of Dorset, Sibia of Dover, and Surprenant of Barnard,

House bill, entitled

An act relating to establishing the Tree Fruit Farmer Assistance Program

To the Committee on Agriculture, Food Resiliency, and Forestry.

H. 814

By Reps. Cina of Burlington, Cole of Hartford, Headrick of Burlington, Logan of Burlington, Priestley of Bradford, and Sammis of Castleton,

House bill, entitled

An act relating to supportive and transitional housing for justice-involved individuals

To the Committee on Human Services.

H. 815

By Reps. Cina of Burlington, Cole of Hartford, Headrick of Burlington, Logan of Burlington, Priestley of Bradford, and Sammis of Castleton,

House bill, entitled

An act relating to health equity training in correctional facilities and to community-based mental health and substance use disorder services for detained or incarcerated individuals and individuals reentering the community

To the Committee on Human Services.

H. 816

By Reps. Berbeco of Winooski, Stone of Burlington, Andrews of Westford, Arsenault of Williston, Black of Essex, Chesnut-Tangerman of Middletown Springs, Cina of Burlington, Cole of Hartford, Cordes of Lincoln, Farlice-Rubio of Barnet, Graning of Jericho, Krasnow of South Burlington, McFaun of Barre Town, Templeman of Brownington, Waters Evans of Charlotte, and White of Bethel,

House bill, entitled

An act relating to mental health screenings in school-age youth

To the Committee on Human Services.

H. 817

By Reps. Cole of Hartford, Dodge of Essex, Holcombe of Norwich, Anthony of Barre City, Arsenault of Williston, Austin of Colchester, Bartley of Fairfax, Berbeco of Winooski, Boyden of Cambridge, Branagan of Georgia, Burke of Brattleboro, Buss of Woodstock, Campbell of St. Johnsbury, Carpenter of Hyde Park, Carroll of Bennington, Casey of Montpelier, Chase of Chester, Chase of Colchester, Christie of Hartford, Cordes of Lincoln, Demrow of Corinth, Dolan of Essex Junction, Farlice-Rubio of Barnet, Garofano of Essex, Goldman of Rockingham, Gregoire of Fairfield, Krasnow of South Burlington, LaMont of Morristown, Leavitt of Grand Isle, Lipsky of Stowe, Logan of Burlington, Masland of Thetford, McCann of Montpelier, McGill of Bridport, Minier of South Burlington, Morris of Springfield, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Nugent of South Burlington, O'Brien of Tunbridge, Pearl of Danville, Pouech of Hinesburg, Priestley of Bradford, Rachelson of Burlington, Rice of Dorset, Roberts of Halifax, Sims of Craftsbury, Small of Winooski, Stebbins of Burlington, Stone of Burlington, Surprenant of Barnard, Taylor of Milton, Templeman of Brownington, Toof of St. Albans Town, Torre of Moretown, Troiano of Stannard, Whitman of Bennington, and Williams of Barre City,

House bill, entitled

An act relating to in-state tuition eligibility for the Vermont State Colleges System and financial aid eligibility for Vermont Student Assistance Corporation programs

To the Committee on Education.

H. 818

By Reps. Berbeco of Winooski, Andrews of Westford, Anthony of Barre City, Arsenault of Williston, Black of Essex, Burke of Brattleboro, Buss of Woodstock, Campbell of St. Johnsbury, Carpenter of Hyde Park, Christie of Hartford, Cina of Burlington, Cole of Hartford, Cordes of Lincoln, Dodge of Essex, Dolan of Essex Junction, Elder of Starksboro, Farlice-Rubio of Barnet, Goldman of Rockingham, Graning of Jericho, Headrick of Burlington, Krasnow of South Burlington, LaBounty of Lyndon, Logan of Burlington, McCann of Montpelier, McFaun of Barre Town, McGill of Bridport, Mrowicki of Putney, Pouech of Hinesburg, Priestley of Bradford, Rachelson of Burlington, Stebbins of Burlington, Stone of Burlington, Templeman of Brownington, Torre of Moretown, Troiano of Stannard, Waters Evans of Charlotte, and Williams of Barre City,

House bill, entitled

An act relating to establishing a mental wellness and climate resilience pilot program

To the Committee on Health Care.

H. 819

By Reps. Masland of Thetford, Anthony of Barre City, and Beck of St. Johnsbury,

House bill, entitled

An act relating to the portability of Vermont Student Assistance Corporation grants and scholarships

To the Committee on Education.

H. 820

By Reps. Brady of Williston, Arsenault of Williston, Holcombe of Norwich, and Stone of Burlington,

House bill, entitled

An act relating to public school designation and the use of public funds for tuition

To the Committee on Education.

H. 821

By Rep. Sammis of Castleton,

House bill, entitled

An act relating to creating term limits for individuals holding the positions of trustee and chancellor within the Vermont State Colleges Corporation

To the Committee on Education.

H. 822

By Rep. Toof of St. Albans Town,

House bill, entitled

An act relating to a report on the postgraduation career and settlement behaviors of students attending Vermont colleges and universities

To the Committee on Education.

H. 823

By Rep. Toof of St. Albans Town,

House bill, entitled

An act relating to educator preparation and evidence-based literacy instruction

To the Committee on Education.

H. 824

By Rep. Toof of St. Albans Town,

House bill, entitled

An act relating to virtual learning

To the Committee on Education.

H. 825

By Reps. Galfetti of Barre Town, Anthony of Barre City, Chase of Chester, Chesnut-Tangerman of Middletown Springs, Cina of Burlington, Cole of Hartford, Gregoire of Fairfield, Hango of Berkshire, Headrick of Burlington, Labor of Morgan, Logan of Burlington, Maguire of Rutland City, McCann of Montpelier, Morris of Springfield, Morrissey of Bennington, Mulvaney-Stanak of Burlington, Page of Newport City, Peterson of Clarendon, Roberts of Halifax, Templeman of Brownington, and Williams of Barre City,

House bill, entitled

An act relating to authorizing municipalities to conduct maintenance of waterways

To the Committee on Environment and Energy.

H. 826

By Reps. Buss of Woodstock, Austin of Colchester, Bartley of Fairfax, Elder of Starksboro, Farlice-Rubio of Barnet, Gregoire of Fairfield, Headrick of Burlington, Hyman of South Burlington, Logan of Burlington, Mulvaney-Stanak of Burlington, Pajala of Londonderry, Priestley of Bradford, Roberts of Halifax, and Stebbins of Burlington,

House bill, entitled

An act relating to student supports and literacy

To the Committee on Education.

H. 827

By Rep. Kornheiser of Brattleboro,

House bill, entitled

An act relating to applying personal income tax to unrealized gains

To the Committee on Ways and Means.

H. 828

By Rep. Kornheiser of Brattleboro,

House bill, entitled

An act relating to the creation of a personal income tax surcharge

To the Committee on Ways and Means.

Bill Referred to Committee on Ways and Means**H. 554**

House bill, entitled

An act relating to approval of the adoption of the charter of the Town of South Hero

Appearing on the Notice Calendar, and pursuant to House Rule 35(a), materially affecting the revenue of one or more municipalities, was referred to the Committee on Ways and Means.

Third Reading; Bill Passed**H. 516**

House bill, entitled

An act relating to approval of amendments to the charter of the City of Essex Junction

Was taken up, read the third time, and passed.

Third Reading; Bill Passed in Concurrence**S. 141**

Senate bill, entitled

An act relating to approval of the charter of Fairfax Fire District No. 1

Was taken up, read the third time, and passed in concurrence.

Favorable Report; Second Reading; Third Reading Ordered**H. 560**

Rep. Graning of Jericho, for the Committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to making technical corrections to workers' compensation rulemaking requirements

Reported in favor of its passage. The bill, having appeared on the Notice Calendar, was taken up, read the second time, and third reading ordered.

Adjournment

At ten o'clock and thirty minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

Wednesday, January 17, 2024

At three o'clock in the afternoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rabbi Tobie Weisman, Montpelier, Director of Jewish Communities of Vermont.

Message from the Senate No. 7

A message was received from the Senate by Mr. Bloomer, its Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 37. Joint resolution relating to weekend adjournment on January 19, 2024.

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

Communication from Clerk

The Speaker placed before the House a communication from the Clerk as follows:

“January 17, 2024

Honorable Speaker Krowinski
Speaker of the House

Madam Speaker:

I have the honor of informing you and the members of the House that I have appointed Courtney Reckord of Williamstown as Second Assistant Clerk.

Sincerely,
BetsyAnn Wrask
Clerk of the House”

Oath Administered to Second Assistant Clerk

Having taken and subscribed the oath, administered by the Clerk prior to the start of the session, the Second Assistant Clerk, Courtney Reckord of Williamstown, entered upon the discharge of her duties.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time, and referred to committee as follows:

H. 829

By Rep. Stevens of Waterbury,
House bill, entitled

An act relating to creating permanent upstream eviction protections and enhancing housing stability

To the Committee on General and Housing.

H. 830

By Rep. Parsons of Newbury,
House bill, entitled

An act relating to the zoning requirements for group homes

To the Committee on Environment and Energy.

Joint Resolution Adopted in Concurrence**J.R.S. 37**

By Senator Baruth,

J.R.S. 37. Joint resolution relating to weekend adjournment on January 19, 2024.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 19, 2024, it be to meet again no later than Tuesday, January 23, 2024.

Was taken up, read, and adopted in concurrence.

Third Reading; Bill Passed**H. 560**

House bill, entitled

An act relating to making technical corrections to workers' compensation rulemaking requirements

Was taken up, read the third time, and passed.

Second Reading; Bill Amended; Third Reading Ordered**H. 599**

Rep. Bongartz of Manchester, for the Committee on Environment and Energy, to which had been referred House bill, entitled

An act relating to retroactively reinstating 10 V.S.A. § 6081(b)

Reported in favor of its passage when amended as follows:

In Sec. 2, effective date, by striking out "June 9" and inserting in lieu thereof "June 8"

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on Environment and Energy agreed to, and third reading ordered.

Adjournment

At three o'clock and thirty-eight minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

Thursday, January 18, 2024

At three o'clock in the afternoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Michelle Bos-Lun of Westminster.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time, and referred to committee as follows:

H. 831

By Rep. Demar of Enosburgh,

House bill, entitled

An act relating to the running of livestock at large

To the Committee on Agriculture, Food Resiliency, and Forestry.

H. 832

By Reps. Roberts of Halifax, Boyden of Cambridge, Cole of Hartford, Headrick of Burlington, and Hooper of Randolph,

House bill, entitled

An act relating to repealing the mandatory retirement age for certain State law enforcement officers

To the Committee on Government Operations and Military Affairs.

H. 833

By Rep. Birong of Vergennes,

House bill, entitled

An act relating to capping the number of cannabis establishment licenses issued by the Cannabis Control Board

To the Committee on Government Operations and Military Affairs.

H. 834

By Rep. Birong of Vergennes,

House bill, entitled

An act relating to cannabis special event licenses

To the Committee on Government Operations and Military Affairs.

Third Reading; Bill Passed

H. 599

House bill, entitled

An act relating to retroactively reinstating 10 V.S.A. § 6081(b)

Was taken up, read the third time, and passed.

Adjournment

At three o'clock and twenty-five minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Friday, January 19, 2024

At nine o'clock and thirty minutes in the forenoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by former Rep. Selene Colburn of Burlington.

Memorial Service

House members rose as the Speaker placed before the House the following names of members of past sessions of the Vermont General Assembly who had passed away recently:

Rep. Edwin H. Amidon, Jr. of Charlotte	Member of the House, Sessions 2001-2004
--	--

Rep. Gerry F. Gossens of Salisbury	Member of the House, Sessions of 1993-1996
------------------------------------	---

Thereupon, the members of the House held a moment of silence in memory of the deceased members.

Bills Referred to Committee on Appropriations

House bills of the following titles, appearing on the Notice Calendar, carrying appropriations, under House Rule 35(a), were referred to the Committee on Appropriations:

H. 247

House bill, entitled

An act relating to Vermont's adoption of the Occupational Therapy Licensure Compact

H. 543

House bill, entitled

An act relating to Vermont's adoption of the Social Work Licensure Compact

H. 649

House bill, entitled

An act relating to the Vermont Truth and Reconciliation Commission

House Resolution Adopted**H.R. 14**

House resolution, entitled

House resolution in memory of Jarlath O'Neil-Dunne, Director of the Spatial Analysis Laboratory at the University of Vermont

Offered by: Representatives Ode of Burlington and Hooper of Burlington

Whereas, Jarlath O'Neil-Dunne graduated from the University of New Hampshire, earned a master's degree at the University of Vermont, and received certificates in hyperspectral image exploitation and joint GIS operations from the U.S. military's National Geospatial Intelligence College, and

Whereas, as a U.S. Marine, he served in East Africa, the Middle East, and East Asia; achieved the rank of major; and codirected the Marines' imagery intelligence assets during Operation Iraqi Freedom, and

Whereas, for the past dozen years, Jarlath O'Neil-Dunne served as the founder and greatly respected Director of the Spatial Analysis Laboratory (SAL) at the University of Vermont's Rubenstein School of Environment and Natural Resources, which facilitates improving the quality of natural and

structural landscape decision-making based on assessments of detailed geospatial data, and

Whereas, Jarlath O’Neil-Dunne also held a joint position with the U.S.D.A. Forest Service’s Research and Development program, enabling him to serve in a leadership role in the creation of its Urban Tree Canopy protocols and its development of tree assessments for over 80 cities, and

Whereas, as an award-winning mentor, Jarlath O’Neil Dunne supervised students from diverse disciplines who contributed to SAL’s innovative research, and

Whereas, through his Unoccupied Aircraft Systems (UAS) team’s mapping and documenting of this past year’s historic flooding, Jarlath O’Neil-Dunne played a crucial role in the disaster response to the 2023 Vermont flood, and

Whereas, Jarlath O’Neil-Dunne lived his values in biking, regardless of the weather, and he excelled at Nordic skiing, rowing, and Spartan and triathlon activities, and his recent death, due to a heart attack, while Nordic skiing, at 49 years of age, deeply saddened his colleagues, students, many friends, and especially his partner, Julie, his children, and his mother, now therefore be it

Resolved by the House of Representatives:

That this legislative body extends its sincere condolences to the family of Jarlath O’Neil-Dunne, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to the family of Jarlath O’Neil-Dunne and to the Spatial Analysis Laboratory at the University of Vermont.

Was read and adopted.

Remarks Journalized

On motion of **Rep. Small of Winooski**, the following remarks by **Rep. McGill of Bridport** were ordered printed in the Journal:

“Madam Speaker:

Last year this body, along with our colleagues in the Senate, passed a historic child care bill and positive outcomes are already being realized throughout our State. Though it did not receive as much fanfare, we also funded the Snelling Center for Government’s Early Childhood Leadership Institute that had closed in the early months of the pandemic. As we begin to see more and more high-quality child care spots open up all over Vermont, this institute helps to ensure we have the leaders ready and committed to continuous improvement of our early education systems.

It is my great honor to introduce the Fellows of the Snelling Center's Early Childhood Leadership Institute. They are here today, learning about the arc of policy and the role we, as legislators, play in improving the lives of children, families, and communities. The Snelling Center and the Fellows are so grateful to the Legislature for appropriating funding for the Institute in 2024.

It is an honor, not only because of the number of Addison County residents that are represented in this cohort, many who played pivotal roles in my own life and the lives of my community members, but because this year's cohort is dedicated to the memory of my dear big sister, Mariah McGill.

Mariah worked tirelessly to improve the lives of children and families. In addition to being the former director of the Early Childhood institute at the time they made the tough decision to close as COVID spread through our State and nation, she worked as a field manager for Let's Grow Kids and in their early years was one of their first volunteer parent organizers and, at the time of her death, she was a regional director for Building Bright Futures, where she was tasked with identifying gaps and developing strategies to improve the well-being of children and their families. My family still struggles with this monumental loss and we are so appreciative to the childcare community for continuing to honor her dedication to Vermont's youngest residents and keeping her memory alive."

**Committee Relieved of Consideration and Bill Committed to
Other Committee**

H. 626

Rep. Durfee of Shaftsbury moved that the Committee on Agriculture, Food Resiliency, and Forestry be relieved of House bill, entitled

An act relating to animal welfare

And that the bill be committed to the Committee on Government Operations and Military Affairs, which was agreed to.

**Committee Relieved of Consideration and Bill Committed to
Other Committee**

H. 577

Rep. Emmons of Springfield moved that the Committee on Corrections and Institutions be relieved of House bill, entitled

An act relating to providing legal assistance to the Access Board

And that the bill be committed to the Committee on Government Operations and Military Affairs, which was agreed to.

Adjournment

At ten o'clock and four minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, January 23, 2024, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 37.

Message from the Senate No. 8

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 160. An act relating to State education property taxes and flood-related damage.

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

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 136. House concurrent resolution recognizing February 2024 as School Board Recognition Month in Vermont.

H.C.R. 137. House concurrent resolution congratulating the 2023 Georgia Elementary and Middle School Chargers seventh- and eighth-grade girls' soccer team on completing an outstanding, undefeated season.

H.C.R. 138. House concurrent resolution commemorating the centennial of the Vermont State Parks.

H.C.R. 139. House concurrent resolution commemorating the bicentennial of Mt. Anthony Masonic Lodge No. 13.

H.C.R. 140. House concurrent resolution in memory of former Representative John C. Candon of Norwich.

H.C.R. 141. House concurrent resolution honoring Director of Elections and Campaign Finance Will Senning for his superb public service.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Rule 16b of the Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House:

H.C.R. 136

House concurrent resolution recognizing February 2024 as School Board Recognition Month in Vermont

H.C.R. 137

House concurrent resolution congratulating the 2023 Georgia Elementary and Middle School Chargers seventh- and eighth-grade girls' soccer team on completing an outstanding, undefeated season

H.C.R. 138

House concurrent resolution commemorating the centennial of the Vermont State Parks

H.C.R. 139

House concurrent resolution commemorating the bicentennial of Mt. Anthony Masonic Lodge No. 13

H.C.R. 140

House concurrent resolution in memory of former Representative John C. Candon of Norwich

H.C.R. 141

House concurrent resolution honoring Director of Elections and Campaign Finance Will Senning for his superb public service

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2024 Adjourned Session.]

Tuesday, January 23, 2024

At ten o'clock in the forenoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Peter Anthony of Barre City.

Pledge of Allegiance

Pages Gideon Kass of Montpelier and Brody Dussault of St. Johnsbury led the House in the Pledge of Allegiance.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time, and referred to committee as follows:

H. 835

By Reps. McFaun of Barre Town, Anthony of Barre City, Beck of St. Johnsbury, Black of Essex, Branagan of Georgia, Brumsted of Shelburne, Burke of Brattleboro, Burrows of West Windsor, Campbell of St. Johnsbury, Carpenter of Hyde Park, Cina of Burlington, Clifford of Rutland City, Demar of Enosburgh, Dodge of Essex, Dolan of Waitsfield, Farlice-Rubio of Barnet, Galfetti of Barre Town, Garofano of Essex, Goldman of Rockingham, Goslant of Northfield, Graham of Williamstown, Hango of Berkshire, Houghton of Essex Junction, LaBounty of Lyndon, Maguire of Rutland City, Masland of Thetford, McGill of Bridport, Morrissey of Bennington, Mrowicki of Putney, Noyes of Wolcott, Oliver of Sheldon, Pajala of Londonderry, Peterson of Clarendon, Roberts of Halifax, Sibia of Dover, Small of Winooski, Smith of Derby, Taylor of Milton, Troiano of Stannard, and Walker of Swanton,

House bill, entitled

An act relating to services for adults with an intellectual disability

To the Committee on Human Services.

H. 836

By Reps. Stone of Burlington, Toof of St. Albans Town, Krasnow of South Burlington, Berbeco of Winooski, Waters Evans of Charlotte, Dolan of Essex Junction, Headrick of Burlington, Boyden of Cambridge, Galfetti of Barre Town, Williams of Barre City, Hooper of Randolph, Mulvaney-Stanak of Burlington, Priestley of Bradford, Surprenant of Barnard, and Rice of Dorset,

House bill, entitled

An act relating to expanding earned time to include credit for higher education degrees

To the Committee on Corrections and Institutions.

H. 837

By Reps. Bos-Lun of Westminster, LaLonde of South Burlington, Arrison of Weathersfield, Casey of Montpelier, Headrick of Burlington, Rachelson of Burlington, and Troiano of Stannard,

House bill, entitled

An act relating to equalizing community service and incarceration requirements for offenses that permit such sentencing alternatives

To the Committee on Judiciary.

H. 838

By Reps. Lalley of Shelburne, Burke of Brattleboro, Campbell of St. Johnsbury, Demrow of Corinth, O'Brien of Tunbridge, and Pouech of Hinesburg,

House bill, entitled

An act relating to improved highway access for pedestrians and bicyclists

To the Committee on Transportation.

H. 839

By the Committee on Appropriations,

House bill, entitled

An act related to fiscal year 2024 budget adjustments

Pursuant to House Rule 35(a), affecting the revenue of the State, was referred to the Committee on Ways and Means.

Senate Bill Referred

S. 160

Senate bill, entitled

An act relating to State education property taxes and flood-related damage

Was read the first time and referred to the Committee on Ways and Means.

**Committee Relieved of Consideration and Bill Committed to
Other Committee**

H. 549

Rep. Sheldon of Middlebury moved that the Committee on Environment and Energy be relieved of House bill, entitled

An act relating to the siting of outdoor cannabis cultivation

And that the bill be committed to the Committee on Government Operations and Military Affairs, which was agreed to.

Second Reading; Bill Amended; Third Reading Ordered

H. 518

Rep. Boyden of Cambridge, for the Committee on Government Operations and Military Affairs, to which had been referred House bill, entitled

An act relating to the approval of amendments to the charter of the Town of Essex

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. CHARTER AMENDMENT APPROVAL

The General Assembly approves the amendments to the charter of the Town of Essex as set forth in this act. The voters approved the proposals of amendment on March 7, 2023.

Sec. 2. 24 App. V.S.A. chapter 117 is amended to read:

CHAPTER 117. TOWN OF ESSEX

* * *

§ 107. LICENSE FEES

In addition to powers otherwise conferred upon the Town by law and this charter, the Town is authorized to adopt and enforce ordinances for the purpose of regulating, licensing, and fixing reasonable and necessary fees for the following:

(1) places of public resort, accommodation, assemblage, or amusement, whether indoor or outdoor;

(2) places dispensing food and drink to the public, such as restaurants, bars, or inns;

(3) theaters;

(4) displays of fireworks;

(5) public dances and musical performances;

(6) itinerant vendors;

(7) the exclusive occupancy of any specified portion of a public street or right-of-way;

(8) the keeping of dogs or other pets; and

(9) other activities that the Town has the power to regulate or license by virtue of general law or this charter.

* * *

§ 210. RECALL OF SELECTBOARD MEMBERS

(a) A petition signed by 15 percent of the registered voters of the municipality, based upon the total number of registered voters at the last

preceding municipal election, demanding the recall of the Selectboard member or members cited in the petition, shall be filed with the Town Clerk.

(b) Within 60 days after receiving a valid petition, the Selectboard shall call a special meeting or, if annual meeting is within 60 days, include a question on the annual Town meeting ballot to vote on whether the elected officer shall be removed. The vote shall be held by Australian ballot.

(c) The Selectboard member shall be removed only if at least as many registered voters of the Town vote as voted in the election wherein the officer was elected or at least one-third of the registered voters of the Town vote, whichever is greater, and a majority of that number vote for removal. The Selectboard member or members shall be removed from office immediately, and the Selectboard shall then name a successor in accordance with the replacement provisions of this charter.

(d) A recall petition shall not be brought against an individual more than once within 12 months.

* * *

Subchapter 3. Town Meeting—Amendment of Charter Ordinances

* * *

Subchapter 4. Planning Town Manager

* * *

Subchapter 5. Department of Real Estate Appraisal Personnel

* * *

Subchapter 6. Town Manager Meeting; Amendment of Charter

* * *

§ 701. FISCAL YEAR

The fiscal year of the Town shall begin on the first day of July and end on the last day of June of each calendar year. The fiscal year shall constitute the budget and accounting year as used in this charter. ~~In the event of a consolidation between the Essex Town School District and the Village of Essex Junction Graded School District, the consolidated entity shall adopt the same fiscal year as the Town.~~

* * *

Subchapter 9. Personnel Planning

* * *

Subchapter 10. ~~Amendment of Charter~~ Department of Real Estate Appraisal

* * *

Subchapter 11. ~~Severability~~ Amendment of Charter

* * *

Subchapter 12. Severability

* * *

Sec. 3. REDESIGNATIONS

In 24 App. V.S.A. chapter 117, §§ 106 (introduction), 107 (Effective date), 108 (filing), 109 (annual Town report), 110 (reservation of powers to the Town), 203 (organization), 204 (meetings), 205 (record of proceedings), 207 (jurisdiction over other officers or employees), 208 (compensation of Selectboard), 209 (powers and duties), 301 (application of general law), 302 (time of holding), 303 (budget), 401 (Board established), 501 (creation of Department), 502 (appraisal of property), 503 (appraisal of business personal property), 504 (duties of Department), 505 (purpose), 601 (appointment of Manager), 602 (officials appointed by Manager), 703 (Town Meeting warning and budget), 901 (appointment and removal), 902 (personnel rules and regulations), 903 (prohibitions), 1001 (laws governing), and 1101 (severability) are redesignated to be §§ 301, 302, 303, 602, 105, 204, 205, 206, 209, 203, 207, 601, 604, 703, 901, 1001, 1003, 1004, 1005, 1002, 401, 402, 603, 501, 502, 503, 1101, and 1201 respectively.

Sec. 4. 24 App. V.S.A. chapter 117, § 105 is redesignated and amended to read:

§ ~~105~~ 106. ORDINANCES—METHOD OF ADOPTION AND ENFORCEMENT

(a) The Selectboard may provide penalties for the breach of any ordinance authorized by general law or this charter, may prosecute any person violating the same through the Town Grand Juror or police officers who for such purposes shall be informing officers, and may maintain actions to restrain actual or threatened violations of the same; the establishment of any fine or penalty shall be by ordinance.

(b) Ordinance-making authority granted to the Town by this charter and general law shall be exercised pursuant to the provisions of ~~sections 106 through 109~~ subchapter 3 of this charter.

Sec. 5. 24 App. V.S.A. chapter 117, § 206 is redesignated and amended to read:

§ ~~206~~ 208. APPOINTMENTS BY SELECTBOARD

(a) The Selectboard shall appoint the members of the following permanent Commissions and positions:

* * *

(4) Town Manager; and

(5) Development Review Board.

* * *

Sec. 6. TRANSITIONAL PROVISION; ZONING BOARD OF

ADJUSTMENT AND DEVELOPMENT REVIEW BOARD

On or before January 1, 2025, the Zoning Board of Adjustment in the Town of Essex shall be replaced by the Development Review Board appointed by the Town Selectboard pursuant to 24 App. V.S.A. chapter 117, § 208.

Sec. 7. REPEAL

24 App V.S.A. chapter 117, § 208(a)(1) (appointments by Selectboard; Zoning Board of Adjustment) is repealed on January 1, 2025.

Sec. 8. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Anthony of Barre City, for the Committee on Ways and Means, recommended the bill ought to pass when amended as recommended by the Committee on Government Operations and Military Affairs.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, the report of the Committee on Government Operations and Military Affairs agreed to, and third reading was ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 659

Rep. White of Bethel, for the Committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to captive insurance

Reported in favor of its passage when amended as follows:

First: In Sec. 2, 8 V.S.A. § 6034h, in the section heading, by striking out the word "GIFT" and inserting in lieu thereof the word "CELL"

Second: In Sec. 19, effective date, by striking out “July 1, 2024” and inserting in lieu thereof “passage”

Rep. Kornheiser of Brattleboro, for the Committee on Ways and Means, recommended the bill ought to pass when amended as recommended by the Committee on Commerce and Economic Development.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, the report of the Committee on Commerce and Economic Development agreed to, and third reading was ordered.

Favorable Reports; Second Reading; Third Reading Ordered

H. 554

Rep. Morgan of Milton, for the Committee on Government Operations and Military Affairs, to which had been referred House bill, entitled

An act relating to approval of the adoption of the charter of the Town of South Hero

Reported in favor of its passage.

Rep. Anthony of Barre City, for the Committee on Ways and Means, reported in favor of its passage.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and third reading ordered.

Message from the Senate No. 9

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolutions of the following titles:

J.R.S. 38. Joint resolution providing for a Joint Assembly for the election of an Adjutant and Inspector General, and two legislative Trustees of the Vermont State Colleges Corporation.

J.R.S. 39. Joint resolution establishing a procedure for the conduct of the election of two legislative trustees of the Vermont State Colleges Corporation by plurality vote by the General Assembly in 2024.

J.R.S. 40. Joint resolution relating to weekend adjournment on January 26, 2024.

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

Adjournment

At ten o'clock and forty minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

Wednesday, January 24, 2024

At three o'clock in the afternoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Taysir Al-Khatib, Essex Junction, Islamic Society of Vermont.

Message from the Senate No. 10

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part considered the Governor's veto of a House bill of the following title:

H. 158. An act relating to the beverage container redemption system.

And has sustained such veto.

House Bill Introduced**H. 840**

By Reps. Harrison of Chittenden, Birong of Vergennes, Hango of Berkshire, Higley of Lowell, Morgan of Milton, and Sibia of Dover,

House bill, entitled

An act relating to specialty license plates for veterans

Was read the first time and referred to the Committee on Transportation.

Joint Resolution Placed on Calendar**J.R.S. 38**

By Senator Baruth,

J.R.S. 38. Joint resolution providing for a Joint Assembly for the election of an Adjutant and Inspector General, and two legislative Trustees of the Vermont State Colleges Corporation.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, February 15, 2024 at ten o'clock and thirty minutes in the forenoon to elect an Adjutant and Inspector General to serve a two-year term commencing on March 1, 2024 and expiring on March 1, 2026, and two legislative Trustees of the Vermont State Colleges Corporation to serve four-year terms commencing on March 1, 2024 and expiring on March 1, 2028. In case such election 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 said vacancy is filled.

Was read by title and placed on the Action Calendar on the next legislative day pursuant to House Rule 52.

Joint Resolution Placed on Calendar**J.R.S. 39**

By Senator Baruth,

J.R.S. 39. Joint resolution establishing a procedure for the conduct of the election of two legislative trustees of the Vermont State Colleges Corporation by plurality vote by the General Assembly in 2024.

Whereas, in recent years it has become increasingly necessary to shorten the length of time spent by the General Assembly in joint session for the election of various officials, and

Whereas, if elections for multiple vacancies were 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 two legislative trustees of the Vermont State Colleges Corporation at a Joint Assembly to be held on February 15, 2024, 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 two.

(2) The two candidates receiving the largest number of votes shall be declared elected to fill the two vacancies.

(3) In the event that the first balloting for the Trustee vacancies results in a tie vote for a vacant position, then voting shall continue on successive ballots for the unfilled position until the vacancy has been filled by election declared of the candidate receiving the larger number of votes.

Was read by title and placed on the Action Calendar on the next legislative day pursuant to House Rule 52.

Joint Resolution Adopted in Concurrence

J.R.S. 40

By Senator Baruth,

J.R.S. 40. Joint resolution relating to weekend adjournment on January 26, 2024.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 26, 2024, it be to meet again no later than Tuesday, January 30, 2024.

Was taken up, read, and adopted in concurrence.

Committee Relieved of Consideration and Bill Committed to Other Committee

H. 586

Rep. Sheldon of Middlebury moved that the Committee on Environment and Energy be relieved of House bill, entitled

An act relating to flood protection and climate resilience infrastructure and financing

And that the bill be committed to the Committee on Ways and Means, which was agreed to.

**Committee Relieved of Consideration and Bill Committed to
Other Committee**

H. 673

Rep. Sheldon of Middlebury moved that the Committee on Environment and Energy be relieved of House bill, entitled

An act relating to Vermont's outdoor recreation economy

And that the bill be committed to the Committee on Agriculture, Food Resiliency, and Forestry, which was agreed to.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 518

House bill, entitled

An act relating to the approval of amendments to the charter of the Town of Essex

H. 554

House bill, entitled

An act relating to approval of the adoption of the charter of the Town of South Hero

H. 659

House bill, entitled

An act relating to captive insurance

Adjournment

At three o'clock and twenty-seven minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

Thursday, January 25, 2024

At three o'clock in the afternoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Robin Chesnut-Tangerman of Middletown Springs.

Bill Referred to Committee on Appropriations**S. 160**

Senate bill, entitled

An act relating to State education property taxes and flood-related damage

Appearing on the Notice Calendar, and pursuant to House Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Joint Resolution Placed on Calendar**J.R.H. 9**

Joint resolution, entitled

Joint resolution authorizing the Green Mountain Boys State educational program to use the State House facilities on June 27, 2024

Offered 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 27, 2024, 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.

Was read by title and placed on the Action Calendar on the next legislative day pursuant to House Rule 52.

Ceremonial Reading**H.C.R. 141**

House concurrent resolution honoring Director of Elections and Campaign Finance Will Senning for his superb public service

Offered by: House Committee on Government Operations and Military Affairs

Offered by: Senate Committee on Government Operations

Whereas, Will Senning grew up in Duxbury, attended Harwood Union High School, earned his undergraduate degree at Hampshire College in Amherst, Massachusetts, graduated from Vermont Law School, and practiced law at a Waterbury firm, and

Whereas, in 2011, Will Senning joined the staff of the Elections Division in the Office of the Secretary of State; in 2013, former Secretary of State Jim Condos, impressed with Will Senning's knowledge of Vermont election law and his display of administrative acumen, appointed Will Senning as the Director of Elections and Campaign Finance; and in 2023, Secretary of State Sarah Copeland Hanzas was delighted to extend his tenure in this role, and

Whereas, under Will Senning's respected nonpartisan leadership, Vermont successfully implemented an earlier summer primary date, greatly expanded the digitalization of the electoral administrative process, and inaugurated timely election night reporting on the web that the public, the news media, town clerks, and political candidates can confidently rely upon, and during the pandemic, he was instrumental in implementing a major expansion of the vote-by-mail balloting system on primary and general election days, and

Whereas, the cordial and effective professional relationship that Will Senning maintained with the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations created a great partnership for the enactment and oversight of elections related laws, and

Whereas, Will Senning is a national leader in ensuring the integrity and sanctity of a state's elections and has been proactive in monitoring against cyber interference attempts, and

Whereas, this effort attracted the attention of the U.S. Department of Homeland Security, which hired him as the new New England regional security advisor focused on election security in the Department's Cybersecurity and Infrastructure Security Agency, leaving, at the Elections Division, a legacy of accomplishment and excellence, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly honors Director of Elections and Campaign Finance Will Senning for his superb public service and wishes him all the best in his new position, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Will Senning.

Having been adopted in concurrence on Friday, January 19, 2024 in accord with Joint Rule 16b, was read.

**Committee Relieved of Consideration and Bill Committed to
Other Committee**

H. 815

Rep. Wood of Waterbury moved that the Committee on Human Services be relieved of House bill, entitled

An act relating to health equity training in correctional facilities and to community-based mental health and substance use disorder services for detained or incarcerated individuals and individuals reentering the community

And that the bill be committed to the Committee on Corrections and Institutions, which was agreed to.

Second Reading; Bill Amended; Third Reading Ordered

H. 603

Rep. Surprenant of Barnard, for the Committee on Agriculture, Food Resiliency, and Forestry, to which had been referred House bill, entitled

An act relating to the poultry slaughter exception to inspection

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 6 V.S.A. § 3312 is amended to read:

§ 3312. INSPECTION; EXCEPTIONS

* * *

(b) 1,000 bird exemption. Inspection shall not be required for the slaughter or preparation of raw poultry products of the producer's own raising on the producer's own premises, whether or not they are intended for use as human food if:

(1) fewer than 1,000 birds are slaughtered annually;

(2) no raw poultry products are offered for sale or transportation in interstate commerce; and

(3) the raw poultry products are only sold, ~~as whole birds only,~~ from the farm, at a farmers' market, or to a food restaurant licensed by the Commissioner of Health, or are for personal use.

(c) 5,000 bird exemption.

(1) Inspection shall not be required for the slaughter or preparation of raw poultry products of the producer's own raising on the producer's own premises, whether or not they are intended for use as human food, if all of the following conditions are satisfied:

(A) ~~No~~ Not more than 5,000 birds are slaughtered annually.

(B) No raw poultry products are offered for sale or transportation in interstate commerce.

(C) The raw poultry products are only sold, ~~as whole birds,~~ from the farm, at a farmers' market, directly to household consumers, or to a food restaurant licensed by the Commissioner of Health, or are for personal use.

(D) The producer's facility is not used to slaughter or process poultry by any other person or business.

(E) The producer does not purchase birds for resale that have been processed under the exemption under this section.

(F) The poultry are healthy when slaughtered.

(G) The poultry are slaughtered and otherwise processed and handled under sanitary standards, practices, and procedures that result in the preparation of raw poultry products that are sound, clean, and fit for human food when distributed by the producer.

(2) As used in this subsection, "sanitary standards, practices, and procedures" means:

* * *

(J) a person working in contact with the raw poultry products, food-contact surfaces, and product-packaging material shall maintain hygienic practices; and

(K) clothing worn by persons who handle raw poultry products shall be of material that is cleanable or disposable, and garments shall be cleaned or changed as often as necessary to prevent adulteration of raw poultry products or the creation of insanitary conditions.

(d) 20,000 bird exemption. Inspection shall not be required for the slaughter or preparation of raw poultry products of the producer's own raising on the producer's own premises, whether or not they are intended for use as human food, if:

- (1) ~~no~~ not more than 20,000 birds are slaughtered annually;
- (2) no birds are offered for sale or transportation in interstate commerce;
- (3) the raw poultry products are only sold, ~~as whole birds,~~ from the farm, at a farmers' market, directly to household consumers, or to a food restaurant licensed by the Commissioner of Health, or are for personal use;
- (4) the producer's facility is not used to slaughter or process poultry by any other person or business;
- (5) the producer does not purchase birds for resale that have been processed under the exemption under this section;
- (6) the poultry are healthy when slaughtered; and
- (7) the poultry are slaughtered and otherwise processed and handled according to the sanitary performance standards of 9 C.F.R. §§ 416.1–416.17.

(e) Required label. All raw poultry products sold from the farm, at a farmers' market, or to a food restaurant pursuant to the exemption in subsection (b), (c), or (d) of this section shall be labeled with the following information:

- (1) Name of farm and name of producer.
- (2) Address of farm, including zip code.
- (3) Name of the product.

(4) "Exempt per 6 V.S.A. § 3312(b): NOT INSPECTED." This statement shall be prominently displayed with such conspicuousness (as compared with other words or statements, designs, or devices in the labeling) as to render it likely to be read and understood under customary conditions of purchase and use.

~~(4)~~(5) Safe handling and cooking instructions as follows:

"SAFE HANDLING INSTRUCTIONS:

Keep refrigerated or frozen. Thaw in refrigerator or microwave.

Keep raw poultry separate from other foods.

Wash working surfaces, including cutting boards, utensils, and hands after touching raw poultry.

Cook thoroughly to an internal temperature of at least 165 degrees Fahrenheit maintained for at least 15 seconds.

Keep hot foods hot. Refrigerate leftovers immediately or discard.”

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on Agriculture, Food Resiliency, and Forestry agreed to, and third reading ordered.

Committee Bill; Second Reading; Bill Amended; Third Reading Ordered

H. 839

Rep. Lanpher of Vergennes spoke for the Committee on Appropriations.

House bill, entitled

An act related to fiscal year 2024 budget adjustments

Rep. Kornheiser of Brattleboro, for the Committee on Ways and Means, recommended the bill ought to pass.

The bill, having appeared on the Notice Calendar, was taken up, and read the second time.

Thereafter, **Rep. Lanpher of Vergennes** moved to amend the bill as follows:

First: By striking out Sec. 39, which amends 2023 Acts and Resolves No. 78, Sec. B.1100, in its entirety and inserting in lieu thereof a new Sec. 39 to read as follows:

Sec. 39. 2023 Acts and Resolves No. 78, Sec. B.1100 is amended to read:

Sec. B.1100 MISCELLANEOUS FISCAL YEAR 2024 ONE-TIME

APPROPRIATIONS

(a) Agency of Administration. In fiscal year 2024, funds are appropriated for the following:

* * *

(4) \$30,000,000 General Fund to be used as Federal Emergency Management Agency (FEMA) matching funds for costs incurred due to the July 2023 flooding event.

(5) \$10,000,000 General Fund for grants to municipalities in counties that were impacted by the July 2023 flooding event and are eligible for Federal Emergency Management Agency (FEMA) Public Assistance funds under federal disaster declaration DR-4720-VT.

* * *

(c) Department of Human Resources. In fiscal year 2024, funds are appropriated for the following:

(1) ~~\$725,000~~ \$600,000 General Fund to fund ~~seven~~ six 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~~ \$200,000 General Fund to fund ~~one~~ two new permanent full-time ~~position~~ positions in the VTHR Operations division in fiscal year 2024. This position cost shall be funded through the ~~Department of Human Resources~~ Financial Management – Internal Service Fund beginning in fiscal year 2025; and

* * *

~~(d) \$200,000 General Fund to the Department of Libraries.~~ In fiscal year 2024, funds are appropriated for the following:

(1) \$200,000 General Fund to support the FiberConnect project relating to Internet access in public libraries; and

(2) \$11,500 General Fund for contract costs incurred in support of the Working Group on the Status of Libraries in Vermont pursuant to 2021 Acts and Resolves No. 66, Sec. 1.

* * *

(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; and

(4) \$6,000,000 American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Fund for water quality grants to partners and farmers, in accordance with the Clean Water Board’s fiscal year 2023 and fiscal year 2024 budget recommendations and 2021 Acts and Resolves No. 74, Sec. G.700(a)(6)(A).

* * *

(j) Department of Mental Health. In fiscal year 2024, funds are appropriated for the following:

(1) \$166,000 General Fund for a grant to the Howard Center to support the Cultural Liaison Program; and

(2) \$105,000 General Fund to the Department of Mental Health in fiscal year 2024 for expediting competency and sanity evaluations.

(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; and

(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:

* * *

(3) \$10,000,000 General Fund to continue to address the emergent and exigent circumstances impacting health care providers following the COVID-19 pandemic. All or a portion of these funds may also be used as matching funds to the Agency of Human Services Global Commitment Program to provide state match. If funds are used as matching funds to the Agency of Human Services Global Commitment Program to provide state match, the commensurate amount of Global Commitment Fund spending authority may be requested during the Global Commitment Transfer process pursuant to 2023 Acts and Resolves No. 78, Sec. E.301.1;

(4) \$255,000 General Fund for a subgrant to the United Way of Lamoille County to expand resource coordination for employee stability through its Working Bridges Program;

(5) \$671,000 General Fund to the State Refugee Office for grants to support transitional housing for refugees; and

~~(4)~~(6) \$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.

* * *

(n) Department of Health. In fiscal year 2024, funds are appropriated for the following:

* * *

(7) \$5,000,000 General Fund for the purpose of supporting the Community Violence Prevention Program established by legislation enacted in 2023. An amount not to exceed five percent of this appropriation may be used for the administrative costs of the program, including the funding of an existing limited service position at the Department of Health. 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;

* * *

(o) Department for Children and Families. In fiscal year 2024, funds are appropriated for the following:

* * *

~~(3) \$40,000 General 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 for the Youth Development Program to fund costs associated with supporting youth in foster care, or formerly in foster care, to learn to drive and to obtain their drivers' licenses and independent transportation;~~

* * *

(6) ~~\$3,000,000~~ \$4,000,000 General Fund for a grant to the Vermont Food Bank to support increased capacity of services to meet persistent food insecurity;

* * *

(9) \$130,000 General Fund for a grant to the Snelling Center to restart the Early Childhood Education Leadership Program; ~~and~~

(10) \$300,000 General Fund for a grant to Prevent Child Abuse Vermont to provide education regarding the prevention of unsafe infant sleep and to expand programming and support services regarding child abuse often related to parental substance misuse;

(11) \$13,204,802 General Fund for emergency housing needs through the end of fiscal year 2024; and

(12) \$4,000,000 General Fund for standing up shelters in five communities.

* * *

(r) Agency of Education. In fiscal year 2024, funds are appropriated for the following:

(1) \$200,000 General Fund in fiscal year 2024 to the Agency of Education for the work of the School Construction Task Force; and

(2) \$1,924,495 Education Fund to hold Local Education Agencies harmless for the Special Education Census Block Grant miscalculation.

* * *

(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; and

(4) \$20,000,000 General Fund for the appropriation established in 2022 Acts and Resolves No. 185, Sec. B.1100(a)(28), as amended by 2023 Acts and Resolves No. 3, Sec. 45, to replenish the \$20,000,000 of General Fund spending authority transferred by the Emergency Board on July 31, 2023, per 32 V.S.A. §§ 133(b) and 706(2), as directed by order of the Emergency Board under Item 5(a) – Business Emergency Gap Assistance Program.

* * *

(x) Judiciary. In fiscal year 2024, funds are appropriated for the following:

(1) \$300,000 General Fund for the Essex County Courthouse renovation planning; and

~~(2)(A)~~ \$4,680,000 General Fund ~~to the Judiciary~~ for the Judiciary network replacement project.

(B) Judiciary shall update the Joint Information Technology Oversight Committee on the status of this project on or before December 1, 2023.

* * *

(aa) Department of Disabilities, Aging, and Independent Living. In fiscal year 2024, funds are appropriated for the following:

(1) \$1,000,000 General Fund to grant to meal providers that provide meals to seniors with low income; and

(2) \$450,000 General Fund to the Department of Disabilities, Aging, and Independent Living to continue the SASH pilot for another year.

* * *

Second: In Sec. 40, which amends 2023 Acts and Resolves No. 78, Sec. B.1101, by striking out Sec. B.1101(g)(3) as proposed by the bill and inserting in lieu thereof a new Sec. B.1101(g)(3) to read as follows:

(3) In fiscal year 2024, the amount of \$6,900,000 \$7,152,203 General Fund is appropriated to the Agency of Agriculture, Food and Markets to fund Agriculture Development Grants for the Organic Dairy Farm Assistance Program. Farms eligible for assistance and operating when they timely filed a complete application in calendar year 2023 shall be eligible for an award under the Program.

Third: In Sec. 48, which amends 2022 Acts and Resolves No. 185, Sec. B.1100 as amended by 2023 Acts and Resolves No. 78, Sec. C.115, by striking out Sec. B.1100(b)(4) as proposed by the bill and inserting in lieu thereof a new Sec. B.1100(b)(4) to read as follows:

(4) It is the intent of the General Assembly that the Department of Public Safety In order to extract the greatest value from the limited State and federal dollars currently available for public safety communications modernization, it is the intent of the General Assembly that all such funding is expended in an efficient and complementary manner. To that end, the Commissioner of Public Safety shall 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, to the greatest extent possible, the goals of a statewide public safety communications system developed by the Public Safety Communications Task Force. The Commissioner of Public Safety shall consult with promptly inform the Public Safety Communications Task Force as the federal parameters for

expending the funds become available and as the Commissioner develops a and, if necessary, revises the plan to expend such funds. The Commissioner shall solicit recommendations from the Task Force regarding the plan, including any revisions to the plan, the implementation schedule, and specific expenditures. In addition, the Commissioner shall update the Joint Fiscal Committee on planned expenditures.

Fourth: By striking out Sec. 58 in its entirety and inserting in lieu thereof a new Sec. 58 to read as follows:

Sec. 58. AGENCY OF ADMINISTRATION; ENTERPRISE RESOURCE
PLANNING

(a) In fiscal year 2024, the Agency of Administration shall report to the Joint Information Technology Oversight Committee within three business days after any change in status of any contract relating to the Enterprise Resource Planning (ERP) – Modernization Business Transformation project changes.

Fifth: By striking out Sec. 85 in its entirety and inserting in lieu thereof a new Sec 85 to read as follows:

Sec. 85. [Deleted.]

Sixth: By striking out Sec. 86 in its entirety and inserting in lieu thereof a new Sec 86 to read as follows:

Sec. 86. [Deleted.]

Seventh: In Sec. 93, temporary emergency housing, in subsection (a), preceding “the General Assistance Emergency Housing Program,” by striking out the words “individuals participating in” and inserting in lieu thereof the words “households eligible for”

Eighth: In Sec. 93, temporary emergency housing, in subsection (a), following “including,” by striking out the words “individuals participating” and inserting in lieu thereof the words “households eligible”

Ninth: In Sec. 93, temporary emergency housing, in subdivision (e)(2), in the first sentence, by striking out the word “individuals” preceding “temporarily” and inserting in lieu thereof the word “households”

Tenth: In Sec. 93, temporary emergency housing, in subdivision (e)(2), at the end of the first sentence, by inserting before the period “; provided, however, that in no event shall such an agreement or the negotiations for such an agreement cause a household to become unhoused”

Eleventh: In Sec. 93, temporary emergency housing, in subsection (e), by designating the second sentence of subdivision (2) to be subdivision (3) and, at the end of the newly designated subdivision (3), by inserting before the period the words “per household” following “per day”

Which was agreed to.

Pending the question, Shall the bill be read a third time?, **Rep. McCoy of Poultney** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be read a third time?, was decided in the affirmative. Yeas, 112. Nays, 24.

Those who voted in the affirmative are:

Andrews of Westford	Dolan of Waitsfield	Morris of Springfield
Andriano of Orwell	Durfee of Shaftsbury	Morrissey of Bennington
Anthony of Barre City	Elder of Starksboro	Mrowicki of Putney
Arrison of Weathersfield	Emmons of Springfield	Mulvaney-Stanak of Burlington
Arsenault of Williston	Farlice-Rubio of Barnet	Noyes of Wolcott *
Austin of Colchester	Galfetti of Barre Town	Nugent of South Burlington
Bartholomew of Hartland	Garofano of Essex	O'Brien of Tunbridge
Berbeco of Winooski	Goldman of Rockingham	Ode of Burlington
Birong of Vergennes	Graning of Jericho	Pajala of Londonderry
Black of Essex	Headrick of Burlington	Patt of Worcester
Bluemle of Burlington	Holcombe of Norwich	Pearl of Danville
Bongartz of Manchester	Hooper of Randolph	Pouech of Hinesburg
Bos-Lun of Westminster	Hooper of Burlington	Priestley of Bradford
Boyden of Cambridge	Houghton of Essex Junction	Rachelson of Burlington
Brady of Williston	Howard of Rutland City	Rice of Dorset *
Brown of Richmond	James of Manchester	Roberts of Halifax
Brownell of Pownal	Jerome of Brandon	Sammis of Castleton
Brumsted of Shelburne	Kornheiser of Brattleboro	Satcowitz of Randolph
Burke of Brattleboro	Krasnow of South Burlington	Scheu of Middlebury *
Burrows of West Windsor	LaBounty of Lyndon	Sheldon of Middlebury
Buss of Woodstock	Lalley of Shelburne	Sibilia of Dover
Campbell of St. Johnsbury	LaLonde of South Burlington	Sims of Craftsbury
Carpenter of Hyde Park	LaMont of Morristown	Small of Winooski
Carroll of Bennington	Lanpher of Vergennes	Squirrell of Underhill
Casey of Montpelier *	Leavitt of Grand Isle	Stebbins of Burlington
Chapin of East Montpelier	Lipsky of Stowe	Stevens of Waterbury
Chase of Chester	Logan of Burlington	Stone of Burlington
Chase of Colchester	Long of Newfane *	Surprenant of Barnard
Chesnut-Tangerman of Middletown Springs *	Maguire of Rutland City	Taylor of Colchester
Cina of Burlington	Masland of Thetford	Templeman of Brownington
Coffey of Guilford	McCann of Montpelier	Toleno of Brattleboro
Cole of Hartford	McCarthy of St. Albans City	Torre of Moretown
Conlon of Cornwall		Troiano of Stannard
Corcoran of Bennington		Waters Evans of Charlotte

Cordes of Lincoln	McFaun of Barre Town	White of Bethel
Demrow of Corinth	McGill of Bridport	Whitman of Bennington
Dodge of Essex	Mihaly of Calais	Williams of Barre City *
Dolan of Essex Junction	Minier of South Burlington	Wood of Waterbury

Those who voted in the negative are:

Beck of St. Johnsbury	Harrison of Chittenden	Page of Newport City
Branagan of Georgia	Higley of Lowell	Peterson of Clarendon
Brennan of Colchester	Labor of Morgan	Shaw of Pittsford
Canfield of Fair Haven	Laroche of Franklin	Smith of Derby
Demar of Enosburgh	Marcotte of Coventry	Taylor of Milton
Donahue of Northfield	McCoy of Poultney	Toof of St. Albans Town
Goslant of Northfield	Morgan of Milton	Walker of Swanton
Hango of Berkshire	Oliver of Sheldon	Williams of Granby *

Those members absent with leave of the House and not voting are:

Bartley of Fairfax	Graham of Williamstown	Nicoll of Ludlow
Burditt of West Rutland	Gregoire of Fairfield	Notte of Rutland City
Christie of Hartford	Hyman of South Burlington	Parsons of Newbury
Clifford of Rutland City	Mattos of Milton	Wilson of Lyndon
Dickinson of St. Albans Town		

Rep. Casey of Montpelier explained his vote as follows:

“Madam Speaker:

This Budget Adjustment is a life raft for flood impacted communities. Disasters don’t recognize town borders and recovery shouldn’t be placed solely on the backs of our municipalities.”

Rep. Chesnut-Tangerman of Middletown Springs explained his vote as follows:

“Madam Speaker:

The current housing crisis is a humanitarian crisis. We don’t have the luxury of either keeping Vermonters housed or spurning new construction. This BAA digs deep to do both, and both are critical. I am happy to vote for this BAA.”

Rep. Long of Newfane explained her vote as follows:

“Madam Speaker:

I voted yes for a Budget Adjustment Act that meets the immediate needs of Vermonters, houses those who lack shelter, helps communities devastated by floods, and makes smart investments for the future.”

Rep. Noyes of Wolcott explained his vote as follows:

“Madam Speaker:

I voted in favor of H.839 as it supports older Vermonters and individuals with disabilities who are struggling with access to housing.”

Rep. Rice of Dorset explained his vote as follows:

“Madam Speaker:

This Budget Adjustment Act upholds our Vermont values and takes care of our communities. That is what my constituents expect us to do here. I was proud to vote yes.”

Rep. Scheu of Middlebury explained her vote as follows:

“Madam Speaker:

We are here as legislators to serve all Vermonters, including, and perhaps especially, those that need our help – with food, with housing, with flood relief, and with so many other things. It’s not always easy, but it is our job. I am proud to support this Budget Adjustment bill because we are finding ways to accomplish much for the people that are counting on us.”

Rep. Williams of Barre City explained his vote as follows:

“Madam Speaker:

I vote yes for this Budget Adjustment. It extends a needed hand to those communities so impacted by the July flooding event. A \$1 billion natural disaster, by many metrics the most expensive in Vermont State history, deserves a concerted, immediate response from our government and this Assembly.”

Rep. Williams of Granby explained her vote as follows:

“Madam Speaker:

I just spent almost two hours listening to superintendents all across the State tell us that their towns and schools are in dire straits when trying to put forward budgets that their towns can support. Every single time we vote to spend more money for any reason, we are putting pressures on all our residents. We need to learn how to live within our means. And – there is nothing wrong with neighbors helping neighbors. That is what Vermont’s foundation is built on.”

Joint Resolutions Adopted in Concurrence

Joint Senate resolutions of the following titles, having been placed on the Calendar for Action, were severally taken up and adopted in concurrence:

J.R.S. 38. Joint resolution providing for a Joint Assembly for the election of an Adjutant and Inspector General, and two legislative Trustees of the Vermont State Colleges Corporation.

J.R.S. 39. Joint resolution establishing a procedure for the conduct of the election of two legislative trustees of the Vermont State Colleges Corporation by plurality vote by the General Assembly in 2024.

Adjournment

At five o'clock and thirteen minutes in the evening, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Friday, January 26, 2024

At nine o'clock and thirty minutes in the forenoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Jonathan Williams of Barre City.

Memorial Service

House members rose as the Speaker placed before the House the following name of the member of past sessions of the Vermont General Assembly who had passed away recently:

Rep. Charles M. "Tim" Goodwin of Weston	Member of the House, Sessions 2013-2014
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Thereupon, the members of the House held a moment of silence in memory of the deceased member.

Ceremonial Reading**H.C.R. 135**

House concurrent resolution congratulating the 2023 Milton High School Division II Yellowjackets on winning the school's 17th girls' soccer state championship

Offered by: Representatives Morgan of Milton, Andrews of Westford, Leavitt of Grand Isle, Mattos of Milton, and Taylor of Milton

Offered by: Senator Wrenner

Whereas, Milton High School has frequently epitomized girls' soccer competition in Vermont, and the 2023 season continued this tradition, and

Whereas, not surprisingly, the second-seeded Yellowjackets earned both a championship game berth in the playoffs and the opportunity to challenge the fourth-seeded Harwood Highlanders for the Division II title in Hartford, and

Whereas, Milton's impressive defense contributed to a scoreless first half, and the Yellowjackets' well-executed second-half offense yielded two goals that, despite a late Harwood surge, culminated in a 2–1 Yellowjacket victory, and

Whereas, the proud Yellowjackets were Sydney Greenfield, Alessandra Hoffman, Ella Scharf, Cianna Tomasi, Kaitlyn Bombard, Molly St. Amand, Madison Rose, Callie Fougere, Holley MacLellan, Lily Daunais, Lucy Spaulding, Taylor Shappy, Savannah Monahan, Annie Brynga, Emily Banacos, Avery Turner, Hannah Smiley, Logan Freeman, Samantha Provost, Marlie Bushey, and Lila Martin, and

Whereas, team manager Caitlyn Fortier and coaches Caitlyn Fogel and Scott Tomasi were each essential to Milton's fantastic season, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates the 2023 Milton High School Division II Yellowjackets on winning the school's 17th girls' soccer state championship, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Milton High School.

Having been adopted in concurrence on Friday, January 12, 2024 in accord with Joint Rule 16b, was read.

Third Reading; Bill Passed**H. 603**

House bill, entitled

An act relating to the poultry slaughter exception to inspection

Was taken up, read the third time, and passed.

Amendment Offered and Withdrawn; Third Reading; Bill Passed**H. 839**

House bill, entitled

An act related to fiscal year 2024 budget adjustments

Pending the question, Shall the bill be read a third time?, **Rep. Burditt of West Rutland** moved to amend the bill as follows:

First: In Sec. 93, temporary emergency housing, in subsection (d), by striking out “\$75” and inserting in lieu thereof “\$50”

Second: In Sec. 93, temporary emergency housing, in subdivision (e)(3), by striking out “\$75” and inserting in lieu thereof “\$50”

Thereupon, **Rep. Burditt of West Rutland** asked and was granted leave of the House to withdraw his amendment.

Thereafter, the bill was read the third time and passed.

Joint Resolution Adopted**J.R.H. 9**

Joint House resolution, entitled

Joint resolution authorizing the Green Mountain Boys State educational program to use the State House facilities on June 27, 2024

Was taken up and adopted on the part of the House.

Message from the Senate No. 11

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted Senate concurrent resolutions of the following titles:

S.C.R. 8. Senate concurrent resolution honoring those who assumed summer 2023 flood recovery leadership roles in Montpelier and Barre City.

S.C.R. 9. Senate concurrent resolution commemorating the 175th anniversary of the chartering of the National Life Insurance Company.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 142. House concurrent resolution recognizing January 27, 2024 as International Holocaust Remembrance Day in Vermont.

H.C.R. 143. House concurrent resolution designating January 31, 2024 as Mental Health Advocacy Day at the State House.

Adjournment

At ten o'clock and twenty-eight minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, January 30, 2024, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 40.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Rule 16b of the Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House:

H.C.R. 142

House concurrent resolution recognizing January 27, 2024 as International Holocaust Remembrance Day in Vermont

H.C.R. 143

House concurrent resolution designating January 31, 2024 as Mental Health Advocacy Day at the State House

S.C.R. 8

Senate concurrent resolution honoring those who assumed summer 2023 flood recovery leadership roles in Montpelier and Barre City

S.C.R. 9

Senate concurrent resolution commemorating the 175th anniversary of the chartering of the National Life Insurance Company

[The full text of the concurrent resolutions appeared in the House and Senate Calendar Addendums on the preceding legislative day and will appear in the Public Acts and Resolves of the 2024 Adjourned Session.]

Tuesday, January 30, 2024

At ten o'clock in the forenoon, **Rep. Long of Newfane** called the House to order.

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Pledge of Allegiance

Page Avery Howe of Williston led the House in the Pledge of Allegiance.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time, and referred to committee as follows:

H. 841

By Reps. Bluemle of Burlington and Leavitt of Grand Isle,
House bill, entitled

An act relating to increasing access to a blenderized whole foods diet for individuals receiving nutrition through a feeding tube

To the Committee on Human Services.

H. 842

By Rep. LaLonde of South Burlington,
House bill, entitled

An act relating to the creation a forgivable loan incentive program for graduates of the Vermont Law School

To the Committee on Commerce and Economic Development.

H. 843

By Reps. Burke of Brattleboro, Pajala of Londonderry, Branagan of Georgia, Burrows of West Windsor, Garofano of Essex, Headrick of Burlington, Mattos of Milton, McCoy of Poultney, Mrowicki of Putney, and Small of Winooski,

House bill, entitled

An act relating to the jurisdiction of the Human Rights Commission

To the Committee on General and Housing.

Bill Referred to Committee on Ways and Means**S. 18**

Senate bill, entitled

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

Appearing on the Notice Calendar, and pursuant to House Rule 35(a), affecting the revenue of the State, was referred to the Committee on Ways and Means.

Ceremonial Reading**H.C.R. 142**

House concurrent resolution recognizing January 27, 2024 as International Holocaust Remembrance Day in Vermont

Offered by: Representative Patt of Worcester

Offered by: Senator Ram Hinsdale

Whereas, the Holocaust refers to Nazi Germany's annihilation during the Second World War of six million Jews, as well as millions of others, including Romas, LGBTQ persons, persons with disabilities, political dissidents, and members of other targeted populations, and

Whereas, the United Nations General Assembly has designated January 27 as International Holocaust Remembrance Day, a date selected in recognition of the liberation of the Auschwitz-Birkenau death camp and as a special memorial to the millions of Holocaust victims, and

Whereas, International Holocaust Remembrance Day was established to commemorate the victims of the Holocaust and to promote Holocaust education throughout the world, and the Vermont Holocaust Memorial in Jeffersonville is dedicated to the expansion of Holocaust education in Vermont, and

Whereas, since 2010, there has been a specific theme for each year's observance of International Holocaust Remembrance Day, and in 2024 the theme is the Fragility of Freedom, emphasizing that "those who are targeted for persecution have had their freedom restricted and removed, before many of them are murdered," and

Whereas, according to the Anti-Defamation League (ADL), between October 7 and December 7, 2023, there were 2,031 recorded antisemitic incidents in the United States, representing a 337 percent increase over the same period in 2022, a year that saw the largest number of such incidents since the ADL began tracking this data in 1979, and

Whereas, these figures highlight the importance of the educational initiatives of organizations such as the Vermont Holocaust Memorial, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly recognizes January 27, 2024 as International Holocaust Remembrance Day in Vermont, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont Holocaust Memorial.

Having been adopted in concurrence on Friday, January 26, 2024 in accord with Joint Rule 16b, was read.

Speaker presiding.

Second Reading; Bill Amended; Third Reading Ordered

H. 363

Rep. LaMont of Morristown, for the Committee on General and Housing, to which had been referred House bill, entitled

An act relating to prohibiting discrimination based on certain hair types and styles

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 9 V.S.A. § 4501 is amended to read:

§ 4501. DEFINITIONS

As used in this chapter:

* * *

(13) “Race” includes traits associated with or perceived to be associated with race, including hair type, hair texture, hairstyles, and protective hairstyles. As used in this subdivision, the term “protective hairstyles” includes hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros, afro puffs, and other formations, as well as wigs, headwraps, and other head coverings.

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

§ 495d. DEFINITIONS

As used in this subchapter:

* * *

(17) “Race” includes traits associated with or perceived to be associated with race, including hair type, hair texture, hairstyles, and protective hairstyles. As used in this subdivision, the term “protective hairstyles” includes hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros, afro puffs, and other formations, as well as wigs, headwraps, and other head coverings.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on General and Housing agreed to, and third reading ordered.

Message from the Senate No. 12

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 42. Joint resolution relating to weekend adjournment on February 2, 2024.

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

Adjournment

At ten o'clock and fifty-five minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

Wednesday, January 31, 2024

At three o'clock in the afternoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Dr. Ken Langer, First Church of Barre, Unitarian Universalist.

Message from the Senate No. 13

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 154. An act relating to the Vermont State Plane Coordinate System.

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

Joint Resolution Adopted in Concurrence

J.R.S. 42

By Senator Baruth,

J.R.S. 42. Joint resolution relating to weekend adjournment on February 2, 2024.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 2, 2024, it be to meet again no later than Tuesday, February 6, 2024.

Was taken up, read, and adopted in concurrence.

Ceremonial Reading

H.C.R. 143

House concurrent resolution designating January 31, 2024 as Mental Health Advocacy Day at the State House

Offered by: Representatives Cina of Burlington, Berbeco of Winooski, Black of Essex, Carpenter of Hyde Park, Cordes of Lincoln, Farlice-Rubio of Barnet, Goldman of Rockingham, and Houghton of Essex Junction

Whereas, without any discrimination, all Vermonters are entitled to receive the highest attainable quality of health care, including mental health care, and

Whereas, 1997 Acts and Resolves No. 25, Sec. 2, codified as 8 V.S.A. § 4089b, established that the treatment of an individual's mental health must be on par with that person's physical health care, and

Whereas, mental health care must be provided in a manner that does not result in any form of stigma, prejudice, violence, social exclusion, segregation, or unnecessary institutionalization, and

Whereas, all mental health treatment practices should respect an individual's autonomy, dignity, personal preferences, and will, and they must not constitute or lead to violations and abuses of human rights or fundamental freedoms, and

Whereas, mental health support and related community services should integrate a human rights perspective in order to avoid harm to any individuals availing themselves of these services, and

Whereas, today, January 31, 2024, individuals are visiting the State House seeking to remind the General Assembly of the fundamental importance of providing Vermonters with mental health care that equals in every respect the quality of care provided to individuals with any other health conditions, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly designates January 31, 2024 as Mental Health Advocacy Day at the State House, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the mental health advocacy organizations present today in the State House.

Having been adopted in concurrence on Friday, January 26, 2024 in accord with Joint Rule 16b, was read.

**Committee Relieved of Consideration and Bill Committed to
Other Committee**

H. 590

Rep. Marcotte of Coventry moved that the Committee on Commerce and Economic Development be relieved of House bill, entitled

An act relating to insurance protections and leave from employment for living donors

And that the bill be committed to the Committee on Health Care, which was agreed to.

**Committee Relieved of Consideration and Bill Committed to
Other Committee**

H. 816

Rep. Wood of Waterbury moved that the Committee on Human Services be relieved of House bill, entitled

An act relating to mental health screenings in school-age youth

And that the bill be committed to the Committee on Health Care, which was agreed to.

Amendment Offered and Withdrawn; Third Reading; Bill Passed

H. 363

House bill, entitled

An act relating to prohibiting discrimination based on certain hair types and styles

Was taken up and, pending third reading of the bill, **Reps. Donahue of Northfield, McGill of Bridport, and Small of Winooski** moved 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. § 4502 is amended to read:

§ 4502. PUBLIC ACCOMMODATIONS

* * *

(m) As used in this section, the terms race, creed, color, national origin, marital status, sex, sexual orientation, gender identity, and disability include traits that are associated with or perceived to be associated with that particular characteristic, including hair types, hair textures, hairstyles, wigs, headwraps, and other head coverings.

Sec. 2. 9 V.S.A. § 4503 is amended to read:

§ 4503. UNFAIR HOUSING PRACTICES

* * *

(e) As used in this section, the terms race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, and disability include traits that are associated with or perceived to be associated with that particular characteristic, including hair types, hair textures, hairstyles, wigs, headwraps, and other head coverings.

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

§ 495d. DEFINITIONS

As used in this subchapter:

* * *

(17) The terms race, color, religion, national origin, sex, sexual orientation, gender identity, ancestry, place of birth, age, physical or mental condition, and disability include traits that are associated with or perceived to be associated with that particular characteristic, including hair type, hair texture, hairstyles, wigs, headwraps, and other head coverings.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

Thereupon, **Rep. Small of Winooski** asked and was granted leave of the House to withdraw the amendment.

Thereafter, the bill was read a third time.

Pending the question, Shall the bill pass?, **Rep. Chase of Chester** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill pass?, was decided in the affirmative. Yeas, 132. Nays, 5.

Those who voted in the affirmative are:

Andrews of Westford	Dolan of Essex Junction	Minier of South Burlington
Andriano of Orwell	Dolan of Waitsfield	Morgan of Milton
Anthony of Barre City	Donahue of Northfield	Morris of Springfield
Arrison of Weathersfield	Durfee of Shaftsbury	Morrissey of Bennington
Arsenault of Williston	Elder of Starksboro	Mrowicki of Putney *
Austin of Colchester	Emmons of Springfield	Mulvaney-Stanak of Burlington
Bartholomew of Hartland	Farlice-Rubio of Barnet	Notte of Rutland City
Bartley of Fairfax	Galfetti of Barre Town	Noyes of Wolcott
Beck of St. Johnsbury	Garofano of Essex	Nugent of South Burlington
Berbeco of Winooski	Goldman of Rockingham	O'Brien of Tunbridge
Birong of Vergennes	Graning of Jericho	Ode of Burlington
Black of Essex	Hango of Berkshire	Oliver of Sheldon
Bluemle of Burlington	Harrison of Chittenden	Page of Newport City
Bongartz of Manchester	Headrick of Burlington	Pajala of Londonderry
Bos-Lun of Westminster	Holcombe of Norwich	Parsons of Newbury
Boyden of Cambridge	Hooper of Burlington	Patt of Worcester
Brady of Williston	Houghton of Essex Junction	Pouech of Hinesburg
Branagan of Georgia	Howard of Rutland City	Priestley of Bradford
Brennan of Colchester	James of Manchester	Rachelson of Burlington
Brown of Richmond	Jerome of Brandon	Rice of Dorset
Brownell of Pownal	Kornheiser of Brattleboro	Roberts of Halifax *
Brumsted of Shelburne		

Burditt of West Rutland	Krasnow of South Burlington *	Sammis of Castleton
Burke of Brattleboro	Labor of Morgan	Satcowitz of Randolph
Burrows of West Windsor	LaBounty of Lyndon	Scheu of Middlebury
Buss of Woodstock	Lalley of Shelburne	Shaw of Pittsford
Campbell of St. Johnsbury	LaLonde of South Burlington	Sheldon of Middlebury
Canfield of Fair Haven	LaMont of Morristown *	Sibilia of Dover
Carpenter of Hyde Park	Lanpher of Vergennes	Sims of Craftsbury
Carroll of Bennington	Laroche of Franklin	Small of Winooski
Casey of Montpelier	Leavitt of Grand Isle	Squirrell of Underhill
Chapin of East Montpelier	Lipsky of Stowe	Stebbins of Burlington
Chase of Chester	Logan of Burlington	Stone of Burlington *
Chase of Colchester	Long of Newfane	Taylor of Milton
Chesnut-Tangerman of Middletown Springs	Maguire of Rutland City	Taylor of Colchester
Christie of Hartford	Marcotte of Coventry	Templeman of Brownnington
Cina of Burlington	Masland of Thetford	Toleno of Brattleboro
Clifford of Rutland City	McCann of Montpelier	Toof of St. Albans Town
Coffey of Guilford	McCarthy of St. Albans City	Torre of Moretown
Cole of Hartford	McCoy of Poultney	Troiano of Stannard
Conlon of Cornwall	McFaun of Barre Town	Waters Evans of Charlotte
Corcoran of Bennington	McGill of Bridport	White of Bethel
Cordes of Lincoln	Mihaly of Calais	Whitman of Bennington
Demrow of Corinth		Williams of Barre City
Dodge of Essex		Williams of Granby
		Wood of Waterbury

Those who voted in the negative are:

Demar of Enosburgh	Peterson of Clarendon	Wilson of Lyndon
Higley of Lowell	Smith of Derby	

Those members absent with leave of the House and not voting are:

Dickinson of St. Albans Town	Hooper of Randolph	Stevens of Waterbury
Goslant of Northfield	Hyman of South Burlington	Surprenant of Barnard
Graham of Williamstown	Mattos of Milton	Walker of Swanton
Gregoire of Fairfield	Nicoll of Ludlow	
	Pearl of Danville	

Rep. Krasnow of South Burlington explained her vote as follows:

“Madam Speaker:

I support H.363 because this legislation signifies a pivotal step toward equality and justice in our society. No one should face prejudice or bias based on their hair texture or style. H.363 dismantles the stereotypes and systemic discrimination that have persisted for far too long. It advocates for inclusivity, recognizing that diversity in appearance should be celebrated, not penalized. By passing H.363 we affirmed our commitment to creating a society that values each individual for who they are, embracing our diverse backgrounds. We stand united against discrimination and ensure that every person has the

right to express their identity authentically, without fear of repercussions. We send a powerful message that the beauty of diversity extends to the strands of our hair. It is a call for fairness, understanding, and respect for every individual's right to wear their crown with pride. This is a beacon of progress, moving toward a future where no one is judged or treated unfairly based on the texture or style of their hair. This is not just a matter of legislation; it is a declaration of our commitment to a more just and inclusive society for all."

Rep. LaMont of Morristown explained her vote as follows:

"Madam Speaker:

I want to thank the body for their support and, more importantly, learning and understanding the importance of this important legislation. This is about so much more than hair discrimination. It is about setting the standard that we embrace and welcome all people to show up as their whole authentic selves to participate in and live a life that is most in alignment with their cultural beliefs and identity. Vermont has been the pioneer for many issues, campaigns, movements, and coups. I am so honored to be a part of this body and I hope we become state number 24."

Rep. Mrowicki of Putney explained his vote as follows:

"Madam Speaker:

I vote yes for Angela Laurence, a constituent who asked for this bill to be introduced. Her journey began in Kenya, then to the U.S., and after time in the U.S. Army, she became a mother. And as a mother she asked for this bill to protect her children."

Rep. Roberts of Halifax explained his vote as follows:

"Madam Speaker:

I dedicate my vote on H.363 to the memory and legacy of Malcolm X."

Rep. Stone of Burlington explained her vote as follows:

"Madam Speaker:

What is a crown? If we want to speak literally, it's the circular pattern of hair follicles atop our heads. However, that word holds so much more. It's a symbol of strength, empowerment, self-love, and belonging. I think most of us could agree that we all need a lot more of that good stuff in this world. As a biracial woman who grew up in a blended family full of different languages, religions, and pertinent to this bill—hair types, I know the importance of what this bill brings to light. My father's coils, my sister's tightly wound type 4A curls, my brother's wavy locks, and my lioness mane. I know that our hair is more than just follicles. It holds stories. Stories of family, stories of love, and

stories of resilience. However, I also know that for some, hair can hold biases, fear of the other, and a basis for race-based discrimination. I also recognize that race-based hair discrimination disproportionately impacts Black women, including their opportunities for employment and professional advancement. This is unacceptable and that is why I am happy to join the movement to make hair discrimination, specifically race-based hair discrimination, illegal here in our brave little State.”

**Favorable Reports; Second Reading; Third Reading Ordered;
Rules Suspended, All Remaining Stages of Passage; Third Reading;
Bill Passed in Concurrence; Rules Suspended, Messaged to the Senate
Forthwith and Delivered to the Governor Forthwith**

S. 160

Rep. Anthony of Barre City, for the Committee on Ways and Means, to which had been referred Senate bill, entitled

An act relating to State education property taxes and flood-related damage
Reported in favor of its passage in concurrence.

Rep. Mihaly of Calais, for the Committee on Appropriations, reported in favor of its passage in concurrence.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and third reading ordered.

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the bill placed on all remaining stages of passage. The bill was read the third time and passed in concurrence.

Thereupon, on motion of **Rep. McCoy of Poultney**, the rules were suspended and the bill was ordered messaged to the Senate forthwith and delivered to the Governor forthwith.

Adjournment

At three o'clock and fifty-nine minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

Thursday, February 1, 2024

At three o'clock in the afternoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Dr. Jolivette Anderson-Douoning, St. Michael's College.

Message from the Senate No. 14

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

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

J.R.H. 9. Joint resolution authorizing the Green Mountain Boys State educational program to use the State House facilities on June 27, 2024.

And has adopted the same in concurrence.

The Governor has informed the Senate that on the 1st day of February, he approved and signed bill originating in the Senate of the following title:

S. 141. An act relating to approval of the charter of Fairfax Fire District No. 1.

House Bill Introduced**H. 844**

By Rep. Durfee of Shaftsbury,

House bill, entitled

An act relating to appeal rights for extraterritorial users of municipal water and sewer systems

Was read the first time and referred to the Committee on Government Operations and Military Affairs.

Senate Bill Referred**S. 154**

Senate bill, entitled

An act relating to the Vermont State Plane Coordinate System

Was read the first time and referred to the Committee on Government Operations and Military Affairs.

**Committee Relieved of Consideration and Bill Committed to
Other Committee**

H. 667

Rep. Marcotte of Coventry moved that the Committee on Commerce and Economic Development be relieved of House bill, entitled

An act relating to the creation of the Vermont-Ireland Trade Commission

And that the bill be committed to the Committee on Government Operations and Military Affairs, which was agreed to.

Adjournment

At three o'clock and seventeen minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Friday, February 2, 2024

At nine o'clock and thirty minutes in the forenoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rabbi Jan Salzman, Congregation Ruach haMaqom, Burlington.

Memorial Service

House members rose as the Speaker placed before the House the following name of the member of past sessions of the Vermont General Assembly who had passed away recently:

Rep. Judith C. DiMario of Fayston	Member of the House, Sessions 1991-1994
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Thereupon, the members of the House held a moment of silence in memory of the deceased member.

Rules Suspended, Immediate Consideration; Bill Committed**H. 614**

On motion of **Rep. LaLonde of South Burlington**, the rules were suspended and House bill, entitled

An act relating to land improvement fraud and timber trespass

Appearing on the Notice Calendar, was taken up for immediate consideration and committed to the Committee on Judiciary.

Message from the Senate No. 15

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 190. An act relating to statements made by a child victim of an offense involving serious bodily injury.

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

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 144. House concurrent resolution designating February 8, 2024 as Farm to School and Farm to Early Childhood Awareness Day at the State House.

H.C.R. 145. House concurrent resolution congratulating the 2023 Harwood Union High School championship bass fishing team.

H.C.R. 146. House concurrent resolution congratulating the 2023 Harwood Union High School Division II boys' championship soccer team.

H.C.R. 147. House concurrent resolution honoring the organizations and individuals working to resolve Vermont's rural broadband access crisis through communications union districts.

Adjournment

At nine o'clock and forty-nine minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, February 6, 2024, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 42.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Rule 16b of the Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House:

H.C.R. 144

House concurrent resolution designating February 8, 2024 as Farm to School and Farm to Early Childhood Awareness Day at the State House

H.C.R. 145

House concurrent resolution congratulating the 2023 Harwood Union High School championship bass fishing team

H.C.R. 146

House concurrent resolution congratulating the 2023 Harwood Union High School Division II boys' championship soccer team

H.C.R. 147

House concurrent resolution honoring the organizations and individuals working to resolve Vermont's rural broadband access crisis through communications union districts

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2024 Adjourned Session.]

Tuesday, February 6, 2024

At ten o'clock in the forenoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Brian Cina of Burlington.

Pledge of Allegiance

Page Stewart Lemnah of Stowe led the House in the Pledge of Allegiance.

Message from the Senate No. 16

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 43. Joint resolution relating to weekend adjournment on February 9, 2024.

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

House Bills Introduced

House bills of the following titles were severally introduced, read the first time, and referred to committee as follows:

H. 845

By Reps. Mrowicki of Putney, Birong of Vergennes, Boyden of Cambridge, Chase of Colchester, Hango of Berkshire, Hooper of Burlington, Morgan of Milton, and Troiano of Stannard,

House bill, entitled

An act relating to designating November as Veterans Month

To the Committee on Government Operations and Military Affairs.

H. 846

By Rep. Taylor of Colchester,

House bill, entitled

An act relating to advancing mobile homes as an energy-efficient, affordable housing alternative

To the Committee on General and Housing.

H. 847

By the Committee on Health Care,

House bill, entitled

An act relating to peer support provider and recovery support specialist certification

To Committee on Ways and Means, pursuant to House Rule 35(a).

Senate Bill Referred**S. 190**

Senate bill, entitled

An act relating to statements made by a child victim of an offense involving serious bodily injury

Was read the first time and referred to the Committee on Judiciary.

House Resolution Adopted**H.R. 15**

House resolution, entitled

House resolution honoring Vermont television journalist Stewart Ledbetter for his four decades of insightful reporting

Offered by: All Members of the House

Whereas, for 40 years, television news viewers in Vermont and northeastern New York State have benefited from the journalistic expertise of Stewart Ledbetter, and

Whereas, Stewart Ledbetter's introduction to journalism began as editor of his high school newspaper and continued at the University of Vermont, where he volunteered at WRUV, the student radio station, and

Whereas, after earning his degree, he was employed in the newsroom of radio stations WJOY-AM and WQCR-FM (now WOKO-FM), and

Whereas, in 1984, Stewart Ledbetter transitioned from radio to television, joining the staff of WPTZ, and

Whereas, the caliber of his news reports impressed station management, and throughout the 1990s, Stewart Ledbetter served as the WPTZ news director, assumed newscasting duties, and launched the station's first website, and

Whereas, in 2000, Stewart Ledbetter returned to daily reporting, with the State House as his winter beat, developing a keen political awareness, and,

Whereas, his news portfolio also included coverage of major statewide political races, New Hampshire presidential primaries, the Howard Dean and Bernie Sanders presidential campaigns, and moderating numerous live candidate debates, and

Whereas, most recently, he has hosted the 5:30 p.m. weekday newscast and the Sunday public affairs program *NBC5 In Depth*, and

Whereas, from 2007 to 2023, Stewart Ledbetter moderated the Vermont Public's weekly journalist discussion program, *Vermont This Week*, and he is the recipient of Vermont and New York AP broadcast awards and a regional EMMY, shared with a colleague a 2015 national Edward R. Murrow Award, and, in 2019, the Vermont Broadcasters Hall of Fame welcomed him as a new inductee, and

Whereas, Stewart Ledbetter has announced that his career signoff will occur on February 16, 2024, but that, later in the year, he will return to WPTZ's public affairs programs as a political contributor, now therefore be it

Resolved by the House of Representatives:

That this legislative body honors Vermont television journalist Stewart Ledbetter for his four decades of insightful news reporting, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to Stewart Ledbetter and to WPTZ.

Was read and adopted.

**Committee Relieved of Consideration and Bill Committed to
Other Committee**

H. 622

Rep. Houghton of Essex Junction moved that the Committee on Health Care be relieved of House bill, entitled

An act relating to emergency medical services

And that the bill be committed to the Committee on Government Operations and Military Affairs, which was agreed to.

Adjournment

At ten o'clock and thirty-one minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

Wednesday, February 7, 2024

At three o'clock in the afternoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Dr. Shelly Lowe, Chair, National Endowment for the Humanities, Washington, D.C.

Message from the Senate No. 17

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 256. An act relating to Department of Motor Vehicles credentials and number plates with veteran designations.

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

House Bills Introduced

House bills of the following titles were severally introduced, read the first time, and referred to committee or placed on the Notice Calendar as follows:

H. 848

By Reps. Chase of Chester, Mulvaney-Stanak of Burlington, Austin of Colchester, Bos-Lun of Westminster, Carroll of Bennington, Casey of Montpelier, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Cina of Burlington, Dodge of Essex, Farlice-Rubio of Barnet, Garofano of Essex, Goldman of Rockingham, Graning of Jericho, Howard of Rutland City, Jerome of Brandon, LaMont of Morristown, McGill of Bridport, Nicoll of Ludlow, Pajala of Londonderry, Priestley of Bradford, Small of Winooski, Stone of Burlington, Templeman of Brownington, Waters Evans of Charlotte, White of Bethel, and Williams of Barre City,

House bill, entitled

An act relating to updating the school branding and mascot law

To the Committee on Education.

H. 849

By the Committee on Government Operations and Military Affairs,

House bill, entitled

An act relating to technical corrections for the 2024 legislative session

Pursuant to House Rule 48, placed on the Notice Calendar.

Senate Bill Referred**S. 256**

Senate bill, entitled

An act relating to Department of Motor Vehicles credentials and number plates with veteran designations

Was read the first time and referred to the Committee on Transportation.

Bill Referred to Committee on Ways and Means**H. 289**

House bill, entitled

An act relating to the Renewable Energy Standard

Appearing on the Notice Calendar, and pursuant to House Rule 35(a), materially affecting the revenue of one or more municipalities, was referred to the Committee on Ways and Means.

Joint Resolution Adopted in Concurrence**J.R.S. 43**

By Senator Baruth,

J.R.S. 43. Joint resolution regarding weekend adjournment on February 9, 2024.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 9, 2024, it be to meet again no later than Tuesday, February 13, 2024.

Was taken up, read, and adopted in concurrence.

Second Reading; Bill Amended; Third Reading Ordered**H. 666**

Rep. Jerome of Brandon, for the Committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to escrow deposit bonds

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 27A V.S.A. § 4-110 is amended to read:

§ 4-110. ESCROW OF DEPOSITS

(a) ~~Any~~ Except as provided in subsection (b) of this section, any deposit made in connection with the purchase or reservation of a unit from a person required to deliver a public offering statement pursuant to subsection 4-102(c) of this title shall be placed in escrow and held either in this ~~state~~ State or in the state where the unit is located in an account designated solely for that purpose by a licensed real estate broker, an attorney licensed in that state, or a banking institution the accounts of which are insured by an agency or instrumentality of the government until the deposit is:

- (1) delivered to the declarant at closing;
- (2) delivered to the declarant after the purchaser's default under a contract to purchase; or
- (3) refunded to the purchaser.

(b)(1) If the agreement for purchase or reservation of a unit provides that deposit funds may be used for construction costs, the declarant obtains and maintains a surety bond as required by this subsection, and the declarant discloses the identity of the issuer of the surety bond to the purchaser, the declarant may withdraw escrow funds for purposes of construction. The funds shall only be used for actual building and construction costs of the project in which the unit is located.

(2) The bond shall be issued by a surety authorized to do business in the State of Vermont in favor of the purchaser in an amount adequate to cover the amount of the deposit to be withdrawn. The declarant shall not withdraw more than the face amount of the bond. The bond shall be payable to the purchaser if the purchaser obtains a determination by the issuer of the surety bond that a claim is payable to the purchaser under the terms of the bond, which shall be consistent with the terms of the agreement for purchase or reservation, or a final judgment against the declarant requiring the declarant to return the deposit pursuant to the agreement for purchase or reservation. The bond may be either in the form of an individual bond for each deposit accepted by the declarant or in the form of a blanket bond assuring the return of all deposits received by the declarant.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on Commerce and Economic Development agreed to, and third reading ordered.

Favorable Report; Second Reading; Third Reading Ordered**H. 751**

Rep. Chesnut-Tangerman of Middletown Springs, for the Committee on General and Housing, to which had been referred House bill, entitled

An act relating to expanding equal pay protections

Reported in favor of its passage. The bill, having appeared on the Notice Calendar, was taken up, read the second time, and third reading ordered.

Adjournment

At three o'clock and thirty-one minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

Thursday, February 8, 2024

At three o'clock in the afternoon, the Speaker called the House to order.

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Bill Referred to Committee on Ways and Means**H. 801**

House bill, entitled

An act relating to approval of the adoption of the charter of the Town of Waterbury

Appearing on the Notice Calendar, and pursuant to House Rule 35(a), materially affecting the revenue of one or more municipalities, was referred to the Committee on Ways and Means.

Ceremonial Reading**H.C.R. 144**

House concurrent resolution designating February 8, 2024 as Farm to School and Farm to Early Childhood Awareness Day at the State House

Offered by: Representative Surprenant of Barnard

Whereas, 2007 Acts and Resolves No. 24 established the Rozo McLaughlin Farm-to-School program “to award local grants for the purpose of helping Vermont schools develop relationships with local farmers and producers,” and

Whereas, the Rozo McLaughlin Farm-to-School and the Vermont Farm to Early Childhood Programs enable students to eat foods that are more healthful and more nutritious than those that they might otherwise consume, and they create economically advantageous partnerships between Vermont’s farmers and local schools, and

Whereas, in 2019, the latest year for which this data is available, 17.3 million meals were served under the auspices of the program and over 100 Vermont farms were participants, and

Whereas, 89 percent of Vermont schools and 56 percent of early childhood programs purchase at least some of their food from local farms, and

Whereas, 2023 Acts and Resolves No. 64 established the universal school meals program, which expanded the opportunity for Vermont students to consume food products originating from the State’s farms, and

Whereas, as a result of the farm-to-school programs, farmers in Vermont adopt more environmentally friendly practices and youngsters are encouraged to develop lifelong healthy eating habits, and

Whereas, today, February 8, 2024, Rozo McLaughlin Farm-to-School Program participants are speaking with legislators to share the important economic, educational, and health impacts of Vermont Farm to School and Farm to Early Childhood Programs, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly designates February 8, 2024 as Farm to School and Farm to Early Childhood Awareness Day at the State House, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Vermont FEED.

Having been adopted in concurrence on Friday, February 2, 2024 in accord with Joint Rule 16b, was read.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 666

House bill, entitled

An act relating to escrow deposit bonds

H. 751

House bill, entitled

An act relating to expanding equal pay protections

Adjournment

At three o'clock and sixteen minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Friday, February 9, 2024

At nine o'clock and thirty minutes in the forenoon, the Speaker called the House to order.

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Pages Honored

In appreciation of their many services to the members of the General Assembly, the Speaker recognized the following named Pages who completed their service today and presented them with commemorative pins:

Ada B. Allen of Craftsbury

Katharine "Kate" Carbee of Middlesex

Brody Dussault of St. Johnsbury

Avery Howe of Williston

Gideon Kass of Montpelier

Stewart Lemnah of Stowe

Margaret Platzer of New Haven

**Committee Bill Introduced;
Referred to Committee on Appropriations**

H. 850

By the Committee on Ways and Means,
House bill, entitled

An act relating to transitioning education financing to the new system for pupil weighting

Was read the first time and, pursuant to House Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Bill Referred to Committee on Appropriations

H. 780

House bill, entitled

An act relating to judicial nominations and appointments

Appearing on the Notice Calendar, and pursuant to House Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Ceremonial Reading

H.C.R. 134

House concurrent resolution in memory of youth mental health care leader Margaret Atkins Reilly Gannaway

Offered by: Representatives Dolan of Essex Junction and Houghton of Essex Junction

Whereas, children's mental health care in Vermont had no more dedicated and passionate a leader than Maggie Gannaway, whose devotion to her life's calling never abated, notwithstanding a seven-year battle against colon cancer, and

Whereas, originally from Massachusetts, she earned her undergraduate degree and a master's degree in social work at the University of Vermont, and

Whereas, during a stellar 35-year career, Maggie Gannaway served as a case manager and in several directorship roles at the Northeastern Family Institute, the Vermont Department of Mental Health, Casey Family Services, the Howard Center, and Otter Creek Associates, and

Whereas, this inspiring proponent for improved youth mental health care died on August 14, 2023, and her survivors include her parents; siblings; husband, Jim; daughter; stepdaughters; and step-grandchildren, who, along

with many admiring friends, remembered her fondly at a memorial service held most fittingly at Camp Ta-Kum-Ta in South Hero, the location of her wedding and a special place where youngsters fighting cancer are afforded the joys of summer recreational opportunities, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly extends its sincere condolences to the family of Margaret Atkins Reilly Gannaway, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the family of Maggie Gannaway.

Having been adopted in concurrence on Friday, January 12, 2024 in accord with Joint Rule 16b, was read.

**Committee Bill; Second Reading; Bill Amended;
Third Reading Ordered**

H. 849

Rep. Morgan of Milton spoke for the Committee on Government Operations and Military Affairs.

House bill, entitled

An act relating to technical corrections for the 2024 legislative session

Having appeared on the Notice Calendar, was taken up, and read the second time.

Pending the question, Shall the bill be read a third time?, **Rep. Morgan of Milton** moved to amend the bill as follows:

First: In Sec. 72, 21 V.S.A. § 227, by striking out subdivision (a)(6)(B) in its entirety and inserting in lieu thereof a new subdivision (a)(6)(B) to read as follows:

(B) The Review Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it. If it does so, the Review Board shall file such the modified or new findings, which findings with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order. New findings with respect to questions of fact that are filed by the Review Board shall be conclusive, if supported by substantial evidence on the record considered as a whole.

Second: In Sec. 93, 21 V.S.A. § 396, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) Procedure. ~~The Commissioner shall forward to the court the record of the decision on appeal. The court shall direct the record in the matter appealed from to be laid before it, hear the evidence, and make such order approving in whole or in part or setting aside in whole or in part the decision appealed from consider the record and any evidence presented; may approve or set aside the Commissioner's decision in whole or in part, as justice may require;~~ and may refer any matter or issue arising in the proceedings to the Commissioner for further consideration. ~~However, in~~ In no case shall such an appeal operate as a ~~supersedeas or stay unless the Commissioner or the court to which such the~~ supersedeas or stay unless the Commissioner or the court to which such the appeal is taken ~~shall so order orders.~~

Third: By striking out Sec. 159, 21 V.S.A. § 1111, in its entirety and inserting in lieu thereof the following:

Sec. 159. 21 V.S.A. § 1111(26) is amended to read:

(26) "Pre-apprenticeship program" means a training model or program that prepares individuals for acceptance into an apprenticeship program and that is registered by the Department as provided in section 1123 of this chapter, pre-apprenticeship program, ~~of this title~~ or, as applicable, the federal Office of Apprenticeship.

Fourth: In Sec. 220, 21 V.S.A. § 1384, in newly designated subsection (b), by striking out "proclamation within 10 days ~~of~~ after the effective date of ~~said the extension~~" and inserting in lieu thereof "proclamation within 10 days of the effective date of ~~said the interpretation or extension~~"

Fifth: By striking out Sec. 382, 30 V.S.A. § 231a(e), in its entirety and inserting in lieu thereof the following:

Sec. 382. [Deleted.]

Sixth: In Sec. 456, 30 V.S.A. § 8008(c), by striking out the words "days ~~of following~~" in their entirety and inserting in lieu thereof the words "days of"

Which was agreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Donahue of Northfield** moved to amend the bill as follows:

In Sec. 167, 21 V.S.A. § 1203, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) The Commissioner is authorized and directed to establish ~~such~~ Division offices in ~~such parts of various locations in~~ the State as ~~he or she the Commissioner~~ deems necessary and to ~~prescribe adopt~~ adopt rules and regulations not inconsistent with any of the provisions of this chapter.

Which was agreed to. Thereupon, third reading was ordered.

Message from the Senate No. 18

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 180. An act relating to the investment of State funds in credit unions.

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

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

H. 599. An act relating to retroactively reinstating 10 V.S.A. § 6081(b).

And has passed the same in concurrence.

The Governor has informed the Senate that on the 7th day of February, he approved and signed bill originating in the Senate of the following title:

S. 160. An act relating to State education property taxes and flood-related damage.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 148. House concurrent resolution recognizing February 14, 2024 as Recovery Day at the State House.

H.C.R. 149. House concurrent resolution designating February 16, 2024 as Outdoor Recreation Day at the State House.

H.C.R. 150. House concurrent resolution honoring Dr. David Winfield Butsch for a half century of meritorious medical, civic, and humanitarian leadership in Central Vermont and internationally.

Adjournment

At nine o'clock and fifty-eight minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, February 13, 2024, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 43.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Rule 16b of the Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House:

H.C.R. 148

House concurrent resolution recognizing February 14, 2024 as Recovery Day at the State House

H.C.R. 149

House concurrent resolution designating February 16, 2024 as Outdoor Recreation Day at the State House

H.C.R. 150

House concurrent resolution honoring Dr. David Winfield Butsch for a half century of meritorious medical, civic, and humanitarian leadership in Central Vermont and internationally

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2024 Adjourned Session.]

Tuesday, February 13, 2024

At ten o'clock in the forenoon, **Rep. Long of Newfane** called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. John O'Brien of Tunbridge.

Pledge of Allegiance

Page Om Shukla of South Burlington led the House in the Pledge of Allegiance.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time, and referred to committee as follows:

H. 851

By Reps. Brady of Williston, Sibia of Dover, Arsenault of Williston, Austin of Colchester, Burrows of West Windsor, Buss of Woodstock, Carpenter of Hyde Park, Christie of Hartford, Graning of Jericho, McCann of Montpelier, Minier of South Burlington, Priestley of Bradford, and Stone of Burlington,

House bill, entitled

An act relating to creating a Department and Commissioner of Education and amending the duties and composition of the State Board of Education

To the Committee on Education.

H. 852

By Rep. Brady of Williston,

House bill, entitled

An act relating to creating a statewide vision for the future of education in Vermont

To the Committee on Education.

H. 853

By Rep. Carroll of Bennington,

House bill, entitled

An act relating to permitting dogs in retail stores

To the Committee on Commerce and Economic Development.

Senate Bill Referred**S. 180**

Senate bill, entitled

An act relating to the investment of State funds in credit unions

Was read the first time and referred to the Committee on Ways and Means.

Bill Referred to Committee on Appropriations**H. 297**

House bill, entitled

An act relating to providing workers' compensation coverage for post-traumatic stress disorder suffered by certain State employees

Appearing on the Notice Calendar, and pursuant to House Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Message from the Senate No. 19

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

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

H. 839. An act related to fiscal year 2024 budget adjustments.

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

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 45. Joint resolution relating to weekend adjournment on February 16, 2024.

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

Speaker presiding.

Third Reading; Bill Passed

H. 849

House bill, entitled

An act relating to technical corrections for the 2024 legislative session

Was taken up, read the third time, and passed.

Action on Bill Postponed

H. 247

House bill, entitled

An act relating to Vermont's adoption of the Occupational Therapy Licensure Compact

Was taken up and, pending second reading, on motion of **Rep. Farlice-Rubio of Barnet**, action on the bill was postponed until February 14, 2024.

Second Reading; Bill Amended; Third Reading Ordered**H. 563**

Rep. Burditt of West Rutland, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to attempted auto theft

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 2501 is amended to read:

§ 2501. GRAND LARCENY

(a) A person who steals from the actual or constructive possession of another, other than from ~~his or her~~ the person, money, goods, chattels, bank notes, bonds, promissory notes, bills of exchange or other bills, orders, or certificates, or a book of accounts for or concerning money, or goods due or to become due or to be delivered, or a deed or writing containing a conveyance of land, or any other valuable contract in force, or a receipt, release or defeasance, writ, process, or public record, shall be imprisoned not more than 10 years or fined not more than \$5,000.00, or both, if the money or other property stolen exceeds \$900.00 in value.

(b) Notwithstanding section 9 of this title, a person convicted of attempting to steal a motor vehicle in violation of this section shall be imprisoned not more than five years or fined not more than \$2,500.00, or both.

Sec. 2. 13 V.S.A. § 3705 is amended to read:

§ 3705. UNLAWFUL TRESPASS

(a)(1) A person shall be imprisoned for not more than three months or fined not more than \$500.00, or both, if, without legal authority or the consent of the person in lawful possession, ~~he or she~~ the person enters or remains on any land or in any place as to which notice against trespass is given by:

(A) actual communication by the person in lawful possession or ~~his or her~~ the person's agent or by a law enforcement officer acting on behalf of such person or ~~his or her~~ the person's agent;

(B) signs or placards so designed and situated as to give reasonable notice; or

(C) in the case of abandoned property:

(i) signs or placards, posted by the owner, the owner's agent, or a law enforcement officer, and so designed and situated as to give reasonable notice; or

(ii) actual communication by a law enforcement officer.

(2) As used in this subsection, “abandoned property” means:

(A) real property on which there is a vacant structure that for the previous 60 days has been continuously unoccupied by a person with the legal right to occupy it and with respect to which the municipality has by first-class mail to the owner’s last known address provided the owner with notice and an opportunity to be heard; and

(i) property taxes have been delinquent for six months or more; or

(ii) one or more utility services have been disconnected; or

(B) a railroad car that for the previous 60 days has been unmoved and unoccupied by a person with the legal right to occupy it.

(b) Prosecutions for offenses under subsection (a) of this section shall be commenced within 60 days following the commission of the offense and not thereafter.

(c) A person who enters the motor vehicle of another and knows or should know that the person does not have legal authority or the consent of the person in lawful possession of the motor vehicle to do so shall be imprisoned not more than three months or fined not more than \$500.00, or both. For a second or subsequent offense, a person who violates this subsection shall be imprisoned not more than one year or fined not more than \$500.00, or both. Notice against trespass shall not be required under this subsection.

(d) A person who enters a building other than a residence, whose access is normally locked, whether or not the access is actually locked, or a residence in violation of an order of any court of competent jurisdiction in this State shall be imprisoned for not more than one year or fined not more than \$500.00, or both.

~~(d)~~(e) A person who enters a dwelling house, whether or not a person is actually present, knowing that ~~he or she~~ the person is not licensed or privileged to do so shall be imprisoned for not more than three years or fined not more than \$2,000.00, or both.

~~(e)~~(f) A law enforcement officer shall not be prosecuted under subsection (a) of this section if ~~he or she~~ the law enforcement officer is authorized to serve civil or criminal process, including citations, summons, subpoenas, warrants, and other court orders, and the scope of ~~his or her~~ the law enforcement officer’s entrance onto the land or place of another is ~~no~~ not more than necessary to effectuate the service of process.

Sec. 3. 23 V.S.A. § 1094 is amended to read:

§ 1094. OPERATION WITHOUT CONSENT OF OWNER;

AGGRAVATED OPERATION WITHOUT CONSENT OF OWNER

(a) A person commits the crime of operation without consent of the owner if:

(1) the person takes, obtains, operates, uses, or continues to operate the motor vehicle of another when the person should have known that the person did not have the consent of the owner to do so; or

(2) the person, without the consent of the owner, knowingly takes, obtains, operates, uses, or continues to operate the motor vehicle of another when the person knows they did not have the consent of the owner to do so.

* * *

(c) A person convicted under subdivision (a)(1) of this section shall be imprisoned not more than three months or fined not more than \$500.00, or both. A person convicted under ~~subsection~~ subdivision (a)(2) of this section of operation without consent of the owner shall be imprisoned not more than two years or fined not more than \$1,000.00, or both.

* * *

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

and that after passage the title of the bill be amended to read: “An act relating to criminal motor vehicle offenses involving unlawful trespass, theft, or unauthorized operation”

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on Judiciary agreed to, and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 649

Rep. McCarthy of St. Albans City, for the Committee on Government Operations and Military Affairs, to which had been referred House bill, entitled

An act relating to the Vermont Truth and Reconciliation Commission

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 2022 Acts and Resolves No. 128, Sec. 4 is amended to read:

Sec. 4. REPEAL

1 V.S.A. chapter 25 (Truth and Reconciliation Commission) is repealed on ~~July 1, 2026~~ May 1, 2027.

Sec. 2. 1 V.S.A. § 903 is amended to read:

§ 903. COMMISSIONERS

* * *

(c) The term of each commissioner shall begin on the date of appointment and end on ~~July 1, 2026~~ May 1, 2027.

Sec. 3. 1 V.S.A. § 904 is amended to read:

§ 904. SELECTION PANEL; MEMBERSHIP; DUTIES

(a)(1) The Selection Panel shall be composed of ~~seven members selected on or before September 1, 2022 by a majority vote of the following five members:~~

(A)(1) the Executive Director of Racial Equity or designee;

(B)(2) the Executive Director of the Vermont Center for Independent Living or designee;

(C)(3) an individual, who shall not be a current member of the General Assembly, appointed by the Speaker of the House;

(D)(4) an individual, who shall not be a current member of the General Assembly, appointed by the Committee on Committees; and

(E)(5) an individual appointed by the Chief Justice of the Vermont Supreme Court.

(2) ~~The individuals identified in subdivision (1) of this subsection:~~

(A) ~~shall hold their first meeting on or before August 1, 2022 at the call of the individual appointed by the Chief Justice of the Vermont Supreme Court; and~~

(B) ~~are encouraged to appoint individuals to the Selection Panel who include members of the populations and communities identified pursuant to subdivisions 902(b)(1)(A) (D) of this chapter and who are diverse with respect to socioeconomic status, work, education, geographic location, gender, and sexual identity.~~

(3) ~~Individuals selected pursuant to subdivision (1) of this subsection 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 two meetings. These payments shall be made from amounts appropriated to the Truth and Reconciliation Commission.~~

(b)(1) The Selection Panel shall select and appoint the commissioners of the Truth and Reconciliation Commission as provided pursuant to section 905 of this chapter.

(2) To enable it to carry out its duty to select and appoint the commissioners of the Truth and Reconciliation Commission as provided pursuant to section 905 of this chapter, the Panel may:

(A) adopt procedures as necessary to carry out the duties set forth in section 905 of this chapter; and

~~(B) establish and maintain a principal office;~~

~~(C) meet and hold hearings at any place in this State; and~~

~~(D) hire temporary staff to provide administrative assistance during the period from September 1, 2022 through January 15, 2023, provided that if the Panel extends the time to select commissioners pursuant to subdivision 905(c)(1) of this chapter, it may retain staff to provide administrative assistance through March 31, 2023.~~

~~(c) The term of each member of the Panel shall begin on the date of appointment and end on January 15, 2023, except if the Panel extends the time to select commissioners pursuant to subdivision 905(c)(1) of this chapter, the term of the Panel members shall end on March 31, 2023 May 1, 2027.~~

(d) The Panel shall select a chair and a vice chair from among its members.

(e)(1) Meetings shall be held at the call of the Chair or at the request of four or more members of the Panel.

(2) A majority of the current membership of the Panel shall constitute a quorum, and actions of the Panel may be authorized by a majority of the members present and voting at a meeting of the Panel.

(f) Members of the Panel who are not otherwise compensated by the State shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than 20 meetings during fiscal year 2023 meetings to carry out the Panel's duties pursuant to this section and sections 905 and 905a of this chapter. These payments shall be made from amounts appropriated to the Truth and Reconciliation Commission.

(g) The Panel shall have the administrative and legal assistance of the Truth and Reconciliation Commission.

(h)(1) A member of the Panel that is not serving ex officio may be removed by the appropriate appointing authority for incompetence, failure to discharge the member's duties, malfeasance, or illegal acts.

(2) A vacancy occurring on the Panel shall be filled by the appropriate appointing authority for the remainder of the term.

Sec. 4. 1 V.S.A. § 905 is amended to read:

§ 905. SELECTION OF COMMISSIONERS

* * *

(d) The Panel shall fill any vacancy occurring among the commissioners within 60 days after the vacancy occurs in the manner set forth in subsections (a) and (b) of this section. A commissioner appointed to fill a vacancy pursuant to this subsection shall be appointed to serve for the balance of the unexpired term.

Sec. 5. APPOINTMENT TO FILL EXISTING COMMISSION VACANCY

The Selection Panel established pursuant to 1 V.S.A. § 905 shall fill the vacancy existing on the Truth and Reconciliation Commission on the effective date of this act not later than 60 days after the appointive members of the Panel are appointed.

Sec. 6. 1 V.S.A. § 905a is added to read:

§ 905a. REMOVAL OR REPRIMAND OF COMMISSIONERS FOR
MISCONDUCT

The Selection Panel may, after notice and an opportunity for a hearing, reprimand or remove a commissioner for incompetence, failure to discharge the commissioner's duties, malfeasance, illegal acts, or other actions that the Panel determines would substantially and materially harm the credibility of the Truth and Reconciliation Commission or its ability to carry out its work pursuant to the provisions of this chapter. Notwithstanding subdivision 904(e)(2) of this chapter, the reprimand or removal of a commissioner shall only be authorized by a vote of the majority of the members of the Panel.

Sec. 7. 1 V.S.A. § 906 is amended to read:

§ 906. POWERS AND DUTIES OF THE COMMISSIONERS

* * *

(b) Powers. To carry out its duties pursuant to this chapter, the commissioners may:

* * *

(13)(A) Establish groups in which individuals who have experienced institutional, structural, or systemic discrimination or are a member of a population or community that has experienced institutional, structural, or systemic discrimination may participate for purposes of sharing experiences and providing mutual support.

(B) Commissioners shall not participate in any meeting or session of a group established pursuant to this subdivision (13).

(C) Groups established pursuant to this subdivision (13) may continue to exist after the date on which the Commission ceases to exist, provided that after that date Commission staff shall no longer provide any assistance or services to the groups and Commission funds shall no longer be spent in support of the groups.

Sec. 8. 1 V.S.A. § 908 is amended to read:

§ 908. REPORTS

* * *

(b)(1) On or before ~~June~~ April 15, ~~2026~~ 2027, the Commission shall submit a final report incorporating the findings and recommendations of each committee. Each report shall detail the findings and recommendations of the relevant committee and shall include recommendations for actions that can be taken to eliminate ongoing instances of institutional, structural, and systemic discrimination and to address the harm caused by historic instances of institutional, structural, and systemic discrimination.

(2) The Commission shall, on or before ~~January~~ October 15, 2026, make a draft of the final report publicly available and provide copies of the draft to interested parties from the populations and communities identified pursuant to subdivision 902(b)(1) of this chapter and other interested parties. The Commission shall provide the interested parties and members of the public with not less than 60 days to review the draft and provide comments on it. The Commission shall consider fully all comments submitted in relation to the draft and shall include with the final version of the report a summary of all comments received and a concise statement of the reasons why the Commission decided to incorporate or reject any proposed changes. Comments submitted in relation to the final report shall be made available to the public in a manner that complies with the requirements of section ~~910~~ 909 of this chapter.

* * *

Sec. 9. 1 V.S.A. § 909 is amended to read:

§ 909. ACCESS TO INFORMATION; CONFIDENTIALITY

* * *

(d) Private proceedings.

(1) The Notwithstanding any provision of chapter 5, subchapter 2 of this title, the Vermont Open Meeting Law, or section 911 of this chapter to the contrary, the Commission shall permit any individual who is interviewed by the Commission to elect to have their interview conducted in a manner that protects the individual's privacy and to have any recording of the interview kept confidential by the Commission. Any other record or document produced in relation to an interview conducted pursuant to this subdivision (d)(1) shall only be available to the public in an anonymized form that does not reveal the identity of any individual.

* * *

Sec. 10. 1 V.S.A. § 911 is added to read:

§ 911. LIMITED ACCESS COMMISSION MEETINGS; EXCEPTION TO
OPEN MEETING LAW

(a)(1) As used in this subsection, "limited access meeting" means a meeting of the Commission that is livestreamed and video recorded to which access and participation by members of the general public is limited as provided in this subsection.

(2) Upon a finding by the Commission that there are material threats to the health or safety of the Commission, its staff, witnesses, or invitees, the Commission may hold a limited access meeting. During a limited access meeting, the Commission may restrict attendance at the meeting, whether the attendance is in person or by electronic or other means, and participation in the meeting to:

(A) Commission staff and legal counsel;

(B) persons who are providing testimony or information to the Commission during the meeting;

(C) members of the media; and

(D) other persons whose presence the Commission determines is needed at the meeting.

(3)(A) The Commission shall include in the agenda for a limited access meeting information that allows the public to directly access a livestream of the meeting. The video recording of any limited access meeting shall be posted and made available for inspection or copying under the Public Records Act.

(B) The Commission shall not be required to livestream or video record any portions of a limited access meeting that are held in executive session pursuant to 1 V.S.A. § 313.

(4) Limited access meetings shall only be conducted electronically to the extent that electronic meetings are permitted for public bodies and in a manner that is consistent with applicable laws governing electronic meetings of public bodies.

(b) Notwithstanding any provision of chapter 5, subchapter 2 of this title, the deliberations of a quorum or more of the members of the Commission shall not be subject to the Vermont Open Meeting Law.

Sec. 11. LEGISLATIVE INTENT

It is the intent of the General Assembly that limited access meetings held by the Truth and Reconciliation Commission pursuant to 1 V.S.A. § 911 shall be:

(1) utilized only when necessary to ensure the safety of the proceedings and to protect persons who may have experienced trauma who come before the Commission; and

(2) conducted in a manner that is trauma-informed and best ensures the safety of all participants.

Sec. 12. 1 V.S.A. § 912 is added to read:

§ 912. GROUP SESSIONS; DUTY OF CONFIDENTIALITY

(a) The sessions of groups established pursuant to subdivision 906(b)(13) of this chapter shall be confidential and privileged. Participants in a group session, including Commission staff or individuals whom the Commission contracts with to facilitate group sessions, shall be subject to a duty of confidentiality and shall keep confidential any information gained during a group session.

(b) A person who attended a group session may bring a private action in the Civil Division of the Superior Court for damages resulting from a breach of the duty of confidentiality established pursuant to this section.

(c) This section shall not be construed to limit or otherwise affect the application of a common law duty of confidentiality to group sessions and any action that may be brought based on a breach of that duty.

(d) Nothing in this section shall be construed to prohibit the limited disclosure of information to specific persons under the following circumstances:

(1) The disclosure:

(A) relates to a threat or statement of a plan made during a group session that the individual reasonably believes is likely to result in death or bodily injury to themselves or others or damage to the property of themselves or another person; and

(B) is made to law enforcement authorities or another person that is reasonably able to prevent or lessen the threat.

(2) The disclosure is based on a reasonable suspicion of abuse or neglect of a child or vulnerable adult and a report is made in accordance with the provisions of 33 V.S.A. § 4914 or 33 V.S.A. § 6903 or to comply with another law.

(e) The Commission shall ensure that all participants in a group session are provided with notice of the provisions of this section, including any rights and obligations of participants that are established pursuant to this section.

(f) As used in this section, “group session” means any meeting of a group established pursuant to subdivision 906(b)(13) of this chapter for purposes of the participants sharing or discussing their experiences and providing mutual support. “Group session” does not include any gathering of the participants in a group established pursuant to subdivision 906(b)(13) of this chapter that includes one or more members of the Commission.

Sec. 13. APPROPRIATION

The sum of \$1,100,000.00 is appropriated from the General Fund to the Truth and Reconciliation Commission in fiscal year 2025 for the operating expenses of the Commission.

Sec. 14. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Scheu of Middlebury, for the Committee on Appropriations, recommended that the report of the Committee on Government Operations and Military Affairs be amended as follows:

By striking out Sec. 13, appropriation, in its entirety and inserting in lieu thereof the following:

Sec. 13. [Deleted.]

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Government Operations and Military Affairs was amended as recommended by the Committee on Appropriations.

Pending the question, Shall the bill be amended as recommended by the Committee on Government Operations, as amended?, **Rep. Donahue of Northfield** moved to further amend the report of the Committee on Government Operations, as follows:

First: By striking out Sec. 10, 1 V.S.A. § 911, in its entirety and inserting in lieu thereof a new Sec. 10 to read as follows:

Sec. 10. 1 V.S.A. § 911 is added to read:

§ 911. LIMITED ACCESS COMMISSION MEETINGS; EXCEPTION TO
OPEN MEETING LAW

(a)(1) As used in this subsection, “limited access meeting” means a meeting of the Commission that is livestreamed and video recorded to which access and participation by members of the general public is limited as provided in this subsection.

(2) Upon a finding by the Commission that there are material threats to the health or safety of the Commission, its staff, witnesses, or invitees, the Commission may hold a limited access meeting. During a limited access meeting, the Commission may restrict attendance at the meeting, whether the attendance is in person or by electronic or other means, and participation in the meeting to:

(A) Commission staff and legal counsel;

(B) persons who are providing testimony or information to the Commission during the meeting;

(C) members of the media; and

(D) other persons whose presence the Commission determines is needed at the meeting.

(3)(A) The Commission shall include in the agenda for a limited access meeting information that allows the public to directly access a livestream of the meeting. The video recording of any limited access meeting shall be posted and made available for inspection or copying under the Public Records Act.

(B) The Commission shall not be required to livestream or video record any portions of a limited access meeting that are held in executive session pursuant to 1 V.S.A. § 313.

(4) Limited access meetings shall only be conducted electronically to the extent that electronic meetings are permitted for public bodies and in a

manner that is consistent with applicable laws governing electronic meetings of public bodies.

(5) The Commission shall provide an opportunity for public comment related to the topics listed on the agenda of any limited access meeting and any other issues or topics that are discussed during a limited access meeting. Any public comment received shall be included in the record of the limited access meeting.

(b)(1) Notwithstanding any provision of chapter 5, subchapter 2 of this title, the deliberations of a quorum or more of the members of the Commission shall not be subject to the Vermont Open Meeting Law.

(2) The Commission shall periodically post to the Commission's website a short summary of the deliberative meetings held by the commissioners pursuant to this subsection.

(3) As used in this subsection, "deliberations" has the same meaning as in 1 V.S.A. § 310(2).

Second: By striking out Sec. 11, legislative intent, in its entirety and inserting in lieu thereof a new Sec. 11 to read as follows:

Sec. 11. LEGISLATIVE INTENT

It is the intent of the General Assembly that:

(1) the Truth and Reconciliation Commission work in an open, transparent, and inclusive manner to ensure the credibility and integrity of its work and strive to maximize opportunities to conduct its business in public meetings;

(2) specific exceptions to the Open Meeting Law, in recognition of the highly sensitive nature of the Truth and Reconciliation Commission's charge, will enable the Commission to carry out its duties in a manner that:

(A) preserves the safety of participants in the Commission's work;

(B) does not perpetuate or exacerbate harm experienced by participants; and

(C) protects participants from additional trauma; and

(3) limited access meetings held by the Truth and Reconciliation Commission pursuant to 1 V.S.A. § 911 shall be:

(A) utilized only when necessary to ensure the safety of the proceedings and to protect persons who may have experienced trauma who come before the Commission; and

(B) conducted in a manner that is trauma-informed and best ensures the safety of all participants.

Which was agreed to.

Thereafter, the question, Shall the bill be amended as recommended by the Committee on Government Operations and Military Affairs, as amended?, was agreed to and third reading was ordered.

Adjournment

At eleven o'clock and one minute in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

Wednesday, February 14, 2024

At three o'clock in the afternoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Toussaint St. Negritude, poet and musician, Newark.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time, and referred to committee as follows:

H. 854

By Reps. Farlice-Rubio of Barnet, Cina of Burlington, and Goldman of Rockingham,

House bill, entitled

An act relating to establishing a statewide electronic medical records system
To the Committee on Health Care.

H. 855

By Reps. Farlice-Rubio of Barnet and Cina of Burlington,

House bill, entitled

An act relating to making modifications affecting many aspects of Vermont's health care system

To the Committee on Health Care.

H. 856

By Reps. Stevens of Waterbury, Anthony of Barre City, Bluemle of Burlington, Bos-Lun of Westminster, Burke of Brattleboro, Burrows of West Windsor, Campbell of St. Johnsbury, Chapin of East Montpelier, Chesnut-Tangerman of Middletown Springs, Cole of Hartford, Dodge of Essex, Dolan of Waitsfield, Farlice-Rubio of Barnet, Graning of Jericho, Headrick of Burlington, Hooper of Burlington, Houghton of Essex Junction, Howard of Rutland City, Krasnow of South Burlington, LaBounty of Lyndon, Logan of Burlington, Masland of Thetford, McCann of Montpelier, McGill of Bridport, Ode of Burlington, Patt of Worcester, Priestley of Bradford, Satcowitz of Randolph, Torre of Moretown, Troiano of Stannard, Williams of Barre City, and Wood of Waterbury,

House bill, entitled

An act relating to medical leave for a serious injury

To the Committee on General and Housing.

H. 857

By Reps. Headrick of Burlington, Arrison of Weathersfield, Arsenault of Williston, Bluemle of Burlington, Bos-Lun of Westminster, Burke of Brattleboro, Burrows of West Windsor, Carpenter of Hyde Park, Casey of Montpelier, Chase of Chester, Chesnut-Tangerman of Middletown Springs, Cina of Burlington, Cole of Hartford, Cordes of Lincoln, Elder of Starksboro, Graning of Jericho, Gregoire of Fairfield, Hooper of Randolph, Lalley of Shelburne, Leavitt of Grand Isle, Logan of Burlington, McGill of Bridport, Minier of South Burlington, Morris of Springfield, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Patt of Worcester, Peterson of Clarendon, Pouech of Hinesburg, Roberts of Halifax, Satcowitz of Randolph, Sibia of Dover, Sims of Craftsbury, Small of Winooski, Smith of Derby, Stevens of Waterbury, Stone of Burlington, Templeman of Brownington, and Troiano of Stannard,

House bill, entitled

An act relating to prohibiting advertisements for State-run gambling operations

To the Committee on Government Operations and Military Affairs.

H. 858

By Rep. Krasnow of South Burlington,

House bill, entitled

An act relating to permitting Assistant Attorneys General to collectively bargain

To the Committee on General and Housing.

Bill Referred to Committee on Appropriations**H. 794**

House bill, entitled

An act relating to services provided by the Vermont Veterans' Home

Appearing on the Notice Calendar, and pursuant to House Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Joint Resolution Adopted in Concurrence**J.R.S. 45**

By Senator Baruth,

J.R.S. 45. Joint resolution relating to weekend adjournment on February 16, 2024.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 16, 2024, it be to meet again no later than Tuesday, February 20, 2024.

Was taken up, read, and adopted in concurrence.

Ceremonial Reading**H.C.R. 148**

House concurrent resolution recognizing February 14, 2024 as Recovery Day at the State House

Offered by: Representative Whitman of Bennington

Whereas, more than 12,000 Vermonters annually conclude their substance use disorder (SUD) treatment, and

Whereas, the State of Vermont has invested in a statewide network of 12 recovery centers, collectively organized as Recovery Partners of Vermont, as well as associated recovery houses, and

Whereas, the Vermont Association for Mental Health and Addiction Recovery (VAMHAR) and Recovery Partners of Vermont are dedicated to supporting all pathways to recovery from SUD in an effort to lead Vermonters to a healthier life, and

Whereas, to celebrate the success of those Vermonters who have successfully completed their SUD recovery and to educate the General Assembly on the activities that must continue in order to develop even more successful recovery initiatives, Vermonters in recovery are present at the General Assembly today, February 14, 2024, to observe Recovery Day, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly recognizes February 14, 2024 as Recovery Day at the State House, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Recovery Partners of Vermont and to VAMHAR.

Having been adopted in concurrence on Friday, February 9, 2024 in accord with Joint Rule 16b, was read.

Second Reading; Bill Amended; Third Reading Ordered

H. 247

Rep. Farlice-Rubio of Barnet, for the Committee on Health Care, to which had been referred House bill, entitled

An act relating to Vermont's adoption of the Occupational Therapy Licensure Compact

Reported in favor of its passage when amended by striking out Sec. 3, effective date, in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2025.

Rep. Andrews of Westford, for the Committee on Ways and Means, recommended that the bill be amended as recommended by the Committee on Health Care and when further amended by adding two new sections to be Secs. 3 and 4 to read as follows:

Sec. 3. 3 V.S.A. § 123(j)(1) is amended to read:

(j)(1) The Office may inquire into the criminal background histories of applicants for initial licensure and for license renewal of any Office-issued

credential, including a license, certification, registration, or specialty designation for the following professions:

* * *

(I) speech-language pathologists licensed under 26 V.S.A. chapter 87; and

(J) occupational therapists licensed under 26 V.S.A. chapter 71; and

(K) individuals registered on the roster of psychotherapists who are nonlicensed and noncertified.

Sec. 4. 3 V.S.A. § 125(b) is amended to read:

(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:

* * *

(4) Biennial renewal, \$275.00, except biennial renewal for:

* * *

(B) Occupational therapists and assistants, \$180.00, except that a licensee of a remote state under the Occupational Therapy Licensure Compact established in 26 V.S.A. chapter 71, subchapter 2 shall pay a biennial \$50.00 privilege to practice fee.

* * *

And by renumbering the existing Sec. 3, effective date, to be Sec. 5

Rep. Toleno of Brattleboro, for the Committee on Appropriations, reported in favor of its passage when amended as recommended by the Committee on Health Care and when further amended as recommended by the Committee on Ways and Means.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, the report of the Committee on Health Care agreed to, the report of the Committee on Ways and Means agreed to, and third reading ordered.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 563

House bill, entitled

An act relating to attempted auto theft

H. 649

House bill, entitled

An act relating to the Vermont Truth and Reconciliation Commission

Second Reading; Bill Amended; Third Reading Ordered

H. 801

Rep. Morgan of Milton, for the Committee on Government Operations and Military Affairs, to which had been referred House bill, entitled

An act relating to approval of the adoption of the charter of the Town of Waterbury

Reported in favor of its passage when amended as follows:

In Sec. 2, 24 App. V.S.A. chapter 159, in § 1 (local option tax), following the period at the end of the section, by inserting “A tax imposed under the authority of this section shall be collected and administered by the Department of Taxes pursuant to 24 V.S.A. § 138.”

Rep. Anthony of Barre City, for the Committee on Ways and Means, recommended the bill ought to pass when amended as recommended by the Committee on Government Operations and Military Affairs.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, the report of the Committee on Government Operations and Military Affairs agreed to, and third reading was ordered.

Rules Suspended, Immediate Consideration; Committee Bill; Second Reading; Amendment Offered and Withdrawn; Amendment Offered; Bill Amended; Third Reading Ordered; Rules Suspended, All Remaining Stages of Passage; Third Reading; Bill Passed; Rules Suspended, Messaged to the Senate Forthwith

H. 850

On motion of **Rep. McCoy of Poultney**, the rules were suspended and House bill, entitled

An act relating to transitioning education financing to the new system for pupil weighting

Appearing on the Notice Calendar, was taken up for immediate consideration.

Rep. Beck of St. Johnsbury spoke for the Committee on Ways and Means.

Rep. Scheu of Middlebury, for the Committee on Appropriations, recommended that the bill ought to pass when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. PURPOSE

The purpose of this bill is to take the initial step in ensuring the opportunity to transform Vermont's educational system. It is the intent of the General Assembly to address the delivery, governance, and financing of Vermont's education system, with the goal of transforming the educational system to ensure a high-quality education for all Vermont students, sustainable use of public resources, and appropriate support and expertise from the Agency of Education.

Sec. 2. REPEAL

Notwithstanding 1 V.S.A. § 214, 2022 Acts and Resolves No. 127, Sec. 7 (calculation of tax rates and tax rate review) is repealed retroactively on June 1, 2022.

Sec. 3. TAX RATE TRANSITION; FISCAL YEARS 2025–2029

(a) For each school district, the Secretary of Education shall:

(1) calculate the long-term weighted average daily membership for fiscal year 2025 using the funding formula in effect for fiscal year 2024 while accounting for the differences in how pupil weights and average daily membership were identified and determined between fiscal years 2024 and 2025;

(2) calculate the district's percentage share of total long-term weighted average daily membership by dividing the result from subdivision (1) of this subsection by the sum of results for all districts from subdivision (1) of this subsection;

(3) calculate the long-term weighted average daily membership for fiscal year 2025 using the funding formula created by 2022 Acts and Resolves No. 127; and

(4) calculate the district's percentage share of total long-term weighted average daily membership for fiscal year 2025 by dividing the result from subdivision (3) of this subsection by the sum of results for all districts from subdivision (3) of this subsection.

(b) For each school district, the Secretary shall calculate the relative percent decrease or increase starting from the percentage determined under subdivision (a)(2) of this section and compared to the percentage determined under subdivision (a)(4) of this section.

(c) Notwithstanding 16 V.S.A. chapter 133, 32 V.S.A. chapter 135, or any other provision of law to the contrary, a school district shall receive a decrease to its homestead property tax rate in fiscal year 2025 equal to \$0.01 for every relative percent decrease calculated under subsection (b) of this section, rounded to the nearest whole cent. The tax rate decrease shall phase out in the following manner:

(1) A district shall receive a decrease to its homestead property tax rate in fiscal year 2026 equal to 80 percent of the rate decrease it received under subsection (b) of this section.

(2) A district shall receive a decrease to its homestead property tax rate in fiscal year 2027 equal to 60 percent of the rate decrease it received under subsection (b) of this section.

(3) A district shall receive a decrease to its homestead property tax rate in fiscal year 2028 equal to 40 percent of the rate decrease it received under subsection (b) of this section.

(4) A district shall receive a decrease to its homestead property tax rate in fiscal year 2029 equal to 20 percent of the rate decrease it received under subsection (b) of this section.

(d) Notwithstanding subsection (c) of this section, 16 V.S.A. chapter 133, 32 V.S.A. chapter 135, or any other provision of law to the contrary, if a tax rate decrease under this section would cause a district to have a homestead property tax rate of less than \$1.00, the rate shall instead be \$1.00.

(e) Notwithstanding 32 V.S.A. chapters 135 and 154, or any other provision of law to the contrary, a school district's income percentage shall be calculated according to the decrease under this section.

(f) A district with a relative percent increase, as determined by the calculations in subsections (a) and (b) of this section, shall not receive a decrease in homestead property tax rate under this section.

Sec. 4. SCHOOL DISTRICT BUDGETS; WARNINGS; APPROPRIATION

(a) School district budget vote. Notwithstanding any provision of law to the contrary, the legislative body of a school district may cancel the district's vote on an article or articles for its annual district vote. A district that cancels the vote on an article shall:

(1) amend the warning for its annual district vote to specify any votes on articles that are canceled;

(2) move the date of vote for any articles for which a vote was canceled to a date on or before April 15, 2024; and

(3) mail a ballot for the subsequent vote to all active registered voters who applied for early or absentee ballots for the district meeting.

(b) Appropriation. The sum of \$500,000.00 is appropriated from the General Fund to the Secretary of State in fiscal year 2024 for the purpose of offsetting election costs incurred by school districts pursuant to this section or the provisions of 2023 Acts and Resolves No. 1.

(c) Superseding authority. The temporary authority in subsection (a) of this section shall supersede any conflicting provisions of a municipal or educational charter.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

The bill was read the second time and pending the question, Shall the bill be amended as recommended by the Committee on Appropriations?, **Rep. Toof of St. Albans Town** moved to amend the report of the Committee on Appropriations as follows:

In Sec. 4, school district budgets; warnings; appropriation, in subdivision (a)(3), following “all active registered voters” by striking out the words “who applied for early or absentee ballots for the district meeting”

Thereupon, **Rep. Toof of St. Albans Town** asked and was granted leave of the House to withdraw his amendment.

Pending the question, Shall the bill be amended as recommended by the Committee on Appropriations?, **Rep. Sibia of Dover** moved to amend the report of the Committee on Appropriations by adding a new section to be Sec. 4a to read as follows:

Sec. 4a. 16 V.S.A. § 4018 is amended to read:

§ 4018. AFTERSCHOOL AND SUMMER LEARNING PROGRAMS

(a) Education Fund grants in an amount equal to the receipts 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, net of any administrative costs per subdivision (b)(4) of this section, 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) Grants shall be used to ~~support a mixed delivery system for afterschool and summer programming. Eligible recipients can be public,~~

private, or nonprofit organizations provide opportunities for communities to establish or expand afterschool and summer learning programming in community learning centers that align with 21st Century Community Learning Centers requirements, as authorized by the Elementary and Secondary Education Act of 1965, as amended, 20 U.S.C. §§ 7171–7176. Eligible grant recipients shall be local education agencies, who may contract with third-party community organizations to provide afterschool or summer learning programming pursuant to this section.

(2) Grants may be used for technical assistance, program implementation, program expansion, program sustainability, and related costs.

(3) Grants 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~~ \$500,000.00 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 authorized by the Elementary and Secondary Education Act of 1965, as amended, 20 U.S.C. §§ 7171–7176. The amount of grant funds awarded shall

be in alignment with the actual revenue collected from the sales and use tax imposed by 32 V.S.A. § 233 on cannabis or cannabis products in this State. Discrepancies between the amount of grant funds awarded and actual revenue shall be reconciled through the budget adjustment process. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the plan report to be made under this subsection.

Rep. Donahue of Northfield raised a Point of Order in that the amendment was not germane to the report of the Committee on Appropriations pursuant to *Mason's* Sec. 402, which the Speaker ruled well-taken, because the Committee report and the underlying bill would provide a transition for property tax rates in fiscal years 2025-2029 supporting school districts and allow changes in the date of school district budget votes, whereas the amendment would provide the manner of spending certain Education Fund grants for afterschool and summer learning programs, and therefore would expand the subject-matter of the bill.

Thereupon, the question, Shall the bill be amended as recommended by the Committee on Appropriations?, was agreed to and third reading ordered.

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the bill placed in all remaining stages of passage. Thereafter, the bill was read the third time and passed.

Thereupon, on motion of **Rep. McCoy of Poultney**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Adjournment

At five o'clock and six minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

Thursday, February 15, 2024

At three o'clock in the afternoon, the Speaker called the House to order.

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Bill Referred to Committee on Ways and Means**H. 641**

House bill, entitled

An act relating to authorizing boards of abatement to hear like cases as a class

Appearing on the Notice Calendar, and pursuant to House Rule 35(a), materially affecting the revenue of one or more municipalities, was referred to the Committee on Ways and Means.

Ceremonial Reading**H.C.R. 136**

House concurrent resolution recognizing February 2024 as School Board Recognition Month in Vermont

Offered by: Representatives Sabilia of Dover, Birong of Vergennes, Brennan of Colchester, Burke of Brattleboro, Buss of Woodstock, Carpenter of Hyde Park, Christie of Hartford, Elder of Starksboro, Goldman of Rockingham, Graning of Jericho, Hango of Berkshire, Labor of Morgan, LaLonde of South Burlington, Lipsky of Stowe, Long of Newfane, McGill of Bridport, Morrissey of Bennington, Pajala of Londonderry, Patt of Worcester, and Stebbins of Burlington

Whereas, the education of Vermont's youth is of great importance, and the role of local school board members is essential in this process, and

Whereas, all too often, Vermonters do not fully appreciate the scope of the commitment school board members must make to their duties and the challenges they encounter performing this critical civic role, and

Whereas, school board members have responded to major developments, such as district consolidations and the presence of PCB contamination, but they also address a variety of more mundane, yet no less important, issues, and

Whereas, these special community public servants deserve our admiration and respect for their continuing devotion to the success of public education in Vermont, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly recognizes February 2024 as School Board Recognition Month in Vermont, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont School Board Association.

Having been adopted in concurrence on Friday, January 19, 2024 in accord with Joint Rule 16b, was read.

Ceremonial Reading

H.C.R. 138

House concurrent resolution commemorating the centennial of the Vermont State Parks

Offered by: Representatives Roberts of Halifax, Andrews of Westford, Andriano of Orwell, Arrison of Weathersfield, Austin of Colchester, Bartholomew of Hartland, Bartley of Fairfax, Beck of St. Johnsbury, Birong of Vergennes, Black of Essex, Bluemle of Burlington, Bongartz of Manchester, Bos-Lun of Westminster, Boyden of Cambridge, Brown of Richmond, Brumsted of Shelburne, Burrows of West Windsor, Canfield of Fair Haven, Casey of Montpelier, Chapin of East Montpelier, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Cina of Burlington, Clifford of Rutland City, Cole of Hartford, Conlon of Cornwall, Demrow of Corinth, Dolan of Essex Junction, Dolan of Waitsfield, Farlice-Rubio of Barnet, Goldman of Rockingham, Hango of Berkshire, Harrison of Chittenden, Headrick of Burlington, Howard of Rutland City, Hyman of South Burlington, Jerome of Brandon, Krasnow of South Burlington, LaMont of Morristown, Laroche of Franklin, Leavitt of Grand Isle, Lipsky of Stowe, Logan of Burlington, Long of Newfane, Maguire of Rutland City, Masland of Thetford, Mattos of Milton, McCann of Montpelier, McCoy of Poultney, McGill of Bridport, Morris of Springfield, Morrissey of Bennington, Noyes of Wolcott, Nugent of South Burlington, Ode of Burlington, Page of Newport City, Pajala of Londonderry, Parsons of Newbury, Patt of Worcester, Pearl of Danville, Priestley of Bradford, Rice of Dorset, Satcowitz of Randolph, Shaw of Pittsford, Sims of Craftsbury, Small of Winooski, Stebbins of Burlington, Stevens of Waterbury, Surprenant of Barnard, Taylor of Milton, Torre of Moretown, Troiano of Stannard, Whitman of Bennington, and Williams of Granby

Whereas, outdoor recreation, as embodied in the glory of our forests, lakes, and mountains, is easily accessible in the Vermont State Parks, which are located throughout the State from Alburgh Dunes to Woodford, and

Whereas, the genesis of the Vermont State Parks can be traced to 1924, when Francies Humphreys of Brookline, Massachusetts, the owner of the Mt. Philo Inn in Charlotte, donated the 232 nearby acres that encompasses the 968-foot Mt. Philo, which is topped by a summit that affords glorious views of the Champlain Valley, the Adirondack Mountains, and the Green Mountains, and

Whereas, in 2001, in recognition of the historic role of Mt. Philo State Park in the recreational history of Vermont, it earned a listing on the National Register of Historic Places, and

Whereas, the manual work and dedication of the Depression-era Civilian Conservation Corps crews and the greater travel mobility available following the Second World War enhanced both the attractiveness and growth of the Vermont State Parks, and

Whereas, in calendar year 2022, more than 1.1 million persons experienced the pleasure of visiting a Vermont State Park, and

Whereas, the 55 Vermont State Parks and 18 designated properties, which are a key component of Vermont's \$1.9 billion outdoor economy, benefit from the dedicated efforts of hundreds of State employees and the fundraising efforts of Vermont Parks Forever, the private foundation established in 2013 to support these special lands, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly commemorates the centennial of the Vermont State Parks, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the State Parks Division of the Department of Forests, Parks and Recreation and to Vermont Parks Forever.

Having been adopted in concurrence on Friday, January 19, 2024 in accord with Joint Rule 16b, was read.

**Committee Relieved of Consideration and Bill Committed to
Other Committee**

H. 664

Rep. Stevens of Waterbury moved that the Committee on General and Housing be relieved of House bill, entitled

An act relating to designating a State Mushroom

And that the bill be committed to the Committee on Agriculture, Food Resiliency, and Forestry, which was agreed to.

Remarks Journalized

On motion of **Rep. Nicoll of Ludlow**, the following remarks by **Rep. Noyes of Wolcott** were ordered printed in the Journal:

“Madam Speaker:

It was five years ago today that Jenna Rae Tatro passed away. I never knew Jenna, or for that matter I never really knew anyone struggling with opioid use disorder, or so I thought.

Today, our community has a much better understanding of substance use disorder and the impacts it has had on our community, families, and the individuals who are living with it every day. In the last five years, I have seen my community rally around the forward-thinking solutions that are directly related to a seemingly never-ending need.

The Tatros and the Jenna’s Promise team have provided an unwavering commitment to solving the seemingly insurmountable task of showing individuals a ray of hope. I believe in their vision of a future where others will not have to endure the struggles and loss that many Vermonters from across our State have had to endure. They provide supportive housing, workforce engagement, wrap around services, and overall a promise of hope for people in recovery.

Please join me in remembering Jenna today and welcoming Greg Tatro, Dawn Tatro, Gregory Tatro, Daniel Franklin, Dina Dressler, and Krista Chesebro to the Peoples’ House. They are seated in the balcony.”

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 247

House bill, entitled

An act relating to Vermont’s adoption of the Occupational Therapy Licensure Compact

H. 801

House bill, entitled

An act relating to approval of the adoption of the charter of the Town of Waterbury

Favorable Report; Second Reading; Third Reading Ordered

S. 154

Rep. Birong of Vergennes, for the Committee on Government Operations and Military Affairs, to which had been referred Senate bill, entitled

An act relating to the Vermont State Plane Coordinate System

Reported in favor of its passage in concurrence.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and third reading ordered.

**Senate Proposal of Amendment Not Concurred in; Committee of
Conference Requested and Appointed; Rules Suspended,
Messaged Forthwith**

H. 839

The Senate proposed to the House to amend House bill, entitled

An act related to fiscal year 2024 budget adjustments

By striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 2023 Acts and Resolves No. 78, Sec. B.209 is amended to read:

Sec. B.209 Public safety - state police

Personal services	67,754,321	69,564,321
Operating expenses	13,861,460	13,861,460
Grants	<u>1,591,501</u>	<u>1,591,501</u>
Total	83,207,282	85,017,282
Source of funds		
General fund	53,896,213	55,706,213
Transportation fund	20,250,000	20,250,000
Special funds	3,166,387	3,166,387
Federal funds	4,311,304	4,311,304
Interdepartmental transfers	<u>1,583,378</u>	<u>1,583,378</u>
Total	83,207,282	85,017,282

Sec. 2. 2023 Acts and Resolves No. 78, Sec. B.216 is amended to read:

Sec. B.216 Military - air service contract

Personal services	9,124,240	9,224,240
Operating expenses	<u>1,396,315</u>	<u>1,396,315</u>
Total	10,520,555	10,620,555
Source of funds		
General fund	665,922	765,922
Federal funds	<u>9,854,633</u>	<u>9,854,633</u>
Total	10,520,555	10,620,555

Sec. 3. 2023 Acts and Resolves No. 78, Sec. B.240 is amended to read:

Sec. B.240 Cannabis Control Board

Personal services	4,829,061	4,917,181
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Operating expenses	<u>341,631</u>	<u>764,181</u>
Total	5,170,692	5,681,362
Source of funds		
Special funds	<u>5,170,692</u>	<u>5,681,362</u>
Total	5,170,692	5,681,362

Sec. 4. 2023 Acts and Resolves No. 78, Sec. B.241 is amended to read:

Sec. B.241 Total protection to persons and property

Source of funds		
General fund	208,539,656	210,449,656
Transportation fund	20,250,000	20,250,000
Special funds	109,230,607	109,741,277
Tobacco fund	635,843	635,843
Federal funds	133,784,669	133,784,669
Interdepartmental transfers	13,729,981	13,729,981
Enterprise funds	<u>13,816,313</u>	<u>13,816,313</u>
Total	499,987,069	502,407,739

Sec. 5. 2023 Acts and Resolves No. 78, Sec. B.300 is amended to read:

Sec. B.300 Human services - agency of human services - secretary's office

Personal services	14,083,686	15,401,686
Operating expenses	5,402,086	5,402,086
Grants	<u>2,895,202</u>	<u>2,895,202</u>
Total	22,380,974	23,698,974
Source of funds		
General fund	9,767,874	10,226,874
Special funds	135,517	135,517
Federal funds	11,678,441	12,537,441
Interdepartmental transfers	<u>799,142</u>	<u>799,142</u>
Total	22,380,974	23,698,974

Sec. 6. 2023 Acts and Resolves No. 78, Sec. B.301 is amended to read:

Sec. B.301 Secretary's office - global commitment

Grants	<u>1,990,896,293</u>	<u>2,039,037,932</u>
Total	1,990,896,293	2,039,037,932
Source of funds		
General fund	648,528,785	657,710,193
Special funds	32,994,384	32,994,384
Tobacco fund	21,049,373	21,049,373
State health care resources fund	<u>25,265,312</u>	<u>25,438,836</u>
Federal funds	1,259,024,269	1,298,107,936

Interdepartmental transfers	<u>4,034,170</u>	<u>3,737,210</u>
Total	1,990,896,293	2,039,037,932

Sec. 7. 2023 Acts and Resolves No. 78, Sec. B.306 is amended to read:

Sec. B.306 Department of Vermont health access - administration

Personal services	136,568,959	127,889,514
Operating expenses	44,391,640	44,391,640
Grants	<u>2,912,301</u>	<u>2,912,301</u>
Total	183,872,900	175,193,455
Source of funds		
General fund	35,605,917	39,109,628
Special funds	4,753,011	4,753,011
Federal funds	134,621,243	122,016,027
Global Commitment fund	4,220,337	4,220,337
Interdepartmental transfers	<u>4,672,392</u>	<u>5,094,452</u>
Total	183,872,900	175,193,455

Sec. 8. 2023 Acts and Resolves No. 78, 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	932,542,238	<u>936,811,294</u>
Total	933,090,221	937,359,277
Source of funds		
Global Commitment fund	933,090,221	<u>937,359,277</u>
Total	933,090,221	937,359,277

Sec. 9. 2023 Acts and Resolves No. 78, Sec. B.309 is amended to read:

Sec. B.309 Department of Vermont health access - Medicaid program - state only

Grants	<u>53,067,318</u>	<u>55,742,931</u>
Total	53,067,318	55,742,931
Source of funds		
General fund	53,062,626	54,861,587
Global Commitment fund	<u>4,692</u>	<u>881,344</u>
Total	53,067,318	55,742,931

Sec. 10. 2023 Acts and Resolves No. 78, Sec. B.310 is amended to read:

Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched

Grants	<u>34,621,472</u>	<u>34,672,534</u>
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Total	34,621,472	34,672,534
Source of funds		
General fund	12,634,069	12,493,853
Federal funds	<u>21,987,403</u>	<u>22,178,681</u>
Total	34,621,472	34,672,534

Sec. 11. 2023 Acts and Resolves No. 78, Sec. B.312 is amended to read:

Sec. B.312 Health - public health

Personal services	64,592,946	64,592,946
Operating expenses	13,047,530	13,047,530
Grants	<u>45,946,724</u>	<u>53,124,870</u>
Total	123,587,200	130,765,346
Source of funds		
General fund	12,408,429	12,408,429
Special funds	25,017,725	31,148,098
Tobacco fund	1,088,918	1,088,918
Federal funds	66,753,896	66,753,896
Global Commitment fund	16,582,951	17,630,724
Interdepartmental transfers	1,710,281	1,710,281
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	123,587,200	130,765,346

Sec. 12. 2023 Acts and Resolves No. 78, Sec. B.314 is amended to read:

Sec. B.314 Mental health - mental health

Personal services	47,716,644	50,489,379
Operating expenses	5,272,240	5,272,240
Grants	<u>264,539,814</u>	<u>264,343,558</u>
Total	317,528,698	320,105,177
Source of funds		
General fund	25,282,556	26,278,924
Special funds	1,708,155	1,708,155
Federal funds	10,999,654	10,999,654
Global Commitment fund	279,524,193	281,104,304
Interdepartmental transfers	<u>14,140</u>	<u>14,140</u>
Total	317,528,698	320,105,177

Sec. 13. 2023 Acts and Resolves No. 78, Sec. B.316 is amended to read:

Sec. B.316 Department for children and families - administration & support services

Personal services	44,446,942	46,323,033
Operating expenses	17,162,151	17,162,151

Grants	<u>3,919,106</u>	<u>3,919,106</u>
Total	<u>65,528,199</u>	<u>67,404,290</u>
Source of funds		
General fund	37,090,554	38,841,112
Special funds	2,781,912	2,781,912
Federal funds	23,540,549	23,540,549
Global Commitment fund	<u>1,659,321</u>	<u>1,784,854</u>
Interdepartmental transfers	<u>455,863</u>	<u>455,863</u>
Total	<u>65,528,199</u>	<u>67,404,290</u>

Sec. 14. 2023 Acts and Resolves No. 78, Sec. B.317 is amended to read:

Sec. B.317 Department for children and families - family services

Personal services	43,987,652	43,987,652
Operating expenses	5,180,385	5,180,385
Grants	<u>93,421,639</u>	<u>93,703,581</u>
Total	<u>142,589,676</u>	<u>142,871,618</u>
Source of funds		
General fund	59,707,017	59,046,300
Special funds	729,587	729,587
Federal funds	33,937,204	34,378,330
Global Commitment fund	48,178,131	48,679,664
Interdepartmental transfers	<u>37,737</u>	<u>37,737</u>
Total	<u>142,589,676</u>	<u>142,871,618</u>

Sec. 15. 2023 Acts and Resolves No. 78, Sec. B.318 is amended to read:

Sec. B.318 Department for children and families - child development

Personal services	5,670,999	5,670,999
Operating expenses	810,497	810,497
Grants	<u>95,860,842</u>	<u>99,707,882</u>
Total	<u>102,342,338</u>	<u>106,189,378</u>
Source of funds		
General fund	35,016,309	35,016,309
Special funds	16,745,000	16,745,000
Federal funds	37,419,258	41,266,298
Global Commitment fund	<u>13,161,771</u>	<u>13,161,771</u>
Total	<u>102,342,338</u>	<u>106,189,378</u>

Sec. 16. 2023 Acts and Resolves No. 78, 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
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Grants	<u>10,431,118</u>	<u>11,181,118</u>
Total	12,683,324	13,433,324
Source of funds		
General fund	7,533,333	7,533,333
Global Commitment fund	<u>5,149,991</u>	<u>5,899,991</u>
Total	12,683,324	13,433,324

Sec. 17. 2023 Acts and Resolves No. 78, 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>35,536,413</u>	<u>36,683,099</u>
Total	35,567,046	36,713,732
Source of funds		
General fund	23,233,869	24,114,082
Special funds	5,970,229	5,970,229
Federal funds	3,531,330	2,806,330
Global Commitment fund	<u>2,831,618</u>	<u>3,823,091</u>
Total	35,567,046	36,713,732

Sec. 18. 2023 Acts and Resolves No. 78, Sec. B.330 is amended to read:

Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants

Grants	<u>22,380,328</u>	<u>22,922,275</u>
Total	22,380,328	22,922,275
Source of funds		
General fund	9,220,695	9,220,695
Federal funds	7,321,114	7,321,114
Global Commitment fund	<u>5,838,519</u>	<u>6,380,466</u>
Total	22,380,328	22,922,275

Sec. 19. 2023 Acts and Resolves No. 78, Sec. B.334 is amended to read:

Sec. B.334 Disabilities, aging, and independent living - TBI home and community based waiver

Grants	<u>6,638,028</u>	<u>6,938,028</u>
Total	6,638,028	6,938,028
Source of funds		
Global Commitment fund	<u>6,638,028</u>	<u>6,938,028</u>
Total	6,638,028	6,938,028

Sec. 20. 2023 Acts and Resolves No. 78, Sec. B.334.1 is amended to read:

Sec. B.334.1 Disabilities, aging and independent living - Long Term Care

Grants	<u>268,715,683</u>	<u>289,878,189</u>
Total	<u>268,715,683</u>	<u>289,878,189</u>
Source of funds		
General fund	498,579	498,579
Federal funds	2,450,000	2,450,000
Global Commitment fund	<u>265,767,104</u>	<u>286,929,610</u>
Total	<u>268,715,683</u>	<u>289,878,189</u>

Sec. 21. 2023 Acts and Resolves No. 78, Sec. B.338 is amended to read:

Sec. B.338 Corrections - correctional services

Personal services	<u>139,473,576</u>	<u>152,714,793</u>
Operating expenses	<u>24,600,099</u>	<u>24,600,099</u>
Total	<u>164,073,675</u>	<u>177,314,892</u>
Source of funds		
General fund	<u>159,502,946</u>	<u>167,744,163</u>
Special funds	935,963	935,963
ARPA State Fiscal	0	5,000,000
Federal funds	492,196	492,196
Global Commitment fund	2,746,255	2,746,255
Interdepartmental transfers	<u>396,315</u>	<u>396,315</u>
Total	<u>164,073,675</u>	<u>177,314,892</u>

Sec. 22. 2023 Acts and Resolves No. 78, Sec. B.338.1 is amended to read:

Sec. B.338.1 Corrections - Justice Reinvestment II

Grants	<u>10,659,519</u>	<u>11,206,413</u>
Total	<u>10,659,519</u>	<u>11,206,413</u>
Source of funds		
General fund	8,081,831	8,081,831
Federal funds	13,147	13,147
Global Commitment fund	<u>2,564,541</u>	<u>3,111,435</u>
Total	<u>10,659,519</u>	<u>11,206,413</u>

Sec. 23. 2023 Acts and Resolves No. 78, Sec. B.342 is amended to read:

Sec. B.342 Vermont veterans' home - care and support services

Personal services	<u>18,187,631</u>	<u>24,284,571</u>
Operating expenses	<u>5,978,873</u>	<u>6,813,344</u>
Total	<u>24,166,504</u>	<u>31,097,915</u>

Source of funds		
General fund	4,199,478	9,579,745
Special funds	11,655,797	13,627,301
Federal funds	<u>8,311,229</u>	<u>7,890,869</u>
Total	24,166,504	31,097,915

Sec. 24. 2023 Acts and Resolves No. 78, Sec. B.347 is amended to read:

Sec. B.347 Total human services

Source of funds		
General fund	1,231,153,062	1,262,543,832
Special funds	124,537,345	132,639,222
Tobacco fund	23,088,208	23,088,208
State health care resources fund	25,265,312	25,438,836
ARPA State Fiscal	0	5,000,000
Federal funds	1,785,709,992	1,816,381,527
Global Commitment fund	1,943,848,077	1,976,541,555
Internal service funds	1,746,397	1,746,397
Interdepartmental transfers	28,591,925	28,717,025
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	5,163,965,318	5,272,121,602

Sec. 25. 2023 Acts and Resolves No. 78, Sec. B.500 is amended to read:

Sec. B.500 Education - finance and administration

Personal services	17,683,192	16,733,192
Operating expenses	4,387,522	4,407,522
Grants	<u>15,270,700</u>	<u>15,270,700</u>
Total	37,341,414	36,411,414
Source of funds		
General fund	7,415,742	7,465,742
Special funds	16,575,926	16,595,926
Education fund	3,486,447	3,486,447
Federal funds	9,220,942	8,220,942
Global Commitment fund	260,000	260,000
Interdepartmental transfers	<u>382,357</u>	<u>382,357</u>
Total	37,341,414	36,411,414

Sec. 26. 2023 Acts and Resolves No. 78, Sec. B.502 is amended to read:

Sec. B.502 Education - special education: formula grants

Grants	<u>226,195,600</u>	<u>229,821,806</u>
Total	<u>226,195,600</u>	<u>229,821,806</u>

Source of funds

Education fund	<u>226,195,600</u>	<u>229,821,806</u>
Total	<u>226,195,600</u>	<u>229,821,806</u>

Sec. 27. 2023 Acts and Resolves No. 78, Sec. B.505 is amended to read:

Sec. B.505 Education - adjusted education payment

Grants	<u>1,703,317,103</u>	<u>1,711,148,481</u>
Total	<u>1,703,317,103</u>	<u>1,711,148,481</u>

Source of funds

Education fund	<u>1,703,317,103</u>	<u>1,711,148,481</u>
Total	<u>1,703,317,103</u>	<u>1,711,148,481</u>

Sec. 27a. 2023 Acts and Resolves No. 78, Sec. B.509 is amended to read:

Sec. B.509 Education - Afterschool Grant Program

Grants	<u>4,000,000</u>	<u>4,000,000</u>
Total	<u>4,000,000</u>	<u>4,000,000</u>

Source of funds

Education fund <u>Special funds</u>	<u>4,000,000</u>	<u>4,000,000</u>
Total	<u>4,000,000</u>	<u>4,000,000</u>

Sec. 28. 2023 Acts and Resolves No. 78, Sec. B.516 is amended to read:

Sec. B.516 Total general education

Source of funds

General fund	216,199,064	216,249,064
Special funds	19,495,486	19,515,486
Tobacco fund	750,388	750,388
Education fund	<u>2,070,971,937</u>	<u>2,082,429,521</u>
Federal funds	493,305,099	492,305,099
Global Commitment fund	260,000	260,000
Interdepartmental transfers	382,357	382,357
Pension trust funds	<u>3,448,255</u>	<u>3,448,255</u>
Total	<u>2,804,812,586</u>	<u>2,815,340,170</u>

Sec. 29. 2023 Acts and Resolves No. 78, Sec. B.603 is amended to read:

Sec. B.603 Vermont state colleges - allied health

Grants	<u>1,157,775</u>	<u>1,774,148</u>
Total	<u>1,157,775</u>	<u>1,774,148</u>

Source of funds

General fund	748,314	274,148
Global Commitment fund	<u>409,461</u>	<u>1,500,000</u>
Total	<u>1,157,775</u>	<u>1,774,148</u>

Sec. 30. 2023 Acts and Resolves No. 78, Sec. B.608 is amended to read:

Sec. B.608 Total higher education

Source of funds

General fund	128,339,478	127,865,312
Education fund	41,225	41,225
Global Commitment fund	<u>409,461</u>	<u>1,500,000</u>
Total	128,790,164	129,406,537

Sec. 31. 2023 Acts and Resolves No. 78, Sec. B.702 is amended to read:

Sec. B.702 Fish and wildlife - support and field services

Personal services	21,567,730	22,223,023
Operating expenses	7,140,027	7,140,027
Grants	<u>936,232</u>	<u>936,232</u>
Total	29,643,989	30,299,282

Source of funds

General fund	7,173,206	7,603,314
Special funds	370,644	385,694
Fish and wildlife fund	10,921,090	10,921,090
Federal funds	9,793,589	10,003,724
Interdepartmental transfers	<u>1,385,460</u>	<u>1,385,460</u>
Total	29,643,989	30,299,282

Sec. 32. 2023 Acts and Resolves No. 78, Sec. B.710 is amended to read:

Sec. B.710 Environmental conservation - air and waste management

Personal services	26,006,961	29,506,961
Operating expenses	10,026,393	10,026,393
Grants	<u>4,905,988</u>	<u>4,905,988</u>
Total	40,939,342	44,439,342

Source of funds

General fund	193,565	193,565
Special funds	26,236,633	29,736,633
Federal funds	14,342,090	14,342,090
Interdepartmental transfers	<u>167,054</u>	<u>167,054</u>
Total	40,939,342	44,439,342

Sec. 33. 2023 Acts and Resolves No. 78, Sec. B.714 is amended to read:

Sec. B.714 Total natural resources

Source of funds

General fund	37,999,582	38,429,690
Special funds	79,971,986	83,487,036

Fish and wildlife fund	10,921,090	10,921,090
Federal funds	93,077,302	93,287,437
Interdepartmental transfers	<u>13,215,308</u>	<u>13,215,308</u>
Total	<u>235,185,268</u>	239,340,561

Sec. 34. 2023 Acts and Resolves No. 78, Sec. B.800 is amended to read:

Sec. B.800 Commerce and community development - agency of commerce and community development - administration

Personal services	2,610,304	2,510,304
Operating expenses	982,307	982,307
Grants	<u>539,820</u>	<u>539,820</u>
Total	<u>4,132,431</u>	4,032,431
Source of funds		
General fund	3,666,442	3,566,442
Federal funds	351,000	351,000
Interdepartmental transfers	<u>114,989</u>	<u>114,989</u>
Total	<u>4,132,431</u>	4,032,431

Sec. 35. 2023 Acts and Resolves No. 78, Sec. B.802 is amended to read:

Sec. B.802 Housing and community development

Personal services	6,428,334	6,528,334
Operating expenses	705,584	705,584
Grants	<u>23,739,005</u>	<u>25,967,039</u>
Total	<u>30,872,923</u>	33,200,957
Source of funds		
General fund	5,031,943	5,131,943
Special funds	6,937,054	9,165,088
Federal funds	15,854,615	15,854,615
Interdepartmental transfers	<u>3,049,311</u>	<u>3,049,311</u>
Total	<u>30,872,923</u>	33,200,957

Sec. 36. 2023 Acts and Resolves No. 78, Sec. B.813 is amended to read:

Sec. B.813 Total commerce and community development

Source of funds		
General fund	21,222,221	21,222,221
Special funds	32,106,330	34,334,364
Federal funds	93,013,297	93,013,297
Interdepartmental transfers	<u>5,062,973</u>	<u>5,062,973</u>
Total	<u>151,404,821</u>	153,632,855

Sec. 37. 2023 Acts and Resolves No. 78, Sec. B.1000 is amended to read:

Sec. B.1000 Debt service

Operating expenses	<u>75,705,398</u>	<u>675,000</u>
Total	<u>75,705,398</u>	<u>675,000</u>
Source of funds		
General fund	<u>75,377,993</u>	<u>675,000</u>
Transportation fund	<u>327,405</u>	<u>0</u>
Total	<u>75,705,398</u>	<u>675,000</u>

Sec. 38. 2023 Acts and Resolves No. 78, Sec. B.1001 is amended to read:

Sec. B.1001 Total debt service

Source of funds		
General fund	<u>75,377,993</u>	<u>675,000</u>
Transportation fund	<u>327,045</u>	<u>0</u>
Total	<u>75,705,398</u>	<u>675,000</u>

Sec. 39. 2023 Acts and Resolves No. 78, Sec. B.1100 is amended to read:

Sec. B.1100 MISCELLANEOUS FISCAL YEAR 2024 ONE-TIME
APPROPRIATIONS

(a) Agency of Administration. In fiscal year 2024, funds are appropriated for the following:

* * *

(4) \$30,000,000 General Fund to be used as Federal Emergency Management Agency (FEMA) matching funds for costs incurred due to the July 2023 flooding event.

(5) \$6,250,000 General Fund for grants to municipalities in counties that were impacted by the July 2023 flooding event and are eligible for Federal Emergency Management Agency (FEMA) Public Assistance funds under federal disaster declaration DR-4720-VT. Grants shall be made in proportion to the municipality's share of the overall percentage of residential properties that were majorly damaged or destroyed, as designated by FEMA, by the July 2023 flooding event.

(6) \$3,000,000 Interdepartmental Transfer Fund for Enterprise Resource Planning (ERP) Modernization – Business Transformation.

* * *

(c) Department of Human Resources. In fiscal year 2024, funds are appropriated for the following:

(1) ~~\$725,000~~ \$600,000 General Fund to fund ~~seven~~ six 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~~ \$200,000 General Fund to fund ~~one~~ two new permanent full-time ~~position~~ positions in the VTHR Operations division in fiscal year 2024. These position costs shall be funded through the ~~Department of Human Resources~~ Financial Management – Internal Service Fund beginning in fiscal year 2025; and

* * *

(d) ~~\$200,000 General Fund to the~~ Department of Libraries ~~in.~~ In fiscal year 2024, funds are appropriated for the following:

(1) \$200,000 General Fund to support the FiberConnect project relating to Internet access in public libraries; and

(2) \$11,500 General Fund for contract costs incurred in support of the Working Group on the Status of Libraries in Vermont pursuant to 2021 Acts and Resolves No. 66, Sec. 1.

* * *

(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; and

(4) \$6,000,000 American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Fund for water quality grants to partners and farmers, in accordance with the Clean Water Board’s fiscal year 2023 and fiscal year 2024 budget recommendations and 2021 Acts and Resolves No. 74, Sec. G.700(a)(6)(A).

* * *

(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; and

~~(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:

* * *

(3) \$10,000,000 General Fund to continue to address the emergent and exigent circumstances impacting health care providers following the COVID-19 pandemic. All or a portion of these funds may also be used as matching funds to the Agency of Human Services Global Commitment Program to provide state match. If funds are used as matching funds to the Agency of Human Services Global Commitment Program to provide state match, the commensurate amount of Global Commitment Fund spending authority may be requested during the Global Commitment Transfer process pursuant to 2023 Acts and Resolves No. 78, Sec. E.301.1;

* * *

(n) Department of Health. In fiscal year 2024, funds are appropriated for the following

* * *

(7) \$5,000,000 General Fund for the purpose of supporting the Community Violence Prevention Program established by legislation enacted in 2023. An amount not to exceed five percent of this appropriation may be used for the administrative costs of the program, including the funding of an existing limited service position at the Department of Health. 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;

* * *

(o) Department for Children and Families. In fiscal year 2024, funds are appropriated for the following:

* * *

(3) ~~\$40,000 General 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~~ for the Youth Development Program to fund costs associated with supporting youth in foster care, or formerly in foster care, to learn to drive and to obtain their drivers' licenses and independent transportation;

* * *

(9) \$130,000 General Fund for a grant to the Snelling Center to restart the Early Childhood Education Leadership Program; ~~and~~

(10) \$300,000 General Fund for a grant to Prevent Child Abuse Vermont to provide education regarding the prevention of unsafe infant sleep and to expand programming and support services regarding child abuse often related to parental substance misuse;

(11) \$11,304,802 General Fund for emergency housing needs through the end of fiscal year 2024; and

(12) \$4,000,000 General Fund for standing up shelters in five communities.

* * *

(r) Agency of Education. In fiscal year 2024, funds are appropriated for the following:

(1) ~~\$200,000 General Fund in fiscal year 2024 to the Agency of Education for the work of the School Construction Task Force; and~~

(2) \$1,924,495 Education Fund to hold Local Education Agencies harmless for the Special Education Census Block Grant miscalculation.

* * *

(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; and

(4) \$20,000,000 General Fund for the appropriation established in 2022 Acts and Resolves No. 185, Sec. B.1100(a)(28), as amended by 2023 Acts and Resolves No. 3, Sec. 45, to replenish the \$20,000,000 of General Fund

spending authority transferred by the Emergency Board on July 31, 2023, per 32 V.S.A. §§ 133(b) and 706(2), as directed by order of the Emergency Board under Item 5(a) – Business Emergency Gap Assistance Program.

* * *

(x) Judiciary. In fiscal year 2023, funds are appropriated for the following:

(1) \$300,000 General Fund for the Essex County Courthouse renovation planning; and

(2)(A) \$4,680,000 General Fund to the Judiciary for the Judiciary network replacement project.

(B) Judiciary shall update the Joint Information Technology Oversight Committee on the status of this project on or before December 1, 2023.

* * *

Sec. 40. 2023 Acts and Resolves No. 78, Sec. B.1101 is amended to read:

Sec. B.1101 WORKFORCE AND ECONOMIC DEVELOPMENT –
FISCAL YEAR 2024 ONE-TIME APPROPRIATIONS

* * *

(b) Youth workforce and high school completion.

* * *

(2) In fiscal year 2024, the amount of ~~\$1,000,000~~ \$1,175,000 is appropriated from the General Fund to the Agency of Education for grants to Adult Basic Education programs to provide bridge funding and deficit assistance for Adult Basic Education programs while the study and report required by Sec. E.504 of this act is completed.

* * *

(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 Department of Health to be ~~transferred~~ granted as needed 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.

* * *

(4) In fiscal year 2024, the amount of \$3,000,000 is appropriated from the General Fund to the ~~Department of Mental Health~~ Agency of Human Services to address workforce needs at the designated and specialized services agencies. These funds shall not be released until a plan to meet training and

retention is mutually agreed upon by the Department of Disabilities, Aging, and Independent Living and the designated and specialized services agencies and approved by the General Assembly or the Joint Fiscal Committee if the legislature is not in session. All or a portion of these funds may be used as matching funds to the Agency of Human Services Global Commitment program to provide State match if any part of the plan is eligible to draw federal funds. It is the intent of the General Assembly to maximize the value of this one-time funding through eligible Global Commitment investment.

(5) In fiscal year 2024, the amount of \$6,899,724 is appropriated from the Global Commitment Fund to the Department of Mental Health for purposes of leveraging the appropriation in subdivision (4) of this subsection for Global Commitment investment.

* * *

(g) Agriculture Economic Development.

* * *

(3) In fiscal year 2024, the amount of ~~\$6,900,000~~ \$7,025,492 General Fund is appropriated to the Agency of Agriculture, Food and Markets to fund Agriculture Development Grants for the Organic Dairy Farm Assistance Program. Farms eligible for assistance that timely filed a complete application in calendar year 2023 and that are currently operating as of the passage of the fiscal year 2024 budget adjustment act shall be eligible for an award under the Program.

* * *

Sec. 41. 2023 Acts and Resolves No. 78, Sec. B.1103 is amended to read:

Sec. B.1103 CLIMATE AND ENVIRONMENT – FISCAL YEAR 2024
ONE-TIME APPROPRIATIONS

* * *

(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. chapter 159. Funds shall be used for the assessment and cleanup planning ~~for a maximum~~ of 25 brownfields sites.

* * *

(n) In fiscal year 2024, the amount of \$165,000 General Fund is appropriated to the Department of Environmental Conservation to complete the engineering assessment for the Green River Reservoir Dam. The Department shall share the findings of the assessment with Morrisville Water and Light.

Sec. 42. 2023 Acts and Resolves No. 78, Sec. B.1104 is amended to read:

Sec. B.1104 FISCAL YEAR 2024 ONE-TIME APPROPRIATION;
RETIRED TEACHERS' COST OF LIVING PAYMENT

(a) In fiscal year 2024, notwithstanding any provision of 16 V.S.A. § 4025 to the contrary, 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 and to fund the present value of modifications to the postretirement adjustments allowance.

Sec. 43. 2023 Acts and Resolves No. 78, Sec. B.1105(d) is amended to read:

(d) In fiscal year 2024, to the extent funds are available from transfers made in Sec. C.109 of this act, and before the appropriation identified in 2023 Acts and Resolves No. 81, Sec. 7(a), the projects in this subsection shall receive an appropriation from the Other Infrastructure, Essential Investments, and Reserves subaccount in the Cash Fund for Capital and Essential Investments in the following order:

* * *

Sec. 44. 29 V.S.A. § 161 is amended to read:

§ 161. REQUIREMENTS ON STATE CONSTRUCTION PROJECTS

* * *

(b) Each contract awarded under this section for any State project with a construction cost exceeding \$100,000.00, a construction project with a construction cost exceeding \$200,000.00 that is authorized and is at least 50 percent funded by a capital construction act pursuant to 32 V.S.A. § 701a, or a construction project with a construction cost exceeding \$200,000.00 that is at least 50 percent funded by the Cash Fund for Capital Infrastructure and ~~Other~~ Essential Investments established in 32 V.S.A. § 1001b 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 section, "fringe benefits" means benefits, including paid vacations and holidays, sick leave, employer contributions and reimbursements to health insurance and retirement benefits, and similar benefits that are incidents of employment.

Sec. 45. 2023 Acts and Resolves No. 78, Sec. C.108 is amended to read:

Sec. C.108 RESERVES FOR INFRASTRUCTURE INVESTMENT AND
JOBS ACT (IIJA) MATCH

* * *

(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, from the transfer provided in subdivision D.101(a)(1)(D)(ii) of this act, 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. 46. 2023 Acts and Resolves No. 78, Sec. C.109 is amended to read:

Sec. C.109 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~~ a remaining unobligated fund balance in fiscal year 2023 after the transfers to the General Fund are made, the Commissioner of Finance and Management shall transfer to the subaccount created under 32 V.S.A. 1001b(b)(2) 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.

* * *

Sec. 47. 2022 Acts and Resolves No. 185, Sec. B.1100, as amended by 2023 Acts and Resolves No. 78, Sec. C.115, is further 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 for regional dispatch funding. The funds are subject to the following conditions:

(1) Up to \$1,000,000 shall be available for the retention of technical experts to assist the Public Safety Communications Task Force with the analysis and planning required by ~~Sec. C.112 of this act~~ 2023 Acts and Resolves No. 78, Sec. C.114 and to fund the administrative expenses incurred by the Public Safety Communications Task Force. If the Task Force

determines ~~in calendar year 2023~~ that additional funding is necessary to achieve its purposes, it may submit a request to the Joint Fiscal Committee. The Joint Fiscal Committee is authorized to approve up to an additional \$1,000,000.

(2) Up to \$4,500,000 shall be available to provide funding for pilot projects pursuant to ~~Sec. C.112(f), of this act~~ 2023 Acts and Resolves No. 78, Sec. C.114(f).

(3) Any remaining amounts not obligated pursuant to subdivisions (1) and (2) of this subsection (b) shall ~~be held in reserve~~ remain unobligated and unexpended until approval to expend the funds is authorized by further enactment of the General Assembly.

(4) ~~It is the intent of the General Assembly that the Department of Public Safety~~ In order to extract the greatest value from the limited State and federal dollars currently available for public safety communications modernization, it is the intent of the General Assembly that all such funding is expended in an efficient and complementary manner. To that end, the Commissioner of Public Safety shall 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, to the greatest extent possible, the goals of a statewide public safety communications system developed by the Public Safety Communications Task Force. The Commissioner of Public Safety shall ~~consult with~~ promptly inform the Public Safety Communications Task Force as the federal parameters for expending the funds become available and as the Commissioner develops a ~~and, if necessary, revises the plan to expend such funds.~~ The Commissioner shall solicit recommendations from the Task Force regarding the plan, including any revisions to the plan, the implementation schedule, and specific expenditures. In addition, the Commissioner shall update the Joint Fiscal Committee on planned expenditures.

* * *

Sec. 48. 2023 Acts and Resolves No. 78, Sec. C.114(f), is amended to read:

(f)(1) If the Task Force determines that sufficient minimum technical and operational standards have been developed to warrant the funding of one or more pilot projects, the Task Force may submit for approval a pilot project plan to the Joint Fiscal Committee ~~in calendar year 2023~~.

* * *

Sec. 49. 2023 Acts and Resolves No. 78, Sec. C.120 is amended to read:

Sec. C.120 ~~BALANCE RESERVE UNRESERVED; RESERVED FOR~~
~~VCBB~~

~~(a) In fiscal year 2024, \$20,000,000 is unreserved from the General Fund Balance Reserve established by 32 V.S.A. § 308e.~~

~~(b) In fiscal year 2024, \$20,000,000 is reserved in the General Fund 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. The State's pending application requires a commitment to provide contingency reserve funding equal to 25 percent of the total award amount if the application is approved and the award is accepted by the State.~~

~~(1) In the fiscal year 2024 budget adjustment act, any funds reserved, but not required, for the purpose described in Sec. C.120(b) of this act shall be unreserved and reserved within the General Fund Balance Reserve established by 32 V.S.A. § 308e. [Repealed]~~

Sec. 50. 2023 Acts and Resolves No. 78, Sec. C.123 is amended to read:

Sec. C.123 HOUSING TRANSITION; RESOURCES FOR
COMPREHENSIVE COMMUNITY RESPONSE

* * *

(d) \$9,400,000 of the funds described in subsection (c) of this section shall be transferred to the Department for Children and Families as set forth in this subsection. The Agency of Administration shall structure the program in accordance with the requirements of 31 C.F.R. Part 35 and in a manner designed to achieve rapid deployment and administrative efficiency, and may reallocate funds across governmental units in a net-neutral manner as follows for a total of \$9,400,000:

(1) The Commissioner of Finance and Management is authorized to reallocate General Fund appropriations made to the ~~Vermont Housing and Conservation Board in 2023 Acts and Resolves No. 3, Sec. 45~~ Department of Corrections in 2022 Acts and Resolves No. 185, Sec. B.338. In exchange, the Secretary of Administration shall provide an amount equal to the reallocation amount to the ~~Vermont Housing and Conservation Board from the federal funds appropriated through the Emergency Rental Assistance Program, which was originally approved by the Joint Fiscal Committee pursuant to Grant Request #3034.~~

~~(2) The Commissioner of Finance and Management is authorized to reallocate American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds appropriated to the Agency of Human Services in 2021 Acts and Resolves No. 74, Sec. G.300(a)(31), as amended by 2022 Acts and Resolves No. 83, Sec. 68 Department of Corrections from American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Fund dollars appropriated to the Agency of Human Services in 2021 Acts and Resolves No. 74, Sec. G.300(a)(31), as amended by 2022 Acts and Resolves No. 83, Sec. 68.~~

* * *

Sec. 51. 2023 Acts and Resolves No. 78, Sec. D.100 is amended to read:

Sec. D.100 APPROPRIATIONS ALLOCATIONS; PROPERTY TRANSFER TAX

(a) This act contains the following amounts ~~appropriated from~~ allocated to special funds that receive revenue from the property transfer tax. ~~Expenditures from these appropriations~~ These allocations shall not exceed available revenues.

(1) The sum of \$560,000 is ~~appropriated~~ allocated 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. 52. 2023 Acts and Resolves No. 78, Sec. D.100.1 is amended to read:

Sec. D.100.1 LEGISLATIVE INTENT FOR FISCAL YEAR 2024
PLANNING FUNDS

(a) ~~It is the intent of the General Assembly that an amount not to exceed \$500,000 of the planning funds provided in Sec. D.100 of this act shall be used for municipal bylaw modernization.~~

Sec. 53. 2023 Acts and Resolves No. 78, Sec. D.101 is amended to read:

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:

* * *

(E) the Fire Prevention/Building Inspection Special Fund (21901):
\$1,500,000.00; and

(F) the Tax Computer System Modernization Fund (21909):
\$3,600,000.00;

(G) the State Liability Insurance Fund (56200): \$9,500,000.00;

(H) the Emergency Relief and Assistance Fund (21555):
\$17,250,000.00;

(I) the Act 250 Permit Fund (21260): \$120,300.00;

(J) the General Government Projects Fund (31100): \$139.24;

- (K) the Protection Projects Fund (31200): \$1,180,584.31;
- (L) the Natural Resources Projects Fund (31500): \$2,127,949.51;
- (M) the Commerce and Community Development Projects Fund (31600): \$545,295.85; and
- (N) the General Obligation Bonds Debt Service Fund (35100): \$71,202,993.

* * *

(2) From the Education Fund to:

- (A) the Tax Computer System Modernization Fund (21909): \$1,300,000.00; and
- (B) the Universal Afterschool and Summer Special Fund: \$2,836,982.94.

* * *

(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; and
- (B) the General Obligation Bonds Debt Service Fund (35100): \$327,405.

(5) From the Waste Management Assistance Fund (21285) to:

- (A) the Environmental Contingency Fund (21275): \$3,500,000.

(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:

22005	AHS Central Office Earned Federal Receipts	\$4,641,960
50300	Liquor Control Fund	\$21,200,000
<u>50250</u>	<u>Sports Wagering Fund</u>	<u>\$1,204,000</u> <u>\$3,200,000</u>
	Caledonia Fair	\$5,000
	North Country Hospital Loan Repayment	\$24,047
	Springfield Hospital Promissory Note Repayment	\$121,416
<u>21970</u>	<u>Registration Fees Fund</u>	<u>\$605,273.01</u>

21064 <u>Financial Institutions Supervision Fund</u>	<u>\$4,024,748</u>
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(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.

21638 AG-Fees and reimbursement		
– Court order	\$1,000,000	<u>\$4,000,000</u>
621000 Unclaimed Property Fund	<u>\$3,270,225</u>	<u>\$4,806,692</u>

* * *

(3) Notwithstanding 2016 Acts and Resolves No. 172, Sec. E.228, ~~\$60,044,000~~ \$57,667,840 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)(1)(A) 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 the general funds appropriated in Sec. B.301 of this act for the Global Commitment Program:

3400004000 Agency of Human Services –

Secretary's Office— Global Commitment	\$15,103,683
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(B) 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>1130892201 Lib – Working Group Per Diem</u>	<u>\$11,550.00</u>
<u>1140070000 Use Tax Reimbursement Program</u>	<u>\$120,096.98</u>
<u>1140330000 Renter Rebates</u>	<u>\$943,487.35</u>
<u>1150891901 Electric Vehicle Charge</u>	<u>\$4,412.78</u>
<u>1250010000 Auditor of Accounts</u>	<u>\$21,067.71</u>
<u>1260010000 Office of the Treasurer</u>	<u>\$110,821.00</u>
<u>2110010000 Assigned Counsel</u>	<u>\$3.37</u>
<u>2120892203 JUD – County Courthouse HVAC</u>	<u>\$300,000.00</u>
<u>2130200000 Sheriffs</u>	<u>\$29,880.53</u>

<u>2130400000</u>	<u>SIUS Parent Account</u>	<u>\$167,678.27</u>
<u>2130500000</u>	<u>Crime Victims Advocates</u>	<u>\$18,465.95</u>
<u>2150010000</u>	<u>Military – Administration</u>	<u>\$100,782.00</u>
<u>2160892102</u>	<u>CCVS-BCJC for St Jo’s Orphan</u>	<u>\$88.00</u>
<u>2200010000</u>	<u>Administration Division</u>	<u>\$389,654.70</u>
<u>2230892202</u>	<u>SOS – One-Time FY22 Election Cost</u>	<u>\$171,400.78</u>
<u>2320020000</u>	<u>Liquor Enforcement & Licensing</u>	<u>\$15,000.00</u>
<u>3150070000</u>	<u>Mental Health</u>	<u>\$2,772,735.17</u>
<u>3310000000</u>	<u>Commission on Women</u>	<u>\$11,173.77</u>
<u>3330010000</u>	<u>Green Mountain Care Board</u>	<u>\$250,000.00</u>
<u>3400001000</u>	<u>Secretary’s Office Admin Costs</u>	<u>\$475,775.00</u>
<u>3400004000</u>	<u>Global Commitment</u>	<u>\$11,676,230.24</u>
<u>3400010000</u>	<u>Human Services Board</u>	<u>\$110,000.00</u>
<u>3400892109</u>	<u>St Match – Act 155 4(a),5(a)</u>	<u>\$34,350.00</u>
<u>3400892203</u>	<u>AHSCO – COVID-19 Emergent/Exigen</u>	<u>\$4,868,985.74</u>
<u>3400892205</u>	<u>AHSCO – Workforce Recruitment</u>	<u>\$4,367,147.39</u>
<u>3400892312</u>	<u>AHSCO – VT Nursing Forgivable Loan</u>	<u>\$13,403.00</u>
<u>3410018000</u>	<u>DVHA – Medicaid-Non-Waiver Program</u>	<u>\$525,610.73</u>
<u>3420060000</u>	<u>Substance Use Programs</u>	<u>\$119,130.89</u>
<u>3440010000</u>	<u>DCFS – Admin & Support Services</u>	<u>\$2,595,167.55</u>
<u>3440020000</u>	<u>DCFS – Family Services</u>	<u>\$2,864,970.25</u>
<u>3440030000</u>	<u>DCFS – Child Development</u>	<u>\$3,131,063.24</u>
<u>3440050000</u>	<u>DCFS – AABD</u>	<u>\$451,263.27</u>
<u>3440060000</u>	<u>DCFS – General Assistance</u>	<u>\$1,414,739.60</u>
<u>3440080000</u>	<u>DCFS – Reach Up</u>	<u>\$979,674.76</u>
<u>3440100000</u>	<u>DCFS – OEO Office of Economic Opp.</u>	<u>\$273,038.00</u>
<u>3440120000</u>	<u>DCFS – Secure Res. Treatment</u>	<u>\$2,752,270.00</u>
<u>3440130000</u>	<u>DCFS – DDS</u>	<u>\$80,299.43</u>
<u>3440891908</u>	<u>Weatherization Assist Bridge</u>	<u>\$1,892.85</u>
<u>3440892214</u>	<u>DCF – Childcare Provider Workforce</u>	<u>\$2,879,549.25</u>

<u>3440892309</u>	<u>DCF – Worker Retention Grant</u>	<u>\$564,500.00</u>
<u>3480007000</u>	<u>Corrections – Justice Reinvest</u>	<u>\$831,964.28</u>
<u>4100500000</u>	<u>VT Department of Labor</u>	<u>\$2,400,000.00</u>
<u>5100010000</u>	<u>Administration</u>	<u>\$0.03</u>
<u>5100060000</u>	<u>Adult Basic Education</u>	<u>\$136.13</u>
<u>5100892214</u>	<u>AOA – School Food Program Admin</u>	<u>\$50,670.70</u>
<u>5100892301</u>	<u>AOE – Child Nutrition</u>	<u>\$244,648.60</u>
<u>5100892309</u>	<u>AOE – Staffing</u>	<u>\$146,649.08</u>
<u>6100040000</u>	<u>Property Tax Assessment Approp.</u>	<u>\$9,542.14</u>
<u>6130030000</u>	<u>Parks</u>	<u>\$3.85</u>
<u>6130891903</u>	<u>Logger Safety, Value Added</u>	<u>\$108.51</u>
<u>6140040000</u>	<u>Water Programs Appropriation</u>	<u>\$0.20</u>
<u>7110010000</u>	<u>Housing & Community Development</u>	<u>\$1.86</u>
<u>7120010000</u>	<u>Economic Development</u>	<u>\$0.71</u>
<u>7130000000</u>	<u>Dept. of Tourism & Marketing</u>	<u>\$230.47</u>

(2) Notwithstanding any provision of law to the contrary, in fiscal year 2024, the following amounts shall revert to the Transportation Fund from the accounts indicated:

<u>1150400000</u>	<u>BGS – Information Centers</u>	<u>\$183,952.35</u>
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(3) Notwithstanding any provision of law to the contrary, in fiscal year 2024, the following amounts shall revert to the Transportation Infrastructure Bond Fund from the accounts indicated:

<u>8100001100</u>	<u>Program Development</u>	<u>\$3,239,445.00</u>
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(4) Notwithstanding any provision of law to the contrary, in fiscal year 2024, the following amounts shall revert to the Education Fund from the accounts indicated:

<u>5100010000</u>	<u>Administration</u>	<u>\$1,280,710.79</u>
<u>5100110000</u>	<u>Small School Grant</u>	<u>\$391,067.00</u>
<u>5100200000</u>	<u>Education – Technical Education</u>	<u>\$1,204,216.38</u>
<u>5100892310</u>	<u>Education – Universal Meals</u>	<u>\$6,823,849.84</u>

(5) Notwithstanding any provision of law to the contrary, in fiscal year 2024, the following amounts shall revert to the Clean Water Fund from the accounts indicated:

<u>1100010000</u>	<u>Secretary of Administration</u>	<u>\$100,000.00</u>
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(6) Notwithstanding any provision of law to the contrary, in fiscal year 2024, the following amounts shall revert to the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Fund from the accounts indicated:

<u>6140892207</u>	<u>Department of Environmental Conservation</u>	
	<u>– Clean Water Board</u>	<u>\$6,000,000.00</u>
<u>1110892111</u>	<u>University of Vermont – Workforce Upskill</u>	<u>\$131,670.00</u>
<u>1110892112</u>	<u>VSAC HS Grad Advancement</u>	<u>\$24,539.92</u>
<u>1110892219</u>	<u>University of Vermont – New Career</u>	<u>\$184,485.00</u>
<u>2200892308</u>	<u>AAFM – Soil Quality Practices</u>	<u>\$200,000.00</u>
<u>3400892204</u>	<u>AHSCO – Workforce Retention</u>	<u>\$2,000,000.00</u>
<u>3440892205</u>	<u>DCF – OEO – Community Action Agc</u>	<u>\$3,182.48</u>
<u>4100892203</u>	<u>DOL-COVID-19 Unemployment Syst</u>	<u>\$2,456,122.60</u>

(7) Notwithstanding any provision of law to the contrary, in fiscal year 2024, the following amounts shall revert to the Tobacco Fund from the accounts indicated:

<u>3400891802</u>	<u>Invest Substance Use Treat</u>	<u>\$1,500,000</u>
<u>3400891803</u>	<u>Finance Substance Use Treat</u>	<u>\$724,241.80</u>

* * *

(e)(1) Notwithstanding Sec. 1.4.3 of the Rules for State Matching Funds Under the Federal Public Assistance Program, in fiscal year 2024, the Secretary of Administration may provide funding from the Emergency Relief and Assistance Fund that was transferred pursuant to subdivision (a)(1)(H) of this section to subgrantees prior to the completion of a project. In fiscal year 2024, up to 70 percent of the State funding match on the non-federal share of an approved project for municipalities in counties that were impacted by the July 2023 flooding event and are eligible for Federal Emergency Management Agency (FEMA) Public Assistance funds under federal disaster declaration DR-4720-VT may be advanced at the request of a municipality.

(2) Notwithstanding Sec. 1.4.1 of the Rules for State Matching Funds Under the Federal Public Assistance Program, in fiscal year 2024, the

Secretary of Administration shall increase the standard State funding match on the non-federal share of an approved project to the highest percentage possible given available funding for municipalities in counties that were impacted by the July 2023 flooding event and are eligible for Federal Emergency Management Agency (FEMA) Public Assistance funds under federal disaster declaration DR-4720-VT.

* * *

Sec. 54. 2023 Acts and Resolves No. 78, Sec. E.100 is amended to read:

Sec. E.100 EXECUTIVE BRANCH POSITIONS

(a) The establishment of ~~68~~ 75 permanent positions is authorized in fiscal year 2024 for the following:

(1) Permanent classified positions:

* * *

(R) Department for Children and Families:

(i) five Family Service Workers;

(S) Cannabis Control Board:

(i) one Compliance Agent; and

(ii) one Deputy Director of Compliance and Enforcement.

* * *

(c) The establishment of ~~9~~ 12 new classified limited service positions is authorized in fiscal year 2024 as follows:

* * *

(3) Department of Finance and Management:

(A) one VISION Reporting Analyst III; and

(B) two VISION Financial Analysts II.

* * *

Sec. 55. 2022 Acts and Resolves No. 185, Sec. B.1102, as amended by 2023 Acts and Resolves No. 3, Sec. 47, is further amended 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. The Commissioner of Finance and Management may transfer up to \$3,000,000 of these funds to other agencies and departments for other Enterprise Resource Planning modernization-related projects, including business process transformation;

* * *

Sec. 56. 3 V.S.A. § 3306 is amended to read:

§ 3306. TECHNOLOGY MODERNIZATION SPECIAL FUND

(a) Creation. There is created the Technology Modernization Special Fund, to be administered by the Agency of Digital Services. Monies in the Fund shall be used to fund business process transformation and to purchase, implement, and upgrade technology platforms, systems, and cybersecurity services used by State agencies and departments to carry out their statutory functions.

* * *

Sec. 57. AGENCY OF ADMINISTRATION; ENTERPRISE RESOURCE PLANNING

(a) In fiscal year 2024, the Agency of Administration shall report to the Joint Information Technology Oversight Committee within three business days after any change in status of any contract relating to the Enterprise Resource Planning (ERP) Modernization – Business Transformation project changes.

(b) The Agency of Administration shall share the results of its independent review with the Committee within three business days after its completion.

Sec. 58. 2023 Acts and Resolves No. 78, Sec. E.111.2 is amended to read:

Sec. E.111.2 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~~ remain in the fund ~~established as codified~~ by 32 V.S.A. § 3209.

Sec. 59. 2023 Acts and Resolves No. 78, Sec. E.131.2 is added to read:

Sec. E.131.2 TREASURER; STATE RESERVES STUDY

(a) Report. On or before December 15, 2024, the Treasurer shall, in consultation with the Department of Finance and Management and the Joint Fiscal Office, submit a written report to the Joint Fiscal Committee on the State's fiscal reserve practices and the fiscal reserve practices of other states. The report shall include a review of:

(1) the current fiscal reserve practices of the State, including a review of which funds have statutory reserves and which funds do not;

(2) the fiscal reserve practices of other states and best practices;

(3) how Vermont's fiscal reserve practices compare to those of other states and to best practices; and

(4) the cash reserve policies of the State as it compares to reserve requirements.

(b) The report shall include the Treasurer's findings and any recommendations for changes in the fiscal reserve practices of the State.

Sec. 60. 2023 Acts and Resolves No. 78, Sec. E.131.3 is added to read:

Sec. E.131.3 TREASURER; STRESS-TESTING REPORT

(a) Report. On or before December 15, 2024, the Treasurer, in consultation with the Department of Finance and Management and the Joint Fiscal Office, shall submit a written report to the Joint Fiscal Committee on fiscal stress-testing practices and methodologies in other states. The report shall address the extent to which such practices may be useful or beneficial and include any recommendations for the implementation of stress-testing practices in State government.

Sec. 61. 2023 Acts and Resolves No. 78, Sec. E.300.2 is amended to read:

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 pilot program funded in Sec. B.1100 of this act and shall update the Joint Fiscal Committee on its findings on or before November 15, 2023.

Sec. 62. 2023 Acts and Resolves No. 78, Sec. E.301 is amended to read:

Sec. E.301 SECRETARY’S OFFICE – GLOBAL COMMITMENT

* * *

(b) In addition to the State funds appropriated in Sec. B.301 of this act, a total estimated sum of ~~\$25,231,644~~ \$25,050,921 is anticipated to be certified as State matching funds under the Global Commitment as follows:

* * *

(c) Up to ~~\$4,034,170~~ \$3,737,210 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. 63. 2023 Acts and Resolves No. 78, Sec. E.312 is amended to read:

Sec. E.312 HEALTH – PUBLIC HEALTH

(a) HIV/AIDS funding:

* * *

(5) In fiscal year 2024, the Department of Health shall provide grants in the amount of \$300,000 in General Funds Fund dollars to the current syringe exchange programs in 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.

* * *

Sec. 64. 2022 Acts and Resolves No. 185, Sec. B.802, as amended by 2023 Acts and Resolves No. 3, Sec. 41, is further amended to read:

Sec. B.802 Housing and community development

Personal services	5,321,306	<u>5,212,164</u>
Operating expenses	673,807	<u>671,358</u>
Grants	77,056,152	<u>27,259,532</u>
Total	83,051,265	<u>33,143,054</u>
Source of funds		
General fund	4,065,708	4,065,708

Special funds	7,204,966	7,747,606
Federal funds	68,364,457	18,456,246
Interdepartmental transfers	2,873,494	2,873,494
Total	83,051,265	33,143,054

Sec. 65. 2022 Acts and Resolves No. 185, Sec. B.1100, as amended by 2023 Acts and Resolves No. 3, Sec. 45 is further 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:

* * *

(38) \$30,000 to the Department of Health ~~for a grant to enter into an agreement~~ with the American Heart Association for CPR and First Aid Training kits to facilitate training in schools.

* * *

Sec. 66. 2022 Acts and Resolves No. 183, Sec. 53(a), as amended by 2023 Acts and Resolves No. 3, Sec. 81 is further amended to read:

(a) Reversion. In fiscal year 2023, of the amounts appropriated in 2021 Acts and Resolves No. 74, Sec. G.300(a)(13) and 2021 Acts and Resolves No. 9, Sec. 3(b)(1), 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, ~~\$25,042,000.00~~ \$24,980,874.93 shall revert to the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds.

Sec. 67. 2023 Acts and Resolves No. 22, Sec. 3 is amended to read:

Sec. 3. APPROPRIATION; COMMUNITY NEEDLE AND SYRINGE
DISPOSAL PROGRAMS

~~Notwithstanding any provision of law to the contrary, in~~ fiscal year 2024, \$150,000.00 is ~~authorized~~ appropriated from the Evidence-Based Education and Advertising Fund ~~in established by 33 V.S.A. § 2004a~~ to the Department of Health's Division of Substance Use Programs to provide grants and consultations for municipalities, hospitals, community health centers, and other publicly available community needle and syringe disposal programs that participated in a stakeholder meeting pursuant to Sec. 2 of this act.

Sec. 68. 2023 Acts and Resolves No. 22, Sec. 14 is amended to read:

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:

* * *

(9) All appropriations made in this section shall carry forward into fiscal year 2024 unless reverted as part of the fiscal year 2024 budget adjustment act.

Sec. 69. 2022 Acts and Resolves No. 185, Sec. G.600(b), as amended by 2023 Acts and Resolves No. 3, Sec. 85, and 2023 Acts and Resolves No. 62, Sec. 26, is further 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:

* * *

(4) ~~\$3,000,000~~ \$4,000,000 to the Agency of Transportation to grant to the Community Action Agencies to support the MileageSmart Program, established in 2019 Acts and Resolves No. 59, Sec. 34, as amended.

(5) ~~\$2,350,000.00~~ \$1,350,000 to the Agency of Transportation for the Replace Your Ride Program, established in 2021 Acts and Resolves No. 55, Sec. 27, as amended.

(6) ~~\$2,200,000~~ \$2,350,000 general funds and \$550,000 Transportation funds to the Agency of Transportation for the following:

* * *

(C) \$50,000 Transportation funds and ~~\$100,000~~ \$150,000 general funds to the Agency of Transportation for electric bicycle incentives.

(7) \$500,000 to the Agency of Transportation Electrify Your Fleet Program.

Sec. 70. 2023 Acts and Resolves No. 81, Sec. 8 is amended to read:

Sec. 8. EMERGENCY HOUSING TRANSITION; FUNDING; FISCAL YEAR 2024 BUDGET ADJUSTMENT

(a) The Agency of Human Services shall ~~hold in reserve~~ revert as much ~~funding spending authority~~ as possible ~~from~~ during the Agency's fiscal year 2023 closeout process ~~as carryforward for potential investment in assisting households with transitioning out of the pandemic-era General Assistance Emergency Housing Program. The reserved funds shall not be used unless~~

pursuant to the Secretary of Administration's discretion under 2023 Acts and Resolves No. 3, Sec. 109. If the amounts appropriated pursuant to Sec. 7 of this act are not sufficient to fully implement the phase-out of the pandemic-era General Assistance Emergency Housing Program as set forth in this act, then the General Assembly may provide additional spending authority as needed.

* * *

Sec. 71. 10 V.S.A. § 6083a is amended to read:

§ 6083a. ACT 250 FEES

(a) All applicants for a land use permit under section 6086 of this title shall be directly responsible for the costs involved in the publication of notice in a newspaper of general circulation in the area of the proposed development or subdivision and the costs incurred in recording any permit or permit amendment in the land records. In addition, applicants shall be subject to each of the following fees for each individual permit or permit application for the purpose of compensating the State of Vermont for the direct and indirect costs incurred with respect to the administration of the Act 250 program:

* * *

Sec. 72. 16 V.S.A. § 4025(b)(2) is amended to read:

(2) To cover the cost of fund auditing, accounting, revenue collection, and of short-term borrowing to meet fund cash flow requirements.

Sec. 73. 18 V.S.A. § 1001 is amended to read:

§ 1001. REPORTS TO COMMISSIONER OF HEALTH

* * *

(b) Public health records developed or acquired by State or local public health agencies that relate to HIV or AIDS and that contain either personally identifying information or information that may indirectly identify a person shall be confidential and only disclosed following notice to and written authorization from the individual subject of the public health record or the individual's legal representative. Notice otherwise required pursuant to this section shall not be required for disclosures to the federal government; other departments, agencies, or programs of the State; or other states' infectious disease surveillance programs if the disclosure is for the purpose of comparing the details of potentially duplicative case reports, public health surveillance, or epidemiological follow-up, provided the information shall be shared using the least identifying information first so that the individual's name shall be used only as a last resort.

* * *

Sec. 74. 33 V.S.A. § 3511 is amended to read:

§ 3511. DEFINITIONS

As used in this chapter:

* * *

(7) “Family child care home” means a child care facility that provides care on a regular basis in the caregiver’s own residence for ~~not more than 10 children at any one time. Of this number, up to six children may be provided care on a full-time basis and the remainder on a part-time basis. As used in this subdivision, care of a child on a part-time basis shall mean care of a school-age child for not more than four hours a day. These limits shall not include children who reside in the residence of the caregiver, except:~~

(A) ~~These part-time, school-age children may be cared for on a full-day basis during school closing days, snow days, and vacation days that occur during the school year.~~

(B) ~~During the school summer vacation, up to 12 children may be cared for provided that at least six of these children are of school age and a second staff person is present and on duty when the number of children in attendance exceeds six. These limits shall not include children who are required by law to attend school (seven years of age and older) and who reside in the residence of the caregiver.~~

* * *

Sec. 75. 29 V.S.A. chapter 61 is amended to read:

CHAPTER 61. MUNICIPAL EQUIPMENT LOAN FUND

* * *

§ 1602. APPLICATION; LOANS; CONDITIONS

(a) Upon application of a municipality or two or more municipalities applying jointly, the State Treasurer may loan money from the Fund to that municipality or municipalities for the purchase of equipment. Purchases of equipment eligible for loans from the Fund shall have a useful life of at least five years and a purchase price of at least \$20,000.00 but shall not be eligible for loans in excess of ~~\$110,000.00~~ \$150,000.00 from this Fund.

(b) The Treasurer is authorized to establish terms and conditions, including repayment schedules of up to five years for loans from the Fund to ensure repayment of loans to the Fund. Before a municipality may receive a loan from the Fund, it shall give to the Treasurer security for the repayment of the funds. The security shall be in such form and amount as the Treasurer may determine and may include a lien on the equipment financed by the loan.

(c) The rates of interest shall be as established by this section to assist municipalities in purchasing equipment upon terms more favorable than in the commercial market. Such rates shall be ~~no~~ not more than two percent per annum for a loan to a single municipality, and loans shall bear no interest charge if made to two or more municipalities purchasing equipment jointly.

(d) In any fiscal year, new loans from the Municipal Equipment Fund shall not exceed an aggregate of \$1,500,000.00. The Treasurer shall put forth recommendations to the General Assembly on a maximum loan amount every five years, commencing on January 15, 2028, based on requests received and loans granted pursuant to this chapter.

* * *

Sec. 76. 3 V.S.A. chapter 18 is amended to read:

CHAPTER 18. VT SAVES

* * *

§ 532. VT SAVES PROGRAM; ESTABLISHMENT

* * *

(c) Contributions.

(1) Unless otherwise specified by the covered employee, a covered employee shall automatically initially contribute five percent of the covered employee's ~~salary or~~ wages to the Program. A covered employee may elect to opt out of the Program at any time or contribute at any higher or lower rate, expressed as a percentage of ~~salary or~~ wages, or, as permitted by the Treasurer, expressed as a flat dollar amount, subject in all cases to the IRA contribution and eligibility limits applicable under the Internal Revenue Code at no additional charge.

(2) The Treasurer shall provide for, on a uniform basis, an annual increase of each active participant's contribution rate, by not less than one percent, but not more than eight percent, of ~~salary or~~ wages each year. Any such increases shall apply to active participants, including participants by default with an option to opt out or participants who are initiated by affirmative participant election, provided that any increase is subject to the IRA contribution and eligibility limits applicable under the Internal Revenue Code.

* * *

§ 535. PENALTIES

(a) Failure to ~~enroll~~ comply. If a covered employer fails to ~~enroll~~ a covered employee be in compliance with this chapter without reasonable cause, the covered employer is subject to a penalty for each covered employee for each calendar year or portion of a calendar year during which the covered employee was not enrolled in the Program or had not opted out of participation in the Program. The amount of any penalty imposed on a covered employer for the failure to enroll a covered employee without reasonable cause is determined as follows:

* * *

(b) Waivers. The Treasurer is authorized to establish a rule waiving the penalty for a covered employer ~~for any failure to enroll a covered employee that fails to be in compliance with this chapter~~ for which it is established that the covered employer did not know that the failure existed and exercised reasonable diligence to meet the requirements of this chapter, provided that:

* * *

Sec. 77. 2023 Acts and Resolves No. 43, Sec. 2 is amended to read:

Sec. 2. VT SAVES; IMPLEMENTATION

(a) Subject to an appropriation from the General Assembly, the State Treasurer shall implement the VT Saves Program (Program), established in 3 V.S.A. chapter 18, ~~as follows:~~ in stages as determined by the Treasurer, which may include phasing in the Program based on the size of employers or other factors. The Program shall be implemented so that all covered employees will begin participation and make contributions on or before July 1, 2026

~~(1) Beginning on July 1, 2025, all covered employers with 25 or more covered employees shall offer the Program to all covered employees.~~

~~(2) Beginning on January 1, 2026, all covered employers with 15 to 24 covered employees shall offer the Program to all covered employees.~~

~~(3) Beginning on July 1, 2026, all covered employers with five to 14 covered employees shall offer the Program to all covered employees.~~

(b) As used in this section, “covered employer” and “covered employee” have the same meanings as in 3 V.S.A. § 531.

Sec. 78. 17 V.S.A. § 2732(a) is amended to read:

(a) The electors shall meet at the State House on the first ~~Monday~~ Tuesday after the second Wednesday in December next following their election to vote

for the President and Vice President of the United States, agreeably to the laws of the United States.

Sec. 79. 18 V.S.A. § 9435 is amended to read:

§ 9435. EXCLUSIONS

* * *

(g) With the approval of the Commissioner of Health, excluded from this subchapter is a facility in which the prescription, distribution, or administration of medication for opioid use disorder is a principal activity.

Sec. 80. 18 V.S.A. § 4772 is amended to read:

§ 4772. OPIOID SETTLEMENT ADVISORY COMMITTEE

* * *

(f) Meetings.

(1) The Commissioner of Health shall call the first meeting of the Advisory Committee to occur on or before June 30, 2022.

(2) The Advisory Committee shall meet at least quarterly but not more than ~~six~~ 12 times per calendar year.

(3) The Advisory Committee shall adopt procedures to govern its proceedings and organization, including voting procedures and how the staggered terms shall be apportioned among members.

(4) All meetings of the Advisory Committee shall be consistent with Vermont's Open Meeting Law pursuant to 1 V.S.A. chapter 5, subchapter 2.

(g) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Advisory Committee serving in the member's capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than ~~six~~ 12 meetings per year. These payments shall be appropriated from the Opioid Abatement Special Fund.

(2) Other members of the Advisory Committee shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than ~~six~~ 12 meetings per year. These payments shall be appropriated from the Opioid Abatement Special Fund.

Sec. 81. 27 V.S.A. § 1513 is amended to read:

§ 1513. PAYMENT OR DELIVERY OF PROPERTY TO
ADMINISTRATOR

* * *

(f) If property reported to the Administrator under section 1491 of this title is virtual currency, the holder shall liquidate the virtual currency and remit the proceeds to the Administrator. The liquidation shall occur anytime within 30 days prior to the remittance. The owner of the property shall not have recourse against the holder or the Administrator to recover any gain in value that occurs after the liquidation of the virtual currency for property properly reported as set forth in this chapter.

(g) The Administrator shall establish procedures for the registration, issuance, method of delivery, transfer, and maintenance of securities delivered to the Administrator by a holder.

~~(g)~~(h) An issuer, holder, and transfer agent or other person acting under this section under instructions of and on behalf of the issuer or holder is not liable to the apparent owner for, and must be indemnified by the State against, a claim arising with respect to property after the property has been delivered to the Administrator.

~~(h)~~(i) A holder is not required to deliver to the Administrator a security identified by the holder as a ~~non-freely~~ nonfreely transferable security. If the Administrator or holder determines that a security is no longer a ~~non-freely~~ nonfreely transferable security, the holder shall deliver the security on the next regular date prescribed for delivery of securities under this chapter. The holder shall make a determination annually whether a security identified in a report filed under section 1491 of this title as a ~~non-freely~~ nonfreely transferable security is no longer a ~~non-freely~~ nonfreely transferable security.

Sec. 82. 20 V.S.A. § 3173 is amended to read:

§ 3173. MONETARY BENEFIT

(a) The survivors of emergency personnel who dies while in the line of duty or from an occupation-related illness may apply for a payment of ~~\$50,000.00~~ \$80,000.00 from the State.

(b) The State Treasurer shall disburse from the Special Fund established in section 3175 of this title the monetary benefit described in subsection (a) of this section and shall adopt necessary procedures for the disbursement of such funds.

Sec. 83. 16 V.S.A. § 1949 is amended to read:

§ 1949. POSTRETIREMENT ADJUSTMENTS TO RETIREMENT ALLOWANCES

(a) Postretirement adjustments to retirement allowance. On January 1 of each year, the retirement allowance of each beneficiary of the System who is in receipt of a retirement allowance for at least a one-year period as of December 31 in the previous year, and who meets the eligibility criteria set forth in this section, shall be adjusted by the amount described in subsection (d) of this section. In no event shall a beneficiary receive a negative adjustment to the beneficiary's retirement allowance.

(b) Calculation of net percentage increase. Each year, a determination shall be made of any increase or decrease, to the nearest one-tenth of a percent, in the Consumer Price Index for the month ending on June 30 of that year to the average of the Consumer Price Index for the month ending on June 30 of the previous year.

~~(1) Consumer Price Index; maximum and minimum amounts. Any increase or decrease in the Consumer Price Index shall be subject to adjustment so as to remain within the following maximum and minimum amounts:~~

~~(A) For Group A members and Group C members who are eligible for normal retirement or unreduced early retirement, or who are vested deferred, on or before June 30, 2022, the maximum amount of any increase or decrease utilized to determine the net percentage increase shall be five percent.~~

~~(B) For Group C members who are eligible for retirement and leave active service on or after July 1, 2022, the maximum amount of any increase or decrease utilized to determine the net percentage increase shall be four percent.~~

~~(2) Consumer Price Index; decreases. In the event of a decrease of the Consumer Price Index as of June 30 for the preceding year, there shall be no adjustment to the retirement allowance of a beneficiary for the subsequent year beginning on January 1; provided, however, that:~~

~~(A) such decrease shall be applied as an offset against the first subsequent year's increase of the Consumer Price Index up to the full amount of such increase; and~~

~~(B) to the extent that such decrease is greater than such subsequent year's increase, such decrease shall be offset in the same manner against two~~

or more years of such increases, for up to but not exceeding five subsequent years of such increases, until fully offset.

~~(3)~~(2) Consumer Price Index; increases. ~~Subject to the maximum and minimum amounts set forth in subdivision (1) of this subsection, in~~ In the event of an increase in the Consumer Price Index, and provided there remains an increase following the application of any offset as in subdivision ~~(2)~~(1) of this subsection, that amount shall be identified as the net percentage increase and used to determine the members' postretirement adjustment as set forth in subsection (d) of this section.

(c) Eligibility for postretirement adjustment. In order for a beneficiary to receive a postretirement adjustment allowance, the beneficiary must meet the following eligibility requirements:

(1) ~~for~~ For any Group A or Group C member eligible for normal retirement, or who is vested deferred, on or before June 30, 2022, the member must be in receipt of a retirement allowance for at least 12 months prior to the January 1 effective date of any postretirement adjustment; ~~and~~.

(2) ~~for~~ For any Group C member who is first eligible for normal retirement and leaves active service on or after July 1, 2022, the member must be in receipt of a retirement allowance for at least 24 months prior to the January 1 effective date of any postretirement adjustment.

(3) Special rule for Group C early retirement. A Group C member in receipt of an early retirement allowance shall not receive a postretirement adjustment to the member's retirement allowance until such time as the member has reached normal retirement age, provided the member meets all eligibility criteria set forth in this subsection.

(d) Amount of postretirement adjustment. The postretirement adjustment for each member who meets the eligibility criteria set forth in subsection (c) of this section shall be as follows:

(1) the full amount of the net percentage increase calculated pursuant to subsection (b) of this section for all Group A members; ~~and, provided that:~~

(A) the net percentage increase following the application of any offset as provided in this section equals or exceeds one percent; and

(B) the maximum amount of any adjustment under this section shall be five percent; and

(2) one-half of the net percentage increase calculated pursuant to subsection (b) of this section for all Group C members., provided that:

(A) For Group C members eligible for normal retirement or who are vested deferred on or before June 30, 2022, the maximum amount of any adjustment under this section shall be five percent. An adjustment of less than one percent shall be assigned a value of one percent.

(B) For Group C members first eligible for normal retirement and who leave active service on or after July 1, 2022, the maximum amount of any adjustment under this section shall be four percent and the minimum amount shall be zero percent.

(e) As used in this section, “Consumer Price Index” ~~shall mean~~ means the Northeast Region Consumer Price Index for all urban consumers, designated as “CPI-U,” in the northeast region, as published by the U.S. Department of Labor, Bureau of Labor Statistics.

Sec. 84. 2023 Acts and Resolves No. 47, Sec. 36 is amended to read:

Sec. 36 MIDDLE-INCOME HOMEOWNERSHIP DEVELOPMENT PROGRAM

(a) The Vermont Housing Finance Agency shall establish a Middle-Income Homeownership Development Program pursuant to this section.

(b) As used in this section:

(1) “Affordable owner-occupied housing” means owner-occupied housing identified in 26 U.S.C. § 143(c)(1) or that qualifies under Vermont Housing Finance Agency criteria governing owner-occupied housing.

(2) “Income-eligible homebuyer” means a Vermont household with annual income that does not exceed 150 percent of area median income.

(c) The Agency shall use the funds appropriated in this section to provide subsidies for new construction or acquisition and substantial rehabilitation of affordable owner-occupied housing for purchase by income-eligible homebuyers.

(d) The total amount of subsidies for a project shall not exceed 35 percent of eligible development costs, as determined by the Agency, which the Agency may allocate consistent with the following:

(1) Developer subsidy. The Agency may provide a direct subsidy to the developer, which shall not exceed the difference between the cost of development and the market value of the home as completed.

(2) Affordability subsidy. Of any remaining amounts available for the project after the developer subsidy, the Agency may provide a subsidy for the benefit of the homebuyer to reduce the cost of purchasing the home, provided that:

(A) the Agency includes conditions in the subsidy, agreement or uses another legal mechanism, to ensure that, ~~to the extent the home value has risen, the amount of the subsidy upon sale of the home, to the extent proceeds are available,~~ the amount of the affordability subsidy either:

(i) remains with the home to offset the cost to future homebuyers;
or

(ii) is recaptured by the Agency upon sale of the home for use in a similar program to support affordable homeownership development; or

(B) the subsidy is subject to a housing subsidy covenant, as defined in 27 V.S.A. § 610, that preserves the affordability of the home for a period of 99 years or longer.

(3) The Agency shall allocate not less than 33 percent of the funds available through the Program to projects that include a housing subsidy covenant consistent with subdivision (2)(B) of this subsection.

(e) The Agency shall adopt a Program plan that establishes application and selection criteria, including:

- (1) project location;
- (2) geographic distribution;
- (3) leveraging of other programs;
- (4) housing market needs;
- (5) project characteristics, including whether the project includes the use of existing housing as part of a community revitalization plan;
- (6) construction standards, including considerations for size;
- (7) priority for plans with deeper affordability and longer duration of affordability requirements;
- (8) sponsor characteristics;
- (9) energy efficiency of the development; and
- (10) the historic nature of the project.

(f)(1) When implementing the Program, the Agency shall consult stakeholders and experts in the field.

(2) The Program shall include:

(A) a streamlined and appropriately scaled application process;

(B) an outreach and education plan, including specific tactics to reach and support eligible applicants, especially those from underserved regions or sectors;

(C) an equitable system for distributing investments statewide on the basis of need according to a system of priorities that includes consideration of:

(i) geographic distribution;

(ii) community size;

(iii) community economic need; and

(iv) whether an application has already received an investment or is from an applicant in a community that has already received Program funding.

~~(3) The Agency shall use its best efforts to ensure:~~

~~(A) that investments awarded are targeted to the geographic communities or regions with the most pressing economic and employment needs; and~~

~~(B) that the allocation of investments provides equitable access to the benefits to all eligible geographical areas.~~

(g) The Agency may assign its rights under any investment or subsidy made under this section to the Vermont Housing and Conservation Board or any State agency or nonprofit organization qualifying under 26 U.S.C § 501(c)(3), provided such assignee acknowledges and agrees to comply with the provisions of this section.

(h) The Department shall report to the House Committee on General and Housing and the Senate Committee on Economic Development, Housing and General Affairs on the status of the Program annually, on or before January 15.

Sec. 85. UNRESERVED EDUCATION FUNDS; VERMONT STATE
TEACHERS' RETIREMENT SYSTEM APPROPRIATION

(a) In fiscal year 2024, notwithstanding any provision of 16 V.S.A. § 4025 to the contrary, the amount of \$9,100,000 in Education Fund dollars reserved in 2023 Acts and Resolves No. 78, Sec. D.104(a) is unreserved, and the sum of \$9,340,000 in Education Fund dollars is appropriated to the Vermont Teachers' Retirement Fund, established in 16 V.S.A. § 1944, to fund the present value of modifications made to the postretirement adjustments allowance set forth in Sec. 89 of this act.

Sec. 86. TEMPORARY EMERGENCY HOUSING

(a) To the extent emergency housing is available, the Commissioner for Children and Families shall ensure that temporary emergency housing is provided through June 30, 2024 to households eligible for the General Assistance Emergency Housing Program, including beneficiaries of the emergency housing transition benefit that is set to conclude on April 1, 2024 and excluding those individuals who only qualify for temporary emergency housing pursuant to the Department's adverse weather condition policy. Participation pursuant to this subsection shall not be bound by day limit maximums and shall be subject to the following eligibility criteria:

(1) for beneficiaries of the emergency housing transition benefit, 2023 Acts and Resolves No. 81, Sec. 6, and Department for Children and Families, Emergency Housing Transition Benefit (EH-100), adopted under Secretary of State emergency rule filing number 23-E12 or any future identical emergency rule adopted by the Department; and

(2) for all other participants of the General Assistance Emergency Housing Program, excluding those individuals who only qualify for temporary emergency housing pursuant to the Department's adverse weather condition policy, Department for Children and Families, General Assistance (CVR 13-170-260) as amended by Department for Children and Families under Secretary of State emergency rule filing number 23-E11 or any future identical emergency rule adopted by the Department.

(b) Temporary emergency housing required pursuant to subsection (a) of this section may be provided through approved shelters, new unit generation, open units, licensed hotels or motels, or other appropriate shelter space. The Agency of Human Services shall, when available, prioritize temporary emergency housing at housing or shelter placements other than licensed hotels or motels.

(c) On or before the last day of each month from April 2024 through June 2024, the Agency of Human Services, or other relevant agency or department, shall continue submitting a substantially similar report to that due pursuant to 2023 Acts and Resolves No. 81, Sec. 6(b).

(d) For temporary emergency housing provided beginning on March 1, 2024 and thereafter, the Agency of Human Services shall not pay a licensed hotel or motel establishment more than the lowest advertised room rate and not more than \$80 a day per room to shelter a household experiencing homelessness. The Agency of Human Services may shelter a household in more than one licensed hotel or motel room depending on the household's size and composition.

(e) The Agency of Human Services shall apply the following rules:

(1) Section 2650.1 of the Department for Children and Families, General Assistance (CVR 13-170-260);

(2) Department of Health, Licensed Lodging Establishment Rule (CVR 13-140-023); and

(3) Department of Public Safety, Vermont Fire and Building Safety Code (CVR 28-070-001).

(f)(1) Prior to June 1, 2024, the Agency of Human Services may work with either a shelter provider or a community housing agency to enter into a full facility lease or sales agreement with a hotel or motel provider. Any facility conversion under this section shall comply with the Office of Economic Opportunity's shelter standards.

(2) If the Agency determines that a contractual arrangement with a licensed hotel or motel operator to secure temporary emergency housing capacity is beneficial to improve the quality, cleanliness, and access to services for those households temporarily housed in the facility, the Agency shall be authorized to enter into such an agreement; provided, however, that in no event shall such an agreement cause a household to become unhoused.

Sec. 87. 2012 Acts and Resolves No. 71, Sec. 1, as amended by 2012 Acts and Resolves No. 143, Sec. 13, 2014 Acts and Resolves No. 189, Sec. 26, and 2017 Acts and Resolves No. 71, Sec. 24, is further amended to read:

Sec. 1. VERMONT STRONG MOTOR VEHICLE PLATES

~~(a) Intent. It is the intent of this act to recognize all of those who have suffered losses because of the destruction brought by Tropical Storm Irene and the flooding of 2011, and to commemorate the contributions of the many who are helping to rebuild Vermont and to make it stronger. [Repealed.]~~

(b) Authority; accounting and reporting; bundles.

(1) The department of motor vehicles (“department”) Department of Motor Vehicles is authorized to design, manufacture or procure, and distribute one or more commemorative plates that include the text “Vermont Strong” in accordance with this section. The department and Vermont Life magazine are Department is authorized to sell commemorative plates individually or in conjunction with a bundled promotional item. The department Department may also authorize other persons to sell commemorative plates, provided that such persons are required to pay the department \$25.00 Department \$35.00 per plate within 30 days of after receiving the plates from the department Department.

(2) A ~~The Vermont Strong commemorative plate fund~~ (the “fund”) Commemorative Plate Fund is established. The ~~fund~~ Fund shall be under the control of the ~~commissioner of motor vehicles~~ Commissioner of Motor Vehicles or designee, and shall consist of all receipts from the sales of Vermont Strong commemorative plates and bundled promotional items. The ~~commissioner~~ Commissioner shall account for all proceeds of sales of commemorative plates and bundled promotional items and all receipts into and disbursements from the ~~fund~~ Fund; shall track the number of plates and bundled promotional items distributed and sold; and shall track and collect payments owed for plates distributed. The ~~commissioner~~ Commissioner shall transfer funds from the ~~fund~~ Fund in accordance with subsection (d) of this section ~~no~~ not less often than once per month. The ~~department~~ Department shall report its accounting of ~~fund~~ Fund receipts and disbursements, plate inventory, and uncollected payments for plates distributed to the ~~joint fiscal committee at its November 2012 meeting~~ House and Senate Committees on Transportation and the Joint Fiscal Committee not later than May 1, 2024.

(c) Use. An approved Vermont Strong commemorative plate may be displayed on a motor vehicle registered in Vermont as a pleasure car or on a motor truck registered in Vermont for less than 26,001 pounds ~~(, but excluding vehicles registered under the International Registration Plan),~~ by covering the front registration plate with the commemorative plate any time from the effective date of this act. The regular front registration plate shall not be removed. The regular rear registration plate shall be in place and clearly visible at all times.

(d) Price and allocation of revenue.

(1) The retail price of the plate shall be ~~\$25.00~~ \$35.00, except that on or after July 1, ~~2016~~ 2026, plates may be sold by the Commissioner for \$5.00.

(2) Funds received from the sale of plates for \$5.00 shall be allocated to the Department; funds received from the sale of the plates for ~~\$25.00~~ \$35.00 shall be allocated as follows:

~~(1)(A)~~ (A) \$5.00 to the Department;

~~(2)(B)~~ (B) ~~\$18.00 to the Vermont Disaster Relief Fund~~ \$15.00 to the Vermont Community Foundation; and

~~(3)(C)~~ (C) ~~\$2.00 to the Vermont Foodbank~~ \$15.00 to the Agency of Commerce and Community Development’s Business Emergency Gap Assistance Program.

(3) Funds received from the sale of bundled promotional items, less any costs to the Department for the purchase of the bundled promotional items, shall be allocated as follows:

(A) 50 percent to the Vermont Community Foundation; and

(B) 50 percent to the Agency of Commerce and Community Development's Business Emergency Gap Assistance Program.

(e) Funding. ~~The department of motor vehicles~~ Department of Motor Vehicles is authorized to obtain an advance from the Vermont Strong ~~commemorative plate fund~~ Commemorative Plate Fund in an amount to be determined by the ~~commissioner of motor vehicles~~ Commissioner of Motor Vehicles in anticipation of receipts from the administration of this section.

(f) Tax exemption. Sales of commemorative plates pursuant to this section shall be exempt from the sales and use tax established by 32 V.S.A. chapter 233.

Sec. 88. 2012 Acts and Resolves No. 71, Sec. 1, as amended by 2012 Acts and Resolves No. 143, Sec. 13, 2014 Acts and Resolves No. 189, Sec. 26, 2017 Acts and Resolves No. 71, Sec. 24, and Sec. 96 of this act is further amended to read:

Sec. 1. VERMONT STRONG MOTOR VEHICLE PLATES

(a) [Repealed.]

(b) Authority; accounting and reporting; ~~bundles.~~

(1) The Department of Motor Vehicles is authorized to design, manufacture or procure, and distribute one or more commemorative plates that include the text "Vermont Strong" in accordance with this section. The Department is authorized to sell commemorative plates ~~individually or in conjunction with a bundled promotional item.~~ The Department may also authorize other persons to sell commemorative plates, provided that such persons are required to pay the Department \$35.00 per plate within 30 days after receiving the plates from the Department.

(2) The Vermont Strong Commemorative Plate Fund is established. The Fund shall be under the control of the Commissioner of Motor Vehicles, or designee, and shall consist of all receipts from the sales of Vermont Strong commemorative plates and bundled promotional items. The Commissioner shall account for all proceeds of sales of commemorative plates and bundled promotional items and all receipts into and disbursements from the Fund; shall track the number of plates and bundled promotional items distributed and sold; and shall track and collect payments owed for plates distributed. The Commissioner shall transfer funds from the Fund in accordance with subsection (d) of this section not less often than once per month. The Department shall report its accounting of Fund receipts and disbursements, plate inventory, and uncollected payments for plates distributed to the House

and Senate Committees on Transportation and the Joint Fiscal Committee not later than May 1, 2024.

* * *

(d) Price and allocation of revenue.

(1) The retail price of the plate shall be \$35.00, except that on or after July 1, 2026, plates may be sold by the Commissioner for \$5.00.

(2) Funds received from the sale of plates for \$5.00 shall be allocated to the Department; funds received from the sale of the plates for \$35.00 shall be allocated as follows:

(A) \$5.00 to the Department; and

(B) ~~\$15.00~~ \$30.00 to the Vermont Community Foundation; and

(C) ~~\$15.00 to the Agency of Commerce and Community Development's Business Emergency Gap Assistance Program~~ General Fund for natural disaster relief.

(3) Funds received from the sale of bundled promotional items prior to the effective date of this section, less any costs to the Department for the purchase of the bundled promotional items, shall be allocated as follows:

(A) 50 percent to the Vermont Community Foundation; and

(B) 50 percent to the Agency of Commerce and Community Development's Business Emergency Gap Assistance Program.

* * *

(g) Bundled promotional items. The State shall not be involved with the sale of any bundled promotional items.

Sec. 89. FEDERAL EMERGENCY MANAGEMENT AGENCY REPORTING AND OVERSIGHT

(a) The Secretary of Administration shall report to the Joint Fiscal Committee at each of its scheduled meetings in fiscal years 2024 and 2025 on funding received from the Federal Emergency Management Agency (FEMA) Public Assistance Program and associated emergency relief and assistance funds match for the damages due to the July 2023 flooding event. The report shall include:

(1) a projection of the total funding needs for the Federal Emergency Management Agency (FEMA) Public Assistance Program and to the extent possible, details about the projected funding by State agency or municipality;

(2) spending authority (appropriated and excess receipts) granted to date for the FEMA Public Assistance Program and the associated emergency relief and assistance funds match;

(3) information on any audit findings that may result in financial impacts to the State; and

(4) actual expenditures to date made from the spending authority granted and to the extent possible, details about the expended funds by State agency or municipality.

(b) Reports shall be posted on the legislative and administration websites after submission.

Sec. 90. 2010 Acts and Resolves No. 83, Sec. 2, as amended by 2013 Acts and Resolves No. 65, Sec. 1, 2016 Acts and Resolves No. 117, Sec. 2, and 2019 Acts and Resolves No. 5, Sec. 1, is further amended to read:

Sec. 2. CERTIFICATE OF NEED WORK GROUP; MORATORIUM

* * *

(d) Notwithstanding any other provision of law, no CON shall be granted for the offering of home health services, which includes hospice, or for a new home health agency during the period beginning on the effective date of this act and continuing through January 1, ~~2025~~ 2030, or until the General Assembly lifts the moratorium after considering a progress report on the Green Mountain Care Board's implementation of its health care reform initiatives and health planning function and how they relate to home health agencies, whichever occurs first; provided, however, that the moratorium established pursuant to this subsection shall not apply to a continuing care retirement community that has been issued a certificate of authority or to a licensed home for persons who are terminally ill as defined in 33 V.S.A. § 7102.

* * *

Sec. 91. 2013 Acts and Resolves No. 65, Sec. 2, as amended by 2016 Acts and Resolves No. 117, Sec. 3 and 2019 Acts and Resolves No. 5, Sec. 2, is further amended to read:

Sec. 2. PERIODIC HEALTH PLANNING FUNCTION
PROGRESS REPORTS

For as long as the moratorium continues for certificates of need for the offering of home health services, as established in 2010 Acts and Resolves No. 83, Sec. 2 and as amended by 2013 Acts and Resolves No. 65, Sec. 1, 2016 Acts and Resolves No. 117, Sec. 2, 2019 Acts and Resolves No. 5, Sec. 1, and this act, the Green Mountain Care Board shall provide to the House

Committees on Health Care and on Human Services and the Senate Committee on Health and Welfare any progress reports the Board generates on its implementation of its health care reform initiatives and health planning function and how they relate to home health agencies.

Sec. 92. 21 V.S.A. § 384 is amended to read:

§ 384. EMPLOYMENT; WAGES

* * *

(b) Notwithstanding subsection (a) of this section, an employer shall not pay an employee less than one and one-half times the regular wage rate for any work done by the employee in excess of 40 hours during a workweek. However, this subsection shall not apply to:

* * *

(8) Permanent employees of the Vermont General Assembly.

* * *

Sec. 93. 2023 Acts and Resolves No. 64, Sec. 3a. is amended to read:

Sec. 3a. APPROPRIATION; SCHOOL MEALS

The sum of ~~\$29,000,000.00~~ \$24,000,000 is appropriated from the Education Fund to the Agency of Education for fiscal year 2024 to provide reimbursement for school meals under 16 V.S.A. § 4017.

Sec. 94. 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, 2024 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, 2024 in the Legislative and Judicial Branches shall be carried forward and shall be designated for expenditure.

Sec. 94a. UNIVERSAL AFTERSCHOOL AND SUMMER

(a) The Universal Afterschool and Summer Special Fund is created, to be managed by the Secretary of Education. The cannabis sales tax revenue shall be transferred to the Universal Afterschool and Summer Special Fund. The Secretary shall use the assets in the Fund as follows:

(1) To set up programs to support the expansion of universal afterschool and summer programs with a focus on underserved areas of the State.

(2) 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.

(A) Grants may be used for technical assistance, program implementation, program expansion, program sustainability, and related costs.

(B) Funds may be used to directly target communities with low existing capacity to serve youth in afterschool and summer settings.

(C) The award of grants and any subsequent contract or written agreement issued pursuant to the award of a grant shall require the grantee to comply with 9 V.S.A. § 4502, regardless of whether the grantee meets the definition of a place of public accommodation under 9 V.S.A. § 4501(1).

(D) The Agency may use up to \$500,000.00 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 program.

(b) An Advisory Committee is created to support the Secretary of Education in administering the funds. The Agency will provide administrative and technical support to the Committee. The Committee is to be composed of:

- (1) State's Chief Prevention Officer;
- (2) DCF Commissioner or designee;
- (3) VDH Commissioner or designee;
- (4) DMH Commissioner or designee;
- (5) ANR Secretary or designee;
- (6) ACCD Secretary or designee;
- (7) Vermont Afterschool Executive Director or designee; and
- (8) a representative from the Governor's Office.

(c) 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 amount of grant funds awarded shall be in alignment with the actual revenue collected from the sales and use tax imposed by 32 V.S.A. § 233 on

cannabis or cannabis products in this State. Discrepancies between the amount of grant funds awarded and actual revenue shall be reconciled through the budget adjustment process. 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. 94b. 32 V.S.A. chapter 207 is amended to read:

CHAPTER 207. CANNABIS EXCISE TAX AND CANNABIS
SALES TAX REVENUE

* * *

§ 7910. CANNABIS SALES TAX REVENUE; UNIVERSAL
AFTERSCHOOL AND SUMMER SPECIAL FUND

Revenue from the sales and use tax imposed by chapter 233 of this title on retail sales of cannabis or cannabis products in Vermont shall be deposited into the Universal Afterschool and Summer Special Fund.

Sec. 94c. REPEAL; AFTERSCHOOL AND SUMMER LEARNING PROGRAMS

16 V.S.A § 4018 (afterschool and summer learning programs) is repealed.

Sec. 94d. 2023 Acts and Resolves No. 78, Sec. E.323.7 is amended to read as follows:

Sec. E.323.7 REACH AHEAD PILOT PROGRAM

* * *

(c) The incentive payments provided in subdivision (a)(4) of this section are reimbursements for past or future work expenses incurred by participating families.

Sec. 95. EFFECTIVE DATES

(a) Notwithstanding 1 V.S.A. § 214, Sec. 72 (16 V.S.A. § 4025(b)(2) amendment) is effective retroactively on July 1, 2023.

(b) Notwithstanding 1 V.S.A. § 214, Sec. 20 (B.334.1 amendment) is effective retroactively on January 1, 2024.

(c) Notwithstanding 1 V.S.A. § 214, Sec. 87 (Vermont Strong license plates through passage) shall take effect retroactively on August 23, 2023.

(d) All other sections shall take effect on passage.

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.

Pending the question, Shall the House concur in the Senate proposal of amendment?, **Rep. Lanpher of Vergennes** moved that the House refuse to concur and ask for a Committee of Conference, which was agreed to, and the Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Lanpher of Vergennes
Rep. Scheu of Middlebury
Rep. Wood of Waterbury

On motion of **Rep. McCoy of Poultney**, the rules were suspended and House action on the bill was ordered messaged to the Senate forthwith.

Adjournment

At three o'clock and forty-two minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Friday, February 16, 2024

At nine o'clock and thirty minutes in the forenoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Kelly Brush, Founder of the Kelly Brush Foundation, Charlotte.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time, and referred to committee as follows:

H. 859

By Rep. Mulvaney-Stanak of Burlington,
House bill, entitled

An act relating to overtime compensation for employees of the General Assembly

To the Committee on General and Housing.

H. 860

By Reps. Krasnow of South Burlington, Mulvaney-Stanak of Burlington, Andriano of Orwell, Bos-Lun of Westminster, Casey of Montpelier, Chesnut-Tangerman of Middletown Springs, Cina of Burlington, Cordes of Lincoln, Dodge of Essex, Garofano of Essex, Headrick of Burlington, Logan of Burlington, McCann of Montpelier, Nicoll of Ludlow, Rachelson of Burlington, Small of Winooski, Troiano of Stannard, and Williams of Barre City,

House bill, entitled

An act relating to granting collective bargaining rights to employees of the General Assembly

To the Committee on General and Housing.

Bill Referred to Committee on Appropriations**H. 847**

House bill, entitled

An act relating to peer support provider and recovery support specialist certification

Appearing on the Notice Calendar, and pursuant to House Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Ceremonial Reading**H.C.R. 149**

House concurrent resolution designating February 16, 2024 as Outdoor Recreation Day at the State House

Offered by: Representatives Dolan of Waitsfield, Jerome of Brandon, Anthony of Barre City, Bluemle of Burlington, Bongartz of Manchester, Bos-Lun of Westminster, Boyden of Cambridge, Brennan of Colchester, Brown of Richmond, Burke of Brattleboro, Campbell of St. Johnsbury, Carpenter of Hyde Park, Carroll of Bennington, Demrow of Corinth, Dickinson of St. Albans Town, Farlice-Rubio of Barnet, Graning of Jericho, Gregoire of Fairfield, Hango of Berkshire, Harrison of Chittenden, Holcombe of Norwich, Howard of Rutland City, Krasnow of South Burlington, Labor of Morgan, LaLonde of South Burlington, Lipsky of Stowe, Marcotte of Coventry, McCann of Montpelier, McCoy of Poultney, McGill of Bridport, Mihaly of Calais, Morrissey of Bennington, Mrowicki of Putney, Nicoll of Ludlow, Ode of Burlington, Page of Newport City, Priestley of Bradford, Rice of Dorset, Roberts of Halifax, Sammis of Castleton, Scheu of Middlebury,

Sheldon of Middlebury, Sibia of Dover, Sims of Craftsbury, Squirrell of Underhill, Toleno of Brattleboro, Torre of Moretown, White of Bethel, Williams of Barre City, and Williams of Granby

Offered by: Senators Clarkson, Bray, Brock, Cummings, Gulick, Harrison, Ram Hinsdale, White, and Wrenner

Whereas, Vermont is proud of its unparalleled and diverse natural landscape, and it is a global destination for many types of world-class outdoor recreation, and

Whereas, our State's outdoor recreational assets consist of over 8,000 miles of public access trails, including 150 miles of recreational rail trails; 360,000 acres of wildlife management areas, State forests, and State parks; and more than six million acres of hunting-accessible land, and there are over 40 alpine and cross-country ski areas, and

Whereas, in 2012 Acts and Resolves No. 77, the General Assembly designated skiing and snowboarding as the State's official winter sports, and

Whereas, the importance of welcoming everyone, regardless of ethnicity or background, to enjoy outdoor recreational pursuits is recognized, and outdoor recreational venues embrace the intrinsic community values of inclusion and representation, and

Whereas, outdoor recreation creates business opportunities, attracts new residents, and offers workforce pathways that incentivize young Vermonters to remain in the State, and

Whereas, according to the U.S. Bureau of Economic Analysis, in fiscal year 2022, in businesses located in all 14 Vermont counties, outdoor recreation spending totaled \$1.9 billion, and the industry employed over 15,000 persons, comprising nearly five percent of the Vermont workforce, and

Whereas, Vermont Outdoor Recreation Day is an occasion to celebrate the importance of outdoor recreation to the economy, to the quality of life, and to the mental and physical well-being of Vermonters and visitors, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly designates February 16, 2024 as Vermont Outdoor Recreation Day at the State House, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Secretary of Commerce and Community Development, the Secretary of Natural Resources, the Commissioner of Forests, Parks and Recreation, the Commissioner of Tourism and Marketing, the Executive

Director of the Vermont Outdoor Business Alliance, the Executive Director of the Vermont Mountain Bike Association, and the President of the Vermont Ski Areas Association.

Having been adopted in concurrence on Friday, February 9, 2024 in accord with Joint Rule 16b, was read.

Third Reading; Bill Passed in Concurrence

S. 154

Senate bill, entitled

An act relating to the Vermont State Plane Coordinate System

Was taken up, read the third time, and passed in concurrence.

Message from the Senate No. 20

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

Pursuant to the request of the House for a Committee of Conference on the disagreeing votes of the two Houses on House bill entitled:

H. 839. An act related to fiscal year 2024 budget adjustments.

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Kitchel
Senator Perchlik
Senator Westman

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 151. House concurrent resolution commemorating the fifth anniversary of the death of Jenna Tatro and honoring the work of Jenna's Promise.

H.C.R. 152. House concurrent resolution recognizing March 13, 2024 as National K9 Veterans Day in Vermont.

H.C.R. 153. House concurrent resolution commemorating Molly Davies's transfer of 350 acres of land in the Town of Wheelock to the Nulhegan Band of the Coosuk Abenaki Nation.

H.C.R. 154. House concurrent resolution honoring Johnson Selectboard Chair Beth Foy for her public service as an outstanding municipal legislative leader.

H.C.R. 155. House concurrent resolution honoring Richard Angus Cawley for his devoted public service in the Town of Corinth.

H.C.R. 156. House concurrent resolution honoring Harry Roush for his four-plus decades of exceptional municipal public service in the Town of Washington.

H.C.R. 157. House concurrent resolution congratulating the Boyd Family Farm in Wilmington on the centennial of its current agricultural home.

H.C.R. 158. House concurrent resolution designating February 22, 2024 as Age Strong Vermont Day at the State House.

H.C.R. 159. House concurrent resolution congratulating the Vermont State Employees' Association on its 80th anniversary.

Adjournment

At nine o'clock and fifty-nine minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, February 20, 2024, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 45.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Rule 16b of the Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House:

H.C.R. 151

House concurrent resolution commemorating the fifth anniversary of the death of Jenna Tatro and honoring the work of Jenna's Promise

H.C.R. 152

House concurrent resolution recognizing March 13, 2024 as National K9 Veterans Day in Vermont

H.C.R. 153

House concurrent resolution commemorating Molly Davies's transfer of 350 acres of land in the Town of Wheelock to the Nulhegan Band of the Coosuk Abenaki Nation

H.C.R. 154

House concurrent resolution honoring Johnson Selectboard Chair Beth Foy for her public service as an outstanding municipal legislative leader

H.C.R. 155

House concurrent resolution honoring Richard Angus Cawley for his devoted public service in the Town of Corinth

H.C.R. 156

House concurrent resolution honoring Harry Roush for his four-plus decades of exceptional municipal public service in the Town of Washington

H.C.R. 157

House concurrent resolution congratulating the Boyd Family Farm in Wilmington on the centennial of its current agricultural home

H.C.R. 158

House concurrent resolution designating February 22, 2024 as Age Strong Vermont Day at the State House

H.C.R. 159

House concurrent resolution congratulating the Vermont State Employees' Association on its 80th anniversary

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2024 Adjourned Session.]

Tuesday, February 20, 2024

At ten o'clock in the forenoon, the Speaker called the House to order.

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Pledge of Allegiance

Page Burke Donovan of St. Johnsbury led the House in the Pledge of Allegiance.

Message from the Senate No. 21

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 46. Joint resolution regarding weekend adjournment on February 23, 2024.

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

Committee Bill Introduced**H. 861**

By the Committee on Health Care,
House bill, entitled

An act relating to reimbursement parity for health care services delivered in person, by telemedicine, and by audio-only telephone

Was read the first time, and pursuant to House Rule 48, placed on the Notice Calendar.

Bill Referred to Committee on Appropriations**H. 645**

House bill, entitled

An act relating to the expansion of approaches to restorative justice

Appearing on the Notice Calendar, and pursuant to House Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Second Reading; Bill Amended; Third Reading Ordered**H. 543**

Rep. Cina of Burlington, for the Committee on Health Care, to which had been referred House bill, entitled

An act relating to Vermont's adoption of the Social Work Licensure Compact

Reported in favor of its passage when amended as follows:

In Sec. 2, effective date, by striking out "2024" and inserting in lieu thereof "2025"

Rep. Andrews of Westford, for the Committee on Ways and Means, recommended that the bill ought to pass when amended as recommended by the Committee on Health Care and when further amended as follows:

First: By inserting a new Sec. 2 before the existing Sec. 2 to read as follows:

Sec. 2. 3 V.S.A. § 123 is amended to read:

§ 123. DUTIES OF OFFICE

* * *

(j)(1) The Office may inquire into the criminal background histories of applicants for initial licensure and for license renewal of any Office-issued credential, including a license, certification, registration, or specialty designation for the following professions:

* * *

(I) speech-language pathologists licensed under 26 V.S.A. chapter 87; and

(J) social workers licensed under 26 V.S.A. chapter 61; and

(K) individuals registered on the roster of psychotherapists who are nonlicensed and noncertified.

* * *

and by renumbering the existing Sec. 2 to be Sec. 3

Second: In the newly renumbered Sec. 3, effective date, by striking out “July 1, 2025” and inserting in lieu thereof “passage”

Rep. Toleno of Brattleboro, for the Committee on Appropriations, reported in favor of its passage when amended as recommended by the Committee on Health Care and when further amended as recommended by the Committee on Ways and Means.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, the report of the Committee on Health Care agreed to, the report of the Committee on Ways and Means agreed to, and third reading ordered.

Adjournment

At ten o'clock and thirty-three minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

Wednesday, February 21, 2024

At three o'clock in the afternoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Kris Brown, voiceover artist, Jeffersonville.

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 20th day of February 2024, he signed a bill originating in the House of the following title:

H. 599 An act relating to retroactively reinstating 10 V.S.A. § 6081(b)

Message from the Senate No. 22

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 309. An act relating to miscellaneous changes to laws related to the Department of Motor Vehicles, motor vehicles, and vessels.

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

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

H. 850. An act relating to transitioning education financing to the new system for pupil weighting.

And has passed the same in concurrence and ordered the bill delivered to the Governor.

Senate Bill Referred**S. 309**

Senate bill, entitled

An act relating to miscellaneous changes to laws related to the Department of Motor Vehicles, motor vehicles, and vessels

Was read the first time and referred to the Committee on Transportation.

Joint Resolution Adopted in Concurrence**J.R.S. 46**

By Senator Baruth,

J.R.S. 46. Joint resolution regarding weekend adjournment on February 23, 2024.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 23, 2024, it be to meet again no later than Tuesday, February 27, 2024.

Was taken up, read, and adopted in concurrence.

Third Reading; Bill Passed**H. 543**

House bill, entitled

An act relating to Vermont's adoption of the Social Work Licensure Compact

Was taken up, read the third time, and passed.

Adjournment

At three o'clock and twenty-two minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

Thursday, February 22, 2024

At three o'clock in the afternoon, **Rep. Long of Newfane** called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Michelle Bos-Lun of Westminster.

Bill Referred to Committee on Appropriations

H. 289

House bill, entitled

An act relating to the Renewable Energy Standard

Appearing on the Notice Calendar, and pursuant to House Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Ceremonial Reading

H.C.R. 158

House concurrent resolution designating February 22, 2024 as Age Strong Vermont Day at the State House

Offered by: Representatives Noyes of Wolcott, Arsenault of Williston, Birong of Vergennes, Bos-Lun of Westminster, Boyden of Cambridge, Brown of Richmond, Brumsted of Shelburne, Buss of Woodstock, Campbell of St. Johnsbury, Carpenter of Hyde Park, Chapin of East Montpelier, Chase of Chester, Cole of Hartford, Dolan of Essex Junction, Farlice-Rubio of Barnet, Garofano of Essex, Goldman of Rockingham, Gregoire of Fairfield, Hooper of Burlington, Hyman of South Burlington, Lalley of Shelburne, Masland of Thetford, McFaun of Barre Town, McGill of Bridport, Mrowicki of Putney, Ode of Burlington, Pajala of Londonderry, Rachelson of Burlington, Rice of Dorset, Stebbins of Burlington, Whitman of Bennington, Williams of Barre City, and Wood of Waterbury

Whereas, according to the latest American Community Survey estimate, nearly 30 percent of the State's population is at least 60 years of age, and these Vermonters face increased risk of financial insecurity, social isolation, and chronic disease, and

Whereas, this demographic reality presents challenges, but it also presents opportunities to re-envision aging, to capitalize on the diverse experiences of older Vermonters, and to ensure that they contribute to the State's vibrancy, and

Whereas, in 2020 Acts and Resolves No. 156, known as the Older Vermonters Act, in Sec. 3(b), the General Assembly directed that a plan be developed to “provide strategies and cultivate partnerships for implementation across sectors to promote aging with...dignity [and]...to establish and maintain an age-friendly State for all Vermonters,” and

Whereas, on January 29, 2024, the Age Strong VT Advisory Committee approved a final plan entitled *Age Strong VT, Our Roadmap for an Age-Friendly State*, which presents a 10-year vision that addresses Vermont’s changing age demographics, and the plan focuses on seven areas: affordable aging, healthy aging for all, social connection, infrastructure for the future, elder justice, family caregiver support, and strengthening systems of support, and

Whereas, according to the University of Vermont’s Center for Rural Studies’ 2023 Vermonter Poll, 64.2 percent of the respondents did not believe Vermont had adequate resources to address the needs of the State’s older residents, and 81 percent concurred that it was important to create a 10-year action plan for the support of an age-friendly State, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly designates February 22, 2024 as Age Strong Vermont Day at the State House, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Governor Philip B. Scott, the Commissioner of Health, and the Commissioner of Disabilities, Aging, and Independent Living.

Having been adopted in concurrence on Friday, February 16, 2024 in accord with Joint Rule 16b, was read.

Ceremonial Reading

H.C.R. 159

House concurrent resolution congratulating the Vermont State Employees’ Association on its 80th anniversary

Offered by: Representatives Oliver of Sheldon, Garofano of Essex, and Hooper of Burlington

Whereas, in 1944, a group of State of Vermont employees formed the Vermont State Employees’ Association (VSEA) to advocate before the General Assembly on behalf of their colleagues, and

Whereas, during the first quarter century of the organization’s existence, the VSEA, bereft of any state employee collective bargaining rights, was unable to negotiate directly with State officials on any aspect of State employment, and

Whereas, the first breakthrough on this challenge was the enactment of the State Employees Labor Relations Act, 1969 Acts and Resolves No. 113, Sec. 1, which authorized collective bargaining on working conditions but, with respect to wages and salary schedules, only “to the extent they are inconsistent with rates prevailing in commerce and industry for comparable work within the state,” and

Whereas, the VSEA continued to advocate for full collective bargaining rights with respect to compensation, and, in 1977 Acts and Resolves No. 109, Sec. 5, the General Assembly established these rights for this fundamental employment element, and

Whereas, over the decades, the VSEA has expanded the scope of its employee representation to include nine bargaining units that now encompass corrections, the Defender General, a housing authority unit, the Judiciary, a nonmanagement unit, the State’s Attorney’s office, the State deputy sheriffs, supervisory employees, and the Vermont State Colleges, and

Whereas, the VSEA is governed through its Board of Trustees and, ultimately, the over 120-member VSEA Council, and it is organized into 14 regional chapters plus two specialized chapters, one for retirees and a second for the Vermont State Hospital, and

Whereas, the nearly 6,000-member VSEA is a proudly independent organization focused exclusively on advocating and bargaining for the best interests and economic well-being of Vermont State employees, and it vigorously pursues these objectives, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates the Vermont State Employees’ Association on its 80th anniversary, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the VSEA.

Having been adopted in concurrence on Friday, February 16, 2024 in accord with Joint Rule 16b, was read.

Committee Bill; Second Reading; Third Reading Ordered

H. 861

Rep. Carpenter of Hyde Park spoke for the Committee on Health Care.

House bill, entitled

An act relating to reimbursement parity for health care services delivered in person, by telemedicine, and by audio-only telephone

Having appeared on the Notice Calendar and appearing on the Action Calendar, was taken up, read the second time, and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 132

Rep. Stevens of Waterbury, for the Committee on General and Housing, to which had been referred House bill, entitled

An act relating to establishing a homeless bill of rights and prohibiting discrimination against persons without homes

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 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, housing status, 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, housing status, 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.

* * *

(13) “Housing status” means the actual or perceived status of being homeless, being a homeless individual, or being a homeless person, as defined in 42 U.S.C. § 11302.

Sec. 2. 9 V.S.A. § 4502 is amended to read:

§ 4502. PUBLIC ACCOMMODATIONS

(a) An owner or operator of a place of public accommodation or an agent or employee of ~~such an~~ owner or operator shall not, because of the race, creed, color, national origin, housing status, marital status, sex, sexual orientation, or gender identity of any person, refuse, withhold from, or deny to that person any of the accommodations, advantages, facilities, and privileges of the place of public accommodation.

* * *

Sec. 3. 9 V.S.A. § 4503 is amended to read:

§ 4503. UNFAIR HOUSING PRACTICES

(a) It shall be unlawful for any person:

(1) To refuse to sell or rent, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling or other real estate to any person because of the race, sex, sexual orientation, gender identity, age, housing status, marital status, religious creed, color, national origin, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.

(2) To discriminate against, or to harass, any person in the terms, conditions, privileges, and protections of 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 race, sex, sexual orientation, gender identity, age, housing status, marital status, religious creed, color, national origin, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.

(3) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling or other real estate that indicates any preference, limitation, or discrimination based on race, sex, sexual orientation, gender identity, age, housing status, marital status, religious creed, color, national origin, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.

(4) To represent to any person because of the race, sex, sexual orientation, gender identity, age, housing status, marital status, religious creed, color, national origin, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking, that any dwelling or other real estate is not available for inspection, sale, or rental when the dwelling or real estate is in fact so available.

* * *

(7) To engage in blockbusting practices, for profit, ~~which~~ that may include inducing or attempting to induce a person to sell or rent a dwelling by representations regarding the entry into the neighborhood of a person or persons of a particular race, sex, sexual orientation, gender identity, age, housing status, marital status, religious creed, color, national origin, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.

(8) To deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against any person in the terms or conditions of such access, membership, or participation, on account of race, sex, sexual orientation, gender identity, age, housing status, marital status, religious creed, color, national origin, or disability of a person, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.

* * *

(12) To discriminate in land use decisions or in the permitting of housing because of race, sex, sexual orientation, gender identity, age, housing status, marital status, religious creed, color, national origin, disability, the presence of one or more minor children, income, or because of the receipt of public assistance, or because a person is a victim of abuse, sexual assault, or stalking, except as otherwise provided by law.

* * *

Sec. 4. 10 V.S.A. § 601 is amended to read:

§ 601. DEFINITIONS

The following words and terms, unless the context clearly indicates a different meaning, shall have the following meaning:

* * *

(11) “Persons and families of low and moderate income” means persons and families irrespective of race, creed, national origin, sex, sexual orientation, housing status, or gender identity deemed by the Agency to require such assistance as is made available by this chapter on account of insufficient personal or family income, taking into consideration, without limitation, such factors as:

* * *

(20) “Housing status” means the actual or perceived status of being homeless, being a homeless individual, or being a homeless person, as defined in 42 U.S.C. § 11302.

Sec. 5. 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, housing status, 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, housing status, sex, sexual orientation, gender identity, place of birth, crime victim status, or age or against a qualified individual with a disability.

(2) For any person seeking employees or for any employment agency or labor organization to cause to be printed, published, or circulated any notice or advertisement relating to employment or membership indicating any preference, limitation, specification, or discrimination based upon race, color, religion, ancestry, national origin, housing status, sex, sexual orientation, gender identity, place of birth, crime victim status, age, or 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, housing status, 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, housing status, sex, sexual orientation, gender

identity, place of birth, crime victim status, or age or against a qualified individual with a disability.

* * *

Sec. 6. 21 V.S.A. § 495d is amended to read:

§ 495d. DEFINITIONS

As used in this subchapter:

* * *

(16) “Harass” means to engage in unwelcome conduct based on an employee’s race, color, religion, national origin, housing status, 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:

* * *

(17) “Housing status” means the actual or perceived status of being homeless, being a homeless individual, or being a homeless person, as defined in 42 U.S.C. § 11302.

Sec. 7. 33 V.S.A. § 101 is amended to read:

§ 101. POLICY

It is the policy of the State of Vermont that:

* * *

(3)(A) 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 race, religion, political affiliation, housing status, or place of residence within the State.

(B) As used in this subdivision (3), “housing status” means the actual or perceived status of being homeless, being a homeless individual, or being a homeless person, as defined in 42 U.S.C. § 11302.

* * *

Sec. 8. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

and that after passage the title of the bill be amended to read: “An act relating to prohibiting discrimination against persons without homes”

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on General and Housing agreed to, and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 745

Rep. Goslant of Northfield, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to the Vermont Parentage Act

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 15C V.S.A. § 102 is amended to read:

§ 102. DEFINITIONS

As used in this title:

(1) “Acknowledged parent” means a person who has established a parent-child relationship under chapter 3 of this title.

(2) “Adjudicated parent” means a person who has been adjudicated by a court of competent jurisdiction to be a parent of a child.

(3) “Alleged genetic parent” means a person who is alleged to be, or alleges that the person is, a genetic parent or possible genetic parent of a child whose parentage has not been adjudicated. The term includes an alleged genetic father and alleged genetic mother. The term does not include:

(A) a presumed parent;

(B) a person whose parental rights have been terminated or declared not to exist; or

(C) a donor.

(4) “Assisted reproduction” means a method of causing pregnancy other than sexual intercourse and includes:

(A) intrauterine, intracervical, or vaginal insemination;

(B) donation of gametes;

(C) donation of embryos;

(D) in vitro fertilization and transfer of embryos; and

(E) intracytoplasmic sperm injection.

(5) “Birth” includes stillbirth.

(6) “Child” means a person of any age whose parentage may be determined under this title.

(7) “Domestic assault” includes any offense as set forth in 13 V.S.A. chapter 19, subchapter 6 (domestic assault).

(8) “Donor” means a person who contributes a gamete or gametes or an embryo or embryos to another person for assisted reproduction or gestation, whether or not for consideration. This term does not include:

(A) a person who gives birth to a child conceived by assisted reproduction except as otherwise provided in chapter 8 of this title; or

(B) a parent under chapter 7 of this title or an intended parent under chapter 8 of this title.

(9) “Embryo” means a cell or group of cells containing a diploid complement of chromosomes or a group of such cells, not including a gamete, that has the potential to develop into a live born human being if transferred into the body of a person under conditions in which gestation may be reasonably expected to occur.

(10) “Gamete” means a sperm, ~~an egg, or any part of a sperm~~ or egg.

(11) “Genetic population group” means, for purposes of genetic testing, a recognized group that a person identifies as all or part of the person’s ancestry or that is so identified by other information.

(12) “Gestational carrier” means an adult person who is not an intended parent and who enters into a gestational carrier agreement to bear a child conceived using the gametes of other persons and not the gestational carrier’s own, except that a person who carries a child for a family member using the gestational carrier’s own gametes and who fulfills the requirements of chapter 8 of this title is a gestational carrier.

(13) “Gestational carrier agreement” means a contract between an intended parent or parents and a gestational carrier intended to result in a live birth.

(14) “Intended parent” means a person, whether married or unmarried, who manifests the intent to be legally bound as a parent of a child resulting from assisted reproduction or a gestational carrier agreement.

(15) “Marriage” includes civil union and any legal relationship that provides substantially the same rights, benefits, and responsibilities as marriage and is recognized as valid in the state or jurisdiction in which it was entered.

(16) “Parent” means a person who has established parentage that meets the requirements of this title.

(17) “Parentage” means the legal relationship between a child and a parent as established under this title.

(18) “Presumed parent” means a person who is recognized as the parent of a child under section 401 of this title.

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

(20) “Sexual assault” includes sexual assault as provided in 13 V.S.A. § 3252(a), (b), (d), and (e); aggravated sexual assault as provided in 13 V.S.A. § 3253; aggravated sexual assault of a child as provided in 13 V.S.A. § 3253a; lewd and lascivious conduct with a child as provided in 13 V.S.A. § 2602; and similar offenses in other jurisdictions.

(21) “Sexual exploitation” includes sexual exploitation of an inmate as provided in 13 V.S.A. § 3257, sexual exploitation of a minor as provided in 13 V.S.A. § 3258, sexual abuse of a vulnerable adult as provided in 13 V.S.A. § 1379, and similar offenses in other jurisdictions.

(22) “Sign” means, with the intent to authenticate or adopt a record, to:

(A) execute or adopt a tangible symbol; or

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

(23) “Signatory” means a person who signs a record and is bound by its terms.

(24) “Spouse” includes a partner in a civil union or a partner in a legal relationship that provides substantially the same rights, benefits, and responsibilities as marriage and is recognized as valid in the state or jurisdiction in which it was entered.

Sec. 2. 15C V.S.A. § 104 is amended to read:

§ 104. PARENTAGE PROCEEDING

(a) Proceeding authorized. A proceeding to adjudicate the parentage of a child shall be maintained in accordance with this title and with the Vermont Rules for Family Proceedings, except that proceedings for birth orders under sections 708 and 804 of this title shall be maintained in accordance with the Vermont Rules of Probate Procedure.

(b) Actions brought by the Office of Child Support. If the complaint is brought by the Office of Child Support, the complaint shall be accompanied by an affidavit of the parent whose rights have been assigned. In cases where the assignor is not a genetic parent or is a genetic parent who refuses to provide an affidavit, the affidavit may be submitted by the Office of Child Support, but the affidavit alone shall not support a default judgment on the issue of parentage.

(c) Original actions. Original actions to adjudicate parentage may be commenced in the Family Division of the Superior Court, except that proceedings for birth orders under sections 708 and 804 of this title shall be commenced in the Probate Division of the Superior Court.

(d) No right to jury. There shall be no right to a jury trial in an action to determine parentage.

(e) Disclosure of Social Security numbers. A person who is a party to a parentage action shall disclose that person's Social Security number, if the person has one, to the court. The Social Security number of a person subject to a parentage adjudication shall be placed in the court records relating to the adjudication. The court shall disclose a person's Social Security number to the Office of Child Support.

Sec. 3. 15C V.S.A. § 206 is amended to read:

§ 206. ADJUDICATING COMPETING CLAIMS OF PARENTAGE

(a) Competing claims of parentage. Except as otherwise provided in section 616 of this title, in a proceeding to adjudicate competing claims of parentage or challenges to a child's parentage by two or more persons, the court shall adjudicate parentage in the best interests of the child, based on the following factors:

- (1) the age of the child;
- (2) the length of time during which each person assumed the role of parent of the child;
- (3) the nature of the relationship between the child and each person;
- (4) the harm to the child if the relationship between the child and each person is not recognized;
- (5) the basis for each person's claim to parentage of the child; and
- (6) other equitable factors arising from the disruption of the relationship between the child and each person or the likelihood of other harm to the child.

(b) Preservation of parent-child relationship. Consistent with the establishment of parentage under this chapter, a court may determine that a child has more than two parents if the court finds that it is in the best interests of the child to do so. A finding of best interests of the child under this subsection does not require a finding of unfitness of any parent or person seeking an adjudication of parentage. A determination of best interests may include consideration of evidence of prebirth intent to parent the child.

Sec. 4. 15C V.S.A. § 402 is amended to read:

§ 402. CHALLENGE TO PRESUMED PARENT

(a) Except as provided in ~~subsection (b)~~ subsections (b) – (d) of this section, a proceeding to challenge the parentage of a person whose parentage is presumed under section 401 of this title shall be commenced within two years after the birth of the child.

(b) A proceeding to challenge the parentage of a person whose parentage is presumed under section 401 of this title may be commenced two years or more after the birth of the child in any of the following circumstances:

(1) ~~A presumed parent who is not the genetic parent of a child and who could not reasonably have known about the birth of the child may commence a proceeding under this section within two years after learning of the child's birth~~ The presumed parent is not a genetic parent, never resided with the child, and never held out the child as the presumed parent's child.

(2) An alleged genetic parent who did not know of the potential genetic parentage of a child and who could not reasonably have known on account of material misrepresentation or concealment may commence a proceeding under this section within two years after discovering the potential genetic parentage. If the person is adjudicated to be the genetic parent of the child, the court shall not disestablish a presumed parent.

(3) The child has more than one presumed parent.

(c) Subject to the limitations set forth in this section and in section 401 of this title, if in a proceeding to adjudicate a presumed parent's parentage of a child another person in addition to the person who gave birth to the child asserts a claim to parentage of the child, the court shall adjudicate parentage pursuant to subsections 206(a) and (b) of this title.

(d) Regarding a presumption under subdivision 401(a)(4) of this title, another parent of the child may challenge a presumption of parentage if that parent openly held out the child as the presumptive parent's child due to duress, coercion, or threat of harm. Evidence of duress, coercion, or threat of harm may include whether within the prior ~~ten~~ 10 years, the person presumed

to be a parent pursuant to subdivision 401(a)(4) of this title has been convicted of domestic assault, sexual assault, or sexual exploitation of the child or another parent of the child; was subject to a final abuse protection order pursuant to 15 V.S.A. chapter 21 because the person was found to have committed abuse against the child or another parent of the child; or was substantiated for abuse against the child or another parent of the child pursuant to 33 V.S.A. chapter 49 or 33 V.S.A. chapter 69.

Sec. 5. 15C V.S.A. § 402a is added to read:

§ 402a. ADJUDICATION OF PARENTAGE IF BIRTH PARENT ONLY

OTHER PARENT

The following rules apply in a proceeding to adjudicate a presumed parent's parentage of a child if the person who gave birth is the only other person with a claim to parentage of the child:

(1) If no party to the proceeding challenges the presumed parent's parentage of the child, the court shall adjudicate the presumed parent to be a parent of the child.

(2) If the presumed parent is identified under subsection 604(a) of this title as a genetic parent of the child and that identification is not successfully challenged under said subsection, the court shall adjudicate the presumed parent to be a parent of the child.

(3) If the presumed parent is not identified under subsection 604(a) of this title as a genetic parent of the child and the presumed parent or another party challenges the presumed parent's parentage of the child, the court shall adjudicate the parentage of the child in the best interests of the child, based on the factors listed in subsections 206(a) and (b) of this title. Challenges regarding the parentage of a child born through assisted reproduction must be resolved under chapter 7 of this title.

Sec. 6. 15C V.S.A. § 501 is amended to read:

§ 501. STANDARD; ADJUDICATION

(a)(1) In a proceeding to adjudicate the parentage of a person who claims to be a de facto parent of the child, if there is only one other person who is a parent or has a claim to parentage of the child, the court shall adjudicate the person who claims to be a de facto parent to be a parent of the child if the person demonstrates by clear and convincing evidence that:

(A) the person resided with the child as a regular member of the child's household for a significant period of time;

(B) the person engaged in consistent caretaking of the child;

(C) the person undertook full and permanent responsibilities of a parent of the child without expectation of financial compensation;

(D) the person held out the child as the person's child;

(E) the person established a bonded and dependent relationship with the child that is parental in nature;

(F) the person and another parent of the child fostered or supported the bonded and dependent relationship required under subdivision (E) of this subdivision (1); and

(G) continuing the relationship between the person and the child is in the best interests of the child.

(2) A parent of the child may use evidence of duress, coercion, or threat of harm to contest an allegation that the parent fostered or supported a bonded and dependent relationship as provided in subdivision (1)(F) of this subsection. Such evidence may include whether within the prior ~~ten~~ 10 years, the person seeking to be adjudicated a de facto parent has been convicted of domestic assault, sexual assault, or sexual exploitation of the child or another parent of the child, was subject to a final abuse protection order pursuant to 15 V.S.A. chapter 21 because the person was found to have committed abuse against the child or another parent of the child, or was substantiated for abuse against the child or another parent of the child pursuant to 33 V.S.A. chapter 49 or 33 V.S.A. chapter 69.

(b) In a proceeding to adjudicate the parentage of a person who claims to be a de facto parent of the child, if there is more than one other person who is a parent or has a claim to parentage of the child and the court determines that the requirements of subsection (a) of this section are met by clear and convincing evidence, the court shall adjudicate parentage under ~~section 206~~ subsection 206(b) of this title, subject to other applicable limitations in this title.

(c) The adjudication of a person as a de facto parent under this chapter does not disestablish the parentage of any other parent.

Sec. 7. 15C V.S.A. § 704 is amended to read:

§ 704. CONSENT TO ASSISTED REPRODUCTION

(a)~~(1)~~ A person who intends to be a parent of a child born through assisted reproduction shall consent to such in a signed record that is executed by each intended parent and provides that the signatories consent to the use of assisted reproduction to conceive a child with the intent to parent the child.;

(1) in a record, signed before, on, or after the birth of the child by the person who gave birth to the child and by a person who intends to be a parent of the child; or

(2) Consent pursuant to subdivision (1) of this subsection, executed via a form made available by the Department of Health, shall be accepted and relied upon for purposes of issuing a birth record in an oral agreement entered into before conception that the person who gave birth to the child and the person who intends to be a parent of the child intend that they will be parents of the child.

(b) In the absence of a record evidence pursuant to subsection (a) of this section, a court may adjudicate a person as the parent of a child if it finds by a preponderance of the evidence that:

~~(1) prior to conception or birth of the child, the parties entered into an agreement that they both intended to be the parents of the child; or~~

(2) the person resided with the child after birth and undertook to develop a parental relationship with the child.

Sec. 8. 15C V.S.A. § 705(a) is amended to read:

(a) Except as otherwise provided in subsection (b) of this section, a spouse may commence a proceeding to challenge ~~his or her~~ the spouse's parentage of a child born by assisted reproduction during the marriage within two years after the birth of the child if the court finds that the spouse did not consent to the assisted reproduction before, on, or after the birth of the child or that the spouse withdrew consent pursuant to section 706 of this title.

Sec. 9. 15C V.S.A. § 706 is amended to read:

§ 706. EFFECT OF DISSOLUTION OF MARRIAGE OR WITHDRAWAL
OF CONSENT

(a)(1) If a marriage is dissolved before transfer or implantation of gametes or embryos, the former spouse is not a parent of the resulting child unless the former spouse consented in a signed record with notice to the other spouse and the person giving birth that, if assisted reproduction were to occur after a divorce, the former spouse would be a parent of the child.

(2) A person who has petitioned for divorce, or a person who has been served with a complaint for divorce, may proceed with assisted reproduction pursuant to this subsection, provided at least 60 days have elapsed since service of the complaint. In such case, the spouse shall not be a parent of any child born as a result of the assisted reproduction unless both parties consent in writing to be parents of that child after commencement of the divorce action.

A married person proceeding with assisted reproduction pursuant to this section shall not utilize gametes of the person's spouse unless the spouse consents in writing to the use of the spouse's gametes for assisted reproduction by the married person after filing of the divorce petition.

(b) Consent of a person to assisted reproduction pursuant to section 704 of this title may be withdrawn by that person in a signed record with notice to the person giving birth and any other intended parent before transfer or implantation of gametes or embryos. A person who withdraws consent under this subsection is not a parent of the resulting child.

Sec. 10. 15C V.S.A. § 708 is amended to read:

§ 708. BIRTH AND PARENTAGE ORDERS

(a) A party consenting to assisted reproduction, a person who is a parent pursuant to sections 702–704 of this title, an intended parent or parents, or the person giving birth may commence a proceeding in the Probate Division of the Superior Court to obtain an order and judgment of parentage doing any of the following:

(1) declaring that the intended parent or parents are the parent or parents of the resulting child and ordering that parental rights and responsibilities vest exclusively in the intended parent or parents immediately upon the birth of the child;

(2) except as provided in subsection (d) of this section, sealing the record from the public to protect the privacy of the child and the parties;

(3) designating the contents of the birth certificate and directing the Department of Health to designate the intended parent or parents as the parent or parents of the child; or

(4) for any relief that the court determines necessary and proper.

(b) A proceeding under this section may be commenced before or after the birth of the child. If the court determines a person is a parent of the child either because the person gave birth to the child or the person is a consenting intended parent, the court shall adjudicate the person to be a parent of the child.

(c) Neither the donor, the State, nor the Department of Health is a necessary party to a proceeding under this section.

(d) The Probate Division of the Superior Court shall forward a certified copy of the order issued pursuant to this section to the Department of Health and to the intended parents or their representative.

(e) The intended parent or parents and any resulting child shall have access to the court records relating to the proceeding at any time.

(f) An uncontested petition for a judgment of parentage pursuant to this section shall be resolved by the court promptly.

Sec. 11. 15C V.S.A. § 801 is amended to read:

§ 801. ELIGIBILITY TO ENTER GESTATIONAL CARRIER
AGREEMENT

(a) In order to execute an agreement to act as a gestational carrier, a person shall:

(1) be at least 21 years of age;

(2) have completed a medical evaluation that includes a mental health consultation;

(3) have had independent legal representation of the person's own choosing and paid for by the intended parent or parents regarding the terms of the gestational carrier agreement and have been advised of the potential legal consequences of the gestational carrier agreement; and

(4) not have contributed gametes that will ultimately result in an embryo that the gestational carrier will attempt to carry to term, unless the gestational carrier is entering into an agreement with a family member.

(b) Prior to executing a gestational carrier agreement, a person or persons intending to become a parent or parents, whether genetically related to the child or not, shall:

(1) be at least 21 years of age;

(2) have completed ~~a medical evaluation and mental health consultation~~ psychosocial education and counseling related to the gestational carrier agreement; and

(3) have retained independent legal representation regarding the terms of the gestational carrier agreement and have been advised of the potential legal consequences of the gestational carrier agreement.

Sec. 12. 15C V.S.A. § 803 is amended to read:

§ 803. PARENTAGE; PARENTAL RIGHTS AND RESPONSIBILITIES

(a)(1) If a gestational carrier agreement satisfies the requirements of this chapter, the intended parent or parents are the parent or parents of the resulting child immediately upon the birth of the child, and the resulting child is considered the child of the intended parent or parents immediately upon the

birth of the child. Neither the gestational carrier nor the gestational carrier's spouse, if any, is the parent of the resulting child.

(2) A person who is determined to be a parent of the resulting child is obligated to support the child. The breach of the gestational carrier agreement by the intended parent or parents does not relieve the intended parent or parents of the obligation to support the resulting child.

(3) Notwithstanding subdivisions (1) and (2) of this subsection, if genetic testing indicates a genetic relationship between the gestational carrier who is not a known family member and the child, parentage shall be determined by the Family Division of the Superior Court pursuant to chapters 1 through 6 of this title.

(b) Parental rights and responsibilities shall vest exclusively in the intended parent or parents immediately upon the birth of the resulting child.

(c) If due to a laboratory error, the resulting child is not genetically related to either the intended parent or parents or any donor who donated to the intended parent or parents, the intended parent or parents are considered the parent or parents of the child unless otherwise determined by the court.

Sec. 13. 15C V.S.A. § 804 is amended to read:

§ 804. BIRTH AND PARENTAGE ORDERS

(a) Before or after the birth of a resulting child, a party to a gestational carrier agreement may commence a proceeding in the Probate Division of the Superior Court to obtain an order and judgment of parentage doing any of the following:

(1) Declaring that the intended parent or parents are the parent or parents of the resulting child and ordering that parental rights and responsibilities vest exclusively in the intended parent or parents immediately upon the birth of the child.

(2) Declaring that the gestational carrier or ~~her~~ the carrier's spouse, if any, are not the parents of the resulting child.

(3) Designating the contents of the birth certificate and directing the Department of Health to designate the intended parent or parents as the parent or parents of the child. The Department of Health may charge a reasonable fee for the issuance of a birth certificate.

(4) Sealing the record from the public to protect the privacy of the child and the parties.

(5) Providing any relief the court determines necessary and proper.

(b) Neither the State nor the Department of Health is a necessary party to a proceeding under subsection (a) of this section.

(c) The Probate Division of the Superior Court shall forward a certified copy of the order issued pursuant to this section to the Department of Health and to the intended parents or their representative.

(d) The intended parent or parents and any resulting child shall have access to their court records at any time.

(e) An uncontested petition for a judgment of parentage pursuant to this section shall be resolved by the court promptly.

Sec. 14. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on Judiciary agreed to, and third reading ordered.

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 22nd day of February 2024, he signed a bill originating in the House of the following title:

H. 850 An act relating to transitioning education financing to the new system for pupil weighting

Adjournment

At four o'clock and two minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Friday, February 23, 2024

At nine o'clock and thirty minutes in the forenoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Jeff Fellingner of Craftsbury, Katie Trautz of Montpelier, and Julia Wayne of Charlotte, musical trio.

Third Reading; Bill Passed

H. 132

House bill, entitled

An act relating to establishing a homeless bill of rights and prohibiting discrimination against persons without homes

Was taken up, read the third time, and passed.

Bill Amended; Third Reading; Bill Passed

H. 745

House bill, entitled

An act relating to the Vermont Parentage Act

Was taken up and, pending third reading of the bill, **Rep. Donahue of Northfield** moved to amend the bill as follows:

In Sec. 7, 15C V.S.A. § 704, by striking out subsection (a) in its entirety and inserting in lieu thereof the following:

(a)(1) A person who intends to be a parent of a child born through assisted reproduction shall consent to such in a signed record that is executed by each intended parent and provides that the signatories consent to the use of assisted reproduction to conceive a child with the intent to parent the child.:

(1) in a record, signed before, on, or after the birth of the child by each intended parent; or

(2) Consent pursuant to subdivision (1) of this subsection, executed via a form made available by the Department of Health, shall be accepted and relied upon for purposes of issuing a birth record in an oral agreement entered into before conception by each intended parent.

Which was agreed to. Thereupon, the bill was read the third time and passed.

Third Reading; Bill Passed**H. 861**

House bill, entitled

An act relating to reimbursement parity for health care services delivered in person, by telemedicine, and by audio-only telephone

Was taken up, read the third time, and passed.

Action on Bill Postponed**H. 629**

House bill, entitled

An act relating to changes to property tax abatement and tax sales

Was taken up and, pending second reading of the bill, on motion of **Rep. Demrow of Corinth**, action on the bill was postponed until February 28, 2024.

Message from the Senate No. 23

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

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

H. 849. An act relating to technical corrections for the 2024 legislative session.

And has passed the same in concurrence.

Adjournment

At ten o'clock and six minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, February 27, 2024, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 46.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Rule 16b of the Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House:

H.C.R. 160

House concurrent resolution in memory of veteran Pownal firefighter Kenneth Carlton O'Dell

H.C.R. 161

House concurrent resolution honoring Newport City Council Chair John Wilson for his national and municipal public service

H.C.R. 162

House concurrent resolution honoring Sergeant at Arms Janet Miller for her stellar public service for the General Assembly

H.C.R. 163

House concurrent resolution recognizing Public Schools Week in Vermont
[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2024 Adjourned Session.]

Tuesday, February 27, 2024

At ten o'clock in the forenoon, the Speaker called the House to order.

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Pledge of Allegiance

Page James Ashley Carr of Montpelier led the House in the Pledge of Allegiance.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time, and referred to committee as follows:

H. 862

By Reps. Galfetti of Barre Town and McFaun of Barre Town,
House bill, entitled

An act relating to approval of amendments to the charter of the Town of Barre

To the Committee on Government Operations and Military Affairs.

H. 863

By Reps. Cina of Burlington, Headrick of Burlington, McCann of Montpelier, and Priestley of Bradford,

House bill, entitled

An act relating to recommendations on the education and potential harms of deepfake technology

To the Committee on Government Operations and Military Affairs.

H. 864

By Reps. Cina of Burlington and Satcowitz of Randolph,

House bill, entitled

An act relating to pilot projects expanding democratic practices in State and local government

To the Committee on Government Operations and Military Affairs.

H. 865

By Reps. Cina of Burlington, Headrick of Burlington, Howard of Rutland City, Logan of Burlington, McCann of Montpelier, McGill of Bridport, and Surprenant of Barnard,

House bill, entitled

An act relating to an income tax surcharge and tax policies relating to housing

To the Committee on Ways and Means.

Bills Referred to Committee on Ways and Means

House bills of the following titles, appearing on the Notice Calendar, affecting the revenue of the State, pursuant to House Rule 35(a), were referred to the Committee on Ways and Means:

H. 279

House bill, entitled

An act relating to the Uniform Trust Decanting Act

H. 350

House bill, entitled

An act relating to the Uniform Directed Trust Act

H. 614

House bill, entitled

An act relating to land improvement fraud and timber trespass

Ceremonial Reading**H.C.R. 161**

House concurrent resolution honoring Newport City Council Chair John Wilson for his national and municipal public service

Offered by: Representatives Page of Newport City, Hango of Berkshire, Higley of Lowell, Labor of Morgan, Marcotte of Coventry, and Smith of Derby

Offered by: Senators Ingalls and Starr

Whereas, John Wilson was born and raised in Rock Island, Quebec, and he and his wife, Janis Wilson, emigrated to Vermont as young adults, and

Whereas, in 1968, the U.S. Army drafted John Wilson, and although he could have surrendered his green card and returned to Canada, his patriotic desire to become an American citizen led him to serve his new country, and

Whereas, after completion of basic training, John Wilson was deployed to Vietnam, where he encountered combat, and

Whereas, in 1983, during his military service, John Wilson was proud to take the oath as a U.S. citizen, and

Whereas, John Wilson's Vietnam service began a 28-year U.S. Army career that took him and his family around the world, and, in 1998, he was honorably discharged from military service as an operations sergeant major, and

Whereas, in 2001, John Wilson won a seat on the Newport City Council, on which he served until 2018 and then again from 2020 until 2024, and

Whereas, John Wilson's municipal legislative colleagues respected his life experience, and, for 15 years, he chaired the Newport City Council, and

Whereas, in 2018, the *Northland Journal* recognized John and Janis Wilson, honoring their role in advising U.S. military veterans, and

Whereas, after over two decades of leadership and conscientious work as a member of the Newport City Council, John Wilson has decided not to stand for reelection in 2024, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly honors Newport City Council Chair John Wilson for his national and municipal public service, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to John Wilson and to the Newport City Clerk.

Having been adopted on Friday, February 23, 2024 in accord with Joint Rule 16b, was read.

Ceremonial Reading

H.C.R. 163

House concurrent resolution recognizing Public Schools Week in Vermont

Offered by: Representatives Stone of Burlington, Andrews of Westford, Andriano of Orwell, Anthony of Barre City, Arrison of Weathersfield, Arsenault of Williston, Austin of Colchester, Bartholomew of Hartland, Bartley of Fairfax, Berbeco of Winooski, Black of Essex, Bluemle of Burlington, Bos-Lun of Westminster, Boyden of Cambridge, Brady of Williston, Branagan of Georgia, Brennan of Colchester, Brown of Richmond, Brownell of Pownal, Brumsted of Shelburne, Burditt of West Rutland, Burke of Brattleboro, Burrows of West Windsor, Buss of Woodstock, Canfield of Fair Haven, Carpenter of Hyde Park, Carroll of Bennington, Casey of Montpelier, Chapin of East Montpelier, Chase of Chester, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Coffey of Guilford, Cole of Hartford, Conlon of Cornwall, Cordes of Lincoln, Demar of Enosburgh, Dickinson of St. Albans Town, Dodge of Essex, Dolan of Essex Junction, Dolan of Waitsfield, Donahue of Northfield, Durfee of Shaftsbury, Emmons of Springfield, Farlice-Rubio of Barnet, Garofano of Essex, Goldman of Rockingham, Goslant of Northfield, Graning of Jericho, Hango of Berkshire, Harrison of Chittenden, Headrick of Burlington, Holcombe of Norwich, Hooper of Burlington, Howard of Rutland City, Hyman of South Burlington, James of Manchester, Jerome of Brandon, Krasnow of South Burlington, Labor of Morgan, LaBounty of Lyndon, Lalley of Shelburne, LaLonde of South Burlington, LaMont of Morristown, Lanpher of Vergennes, Laroche of Franklin, Leavitt of Grand Isle, Lipsky of Stowe, Logan of Burlington, Long of Newfane, Maguire of Rutland City, Marcotte of Coventry, Mattos of Milton, McCann of Montpelier, McCarthy of St. Albans City, McCoy of Poultney, McFaun of Barre Town, McGill of Bridport, Mihaly of Calais, Minier of South Burlington, Morgan of Milton, Morrissey of Bennington, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Notte of Rutland City, Noyes of Wolcott, O'Brien of Tunbridge, Ode of Burlington, Oliver of Sheldon, Patt of Worcester, Peterson of Clarendon, Pouech of Hinesburg, Priestley of Bradford,

Rice of Dorset, Roberts of Halifax, Sammis of Castleton, Satcowitz of Randolph, Scheu of Middlebury, Shaw of Pittsford, Sibia of Dover, Small of Winooski, Smith of Derby, Stebbins of Burlington, Stevens of Waterbury, Surprenant of Barnard, Taylor of Milton, Taylor of Colchester, Templeman of Brownington, Toleno of Brattleboro, Toof of St. Albans Town, Torre of Moretown, Troiano of Stannard, Walker of Swanton, Waters Evans of Charlotte, Whitman of Bennington, Williams of Barre City, Williams of Granby, Wilson of Lyndon, and Wood of Waterbury

Whereas, since the establishment of the State of Vermont, public schools have served as a foundational community and cultural institution, and

Whereas, public schools facilitate a gathering of students from diverse demographic and socioeconomic backgrounds into a forum where they can both learn about and better understand the lives of their peers, and

Whereas, the high-quality education that public school teachers present to their pupils reflects both specific subject knowledge and a broad perspective on our State, nation, and world, and

Whereas, public schools are of enormous importance to all residents as they are a major formulator of Vermont's future, and

Whereas, they are a vital employer of Vermonters who are teachers, coaches, administrators, nurses, cafeteria staff, and custodians, and

Whereas, school board members, who are volunteers, or, at most, receive token compensation, play a critical role in the governance of our public schools, ensuring citizen input into public education, and

Whereas, the sports, dramatics, and other activities, held under the auspices of public school systems, enable the broader community to enjoy watching and participating in these events, and

Whereas, across the nation, the week of February 26–March 1 is being celebrated as Public Schools Week, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly recognizes the week of February 26–March 1 as Public Schools Week in Vermont, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont Secretary of Education, the Vermont State PTA, the Vermont School Boards Association, the Vermont Superintendents Association, the Vermont Principals' Association, and the Vermont NEA.

Having been adopted on Friday, February 23, 2024 in accord with Joint Rule 16b, was read.

**Committee Relieved of Consideration and Bill Committed to
Other Committee**

H. 645

Rep. Lanpher of Vergennes moved that the Committee on Appropriations be relieved of House bill, entitled

An act relating to the expansion of approaches to restorative justice

And that the bill be committed to the Committee on Ways and Means, which was agreed to.

Rep. Long of Newfane presiding.

Second Reading; Bill Amended; Third Reading Ordered

H. 780

Rep. Rachelson of Burlington, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to judicial nominations and appointments

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 4 V.S.A. § 601 is amended to read:

§ 601. JUDICIAL NOMINATING BOARD CREATED; COMPOSITION

(a) The Judicial Nominating Board is created for the nomination of Supreme Court Justices, Superior judges, magistrates, and the Chair and members of the Public Utility Commission.

(b)(1) The Board shall consist of ~~11~~ 12 members who shall be selected as follows:

~~(1)~~(A) The Governor shall appoint two members who are not attorneys at law.

~~(2)~~(B) The Senate shall elect three of its members, not all of whom shall be members of the same party, and only one of whom may be an attorney at law.

~~(3)~~(C) The House shall elect three of its members, not all of whom shall be members of the same party, and only one of whom may be an attorney at law.

~~(4)~~(D) Attorneys at law admitted to practice before the Supreme Court of Vermont, and residing in the State, shall elect three of their number as

members of the Board. The Supreme Court shall regulate the manner of their nomination and election.

(E) The Executive Director of Racial Equity, or designee.

~~(5)~~(2) The members of the Board shall serve for terms of two years. All appointments or elections shall be between January 1 and February 1 of each odd-numbered year, except to fill a vacancy. A House vacancy that occurs when the General Assembly is adjourned shall be filled by the Speaker of the House and a Senate vacancy that occurs when the General Assembly is adjourned shall be filled by the Senate Committee on Committees. Members shall serve until their successors are elected or appointed. Members shall serve no not more than three consecutive terms in any capacity.

~~(6)~~(3) The members shall elect their own chair, who will serve for a term of two years.

* * *

Sec. 2. 4 V.S.A. § 602 is amended to read:

§ 602. DUTIES; JUSTICES, JUDGES, MAGISTRATES, AND THE CHAIR
OF THE PUBLIC UTILITY COMMISSION

(a)(1) Prior to submitting to the Governor the names of candidates for Justices of the Supreme Court, Superior Court judges, magistrates, and the Chair of the Public Utility Commission, the Judicial Nominating Board shall submit to the Court Administrator a list of all candidates, and ~~he or she~~ the Court Administrator shall disclose to the Board information solely about professional disciplinary action taken or pending concerning any candidate.

(2) From the list of candidates, the Judicial Nominating Board shall select by majority vote, provided that a quorum is present, well-qualified candidates for the position to be filled.

(b)(1) Whenever a vacancy occurs in the office of a Supreme Court Justice, a Superior Court judge, magistrate, or Chair of the Public Utility Commission, or when an incumbent does not declare that ~~he or she~~ the incumbent will be a candidate to succeed ~~himself or herself~~ themselves, the Board shall submit to the Governor the names of as many persons as it deems well qualified to be appointed to the office.

(2)(A) A person may nominate another person to fill a vacancy in the office of a Supreme Court Justice, a Superior Court judge, magistrate, or Chair of the Public Utility Commission by submitting a form developed by the Court Administrator pursuant to subdivision (B) of this subdivision (2).

(B) The Court Administrator shall make available on the Judiciary website a form that permits a person to nominate another person to fill a vacancy in the office of a Supreme Court Justice, a Superior Court judge, magistrate, or Chair of the Public Utility Commission. If a person is nominated pursuant to this subdivision (2), the Court Administrator shall provide the person nominated with information about the application process.

(c)(1) A candidate for judge or Justice shall be a Vermont resident and an experienced lawyer who has practiced law ~~in Vermont~~ for a minimum of ~~ten~~ 10 years, with at least ~~five~~ three years in Vermont immediately preceding ~~his or her~~ the candidate's application to the Board. The Board may make exceptions to the ~~five-year~~ requirement ~~for absences from practice~~ that the candidate's three years of practice in Vermont be contiguous and immediately preceding the candidate's application for reasons including family, military, academic, or medical leave.

(2) A candidate for magistrate shall be a Vermont resident and an experienced lawyer who has practiced law ~~in Vermont~~ for at least five years, with at least three years in Vermont immediately preceding ~~his or her~~ the candidate's application to the Board. The Board may make exceptions to the requirement that the candidate's three years of practice in Vermont be contiguous and immediately preceding the candidate's application for reasons including family, military, academic, or medical leave.

(3) A candidate for Chair of the Public Utility Commission shall not be required to be an attorney; however, if the candidate is admitted to practice law in Vermont, the Judicial Nominating Board shall submit the candidate's name to the Court Administrator, and ~~he or she~~ the Court Administrator shall disclose to the Board information solely about professional disciplinary action taken or pending concerning the candidate. If a candidate is not admitted to practice law in Vermont, but practices a profession requiring licensure, certification, or other professional regulation by the State, the Judicial Nominating Board shall submit the candidate's name to the State professional regulatory entity and that entity shall disclose to the Board any professional disciplinary action taken or pending concerning the candidate.

(d) A candidate shall possess the following attributes:

(1) Integrity. A candidate shall possess a record and reputation for excellent character and integrity.

(2) Legal knowledge and ability. A candidate shall possess a high degree of knowledge of established legal principles and procedures and have demonstrated a high degree of ability to interpret and apply the law to specific factual situations.

(3) Judicial temperament. A candidate shall possess an appropriate judicial temperament.

(4) Impartiality. A candidate shall exhibit an ability to make judicial determinations in a manner free of bias.

(5) Communication capability. A candidate shall possess demonstrated oral and written capacities, with reasonable accommodations, required by the position.

(6) Financial integrity. A candidate shall possess demonstrated financial probity.

(7) Work ethic. A candidate shall demonstrate diligence.

(8) Administrative capabilities. A candidate shall demonstrate management and organizational skills or experience required by the position.

(9) Courtroom experience. For Superior Court, a candidate shall have sufficient trial or other comparable experience that ensures knowledge of the Vermont Rules of Evidence and courtroom procedure. For the Environmental Division of the Superior Court, a candidate shall have experience in environmental and zoning law.

(10) Other. A candidate shall possess other attributes the Board deems relevant as identified through its rules.

(e) The Board shall consider the candidate's ties to the Vermont legal community and the candidate's familiarity with the Vermont legal system.

(f) The Board shall consider the extent to which a candidate would contribute to a Judicial branch that has diverse backgrounds and a broad range of lived experience.

Sec. 3. 4 V.S.A. § 603 is amended to read:

§ 603. APPOINTMENT OF JUSTICES, JUDGES, MAGISTRATES,
PUBLIC UTILITY COMMISSION CHAIR, AND MEMBERS

(a) Whenever the Governor appoints a Supreme Court Justice, a Superior Judge, a magistrate, the Chair of the Public Utility Commission, or a member of the Public Utility Commission, ~~he or she~~ the Governor shall select from the list of names of ~~qualified~~ well-qualified persons submitted by the Judicial Nominating Board pursuant to law. The names of candidates submitted and not selected shall remain confidential.

(b) Upon request from the Governor, the Judicial Nominating Board shall reopen the search and provide the Governor with an additional list of persons it deems well qualified to be appointed to the office. A request from the

Governor for additional names pursuant to this subsection shall not be made more than once.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

Rep. Squirrell of Underhill, for the Committee on Appropriations, recommended the bill ought to pass when amended as recommended by the Committee on Judiciary.

Speaker presiding.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, the report of the Committee on Judiciary agreed to, and third reading ordered.

**Committee Bill; Second Reading; Bill Amended;
Motion to Commit Disagreed to; Third Reading Ordered**

H. 847

Rep. Berbeco of Winooski spoke for the Committee on Health Care.

House bill, entitled

An act relating to peer support provider and recovery support specialist certification

Rep. Andrews of Westford, for the Committee on Ways and Means, recommended that the bill ought to pass when amended as follows:

First: By striking out Sec. 3, 3 V.S.A. § 125, in its entirety and inserting in lieu thereof a new Sec. 3 and Sec. 3a to read as follows:

Sec. 3. 3 V.S.A. § 125 is amended to read:

§ 125. FEES

* * *

(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:

* * *

(2) Application for licensure or certification, \$115.00, except application for:

* * *

(Q) Peer support providers or recovery support specialists, \$50.00.

* * *

(4) Biennial renewal, \$275.00, except biennial renewal for:

* * *

(V) Peer support provider or recovery support specialist, \$50.00.

* * *

Sec. 3a. 3 V.S.A. § 125 is amended to read:

§ 125. FEES

* * *

(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:

* * *

(2) Application for licensure or certification, \$115.00, except application for:

* * *

(Q) Peer support providers or recovery support specialists, \$50.00 \$75.00.

* * *

Second: By striking out Sec. 6, effective dates, in its entirety and inserting in lieu thereof a new Sec. 6 to read as follows:

Sec. 6. EFFECTIVE DATES

This act shall take effect on July 1, 2025, except:

(1) this section and Sec. 5 (rulemaking; peer support providers and recovery support specialists) shall take effect on passage; and

(2) Sec. 3a (fees) shall take effect on July 1, 2027.

Rep. Toleno of Brattleboro, for the Committee on Appropriations, recommended the bill ought to pass when amended as recommended by the Committee on Ways and Means.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Ways and Means agreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Maguire of Rutland City** moved that the bill be committed to the Committee on Human Services.

Pending the question, Shall the bill be committed to the Committee on Human Services?, **Rep. Branagan of Georgia** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be committed to the Committee on Human Services?, was decided in the negative. Yeas, 39. Nays, 94.

Those who voted in the affirmative are:

Bartley of Fairfax *	Hango of Berkshire	Mulvaney-Stanak of Burlington
Branagan of Georgia	Harrison of Chittenden	Oliver of Sheldon
Brennan of Colchester	Headrick of Burlington	Page of Newport City
Brownell of Pownal	Higley of Lowell	Parsons of Newbury
Canfield of Fair Haven	Labor of Morgan	Pearl of Danville
Clifford of Rutland City	Laroche of Franklin	Peterson of Clarendon *
Demar of Enosburgh	Lipsky of Stowe	Shaw of Pittsford
Dickinson of St. Albans Town	Logan of Burlington	Small of Winooski
Donahue of Northfield *	Maguire of Rutland City	Smith of Derby
Galfetti of Barre Town	Marcotte of Coventry	Taylor of Milton
Goslant of Northfield	McCoy of Poultney	Toof of St. Albans Town
Graham of Williamstown	Morgan of Milton	Walker of Swanton
Gregoire of Fairfield *	Morrissey of Bennington	Williams of Granby

Those who voted in the negative are:

Andrews of Westford	Durfee of Shaftsbury	Noyes of Wolcott
Anthony of Barre City	Emmons of Springfield	Nugent of South Burlington
Arrison of Weathersfield	Farlice-Rubio of Barnet	O'Brien of Tunbridge
Arsenault of Williston	Garofano of Essex	Ode of Burlington
Austin of Colchester	Goldman of Rockingham	Pajala of Londonderry
Bartholomew of Hartland	Holcombe of Norwich	Patt of Worcester
Beck of St. Johnsbury	Hooper of Burlington	Pouech of Hinesburg
Berbeco of Winooski *	Houghton of Essex Junction	Priestley of Bradford
Birong of Vergennes	Hyman of South Burlington	Rachelson of Burlington
Black of Essex	James of Manchester	Rice of Dorset
Bluemle of Burlington	Jerome of Brandon	Roberts of Halifax
Bongartz of Manchester	Kornheiser of Brattleboro	Satcowitz of Randolph
Bos-Lun of Westminster	Krasnow of South Burlington	Scheu of Middlebury
Boyden of Cambridge	LaBounty of Lyndon	Sheldon of Middlebury
Brady of Williston	Lalley of Shelburne	Sibilia of Dover
Brown of Richmond	LaLonde of South Burlington	Sims of Craftsbury
Brumsted of Shelburne	Lanpher of Vergennes	Squirrell of Underhill
Burke of Brattleboro	Leavitt of Grand Isle	Stebbins of Burlington
Burrows of West Windsor	Long of Newfane	Stevens of Waterbury
Buss of Woodstock	Masland of Thetford	Stone of Burlington
Campbell of St. Johnsbury	Mattos of Milton	Surprenant of Barnard
Carpenter of Hyde Park	McCarthy of St. Albans City	Taylor of Colchester
Casey of Montpelier		Templeman of Brownington
Chase of Chester		Toleno of Brattleboro
Chase of Colchester		Torre of Moretown

Christie of Hartford	McFaun of Barre Town	Troiano of Stannard
Coffey of Guilford	McGill of Bridport	Waters Evans of Charlotte
Cole of Hartford	Mihaly of Calais	White of Bethel
Conlon of Cornwall	Minier of South Burlington	Whitman of Bennington
Corcoran of Bennington	Morris of Springfield	Williams of Barre City
Demrow of Corinth	Mrowicki of Putney	Wood of Waterbury
Dolan of Essex Junction	Nicoll of Ludlow	
Dolan of Waitsfield	Notte of Rutland City	

Those members absent with leave of the House and not voting are:

Andriano of Orwell	Cina of Burlington	Howard of Rutland City
Burditt of West Rutland	Cordes of Lincoln	LaMont of Morrystown
Carroll of Bennington	Dodge of Essex	McCann of Montpelier
Chapin of East Montpelier	Elder of Starksboro	Sammis of Castleton
Chesnut-Tangerman of Middletown Springs	Graning of Jericho	Wilson of Lyndon
	Hooper of Randolph	

Rep. Bartley of Fairfax explained her vote as follows:

“Madam Speaker:

While I am supportive of this legislation, I’ve said it before and I’ll say it again, process matters.”

Rep. Berbeco of Winooski explained her vote as follows:

“Madam Speaker:

I’m voting no because people with lived experience of mental health and substance use challenges and people representing the largest organized groups of those professionals in Vermont have already asked the Legislature to pass this. That’s on the public record for all to view. Why make them wait?”

Rep. Donahue of Northfield explained her vote as follows:

“Madam Speaker:

This vote is a slap in the face to the importance of transparency in our public processes of notice of subjects within a specific committee’s explicit jurisdiction.”

Rep. Gregoire of Fairfield explained his vote as follows:

“Madam Speaker:

I strongly support this bill. However, process should matter. There is zero harm in allowing Human Services to look at the bill. There is, however, harm from circumventing process. As I always say, ‘How we do things matters,’ and it matters every bit as much as the policies themselves.”

Rep. Peterson of Clarendon explained his vote as follows:

“Madam Speaker:

The Health Care Committee thoroughly reviewed this bill. However, when an expert in peer counseling has a suggestion, I give it my support. It will improve the bill.”

Thereafter, third reading was ordered.

Message from the Senate No. 24

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted Senate concurrent resolution of the following title:

S.C.R. 10. Senate concurrent resolution honoring Waterville Town Clerk and Treasurer Nancy LaRose for her exemplary municipal public service.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 160. House concurrent resolution in memory of veteran Pownal firefighter Kenneth Carlton O’Dell.

H.C.R. 161. House concurrent resolution honoring Newport City Council Chair John Wilson for his national and municipal public service.

H.C.R. 162. House concurrent resolution honoring Sergeant at Arms Janet Miller for her stellar public service for the General Assembly.

H.C.R. 163. House concurrent resolution recognizing Public Schools Week in Vermont.

Adjournment

At eleven o'clock and forty-four minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

Concurrent Resolution Adopted

The following concurrent resolution, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Rule 16b of the Joint Rules of the Senate and House of Representatives, is hereby adopted on the part of the House:

S.C.R. 10

Senate concurrent resolution honoring Waterville Town Clerk and Treasurer Nancy LaRose for her exemplary municipal public service

[The full text of the concurrent resolution appeared in the Senate Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2024 Adjourned Session.]

Wednesday, February 28, 2024

At three o'clock in the afternoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Saudia LaMont of Morristown.

Message from the Senate No. 25

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 47. Joint resolution providing for a Joint Assembly to vote on the retention of two Superior Judges and one Magistrate.

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

The Senate has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses upon House bill of the following title:

H. 839. An act related to fiscal year 2024 budget adjustments.

And has accepted and adopted the same on its part.

House Bill Introduced**H. 866**

By Reps. Elder of Starksboro, Bartley of Fairfax, Cordes of Lincoln, Headrick of Burlington, Hooper of Randolph, Hyman of South Burlington, Labor of Morgan, LaBounty of Lyndon, Masland of Thetford, Ode of Burlington, Parsons of Newbury, Sims of Craftsbury, and Whitman of Bennington,

House bill, entitled

An act relating to adding xylazine to the list of regulated drugs

Was read the first time and referred to the Committee on Judiciary.

**Bill Referred to Appropriations
Pending Entry on the Notice Calendar**

H. 645

House bill, entitled

An act relating to the expansion of approaches to restorative justice

Pending entry on the Notice Calendar, and pursuant to House Rule 35(a), carrying an appropriation was referred to the Committee on Appropriations.

Second Reading; Bill Amended; Third Reading Ordered

H. 629

Rep. Demrow of Corinth, for the Committee on Ways and Means, to which had been referred House bill, entitled

An act relating to changes to property tax abatement and tax sales

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Municipal Tax Abatement * * *

Sec. 1. 24 V.S.A. § 1535 is amended to read:

§ 1535. ABATEMENT

(a) The board may abate in whole or part taxes, water charges, sewer charges, interest, or collection fees, or any combination of those, other than those arising out of a corrected classification of homestead or nonhomestead property, accruing to the town in the following cases:

- (1) taxes or charges of persons who have died insolvent;
- (2) taxes or charges of persons who have moved from the State;
- (3) taxes or charges of persons who are unable to pay their taxes or charges, interest, and collection fees;
- (4) taxes in which there is manifest error or a mistake of the listers;
- (5) taxes or charges upon real or personal property lost or destroyed during the tax year;
- (6) the exemption amount available under 32 V.S.A. § 3802(11) to persons otherwise eligible for exemption who file a claim on or after May 1

but before October 1 due to the claimant's sickness or disability or other good cause as determined by the board of abatement; but that exemption amount shall be reduced by 20 percent of the total exemption for each month or portion of a month the claim is late filed;

(7) [Repealed.]

(8) [Repealed.]

(9) taxes or charges upon a mobile home moved from the town during the tax year as a result of a change in use of the mobile home park land or parts thereof or closure of the mobile home park in which the mobile home was sited, pursuant to 10 V.S.A. § 6237; or

(10) de minimis amounts of taxes for purposes of reconciling municipal accounts according to generally accepted accounting practices.

(b) The board's abatement of an amount of tax or charge shall automatically abate any uncollected interest and fees relating to that amount.

(c) The board shall, in any case in which it abates taxes or charges, interest, or collection fees accruing to the town or denies an application for abatement, state in detail in writing the reasons for its decision. The written decision shall provide sufficient explanation to indicate to the parties what was considered and what was decided. The decision shall address the arguments raised by the applicant.

(d)(1) The board may order that any abatement as to an amount or amounts already paid be in the form of a refund or in the form of a credit against the tax or charge for the next ensuing tax year or charge billing cycle and for succeeding tax years or billing cycles if required to use up the amount of the credit.

(2) Whenever a municipality votes to collect interest on overdue taxes pursuant to 32 V.S.A. § 5136, interest in a like amount shall be paid by the municipality to any person for whom an abatement has been ordered.

(3) Interest on taxes or charges paid and subsequently abated shall accrue from the date payment was due or made, whichever is later. However, abatements issued pursuant to subdivision (a)(5) of this section need not include the payment of interest.

(4) When a refund has been ordered, the board shall draw an order on the town treasurer for payment of the refund.

(e)(1) The board may hear a group of similar requests for abatement as a class, provided that:

(A) the requests shall arise from the same cause or event;

(B) the requests relate to the bases for abatement in subdivision (a)(4), (5), or (9) of this section;

(C) the board shall group requests based on property classification;

(D) the board shall provide notice to each taxpayer of the taxpayer's status as a member of the class; and

(E) a taxpayer shall have the right to decline the taxpayer's status as a member of the class and pursue the taxpayer's request as a separate action before the board.

(2) The board shall provide notice to each taxpayer at minimum 21 days before the scheduled hearing for the class. The notice shall include a description of the class and the board's reasons for grouping the requests, an explanation of the taxpayer's status as a member of the class, the procedure for appealing a board decision, the taxpayer's right to decline class membership and pursue a separate action, and any deadlines that the taxpayer must meet in order to participate as a member of the class or pursue a separate action.

(3) A taxpayer shall notify the board of the taxpayer's intent to pursue a separate action, pursuant to subdivision (1)(E) of this subsection, a minimum of seven days before the board's hearing to consider a class request.

(4) A board may preserve and take notice of any evidence supporting the basis for abatement for a class and use that evidence for purposes of a later, separate action pursued by an individual taxpayer.

(5) In instances where a board abates in part taxes, charges, interest, or collection fees for a class, the board shall not render a decision that results in disproportionate rates of abatement for taxpayers within the class.

(f) A municipality shall provide clear notice to a taxpayer of the ability to request tax abatement, and how to request abatement, at the same time as a municipality attempts to collect a municipal fee or interest for delinquent taxes, water charges, sewer charges, or tax collection.

Sec. 2. 24 V.S.A. § 5144 is amended to read:

§ 5144. UNIFORM NOTICE FORM

The notice form required under section 5143 of this chapter, and defined in section 5142 of this chapter, shall be clearly printed on a pink colored sheet of paper, and shall be according to the following form:

* * *

ABATEMENT AND POSSIBLE REDUCTION IN CHARGES—You may be able to receive a reduction of charges, penalties, or interest through municipal

abatement. To seek this reduction in charges from the Board of Abatement, contact the municipal clerk by mail or phone:

(Name of Clerk of Board of Abatement)

(Name of Town, City, or Village)

(Address of Office)

(Mailing Address)

or by calling:

(Telephone Number)

* * * Property Tax Credit * * *

Sec. 3. 32 V.S.A. § 6065 is amended to read:

§ 6065. FORMS; TABLES; NOTICES

(a) In administering this chapter, the Commissioner shall provide suitable claim forms with tables of allowable claims, instructions, and worksheets for claiming a homestead property tax credit.

(b) Prior to June 1, the Commissioner shall also prepare and supply to each town in the State notices describing the homestead property tax credit, for inclusion in property tax bills. The notice shall be in simple, plain language and shall explain how to file for a property tax credit, where to find assistance filing for a credit, and any other related information as determined by the Commissioner. The notice shall direct taxpayers to a resource where they can find versions of the notice translated into the five most common non-English languages in the State. A town shall include such notice in each tax bill and notice of delinquent taxes that it mails to taxpayers who own in that town a residential property that could be a homestead as defined in subdivision 5401(7) of this title, without regard for whether the property was declared a homestead.

(c) Notwithstanding the provisions of subsection (b) of this section, towns that use envelopes or mailers not able to accommodate notices describing the homestead tax credit may distribute such notices in an alternative manner.

* * * Tax Sale of Real Property * * *

Sec. 4. 32 V.S.A. § 5252 is amended to read:

§ 5252. LEVY AND NOTICE OF SALE; SECURING PROPERTY

(a) When the collector of taxes of a town or of a municipality within it has for collection a tax assessed against real estate in the town and the taxpayer is delinquent for a period longer than one year, the collector may extend a

warrant on such land. However, no warrant shall be extended until a delinquent taxpayer is given an opportunity to enter a written reasonable repayment plan pursuant to subsection (c) of this section. If a collector receives notice from a mobile home park owner pursuant to 10 V.S.A. § 6248(b), the collector shall, within 15 days after the notice, commence tax sale proceedings to hold a tax sale within 60 days after the notice. If the collector fails to initiate such proceedings, the town may initiate tax sale proceedings only after complying with 10 V.S.A. § 6249(f). If the tax collector extends the warrant, the collector shall:

(1) File in the office of the town clerk for record a true and attested copy of the warrant and so much of the tax bill committed to the collector for collection as relates to the tax against the delinquent taxpayer, a sufficient description of the land so levied upon, and a statement in writing that by virtue of the original tax warrant and tax bill committed to the collector for collection, the collector has levied upon the described land.

(2) Advertise forthwith such land for sale at public auction in the town where it lies three weeks successively in a newspaper circulating in the vicinity, the last publication to be at least 10 days before such sale.

(3) Give the delinquent taxpayer written notice by certified mail requiring a return receipt directed to the last known address of the delinquent of the date and place of such sale at least ~~10~~ 30 days prior thereto if the delinquent is a resident of the town and ~~20~~ 30 days prior thereto if the delinquent is a nonresident of the town. If the notice by certified mail is returned unclaimed, notice shall be provided to the taxpayer by resending the notice by first-class mail or by personal service pursuant to Rule 4 of the Vermont Rules of Civil Procedure, except that if the last known address of the delinquent taxpayer is in Vermont, the collector shall resend the notice by first-class mail and make one attempt at personal service pursuant to Rule 4 of the Vermont Rules of Civil Procedure. If the last known address of the delinquent taxpayer is in Vermont, and an attempt at personal service fails, the collector shall affix the notice to the exterior door of the property subject to tax sale.

(4) Give to the mortgagee or lien holder of record written notice of such sale at least ~~10~~ 30 days prior thereto if a resident of the town and, if a nonresident, ~~20~~ 30 days' notice to the mortgagee or lien holder of record or ~~his or her~~ the mortgagee's or lien holder's agent or attorney by certified mail requiring a return receipt directed to the last known address of such person. If the notice by certified mail is returned unclaimed, notice shall be provided by resending the notice by first-class mail or by personal service pursuant to Rule 4 of the Vermont Rules of Civil Procedure.

(5) Post a notice of such sale in some public place in the town.

(6) Enclose the following statement, with directions to a resource translating the notice into the five most common non-English languages used in this State, with the notices required under subdivisions (3) and (4) of this subsection and with every delinquent tax notice:

Warning: There are unpaid property taxes at (address of property), which you may own, have a legal interest, or may be contiguous to your property. The property will be sold at public auction on (date set for sale) unless the overdue taxes, fees, and interest in the amount of (dollar amount due) is paid. To make payment or receive further information, contact (name of tax collector) immediately at (office address), (mailing address), (e-mail address), or (telephone number).

(7) The resource for translation of the notice required under subdivision (6) of this subsection shall be made available to all municipalities by the Vermont Department of Taxes.

(b) If the warrant and levy for delinquent taxes has been recorded pursuant to subsection (a) of this section, the municipality in which the real estate lies may secure the property against illegal activity and potential fire hazards after giving the mortgagee or lien holder of record written notice at least 10 days prior to such action.

(c)(1) A municipality shall not initiate a tax sale proceeding until it has offered a delinquent taxpayer a written reasonable repayment plan and the taxpayer has either denied the offer, failed to respond within 30 days, or has failed to make a payment under the plan within the time frame established by the collector. When establishing a plan under this subsection, the municipality shall consider the following:

(A) the income and income schedule of the taxpayer, if offered by the taxpayer;

(B) the taxpayer's tax payment history with the municipality;

(C) the amount of tax debt owed to the municipality;

(D) the amount of time tax has been delinquent; and

(E) the taxpayer's reason for the delinquency.

(2) A collector is only required to offer one payment plan per delinquency, without regard for whether it is agreed to by the delinquent taxpayer.

(3) A collector may void a payment plan and proceed to tax sale if a delinquent taxpayer agrees to a payment plan under this subsection and fails to make a timely payment.

Sec. 5. 32 V.S.A. § 5253 is amended to read:

§ 5253. FORM OF ADVERTISEMENT AND NOTICE OF SALE

The form of advertisement and notice of sale provided for in section 5252 of this title shall be substantially in the following form:

The resident and nonresident owners, lien holders, and mortgagees of lands in the town of _____ in the county of _____ are hereby notified that the taxes assessed by such town for the years _____ (insert years the taxes are unpaid) _____ remain, either in whole or in part, unpaid on the following described lands in such town, to wit,

(insert description of lands)

and so much of such lands will be sold at public auction at _____ a public place in such town, on the _____ day of _____ (month), _____ (year) at _____ o'clock ____ (am/pm), as shall be requisite to discharge such taxes with costs and fees, unless previously paid.

Be advised that the owner or mortgagee, or the owner's or mortgagee's representatives or assigns, of lands sold for taxes shall have a right to redemption for a period of one year from the date of sale pursuant to 32 V.S.A. § 5260.

Dated at _____, Vermont, this _____ day of _____ (month), _____ (year).

Collector of Town Taxes

Sec. 6. 32 V.S.A. § 5260 is amended to read:

§ 5260. REDEMPTION

(a) When the owner or mortgagee of lands sold for taxes, ~~his or her~~ the owner's or mortgagee's representatives or assigns, within one year from the day of sale, pays or tenders to the collector who made the sale or in the case of ~~his or her~~ the collector's death or removal from the town where the land lies, to the town clerk of such town, the sum for which the land was sold with interest thereon calculated at a rate of ~~one~~ 0.5 percent per month ~~or fraction thereof~~ from the day of sale to the day of payment, a deed of the land shall not be made to the purchaser, but the money paid or tendered by the owner or mortgagee or ~~his or her~~ the owner's or mortgagee's representatives or assigns to the collector or town clerk shall be paid over to such purchaser on demand.

In the event that a municipality purchases contaminated land pursuant to section 5259 of this title, the cost to redeem shall include all costs expended for assessment and remediation, including expenses incurred or authorized by any local, State, or federal government authority.

(b) During the redemption period, the tax collector shall:

(1) Serve the delinquent taxpayer with the written notice required under subsection (c) of this section between 90 and 120 days prior to the end of the redemption period using certified mail requiring a return receipt, directed to the last known address of the delinquent taxpayer. If the notice by certified mail is returned unclaimed, notice shall be provided by resending the notice by first-class mail or by personal service pursuant to Rule 4 of the Vermont Rules of Civil Procedure.

(2) Post the notice in some public place in the municipality between 90 and 120 days prior to the end of redemption period.

(c) The tax collector shall enclose the following statement, with directions to a resource translating the notice into the five most common non-English languages used in this State, with every notice required under this section:

Warning: There are unpaid property taxes at (address of property), which you may own, have a legal interest in, or may be contiguous to your property. The property was sold at public auction on (date). Unless the overdue taxes, fees, and interest are paid by (last day of redemption period), the deed to the property will transfer to purchaser. To redeem the property and avoid losing your legal interest, you must pay (dollar amount due for redemption). The amount you must pay to redeem the property increases every month due to interest, mailing costs, and other costs. To make payment or receive further information, contact (name of tax collector) immediately at (office address), (mailing address), (e-mail address), and (telephone number).

(d) The resource for translation of the notice required under subsection (c) of this section shall be made available to all municipalities by the Vermont Department of Taxes.

Sec. 7. WORKING GROUP ON VERMONT'S ABATEMENT AND TAX SALE PROCESSES

(a) Creation. There is created the Working Group on Vermont's Abatement and Tax Sale Processes to assess how Vermont may balance fairness for delinquent taxpayers with the needs of municipalities.

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

- (1) a representative, appointed by Vermont Legal Aid;
- (2) a representative, appointed by the Vermont League of Cities and Towns;
- (3) a representative, appointed by the Vermont Banker's Association;
- (4) a representative, appointed by the Vermont Housing Finance Agency;
- (5) a representative, appointed by the Vermont Municipal Clerk and Treasurer Association;
- (6) a representative, appointed by the Neighborworks Alliance of Vermont;
- (7) a representative, appointed by the Champlain Valley Office of Economic Opportunity Mobile Home Project; and
- (8) a representative, appointed by the Vermont Assessors and Listers Association.

(c) Powers and duties. The Working Group shall offer recommendations relating to the following:

- (1) establishing a process so that delinquent taxpayers whose properties are transferred via tax collector's deed, or a tax-lien foreclosure sale, can fairly recoup equity in their property in excess of the tax debt, fees, and interest for which their property is sold;
- (2) standardizing and ensuring fairness in the abatement process across Vermont municipalities;
- (3) requiring a minimum amount of tax debt before a tax sale can be initiated;
- (4) allowing a tax sale to be initiated for blighted or dilapidated real estate that has been abandoned when taxes are delinquent for less than one year; and
- (5) whether a 0.5 percent rate of monthly interest paid by delinquent taxpayers for purchasers during the redemption period causes a reduction in municipalities' ability to receive bids on properties at tax sales.

(d) Report. On or before December 15, 2024, the Working Group shall submit a written report to the House Committee on Ways and Means with its findings and any recommendations for legislative action, including proposed legislative language.

(e) Meetings.

(1) The representative appointed by Vermont Legal Aid shall call the first meeting of the Working Group to occur on or before August 1, 2024.

(2) The Working Group shall elect a chair from among its members at the first meeting.

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

(4) The Working Group shall cease to exist on June 30, 2025.

Sec. 8. APPLICATION OF CHANGES MADE BY THIS ACT

(a) The amendments to 32 V.S.A. § 5252 made by Sec. 4 of this act (notice of sale) shall not apply to a property that was subject to a notice of sale prior to effective date of this act.

(b) The amendments to 32 V.S.A. § 5260 made by Sec. 6 of this act (redemption) shall not apply to a property that has been sold at tax sale prior to the effective date of this act, except that, notwithstanding any provision of 1 V.S.A. § 214 to the contrary, the provisions of 32 V.S.A. § 5260(b) and (c) shall apply if, on the effective date of this act, 90 days or more remain until the end of the redemption period.

* * * Effective Date * * *

Sec. 9. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Notice Calendar, was taken up and read the second time.

Pending the question, Shall the bill be amended as recommended by the Committee on Ways and Means?, **Rep. McCarthy of St. Albans City** moved to amend the report of the Committee on Ways and Means by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Municipal Tax Abatement * * *

Sec. 1. 24 V.S.A. § 1535 is amended to read:

§ 1535. ABATEMENT

(a) The board may abate in whole or part taxes, water charges, sewer charges, interest, or collection fees, or any combination of those, other than those arising out of a corrected classification of homestead or nonhomestead property, accruing to the town in the following cases:

(1) taxes or charges of persons who have died insolvent;

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- (2) taxes or charges of persons who have moved from the State;
 - (3) taxes or charges of persons who are unable to pay their taxes or charges, interest, and collection fees;
 - (4) taxes in which there is manifest error or a mistake of the listers;
 - (5) taxes or charges upon real or personal property lost or destroyed during the tax year;
 - (6) the exemption amount available under 32 V.S.A. § 3802(11) to persons otherwise eligible for exemption who file a claim on or after May 1 but before October 1 due to the claimant's sickness or disability or other good cause as determined by the board of abatement; but that exemption amount shall be reduced by 20 percent of the total exemption for each month or portion of a month the claim is late filed;
 - (7) [Repealed.]
 - (8) [Repealed.]
 - (9) taxes or charges upon a mobile home moved from the town during the tax year as a result of a change in use of the mobile home park land or parts thereof or closure of the mobile home park in which the mobile home was sited, pursuant to 10 V.S.A. § 6237;
 - (b) The board's abatement of an amount of tax or charge shall automatically abate any uncollected interest and fees relating to that amount.
 - (c) The board shall, in any case in which it abates taxes or charges, interest, or collection fees accruing to the town or denies an application for abatement, state in detail in writing the reasons for its decision. The written decision shall provide sufficient explanation to indicate to the parties what was considered and what was decided. The decision shall address the arguments raised by the applicant.
 - (d)(1) The board may order that any abatement as to an amount or amounts already paid be in the form of a refund or in the form of a credit against the tax or charge for the next ensuing tax year or charge billing cycle and for succeeding tax years or billing cycles if required to use up the amount of the credit.
 - (2) Whenever a municipality votes to collect interest on overdue taxes pursuant to 32 V.S.A. § 5136, interest in a like amount shall be paid by the municipality to any person for whom an abatement has been ordered.
 - (3) Interest on taxes or charges paid and subsequently abated shall accrue from the date payment was due or made, whichever is later. However,

abatements issued pursuant to subdivision (a)(5) of this section need not include the payment of interest.

(4) When a refund has been ordered, the board shall draw an order on the town treasurer for payment of the refund.

(e)(1) The board may hear a group of similar requests for abatement as a class, provided that:

(A) the board has first met and established a class in accordance with this subsection (e);

(B) the requests shall arise from the same cause or event;

(C) the requests relate to the bases for abatement in subdivision (a)(4), (5), or (9) of this section;

(D) the board shall group requests based on property classification;

(E) the board shall provide notice to each taxpayer of the taxpayer's status as a member of the class; and

(F) a taxpayer shall have the right to decline the taxpayer's status as a member of the class and pursue the taxpayer's request as a separate action before the board.

(2) The board shall provide notice to each taxpayer at minimum 21 days before the scheduled hearing for the class. The notice shall include a description of the class and the board's reasons for grouping the requests, an explanation of the taxpayer's status as a member of the class, the procedure for appealing a board decision, the taxpayer's right to decline class membership and pursue a separate action, and any deadlines that the taxpayer must meet in order to participate as a member of the class or pursue a separate action.

(3) A taxpayer shall notify the board of the taxpayer's intent to pursue a separate action, pursuant to subdivision (1)(F) of this subsection, a minimum of seven days before the board's hearing to consider a class request.

(4) A board may preserve and take notice of any evidence supporting the basis for abatement for a class and use that evidence for purposes of a later, separate action pursued by an individual taxpayer.

(5) In instances where a board abates in part taxes, charges, interest, or collection fees for a class, the board shall not render a decision that results in disproportionate rates of abatement for taxpayers within the class.

(f) A municipality shall provide clear notice to a taxpayer of the ability to request tax abatement, and how to request abatement, at the same time as a

municipality attempts to collect a municipal fee or interest for delinquent taxes, water charges, sewer charges, or tax collection.

(g) The legislative body of a municipality by a majority vote may abate de minimis amounts of taxes for purposes of reconciling municipal accounts according to generally accepted accounting principles.

Sec. 2. 24 V.S.A. § 5144 is amended to read:

§ 5144. UNIFORM NOTICE FORM

The notice form required under section 5143 of this chapter, and defined in section 5142 of this chapter, shall be clearly printed on a pink colored sheet of paper; and shall be according to the following form:

* * *

ABATEMENT AND POSSIBLE REDUCTION IN CHARGES—You may be able to receive a reduction of charges, penalties, or interest through municipal abatement. To seek this reduction in charges from the Board of Abatement, contact the municipal clerk by mail or phone:

(Name of Clerk of Board of Abatement)

(Name of Town, City, or Village)

(Address of Office)

(Mailing Address)

or by calling:

(Telephone Number)

* * * Property Tax Credit * * *

Sec. 3. 32 V.S.A. § 6065 is amended to read:

§ 6065. FORMS; TABLES; NOTICES

(a) In administering this chapter, the Commissioner shall provide suitable claim forms with tables of allowable claims, instructions, and worksheets for claiming a homestead property tax credit.

(b) Prior to June 1, the Commissioner shall also prepare and supply to each town in the State notices describing the homestead property tax credit, for inclusion in property tax bills. The notice shall be in simple, plain language and shall explain how to file for a property tax credit, where to find assistance filing for a credit, and any other related information as determined by the Commissioner. The notice shall direct taxpayers to a resource where they can find versions of the notice translated into the five most common non-English languages in the State. A town shall include such notice in each tax bill and

notice of delinquent taxes that it mails to taxpayers who own in that town a residential property that could be a homestead as defined in subdivision 5401(7) of this title, without regard for whether the property was declared a homestead.

(c) Notwithstanding the provisions of subsection (b) of this section, towns that use envelopes or mailers not able to accommodate notices describing the homestead tax credit may distribute such notices in an alternative manner.

* * * Tax Sale of Real Property * * *

Sec. 4. 32 V.S.A. § 5252 is amended to read:

§ 5252. LEVY AND NOTICE OF SALE; SECURING PROPERTY

(a) When the collector of taxes of a town or of a municipality within it has for collection a tax assessed against real estate in the town and the taxpayer is delinquent for a period longer than one year, the collector may extend a warrant on such land. However, no warrant shall be extended until a delinquent taxpayer is given an opportunity to enter a written reasonable repayment plan pursuant to subsection (c) of this section. If a collector receives notice from a mobile home park owner pursuant to 10 V.S.A. § 6248(b), the collector shall, within 15 days after the notice, commence tax sale proceedings to hold a tax sale within 60 days after the notice. If the collector fails to initiate such proceedings, the town may initiate tax sale proceedings only after complying with 10 V.S.A. § 6249(f). If the tax collector extends the warrant, the collector shall:

(1) File in the office of the town clerk for record a true and attested copy of the warrant and so much of the tax bill committed to the collector for collection as relates to the tax against the delinquent taxpayer, a sufficient description of the land so levied upon, and a statement in writing that by virtue of the original tax warrant and tax bill committed to the collector for collection, the collector has levied upon the described land.

(2) Advertise forthwith such land for sale at public auction in the town where it lies three weeks successively in a newspaper circulating in the vicinity, the last publication to be at least 10 days before such sale.

(3) Give the delinquent taxpayer written notice by certified mail requiring a return receipt directed to the last known address of the delinquent of the date and place of such sale at least ~~10~~ 30 days prior thereto if the delinquent is a resident of the town and ~~20~~ 30 days prior thereto if the delinquent is a nonresident of the town. If the notice by certified mail is returned unclaimed, notice shall be provided to the taxpayer by resending the notice by first-class mail or by personal service pursuant to Rule 4 of the Vermont Rules of Civil Procedure, except that if the last known address of the

delinquent taxpayer is in Vermont, the collector shall resend the notice by first-class mail and make one attempt at personal service pursuant to Rule 4 of the Vermont Rules of Civil Procedure. If the last known address of the delinquent taxpayer is in Vermont, and an attempt at personal service fails, the collector shall affix the notice to the exterior door of the property subject to tax sale if the property has a structure.

(4) Give to the mortgagee or lien holder of record written notice of such sale at least ~~10~~ 30 days prior thereto if a resident of the town and, if a nonresident, ~~20~~ 30 days' notice to the mortgagee or lien holder of record or ~~his or her~~ the mortgagee's or lien holder's agent or attorney by certified mail requiring a return receipt directed to the last known address of such person. If the notice by certified mail is returned unclaimed, notice shall be provided by resending the notice by first-class mail or by personal service pursuant to Rule 4 of the Vermont Rules of Civil Procedure.

(5) Post a notice of such sale in some public place in the town.

(6) Enclose the following statement, with directions to a resource translating the notice into the five most common non-English languages used in this State, with the notices required under subdivisions (3) and (4) of this subsection and with every delinquent tax notice:

Warning: There are unpaid property taxes at (address of property), which you may own, have a legal interest, or may be contiguous to your property. The property will be sold at public auction on (date set for sale) unless the overdue taxes, fees, and interest in the amount of (dollar amount due) is paid. To make payment or receive further information, contact (name of tax collector) immediately at (office address), (mailing address), (e-mail address), or (telephone number).

(7) The resource for translation of the notice required under subdivision (6) of this subsection shall be made available to all municipalities by the Vermont Department of Taxes.

(b) If the warrant and levy for delinquent taxes has been recorded pursuant to subsection (a) of this section, the municipality in which the real estate lies may secure the property against illegal activity and potential fire hazards after giving the mortgagee or lien holder of record written notice at least 10 days prior to such action.

(c)(1) A municipality shall not initiate a tax sale proceeding until it has offered a delinquent taxpayer a written reasonable repayment plan and the taxpayer has either denied the offer, failed to respond within 30 days, or has failed to make a payment under the plan within the time frame established by

the collector. When establishing a plan under this subsection, the municipality shall consider the following:

(A) the income and income schedule of the taxpayer, if offered by the taxpayer;

(B) the taxpayer's tax payment history with the municipality;

(C) the amount of tax debt owed to the municipality;

(D) the amount of time tax has been delinquent; and

(E) the taxpayer's reason for the delinquency.

(2) A collector is only required to offer one payment plan per delinquency, without regard for whether it is agreed to by the delinquent taxpayer.

(3) A collector may void a payment plan and proceed to tax sale if a delinquent taxpayer agrees to a payment plan under this subsection and fails to make a timely payment.

Sec. 5. 32 V.S.A. § 5253 is amended to read:

§ 5253. FORM OF ADVERTISEMENT AND NOTICE OF SALE

The form of advertisement and notice of sale provided for in section 5252 of this title shall be substantially in the following form:

The resident and nonresident owners, lien holders, and mortgagees of lands in the town of _____ in the county of _____ are hereby notified that the taxes assessed by such town for the years _____ (insert years the taxes are unpaid) _____ remain, either in whole or in part, unpaid on the following described _____ lands in such town, to wit,

(insert description of lands)

and so much of such lands will be sold at public auction at _____ a public place in such town, on the _____ day of _____ (month), _____ (year) at _____ o'clock _____ (am/pm), as shall be requisite to discharge such taxes with costs and fees, unless previously paid.

Be advised that the owner or mortgagee, or the owner's or mortgagee's representatives or assigns, of lands sold for taxes shall have a right to redemption for a period of one year from the date of sale pursuant to 32 V.S.A. § 5260.

Dated at _____, Vermont, this _____ day of _____ (month), _____ (year).

Collector of Town Taxes

Sec. 6. 32 V.S.A. § 5260 is amended to read:

§ 5260. REDEMPTION

(a) When the owner, lien holder, or mortgagee of lands sold for taxes, ~~his or her~~ the owner's, lien holder's, or mortgagee's representatives or assigns, within one year from the day of sale, pays or tenders to the collector who made the sale or in the case of ~~his or her~~ the collector's death or removal from the town where the land lies, to the town clerk of such town, the sum for which the land was sold with interest thereon calculated at a rate of ~~one~~ 0.5 percent per month ~~or fraction thereof~~ from the day of sale to the day of payment, a deed of the land shall not be made to the purchaser, but the money paid or tendered by the owner, lien holder, or mortgagee or ~~his or her~~ the owner's, lien holder's, or mortgagee's representatives or assigns to the collector or town clerk shall be paid over to such purchaser on demand. In the event that a municipality purchases contaminated land pursuant to section 5259 of this title, the cost to redeem shall include all costs expended for assessment and remediation, including expenses incurred or authorized by any local, State, or federal government authority.

(b) During the redemption period, the tax collector shall:

(1) Serve the delinquent taxpayer with the written notice required under subsection (c) of this section between 90 and 120 days prior to the end of the redemption period using certified mail requiring a return receipt, directed to the last known address of the delinquent taxpayer. If the notice by certified mail is returned unclaimed, notice shall be provided by resending the notice by first-class mail or by personal service pursuant to Rule 4 of the Vermont Rules of Civil Procedure.

(2) Post the notice in some public place in the municipality between 90 and 120 days prior to the end of redemption period.

(c) The tax collector shall enclose the following statement, with directions to a resource translating the notice into the five most common non-English languages used in this State, with every notice required under this section:

Warning: There are unpaid property taxes at (address of property), which you may own, have a legal interest in, or may be contiguous to your property. The property was sold at public auction on (date). Unless the overdue taxes, fees, and interest are paid by (last day of redemption period), the deed to the

property will transfer to purchaser. To redeem the property and avoid losing your legal interest, you must pay (dollar amount due for redemption). The amount you must pay to redeem the property increases every month due to interest, mailing costs, and other costs. To make payment or receive further information, contact (name of tax collector) immediately at (office address), (mailing address), (e-mail address), and (telephone number).

(d) The resource for translation of the notice required under subsection (c) of this section shall be made available to all municipalities by the Vermont Department of Taxes.

Sec. 7. WORKING GROUP ON VERMONT'S ABATEMENT AND TAX SALE PROCESSES

(a) Creation. There is created the Working Group on Vermont's Abatement and Tax Sale Processes to assess how Vermont may balance fairness for delinquent taxpayers with the needs of municipalities.

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

(1) a representative, appointed by Vermont Legal Aid;

(2) a representative, appointed by the Vermont League of Cities and Towns;

(3) a representative, appointed by the Vermont Banker's Association;

(4) a representative, appointed by the Vermont Housing Finance Agency;

(5) a representative, appointed by the Vermont Municipal Clerk and Treasurer Association;

(6) a representative, appointed by the Neighborworks Alliance of Vermont;

(7) a representative, appointed by the Champlain Valley Office of Economic Opportunity Mobile Home Project;

(8) a representative, appointed by the Vermont Assessors and Listers Association; and

(9) a representative, appointed by the Vermont Bar Association, with experience practicing real estate law.

(c) Powers and duties. The Working Group shall offer recommendations relating to the following:

(1) establishing a process so that delinquent taxpayers whose properties are transferred via tax collector's deed, or a tax-lien foreclosure sale, can fairly recoup equity in their property in excess of the tax debt, fees, and interest for which their property is sold;

(2) standardizing and ensuring fairness in the abatement process across Vermont municipalities;

(3) requiring a minimum amount of tax debt before a tax sale can be initiated;

(4) allowing a tax sale to be initiated for blighted or dilapidated real estate that has been abandoned when taxes are delinquent for less than one year; and

(5) whether a 0.5 percent rate of monthly interest paid by delinquent taxpayers for purchasers during the redemption period causes a reduction in municipalities' ability to receive bids on properties at tax sales.

(d) Report. On or before December 15, 2024, the Working Group shall submit a written report to the House Committee on Ways and Means, House Committee on Government Operations and Military Affairs, Senate Committee on Finance, and Senate Committee on Government Operations with its findings and any recommendations for legislative action, including proposed legislative language.

(e) Meetings.

(1) The representative appointed by Vermont Legal Aid shall call the first meeting of the Working Group to occur on or before August 1, 2024.

(2) The Working Group shall elect a chair from among its members at the first meeting.

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

(4) The Working Group shall cease to exist on June 30, 2025.

Sec. 8. APPLICATION OF CHANGES MADE BY THIS ACT

(a) The amendments to 32 V.S.A. § 5252 made by Sec. 4 of this act (notice of sale) shall not apply to a property that was subject to a notice of sale prior to the effective date of this act.

(b) The amendments to 32 V.S.A. § 5260 made by Sec. 6 of this act (redemption) shall not apply to a property that has been sold at tax sale prior to the effective date of this act, except that, notwithstanding any provision of

1 V.S.A. § 214 to the contrary, the provisions of 32 V.S.A. § 5260(b) and (c) shall apply if, on the effective date of this act, 90 days or more remain until the end of the redemption period.

* * * Effective Date * * *

Sec. 9. EFFECTIVE DATE

This act shall take effect on passage.

Pending the question, Shall the report of the Committee on Ways and Means be amended as offered by Rep. McCarthy of St. Albans City?, **Rep. Morrissey of Bennington** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the report of the Committee on Ways and Means be amended as offered by Rep. McCarthy of St. Albans City?, was decided in the affirmative. Yeas, 92. Nays, 44.

Those who voted in the affirmative are:

Andrews of Westford	Elder of Starksboro	Mulvaney-Stanak of Burlington
Anthony of Barre City	Emmons of Springfield	Nicoll of Ludlow
Arsenault of Williston	Farlice-Rubio of Barnet	Notte of Rutland City
Austin of Colchester	Garofano of Essex	Noyes of Wolcott
Bartholomew of Hartland	Goldman of Rockingham	Nugent of South Burlington
Berbeco of Winooski	Graning of Jericho	O'Brien of Tunbridge
Birong of Vergennes	Headrick of Burlington	Ode of Burlington
Black of Essex	Holcombe of Norwich	Patt of Worcester
Bluemle of Burlington	Hooper of Burlington	Pouech of Hinesburg
Bongartz of Manchester	Houghton of Essex Junction	Priestley of Bradford
Bos-Lun of Westminster	Hyman of South Burlington	Rachelson of Burlington
Boyden of Cambridge	James of Manchester	Rice of Dorset
Brady of Williston	Jerome of Brandon	Satcowitz of Randolph
Brown of Richmond	Kornheiser of Brattleboro	Scheu of Middlebury
Brumsted of Shelburne	Krasnow of South Burlington	Sheldon of Middlebury
Burke of Brattleboro	LaBounty of Lyndon	Sims of Craftsbury
Burrows of West Windsor	Lalley of Shelburne	Small of Winooski
Buss of Woodstock	LaLonde of South Burlington	Squirrell of Underhill
Campbell of St. Johnsbury	LaMont of Morristown	Stebbins of Burlington
Carpenter of Hyde Park	Lanpher of Vergennes	Stevens of Waterbury
Casey of Montpelier	Leavitt of Grand Isle	Stone of Burlington
Chase of Chester	Logan of Burlington	Surprenant of Barnard
Chase of Colchester	Long of Newfane	Templeman of Brownington
Chesnut-Tangerman of Middletown Springs	Masland of Thetford	Toleno of Brattleboro
Cina of Burlington	McCarthy of St. Albans City	Torre of Moretown
Coffey of Guilford	McGill of Bridport	Troiano of Stannard
Cole of Hartford	Mihaly of Calais	Waters Evans of Charlotte
Conlon of Cornwall	Minier of South Burlington	White of Bethel
Demrow of Corinth		Whitman of Bennington
Dolan of Essex Junction		Williams of Barre City *

Dolan of Waitsfield
Durfee of Shaftsbury

Mrowicki of Putney

Wood of Waterbury

Those who voted in the negative are:

Arrison of Weathersfield
Bartley of Fairfax
Beck of St. Johnsbury
Branagan of Georgia
Brennan of Colchester
Brownell of Pownal
Burditt of West Rutland
Canfield of Fair Haven
Clifford of Rutland City
Corcoran of Bennington
Demar of Enosburgh
Dickinson of St. Albans
Town
Donahue of Northfield
Galfetti of Barre Town

Goslant of Northfield
Gregoire of Fairfield
Hango of Berkshire
Harrison of Chittenden
Higley of Lowell
Labor of Morgan
Laroche of Franklin
Lipsky of Stowe
Maguire of Rutland City
Marcotte of Coventry
Mattos of Milton
McCoy of Poultney *
McFaun of Barre Town
Morgan of Milton
Morris of Springfield

Morrissey of Bennington
Oliver of Sheldon
Page of Newport City
Pajala of Londonderry
Parsons of Newbury
Peterson of Clarendon
Roberts of Halifax
Shaw of Pittsford
Sibilia of Dover
Smith of Derby
Taylor of Milton
Taylor of Colchester
Toof of St. Albans Town
Walker of Swanton
Williams of Granby

Those members absent with leave of the House and not voting are:

Andriano of Orwell
Carroll of Bennington
Chapin of East Montpelier
Christie of Hartford
Cordes of Lincoln

Dodge of Essex
Graham of Williamstown
Hooper of Randolph
Howard of Rutland City
McCann of Montpelier

Pearl of Danville
Sammis of Castleton
Wilson of Lyndon

Rep. McCoy of Poultney explained her vote as follows:

“Madam Speaker:

Our municipalities are looking at a 20% increase in property taxes this year. And now, our communities’ hands will be tied by lowering the interest rates they can charge on delinquent taxes and mandating they wait more than one year to collect delinquent taxes. My vote is no.”

Rep. Williams of Barre City explained his vote as follows:

“Madam Speaker:

The ability for communities to hold abatement hearings in a class is a much-needed tool to address bottlenecks created by natural disasters. This bill will aid communities so affected and allow them to recover.”

Thereupon, the report of the Committee on Ways and Means, as amended, was agreed to, and third reading ordered.

Third Reading; Bill Passed**H. 780**

House bill, entitled

An act relating to judicial nominations and appointments

Was taken up, read the third time, and passed.

Second Reading; Bill Amended; Third Reading Ordered**H. 694**

Rep. Oliver of Sheldon, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to sexual exploitation

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 3257 is amended to read:

§ 3257. SEXUAL EXPLOITATION OF A PERSON UNDER THE

SUPERVISION OF THE DEPARTMENT OF CORRECTIONS

(a) A correctional employee, contractor, or other person providing services to offenders on behalf of the Department of Corrections or pursuant to a court order or in accordance with a condition of parole, probation, supervised community sentence, or furlough shall not engage in a sexual act as defined in section 3251 of this title or sexual conduct as defined in section 2821 of this title with:

(1) a person who the employee, contractor, or other person providing services knows is confined to a correctional facility; or

(2) any offender being supervised by the Department of Corrections while on parole, probation, supervised community sentence, or furlough, where the employee, contractor, or other service provider knows or reasonably should have known that the offender is being supervised by the Department, unless the offender and the employee, contractor, or person providing services were married, parties to a civil union, or engaged in a consensual sexual relationship at the time of sentencing for the offense for which the offender is being supervised by the Department.

(b) A person who violates subsection (a) of this section shall be imprisoned for not more than five years or fined not more than \$10,000.00, or both.

Sec. 2. 13 V.S.A. § 3258 is amended to read:

§ 3258. SEXUAL EXPLOITATION OF A MINOR

(a) No person shall engage in a sexual act as defined in section 3251 of this title or sexual conduct as defined in section 2821 of this title with a minor if:

(1) the actor is at least 48 months older than the minor; and

(2) the actor is in a position of power, authority, or supervision over the minor by virtue of the actor's undertaking the responsibility, professionally or voluntarily, to provide for the health or welfare of minors, or guidance, leadership, instruction, or organized recreational activities for minors.

(b) A person who violates subsection (a) of this section shall be imprisoned for not more than one year or fined not more than \$2,000.00, or both.

(c) A person who violates subsection (a) of this section and who abuses ~~his or her~~ the person's position of power, authority, or supervision over the minor in order to engage in a sexual act as defined in section 3251 of this title or sexual conduct as defined in section 2821 of this title shall be imprisoned for not more than five years or fined not more than \$10,000.00, or both.

Sec. 3. 13 V.S.A. § 3259 is amended to read:

§ 3259. SEXUAL EXPLOITATION OF A PERSON WHO IS BEING
INVESTIGATED, DETAINED, ARRESTED, OR IS IN THE
CUSTODY OF A LAW ENFORCEMENT OFFICER

(a) No law enforcement officer shall engage in a sexual act as defined in section 3251 of this title or sexual conduct as defined in section 2821 of this title with a person whom the officer is detaining, arresting, or otherwise holding in custody or who the officer knows is being detained, arrested, or otherwise held in custody by another law enforcement officer. For purposes of this section, "detaining" and "detained" include a traffic stop or questioning pursuant to an investigation of a crime.

(b)(1) No law enforcement officer shall engage in a sexual act as defined in section 3251 of this title or sexual conduct as defined in section 2821 of this title with a person whom the officer:

(A) is investigating pursuant to an open investigation;

(B) knows is being investigated by another law enforcement officer pursuant to an open investigation; or

(C) knows is a victim or confidential informant in any open investigation.

(2) This subsection shall not apply if the law enforcement officer was engaged in a consensual sexual relationship with the person prior to the officer's knowledge that the person was a suspect, victim, or confidential informant in an open investigation.

(c) A person who violates subsection (a) or (b) of this section shall be imprisoned for not more than five years or fined not more than \$10,000.00, or both.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on Judiciary agreed to, and third reading ordered.

Action on Bill Postponed

S. 18

Senate bill, entitled

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

Was taken up and pending second reading, on motion of **Rep. Brumsted of Shelburne**, action on the bill was postponed until March 13, 2024.

Recess

At four o'clock and eight minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

Called to Order

At four o'clock and thirteen minutes in the afternoon, the Speaker called the House to order.

Bill Committed Pending Second Reading

H. 657

House bill, entitled

An act relating to the modernization of Vermont's communications taxes and fees

Was taken up and pending second reading, **Rep. Kornheiser of Brattleboro** moved that the bill be committed to the Committee on Environment and Energy, which was agreed to.

Amendment Offered; Third Reading; Bill Passed**H. 847**

House bill, entitled

An act relating to peer support provider and recovery support specialist certification

Was taken up and, pending third reading of the bill, **Reps. Gregoire of Fairfield, Donahue of Northfield, Small of Winooski, and Whitman of Bennington** moved that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

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

§ 122. OFFICE OF PROFESSIONAL REGULATION

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

* * *

(52) Peer support providers

(53) Peer recovery coaches

Sec. 2. 3 V.S.A. § 123 is amended to read:

§ 123. DUTIES OF OFFICE

* * *

(j)(1) The Office may inquire into the criminal background histories of applicants for initial licensure and for license renewal of any Office-issued credential, including a license, certification, registration, or specialty designation for the following professions:

* * *

(I) speech-language pathologists licensed under 26 V.S.A. chapter 87; and

(J) peer support providers and peer recovery coaches certified under 26 V.S.A. chapter 60; and

(K) individuals registered on the roster of psychotherapists who are nonlicensed and noncertified.

* * *

Sec. 3. 3 V.S.A. § 125 is amended to read:

§ 125. FEES

* * *

(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:

* * *

(2) Application for licensure or certification, \$115.00, except application for:

* * *

(Q) Peer support providers or peer recovery coaches, \$50.00.

* * *

(4) Biennial renewal, \$275.00, except biennial renewal for:

* * *

(V) Peer support provider or peer recovery coach, \$50.00.

* * *

Sec. 3a. 3 V.S.A. § 125 is amended to read:

§ 125. FEES

* * *

(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:

* * *

(2) Application for licensure or certification, \$115.00, except application for:

* * *

(Q) Peer support providers or peer recovery coaches, ~~\$50.00~~ \$75.00.

* * *

Sec. 4. 26 V.S.A. chapter 60 is added to read:

CHAPTER 60. PEER SUPPORT PROVIDERS AND PEER RECOVERY
COACHES

§ 3191. DEFINITIONS

As used in this chapter:

(1) “Certified peer support provider” means an individual who holds a certificate to engage in the practice of peer support services under this chapter.

(2) “Certified peer recovery coach” means an individual who holds a certificate to engage in the practice of recovery support services under this chapter.

(3) “Code of Ethics for Certified Peer Support Providers” means the code of ethics for certified peer support providers approved and adopted by the Department of Mental Health.

(4) “Code of Ethics for Certified Peer Recovery Coaches” means the code of ethics for certified peer recovery coaches approved and adopted by the Department of Health.

(5) “Office” means the Office of Professional Regulation.

(6) “Peer support provider credentialing body” means the entity authorized by the Department of Mental Health to, in addition to other duties:

(A) issue credentials to peer support providers to demonstrate that a peer support provider has met the qualifications for certification under the chapter; and

(B) approve acceptable continuing education courses.

(7) “Peer support” means the provision of those services that address mutually agreeable issues or areas of life consistent with the Code of Ethics for Certified Peer Support Providers that are reasonably related to increasing an individual’s capacity to live a self-determined life of their own choosing and that are provided in a mutual relationship between individuals with a lived experience of trauma, mental health, or substance use challenges. “Peer support” emphasizes a nonjudgmental, values-driven approach that promotes multiple perspectives, advocates for human rights and dignity, and focuses on genuine, mutual relationships that enrich the lives of those involved. “Peer support” includes providing health and wellness supports; supporting individuals in accessing community-based resources and navigating State and local systems; providing employment supports, including transitioning into and staying in the workforce; and promoting empowerment and a sense of

hope through self-advocacy. “Peer support” does not include the provision of psychotherapy as defined in section 4082 of this title.

(8) “Practice of peer support” means the provision of peer support in a manner consistent with the Code of Ethics for Certified Peer Support Providers.

(9) “Practice of recovery support services” means the practice of recovery support services.

(10) “Recovery support services” means a set of culturally competent, nonclinical, evidence-based activities provided by an individual or family member with a lived experience of alcohol or substance use disorder and consistent with the Code of Ethics for Peer Recovery Coaches, which shall be coordinated through a written individualized recovery plan of care that documents a substance use disorder and reflects the need and preferences of the individual in achieving the specific, individualized, measurable goals specified in the plan. “Recovery support services” include a range of social and other services that facilitate recovery from substance use disorder, support health and wellness, and link individuals with service providers and other supports shown to improve quality of life for persons, and their families, in and seeking recovery from substance use. “Recovery support services” do not include the provision of psychotherapy as defined in section 4082 of this title.

(11) “Peer recovery coach credentialing body” means the entity authorized by the Department of Health to, in addition to other duties:

(A) issue credentials to peer recovery coaches to demonstrate that a peer recovery coach has met qualifications for certification under this chapter; and

(B) approve acceptable continuing education courses.

§ 3192. PROHIBITIONS; PENALTIES

(a) Nothing in this chapter shall be construed to prohibit the practice of peer support by a noncertified provider. However, a person shall not use in connection with the person’s name any letters, words, or insignia indicating or implying that the person is a certified peer support provider unless that person is certified in accordance with this chapter.

(b) Nothing in this chapter shall be construed to prohibit the practice of recovery support services by a noncertified provider. However, a person shall not use in connection with person’s name any letters, words, or insignia indicating or implying that the person is a certified peer recovery coach unless that person is certified in accordance with this chapter.

(c) A person who violates this section shall be subject to the penalties provided in 3 V.S.A. § 127(c).

§ 3193. DUTIES OF THE DIRECTOR

(a) The Director shall:

(1) provide general information to applicants for certification as certified peer support providers or certified peer recovery coaches, or both;

(2) receive applicants for certification; grant and renew certifications in accordance with this chapter; and deny, revoke, suspend, reinstate, or condition certifications as directed by an administrative law officer;

(3) explain appeal procedures to certified peer support providers, certified peer recovery coaches, and applicants;

(4) explain complaint procedures to the public;

(5) administer fees collected in accordance with this chapter and 3 V.S.A. § 125; and

(6) refer all disciplinary matters to an administrative law officer established under 3 V.S.A. § 129(j).

(b) After consultation with the Commissioners of Health and of Mental Health, the Director shall adopt and amend rules as necessary pursuant to 3 V.S.A. chapter 25 to perform the Director's duties under this chapter.

§ 3194. ADVISOR APPOINTEES

(a)(1) After consultation with the Commissioners of Health and of Mental Health, the Secretary of State shall appoint two certified peer support providers, two certified peer recovery coaches, one representative from the Department of Health, and one representative from the Department of Mental Health to serve as advisors to the Director in matters relating to peer support and recovery support. Advisors shall be appointed to five-year staggered terms to serve as advisors in matters related to the administration of this chapter. At least one of the initial appointments shall be less than a five-year term.

(2) A certified peer support provider serving as an advisor shall:

(A) have at least three years' experience as a peer support provider immediately preceding appointment;

(B) be certified as a peer support provider in Vermont at the time of appointment and during incumbency; and

(C) remain actively engaged in the practice of peer support in this State during incumbency.

(3) A certified peer recovery coach serving as an advisor shall:

(A) be certified as a peer recovery coach in Vermont at the time of appointment and during incumbency; and

(B) remain actively engaged in the practice of recovery support services in this State during incumbency.

(b) The Director shall seek the advice of the advisor appointees in carrying out the provisions of this chapter. Advisors who are not employed by the State shall be entitled to compensation and necessary expenses in the amount provided in 32 V.S.A. § 1010 for attendance at any meeting called by the Director for this purpose.

§ 3195. ELIGIBILITY

(a) To be eligible for certification as a certified peer support provider, an applicant shall complete and submit an application in the manner as the Director prescribes in rule, accompanied by the applicable fees, and evidence satisfactory to the Director that the applicant:

(1) is at least 18 years of age;

(2) has received a credential from the peer support provider credentialing body; and

(3) has passed criminal history and registry checks as described in rule.

(b) To be eligible for certification as a peer recovery coach, an applicant shall complete and submit an application in the manner as the Director prescribes by the rule, accompanied by the applicable fees, and evidence satisfactory to the Director that the applicant:

(1) is at least 18 years of age;

(2) has received a credential from the peer recovery coach credentialing body; and

(3) has passed criminal history and registry checks as described in rule.

§ 3196. CERTIFICATE RENEWAL

A peer support provider certification and a peer recovery coach certification shall be renewed every two years upon application, payment of the required fee in accordance with 3 V.S.A. § 125, and proof of compliance with such continuing education or periodic reexamination requirements established in rule. The fee shall be paid biennially upon renewal.

§ 3197. UNPROFESSIONAL CONDUCT

(a) Unprofessional conduct means misusing a title in professional activity and any of the conduct listed in 3 V.S.A. § 129a, whether committed by a certified peer support provider, a certified peer recovery coach, or an applicant.

(b) The Office may discipline a certified peer support provider or a certified peer recovery coach for unprofessional conduct as provided in 3 V.S.A. § 129a.

Sec. 5. RULEMAKING; PEER SUPPORT PROVIDERS AND PEER
RECOVERY COACHES

On or before September 1, 2024, the Director of Professional Regulation shall file an initial proposed rule with the Secretary of State pursuant to 3 V.S.A. § 836(a)(2) for the purposes of carrying out the provisions of 26 V.S.A. chapter 60.

Sec. 6. EFFECTIVE DATES

This act shall take effect on July 1, 2025, except:

(1) this section and Sec. 5 (rulemaking; peer support providers and peer recovery coaches) shall take effect on passage; and

(2) Sec. 3a (fees) shall take effect on July 1, 2027.

and that after passage the title of the bill be amended to read: “An act relating to peer support providers and peer recovery coaches”

Pending the question, Shall the bill be amended as offered by Rep. Gregoire of Fairfield and others?, **Rep. Labor of Morgan** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as offered by Rep. Gregoire of Fairfield and others?, was decided in the negative. Yeas, 48. Nays, 87.

Those who voted in the affirmative are:

Arrison of Weathersfield	Hango of Berkshire	Oliver of Sheldon
Bartley of Fairfax	Harrison of Chittenden	Page of Newport City
Beck of St. Johnsbury	Headrick of Burlington	Pajala of Londonderry
Branagan of Georgia	Higley of Lowell	Parsons of Newbury
Brennan of Colchester	Labor of Morgan	Peterson of Clarendon
Brownell of Pownal	LaBounty of Lyndon	Shaw of Pittsford
Burrows of West Windsor	Laroche of Franklin	Sims of Craftsbury
Buss of Woodstock	Logan of Burlington	Small of Winooski *
Clifford of Rutland City	Maguire of Rutland City	Smith of Derby
Corcoran of Bennington	Marcotte of Coventry	Taylor of Milton

Dickinson of St. Albans Town	Mattos of Milton	Templeman of Brownington
Donahue of Northfield *	McCoy of Poultney	Toof of St. Albans Town
Elder of Starksboro	McGill of Bridport	Walker of Swanton
Galfetti of Barre Town	Morgan of Milton	Whitman of Bennington
Goslant of Northfield	Morris of Springfield	Williams of Granby
Gregoire of Fairfield	Morrissey of Bennington	
	Mulvaney-Stanak of Burlington	

Those who voted in the negative are:

Andrews of Westford	Dolan of Essex Junction	Nicoll of Ludlow
Anthony of Barre City	Dolan of Waitsfield	Notte of Rutland City
Arsenault of Williston	Durfee of Shaftsbury	Noyes of Wolcott
Austin of Colchester	Emmons of Springfield	Nugent of South Burlington
Bartholomew of Hartland	Farlice-Rubio of Barnet	O'Brien of Tunbridge
Berbeco of Winooski	Garofano of Essex	Ode of Burlington
Birong of Vergennes	Goldman of Rockingham	Patt of Worcester
Black of Essex	Graning of Jericho	Pouech of Hinesburg
Bluemle of Burlington	Holcombe of Norwich	Priestley of Bradford
Bongartz of Manchester	Hooper of Burlington	Rachelson of Burlington
Bos-Lun of Westminster	Houghton of Essex Junction	Rice of Dorset
Boyd of Cambridge	Hyman of South Burlington	Roberts of Halifax
Brady of Williston	James of Manchester	Satcowitz of Randolph
Brown of Richmond	Jerome of Brandon	Scheu of Middlebury
Brumsted of Shelburne	Kornheiser of Brattleboro	Sheldon of Middlebury
Burditt of West Rutland	Krasnow of South Burlington	Sibilia of Dover
Burke of Brattleboro	Lalley of Shelburne	Squirrell of Underhill
Campbell of St. Johnsbury	LaLonde of South Burlington	Stebbins of Burlington
Canfield of Fair Haven	LaMont of Morristown	Stevens of Waterbury
Carpenter of Hyde Park	Lanpher of Vergennes	Stone of Burlington
Casey of Montpelier	Leavitt of Grand Isle	Surprenant of Barnard
Chase of Chester	Long of Newfane	Taylor of Colchester
Chase of Colchester	Masland of Thetford	Toleno of Brattleboro
Chesnut-Tangerman of Middletown Springs	McCarthy of St. Albans City	Torre of Moretown
Cina of Burlington	McFaun of Barre Town	Troiano of Stannard
Coffey of Guilford	Mihaly of Calais	Waters Evans of Charlotte
Cole of Hartford	Minier of South Burlington	White of Bethel
Conlon of Cornwall	Mrowicki of Putney	Williams of Barre City
Demar of Enosburgh		Wood of Waterbury
Demrow of Corinth		

Those members absent with leave of the House and not voting are:

Andriano of Orwell	Dodge of Essex	McCann of Montpelier
Carroll of Bennington	Graham of Williamstown	Pearl of Danville
Chapin of East Montpelier	Hooper of Randolph	Sammis of Castleton
Christie of Hartford	Howard of Rutland City	Wilson of Lyndon
Cordes of Lincoln	Lipsky of Stowe	

Rep. Donahue of Northfield explained her vote as follows:

“Madam Speaker:

Nothing about us without us. Fundamental to peer support. Yet the ‘us’ is missing from the very definition of the professional role this bill is creating. On behalf of my peers in the disability world, I vote no to the bill unamended.”

Rep. Small of Winooski explained her vote as follows:

“Madam Speaker:

The lack of due process means that we will not be using the language that Vermonters know and is undermining the very nature of peer-delivered services.”

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

Adjournment

At four o'clock and forty-two minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.

Thursday, February 29, 2024

At three o'clock in the afternoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Jamaal Hankey, life coach and project manager, Essex Junction.

Message from the Senate No. 26

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 199. An act relating to mergers and governance of communications union districts.

S. 278. An act relating to prohibiting a comparative negligence defense in an action for a negligence claim relating to a sexual act or sexual conduct.

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

**Committee Bill Introduced;
Referred to Committee on Ways and Means**

H. 867

By the Committee on Government Operations and Military Affairs,
House bill, entitled

An act relating to miscellaneous amendments to the laws governing alcoholic beverages and the Board of Liquor and Lottery

Was read the first time and, pursuant to House Rule 35(a), affecting the revenue of the State, was referred to the Committee on Ways and Means.

**Committee Bill Introduced;
Referred to Committee on Ways and Means**

H. 868

By the Committee on Transportation,
House bill, entitled

An act relating to the fiscal year 2025 Transportation Program and miscellaneous changes to laws related to transportation

Was read the first time and, pursuant to House Rule 35(a), affecting the revenue of the State, was referred to the Committee on Ways and Means.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred to committee as follows:

S. 199

Senate bill, entitled

An act relating to mergers and governance of communications union districts

To the Committee on Environment and Energy.

S. 278

Senate bill, entitled

An act relating to prohibiting a comparative negligence defense in an action for a negligence claim relating to a sexual act or sexual conduct

To the Committee on Judiciary.

Bill Referred to Committee on Ways and Means

H. 706

House bill, entitled

An act relating to banning the use of neonicotinoid pesticides

Appearing on the Notice Calendar, and pursuant to House Rule 35(a), affecting the revenue of the State, was referred to the Committee on Ways and Means.

Joint Resolution Placed on Calendar

J.R.S. 47

By Senator McCormack,

J.R.S. 47. Joint resolution providing for a Joint Assembly to vote on the retention of two Superior Judges and one Magistrate.

Whereas, declarations have been submitted by the following two Superior Judges that they be retained for another six-year term, Judge John R. Treadwell, and Judge Lisa A. Warren and one Magistrate that he be retained for another six year term, Magistrate Barry E. Peterson, and

Whereas, the procedures of the Joint Committee on Judicial Retention require at least one public hearing and the review of information provided by each candidate and the comments of members of the Vermont bar and the public, and

Whereas, Subsection 608(b) of Title 4, requires the committee to complete its evaluation of judicial performance of the candidates seeking to be retained in office by March 7, 2024, and subsection 10(b) of Title 2 requires a vote in Joint Assembly to be held on March 14, 2024, and

Whereas, subsection 608(g) of Title 4 permits the General Assembly to defer action on the retention of 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 26, 2024, at ten o'clock and thirty minutes in the forenoon to vote on the retention of two Superior Judges and one Magistrate.

Was read by title and placed on the Action Calendar on the next legislative day pursuant to House Rule 52.

Ceremonial Reading**H.C.R. 162**

House concurrent resolution honoring Sergeant at Arms Janet Miller for her stellar public service for the General Assembly

Offered by: All Members of the House

Offered by: All Members of the Senate

Whereas, at the State House, the green-jacketed Sergeant at Arms is responsible for overseeing security through the Capitol Police and coordinating the schedule of myriad nonofficial events ranging from Farmers Night to the annual convening of Girls State and Boys State, as well as determining which aspiring eighth graders are invited to serve as legislative pages, and

Whereas, Janet Miller earned an associate degree in graphic art from the Art Institute of Pittsburgh, and her innate creativity has served her well, and

Whereas, in 1999, after working in the hospitality industry at the Inn at Montpelier, she joined the support staff of the former Legislative Council and, in 2012, was promoted to a deputy directorship, and

Whereas, in 2015, Janet Miller's proven record of excellence at the Legislative Council persuaded members of the General Assembly to elect her Sergeant at Arms, and her electoral victories in 2017, 2019, 2021, and 2023 confirmed the wisdom of their original decision, and

Whereas, in March 2020, when the COVID-19 pandemic struck Vermont, the General Assembly pivoted to a virtual legislative world, and Janet Miller offered support and guidance, and, equally important, as the Legislative Branch cautiously returned to in-person meetings in the summer of 2021, Janet Miller became an ad hoc public health warden, rearranging meeting spaces, arranging COVID-19 testing opportunities, and posting room capacity, vaccination, and testing information throughout the State House, and

Whereas, Janet Miller also became immersed in construction minutiae, with a major HVAC project underway and continuing discussions of possible additions to the State House, and

Whereas, after being elected five times as Sergeant at Arms, Janet Miller has announced the conclusion of her tenure, effective March 1, 2024, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly honors Sergeant at Arms Janet Miller for her stellar public service for the General Assembly, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Janet Miller.

Having been adopted in concurrence on Tuesday, February 27, 2024 in accord with Joint Rule 16b, was read.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 629

House bill, entitled

An act relating to changes to property tax abatement and tax sales

H. 694

House bill, entitled

An act relating to sexual exploitation

Bill Committed Pending Second Reading

H. 128

House bill, entitled

An act relating to removing regulatory barriers for working lands businesses

Was taken up and pending second reading, **Rep. Durfee of Shaftsbury** moved that the bill be committed to the Committee on Environment and Energy, which was agreed to.

Adjournment

At three o'clock and twenty-eight minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Friday, March 1, 2024

At nine o'clock and thirty minutes in the forenoon, the Speaker called the House to order.

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Communication from Rep. Wilson of Lyndon

March 01, 2024

Honorable BetsyAnn Wrask, Clerk
Vermont House of Representatives
115 State Street
Montpelier, VT 05633

Subject: Resignation from House

Dear Ms. Wrask:

Due to health issues, I find it necessary to resign as a member of the House of Representatives, effective March 02, 2024.

It has been an honor to serve the great State of Vermont. I have enjoyed my time as a member of this esteemed body of hard-working State Representatives and I will miss you all.

Sincerely,

Charles Wilson
State Representative
Caledonia-3

cc: Governor Philip B. Scott
Speaker Jill Krowinski

House Bill Introduced

H. 869

By Rep. Jerome of Brandon,

House bill, entitled

An act relating to approval of the merger of Brandon Fire District No. 1 and Brandon Fire District No. 2

Was read the first time and referred to the Committee on Government Operations and Military Affairs.

Bills Referred to Committee on Appropriations

House bills of the following titles, appearing on the Notice Calendar, carrying appropriations, under House Rule 35(a), were referred to the Committee on Appropriations:

H. 667

House bill, entitled

An act relating to the creation of the Vermont-Ireland Trade Commission

H. 725

House bill, entitled

An act relating to the Human Rights Commission

Report of Committee of Conference; Consideration Interrupted; Report Adopted; Bill Ordered Delivered to Governor Forthwith

H. 839

The Speaker placed before the House the following Committee of Conference 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. 839 An act related to fiscal year 2024 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. 2023 Acts and Resolves No. 78, Sec. B.209 is amended to read:

Sec. B.209 Public safety - state police

Personal services	67,754,321	69,564,321
Operating expenses	13,861,460	13,861,460
Grants	<u>1,591,501</u>	<u>1,591,501</u>
Total	83,207,282	85,017,282
Source of funds		
General fund	53,896,213	55,706,213
Transportation fund	20,250,000	20,250,000

Special funds	3,166,387	3,166,387
Federal funds	4,311,304	4,311,304
Interdepartmental transfers	<u>1,583,378</u>	<u>1,583,378</u>
Total	<u>83,207,282</u>	85,017,282

Sec. 2. 2023 Acts and Resolves No. 78, Sec. B.216 is amended to read:

Sec. B.216 Military - air service contract

Personal services	9,124,240	9,224,240
Operating expenses	<u>1,396,315</u>	<u>1,396,315</u>
Total	<u>10,520,555</u>	10,620,555
Source of funds		
General fund	665,922	765,922
Federal funds	<u>9,854,633</u>	<u>9,854,633</u>
Total	<u>10,520,555</u>	10,620,555

Sec. 3. 2023 Acts and Resolves No. 78, Sec. B.240 is amended to read:

Sec. B.240 Cannabis Control Board

Personal services	4,829,061	4,917,181
Operating expenses	341,631	<u>764,181</u>
Total	5,170,692	5,681,362
Source of funds		
Special funds	<u>5,170,692</u>	<u>5,681,362</u>
Total	<u>5,170,692</u>	5,681,362

Sec. 4. 2023 Acts and Resolves No. 78, Sec. B.241 is amended to read:

Sec. B.241 Total protection to persons and property

Source of funds		
General fund	208,539,656	210,449,656
Transportation fund	20,250,000	20,250,000
Special funds	109,230,607	109,741,277
Tobacco fund	635,843	635,843
Federal funds	133,784,669	133,784,669
Interdepartmental transfers	13,729,981	13,729,981
Enterprise funds	<u>13,816,313</u>	<u>13,816,313</u>
Total	499,987,069	502,407,739

Sec. 5. 2023 Acts and Resolves No. 78, Sec. B.300 is amended to read:

Sec. B.300 Human services - agency of human services - secretary's office

Personal services	14,083,686	15,401,686
Operating expenses	5,402,086	5,402,086
Grants	<u>2,895,202</u>	<u>2,895,202</u>

Total	22,380,974	23,698,974
Source of funds		
General fund	9,767,874	10,226,874
Special funds	135,517	135,517
Federal funds	11,678,441	12,537,441
Interdepartmental transfers	<u>799,142</u>	<u>799,142</u>
Total	22,380,974	23,698,974

Sec. 6. 2023 Acts and Resolves No. 78, Sec. B.301 is amended to read:

Sec. B.301 Secretary's office - global commitment

Grants	1,990,896,293	<u>2,039,037,932</u>
Total	1,990,896,293	<u>2,039,037,932</u>
Source of funds		
General fund	648,528,785	657,710,193
Special funds	32,994,384	32,994,384
Tobacco fund	21,049,373	21,049,373
State health care resources fund	25,265,312	25,438,836
Federal funds	1,259,024,269	1,298,107,936
Interdepartmental transfers	<u>4,034,170</u>	<u>3,737,210</u>
Total	1,990,896,293	<u>2,039,037,932</u>

Sec. 7. 2023 Acts and Resolves No. 78, Sec. B.306 is amended to read:

Sec. B.306 Department of Vermont health access - administration

Personal services	136,568,959	127,889,514
Operating expenses	44,391,640	44,391,640
Grants	<u>2,912,301</u>	<u>2,912,301</u>
Total	183,872,900	175,193,455
Source of funds		
General fund	35,605,917	39,109,628
Special funds	4,753,011	4,753,011
Federal funds	134,621,243	122,016,027
Global Commitment fund	4,220,337	4,220,337
Interdepartmental transfers	<u>4,672,392</u>	<u>5,094,452</u>
Total	183,872,900	175,193,455

Sec. 8. 2023 Acts and Resolves No. 78, 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>932,542,238</u>	<u>936,811,294</u>
Total	933,090,221	937,359,277

Source of funds

Global Commitment fund	<u>933,090,221</u>	<u>937,359,277</u>
Total	<u>933,090,221</u>	<u>937,359,277</u>

Sec. 9. 2023 Acts and Resolves No. 78, Sec. B.309 is amended to read:

Sec. B.309 Department of Vermont health access - Medicaid program - state only

Grants	<u>53,067,318</u>	<u>55,742,931</u>
Total	<u>53,067,318</u>	<u>55,742,931</u>

Source of funds

General fund	<u>53,062,626</u>	<u>54,861,587</u>
Global Commitment fund	<u>4,692</u>	<u>881,344</u>
Total	<u>53,067,318</u>	<u>55,742,931</u>

Sec. 10. 2023 Acts and Resolves No. 78, Sec. B.310 is amended to read:

Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched

Grants	<u>34,621,472</u>	<u>34,672,534</u>
Total	<u>34,621,472</u>	<u>34,672,534</u>

Source of funds

General fund	<u>12,634,069</u>	<u>12,493,853</u>
Federal funds	<u>21,987,403</u>	<u>22,178,681</u>
Total	<u>34,621,472</u>	<u>34,672,534</u>

Sec. 11. 2023 Acts and Resolves No. 78, Sec. B.312 is amended to read:

Sec. B.312 Health - public health

Personal services	64,592,946	64,592,946
Operating expenses	13,047,530	13,047,530
Grants	<u>45,946,724</u>	<u>53,342,870</u>
Total	<u>123,587,200</u>	<u>130,983,346</u>

Source of funds

General fund	12,408,429	12,408,429
Special funds	<u>25,017,725</u>	<u>31,148,098</u>
Tobacco fund	<u>1,088,918</u>	<u>1,306,918</u>
Federal funds	66,753,896	66,753,896
Global Commitment fund	<u>16,582,951</u>	<u>17,630,724</u>
Interdepartmental transfers	1,710,281	1,710,281
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	<u>123,587,200</u>	<u>130,983,346</u>

Sec. 12. 2023 Acts and Resolves No. 78, Sec. B.314 is amended to read:

Sec. B.314 Mental health - mental health

Personal services	47,716,644	50,489,379
Operating expenses	5,272,240	5,272,240
Grants	<u>264,539,814</u>	<u>264,343,558</u>
Total	317,528,698	320,105,177
Source of funds		
General fund	25,282,556	26,278,924
Special funds	1,708,155	1,708,155
Federal funds	10,999,654	10,999,654
Global Commitment fund	279,524,193	281,104,304
Interdepartmental transfers	<u>14,140</u>	<u>14,140</u>
Total	317,528,698	320,105,177

Sec. 13. 2023 Acts and Resolves No. 78, Sec. B.316 is amended to read:

Sec. B.316 Department for children and families - administration & support services

Personal services	44,446,942	46,323,033
Operating expenses	17,162,151	17,162,151
Grants	<u>3,919,106</u>	<u>3,919,106</u>
Total	65,528,199	67,404,290
Source of funds		
General fund	37,090,554	38,841,112
Special funds	2,781,912	2,781,912
Federal funds	23,540,549	23,540,549
Global Commitment fund	1,659,321	1,784,854
Interdepartmental transfers	<u>455,863</u>	<u>455,863</u>
Total	65,528,199	67,404,290

Sec. 14. 2023 Acts and Resolves No. 78, Sec. B.317 is amended to read:

Sec. B.317 Department for children and families - family services

Personal services	43,987,652	43,987,652
Operating expenses	5,180,385	5,180,385
Grants	<u>93,421,639</u>	<u>93,703,581</u>
Total	142,589,676	142,871,618
Source of funds		
General fund	59,707,017	59,046,300
Special funds	729,587	729,587
Federal funds	33,937,204	34,378,330
Global Commitment fund	48,178,131	48,679,664

Interdepartmental transfers	<u>37,737</u>	<u>37,737</u>
Total	142,589,676	142,871,618

Sec. 15. 2023 Acts and Resolves No. 78, Sec. B.318 is amended to read:

Sec. B.318 Department for children and families - child development

Personal services	5,670,999	5,670,999
Operating expenses	810,497	810,497
Grants	<u>95,860,842</u>	<u>99,707,882</u>
Total	102,342,338	106,189,378
Source of funds		
General fund	35,016,309	35,016,309
Special funds	16,745,000	16,745,000
Federal funds	37,419,258	41,266,298
Global Commitment fund	<u>13,161,771</u>	<u>13,161,771</u>
Total	102,342,338	106,189,378

Sec. 16. 2023 Acts and Resolves No. 78, 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>11,181,118</u>
Total	12,683,324	13,433,324
Source of funds		
General fund	7,533,333	7,533,333
Global Commitment fund	<u>5,149,991</u>	<u>5,899,991</u>
Total	12,683,324	13,433,324

Sec. 17. 2023 Acts and Resolves No. 78, 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>35,536,413</u>	<u>36,683,099</u>
Total	35,567,046	36,713,732
Source of funds		
General fund	23,233,869	24,114,082
Special funds	5,970,229	5,970,229
Federal funds	3,531,330	2,806,330
Global Commitment fund	<u>2,831,618</u>	<u>3,823,091</u>
Total	35,567,046	36,713,732

Sec. 18. 2023 Acts and Resolves No. 78, Sec. B.330 is amended to read:

Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants

Grants	<u>22,380,328</u>	<u>22,922,275</u>
Total	<u>22,380,328</u>	<u>22,922,275</u>
Source of funds		
General fund	9,220,695	9,220,695
Federal funds	7,321,114	7,321,114
Global Commitment fund	<u>5,838,519</u>	<u>6,380,466</u>
Total	<u>22,380,328</u>	<u>22,922,275</u>

Sec. 19. 2023 Acts and Resolves No. 78, Sec. B.334 is amended to read:

Sec. B.334 Disabilities, aging, and independent living - TBI home and community based waiver

Grants	<u>6,638,028</u>	<u>6,938,028</u>
Total	<u>6,638,028</u>	<u>6,938,028</u>
Source of funds		
Global Commitment fund	<u>6,638,028</u>	<u>6,938,028</u>
Total	<u>6,638,028</u>	<u>6,938,028</u>

Sec. 20. 2023 Acts and Resolves No. 78, Sec. B.334.1 is amended to read:

Sec. B.334.1 Disabilities, aging and independent living - Long Term Care

Grants	<u>268,715,683</u>	<u>289,878,189</u>
Total	<u>268,715,683</u>	<u>289,878,189</u>
Source of funds		
General fund	498,579	498,579
Federal funds	2,450,000	2,450,000
Global Commitment fund	<u>265,767,104</u>	<u>286,929,610</u>
Total	<u>268,715,683</u>	<u>289,878,189</u>

Sec. 21. 2023 Acts and Resolves No. 78, Sec. B.338 is amended to read:

Sec. B.338 Corrections - correctional services

Personal services	<u>139,473,576</u>	<u>152,714,793</u>
Operating expenses	<u>24,600,099</u>	<u>24,600,099</u>
Total	<u>164,073,675</u>	<u>177,314,892</u>
Source of funds		
General fund	<u>159,502,946</u>	<u>167,744,163</u>
Special funds	935,963	935,963
ARPA State Fiscal	0	5,000,000
Federal funds	492,196	492,196

Global Commitment fund	2,746,255	2,746,255
Interdepartmental transfers	<u>396,315</u>	<u>396,315</u>
Total	164,073,675	177,314,892

Sec. 22. 2023 Acts and Resolves No. 78, Sec. B.338.1 is amended to read:

Sec. B.338.1 Corrections - Justice Reinvestment II

Grants	<u>10,659,519</u>	11,206,413
Total	<u>10,659,519</u>	11,206,413
Source of funds		
General fund	8,081,831	8,081,831
Federal funds	13,147	13,147
Global Commitment fund	<u>2,564,541</u>	<u>3,111,435</u>
Total	10,659,519	11,206,413

Sec. 23. 2023 Acts and Resolves No. 78, Sec. B.342 is amended to read:

Sec. B.342 Vermont veterans' home - care and support services

Personal services	18,187,631	24,284,571
Operating expenses	<u>5,978,873</u>	<u>6,813,344</u>
Total	24,166,504	31,097,915
Source of funds		
General fund	4,199,478	9,579,745
Special funds	11,655,797	13,627,301
Federal funds	<u>8,311,229</u>	<u>7,890,869</u>
Total	24,166,504	31,097,915

Sec. 24. 2023 Acts and Resolves No. 78, Sec. B.347 is amended to read:

Sec. B.347 Total human services

Source of funds		
General fund	1,231,153,062	1,262,543,832
Special funds	124,537,345	132,639,222
Tobacco fund	23,088,208	23,306,208
State health care resources fund	25,265,312	25,438,836
ARPA State Fiscal	0	5,000,000
Federal funds	1,785,709,992	1,816,381,527
Global Commitment fund	1,943,848,077	1,976,541,555
Internal service funds	1,746,397	1,746,397
Interdepartmental transfers	28,591,925	28,717,025
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	5,163,965,318	5,272,339,602

Sec. 25. 2023 Acts and Resolves No. 78, Sec. B.500 is amended to read:

Sec. B.500 Education - finance and administration

Personal services	17,683,192	16,733,192
Operating expenses	4,387,522	4,407,522
Grants	<u>15,270,700</u>	<u>15,270,700</u>
Total	37,341,414	36,411,414
Source of funds		
General fund	7,415,742	7,465,742
Special funds	16,575,926	16,595,926
Education fund	3,486,447	3,486,447
Federal funds	9,220,942	8,220,942
Global Commitment fund	260,000	260,000
Interdepartmental transfers	<u>382,357</u>	<u>382,357</u>
Total	37,341,414	36,411,414

Sec. 26. 2023 Acts and Resolves No. 78, Sec. B.502 is amended to read:

Sec. B.502 Education - special education: formula grants

Grants	<u>226,195,600</u>	<u>229,821,806</u>
Total	226,195,600	229,821,806
Source of funds		
Education fund	<u>226,195,600</u>	<u>229,821,806</u>
Total	226,195,600	229,821,806

Sec. 27. 2023 Acts and Resolves No. 78, Sec. B.505 is amended to read:

Sec. B.505 Education - adjusted education payment

Grants	<u>1,703,317,103</u>	<u>1,711,148,481</u>
Total	1,703,317,103	1,711,148,481
Source of funds		
Education fund	<u>1,703,317,103</u>	<u>1,711,148,481</u>
Total	1,703,317,103	1,711,148,481

Sec. 28. 2023 Acts and Resolves No. 78, Sec. B.509 is amended to read:

Sec. B.509 Education - Afterschool Grant Program

Grants	4,000,000	4,000,000
Total	4,000,000	4,000,000
Source of funds		
Special funds	0	4,000,000
Education fund	<u>4,000,000</u>	<u>0</u>
Total	4,000,000	4,000,000

Sec. 29. 2023 Acts and Resolves No. 78, Sec. B.516 is amended to read:

Sec. B.516 Total general education

Source of funds

General fund	216,199,064	216,249,064
Special funds	19,495,486	23,515,486
Tobacco fund	750,388	750,388
Education fund	2,070,971,937	2,078,429,521
Federal funds	493,305,099	492,305,099
Global Commitment fund	260,000	260,000
Interdepartmental transfers	382,357	382,357
Pension trust funds	<u>3,448,255</u>	<u>3,448,255</u>
Total	2,804,812,586	2,815,340,170

Sec. 30. 2023 Acts and Resolves No. 78, Sec. B.603 is amended to read:

Sec. B.603 Vermont state colleges - allied health

Grants	<u>1,157,775</u>	1,774,148
Total	<u>1,157,775</u>	1,774,148

Source of funds

General fund	748,314	274,148
Global Commitment fund	<u>409,461</u>	<u>1,500,000</u>
Total	<u>1,157,775</u>	1,774,148

Sec. 31. 2023 Acts and Resolves No. 78, Sec. B.608 is amended to read:

Sec. B.608 Total higher education

Source of funds

General fund	128,339,478	127,865,312
Education fund	41,225	41,225
Global Commitment fund	409,461	<u>1,500,000</u>
Total	128,790,164	129,406,537

Sec. 32. 2023 Acts and Resolves No. 78, Sec. B.702 is amended to read:

Sec. B.702 Fish and wildlife - support and field services

Personal services	21,567,730	22,223,023
Operating expenses	7,140,027	7,140,027
Grants	<u>936,232</u>	<u>936,232</u>
Total	29,643,989	30,299,282

Source of funds

General fund	7,173,206	7,603,314
Special funds	370,644	385,694
Fish and wildlife fund	10,921,090	10,921,090

Federal funds	9,793,589	10,003,724
Interdepartmental transfers	<u>1,385,460</u>	<u>1,385,460</u>
Total	29,643,989	30,299,282

Sec. 33. 2023 Acts and Resolves No. 78, Sec. B.710 is amended to read:

Sec. B.710 Environmental conservation - air and waste management

Personal services	26,006,961	29,506,961
Operating expenses	10,026,393	10,026,393
Grants	<u>4,905,988</u>	<u>4,905,988</u>
Total	40,939,342	44,439,342
Source of funds		
General fund	193,565	193,565
Special funds	26,236,633	29,736,633
Federal funds	14,342,090	14,342,090
Interdepartmental transfers	<u>167,054</u>	<u>167,054</u>
Total	40,939,342	44,439,342

Sec. 34. 2023 Acts and Resolves No. 78, Sec. B.714 is amended to read:

Sec. B.714 Total natural resources

Source of funds		
General fund	37,999,582	38,429,690
Special funds	79,971,986	83,487,036
Fish and wildlife fund	10,921,090	10,921,090
Federal funds	93,077,302	93,287,437
Interdepartmental transfers	<u>13,215,308</u>	<u>13,215,308</u>
Total	235,185,268	239,340,561

Sec. 35. 2023 Acts and Resolves No. 78, Sec. B.800 is amended to read:

Sec. B.800 Commerce and community development - agency of commerce and community development - administration

Personal services	2,610,304	2,510,304
Operating expenses	982,307	982,307
Grants	<u>539,820</u>	<u>539,820</u>
Total	4,132,431	4,032,431
Source of funds		
General fund	3,666,442	3,566,442
Federal funds	351,000	351,000
Interdepartmental transfers	<u>114,989</u>	<u>114,989</u>
Total	4,132,431	4,032,431

Sec. 36. 2023 Acts and Resolves No. 78, Sec. B.802 is amended to read:

Sec. B.802 Housing and community development

Personal services	6,428,334	6,528,334
Operating expenses	705,584	705,584
Grants	<u>23,739,005</u>	<u>25,967,039</u>
Total	30,872,923	33,200,957
Source of funds		
General fund	5,031,943	5,131,943
Special funds	6,937,054	9,165,088
Federal funds	15,854,615	15,854,615
Interdepartmental transfers	<u>3,049,311</u>	<u>3,049,311</u>
Total	30,872,923	33,200,957

Sec. 37. 2023 Acts and Resolves No. 78, Sec. B.813 is amended to read:

Sec. B.813 Total commerce and community development

Source of funds		
General fund	21,222,221	21,222,221
Special funds	32,106,330	34,334,364
Federal funds	93,013,297	93,013,297
Interdepartmental transfers	<u>5,062,973</u>	<u>5,062,973</u>
Total	151,404,821	153,632,855

Sec. 38. 2023 Acts and Resolves No. 78, Sec. B.1000 is amended to read:

Sec. B.1000 Debt service

Operating expenses	<u>75,705,398</u>	<u>675,000</u>
Total	75,705,398	675,000
Source of funds		
General fund	75,377,993	675,000
Transportation fund	<u>327,405</u>	<u>0</u>
Total	75,705,398	675,000

Sec. 39. 2023 Acts and Resolves No. 78, Sec. B.1001 is amended to read:

Sec. B.1001 Total debt service

Source of funds		
General fund	75,377,993	675,000
Transportation fund	<u>327,405</u>	<u>0</u>
Total	75,705,398	675,000

Sec. 40. 2023 Acts and Resolves No. 78, Sec. B.1100 is amended to read:

Sec. B.1100 MISCELLANEOUS FISCAL YEAR 2024 ONE-TIME
APPROPRIATIONS

(a) Agency of Administration. In fiscal year 2024, funds are appropriated for the following:

* * *

(4) \$30,000,000 General Fund to be used as Federal Emergency Management Agency (FEMA) matching funds for costs incurred due to the July 2023 flooding event.

(5) \$6,250,000 General Fund for local economic damage grants to municipalities that were impacted by the July 2023 flooding event in counties that are eligible for Federal Emergency Management Agency (FEMA) Public Assistance funds under federal disaster declaration DR-4720-VT. It is the intent of the General Assembly that these local economic damage grants be distributed to municipalities throughout the state to address the secondary economic impacts of the July 2023 flooding event. Monies from these grants shall not be expended on FEMA-related projects.

(A) \$3,250,000 of the funds appropriated in this subdivision (a)(5) for local economic damage grants shall be distributed as follows:

(i) \$1,000,000 to each municipality that as of February 1, 2024 has at least 450 FEMA-approved Individuals and Households Program registrations for Individual Assistance relating to the July 2023 flooding event.

(ii) \$750,000 to each municipality that as of February 1, 2024 has less than 450 and at least 95 FEMA-approved Individuals and Households Program registrations for Individual Assistance relating to the July 2023 flooding event.

(B) \$3,000,000 of the funds appropriated in this subdivision (a)(5) for local economic damage grants shall be distributed as follows:

(i) \$75,000 to each municipality that as of February 1, 2024 has at least \$5,000,000 in estimated reported damages to public infrastructure relating to the July 2023 flooding event.

(ii) \$50,000 to each municipality that as of February 1, 2024 has less than \$5,000,000 and at least \$2,000,000 in estimated reported damages to public infrastructure relating to the July 2023 flooding event.

(iii) \$30,000 to each municipality that as of February 1, 2024 has less than \$2,000,000 and at least \$1,000,000 in estimated reported damages to public infrastructure relating to the July 2023 flooding event.

(iv) \$20,000 to each municipality that as of February 1, 2024 has less than \$1,000,000 and at least \$250,000 in estimated reported damages to public infrastructure relating to the July 2023 flooding event.

(v) \$10,000 to each municipality that as of February 1, 2024 has less than \$250,000 and at least \$100,000 in estimated reported damages to public infrastructure relating to the July 2023 flooding event.

(C) To the extent that the funds appropriated in this subdivision (a)(5) have not been granted by June 30, 2024, they shall revert the General Fund and be transferred to the Emergency Relief and Assistance Fund.

* * *

(c) Department of Human Resources. In fiscal year 2024, funds are appropriated for the following:

(1) ~~\$725,000~~ \$600,000 General Fund to fund ~~seven~~ six 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~~ \$200,000 General Fund to fund ~~one~~ two new permanent full-time ~~position~~ positions in the VTHR Operations division in fiscal year 2024. These position costs shall be funded through the ~~Department of Human Resources~~ Financial Management – Internal Service Fund beginning in fiscal year 2025; and

* * *

~~(d) \$200,000 General Fund to the Department of Libraries in.~~ In fiscal year 2024, funds are appropriated for the following:

(1) \$200,000 General Fund to support the FiberConnect project relating to ~~Internet~~ internet access in public libraries; and

(2) \$11,500 General Fund for contract costs incurred in support of the Working Group on the Status of Libraries in Vermont pursuant to 2021 Acts and Resolves No. 66, Sec. 1.

* * *

(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; and

(4) \$6,000,000 American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Fund for water quality grants to partners and farmers, in accordance with the Clean Water Board’s fiscal year 2023 and fiscal year 2024 budget recommendations and 2021 Acts and Resolves No. 74, Sec. G.700(a)(6)(A).

* * *

(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; and

~~(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:

* * *

(3) \$10,000,000 General Fund to continue to address the emergent and exigent circumstances impacting health care providers following the COVID-19 pandemic. All or a portion of these funds may also be used as matching funds to the Agency of Human Services Global Commitment Program to provide state match. If funds are used as matching funds to the Agency of Human Services Global Commitment Program to provide state match, the commensurate amount of Global Commitment Fund spending authority may be requested during the Global Commitment Transfer process pursuant to 2023 Acts and Resolves No. 78, Sec. E.301.1; and

(4) \$10,534,603 General Fund and \$13,693,231 Federal Revenue Fund #2205 for use as Global Commitment matching funds for one-time caseload pressures due to the suspension of Medicaid eligibility redeterminations; and

(5) \$671,000 General Fund to the State Refugee Office for grants to support transitional housing for refugees.

* * *

(n) Department of Health. In fiscal year 2024, funds are appropriated for the following

* * *

(7) \$5,000,000 General Fund for the purpose of supporting the Community Violence Prevention Program established by legislation enacted in 2023. An amount not to exceed five percent of this appropriation may be used for the administrative costs of the program, including the funding of an existing limited service position at the Department of Health. 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;

* * *

(o) Department for Children and Families. In fiscal year 2024, funds are appropriated for the following:

* * *

(3) ~~\$40,000 General 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~~ to fund costs associated with supporting youth in foster care, or formerly in foster care, to learn to drive and to obtain their drivers' licenses and independent transportation;

* * *

(9) \$130,000 General Fund for a grant to the Snelling Center to restart the Early Childhood Education Leadership Program; and

(10) \$300,000 General Fund for a grant to Prevent Child Abuse Vermont to provide education regarding the prevention of unsafe infant sleep and to expand programming and support services regarding child abuse often related to parental substance misuse;

(11) \$11,304,802 General Fund for emergency housing needs through the end of fiscal year 2024; and

(12) \$1,329,000 General Fund for standing up shelters.

* * *

(r) Agency of Education. In fiscal year 2024, funds are appropriated for the following:

(1) ~~\$200,000 General Fund in fiscal year 2024 to the Agency of Education~~ for the work of the School Construction Task Force; and

(2) \$1,924,495 Education Fund to hold Local Education Agencies harmless for the Special Education Census Block Grant miscalculation.

* * *

(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; and

(4) \$20,000,000 General Fund for the appropriation established in 2022 Acts and Resolves No. 185, Sec. B.1100(a)(28), as amended by 2023 Acts and Resolves No. 3, Sec. 45, to replenish the \$20,000,000 of General Fund spending authority transferred by the Emergency Board on July 31, 2023, per 32 V.S.A. §§ 133(b) and 706(2), as directed by order of the Emergency Board under Item 5(a) – Business Emergency Gap Assistance Program.

* * *

(x) Judiciary. In fiscal year 2024, funds are appropriated for the following:

(1)(A) \$4,680,000 General Fund to the Judiciary for the Judiciary network replacement project.

(1)(B) Judiciary shall update the Joint Information Technology Oversight Committee on the status of this project on or before December 1, 2023.

(2) \$300,000 General Fund for the Essex County Courthouse renovation planning.

* * *

Sec. 41. 2023 Acts and Resolves No. 78, Sec. B.1101 is amended to read:

Sec. B.1101 WORKFORCE AND ECONOMIC DEVELOPMENT –
FISCAL YEAR 2024 ONE-TIME APPROPRIATIONS

* * *

(b) Youth workforce and high school completion.

* * *

(2) In fiscal year 2024, the amount of ~~\$1,000,000~~ \$1,380,000 is appropriated from the General Fund to the Agency of Education for grants to

Adult Basic Education programs to provide deficit assistance and bridge funding for Adult Basic Education programs while the study and report required by Sec. E.504 of this act is completed. Of the funds appropriated in this section, \$380,000 shall be allocated to Adult Basic Education providers as follows:

- (A) \$300,000 to Vermont Adult Learning;
- (B) \$40,000 to Northeast Kingdom Learning Services;
- (C) \$20,000 to Central Vermont Adult Education; and
- (D) \$20,000 to the Tutorial Center.

* * *

(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 Department of Health to be ~~transferred~~ granted as needed 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.

* * *

(4) In fiscal year 2024, the amount of \$3,000,000 is appropriated from the General Fund to the ~~Department of Mental Health~~ Agency of Human Services to address workforce needs at the designated and specialized services agencies. These funds shall not be released until a plan to meet training and retention is mutually agreed upon by the Department of Disabilities, Aging, and Independent Living and the designated and specialized services agencies and approved by the General Assembly or the Joint Fiscal Committee if the legislature General Assembly is not in session. All or a portion of these funds may be used as matching funds to the Agency of Human Services Global Commitment program to provide State match if any part of the plan is eligible to draw federal funds. It is the intent of the General Assembly to maximize the value of this one-time funding through eligible Global Commitment investment.

(5) In fiscal year 2024, the amount of \$6,899,724 is appropriated from the Global Commitment Fund to the Department of Mental Health for purposes of leveraging the appropriation in subdivision (4) of this subsection for Global Commitment investment.

* * *

(g) Agriculture Economic Development.

* * *

(3) In fiscal year 2024, the amount of ~~\$6,900,000~~ \$7,025,492 General Fund is appropriated to the Agency of Agriculture, Food and Markets to fund Agriculture Development Grants for the Organic Dairy Farm Assistance Program. Farms eligible for assistance that timely filed a complete application in calendar year 2023 that have continuously remained eligible since they applied and that are currently operating as of the passage of the fiscal year 2024 budget adjustment act shall be eligible for an award under the Program.

* * *

Sec. 42. 2023 Acts and Resolves No. 78, Sec. B.1102 is amended to read:

Sec. B.1102 AFFORDABLE HOUSING DEVELOPMENT –
FISCAL YEAR 2024 ONE-TIME APPROPRIATIONS

* * *

(c) In fiscal year 2024, the amount of ~~\$50,000,000~~ \$52,000,000 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 funds shall be used 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~~ \$30,000,000 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.

(3) \$10,000,000 to:

(A) Provide support and enhance the capacity, availability, and utilization of manufactured homes in cooperatively owned, nonprofit, and privately owned manufactured home parks with vacant and available lots. The Vermont Housing and Conservation Board shall consult with the Department of Housing and Community Development to ensure that new investments prioritize individuals and families exiting from hotels and motels in accordance with 2023 Acts and Resolves No. 81.

(B) Provide support, expand emergency shelter capacity, and provide permanent homes to households experiencing homelessness, while decreasing reliance on motels and hotels used by beneficiaries of the emergency housing transition benefit established in 2023 Acts and Resolves No. 81 and participants of the General Assistance emergency housing program. The Vermont Housing and Conservation Board shall consult with the Agency of Human Services to ensure that new investments in emergency shelters and permanent homes are paired with appropriate support services for residents.

(4) \$2,000,000 for emergency shelter projects in central Vermont and southeastern Vermont.

Sec. 43. 2023 Acts and Resolves No. 78, Sec. B.1103 is amended to read:

Sec. B.1103 CLIMATE AND ENVIRONMENT – FISCAL YEAR 2024
ONE-TIME APPROPRIATIONS

* * *

(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. chapter 159. Funds shall be used for the assessment and cleanup planning for a maximum of 25 brownfields sites.

* * *

(n) In fiscal year 2024, the amount of \$165,000 General Fund is appropriated to the Department of Environmental Conservation to complete the engineering assessment for the Green River Reservoir Dam. The Department shall share the findings of the assessment with Morrisville Water and Light.

Sec. 44. 2023 Acts and Resolves No. 78, Sec. B.1104 is amended to read:

Sec. B.1104 FISCAL YEAR 2024 ONE-TIME APPROPRIATION;
RETIRED TEACHERS' COST OF LIVING PAYMENT

(a) In fiscal year 2024, notwithstanding any provision of 16 V.S.A. § 4025 to the contrary, 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 and to fund the present value of modifications to the postretirement adjustments allowance.

Sec. 45. 2023 Acts and Resolves No. 78, Sec. B.1105(d) is amended to read:

(d) In fiscal year 2024, to the extent funds are available from transfers made in Sec. C.109 of this act, and before the appropriation identified in 2023 Acts and Resolves No. 81, Sec. 7(a), the projects in this subsection shall receive an appropriation from the Other Infrastructure, Essential Investments, and Reserves subaccount in the Cash Fund for Capital and Essential Investments in the following order:

* * *

Sec. 46. 29 V.S.A. § 161 is amended to read:

§ 161. REQUIREMENTS ON STATE CONSTRUCTION PROJECTS

* * *

(b) Each contract awarded under this section for any State project with a construction cost exceeding \$100,000.00, a construction project with a construction cost exceeding \$200,000.00 that is authorized and is at least 50 percent funded by a capital construction act pursuant to 32 V.S.A. § 701a, or a construction project with a construction cost exceeding \$200,000.00 that is at least 50 percent funded by the Cash Fund for Capital Infrastructure and ~~Other~~ Essential Investments established in 32 V.S.A. § ~~4004~~ 1001b 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 section, "fringe benefits" means benefits, including paid vacations and holidays, sick leave, employer contributions and reimbursements to health insurance and retirement benefits, and similar benefits that are incidents of employment.

Sec. 47. 2023 Acts and Resolves No. 78, Sec. C.108 is amended to read:

Sec. C.108 RESERVES FOR INFRASTRUCTURE INVESTMENT AND
JOBS ACT (IIJA) MATCH

* * *

(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, from the transfer provided in subdivision D.101(a)(1)(D)(ii) of this act, 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. 48. 2023 Acts and Resolves No. 78, Sec. C.109 is amended to read:

Sec. C.109 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~~ a remaining unobligated fund balance in fiscal year 2023 after the transfers to the General Fund are made, the Commissioner of Finance and Management shall transfer to the subaccount created under 32 V.S.A. § 1001b(b)(2) 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.

* * *

Sec. 49. 2022 Acts and Resolves No. 185, Sec. B.1100, as amended by 2023 Acts and Resolves No. 78, Sec. C.115, is further 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 for regional dispatch funding. The funds are subject to the following conditions:

(1) Up to \$1,000,000 shall be available for the retention of technical experts to assist the Public Safety Communications Task Force with the analysis and planning required by ~~Sec. C.112 of this act~~ 2023 Acts and Resolves No. 78, Sec. C.114 and to fund the administrative expenses incurred by the Public Safety Communications Task Force. If the Task Force

determines ~~in calendar year 2023~~ that additional funding is necessary to achieve its purposes, it may submit a request to the Joint Fiscal Committee. The Joint Fiscal Committee is authorized to approve up to an additional \$1,000,000.

(2) Up to \$4,500,000 shall be available to provide funding for pilot projects pursuant to ~~Sec. C.112(f), of this act~~ 2023 Acts and Resolves No. 78, Sec. C.114(f).

(3) Any remaining amounts not obligated pursuant to subdivisions (1) and (2) of this subsection ~~(b) shall be held in reserve~~ remain unobligated and unexpended until approval to expend the funds is authorized by further enactment of the General Assembly.

(4) ~~It is the intent of the General Assembly that the Department of Public Safety~~ In order to extract the greatest value from the limited State and federal dollars currently available for public safety communications modernization, it is the intent of the General Assembly that all such funding is expended in an efficient and complementary manner. To that end, the Commissioner of Public Safety shall 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, to the greatest extent possible, the goals of a statewide public safety communications system developed by the Public Safety Communications Task Force. The Commissioner of Public Safety shall ~~consult with~~ promptly inform the Public Safety Communications Task Force as the federal parameters for expending the funds become available and as the Commissioner develops a ~~and, if necessary, revises the plan to expend such funds.~~ The Commissioner shall solicit recommendations from the Task Force regarding the plan, including any revisions to the plan, the implementation schedule, and specific expenditures. In addition, the Commissioner shall update the Joint Fiscal Committee on planned expenditures.

* * *

Sec. 50. 2023 Acts and Resolves No. 78, Sec. C.114(f) is amended to read:

(f)(1) If the Task Force determines that sufficient minimum technical and operational standards have been developed to warrant the funding of one or more pilot projects, the Task Force may submit for approval a pilot project plan to the Joint Fiscal Committee ~~in calendar year 2023~~.

* * *

Sec. 51. 2023 Acts and Resolves No. 78, Sec. C.120 is amended to read:

~~Sec. C.120 BALANCE RESERVE UNRESERVED; RESERVED FOR
VCBB~~

~~(a) In fiscal year 2024, \$20,000,000 is unreserved from the General Fund Balance Reserve established by 32 V.S.A. § 308e.~~

~~(b) In fiscal year 2024, \$20,000,000 is reserved in the General Fund 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. The State's pending application requires a commitment to provide contingency reserve funding equal to 25 percent of the total award amount if the application is approved and the award is accepted by the State.~~

~~(1) In the fiscal year 2024 budget adjustment act, any funds reserved, but not required, for the purpose described in Sec. C.120(b) of this act shall be unreserved and reserved within the General Fund Balance Reserve established by 32 V.S.A. § 308e. [Repealed.]~~

Sec. 52. 2023 Acts and Resolves No. 78, Sec. C.123 is amended to read:

~~Sec. C.123 HOUSING TRANSITION; RESOURCES FOR
COMPREHENSIVE COMMUNITY RESPONSE~~

* * *

~~(d) \$9,400,000 of the funds described in subsection (c) of this section shall be transferred to the Department for Children and Families as set forth in this subsection. The Agency of Administration shall structure the program in accordance with the requirements of 31 C.F.R. Part 35 and in a manner designed to achieve rapid deployment and administrative efficiency, and may reallocate funds across governmental units in a net-neutral manner as follows for a total of \$9,400,000:~~

~~(1) The Commissioner of Finance and Management is authorized to reallocate General Fund appropriations made to the Vermont Housing and Conservation Board in 2023 Acts and Resolves No. 3, Sec. 45 Department of Corrections in 2022 Acts and Resolves No. 185, Sec. B.338. In exchange, the Secretary of Administration shall provide an amount equal to the reallocation amount to the Vermont Housing and Conservation Board from the federal funds appropriated through the Emergency Rental Assistance Program, which was originally approved by the Joint Fiscal Committee pursuant to Grant Request #3034.~~

~~(2) The Commissioner of Finance and Management is authorized to reallocate American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds appropriated to the Agency of Human Services in 2021 Acts and Resolves No. 74, Sec. G.300(a)(31), as amended by 2022 Acts and Resolves No. 83, Sec. 68 Department of Corrections from American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Fund dollars appropriated to the Agency of Human Services in 2021 Acts and Resolves No. 74, Sec. G.300(a)(31), as amended by 2022 Acts and Resolves No. 83, Sec. 68.~~

* * *

Sec. 53. 2023 Acts and Resolves No. 78, Sec. D.100 is amended to read:

Sec. D.100 APPROPRIATIONS ALLOCATIONS; PROPERTY TRANSFER TAX

(a) This act contains the following amounts ~~appropriated from~~ allocated to special funds that receive revenue from the property transfer tax. ~~Expenditures from these appropriations~~ These allocations shall not exceed available revenues.

(1) The sum of \$560,000 is ~~appropriated~~ allocated 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. 54. 2023 Acts and Resolves No. 78, Sec. D.100.1 is amended to read:

Sec. D.100.1 LEGISLATIVE INTENT FOR FISCAL YEAR 2024
PLANNING FUNDS

(a) ~~It is the intent of the General Assembly that an~~ An amount not to exceed \$500,000 of the planning funds provided in Sec. D.100 of this act shall be used for municipal bylaw modernization.

Sec. 55. 2023 Acts and Resolves No. 78, Sec. D.101 is amended to read:

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:

* * *

(E) the Fire Prevention/Building Inspection Special Fund (21901): \$1,500,000.00; ~~and~~

(F) the Tax Computer System Modernization Fund (21909): \$3,600,000.00;

(G) the State Liability Insurance Fund (56200): \$9,500,000.00;

(H) the Emergency Relief and Assistance Fund (21555): \$17,250,000.00;

(I) the Act 250 Permit Fund (21260): \$120,300.00;

(J) the General Government Projects Fund (31100): \$139.24;

(K) the Protection Projects Fund (31200): \$1,180,584.31;

(L) the Natural Resources Projects Fund (31500): \$2,127,949.51;

(M) the Commerce and Community Development Projects Fund (31600): \$545,295.85; and

(N) the General Obligation Bonds Debt Service Fund (35100): \$71,202,993.00.

* * *

(2) From the Education Fund to:

(A) the Tax Computer System Modernization Fund (21909): \$1,300,000.00; and

(B) the Universal Afterschool and Summer Special Fund: \$2,836,982.94.

* * *

(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: \$523,966.00; and

(B) the General Obligation Bonds Debt Service Fund (35100): \$327,405.00.

(5) From the Waste Management Assistance Fund (21285) to:

(A) the Environmental Contingency Fund (21275): \$3,500,000.00.

(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:

22005 AHS Central Office Earned Federal Receipts	\$4,641,960
50300 Liquor Control Fund	\$21,200,000
<u>50250 Sports Wagering Fund</u>	<u>\$1,204,000</u> <u>\$3,200,000</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>
<u>21970 Registration Fees Fund</u>	<u>\$605,273.01</u>

<u>21065 Financial Institutions Supervision Fund</u>	<u>\$4,024,748</u>
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(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.

21638 AG-Fees and reimbursement		
– Court order	\$1,000,000	\$4,000,000
621000 Unclaimed Property Fund	\$3,270,225	\$4,806,692

* * *

(3) Notwithstanding 2016 Acts and Resolves No. 172, Sec. E.228, ~~\$60,044,000~~ \$57,667,840 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)(1)(A) Notwithstanding any provision of law to the contrary, in fiscal year 2024, the following ~~amounts~~ amount shall revert to the General Fund from the ~~accounts indicated~~ general funds appropriated in Sec. B.301 of this act for the Global Commitment Program:

3400004000 Agency of Human Services – Secretary's Office— Global Commitment	\$15,103,683
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(B) 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>1130892201</u>	<u>Lib – Working Group Per Diem</u>	<u>\$11,550.00</u>
<u>1140070000</u>	<u>Use Tax Reimbursement Program</u>	<u>\$120,096.98</u>
<u>1140330000</u>	<u>Renter Rebates</u>	<u>\$943,487.35</u>
<u>1150891901</u>	<u>Electric Vehicle Charge</u>	<u>\$4,412.78</u>
<u>1250010000</u>	<u>Auditor of Accounts</u>	<u>\$21,067.71</u>
<u>1260010000</u>	<u>Office of the Treasurer</u>	<u>\$110,821.00</u>
<u>2110010000</u>	<u>Assigned Counsel</u>	<u>\$3.37</u>
<u>2120892203</u>	<u>JUD – County Courthouse HVAC</u>	<u>\$300,000.00</u>
<u>2130200000</u>	<u>Sheriffs</u>	<u>\$29,880.53</u>
<u>2130400000</u>	<u>SIUS Parent Account</u>	<u>\$167,678.27</u>

<u>2130500000</u>	<u>Crime Victims Advocates</u>	<u>\$18,465.95</u>
<u>2150010000</u>	<u>Military – Administration</u>	<u>\$100,782.00</u>
<u>2160892102</u>	<u>CCVS-BCJC for St Jo’s Orphan</u>	<u>\$88.00</u>
<u>2200010000</u>	<u>Administration Division</u>	<u>\$389,654.70</u>
<u>2230892202</u>	<u>SOS – One-Time FY22 Election Cost</u>	<u>\$171,400.78</u>
<u>2320020000</u>	<u>Liquor Enforcement & Licensing</u>	<u>\$15,000.00</u>
<u>3150070000</u>	<u>Mental Health</u>	<u>\$2,772,735.17</u>
<u>3310000000</u>	<u>Commission on Women</u>	<u>\$11,173.77</u>
<u>3330010000</u>	<u>Green Mountain Care Board</u>	<u>\$250,000.00</u>
<u>3400001000</u>	<u>Secretary’s Office Admin Costs</u>	<u>\$475,775.00</u>
<u>3400004000</u>	<u>Global Commitment</u>	<u>\$11,676,230.24</u>
<u>3400010000</u>	<u>Human Services Board</u>	<u>\$110,000.00</u>
<u>3400892109</u>	<u>St Match – Act 155 4(a),5(a)</u>	<u>\$34,350.00</u>
<u>3400892203</u>	<u>AHSCO – COVID-19 Emergent/Exigen</u>	<u>\$4,868,985.74</u>
<u>3400892205</u>	<u>AHSCO – Workforce Recruitment</u>	<u>\$4,367,147.39</u>
<u>3400892312</u>	<u>AHSCO – VT Nursing Forgivable Loan</u>	<u>\$13,403.00</u>
<u>3410018000</u>	<u>DVHA – Medicaid-Non- Waiver Program</u>	<u>\$525,610.73</u>
<u>3420060000</u>	<u>Substance Use Programs</u>	<u>\$119,130.89</u>
<u>3440010000</u>	<u>DCFS – Admin & Support Services</u>	<u>\$2,595,167.55</u>
<u>3440020000</u>	<u>DCFS – Family Services</u>	<u>\$2,864,970.25</u>
<u>3440030000</u>	<u>DCFS – Child Development</u>	<u>\$3,131,063.24</u>
<u>3440050000</u>	<u>DCFS – AABD</u>	<u>\$451,263.27</u>
<u>3440060000</u>	<u>DCFS – General Assistance</u>	<u>\$1,414,739.60</u>
<u>3440080000</u>	<u>DCFS – Reach Up</u>	<u>\$979,674.76</u>

<u>3440100000</u>	<u>DCFS – OEO Office of Economic Opp.</u>	<u>\$273,038.00</u>
<u>3440120000</u>	<u>DCFS – Secure Res. Treatment</u>	<u>\$2,752,270.00</u>
<u>3440130000</u>	<u>DCFS – DDS</u>	<u>\$80,299.43</u>
<u>3440891908</u>	<u>Weatherization Assist Bridge</u>	<u>\$1,892.85</u>
<u>3440892214</u>	<u>DCF – Childcare Provider Workforce</u>	<u>\$2,879,549.25</u>
<u>3440892309</u>	<u>DCF – Worker Retention Grant</u>	<u>\$564,500.00</u>
<u>3480007000</u>	<u>Corrections – Justice Reinvest</u>	<u>\$831,964.28</u>
<u>4100500000</u>	<u>VT Department of Labor</u>	<u>\$2,400,000.00</u>
<u>5100010000</u>	<u>Administration</u>	<u>\$0.03</u>
<u>5100060000</u>	<u>Adult Basic Education</u>	<u>\$136.13</u>
<u>5100892214</u>	<u>AOA – School Food Program Admin</u>	<u>\$50,670.70</u>
<u>5100892301</u>	<u>AOE – Child Nutrition</u>	<u>\$244,648.60</u>
<u>5100892309</u>	<u>AOE – Staffing</u>	<u>\$146,649.08</u>
<u>6100040000</u>	<u>Property Tax Assessment Approp.</u>	<u>\$9,542.14</u>
<u>6130030000</u>	<u>Parks</u>	<u>\$3.85</u>
<u>6130891903</u>	<u>Logger Safety, Value Added</u>	<u>\$108.51</u>
<u>6140040000</u>	<u>Water Programs Appropriation</u>	<u>\$0.20</u>
<u>7110010000</u>	<u>Housing & Community Development</u>	<u>\$1.86</u>
<u>7120010000</u>	<u>Economic Development</u>	<u>\$0.71</u>
<u>7130000000</u>	<u>Dept. of Tourism & Marketing</u>	<u>\$230.47</u>

(2) Notwithstanding any provision of law to the contrary, in fiscal year 2024, the following amounts shall revert to the Transportation Fund from the accounts indicated:

<u>1150400000</u>	<u>BGS – Information Centers</u>	<u>\$183,952.35</u>
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(3) Notwithstanding any provision of law to the contrary, in fiscal year 2024, the following amounts shall revert to the Transportation Infrastructure Bond Fund from the accounts indicated:

<u>8100001100</u>	<u>Program Development</u>	<u>\$3,239,445.00</u>
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(4) Notwithstanding any provision of law to the contrary, in fiscal year 2024, the following amounts shall revert to the Education Fund from the accounts indicated:

<u>5100010000</u>	<u>Administration</u>	<u>\$1,280,710.79</u>
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<u>5100110000</u>	<u>Small School Grant</u>	<u>\$391,067.00</u>
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<u>5100200000</u>	<u>Education – Technical Education</u>	<u>\$1,204,216.38</u>
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<u>5100892310</u>	<u>Education – Universal Meals</u>	<u>\$6,823,849.84</u>
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(5) Notwithstanding any provision of law to the contrary, in fiscal year 2024, the following amounts shall revert to the Clean Water Fund from the accounts indicated:

<u>1100010000</u>	<u>Secretary of Administration</u>	<u>\$100,000.00</u>
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(6) Notwithstanding any provision of law to the contrary, in fiscal year 2024, the following amounts shall revert to the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Fund from the accounts indicated:

<u>6140892207</u>	<u>Department of Environmental Conservation – Clean Water Board</u>	<u>\$6,000,000.00</u>
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<u>1110892111</u>	<u>University of Vermont – Workforce Upskill</u>	<u>\$131,670.00</u>
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<u>1110892112</u>	<u>VSAC HS Grad Advancement</u>	<u>\$24,539.92</u>
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<u>1110892219</u>	<u>University of Vermont – New Career</u>	<u>\$181,485.00</u>
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<u>2200892308</u>	<u>AAFM – Soil Quality Practices</u>	<u>\$200,000.00</u>
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<u>3400892204</u>	<u>AHSCO – Workforce Retention</u>	<u>\$2,000,000.00</u>
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<u>3440892205</u>	<u>DCF – OEO – Community Action Agc</u>	<u>\$3,182.48</u>
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<u>4100892203</u>	<u>DOL-COVID-19 Unemployment Syst</u>	<u>\$2,459,122.60</u>
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(7) Notwithstanding any provision of law to the contrary, in fiscal year 2024, the following amounts shall revert to the Tobacco Fund from the accounts indicated:

<u>3400891802</u>	<u>Invest Substance Use Treat</u>	<u>\$1,500,000.00</u>
<u>3400891803</u>	<u>Finance Substance Use Treat</u>	<u>\$724,241.80</u>

* * *

(e)(1) Notwithstanding Sec. 1.4.3 of the Rules for State Matching Funds Under the Federal Public Assistance Program, in fiscal year 2024, the Secretary of Administration may provide funding from the Emergency Relief and Assistance Fund that was transferred pursuant to subdivision (a)(1)(H) of this section to subgrantees prior to the completion of a project. In fiscal year 2024, up to 70 percent of the State funding match on the nonfederal share of an approved project for municipalities that were impacted by the July 2023 flooding event in counties that are eligible for Federal Emergency Management Agency (FEMA) Public Assistance funds under federal disaster declaration DR-4720-VT may be advanced at the request of a municipality.

(2) Notwithstanding Sec. 1.4.1 of the Rules for State Matching Funds Under the Federal Public Assistance Program, the Secretary of Administration shall increase the standard State funding match on the nonfederal share of an approved project to the highest percentage possible given available funding for municipalities in counties that were impacted by the July 2023 flooding event and are eligible for Federal Emergency Management Agency (FEMA) Public Assistance funds under federal disaster declaration DR-4720-VT.

* * *

Sec. 56. 2023 Acts and Resolves No. 78, Sec. E.100 is amended to read:

Sec. E.100 EXECUTIVE BRANCH POSITIONS

(a) The establishment of ~~68~~ 75 permanent positions is authorized in fiscal year 2024 for the following:

(1) Permanent classified positions:

* * *

(R) Department for Children and Families:

(i) five Family Service Workers;

(S) Cannabis Control Board:

(i) one Compliance Agent; and

(ii) one Deputy Director of Compliance and Enforcement.

* * *

(c) The establishment of 9 12 new classified limited service positions is authorized in fiscal year 2024 as follows:

* * *

(3) Department of Finance and Management:

(A) one VISION Reporting Analyst III; and

(B) two VISION Financial Analysts II.

* * *

Sec. 57. 2021 Acts and Resolves No. 74, Sec. G.501(a) is amended to read:

(a) \$52,000,000 is appropriated in fiscal year 2022 from American Rescue Plan Act - Coronavirus State Fiscal Recovery Funds as follows:

* * *

(4) \$12,800,000 to the Agency of Administration for a Human Capital Management ERP upgrade - replacement of the HR system that tracks employee information, timesheets, and contracts, including a VANTAGE budget system upgrade and interface with the new HR system. Up to \$3,000,000 of these funds may be expended for other Enterprise Resource Planning modernization related projects, including business process transformation.

* * *

Sec. 58. 3 V.S.A. § 3306 is amended to read:

§ 3306. TECHNOLOGY MODERNIZATION SPECIAL FUND

(a) Creation. There is created the Technology Modernization Special Fund, to be administered by the Agency of Digital Services. Monies in the Fund shall be used to fund business process transformation and to purchase, implement, and upgrade technology platforms, systems, and cybersecurity services used by State agencies and departments to carry out their statutory functions.

* * *

Sec. 59. AGENCY OF ADMINISTRATION; ENTERPRISE RESOURCE
PLANNING

(a) In fiscal year 2024, the Agency of Administration shall report to the Joint Information Technology Oversight Committee within three business days

after any change in status of any contract relating to the Enterprise Resource Planning (ERP) Modernization – Business Transformation project changes.

(b) The Agency of Administration shall share the results of its independent review with the Committee within three business days after its completion.

Sec. 60. 2023 Acts and Resolves No. 78, Sec. E.111.2 is amended to read:

Sec. E.111.2 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~~ remain in the fund established as codified by 32 V.S.A. § 3209.

Sec. 61. 2023 Acts and Resolves No. 78, Sec. E.131.2 is added to read:

Sec. E.131.2 TREASURER; STATE RESERVES STUDY

(a) On or before December 15, 2024, the Treasurer shall, in consultation with the Department of Finance and Management and the Joint Fiscal Office, submit a written report to the Joint Fiscal Committee on the State's fiscal reserve practices and the fiscal reserve practices of other states. The report shall include a review of:

(1) the current fiscal reserve practices of the State, including a review of which funds have statutory reserves and which funds do not;

(2) the fiscal reserve practices of other states and best practices;

(3) how Vermont's fiscal reserve practices compare to those of other states and to best practices; and

(4) the cash reserve policies of the State as it compares to reserve requirements.

(b) The report shall include the Treasurer's findings and any recommendations for changes in the fiscal reserve practices of the State.

Sec. 62. 2023 Acts and Resolves No. 78, Sec. E.131.3 is added to read:

Sec. E.131.3 TREASURER; STRESS-TESTING REPORT

(a) On or before December 15, 2024, the Treasurer, in consultation with the Department of Finance and Management and the Joint Fiscal Office, shall submit a written report to the Joint Fiscal Committee on fiscal stress-testing practices and methodologies in other states. The report shall address the extent to which such practices may be useful or beneficial and include any recommendations for the implementation of stress-testing practices in State government.

Sec. 63. 2023 Acts and Resolves No. 78, Sec. E.300.2 is amended to read:

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 pilot program funded in Sec. B.1100 of this act and shall update the Joint Fiscal Committee on its findings on or before November 15, 2023.

Sec. 64. 2023 Acts and Resolves No. 78, Sec. E.301 is amended to read:

Sec. E.301 SECRETARY'S OFFICE – GLOBAL COMMITMENT

* * *

(b) In addition to the State funds appropriated in Sec. B.301 of this act, a total estimated sum of ~~\$25,231,644~~ \$25,050,921 is anticipated to be certified as State matching funds under the Global Commitment as follows:

* * *

(c) Up to ~~\$4,034,170~~ \$3,737,210 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. 65. 2023 Acts and Resolves No. 78, Sec. E.312 is amended to read:

Sec. E.312 HEALTH – PUBLIC HEALTH

(a) HIV/AIDS funding:

* * *

(5) In fiscal year 2024, the Department of Health shall provide grants in the amount of \$300,000 in General Funds Fund dollars and \$218,000 Tobacco Litigation Settlement Fund dollars to the current syringe exchange programs in 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.

(A) The \$218,000 Tobacco Litigation Settlement Fund dollars appropriated to the Department of Health in Sec. B.312 of this act for grants to the current syringe exchange programs in Vermont shall be distributed as follows:

- (i) \$148,000 to Vermont Cares;
- (ii) \$30,000 to the AIDS Project of Southern Vermont;
- (iii) \$15,000 to the HIV/HCV Resource Center; and
- (iv) \$25,000 to the Howard Center Safe Recovery.

* * *

Sec. 66. 2022 Acts and Resolves No. 185, Sec. B.802, as amended by 2023 Acts and Resolves No. 3, Sec. 41, is further amended to read:

Sec. B.802 Housing and community development

Personal services	5,321,306	<u>5,212,164</u>
Operating expenses	673,807	<u>671,358</u>
Grants	77,056,152	<u>27,259,532</u>
Total	83,051,265	<u>33,143,054</u>
Source of funds		
General fund	4,065,708	4,065,708
Special funds	7,204,966	7,747,606
Federal funds	68,364,457	<u>18,456,246</u>
Interdepartmental transfers	2,873,494	2,873,494
Total	83,051,265	<u>33,143,054</u>

Sec. 67. 2022 Acts and Resolves No. 185, Sec. B.1100, as amended by 2023 Acts and Resolves No. 3, Sec. 45 is further 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:

* * *

(38) \$30,000 to the Department of Health ~~for a grant to enter into an agreement~~ with the American Heart Association for CPR and First Aid Training kits to facilitate training in schools.

* * *

Sec. 68. 2022 Acts and Resolves No. 183, Sec. 53(a), as amended by 2023 Acts and Resolves No. 3, Sec. 81 is further amended to read:

(a) Reversion. In fiscal year 2023, of the amounts appropriated in 2021 Acts and Resolves No. 74, Sec. G.300(a)(13) and 2021 Acts and Resolves No. 9, Sec. 3(b)(1), 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, ~~\$25,042,000.00~~ \$24,980,874.93 shall revert to the American Rescue Plan Act (ARPA) – Coronavirus State Fiscal Recovery Funds.

Sec. 69. 2023 Acts and Resolves No. 22, Sec. 3 is amended to read:

Sec. 3. APPROPRIATION; COMMUNITY NEEDLE AND SYRINGE DISPOSAL PROGRAMS

~~In~~ Notwithstanding any provision of law to the contrary, in fiscal year 2024, \$150,000.00 is ~~authorized~~ appropriated from the Evidence-Based Education and Advertising Fund ~~in established by~~ 33 V.S.A. § 2004a to the Department of Health's Division of Substance Use Programs to provide grants and consultations for municipalities, hospitals, community health centers, and other publicly available community needle and syringe disposal programs that participated in a stakeholder meeting pursuant to Sec. 2 of this act.

Sec. 70. 2023 Acts and Resolves No. 22, Sec. 14 is amended to read:

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:

* * *

(9) All appropriations made in this section shall carry forward into fiscal year 2024 unless reverted as part of the fiscal year 2024 budget adjustment act.

Sec. 71. 2022 Acts and Resolves No. 185, Sec. G.600(b), as amended by 2023 Acts and Resolves No. 3, Sec. 85, and 2023 Acts and Resolves No. 62, Sec. 26, is further 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:

* * *

(4) ~~\$3,000,000~~ \$4,000,000 to the Agency of Transportation to grant to the Community Action Agencies to support the MileageSmart Program, established in 2019 Acts and Resolves No. 59, Sec. 34, as amended.

(5) ~~\$2,350,000.00~~ \$1,350,000 to the Agency of Transportation for the Replace Your Ride Program, established in 2021 Acts and Resolves No. 55, Sec. 27, as amended.

(6) ~~\$2,200,000~~ \$2,350,000 general funds and \$550,000 Transportation funds to the Agency of Transportation for the following:

* * *

(C) \$50,000 Transportation funds and ~~\$100,000~~ \$150,000 general funds to the Agency of Transportation for electric bicycle incentives.

(7) \$500,000 to the Agency of Transportation Electrify Your Fleet Program.

Sec. 72. 2023 Acts and Resolves No. 81, Sec. 8 is amended to read:

Sec. 8. EMERGENCY HOUSING TRANSITION; FUNDING; FISCAL YEAR 2024 BUDGET ADJUSTMENT

(a) The Agency of Human Services shall ~~hold in reserve~~ revert as much ~~funding spending authority~~ as possible ~~from during~~ the Agency's fiscal year 2023 closeout process ~~as carryforward for potential investment in assisting households with transitioning out of the pandemic-era General Assistance Emergency Housing Program.~~ The reserved funds shall not be used unless pursuant to the Secretary of Administration's discretion under 2023 Acts and Resolves No. 3, Sec. 109. If the amounts appropriated pursuant to Sec. 7 of this act are not sufficient to fully implement the phase-out of the pandemic-era General Assistance Emergency Housing Program as set forth in this act, then the General Assembly may provide additional spending authority as needed.

* * *

Sec. 73. 10 V.S.A. § 6083a is amended to read:

§ 6083a. ACT 250 FEES

(a) All applicants for a land use permit under section 6086 of this title shall be directly responsible for the costs involved in the publication of notice in a newspaper of general circulation in the area of the proposed development or subdivision and the costs incurred in recording any permit or permit amendment in the land records. In addition, applicants shall be subject to each of the following fees for each individual permit or permit application for the purpose of compensating the State of Vermont for the direct and indirect costs incurred with respect to the administration of the Act 250 program:

* * *

Sec. 74. 16 V.S.A. § 4025(b)(2) is amended to read:

(2) To cover the cost of fund auditing, accounting, revenue collection, and of short-term borrowing to meet fund cash flow requirements.

Sec. 75. 18 V.S.A. § 1001 is amended to read:

§ 1001. REPORTS TO COMMISSIONER OF HEALTH

* * *

(b) Public health records developed or acquired by State or local public health agencies that relate to HIV or AIDS and that contain either personally identifying information or information that may indirectly identify a person shall be confidential and only disclosed following notice to and written authorization from the individual subject of the public health record or the individual's legal representative. Notice otherwise required pursuant to this section shall not be required for disclosures to the federal government; other departments, agencies, or programs of the State; or other states' infectious disease surveillance programs if the disclosure is for the purpose of comparing the details of potentially duplicative case reports, public health surveillance, or epidemiological follow-up, provided the information shall be shared using the least identifying information first so that the individual's name shall be used only as a last resort.

* * *

Sec. 76. 33 V.S.A. § 3511 is amended to read:

§ 3511. DEFINITIONS

As used in this chapter:

* * *

(7) "Family child care home" means a child care facility that provides care on a regular basis in the caregiver's own residence ~~for not more than 10 children at any one time. Of this number, up to six children may be provided care on a full-time basis and the remainder on a part-time basis. As used in this subdivision, care of a child on a part-time basis shall mean care of a school-age child for not more than four hours a day. These limits shall not include children who reside in the residence of the caregiver, except:~~

~~(A) These part-time, school-age children may be cared for on a full-day basis during school closing days, snow days, and vacation days that occur during the school year.~~

~~(B) During the school summer vacation, up to 12 children may be cared for provided that at least six of these children are of school age and a~~

~~second staff person is present and on duty when the number of children in attendance exceeds six. These limits shall not include children who are required by law to attend school (seven years of age and older) and who reside in the residence of the caregiver.~~

* * *

Sec. 77. 29 V.S.A. chapter 61 is amended to read:

CHAPTER 61. MUNICIPAL EQUIPMENT LOAN FUND

* * *

§ 1602. APPLICATION; LOANS; CONDITIONS

(a) Upon application of a municipality or two or more municipalities applying jointly, the State Treasurer may loan money from the Fund to that municipality or municipalities for the purchase of equipment. Purchases of equipment eligible for loans from the Fund shall have a useful life of at least five years and a purchase price of at least \$20,000.00 but shall not be eligible for loans in excess of ~~\$110,000.00~~ \$150,000.00 from this Fund.

(b) The Treasurer is authorized to establish terms and conditions, including repayment schedules of up to five years for loans from the Fund to ensure repayment of loans to the Fund. Before a municipality may receive a loan from the Fund, it shall give to the Treasurer security for the repayment of the funds. The security shall be in such form and amount as the Treasurer may determine and may include a lien on the equipment financed by the loan.

(c) The rates of interest shall be as established by this section to assist municipalities in purchasing equipment upon terms more favorable than in the commercial market. Such rates shall be ~~no~~ not more than two percent per annum for a loan to a single municipality, and loans shall bear no interest charge if made to two or more municipalities purchasing equipment jointly.

(d) In any fiscal year, new loans from the Municipal Equipment Fund shall not exceed an aggregate of \$1,500,000.00. The Treasurer shall put forth recommendations to the General Assembly on a maximum loan amount every five years, commencing on January 15, 2028, based on requests received and loans granted pursuant to this chapter.

* * *

Sec. 78. 3 V.S.A. chapter 18 is amended to read:

CHAPTER 18. VT SAVES

* * *

§ 532. VT SAVES PROGRAM; ESTABLISHMENT

* * *

(c) Contributions.

(1) Unless otherwise specified by the covered employee, a covered employee shall automatically initially contribute five percent of the covered employee's ~~salary or~~ wages to the Program. A covered employee may elect to opt out of the Program at any time or contribute at any higher or lower rate, expressed as a percentage of ~~salary or~~ wages, or, as permitted by the Treasurer, expressed as a flat dollar amount, subject in all cases to the IRA contribution and eligibility limits applicable under the Internal Revenue Code at no additional charge.

(2) The Treasurer shall provide for, on a uniform basis, an annual increase of each active participant's contribution rate, by not less than one percent, but not more than eight percent, of ~~salary or~~ wages each year. Any such increases shall apply to active participants, including participants by default with an option to opt out or participants who are initiated by affirmative participant election, provided that any increase is subject to the IRA contribution and eligibility limits applicable under the Internal Revenue Code.

* * *

§ 535. PENALTIES

(a) Failure to ~~enroll~~ comply. If a covered employer fails to ~~enroll a covered employee~~ be in compliance with this chapter without reasonable cause, the covered employer is subject to a penalty for each covered employee for each calendar year or portion of a calendar year during which the covered employee was not enrolled in the Program or had not opted out of participation in the Program. The amount of any penalty imposed on a covered employer for the failure to enroll a covered employee without reasonable cause is determined as follows:

* * *

(b) Waivers. The Treasurer is authorized to establish a rule waiving the penalty for a covered employer ~~for any failure to enroll a covered employee that fails to be in compliance with this chapter~~ for which it is established that the covered employer did not know that the failure existed and exercised reasonable diligence to meet the requirements of this chapter, provided that:

* * *

Sec. 79. 2023 Acts and Resolves No. 43, Sec. 2 is amended to read:

Sec. 2. VT SAVES; IMPLEMENTATION

(a) Subject to an appropriation from the General Assembly, the State Treasurer shall implement the VT Saves Program (Program), established in 3 V.S.A. chapter 18, ~~as follows: in stages as determined by the Treasurer, which may include phasing in the Program based on the size of employers or other factors.~~ The Program shall be implemented so that all covered employees will begin participation and make contributions on or before July 1, 2026

~~(1) Beginning on July 1, 2025, all covered employers with 25 or more covered employees shall offer the Program to all covered employees.~~

~~(2) Beginning on January 1, 2026, all covered employers with 15 to 24 covered employees shall offer the Program to all covered employees.~~

~~(3) Beginning on July 1, 2026, all covered employers with five to 14 covered employees shall offer the Program to all covered employees.~~

(b) As used in this section, “covered employer” and “covered employee” have the same meanings as in 3 V.S.A. § 531.

Sec. 80. 17 V.S.A. § 2732(a) is amended to read:

(a) The electors shall meet at the State House on the first ~~Monday~~ Tuesday after the second Wednesday in December next following their election to vote for the President and Vice President of the United States, agreeably to the laws of the United States.

Sec. 81. 18 V.S.A. § 9435 is amended to read:

§ 9435. EXCLUSIONS

* * *

(g) With the approval of the Commissioner of Health, excluded from this subchapter is a facility in which the prescription, distribution, or administration of medication for opioid use disorder is a principal activity.

Sec. 82. 18 V.S.A. § 4772 is amended to read:

§ 4772. OPIOID SETTLEMENT ADVISORY COMMITTEE

* * *

(f) Meetings.

(1) The Commissioner of Health shall call the first meeting of the Advisory Committee to occur on or before June 30, 2022.

(2) The Advisory Committee shall meet at least quarterly but not more than ~~six~~ 12 times per calendar year.

(3) The Advisory Committee shall adopt procedures to govern its proceedings and organization, including voting procedures and how the staggered terms shall be apportioned among members.

(4) All meetings of the Advisory Committee shall be consistent with Vermont's Open Meeting Law pursuant to 1 V.S.A. chapter 5, subchapter 2.

(g) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Advisory Committee serving in the member's capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than ~~six~~ 12 meetings per year. These payments shall be appropriated from the Opioid Abatement Special Fund.

(2) Other members of the Advisory Committee shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than ~~six~~ 12 meetings per year. These payments shall be appropriated from the Opioid Abatement Special Fund.

Sec. 83. 27 V.S.A. § 1513 is amended to read:

§ 1513. PAYMENT OR DELIVERY OF PROPERTY TO ADMINISTRATOR

* * *

(f) If property reported to the Administrator under section 1491 of this title is virtual currency, the holder shall liquidate the virtual currency and remit the proceeds to the Administrator. The liquidation shall occur anytime within 30 days prior to the remittance. The owner of the property shall not have recourse against the holder or the Administrator to recover any gain in value that occurs after the liquidation of the virtual currency for property properly reported as set forth in this chapter.

(g) The Administrator shall establish procedures for the registration, issuance, method of delivery, transfer, and maintenance of securities delivered to the Administrator by a holder.

~~(g)~~(h) An issuer, holder, and transfer agent or other person acting under this section under instructions of and on behalf of the issuer or holder is not liable to the apparent owner for, and must be indemnified by the State against, a claim arising with respect to property after the property has been delivered to the Administrator.

(h)(i) A holder is not required to deliver to the Administrator a security identified by the holder as a ~~non-freely~~ nonfreely transferable security. If the Administrator or holder determines that a security is no longer a ~~non-freely~~ nonfreely transferable security, the holder shall deliver the security on the next regular date prescribed for delivery of securities under this chapter. The holder shall make a determination annually whether a security identified in a report filed under section 1491 of this title as a ~~non-freely~~ nonfreely transferable security is no longer a ~~non-freely~~ nonfreely transferable security.

Sec. 84. 20 V.S.A. § 3173 is amended to read:

§ 3173. MONETARY BENEFIT

(a) The survivors of emergency personnel who dies while in the line of duty or from an occupation-related illness may apply for a payment of ~~\$50,000.00~~ \$80,000.00 from the State.

(b) The State Treasurer shall disburse from the Special Fund established in section 3175 of this title the monetary benefit described in subsection (a) of this section and shall adopt necessary procedures for the disbursement of such funds.

Sec. 85. 16 V.S.A. § 1949 is amended to read:

§ 1949. POSTRETIREMENT ADJUSTMENTS TO RETIREMENT ALLOWANCES

(a) Postretirement adjustments to retirement allowance. On January 1 of each year, the retirement allowance of each beneficiary of the System who is in receipt of a retirement allowance for at least a one-year period as of December 31 in the previous year, and who meets the eligibility criteria set forth in this section, shall be adjusted by the amount described in subsection (d) of this section. In no event shall a beneficiary receive a negative adjustment to the beneficiary's retirement allowance.

(b) Calculation of net percentage increase. Each year, a determination shall be made of any increase or decrease, to the nearest one-tenth of a percent, in the Consumer Price Index for the month ending on June 30 of that year to the average of the Consumer Price Index for the month ending on June 30 of the previous year.

(1) ~~Consumer Price Index; maximum and minimum amounts. Any increase or decrease in the Consumer Price Index shall be subject to adjustment so as to remain within the following maximum and minimum amounts:~~

(A) ~~For Group A members and Group C members who are eligible for normal retirement or unreduced early retirement, or who are vested~~

~~deferred, on or before June 30, 2022, the maximum amount of any increase or decrease utilized to determine the net percentage increase shall be five percent.~~

~~(B) For Group C members who are eligible for retirement and leave active service on or after July 1, 2022, the maximum amount of any increase or decrease utilized to determine the net percentage increase shall be four percent.~~

(2) Consumer Price Index; decreases. In the event of a decrease of the Consumer Price Index as of June 30 for the preceding year, there shall be no adjustment to the retirement allowance of a beneficiary for the subsequent year beginning on January 1; provided, however, that:

(A) such decrease shall be applied as an offset against the first subsequent year's increase of the Consumer Price Index up to the full amount of such increase; and

(B) to the extent that such decrease is greater than such subsequent year's increase, such decrease shall be offset in the same manner against two or more years of such increases, for up to but not exceeding five subsequent years of such increases, until fully offset.

~~(3)(2) Consumer Price Index; increases. Subject to the maximum and minimum amounts set forth in subdivision (1) of this subsection, in In the event of an 4increase in the Consumer Price Index, and provided there remains an increase following the application of any offset as in subdivision ~~(2)~~(1) of this subsection, that amount shall be identified as the net percentage increase and used to determine the members' postretirement adjustment as set forth in subsection (d) of this section.~~

(c) Eligibility for postretirement adjustment. In order for a beneficiary to receive a postretirement adjustment allowance, the beneficiary must meet the following eligibility requirements:

(1) ~~for~~ For any Group A or Group C member eligible for normal retirement, or who is vested deferred, on or before June 30, 2022, the member must be in receipt of a retirement allowance for at least 12 months prior to the January 1 effective date of any postretirement adjustment; ~~and.~~

(2) ~~for~~ For any Group C member who is first eligible for normal retirement and leaves active service on or after July 1, 2022, the member must be in receipt of a retirement allowance for at least 24 months prior to the January 1 effective date of any postretirement adjustment.

(3) Special rule for Group C early retirement. A Group C member in receipt of an early retirement allowance shall not receive a postretirement adjustment to the member's retirement allowance until such time as the

member has reached normal retirement age, provided the member meets all eligibility criteria set forth in this subsection.

(d) Amount of postretirement adjustment. The postretirement adjustment for each member who meets the eligibility criteria set forth in subsection (c) of this section shall be as follows:

(1) the full amount of the net percentage increase calculated pursuant to subsection (b) of this section for all Group A members; and, provided that:

(A) the net percentage increase following the application of any offset as provided in this section equals or exceeds one percent; and

(B) the maximum amount of any adjustment under this section shall be five percent; and

(2) one-half of the net percentage increase calculated pursuant to subsection (b) of this section for all Group C members;., provided that:

(A) For Group C members eligible for normal retirement or who are vested deferred on or before June 30, 2022, the maximum amount of any adjustment under this section shall be five percent. An adjustment of less than one percent shall be assigned a value of one percent.

(B) For Group C members first eligible for normal retirement and who leave active service on or after July 1, 2022, the maximum amount of any adjustment under this section shall be four percent and the minimum amount shall be zero percent.

(e) As used in this section, “Consumer Price Index” ~~shall mean~~ means the Northeast Region Consumer Price Index for all urban consumers, designated as “CPI-U,” in the northeast region, as published by the U.S. Department of Labor, Bureau of Labor Statistics.

Sec. 86. 2023 Acts and Resolves No. 47, Sec. 36 is amended to read:

Sec. 36 MIDDLE-INCOME HOMEOWNERSHIP DEVELOPMENT PROGRAM

(a) The Vermont Housing Finance Agency shall establish a Middle-Income Homeownership Development Program pursuant to this section.

(b) As used in this section:

(1) “Affordable owner-occupied housing” means owner-occupied housing identified in 26 U.S.C. § 143(c)(1) or that qualifies under Vermont Housing Finance Agency criteria governing owner-occupied housing.

(2) “Income-eligible homebuyer” means a Vermont household with annual income that does not exceed 150 percent of area median income.

(c) The Agency shall use the funds appropriated in this section to provide subsidies for new construction or acquisition and substantial rehabilitation of affordable owner-occupied housing for purchase by income-eligible homebuyers.

(d) The total amount of subsidies for a project shall not exceed 35 percent of eligible development costs, as determined by the Agency, which the Agency may allocate consistent with the following:

(1) Developer subsidy. The Agency may provide a direct subsidy to the developer, which shall not exceed the difference between the cost of development and the market value of the home as completed.

(2) Affordability subsidy. Of any remaining amounts available for the project after the developer subsidy, the Agency may provide a subsidy for the benefit of the homebuyer to reduce the cost of purchasing the home, provided that:

(A) the Agency includes conditions in the subsidy, agreement or uses another legal mechanism, to ensure that, ~~to the extent the home value has risen, the amount of the subsidy upon sale of the home, to the extent proceeds are available,~~ the amount of the affordability subsidy either:

(i) remains with the home to offset the cost to future homebuyers;
or

(ii) is recaptured by the Agency upon sale of the home for use in a similar program to support affordable homeownership development; or

(B) the subsidy is subject to a housing subsidy covenant, as defined in 27 V.S.A. § 610, that preserves the affordability of the home for a period of 99 years or longer.

(3) The Agency shall allocate not less than 33 percent of the funds available through the Program to projects that include a housing subsidy covenant consistent with subdivision (2)(B) of this subsection.

(e) The Agency shall adopt a Program plan that establishes application and selection criteria, including:

- (1) project location;
- (2) geographic distribution;
- (3) leveraging of other programs;
- (4) housing market needs;

(5) project characteristics, including whether the project includes the use of existing housing as part of a community revitalization plan;

- (6) construction standards, including considerations for size;
- (7) priority for plans with deeper affordability and longer duration of affordability requirements;
- (8) sponsor characteristics;
- (9) energy efficiency of the development; and
- (10) the historic nature of the project.

(f)(1) When implementing the Program, the Agency shall consult stakeholders and experts in the field.

(2) The Program shall include:

(A) a streamlined and appropriately scaled application process;

(B) an outreach and education plan, including specific tactics to reach and support eligible applicants, especially those from underserved regions or sectors;

(C) an equitable system for distributing investments statewide on the basis of need according to a system of priorities that includes consideration of:

(i) geographic distribution;

(ii) community size;

(iii) community economic need; and

(iv) whether an application has already received an investment or is from an applicant in a community that has already received Program funding.

~~(3) The Agency shall use its best efforts to ensure:~~

~~(A) that investments awarded are targeted to the geographic communities or regions with the most pressing economic and employment needs; and~~

~~(B) that the allocation of investments provides equitable access to the benefits to all eligible geographical areas.~~

(g) The Agency may assign its rights under any investment or subsidy made under this section to the Vermont Housing and Conservation Board or any State agency or nonprofit organization qualifying under 26 U.S.C § 501(c)(3), provided such assignee acknowledges and agrees to comply with the provisions of this section.

(h) The Department shall report to the House Committee on General and Housing and the Senate Committee on Economic Development, Housing and General Affairs on the status of the Program annually, on or before January 15.

Sec. 87. 2023 Acts and Resolves No. 47, Sec. 37 is amended to read:

Sec. 37. ~~MIDDLE-INCOME HOMEOWNERSHIP; IMPLEMENTATION~~

~~The duty to implement Sec. 36 of this act is contingent upon an appropriation of funds in fiscal year 2024 from the General Fund to the Department of Housing and Community Development for a subgrant to the Vermont Housing Finance Agency for the Middle-Income Homeownership Development Program. [Repealed.]~~

Sec. 88. UNRESERVED EDUCATION FUNDS; VERMONT STATE
TEACHERS' RETIREMENT SYSTEM TRANSFER

(a) In fiscal year 2024, notwithstanding any provision of 16 V.S.A. § 4025 to the contrary, the amount of \$9,100,000 in Education Fund dollars reserved in 2023 Acts and Resolves No. 78, Sec. D.104(a) is unreserved, and the sum of \$9,340,000 in Education Fund dollars is transferred to the Vermont Teachers' Retirement Fund, established in 16 V.S.A. § 1944, to fund the present value of modifications made to the postretirement adjustments allowance set forth in Sec. 85 of this act.

Sec. 89. TEMPORARY EMERGENCY HOUSING

(a) To the extent emergency housing is available, the Commissioner for Children and Families shall ensure that temporary emergency housing is provided through June 30, 2024 to households eligible for the General Assistance Emergency Housing Program, including beneficiaries of the emergency housing transition benefit that is set to conclude on April 1, 2024 and including those individuals who qualify for temporary emergency housing pursuant to both the Department's adverse weather condition policy and either catastrophic or vulnerable population eligibility. Participation pursuant to this subsection shall not be bound by day limit maximums and shall be subject to the following eligibility criteria:

(1) for beneficiaries of the emergency housing transition benefit, 2023 Acts and Resolves No. 81, Sec. 6, and Department for Children and Families, Emergency Housing Transition Benefit (EH-100), adopted under Secretary of State emergency rule filing number 23-E12 or any future identical emergency rule adopted by the Department; and

(2) for all other participants of the General Assistance Emergency Housing Program, including those individuals who qualify for temporary emergency housing pursuant to both the Department's adverse weather

condition policy and either catastrophic or vulnerable population eligibility, Department for Children and Families, General Assistance (CVR 13-170-260) as amended by Department for Children and Families under Secretary of State emergency rule filing number 23-E11 or any future identical emergency rule adopted by the Department.

(b) A household that is otherwise eligible for temporary emergency housing pursuant to subsection (a) of this section, but for the inability to qualify for or document receipt of SSI or SSDI, may use the Department's Emergency Housing Disability Variance Request Form as a means of documenting a qualifying disability or health condition.

(c) Temporary emergency housing required pursuant to subsection (a) of this section may be provided through approved shelters, new unit generation, open units, licensed hotels or motels, or other appropriate shelter space. The Agency of Human Services shall, when available, prioritize temporary emergency housing at housing or shelter placements other than licensed hotels or motels.

(d) On or before the last day of each month from April 2024 through June 2024, the Agency of Human Services, or other relevant agency or department, shall continue submitting a substantially similar report to that due pursuant to 2023 Acts and Resolves No. 81, Sec. 6(b).

(e) For temporary emergency housing provided beginning on March 1, 2024 and thereafter, the Agency of Human Services shall not pay a licensed hotel or motel establishment more than the lowest advertised room rate and not more than \$80 a day per room to shelter a household experiencing homelessness. The Agency of Human Services may shelter a household in more than one licensed hotel or motel room depending on the household's size and composition.

(f) The Agency of Human Services shall apply the following rules:

(1) Section 2650.1 of the Department for Children and Families, General Assistance (CVR 13-170-260);

(2) Department of Health, Licensed Lodging Establishment Rule (CVR 13-140-023); and

(3) Department of Public Safety, Vermont Fire and Building Safety Code (CVR 28-070-001).

(g)(1) Prior to June 1, 2024, the Agency of Human Services may work with either a shelter provider or a community housing agency to enter into a full facility lease or sales agreement with a hotel or motel provider. Any

facility conversion under this section shall comply with the Office of Economic Opportunity's shelter standards.

(2) If the Agency determines that a contractual agreement with a licensed hotel or motel operator to secure temporary emergency housing capacity is beneficial to improve the quality, cleanliness, or access to services for those households temporarily housed in the facility, the Agency shall be authorized to enter into such an agreement in accordance with the per-room rate identified in subsection (e) of this section; provided, however, that in no event shall such an agreement cause a household to become unhoused. The Agency may include provisions to address access to services or related needs within the contractual agreement.

Sec. 90. 2012 Acts and Resolves No. 71, Sec. 1, as amended by 2012 Acts and Resolves No. 143, Sec. 13, 2014 Acts and Resolves No. 189, Sec. 26, and 2017 Acts and Resolves No. 71, Sec. 24, is further amended to read:

Sec. 1. VERMONT STRONG MOTOR VEHICLE PLATES

~~(a) Intent. It is the intent of this act to recognize all of those who have suffered losses because of the destruction brought by Tropical Storm Irene and the flooding of 2011, and to commemorate the contributions of the many who are helping to rebuild Vermont and to make it stronger. [Repealed.]~~

(b) Authority; accounting and reporting; bundles.

~~(1) The department of motor vehicles ("department")~~ Department of Motor Vehicles is authorized to design, manufacture or procure, and distribute one or more commemorative plates that include the text "Vermont Strong" in accordance with this section. ~~The department and Vermont Life magazine are~~ Department is authorized to sell commemorative plates individually or in conjunction with a bundled promotional item. ~~The department~~ Department may also authorize other persons to sell commemorative plates, provided that such persons are required to pay the ~~department~~ Department \$25.00 ~~Department~~ \$35.00 per plate within 30 days ~~of~~ after receiving the plates from the ~~department~~ Department.

~~(2) A~~ The Vermont Strong commemorative plate fund (the "fund") Commemorative Plate Fund is established. ~~The fund~~ Fund shall be under the control of the ~~commissioner of motor vehicles~~ Commissioner of Motor Vehicles or designee, and shall consist of all receipts from the sales of Vermont Strong commemorative plates and bundled promotional items. ~~The commissioner~~ Commissioner shall account for all proceeds of sales of commemorative plates and bundled promotional items and all receipts into and disbursements from the ~~fund~~ Fund; shall track the number of plates and bundled promotional items distributed and sold; and shall track and collect

payments owed for plates distributed. The ~~commissioner~~ Commissioner shall transfer funds from the ~~fund~~ Fund in accordance with subsection (d) of this section ~~no~~ not less often than once per month. The ~~department~~ Department shall report its accounting of ~~fund~~ Fund receipts and disbursements, plate inventory, and uncollected payments for plates distributed to the ~~joint fiscal committee at its November 2012 meeting~~ House and Senate Committees on Transportation and the Joint Fiscal Committee not later than May 1, 2024.

(c) Use. An approved Vermont Strong commemorative plate may be displayed on a motor vehicle registered in Vermont as a pleasure car or on a motor truck registered in Vermont for less than 26,001 pounds (~~but~~ excluding vehicles registered under the International Registration Plan), by covering the front registration plate with the commemorative plate any time from the effective date of this act. The regular front registration plate shall not be removed. The regular rear registration plate shall be in place and clearly visible at all times.

(d) Price and allocation of revenue.

(1) The retail price of the plate shall be ~~\$25.00~~ \$35.00, except that on or after July 1, ~~2016~~ 2026, plates may be sold by the Commissioner for \$5.00.

(2) Funds received from the sale of plates for \$5.00 shall be allocated to the Department; funds received from the sale of the plates for ~~\$25.00~~ \$35.00 shall be allocated as follows:

~~(1)(A)~~ (A) \$5.00 to the Department;

~~(2)(B)~~ (B) ~~\$18.00 to the Vermont Disaster Relief Fund~~ \$15.00 to the Vermont Community Foundation; and

~~(3)(C)~~ (C) ~~\$2.00 to the Vermont Foodbank~~ \$15.00 to the Agency of Commerce and Community Development's Business Emergency Gap Assistance Program.

(3) Funds received from the sale of bundled promotional items, less any costs to the Department for the purchase of the bundled promotional items, shall be allocated as follows:

(A) 50 percent to the Vermont Community Foundation; and

(B) 50 percent to the Agency of Commerce and Community Development's Business Emergency Gap Assistance Program.

(e) Funding. The ~~department of motor vehicles~~ Department of Motor Vehicles is authorized to obtain an advance from the Vermont Strong ~~commemorative plate fund~~ Commemorative Plate Fund in an anticipation of receipts. The amount to be determined by the ~~commissioner of motor vehicles~~

~~in anticipation of receipts from the administration of this section~~
Commissioner of Motor Vehicles shall not exceed the projected number of plates to be sold multiplied by the amount provided in subdivision (d)(2)(A) of this section.

(f) Tax exemption. Sales of commemorative plates pursuant to this section shall be exempt from the sales and use tax established by 32 V.S.A. chapter 233.

Sec. 91. 2012 Acts and Resolves No. 71, Sec. 1, as amended by 2012 Acts and Resolves No. 143, Sec. 13, 2014 Acts and Resolves No. 189, Sec. 26, 2017 Acts and Resolves No. 71, Sec. 24, and Sec. 90 of this act is further amended to read:

Sec. 1. VERMONT STRONG MOTOR VEHICLE PLATES

(a) [Repealed.]

(b) Authority; accounting and reporting; ~~bundles.~~

(1) The Department of Motor Vehicles is authorized to design, manufacture or procure, and distribute one or more commemorative plates that include the text “Vermont Strong” in accordance with this section. The Department is authorized to sell commemorative plates ~~individually or in conjunction with a bundled promotional item.~~ The Department may also authorize other persons to sell commemorative plates, provided that such persons are required to pay the Department \$35.00 per plate within 30 days after receiving the plates from the Department.

(2) The Vermont Strong Commemorative Plate Fund is established. The Fund shall be under the control of the Commissioner of Motor Vehicles, or designee, and shall consist of all receipts from the sales of Vermont Strong commemorative plates and bundled promotional items. The Commissioner shall account for all proceeds of sales of commemorative plates and bundled promotional items and all receipts into and disbursements from the Fund; shall track the number of plates and bundled promotional items distributed and sold; and shall track and collect payments owed for plates distributed. The Commissioner shall ~~transfer~~ disburse funds from the Fund in accordance with subsection (d) of this section not less often than once per month. The Department shall report its accounting of Fund receipts and disbursements, plate inventory, and uncollected payments for plates distributed to the House and Senate Committees on Transportation and the Joint Fiscal Committee not later than May 1, 2024.

* * *

(d) Price and allocation of revenue.

(1) The retail price of the plate shall be \$35.00, except that on or after July 1, 2026, plates may be sold by the Commissioner for \$5.00.

(2) Funds received from the sale of plates for \$5.00 shall be allocated to the Department; funds received from the sale of the plates for \$35.00 shall be allocated as follows:

(A) \$5.00 to the Department; and

(B) ~~\$15.00~~ \$30.00 to the Vermont Community Foundation; and

~~(C) \$15.00 to the Agency of Commerce and Community Development's Business Emergency Gap Assistance Program~~ General Fund. It is the intent of the General Assembly that an amount equal to these receipts be used for natural disaster relief.

(3) Funds received from the sale of bundled promotional items prior to the effective date of this section, less any costs to the Department for the purchase of the bundled promotional items, shall be allocated as follows:

(A) 50 percent to the Vermont Community Foundation; and

(B) 50 percent to the Agency of Commerce and Community Development's Business Emergency Gap Assistance Program.

* * *

(g) Bundled promotional items. The State shall not be involved with the sale of any bundled promotional items.

Sec. 92. FEDERAL EMERGENCY MANAGEMENT AGENCY
REPORTING AND OVERSIGHT

(a) The Secretary of Administration shall report to the Joint Fiscal Committee at each of its scheduled meetings in fiscal years 2024 and 2025 on funding received from the Federal Emergency Management Agency (FEMA) Public Assistance Program and associated emergency relief and assistance funds match for the damages due to the July 2023 flooding event. The report shall include:

(1) a projection of the total funding needs for the Federal Emergency Management Agency (FEMA) Public Assistance Program and to the extent possible, details about the projected funding by State agency or municipality;

(2) spending authority (appropriated and excess receipts) granted to date for the FEMA Public Assistance Program and the associated emergency relief and assistance funds match;

(3) information on any audit findings that may result in financial impacts to the State; and

(4) actual expenditures to date made from the spending authority granted and to the extent possible, details about the expended funds by State agency or municipality.

(b) Reports shall be posted on the legislative and administration websites after submission.

Sec. 93. 2010 Acts and Resolves No. 83, Sec. 2, as amended by 2013 Acts and Resolves No. 65, Sec. 1, 2016 Acts and Resolves No. 117, Sec. 2, and 2019 Acts and Resolves No. 5, Sec. 1, is further amended to read:

Sec. 2. CERTIFICATE OF NEED WORK GROUP; MORATORIUM

* * *

(d) Notwithstanding any other provision of law, no CON shall be granted for the offering of home health services, which includes hospice, or for a new home health agency during the period beginning on the effective date of this act and continuing through January 1, ~~2025~~ 2030, or until the General Assembly lifts the moratorium after considering a progress report on the Green Mountain Care Board's implementation of its health care reform initiatives and health planning function and how they relate to home health agencies, whichever occurs first; provided, however, that the moratorium established pursuant to this subsection shall not apply to a continuing care retirement community that has been issued a certificate of authority or to a licensed home for persons who are terminally ill as defined in 33 V.S.A. § 7102.

* * *

Sec. 94. 2013 Acts and Resolves No. 65, Sec. 2, as amended by 2016 Acts and Resolves No. 117, Sec. 3 and 2019 Acts and Resolves No. 5, Sec. 2, is further amended to read:

Sec. 2. PERIODIC HEALTH PLANNING FUNCTION PROGRESS REPORTS

For as long as the moratorium continues for certificates of need for the offering of home health services, as established in 2010 Acts and Resolves No. 83, Sec. 2 and as amended by 2013 Acts and Resolves No. 65, Sec. 1, 2016 Acts and Resolves No. 117, Sec. 2, 2019 Acts and Resolves No. 5, Sec. 1, and this act, the Green Mountain Care Board shall provide to the House Committees on Health Care and on Human Services and the Senate Committee on Health and Welfare any progress reports the Board generates on its implementation of its health care reform initiatives and health planning function and how they relate to home health agencies.

Sec. 95. 21 V.S.A. § 384 is amended to read:

§ 384. EMPLOYMENT; WAGES

* * *

(b) Notwithstanding subsection (a) of this section, an employer shall not pay an employee less than one and one-half times the regular wage rate for any work done by the employee in excess of 40 hours during a workweek. However, this subsection shall not apply to:

* * *

(8) Permanent employees of the Vermont General Assembly.

* * *

Sec. 96. 2023 Acts and Resolves No. 64, Sec. 3a. is amended to read:

Sec. 3a. APPROPRIATION; SCHOOL MEALS

The sum of ~~\$29,000,000.00~~ \$24,000,000 is appropriated from the Education Fund to the Agency of Education for fiscal year 2024 to provide reimbursement for school meals under 16 V.S.A. § 4017.

Sec. 97. 16 V.S.A. chapter 1, subchapter 3 is added to read:

Subchapter 3. Afterschool and Summer Care

§ 51. UNIVERSAL AFTERSCHOOL AND SUMMER SPECIAL FUND

(a) The Universal Afterschool and Summer Special Fund is created, to be managed by the Agency of Education. The cannabis sales tax revenue shall be deposited into the Universal Afterschool and Summer Special Fund. The Fund shall be used as follows:

(1) To establish a grant program that supports the expansion of universal afterschool and summer programs with a focus on underserved areas of the State.

(2) 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.

(A) Grants may be used for technical assistance, program implementation, program expansion, program sustainability, and related costs.

(B) Funds may be used to directly target communities with low existing capacity to serve youth in afterschool and summer settings.

(C) The award of grants and any subsequent contract or written agreement issued pursuant to the award of a grant shall require that a grantee does not discriminate, and prohibits its employees, agents, subcontractors, and other service providers from discriminating, on the basis of race, creed, color, national origin, marital status, sex, sexual orientation, gender identity, or disability.

(D) The Agency may use up to \$500,000.00 annually 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 program.

(b) An advisory committee is created to support the Secretary in administering the funds. The Agency shall provide administrative and technical support to the advisory committee. The advisory committee shall 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.

(c) Notwithstanding 2 V.S.A. § 20(d), annually on or before November 15, the Agency shall submit to the General Assembly a plan to fund grants pursuant to subsection (a) of this section in the coming year and a report containing outcomes data on the grants made during the previous year. The Agency shall report on the number of programs, slots, weeks, or hours; geographic distribution of programs receiving a grant; and what is known about costs to families participating in programs receiving a grant. The report shall be inclusive of 21st Century programming.

(d) The amount of grant funds awarded shall be in alignment with the actual revenue collected from the sales and use tax imposed by 32 V.S.A. chapter 233 on cannabis or cannabis products in this State. Discrepancies between the amount of grant funds awarded and actual revenue shall be reconciled through the budget adjustment process.

Sec. 98. 32 V.S.A. chapter 207 is amended to read:

CHAPTER 207. CANNABIS EXCISE TAX AND CANNABIS
SALES TAX REVENUE

* * *

§ 7910. CANNABIS SALES TAX REVENUE; UNIVERSAL
AFTERSCHOOL AND SUMMER SPECIAL FUND

Notwithstanding 16 V.S.A. § 4025, revenue from the sales and use tax imposed by chapter 233 of this title on retail sales of cannabis or cannabis products in Vermont shall be deposited into the Universal Afterschool and Summer Special Fund established pursuant to 16 V.S.A. § 51.

Sec. 99. REPEAL; AFTERSCHOOL AND SUMMER LEARNING PROGRAMS

16 V.S.A § 4018 (afterschool and summer learning programs) is repealed.

Sec. 99a. 2023 Acts and Resolves No. 78, Sec. E.323.7 is amended to read:

Sec. E.323.7 REACH AHEAD PILOT PROGRAM

* * *

(c) The incentive payments provided in subdivision (a)(4) of this section are reimbursements for past or future work expenses incurred by participating families.

Sec. 100. 7 V.S.A. § 843(f) is amended to read:

(f) Executive Director. The Board shall appoint an Executive Director who shall ~~be an attorney with~~ have prior experience in legislative or regulatory matters. The Director shall be a full-time State employee, shall be exempt from the State classified system, and shall serve at the pleasure of the Board. The Director shall be responsible for:

(1) supervising and administering the operation and implementation of this chapter and chapters 35 and 37 of this title and the rules adopted by the Board as directed by the Board;

(2) assisting the Board in its duties and administering the licensing requirements of this chapter and chapters 35 and 37 of this title;

(3) acting as Secretary to the Board, but as a nonvoting member of the Board;

(4) employing such staff as may be required to carry out the functions of the Board; and

(5) preparing an annual budget for submission to the Board.

Sec. 101. FOSTER CARE; SUBSIDIZED ADOPTION; EXPENDITURE

(a) The Department for Children and Families' Family Services Division shall spend funds appropriated in 2023 Acts and Resolves No. 78, Sec. B.317 on a four percent rate increase for foster care and subsidized adoption.

Sec. 102 2021 Acts and Resolves No. 9, Sec. 17 is amended to read:

Sec. 17. PRACTICAL NURSE; WORKFORCE FUNDING

(a) Due to the increasing challenge of the pandemic on the health professions, the sum of \$1,400,000.00 is appropriated from the American Rescue Plan Act of 2021 - Coronavirus State Fiscal Recovery Fund to the Vermont State Colleges to ~~open 40 to 45 seats in the Practical Nurse Program in partnership with skilled nursing facilities across the State to upskill existing staff to achieve certification as a practical nurse~~ purchase nursing simulation equipment to expand nursing student enrollment capacity and address the critical nursing shortage facing Vermont. These funds shall be used as follows:

(1) Up to \$500,000.00 for administrative and start-up costs for Vermont Technical College.

(2) Up to \$260,000.00 in incentive payments in the amount of \$6,000.00 per student to offset lost income during enrollment in the Program.

(3) All remaining funds shall be allocated for tuition and fees payments for required prerequisite courses at Community College of Vermont and for the Practical Nurse Program at Vermont Technical College after available federal and State financial aid is applied to ensure no cost to the student.

(b) To be eligible to participate in the program, a skilled nursing facility shall provide an incentive match in the amount of \$4,000.00 per student during enrollment in the Program.

Sec. 103. 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, 2024 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, 2024 in the Legislative and Judicial Branches shall be carried forward and shall be designated for expenditure.

(c) As part the fiscal year 2025 budget adjustment presentation, the Commissioner of Finance and Management shall provide the House and Senate Committees on Appropriations with a report on reversions and approved carryforward by appropriation.

Sec. 104. EFFECTIVE DATES

(a) Notwithstanding 1 V.S.A. § 214, Sec. 74 (16 V.S.A. § 4025(b)(2) amendment) is effective retroactively on July 1, 2023.

(b) Notwithstanding 1 V.S.A. § 214, Sec. 20 (B.334.1 amendment) is effective retroactively on January 1, 2024.

(c) Notwithstanding 1 V.S.A. § 214, Sec. 90 (Vermont Strong license plates through passage) shall take effect retroactively on August 23, 2023.

(d) All other sections shall take effect on passage.

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
THERESA WOOD*

Committee on the part of the House

Pending the question, Shall the House adopt the report of the Committee of Conference?, **Rep. Sibilis of Dover** demanded the Yeas and Nays, which demand was sustained by the Constitutional number.

At ten o'clock and seventeen minutes in the forenoon, the hour for the Joint Assembly having arrived, the Speaker called for a recess and pursuant to the provisions of Joint House resolution, entitled

J.R.H. 8. Joint resolution providing for an election to fill a vacancy in the Office of Sergeant at Arms

The Senate appeared in the Hall of the House.

Thereupon, the Joint Assembly having concluded its session, at eleven o'clock and thirty-two minutes in the forenoon, the Speaker resumed the Chair.

The Clerk proceeded to call the roll and the question, Shall the report of the Committee of Conference be adopted?, was decided in the affirmative. Yeas, 129. Nays, 9.

Those who voted in the affirmative are:

Andrews of Westford	Elder of Starksboro	Morrissey of Bennington
Anthony of Barre City	Emmons of Springfield	Mrowicki of Putney
Arrison of Weathersfield	Farlice-Rubio of Barnet	Nicoll of Ludlow
Austin of Colchester	Galfetti of Barre Town	Notte of Rutland City
Bartholomew of Hartland	Garofano of Essex	Noyes of Wolcott
Bartley of Fairfax	Goldman of Rockingham *	Nugent of South Burlington
Berbeco of Winooski	Goslant of Northfield	O'Brien of Tunbridge
Birong of Vergennes	Graham of Williamstown	Ode of Burlington
Black of Essex	Gregoire of Fairfield	Oliver of Sheldon
Bluemle of Burlington *	Hango of Berkshire	Page of Newport City
Bongartz of Manchester	Harrison of Chittenden	Pajala of Londonderry
Bos-Lun of Westminster	Headrick of Burlington	Parsons of Newbury
Boyden of Cambridge	Higley of Lowell	Patt of Worcester
Branagan of Georgia *	Hooper of Burlington	Peterson of Clarendon
Brennan of Colchester	Houghton of Essex Junction	Pouech of Hinesburg
Brown of Richmond	Hyman of South Burlington	Priestley of Bradford
Brownell of Pownal	James of Manchester *	Rachelson of Burlington
Brumsted of Shelburne	Jerome of Brandon	Rice of Dorset
Burditt of West Rutland	Kornheiser of Brattleboro	Roberts of Halifax
Burke of Brattleboro	Krasnow of South Burlington *	Sammis of Castleton *
Buss of Woodstock	Labor of Morgan	Satcowitz of Randolph
Campbell of St. Johnsbury	LaBounty of Lyndon	Scheu of Middlebury
Canfield of Fair Haven	Lalley of Shelburne	Shaw of Pittsford
Carpenter of Hyde Park	LaLonde of South Burlington	Sheldon of Middlebury
Casey of Montpelier	LaMont of Morristown	Sims of Craftsbury
Chase of Chester	Lanpher of Vergennes	Small of Winooski
Chase of Colchester	Laroche of Franklin	Smith of Derby
Chesnut-Tangerman of Middletown Springs	Leavitt of Grand Isle	Squirrell of Underhill
Christie of Hartford	Lipsky of Stowe	Stebbins of Burlington *
Cina of Burlington	Logan of Burlington	Stevens of Waterbury
Clifford of Rutland City	Long of Newfane	Surprenant of Barnard
Coffey of Guilford	Maguire of Rutland City	Taylor of Milton
Cole of Hartford	Marcotte of Coventry	Taylor of Colchester
Conlon of Cornwall	Masland of Thetford	Templeman of Brownington
Corcoran of Bennington	Mattos of Milton	Toof of St. Albans Town
Demar of Enosburgh	McCarthy of St. Albans City	Torre of Moretown
Demrow of Corinth	McCoy of Poultney	Troiano of Stannard
Dickinson of St. Albans Town	McFaun of Barre Town	Walker of Swanton
Dodge of Essex	McGill of Bridport	Waters Evans of Charlotte
Dolan of Essex Junction	Mihaly of Calais	White of Bethel
Dolan of Waitsfield *	Morgan of Milton	Whitman of Bennington
Donahue of Northfield	Morris of Springfield	Williams of Barre City *
Durfee of Shaftsbury		Williams of Granby
		Wood of Waterbury *

Those who voted in the negative are:

Arsenault of Williston	Hooper of Randolph	Stone of Burlington *
Brady of Williston *	Minier of South Burlington *	Toleno of Brattleboro
Burrows of West Windsor *	Sibilia of Dover *	
Holcombe of Norwich		

Those members absent with leave of the House and not voting are:

Andriano of Orwell	Cordes of Lincoln	Mulvaney-Stanak of
Beck of St. Johnsbury	Graning of Jericho	Burlington
Carroll of Bennington	Howard of Rutland City	Pearl of Danville
Chapin of East Montpelier	McCann of Montpelier	Wilson of Lyndon

Rep. Bluemle of Burlington explained her vote as follows:

“Madam Speaker:

I rise in support of what the bill does for so many of our neighbors who are unhoused, suffer addiction, have served our country, or been affected by floods. I do so with particular thanks to the courage and creativity of the Chair of Human Services, her committee, and tireless advocates whose work has extended shelter to some of our most vulnerable Vermonters. And as many have said, we have more work to do.”

Rep. Brady of Williston explained her vote as follows:

“Madam Speaker:

I voted no today. It’s Public Schools Week and a peek into any classroom on any given day would likely fill us all with tremendous hope about our future. But I think we all understand that our system is also under extraordinary strain at this moment for a lot of complex reasons. I fear that one of the reasons is that at the statewide level, we are sometimes avoiding hard decisions in order to please everyone, rather than coming together for one coherent, forward-looking public education system that serves all kids and uses our precious statewide resources in the most sustainable and efficient manner.”

Rep. Branagan of Georgia explained her vote as follows:

“Madam Speaker:

I am a person of strong faith. There should be no discrimination in any of our work and to protect the people in my district I watch for it in all our bills. This Committee of Conference Report does not discriminate in any way. Members should read the wording on p.822 in today’s Calendar, Sec. 92.”

Rep. Burrows of West Windsor explained her vote as follows:

“Madam Speaker:

It is with significant and deepest regret that I cannot vote in favor of this bill, which provides a step toward making Vermonters whole. But it also surprises me that the end result of the Conference Committee, charged with compromise, is actually a decreased compromise regarding the disposition of after-school funding in Section 97. This Budget Adjustment Act contains SO MANY courageous and thoughtful measures to stabilize many areas of Vermont life, and that is exactly why it mystifies me that there is *policy* still contained herein – policy that effectively further destabilizes protections for ALL children. Besides the aforementioned and clear erosions of their legal protections, living in a rural community I will be sad to witness the loss of our summer programs and after-school programs, established as partnerships between our LEAs and communities to bridge learning loss, evaporating now because nothing will fill that gap in many small towns, in rural areas. I continue to be baffled that despite a huge protest vote in the Senate this matter was not removed for ample legislative policy consideration. This is NOT a good way to consider policy with implications for the well-being of our State’s biggest asset - our children - but perhaps this outcome in privatizing our after-school and summer programs, during Public Schools Week and amid painful funding turmoil, is just where we are: a thought we wrestle with and then drop because we are wont to avoid the sometimes-difficult work toward protections for all. We can, and we must, do better on behalf of our public schools, our rural communities, our families, and our children.”

Rep. Dolan of Waitsfield explained her vote as follows:

“Madam Speaker:

I vote yes, as this bill provides the much-needed flood recovery funds that our communities so desperately need to get back on their feet. This body must remain vigilant in supporting public education free of the risk of discrimination now and into the future.”

Rep. Goldman of Rockingham explained her vote as follows:

“Madam Speaker:

I voted yes today on the BAA because I know this money is needed in our communities, particularly those affected by the recent floods. But I continue to have very serious concerns about potential discrimination in the after school and summer programs as currently designed and I implore leadership to move this conversation forward.”

Rep. James of Manchester explained her vote as follows:

“Madam Speaker:

One essential role of our State government is to protect the most vulnerable Vermonters. In this budget adjustment, the Legislature has taken the lead on housing those who would otherwise be unhoused and on providing much-needed relief to towns devastated by floods. For those reasons above all, I vote yes.”

Rep. Krasnow of South Burlington explained her vote as follows:

“Madam Speaker:

I voted yes for the Budget Adjustment. Among many things, the Budget Adjustment includes \$380,000 for Vermont’s four adult education and literacy providers, which deliver adult basic education services across the State. If you had the chance to meet with the providers and adult learners in the building yesterday, then you know what a valuable service adult basic education is to the State of Vermont. They are relying on this funding to keep the lights on at their learning centers across the State.”

Rep. Minier of South Burlington explained his vote as follows:

“Madam Speaker:

I am compelled to speak today for the reasons so eloquently outlined by my colleagues from Dover, Hyde Park, Norwich, Williston, Cornwall, West Windsor, and Rockingham. There is so much to like in this bill, but my concern for public education prevents me from voting for it. Twice in my time here I have chosen pragmatism over either process or principle, and I regret both instances. I speak now not to chide but to exhort - myself as much as anyone. I vote no because of my support for public education and our kids.”

Rep. Sammis of Castleton explained his vote as follows:

“Madam Speaker:

I vote yes in support of this budget adjustment. While it may have potential flaws that need to be resolved, it directly addresses the needs of suffering Vermonters, Vermonters who are suffering right now as we sit in this chamber, who have needed our support since last July and December. It is now March. We need to move forward and address this disaster relief that should have been addressed months ago. Any more delays will only further the suffering of displaced Vermonters – let’s not leave them behind.”

Rep. Sibilia of Dover explained her vote as follows:

“Madam Speaker:

This bill contains support for many vulnerable and flood impacted communities. But we should not have combined support for flood impacted communities with rolling back discrimination protections for all Vermonters. I must vote no. The continued failure to address Carson now results in a new avenue for publicly funded discrimination.”

Rep. Stebbins of Burlington explained her vote as follows:

“Madam Speaker:

I vote yes today for all of the good in this Budget Adjustment Act. And, I stand in support that we must address the challenge of how we strengthen our public schools to nurture all of our children.”

Rep. Stone of Burlington explained her vote as follows:

“Madam Speaker:

While I support much of this bill, I voted no because we are at a crossroads in education, particularly in a post-Carson world. We should be intentional about where our public tax dollars go and ensure we are supporting, empowering, and uplifting our public schools as they truly are a bedrock of our democracy, uphold values of inclusion, and serve all of Vermont’s children without exception.”

Rep. Williams of Barre City explained his vote as follows:

“Madam Speaker:

I vote yes on this bill to demonstrate to those who lost so much that their government, their elected representatives, will be there for them. This was not the first flood, nor will it be the last. We must be ready.”

Rep. Wood of Waterbury explained her vote as follows:

“Madam Speaker:

This Budget Adjustment continues to house some of our State’s very vulnerable citizens. To see the face of homelessness we only need to look in the mirror. This budget supports our very humanity.”

On motion of **Rep. McCoy of Poultney**, the bill was ordered delivered to the Governor forthwith pursuant to Joint Rule 15.

Joint Resolution Adopted in Concurrence**J.R.S. 47**

Joint Senate resolution, entitled

Joint resolution providing for a Joint Assembly to vote on the retention of two Superior Judges and one Magistrate

Having been placed on the Calendar for Action, was taken up, read, and adopted in concurrence.

Message from the Senate No. 27

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 209. An act relating to prohibiting unserialized firearms and unserialized firearms frames and receivers.

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

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

H. 516. An act relating to approval of amendments to the charter of the City of Essex Junction.

And has passed the same in concurrence.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 164. House concurrent resolution recognizing April 2024 as the Month of the Military Child in Vermont and supporting the important work it represents.

H.C.R. 165. House concurrent resolution congratulating the 2024 Essex High School Hornets Division I championship boys' indoor track and field team.

H.C.R. 166. House concurrent resolution congratulating the Essex High School Hornets girls' volleyball team on winning its third consecutive State championship.

H.C.R. 167. House concurrent resolution commemorating the centennial of U.S. Navy Torpedoman 2nd Class Henry Breault's becoming the first submariner to receive the Medal of Honor.

H.C.R. 168. House concurrent resolution honoring the artistic legacy of Skip Morrow and The Art of Humor Gallery in Wilmington.

H.C.R. 169. House concurrent resolution honoring Norwich University Athletic Hall of Fame member Harold Martin, in celebration of Black History Month.

H.C.R. 170. House concurrent resolution honoring Putney Fire Chief Thomas Goddard for his exemplary achievements as a municipal public safety official.

Adjournment

At twelve o'clock and fifteen minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, March 12, 2024, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 33.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Rule 16b of the Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House:

H.C.R. 164

House concurrent resolution recognizing April 2024 as the Month of the Military Child in Vermont and supporting the important work it represents

H.C.R. 165

House concurrent resolution congratulating the 2024 Essex High School Hornets Division I championship boys' indoor track and field team

H.C.R. 166

House concurrent resolution congratulating the Essex High School Hornets girls' volleyball team on winning its third consecutive State championship

H.C.R. 167

House concurrent resolution commemorating the centennial of U.S. Navy Torpedoman 2nd Class Henry Breault's becoming the first submariner to receive the Medal of Honor

H.C.R. 168

House concurrent resolution honoring the artistic legacy of Skip Morrow and The Art of Humor Gallery in Wilmington

H.C.R. 169

House concurrent resolution honoring Norwich University Athletic Hall of Fame member Harold Martin, in celebration of Black History Month

H.C.R. 170

House concurrent resolution honoring Putney Fire Chief Thomas Goddard for his exemplary achievements as a municipal public safety official

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2024 Adjourned Session.]

Tuesday, March 12, 2024

At ten o'clock in the forenoon, the Speaker called the House to order.

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Pledge of Allegiance

Page Elladaye Orr of Fayston led the House in the Pledge of Allegiance.

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:
Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 4th day of March 2024, he signed a bill originating in the House of the following title:

H. 849 An act relating to technical corrections for the 2024 legislative session

Message from the Governor

“March 8, 2024

The Honorable Jill Krowinski
Speaker of the House
115 State Street
Montpelier, Vermont 05633-2301

Dear Speaker Krowinski:

I have the honor to inform you that I have appointed Beth M. Quimby of Lyndon Center, Vermont to serve in the General Assembly representing House District Caledonia-3.

Sincerely,
/s/Philip B. Scott
Governor

PBS/te

cc: Sarah Copeland-Hanzas, Secretary of State
BetsyAnn Wrask, Clerk of the House”

New Member Announced and Appointed to Committee

Rep. Quimby of Lyndon, who was recently appointed by the Governor to fill the vacancy caused by the resignation of Rep. Wilson of Lyndon, having taken and subscribed the oath administered by the First Assistant Clerk, as required by the Constitution and laws of the State, was seated and then appointed by the Speaker to the Committee on Agriculture, Food Resiliency, and Forestry.

Committee Bill Introduced**H. 870**

By the Committee on Government Operations and Military Affairs,
House bill, entitled

An act relating to professions and occupations regulated by the Office of Professional Regulation

Was read the first time, and pursuant to House Rule 48, placed on the Notice Calendar.

Senate Bill Referred**S. 209**

Senate bill, entitled

An act relating to prohibiting unserialized firearms and unserialized firearms frames and receivers

Was read the first time and referred to the Committee on Judiciary.

Bills Referred to Committee on Ways and Means

House bills of the following titles, appearing on the Notice Calendar, affecting the revenue of the State, pursuant to House Rule 35(a), were referred to the Committee on Ways and Means:

H. 233

House bill, entitled

An act relating to pharmacy benefit management and Medicaid wholesale drug distribution

H. 612

House bill, entitled

An act relating to miscellaneous cannabis amendments

House Resolution Adopted**H.R. 16**

House resolution, entitled

House resolution supporting civic education in public schools and recognizing the week of March 11–15 as Civic Learning Week in Vermont

Offered by: Representative McCarthy of St. Albans City

Whereas, our nation's longstanding and ongoing audacious experiment in self-governance requires a populace with an understanding of the nation's laws and government, the skills for discussion and working together across differences, and a widespread commitment to the civic strength of our communities, and

Whereas, civic education is vital to sustaining and strengthening constitutional democracy in the United States, and

Whereas, the practice of democracy must be taught and learned anew by each generation, and

Whereas, the civic mission of schools plays a central role in building the strength of our nation, and

Whereas, Civic Learning Week seeks to unite Vermonters and highlight the importance of civic knowledge and the skills and dispositions that provide the foundation for an informed and engaged society, now therefore be it

Resolved by the House of Representatives:

That this legislative body supports civic education in public schools and recognizes the week of March 11–15 as Civic Learning Week in Vermont, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to Secretary of State Sarah Copeland Hanzas.

Was read and adopted.

Second Reading; Bill Amended; Third Reading Ordered

H. 766

Rep. Black of Essex, for the Committee on Health Care, to which had been referred House bill, entitled

An act relating to prior authorization and step therapy requirements, health insurance claims, provider contracts, and collection of cost sharing amounts

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 8 V.S.A. § 4089i(e) is amended to read:

(e)(1) A health insurance or other health benefit plan offered by a health insurer or by a pharmacy benefit manager on behalf of a health insurer that provides coverage for prescription drugs and uses step-therapy protocols shall:

(A) not require failure, including discontinuation due to lack of efficacy or effectiveness, diminished effect, or an adverse event, on the same medication on more than one occasion for continuously enrolled members or subscribers insureds who are continuously enrolled in a plan offered by the insurer or its pharmacy benefit manager; and

(B) grant an exception to its step-therapy protocols upon request of an insured or the insured's treating health care professional under the same time parameters as set forth for prior authorization requests in 18 V.S.A. § 9418b(g)(4) if any one or more of the following conditions apply:

(i) the prescription drug required under the step-therapy protocol is contraindicated or will likely cause an adverse reaction or physical or mental harm to the insured;

(ii) the prescription drug required under the step-therapy protocol is expected to be ineffective based on the insured's known clinical history, condition, and prescription drug regimen;

(iii) the insured has already tried the prescription drugs on the protocol, or other prescription drugs in the same pharmacologic class or with the same mechanism of action, which have been discontinued due to lack of efficacy or effectiveness, diminished effect, or an adverse event, regardless of whether the insured was covered at the time on a plan offered by the current insurer or its pharmacy benefit manager;

(iv) the insured is stable on a prescription drug selected by the insured's treating health care professional for the medical condition under consideration; or

(v) the step-therapy protocol or a prescription drug required under the protocol is not in the patient's best interests because it will:

(I) pose a barrier to adherence;

(II) likely worsen a comorbid condition; or

(III) likely decrease the insured's ability to achieve or maintain reasonable functional ability.

(2) Nothing in this subsection shall be construed to prohibit the use of tiered co-payments for members or subscribers not subject to a step-therapy protocol.

(3) Notwithstanding any provision of subdivision (1) of this subsection to the contrary, a health insurance or other health benefit plan offered by an insurer or by a pharmacy benefit manager on behalf of a health insurer that provides coverage for prescription drugs shall not utilize a step-therapy, "fail first," or other protocol that requires documented trials of a medication, including a trial documented through a "MedWatch" (FDA Form 3500), before approving a prescription for the treatment of substance use disorder.

Sec. 2. 18 V.S.A. § 9418a is amended to read:

§ 9418a. PROCESSING CLAIMS, DOWNCODING, AND ADHERENCE
TO CODING RULES

(a) Health plans, contracting entities, covered entities, and payers shall accept and initiate the processing of all health care claims submitted by a health care provider pursuant to and consistent with the current version of the American Medical Association's Current Procedural Terminology (CPT) codes, reporting guidelines, and conventions; the Centers for Medicare and Medicaid Services Healthcare Common Procedure Coding System (HCPCS);

American Society of Anesthesiologists; the National Correct Coding Initiative (NCCI); the National Council for Prescription Drug Programs coding; or other appropriate nationally recognized standards, guidelines, or conventions approved by the Commissioner.

~~(b)(1) When~~ Except as provided in subsection (c) of this section, when editing claims, health plans, contracting entities, covered entities, and payers shall adhere to require not more than the following edit standards, processes, and guidelines except as provided in subsection (e) of this section:

~~(1)(A) the CPT, HCPCS, and for claims for outpatient and professional services, the NCCI as in effect for Medicare;~~

~~(2)(B) national specialty society edit standards for facility claims, the Medicare Code Editor as in effect for Medicare; or~~

~~(3)(C) for pharmacy claims, appropriate nationally recognized edit standards, guidelines, or conventions; and~~

~~(D) for any other claim not addressed by subdivision (A), (B), or (C) of this subdivision (1), other appropriate nationally recognized edit standards, guidelines, or conventions approved by the Commissioner.~~

(2) For outpatient services, professional services, and facility claims, a health plan, contracting entity, covered entity, or payer shall apply the relevant edit standards, processes, and guidelines from NCCI or Medicare Code Editor pursuant to subdivisions (1)(A) and (B) of this subsection that were in effect for Medicare on the date of the claim submission; provided, however, that if Medicare has changed an applicable edit standard, process, or guideline within 90 days prior to the date of the claim submission, the health plan, contracting entity, covered entity, or payer may use the version of the edit standard, process, or guideline that Medicare had applied prior to the most recent change if the health plan, contracting entity, covered entity, or payer has not yet released an updated version of its edits in accordance with subsection (d) of this section.

~~(c) Adherence to the edit standards in subdivision (b)(1) or (2) subsection (b) of this section is not required:~~

~~(1) when necessary to comply with State or federal laws, rules, regulations, or coverage mandates; or~~

~~(2) for edits that the payer determines are more favorable to providers than the edit standards in subdivisions (b)(1) through (3) subsection (b) of this section or to address new codes not yet incorporated by a payer's edit management software, provided the edit standards are:~~

(A) developed with input from the relevant Vermont provider community and national provider organizations;

(B) clearly supported by nationally recognized standards, guidelines, or conventions approved by the Commissioner of Financial Regulation; and

(C) ~~provided the edits are~~ available to providers on the plan's websites and in ~~their~~ its newsletters or equivalent electronic communications.

(d) Health plans, contracting entities, covered entities, and payers shall not release edits more than quarterly, to take effect on January 1, April 1, July 1, or October 1, as applicable, and the edits shall not be implemented without filing with the Commissioner of Financial Regulation to ensure consistency with nationally recognized standards guidelines, and conventions, and at least 30 days' advance notice to providers. Whenever Medicare changes an edit standard, process, or guideline that it applies to outpatient service, professional service, or facility claims, each health plan, contracting entity, covered entity, or payer shall incorporate those modifications into its next quarterly release of edits.

(e)(1) Except as otherwise provided in subdivision (2) of this subsection, no health plan, contracting entity, covered entity, or payer shall subject any health care provider to prepayment coding validation edit review. As used in this subsection, "prepayment coding validation edit review" means any action by the health plan, contracting entity, covered entity, or payer, or by a contractor, assignee, agent, or other entity acting on its behalf, requiring a health care provider to provide medical record documentation in conjunction with or after submission of a claim for payment for health care services delivered, but before the claim has been adjudicated.

(2) Nothing in this subsection shall be construed to prohibit targeted prepayment coding validation edit review of a specific provider, provider group, or facility under certain circumstances, including evaluating high-dollar claims; verifying complex financial arrangements; investigating member questions; conducting post-audit monitoring; addressing a reasonable belief of fraud, waste, or abuse; or other circumstances determined by the Commissioner through a bulletin or guidance.

(f) Nothing in this section shall preclude a health plan, contracting entity, covered entity, or payer from determining that any such claim is not eligible for payment in full or in part, based on a determination that:

* * *

(e)(g) Nothing in this section shall be deemed to require a health plan, contracting entity, covered entity, or payer to pay or reimburse a claim, in full

or in part, or to dictate the amount of a claim to be paid by a health plan, contracting entity, covered entity, or payer to a health care provider.

~~(f)~~(h) No health plan, contracting entity, covered entity, or payer shall automatically reassign or reduce the code level of evaluation and management codes billed for covered services (downcoding), except that a health plan, contracting entity, covered entity, or payer may reassign a new patient visit code to an established patient visit code based solely on CPT codes, CPT guidelines, and CPT conventions.

~~(g)~~(i) Notwithstanding the provisions of subsection ~~(d)~~(f) of this section, and other than the edits contained in the conventions in subsections (a) and (b) of this section, health plans, contracting entities, covered entities, and payers shall continue to have the right to deny, pend, or adjust claims for services on other bases and shall have the right to reassign or reduce the code level for selected claims for services based on a review of the clinical information provided at the time the service was rendered for the particular claim or a review of the information derived from a health plan's fraud or abuse billing detection programs that create a reasonable belief of fraudulent or abusive billing practices, provided that the decision to reassign or reduce is based primarily on a review of clinical information.

~~(h)~~(j) ~~Every~~ If adding an edit pursuant to subsection (b) or subdivision (c)(1) or (2) of this section, a health plan, contracting entity, covered entity, and or payer shall publish on its provider website and in its provider newsletter if applicable or equivalent electronic provider communications:

(1) the name of any commercially available claims editing software product that the health plan, contracting entity, covered entity, or payer utilizes;

(2) the specific standard or standards, pursuant to subsection (b) of this section, that the entity uses for claim edits and how those claim edits are supported by those specific standards;

(3) the payment percentages for modifiers; and

(4) ~~any significant the specific edit or edits, as determined by the health plan, contracting entity, covered entity, or payer, added to the claims software product after the effective date of this section, which are made at the request of the health plan, contracting entity, covered entity, or payer.~~

~~(i)~~(k) Upon written request, the health plan, contracting entity, covered entity, or payer shall also directly provide the information in subsection ~~(h)~~(j) of this section to a health care provider who is a participating member in the health plan's, contracting entity's, covered entity's, or payer's provider network.

(j)(l) For purposes of this section, “health plan” includes a workers’ compensation policy of a casualty insurer licensed to do business in Vermont.

~~(k)(m) BlueCross BlueShield of Vermont and the Vermont Medical Society are requested to continue convening a work group consisting of~~ There is established a working group comprising the health plans, contracting entities, covered entities, and payers subject to the reporting requirement in subsection 9414a(b) of this title; representatives of hospitals and health care providers; representatives of the Department of Financial Regulation and of other relevant State agencies; and other interested parties to study the edit standards in subsection (b) of this section, the edit standards in national class action settlements, and edit standards and edit transparency standards established by other states to determine the most appropriate way to ensure that health care providers can access information about the edit standards applicable to the health care services they provide trends in coding and billing that health plans, contracting entities, covered entities, or payers, or a combination of them, seek to address through claim editing. The work working group is requested to shall provide an annual a progress report to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance upon request.

~~(l)(n) With respect to the work working group established under subsection (k)(m) of this section and to the extent required to avoid violations of federal antitrust laws, the Department shall facilitate and supervise the participation of members of the work working group.~~

Sec. 3. 18 V.S.A. § 9418b(c) and (d) are amended to read:

(c) ~~A health plan shall furnish, upon request from a health care provider, a current list of services and supplies requiring prior authorization.~~

(1) It is the intent of the General Assembly to reduce variability in prior authorization requirements by aligning to the greatest extent possible with the prior authorization requirements in Vermont’s Medicaid program.

(2) A health plan shall not impose any prior authorization requirement for any admission, item, service, treatment, or procedure that is more restrictive than the prior authorization requirements that the Department of Vermont Health Access would apply for the same admission, item, service, treatment, or procedure under Vermont’s Medicaid program.

(3) Each health plan shall review the prior authorization requirements in effect in Vermont’s Medicaid program at least once every six months to ensure that the health plan is maintaining the prior authorization alignment required by subdivision (2) of this subsection.

(4) Nothing in this subsection shall be construed to:

(A) require prior authorization alignment with Vermont Medicaid for prescription drugs;

(B) prohibit prior authorization requirements for any admission, item, service, treatment, or procedure that is not covered by Vermont Medicaid;

(C) prohibit prior authorization requirements for an admission, item, service, treatment, or procedure that is provided out-of-network; or

(D) require a health plan to maintain the same provider network as Vermont Medicaid.

(d)(1) A health plan shall furnish, upon request from a health care provider, a current list of services and supplies requiring prior authorization.

(2) A health plan shall post make a current list of services and supplies requiring prior authorization available to the public on the insurer's website.

Sec. 4. 18 V.S.A. § 9418b(g)(4) is amended to read:

~~(4) A health plan shall respond to a completed prior authorization request from a prescribing health care provider within 48 hours after receipt for urgent requests and within two business days after receipt for nonurgent requests. The health plan shall notify a health care provider of or make available to a health care provider a receipt of the request for prior authorization and any needed missing information within 24 hours after receipt.~~

(A)(i) For urgent prior authorization requests, a health plan shall approve, deny, or inform the insured or health care provider if any information is missing from a prior authorization request from an insured or a prescribing health care provider within 24 hours following receipt.

(ii) If a health plan informs an insured or a health care provider that more information is necessary for the health plan to make a determination on the request, the health plan shall have 24 hours to approve or deny the request upon receipt of the necessary information.

(B) For nonurgent prior authorization requests:

(i) A health plan shall approve or deny a completed prior authorization request from an insured or a prescribing health care provider within two business days following receipt.

(ii) A health plan shall acknowledge receipt of the prior authorization request within 24 hours following receipt and shall inform the

insured or health care provider at that time if any information is missing that is necessary for the health plan to make a determination on the request.

(iii) If a health plan notifies an insured or a health care provider that more information is necessary pursuant to subdivision (ii) of this subdivision (4)(B), the health plan shall have 24 hours to approve or deny the request upon receipt of the necessary information.

(C) If a health plan does not, within the time limits set forth in this section, respond to a completed prior authorization request, acknowledge receipt of the request for prior authorization, or request missing information, the prior authorization request shall be deemed to have been granted.

(D) Prior authorization approval for a prescribed or ordered treatment, service, or course of medication shall be valid for the duration of the prescribed or ordered treatment, service, or course of medication or one year, whichever is longer; provided, however, that for a prescribed or ordered treatment, service, or course of medication that continues for more than one year, a health plan shall not require renewal of the prior authorization approval more frequently than once every five years.

(E) For an insured who is stable on a treatment, service, or course of medication, as determined by a health care provider, that was approved for coverage under a previous health plan, a health plan shall not restrict coverage of that treatment, service, or course of medication for at least 90 days upon the insured's enrollment in the new health plan.

Sec. 5. 18 V.S.A. § 9418c is amended to read:

§ 9418c. FAIR CONTRACT STANDARDS

(a) Required information.

(1) Each contracting entity shall provide and each health care contract shall obligate the contracting entity to provide participating health care providers information sufficient for the participating provider to determine the compensation or payment terms for health care services, including all of the following:

(A) The manner of payment, such as fee-for-service, capitation, case rate, or risk.

(B) On request, the fee-for-service dollar amount allowable for each CPT code for those CPT codes that a provider in the same specialty typically uses or that the requesting provider actually bills. Fee schedule information may be provided ~~by CD-ROM or~~ electronically, at the election of the contracting entity, but a provider may elect to receive a hard copy of the fee schedule information instead of the ~~CD-ROM or~~ electronic version.

(C) A clearly understandable, readily available mechanism, such as a specific website address, that includes the following information:

(i) the name of the commercially available claims editing software product that the health plan, contracting entity, covered entity, or payer uses;

(ii) the specific standard or standards from subsection 9418a(c) of this title that the entity uses for claim edits and how those claim edits are supported by those specific standards;

(iii) payment percentages for modifiers; and

(iv) any significant edits, as determined by the health plan, contracting entity, covered entity, or payer, added to the claims software product, which are made at the request of the health plan, contracting entity, covered entity, or payer, and which have been approved by the Commissioner pursuant to subsection 9418a(b) or (c) of this title.

(D) Any policies for prepayment or postpayment audits, or both, including whether the policies include limits on the number of medical records a contracting entity may request for audit in any calendar year.

* * *

(5)(A) If a contracting entity uses policies or manuals to augment the content of the contract with a health care provider, the contracting entity shall ensure that those policies or manuals contain sufficient information to allow providers to understand and comply with the content.

(B) For any new policy or manual, or any change to an existing policy or manual, the contracting entity shall do all of the following:

(i) Provide notice of the new policy, manual, or change to each participating provider in writing not fewer than 60 days prior to the effective date of the policy, manual, or change, which notice shall be conspicuously entitled "Notice of Policy Change" and shall include:

(I) a summary of the new policy, manual, or change;

(II) an explanation of the policy, manual, or change;

(III) the effective date of the policy, manual, or change; and

(IV) a notice of the right to object in writing to the policy, manual, or change, along with a timeframe for objection and where and how to send the objection.

(ii) Provide the participating provider 60 days after receiving the notice and summary to object in writing to the new policy, manual, or change. If the participating provider objects to the new policy, manual, or change, the

contracting entity shall provide an initial substantive response to the objection within 30 days following the contracting entity's receipt of the written objection, and the contracting entity shall work together with the provider to achieve a reasonable resolution to the objection within 60 days following the provider's receipt of contracting entity's initial substantive response. If the provider is not satisfied with the proposed resolution, the provider may pursue any remedy available to the provider under the health care contract or under applicable law.

* * *

Sec. 6. PRIOR AUTHORIZATION; INSURER IMPACT REPORTS

On or before January 15, 2027, each health insurer with at least 2,000 covered lives in Vermont shall report to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance regarding the impact of the prior authorization provisions of this act on the following during plan years 2025 and 2026:

- (1) utilization of health care services covered by the insurer's plans;
 - (2) development of the insurer's premium rates for future plan years;
- and
- (3) the insurer's estimated avoided costs, including:
 - (A) the specific methodologies that the insurer uses to determine the amount of "savings" from avoided costs;
 - (B) the costs of the alternative tests, procedures, medications, and other items or services ordered for insureds as a result of the insurer's denials of requests for prior authorizations; and
 - (C) the costs of emergency department visits and inpatient stays, including stays in intensive care units, as a result of the insurer's denials of requests for prior authorizations.

Sec. 7. PRIOR AUTHORIZATION; PROVIDER IMPACT REPORTS

(a) The General Assembly requests that organizations representing Vermont's hospital-employed, federally qualified health center-employed, and independent health care providers who are affected by the prior authorization provisions of this act gather information from their members on or before January 1, 2025 and on or before July 1, 2026 regarding current circumstances and the impact of the prior authorization provisions of this act on their provider members and the members' practices. To the extent practicable, the information gathered should align with survey questions published by nationally recognized provider organizations and include information

regarding the impact of prior authorization processes and requirements on care delivery, quality of care, and staffing.

(b) On or before January 15, 2027, each provider organization that gathered information from its members in accordance with subsection (a) of this section is requested to summarize and report on that information to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance, including providing a summary of the impact of the prior authorization provisions of this act on the organization's members' practices.

Sec. 8. REPEAL

18 V.S.A. § 9418(m) and (n) (claims edit working group) are repealed on January 1, 2028.

Sec. 9. EFFECTIVE DATES

(a) Secs. 6 (prior authorization; insurer impact reports) and 7 (prior authorization; provider impact reports) and this section shall take effect on passage.

(b) Sec. 3 (18 V.S.A. § 9418b(g)(4); prior authorization time frames) shall take effect on January 1, 2025, except that a health plan that must modify its technology in order to continue administering its own internal utilization review process for certain services shall have until not later than January 1, 2026 to come into compliance with the provisions of Sec. 3 as to those services.

(c) The remaining sections shall take effect on January 1, 2025 and shall apply to all health plans issued on and after that date, to all health care provider contracts entered into or renewed on and after that date, and to all claims processed on and after that date.

and that after passage the title of the bill be amended to read: “An act relating to prior authorization and step therapy requirements, health insurance claims, and provider contracts”

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on Health Care agreed to, and third reading ordered.

Bill Committed**H. 829**

House bill, entitled

An act relating to creating permanent upstream eviction protections and enhancing housing stability

Having appeared on the Notice Calendar and appearing on the Action Calendar, was taken up and pending second reading, on motion of **Rep. Stevens of Waterbury**, the bill was committed to the Committee on Human Services.

Ordered to Notice Calendar**H. 856**

House bill, entitled

An act relating to medical leave for a serious injury

The Speaker announced that pursuant to House Rule 44(c), the bill would be placed on the Calendar for Notice for a second legislative day, and shall be placed on the Calendar for Action on Thursday, March 14, 2024.

Message from the Senate No. 28

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 48. Joint resolution relating to weekend adjournment on March 15, 2024.

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

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

H. 469. An act relating to remote and electronic processes for executing an advance directive.

And has passed the same in concurrence.

Adjournment

At ten o'clock and forty-eight minutes in the forenoon, on motion of **Rep. Toof of St. Albans Town**, the House adjourned until tomorrow at three o'clock in the afternoon.

Wednesday, March 13, 2024

At three o'clock in the afternoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Dave Robinson, Army veteran with the K-9 Unit, Brattleboro.

Message from the Senate No. 29

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 187. An act relating to student application of sunscreen.

S. 302. An act relating to public health outreach programs regarding dementia risk.

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

The Governor has informed the Senate that on the 4th day of March, he approved and signed a bill originating in the Senate of the following title:

S. 154. An act relating to the Vermont State Plane Coordinate System.

Bills Referred to Committee on Appropriations

House bills of the following titles, appearing on the Notice Calendar, carrying appropriations, under House Rule 35(a), were referred to the Committee on Appropriations:

H. 233

House bill, entitled

An act relating to pharmacy benefit management and Medicaid wholesale drug distribution

H. 614

House bill, entitled

An act relating to land improvement fraud and timber trespass

H. 868

House bill, entitled

An act relating to the fiscal year 2025 Transportation Program and miscellaneous changes to laws related to transportation

Joint Resolution Adopted in Concurrence**J.R.S. 48**

By Senator Baruth,

J.R.S. 48. Joint resolution relating to weekend adjournment on March 15, 2024.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 15, 2024, it be to meet again no later than Tuesday, March 19, 2024.

Was taken up, read, and adopted in concurrence.

House Resolution Adopted**H.R. 17**

House resolution, entitled

House resolution expressing genuine appreciation and strong support for the work of SerVermont

Offered by: Representative Noyes of Wolcott

Whereas, in 1990, Congress enacted the National and Community Service Act, Pub. L. No. 101-610, to “(1) renew the ethic of civic responsibility in the United States; [and] (2) ask citizens of the United States, regardless of age or income, to engage in full-time or part-time service to the Nation,” and

Whereas, the National Community and Service Trust Act of 1993, Pub. L. No. 103-82, amended the 1990 law to “build on the existing organizational service infrastructure of Federal, State, and local programs and agencies to expand full-time and part-time service opportunities for all citizens,” and

Whereas, Pub. L. No. 103-82 established the Corporation for National and Community Service and reconstituted the corresponding state commissions, and, on November 30, 1993, Governor Howard Dean issued Executive Order 09-98, establishing SerVermont (Vermont’s state commission), and

Whereas, in 2023, SerVermont was the recipient of \$6.3 million in federal funds, and, through the public-private partnership that the National Community and Service Trust Act formulated, an additional \$2.3 million in corporate, foundation, and other public money was generated to support the volunteer initiatives under SerVermont’s jurisdiction, and

Whereas, in 2023, 2,307 persons volunteered at 389 service locations on projects overseen by SerVermont, including those at “schools, food banks, homeless shelters, health clinics, youth centers, veterans’ facilities, and other nonprofit and faith-based organizations,” and

Whereas, volunteer initiatives in response to the major July 2023 floods epitomize the broad community benefits derived from these initiatives, and

Whereas, the work of SerVermont is to be encouraged, as it significantly enhances individual lives, nonprofits, and public institutions, as well as the overall fabric of Vermont society, now therefore be it

Resolved by the House of Representatives:

That this legislative body expresses genuine appreciation and strong support for the work of SerVermont, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to SerVermont.

Was read and adopted.

Ceremonial Reading

H.C.R. 152

House concurrent resolution recognizing March 13, 2024 as National K9 Veterans Day in Vermont

Offered by: Representatives Roberts of Halifax, Beck of St. Johnsbury, Dolan of Essex Junction, Graning of Jericho, Gregoire of Fairfield, Hango of Berkshire, Harrison of Chittenden, Labor of Morgan, LaBounty of Lyndon, Masland of Thetford, McCann of Montpelier, Morrissey of Bennington,

Ode of Burlington, Patt of Worcester, Sammis of Castleton, Templeman of Brownington, and Troiano of Stannard

Offered by: Senators Collamore, Hardy, Harrison, Hashim, Norris, Sears, and Wrenner

Whereas, when Americans reflect on our nation’s military personnel, they typically think of the outstanding men and women serving in the U.S. Armed Forces, and

Whereas, although most of the members of the U.S. Armed Forces are indeed human beings, a select group of approximately 1,600 highly trained four-legged fighters of the canine species also serve the nation, performing vital military roles, and continuing a tradition dating from at least the Civil War, and

Whereas, these four-legged soldiers graduate from the vigorous 120-day Military Working Dog Training Program of the San Antonio-based U.S. Air Force 341st Training Squadron, which has a mission “to provide trained military working dogs and handlers...for security efforts worldwide,” and

Whereas, most of these skilled K9 combatants are trained for the dual roles of patrol duty and sniffing for either drugs or explosives, and

Whereas, the usual career path for military dogs is to remain assigned exclusively to the U.S. Air Force, the U.S. Army, the U.S. Coast Guard, the U.S. Navy, or the U.S. Marines Corps for the duration of their careers, and

Whereas, a special bond develops between the human handler and their assigned military dog, and

Whereas, the duties the dogs are assigned are physically demanding, and their training regimen keeps them in top condition, but when injuries arise, the Lt. Col. Daniel E. Holland Military Working Dog Hospital in San Antonio provides expert and compassionate health care, and

Whereas, without military dogs, many aspects of the U.S. Armed Forces’ responsibilities could not be fully implemented, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly recognizes March 13, 2024 as National K9 Veterans Day in Vermont, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution the U.S. Air Force 341st Training Squadron in San Antonio, Texas.

Having been adopted in concurrence on Friday, February 16, 2024 in accord with Joint Rule 16b, was read.

Rep. Long of Newfane presiding.

Action on Bill Postponed

S. 18

Senate bill, entitled

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

Was taken up and, pending second reading of the bill, on motion of **Rep. Brumsted of Shelburne**, action on the bill was postponed until March 14, 2024.

Third Reading; Bill Passed

H. 766

House bill, entitled

An act relating to prior authorization and step therapy requirements, health insurance claims, provider contracts, and collection of cost sharing amounts

Was taken up and read the third time.

Speaker presiding.

Pending the question, Shall the bill pass?, **Rep. Black of Essex** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill pass?, was decided in the affirmative. Yeas, 137. Nays, 0.

Those who voted in the affirmative are:

Andrews of Westford	Dolan of Waitsfield *	Minier of South Burlington
Andriano of Orwell	Donahue of Northfield	Morgan of Milton
Anthony of Barre City	Durfee of Shaftsbury	Morris of Springfield
Arrison of Weathersfield	Emmons of Springfield	Morrissey of Bennington
Arsenault of Williston	Farlice-Rubio of Barnet	Mrowicki of Putney
Austin of Colchester	Galfetti of Barre Town	Mulvaney-Stanak of Burlington
Bartholomew of Hartland	Garofano of Essex	Notte of Rutland City
Beck of St. Johnsbury	Goldman of Rockingham	Nugent of South Burlington
Berbeco of Winooski	Goslant of Northfield	Ode of Burlington
Birong of Vergennes	Graham of Williamstown	Page of Newport City
Black of Essex	Graning of Jericho	Pajala of Londonderry
Bluemle of Burlington	Gregoire of Fairfield	Parsons of Newbury
Bongartz of Manchester	Hango of Berkshire	Patt of Worcester
Bos-Lun of Westminster	Harrison of Chittenden	Peterson of Clarendon
Boyden of Cambridge	Headrick of Burlington	Pouech of Hinesburg
Brady of Williston	Higley of Lowell	Priestley of Bradford
Branagan of Georgia *	Holcombe of Norwich	Quimby of Lyndon
Brennan of Colchester	Hooper of Randolph	

Brown of Richmond	Hooper of Burlington	Rachelson of Burlington
Brownell of Pownal	Houghton of Essex Junction	Rice of Dorset
Brumsted of Shelburne	Howard of Rutland City	Roberts of Halifax
Burditt of West Rutland	Hyman of South Burlington	Sammis of Castleton
Burke of Brattleboro	James of Manchester	Satcowitz of Randolph
Burrows of West Windsor	Jerome of Brandon	Scheu of Middlebury
Buss of Woodstock	Kornheiser of Brattleboro	Shaw of Pittsford
Campbell of St. Johnsbury	Krasnow of South Burlington	Sheldon of Middlebury
Canfield of Fair Haven	Labor of Morgan	Sibilia of Dover
Carpenter of Hyde Park	LaBounty of Lyndon	Sims of Craftsbury
Carroll of Bennington	Lalley of Shelburne	Small of Winooski
Casey of Montpelier	LaLonde of South Burlington	Smith of Derby
Chapin of East Montpelier	LaMont of Morristown	Squirrell of Underhill
Chase of Chester	Lanpher of Vergennes	Stebbins of Burlington
Chase of Colchester	Laroche of Franklin	Stevens of Waterbury
Chesnut-Tangerman of Middletown Springs	Leavitt of Grand Isle	Surprenant of Barnard
Cina of Burlington	Lipsky of Stowe	Taylor of Milton
Clifford of Rutland City	Long of Newfane	Taylor of Colchester
Coffey of Guilford	Maguire of Rutland City	Templeman of Brownington
Cole of Hartford	Marcotte of Coventry	Toleno of Brattleboro
Conlon of Cornwall	Masland of Thetford	Toof of St. Albans Town
Corcoran of Bennington	Mattos of Milton	Torre of Moretown
Cordes of Lincoln	McCann of Montpelier	Walker of Swanton
Demar of Enosburgh	McCarthy of St. Albans City	Waters Evans of Charlotte
Demrow of Corinth	McFaun of Barre Town	White of Bethel
Dickinson of St. Albans Town	McGill of Bridport	Whitman of Bennington
Dodge of Essex	Mihaly of Calais	Williams of Barre City
Dolan of Essex Junction		Williams of Granby
		Wood of Waterbury

Those who voted in the negative are: none

Those members absent with leave of the House and not voting are:

Bartley of Fairfax	McCoy of Poultney	Oliver of Sheldon
Christie of Hartford	Nicoll of Ludlow	Pearl of Danville
Elder of Starksboro	Noyes of Wolcott	Stone of Burlington
Logan of Burlington	O'Brien of Tunbridge	Troiano of Stannard

Rep. Branagan of Georgia explained her vote as follows:

“Madam Speaker:

I vote yes on H.766 for the great value it has for Vermont’s caregivers. And I appreciate the help given to me by committee members yesterday in finding a solution for the slow payment of physicians providing medications in their office as a result of the recent computer hacking.”

Rep. Dolan of Waitsfield explained her vote as follows:

“Madam Speaker:

I stand in support of this bill. My own daughter, at age 16, was denied cancer treatment. We worked with her oncologist to fight that decision. This bill is long overdue. This bill will help other families who otherwise could face similar difficult and unconscionable decisions.”

Second Reading; Bill Amended; Third Reading Ordered

H. 534

Rep. Notte of Rutland City, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to retail theft

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 2575 is amended to read:

§ 2575. OFFENSE OF RETAIL THEFT

A person commits the offense of retail theft when the person, with intent of depriving a merchant wrongfully of the lawful possession of merchandise, money, or credit:

(1) takes and carries away or causes to be taken and carried away or aids and abets the carrying away of, any merchandise from a retail mercantile establishment without paying the retail value of the merchandise; or

* * *

Sec. 2. 13 V.S.A. § 2577 is amended to read:

§ 2577. PENALTY

(a) A person convicted of the offense of retail theft of merchandise having a retail value not in excess of \$900.00 shall be punished by a fine of not more than \$500.00 or imprisonment for not more than six months, or both.

(b) A person convicted of the offense of retail theft of merchandise having a retail value in excess of \$900.00 shall be punished by a fine of not more than \$1,000.00 or imprisonment for not more than 10 years, or both.

* * *

(d)(1) A person who commits more than one retail theft offense in violation of subdivision 2575(1) of this title in one or more locations within a 14-day period and within a single county shall be punished by a fine of not

more than \$1,000.00 or imprisonment for not more than 10 years, or both, if the aggregate retail value of the merchandise taken away exceeds \$900.00.

(2) This subsection shall be repealed on July 1, 2027.

Sec. 3. INTENT

It is the intent of the General Assembly that the Department of Corrections reinstitute the Community Restitution Program and ensure that it is appropriately staffed and resourced so that it may be offered in all 14 counties as a sentencing alternative.

Sec. 4. 13 V.S.A. § 7030 is amended to read:

§ 7030. SENTENCING ALTERNATIVES

(a) In determining which of the following should be ordered, the court shall consider the nature and circumstances of the crime; the history and character of the defendant; the defendant's family circumstances and relationships; the impact of any sentence upon the defendant's minor children; the need for treatment; and the risk to self, others, and the community at large presented by the defendant:

(1) A deferred sentence pursuant to section 7041 of this title.

(2) Referral to a community reparative board pursuant to 28 V.S.A. chapter 12 in the case of an offender who has pled guilty to a nonviolent felony, a nonviolent misdemeanor, or a misdemeanor that does not involve the subject areas prohibited for referral to a community justice center under 24 V.S.A. § 1967. Referral to a community reparative board pursuant to this subdivision does not require the court to place the offender on probation. The offender shall return to court for further sentencing if the reparative board does not accept the case or if the offender fails to complete the reparative board program to the satisfaction of the board in a time deemed reasonable by the board.

(3) Community restitution pursuant to a policy adopted by the Commissioner of Corrections.

(4) Probation pursuant to 28 V.S.A. § 205.

~~(4)~~(5) Supervised community sentence pursuant to 28 V.S.A. § 352.

~~(5)~~(6) Sentence of imprisonment.

(b) When ordering a sentence of probation, the court may require participation in the Restorative Justice Program established by 28 V.S.A. chapter 12 as a condition of the sentence.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Notice Calendar, was taken up and read the second time.

Pending the question, Shall the bill be amended as recommended by the Committee on Judiciary?, **Rep. Cina of Burlington** asked that the question be divided by first considering all sections of the committee report except for Sec. 2, and by thereafter considering Sec. 2 of the committee report. The Speaker ruled that the question was divisible in that manner.

Thereupon, the first division of amendment was agreed to. Thereafter, the second division of amendment was agreed to and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered**H. 645**

Rep. Dolan of Essex Junction, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to the expansion of approaches to restorative justice

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 3 V.S.A. chapter 7 is amended to read:

CHAPTER 7. ATTORNEY GENERAL

Subchapter 1. Election; Authority; Duties

§ 151. ELECTION AND TERM

* * *

Subchapter 2. Restorative Justice Approaches

§ 162a. DEFINITIONS

As used in this subchapter:

(1) “Child” has the same meaning as in 33 V.S.A. § 5102(2).

(2) “Pre-charge diversion” means a referral of an individual to a community-based restorative justice provider by a law enforcement officer or prosecutor after the referring officer or prosecutor has determined that probable cause exists that the individual has committed a criminal offense and before the individual is criminally charged with the offense or before a petition is filed in family court for the offense.

(3) "Youth" has the same meaning as in 33 V.S.A. § 5102(29).

§ 163. JUVENILE COURT DIVERSION PROJECT PROGRAM

(a) Purpose.

(1) The Attorney General shall develop and administer a juvenile court diversion project program, for both pre-charge and post-charge referrals to youth-appropriate community-based restorative justice providers, for the purpose of assisting juveniles children or youth charged with delinquent acts. In consultation with the diversion programs, the Attorney General shall adopt a policies and procedures manual in compliance with this section.

(2) The program shall be designed to provide a restorative option for children or youth alleged to have caused harm in violation of a criminal statute or who have been charged with violating a criminal statute and subject to a delinquency or youthful offender petition filed with the Family Division of the Superior Court, as well as for victims or those acting on a victim's behalf who have been allegedly harmed by the responsible party. The juvenile diversion program can accept referrals to the program as follows:

(A) Pre-charge by law enforcement or prosecutors pursuant to a policy adopted in accordance with subdivisions (c)(1)–(2) of this section.

(B) Post-charge by prosecutors for children or youth charged with a first or a second misdemeanor or a first nonviolent felony, or other offenses as the prosecutor deems appropriate, pursuant to subdivision (c)(3) of this section.

(b) The diversion program administered by the Attorney General shall support the operation of diversion programs in local communities through grants of financial assistance to, or by contracting for services with, municipalities, private groups, or other local organizations. The Attorney General may require local financial contributions as a condition of receipt of project funding. Administration; report.

(1) The Attorney General shall support the operation of diversion programs in each of the State's counties through grants of financial assistance to, or contracts for services with, a single municipality or organization to provide community-based restorative justice programs and services in each county. Upon approval of the Attorney General, the single municipality or organization receiving a grant pursuant to this section may issue subgrants to diversion providers or execute subcontracts for diversion services.

(2) The Attorney General may require local financial contributions as a condition of receipt of program funding.

(3) In consultation with community-based restorative justice providers, the Office of the Attorney General shall develop program outcomes following the designated State of Vermont performance accountability framework and, in consultation with the Department of State's Attorneys and Sheriffs, the Office of the Defender General, the Center for Crime Victim Services, the Judiciary, and the Division of Racial Justice Statistics of the Office of Racial Equity, report annually on or before December 1 to the General Assembly on services provided and outcome indicators. As components of the report required by this subsection, the Attorney General shall include data on the number of pre-charge and post-charge diversion program referrals in each county; race, gender, age, and other demographic variables, whenever possible; offenses charged and crime types; successful completion rates; and possible causes of any geographical disparities.

(4) The Attorney General is authorized to accept grants and gifts for the purposes of this section, such acceptance being pursuant to 32 V.S.A. § 5.

(5) In consultation with community-based restorative justice providers, the Center for Crime Victims Services, the Department of State's Attorneys and Sheriffs' Victim Advocates, the Division for Racial Justice Statistics of the Office of Racial Equity, and the State Archivist, the Attorney General shall adopt a policies and procedures manual for community-based restorative justice providers to promote a uniform system across the State in compliance with this section. The manual shall include policies and procedures related to:

(A) informing victims of their rights and role in pre-charge and post-charge diversion, including that such information is available in writing upon request;

(B) the timely notification to victims of a referral to pre- and post-charge diversion;

(C) an invitation to victims to engage in the restorative process;

(D) how to share information with a victim concerning a restorative agreement's conditions related to the victim and any progress made on such conditions;

(E) best practices for collecting data from all parties that engage with the pre-charge and post-charge diversion programs; and

(F) confidentiality expectations for all parties who engage in the restorative process.

(c) All diversion projects receiving financial assistance from the Attorney General shall adhere to the following provisions: Juvenile diversion program policy and referral requirements.

~~(1) The diversion project shall only accept persons against whom charges have been filed and the court has found probable cause but are not yet adjudicated.~~

~~(2) Alleged offenders shall be informed of their right to the advice and assistance of private counsel or the public defender at all stages of the diversion process, including the initial decision to participate, and the decision to accept the diversion contract, so that the candidate may give his or her informed consent.~~

~~(3) The participant shall be informed that his or her selection of the diversion contract is voluntary.~~

~~(4) Each State's Attorney, in cooperation with the Attorney General and the diversion program, shall develop clear criteria for deciding what types of offenses and offenders will be eligible for diversion; however, the State's Attorney shall retain final discretion over the referral of each case for diversion. The provisions of 33 V.S.A. § 5225(e) and § 5280(e) shall apply.~~

~~(5) All information gathered in the course of the diversion process shall be held strictly confidential and shall not be released without the participant's prior consent (except that research and reports that do not require or establish the identity of individual participants are allowed).~~

~~(6) Information related to the present offense that is divulged during the diversion program shall not be used in the prosecutor's case. However, the fact of participation and success, or reasons for failure may become part of the prosecutor's records.~~

~~(7) The diversion project shall maintain sufficient records so that the reasons for success or failure of the program in particular cases and overall can be investigated by program staff.~~

~~(8) Diversion projects shall be set up to respect the rights of participants.~~

~~(9) Each participant shall pay a fee to the local juvenile court diversion project. The amount of the fee shall be determined by project officers based upon the financial capabilities of the participant. The fee shall not exceed \$150.00. The fee shall be a debt due from the participant, and payment of such shall be required for successful completion of the Program. Notwithstanding 32 V.S.A. § 502(a), fees collected under this subdivision shall be retained and used solely for the purpose of the Court Diversion Program.~~

Juvenile pre-charge diversion policy required. In order for a county's community-based restorative justice provider to be eligible to receive pre-charge diversion referrals pursuant to this section, the county's State's

Attorney's office shall adopt a juvenile pre-charge diversion referral policy. To encourage fair and consistent juvenile pre-charge diversion referral policies and methods statewide, the Department of State's Attorneys and Sheriffs and the Community Justice Unit shall publicly post the policies adopted by each State's Attorney's office.

(2) Juvenile pre-charge diversion policy contents. A county's State's Attorney's juvenile pre-charge diversion program policy shall include the following:

(A) A list of offenses that presumptively qualify for juvenile pre-charge diversion.

(B) Any additional criteria to determine whether a child or youth is eligible to participate in juvenile pre-charge diversion.

(C) The appropriate documentation to accompany a referral to juvenile pre-charge diversion, including the name and contact information of the child or youth and the child or youth's parent or legal guardian; the name and contact information of the victim or victims; and a factual statement or affidavit of probable cause of the alleged incident.

(D) A procedure for returning a case to the law enforcement agency or the prosecutor, including when:

(i) the prosecutor withdraws any juvenile pre-charge referral from the juvenile pre-charge diversion program;

(ii) the community-based restorative justice provider determines that the matter is not appropriate for juvenile pre-charge programming; and

(iii) when a child or youth does not successfully complete juvenile pre-charge diversion programming.

(E) A statement reiterating that the State's Attorney retains final discretion over the cases that are eligible for diversion and may deviate from the adopted policy in accordance with such discretion.

(3) Juvenile post-charge diversion requirements. Each State's Attorney, in cooperation with the Office of the Attorney General and the juvenile post-charge diversion program, shall develop clear criteria for deciding what types of offenses and offenders will be eligible for diversion; however, the State's Attorney shall retain final discretion over the referral of each case for diversion. All juvenile post-charge diversion programs receiving financial assistance from the Attorney General shall adhere to the following:

(A) The juvenile post-charge diversion program for children or youth shall only accept individuals against whom a petition has been filed and the court has found probable cause, but are not adjudicated.

(B) A prosecutor may refer a child or youth to diversion either before or after a preliminary hearing and shall notify in writing to the diversion program and the court of the prosecutor's referral to diversion.

(C) If a child or youth is charged with a qualifying crime as defined in 13 V.S.A. § 7601(4)(A) and the crime is a misdemeanor, the prosecutor shall provide the child or youth with the opportunity to participate in the court diversion program unless the prosecutor states on the record at the preliminary hearing or a subsequent hearing why a referral to the post-charge program would not serve the ends of justice. Factors considered in the ends-of-justice determination include the child's or youth's delinquency record, the views of the alleged victim or victims, and the need for probationary supervision.

(D) Notwithstanding this subsection (c), the diversion program may accept cases pursuant to 33 V.S.A. §§ 5225(c) and 5280(e).

~~(d) The Attorney General is authorized to accept grants and gifts for the purposes of this section, such acceptance being pursuant to 32 V.S.A. § 5-Confidentiality.~~

(1) The matter shall become confidential when notice of a pre-charge referral is provided to the juvenile diversion program, or when notice of a post-charge referral is provided to the court.

(2) All information related to any offense gathered in the course of the juvenile diversion process shall be held strictly confidential and shall not be released without the participant's prior consent.

(3) Information related to any offense that a person divulges in preparation for, during, or as a follow-up to the provision of the juvenile diversion programming shall not be used against the person in any criminal, civil, family, juvenile, or administrative investigation, prosecution, or case for any purpose, including impeachment or cross-examination. However, the fact of participation and success, or reasons for failure, may become part of the prosecutor's records. This subsection shall not be construed to prohibit the limited disclosure or use of information to specific persons in the following circumstances:

(A) Where there is a threat or statement of a plan that a person may reasonably believe is likely to result in death or bodily injury to themselves or others or damage to the property of another person.

(B) When disclosure is necessary to report bodily harm any party causes another during restorative justice programming.

(C) Where there is a reasonable suspicion of abuse or neglect of a child or vulnerable adult and a report is made pursuant to the provisions of 33 V.S.A. § 4914 or 33 V.S.A. § 6903 or to comply with any law.

(D) Where a court or administrative tribunal determines that the materials were submitted by a participant in the program for the purpose of avoiding discovery of the material in a court or administrative proceeding. If a participant wishes to avail themselves of this provision, the participant may disclose this information in camera to a judicial officer for the purposes of seeking such a ruling.

(4)(A) Notwithstanding subdivision (2) of this subsection (d), if law enforcement or the prosecutor refers a case to diversion, upon the victim's request, the juvenile diversion program shall provide information relating to the conditions of the diversion contract regarding the victim, progress made on such conditions, and information that assists with obtaining the victim's compensation.

(B) Victim information that is not part of the public record shall not be released without the victim's prior consent.

(C) Nothing in this section shall be construed to prohibit a victim's exercise of rights as otherwise provided by law.

(e) Rights and responsibilities.

~~(1) Within 30 days after the two-year anniversary of a successful completion of juvenile diversion, the court shall provide notice to all parties of record of the court's intention to order the expungement of all court files and records, law enforcement records other than entries in the juvenile court diversion program's centralized filing system, fingerprints, and photographs applicable to the proceeding. However, the court shall not order expungement if the participant does not satisfy each of subdivisions (A) (D) of this subdivision. The court shall give the State's Attorney an opportunity for a hearing to contest the expungement of the records. The court shall expunge the records if it finds:~~

~~(A) two years have elapsed since the successful completion of juvenile diversion by the participant;~~

~~(B) the participant has not been convicted of a subsequent felony or misdemeanor during the two-year period, and no proceedings are pending seeking such conviction;~~

~~(C) — rehabilitation of the participant has been attained to the satisfaction of the court; and~~

~~(D) — the participant does not owe restitution related to the case. Juvenile court diversion programs shall be set up to respect the rights of participants.~~

~~(2) The court may expunge any records that were sealed pursuant to this subsection prior to July 1, 2018 unless the State's Attorney's office that prosecuted the case objects. Thirty days prior to expunging a record pursuant to this subdivision, the court shall provide written notice of its intent to expunge the record to the State's Attorney's office that prosecuted the case.~~

~~(A) Diversion candidates shall be informed of their right to the advice, assistance, and access to private counsel or the public defender at all stages of the diversion process, including the initial decision to participate and the decision to accept the juvenile diversion contract, so that the candidate may give informed consent.~~

~~(B) For the pre-charge diversion program, notwithstanding the financial need determination pursuant to 13 V.S.A. § 5236, the diversion program shall inform the candidate that a public defender is available for consultation at public expense upon the request of the candidate.~~

~~(3)(A) The court shall keep a special index of cases that have been expunged pursuant to this section together with the expungement order. The index shall list only the name of the person convicted of the offense, his or her date of birth, the docket number, and the criminal offense that was the subject of the expungement.~~

~~(B) The special index and related documents specified in subdivision (A) of this subdivision (3) shall be confidential and shall be physically and electronically segregated in a manner that ensures confidentiality and that limits access to authorized persons.~~

~~(C) Inspection of the expungement order and the certificate may be permitted only upon petition by the person who is the subject of the case. The Chief Superior Judge may permit special access to the index and the documents for research purposes pursuant to the rules for public access to court records.~~

~~(D) — The Court Administrator shall establish policies for implementing this subsection (e). Any victims shall be notified of the victim's rights and role in the pre-charge diversion process, including notification of a candidate's referral to the pre-charge diversion program by the pre-charge diversion program.~~

~~(f) Except as otherwise provided in this section, upon the entry of an order expunging files and records under this section, the proceedings in the matter shall be considered never to have occurred, all index references thereto shall be deleted, and the participant, the court, and law enforcement officers and departments shall reply to any request for information that no record exists with respect to such participant inquiry in any matter. Copies of the order shall be sent to each agency or official named therein. Records; deletion and expungement.~~

(1) Pre-charge diversion records deletion.

(A) Not later than 10 days after the successful completion of the pre-charge diversion program, the juvenile diversion program shall notify the victim, law enforcement agency, and the State's Attorney's office of the participant's successful completion. Payment of restitution is required for successful completion.

(B) Two years after the diversion program notifies the State's Attorney's office of the participant's successful completion, the Attorney General shall provide a certified notice that all records held by the diversion program shall be deleted.

(C) Two years after the diversion program notifies the law enforcement agency and the State's Attorney's office of the participant's successful completion, the Attorney General shall provide a certified notice that all public records held by the law enforcement agency and the State's Attorney's office shall be deleted. Public records do not include the Valcour database or other similar nonpublic law enforcement databases.

(2) Pre-charge diversion case index.

(A) The Community Justice Unit shall keep a special index of pre-charge diversion cases that have been deleted pursuant to this section together with the notice of deletion provided by the Attorney General. The index shall list only the name of the diversion participant, the individual's date of birth, a case number, date of case closure, location of programming, and the offense that was the subject of the deletion.

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

(C) Inspection of the certified notice may be permitted only upon request by the person who is the subject of the case. The Attorney General may permit special access to the index and the documents for research purposes pursuant to subdivision (g)(2) of this section.

(D) The Community Justice Unit shall establish policies for implementing subsections (1)–(4) of this subsection (f).

(3) Effect of Deletion. Except as otherwise provided in this section, upon the certified notice to delete files and records under this section, the matter shall be considered never to have occurred; all index references thereto shall be deleted; and the participant, the Community Justice Unit, law enforcement officers and departments, prosecutors, the referring entity, and the diversion program shall reply to any request for information that no record exists with respect to such participant inquiry in any matter. Copies of the certified notice shall be sent to each agency, entity, or official named therein.

(4) Deletion Applicability. The process of automatically deleting records as provided in this section shall only apply to those persons who completed pre-charge diversion on or after July 1, 2025. Any person who completed pre-charge diversion prior to July 1, 2025 must apply to the court to have the person’s records deleted. Deletion shall occur if the requirements of subdivisions (1)–(3) of this subsection (f) are met.

(5) Post-charge diversion records expungement. Within 30 days after the two-year anniversary of a successful completion of juvenile post-charge diversion, the court shall provide notice to all parties of record of the court’s intention to order the expungement of all court files and records, law enforcement records, fingerprints, and photographs other than entries in the court diversion program’s centralized filing system applicable to the proceeding. However, the court shall not order expungement if the participant does not satisfy each of subdivisions (A)–(C) of this subdivision. The court shall give the State’s Attorney an opportunity for a hearing to contest the expungement of the records. The court shall expunge the records if it finds:

(A) two years have elapsed since the successful completion of the juvenile post-charge diversion program by the participant;

(B) the participant has not been convicted of a subsequent felony or misdemeanor during the two-year period, and no proceedings are pending seeking such conviction; and

(C) the participant does not owe restitution related to the case.

(6) Expungement of sealed records. The court may expunge any records that were sealed pursuant to this subsection prior to July 1, 2018 unless the State’s Attorney’s office that prosecuted the case objects. Thirty days prior to expunging a record pursuant to this subdivision, the court shall provide written notice of its intent to expunge the record to the State’s Attorney’s office that prosecuted the case.

(7) Post-charge diversion case index.

(A) The court and the Office of the Attorney General shall keep a special index of post-charge diversion cases that have been expunged pursuant to this section together with the expungement order. The index shall list only the name of the person convicted of the offense, the person's date of birth, the docket number, date of case closure, the court of jurisdiction, and the offense that was the subject of the expungement.

(B) The special index and related documents specified in subdivision (A) of this subdivision (7) shall be confidential and shall be physically and electronically segregated in a manner that ensures confidentiality and that limits access to authorized persons.

(C) Inspection of the expungement order and the certificate may be permitted only upon petition by the person who is the subject of the case. The Chief Superior Judge may permit special access to the index and the documents for research purposes pursuant to the rules for public access to court records.

(D) The Court Administrator shall establish policies for implementing subdivisions (5)–(9) of this subsection (f).

(8) Effect of Expungement. Except as otherwise provided in this section, upon the entry of an order expunging files and records under this section, the proceedings in the matter shall be considered never to have occurred; all index references thereto shall be deleted; and the participant, the court, law enforcement officers and departments, prosecutors, the referring entity, and the diversion program shall reply to any request for information that no record exists with respect to such participant inquiry in any matter. Copies of the order shall be sent to each agency, entity, or official named therein.

(9) Expungement Applicability. The process of automatically expunging records as provided in this section shall only apply to those persons who completed diversion on or after July 1, 2002. Any person who completed diversion prior to July 1, 2002 must apply to the court to have the person's records expunged. Expungement shall occur if the requirements of subdivisions (5)–(8) of this subsection (f) are met.

~~(g) The process of automatically expunging records as provided in this section shall only apply to those persons who completed diversion on or after July 1, 2002. Any person who completed diversion prior to July 1, 2002 must apply to the court to have his or her records expunged. Expungement shall occur if the requirements of subsection (e) of this section are met.~~

~~(h) Subject to the approval of the Attorney General, the Vermont Association of Court Diversion Programs may develop and administer programs to assist persons under this section charged with delinquent, criminal, and civil offenses~~

~~(i) Notwithstanding subdivision (c)(1) of this section, the diversion program may accept cases from the Youth Substance Awareness Safety Program pursuant to 7 V.S.A. § 656 or 18 V.S.A. § 4230b. The confidentiality provisions of this section shall become effective when a notice of violation is issued under 7 V.S.A. § 656(b) or 18 V.S.A. § 4230b(b) and shall remain in effect unless the person fails to register with or complete the Youth Substance Awareness Safety Program.~~

~~(j) Notwithstanding subdivision (c)(1) of this section, the diversion program may accept cases pursuant to 33 V.S.A. §§ 5225-5280. Public records act exemption.~~

(1) Except as otherwise provided by this section, any records or information produced or acquired pursuant to this section shall be exempt from public inspection or copying under Vermont's Public Records Act.

(2) Notwithstanding subdivision (1) of this subsection, a law enforcement agency, State's Attorney's office, court, or community-based restorative justice provider may disclose information to colleges, universities, public agencies of the State, and nonprofit research organizations that a community-based restorative justice provider has agreements with for use in connection with research projects of a public service nature, but no person associated with those institutions or agencies shall disclose that information in any manner that would reveal the identity of an individual who provided the information to the community-based restorative justice provider.

§ 164. ADULT COURT DIVERSION PROGRAM

(a) Purpose.

(1) The Attorney General shall develop and administer an adult court diversion program, for both pre-charge and post-charge referrals, in all counties. In consultation with diversion programs, the Attorney General shall adopt a policies and procedures manual in compliance with this section.

(2) The program shall be designed to provide a restorative option for persons alleged to have caused harm in violation of a criminal statute or who have been charged with violating a criminal statute as well as for victims or those acting on a victim's behalf who have been allegedly harmed by the responsible party. The diversion program can accept referrals to the program as follows:

(A) Pre-charge by law enforcement or prosecutors pursuant to a policy adopted in accordance with subdivisions (c)(1)–(2) of this section.

(B) Post-charge by prosecutors for persons charged with a first or a second misdemeanor or a first nonviolent felony, or other offenses as the prosecutor deems appropriate, pursuant to subdivision (c)(3) of this section.

(C) Post-charge by prosecutors of persons who have been charged with an offense and who have substance abuse or mental health treatment needs regardless of the person’s prior criminal history record, except a person charged with a felony offense that is a crime listed in 13 V.S.A. § 5301(7) shall not be eligible under this section. Persons who have attained 18 years of age who are subject to a petition in the Family Division pursuant to 33 V.S.A. chapter 52 or 52A shall also be eligible under this section. Programming for these persons is intended to support access to appropriate treatment or other resources with the aim of improving the person’s health and reducing future adverse involvement in the justice system.

(b) The program shall be designed for two purposes: Administration; report.

(1) To assist adults who have been charged with a first or a second misdemeanor or a first nonviolent felony. The Attorney General shall support the operation of diversion programs in each of the State’s counties through grants of financial assistance to, or contracts for services with, a single municipality or organization to provide community-based restorative justice programs and services in each county. Upon approval of the Attorney General, the single municipality or organization receiving a grant pursuant to this section may issue subgrants to diversion providers or execute subcontracts for diversion services.

(2) To assist persons who have been charged with an offense and who have substance abuse or mental health treatment needs regardless of the person’s prior criminal history record, except a person charged with a felony offense that is a crime listed in 13 V.S.A. § 5301(7) shall not be eligible under this section. Persons who have attained 18 years of age who are subject to a petition in the Family Division pursuant to 33 V.S.A. chapters 52 or 52A shall also be eligible under this section. Programming for these persons is intended to support access to appropriate treatment or other resources with the aim of improving the person’s health and reducing future adverse involvement in the justice system. The Attorney General may require local financial contributions as a condition of receipt of program funding.

(3) In consultation with community-based restorative justice providers, the Office of the Attorney General shall develop program outcomes following the designated State of Vermont performance accountability framework and, in consultation with the Department of State's Attorneys and Sheriffs, the Office of the Defender General, the Center for Crime Victim Services, the Judiciary, and the Division of Racial Justice Statistics of the Office of Racial Equity, report annually on or before December 1 to the General Assembly on services provided and outcome indicators. As components of the report required by this subsection, the Attorney General shall include data on the number of pre-charge and post-charge diversion program referrals in each county; race, gender, age, and other demographic variables, whenever possible; offenses charged and crime types; successful completion rates; and possible causes of any geographical disparities.

(4) The Attorney General is authorized to accept grants and gifts for the purposes of this section, such acceptance being pursuant to 32 V.S.A. § 5.

(5) In consultation with community-based restorative justice providers, the Center for Crime Victims Services, the Department of State's Attorneys and Sheriffs' Victim Advocates, the Division for Racial Justice Statistics of the Office of Racial Equity, and the State Archivist, the Attorney General shall adopt a policies and procedures manual for community-based restorative justice providers to promote a uniform system across the State in compliance with this section. The manual shall include the following policies and procedures related to:

(A) informing victims of their rights and role in pre-charge and post-charge diversion, including that such information is available in writing upon request;

(B) the timely notification victims of a referral to pre-charge and post-charge diversion;

(C) an invitation to victims to engage in the restorative process;

(D) how to share information with a victim concerning a restorative agreement's conditions related to the victim and any progress made on such conditions;

(E) best practices for collecting data from all parties that engage with the pre-charge and post-charge diversion programs; and

(F) confidentiality expectations for all parties who engage in the restorative process.

~~(c) The program shall support the operation of diversion programs in local communities through grants of financial assistance to, or contracts for services with, municipalities, private groups, or other local organizations. The Attorney General may require local financial contributions as a condition of receipt of program funding. Adult diversion program policy and referral requirements.~~

(1) Adult pre-charge diversion policy required. In order for a county's community-based restorative justice provider to be eligible to receive referrals pursuant to this section, the State's Attorney's office shall adopt an adult pre-charge diversion referral policy. To encourage fair and consistent pre-charge and post-charge diversion referral policies and methods statewide, the Department of State's Attorneys and Sheriffs and the Community Justice Unit shall publicly post the policies adopted by each State's Attorney's office.

(2) Adult pre-charge diversion policy contents. A county's State's Attorney's pre-charge diversion program policy shall include the following:

(A) a list of offenses that presumptively qualify for pre-charge diversion;

(B) additional criteria to determine whether a responsible party is eligible to participate in pre-charge diversion;

(C) appropriate documentation to accompany a referral to pre-charge diversion, including the name and contact information of the responsible party, the name and contact information of the victim or victims, and a factual statement or affidavit of probable cause of the alleged offense;

(D) a procedure for returning a case to the law enforcement agency or the prosecutor, including when:

(i) the prosecutor withdraws a pre-charge referral from the diversion program;

(ii) the community-based restorative justice provider determines that the matter is not appropriate for pre-charge programming; and

(iii) a person does not successfully complete pre-charge diversion programming; and

(E) a statement reiterating that the State's Attorney retains final discretion over the cases that are eligible for diversion and may deviate from the adopted policy in accordance with such discretion.

(3) Adult post-charge diversion requirements. Each State's Attorney, in cooperation with the Office of the Attorney General and the adult post-charge diversion program, shall develop clear criteria for deciding what types of

offenses and offenders will be eligible for diversion; however, the State's Attorney shall retain final discretion over the referral of each case for diversion. All adult post-charge diversion programs receiving financial assistance from the Attorney General shall adhere to the following:

(A) The post-charge diversion program for adults shall only accept person against whom charges have been filed and the court has found probable cause, but are not adjudicated.

(B) A prosecutor may refer a person to diversion either before or after arraignment and shall notify in writing the diversion program and the court of the prosecutor's of the referral to diversion.

(C) If a person is charged with a qualifying crime as defined in 13 V.S.A. § 7601(4)(A) and the crime is a misdemeanor, the prosecutor shall provide the person with the opportunity to participate in the court diversion program unless the prosecutor states on the record at arraignment or a subsequent hearing why a referral to the post-charge program would not serve the ends of justice. Factors considered in the ends-of-justice determination include the person's criminal record, the views of any victims, or the need for probationary supervision.

(D) Notwithstanding this subsection (c), the diversion program may accept cases pursuant to 33 V.S.A. §§ 5225 and 5280.

~~(d) The Office of the Attorney General shall develop program outcomes following the designated State of Vermont performance accountability framework and, in consultation with the Department of State's Attorneys and Sheriffs, the Office of the Defender General, the Center for Crime Victim Services, and the Judiciary, report annually on or before December 1 to the General Assembly on services provided and outcome indicators. As a component of the report required by this subsection, the Attorney General shall include data on diversion program referrals in each county and possible causes of any geographical disparities. Confidentiality.~~

(1) The matter shall become confidential when notice of a pre-charge referral is provided to the diversion program, or when notice of a post-charge referral is provided to the court. However, persons who are subject to conditions of release imposed pursuant to 13 V.S.A. § 7554 and who are referred to diversion pursuant to subdivision (a)(2)(C) of this section, the matter shall become confidential upon the successful completion of diversion.

(2) All information gathered in the course of the adult diversion process shall be held strictly confidential and shall not be released without the participant's prior consent.

(3) Information related to any offense that a person divulges in preparation for, during, or as a follow-up to the provision of the adult diversion programming shall not be used against the person in any criminal, civil, family, juvenile, or administrative investigation, prosecution, or case for any purpose, including impeachment or cross-examination. However, the fact of participation and success, or reasons for failure, may become part of the prosecutor's records. This subsection shall not be construed to prohibit the limited disclosure or use of information to specific persons in the following circumstances:

(A) Where there is a threat or statement of a plan that a person may reasonably believe is likely to result in death or bodily injury to themselves or others or damage to the property of another person.

(B) When disclosure is necessary to report bodily harm any party causes another during restorative justice programming.

(C) Where there is a reasonable suspicion of abuse or neglect of a child or vulnerable adult and a report is made pursuant to the provisions of 33 V.S.A. § 4914 or 33 V.S.A. § 6903 or to comply with any law.

(D) Where a court or administrative tribunal determines that the materials were submitted by a participant in the program for the purpose of avoiding discovery of the material in a court or administrative proceeding. If a participant wishes to avail themselves of this provision, the participant may disclose this information in camera to a judicial officer for the purposes of seeking such a ruling.

(4)(A) Notwithstanding subdivision (2) of this subsection (d), if law enforcement or the prosecutor refers a case to diversion, upon the victim's request, the adult diversion program shall provide information relating to the conditions of the diversion contract regarding the victim, progress made on such conditions, and information that assists with obtaining the victim's compensation.

(B) Victim information that is not part of the public record shall not be released without the victim's prior consent.

(C) Nothing in this section shall be construed to prohibit a victim's exercise of rights as otherwise provided by law.

(e) All adult court diversion programs receiving financial assistance from the Attorney General shall adhere to the following provisions: Rights and responsibilities.

(1) The diversion program shall accept only persons against whom charges have been filed and the court has found probable cause, but are not yet

~~adjudicated. The prosecuting attorney may refer a person to diversion either before or after arraignment and shall notify in writing the diversion program and the court of his or her intention to refer the person to diversion. The matter shall become confidential when notice is provided to the court, except that for persons who are subject to conditions of release imposed pursuant to 13 V.S.A. § 7554 and who are referred to diversion pursuant to subdivision (b)(2) of this section, the matter shall become confidential upon the successful completion of diversion. If a person is charged with a qualifying crime as defined in 13 V.S.A. § 7601(4)(A) and the crime is a misdemeanor, the prosecutor shall provide the person with the opportunity to participate in the court diversion program unless the prosecutor states on the record at arraignment or a subsequent hearing why a referral to the program would not serve the ends of justice. If the prosecuting attorney prosecutor refers a case to diversion, the prosecuting attorney prosecutor may release information to the victim upon a showing of legitimate need and subject to an appropriate protective agreement defining the purpose for which the information is being released and in all other respects maintaining the confidentiality of the information; otherwise, files held by the court, the prosecuting attorney prosecutor, and the law enforcement agency related to the charges shall be confidential and shall remain confidential unless:~~

~~(A) the diversion program declines to accept the case;~~

~~(B) the person declines to participate in diversion;~~

~~(C) the diversion program accepts the case, but the person does not successfully complete diversion; or~~

~~(D) the prosecuting attorney prosecutor recalls the referral to diversion. Adult court diversion programs shall be set up to respect the rights of participants.~~

~~(2) Alleged offenders shall be informed of their right to the advice and assistance of private counsel or the public defender at all stages of the diversion process, including the initial decision to participate, and the decision to accept the adult diversion contract, so that the candidate may give informed consent.~~

~~(A) Diversion candidates shall be informed of their right to the advice, assistance, and access to private counsel or the public defender at all stages of the diversion process, including the initial decision to participate and the decision to accept the diversion contract, so that the candidate may give informed consent.~~

~~(B) For the pre-charge diversion program, notwithstanding the financial need determination pursuant to 13 V.S.A. § 5236, the diversion~~

program shall inform the candidate that a public defender is available for consultation at public expense upon the request of the diversion candidate.

~~(3) The participant shall be informed that his or her selection of the adult diversion contract is voluntary. The candidate shall be informed that participation in the diversion program is voluntary.~~

~~(4) Each State's Attorney, in cooperation with the Office of the Attorney General and the adult court diversion program, shall develop clear criteria for deciding what types of offenses and offenders will be eligible for diversion; however, the State's Attorney shall retain final discretion over the referral of each case for diversion.~~

~~(5) All information gathered in the course of the adult diversion process shall be held strictly confidential and shall not be released without the participant's prior consent (except that research and reports that do not establish the identity of individual participants are allowed).~~

(A) The pre-charge and post-charge diversion programs may charge fees to its participants, which shall be paid to the local adult court diversion program. If a fee is charged, it shall be determined by program officers or employees based upon the financial capabilities of the participant. The fee shall not exceed \$300.00. Any fee charged shall be a debt due from the participant.

(B) Notwithstanding 32 V.S.A. § 502(a), fees collected pursuant to this subdivision (4) shall be retained and used solely for the purpose of the adult court diversion program.

~~(6)(5) Information related to the present offense that is divulged during the adult diversion program shall not be used against the person in the person's criminal or juvenile case for any purpose, including impeachment or cross-examination. However, the fact of participation and success, or reasons for failure, may become part of the prosecutor's records. Any victims shall be notified of the victim's rights and role in the pre-charge diversion process, including notification of a candidate's referral to the pre-charge diversion program by the pre-charge diversion program.~~

~~(7)(A) Irrespective of whether a record was expunged, the adult court diversion program shall maintain sufficient records so that the reasons for success or failure of the program in particular cases and overall can be investigated by program staff. These records shall include a centralized statewide filing system that will include the following information about individuals who have successfully completed an adult court diversion program:~~

~~(i) name and date of birth;~~

- ~~(ii) offense charged and date of offense;~~
- ~~(iii) place of residence;~~
- ~~(iv) county where diversion process took place; and~~
- ~~(v) date of completion of diversion process.~~

~~(B) These records shall not be available to anyone other than the participant and his or her attorney, State's Attorneys, the Attorney General, and directors of adult court diversion programs.~~

~~(C) Notwithstanding subdivision (B) of this subdivision (e)(7), the Attorney General shall, upon request, provide to a participant or his or her attorney sufficient documentation to show that the participant successfully completed diversion.~~

~~(8) Adult court diversion programs shall be set up to respect the rights of participants.~~

~~(9) Each participant shall pay a fee to the local adult court diversion program. The amount of the fee shall be determined by program officers or employees based upon the financial capabilities of the participant. The fee shall not exceed \$300.00. The fee shall be a debt due from the participant, and payment of such shall be required for successful completion of the program. Notwithstanding 32 V.S.A. § 502(a), fees collected under this subdivision shall be retained and used solely for the purpose of the court diversion program.~~

~~(f) The Attorney General is authorized to accept grants and gifts for the purposes of this section, such acceptance being pursuant to 32 V.S.A. § 5. Records; deletion and expungement.~~

~~(1) Pre-charge diversion records deletion.~~

~~(A) Not later than 10 days after the successful completion of the pre-charge diversion program, the juvenile diversion program shall notify the victim, law enforcement agency, and the State's Attorney's office of the participant's successful completion. Payment of restitution is required for successful completion.~~

~~(B) Two years after the diversion program notifies the State's Attorney's office of the participant's successful completion, the Attorney General shall provide a certified notice that all records held by the diversion program shall be deleted.~~

~~(C) Two years after the diversion program notifies the law enforcement agency and the State's Attorney's office of the participant's successful completion, the Attorney General shall provide a certified notice that all public records held by the law enforcement agency and the State's~~

Attorney's office shall be deleted. Public records do not include the Valcour database or other similar nonpublic law enforcement databases.

(2) Pre-charge diversion case index.

(A) The Community Justice Unit shall keep a special index of pre-charge diversion cases that have been deleted pursuant to this section together with the notice of deletion provided by the Attorney General. The index shall list only the name of the diversion participant, the individual's date of birth, a case number, date of case closure, location of programming, and the offense that was the subject of the deletion.

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

(C) Inspection of the certified notice may be permitted only upon request by the person who is the subject of the case. The Attorney General may permit special access to the index and the documents for research purposes pursuant to subdivision (g)(2) of this section.

(D) The Community Justice Unit shall establish policies for implementing subsections (1)–(4) of this subsection (f).

(3) Effect of Deletion. Except as otherwise provided in this section, upon the certified notice to delete files and records under this section, the matter shall be considered never to have occurred; all index references thereto shall be deleted; and the participant, the Community Justice Unit, law enforcement officers and departments, prosecutors, the referring entity, and the diversion program shall reply to any request for information that no record exists with respect to such participant inquiry in any matter. Copies of the certified notice shall be sent to each agency, entity, or official named therein.

(4) Deletion Applicability. The process of automatically deleting records as provided in this section shall only apply to those persons who completed pre-charge diversion on or after July 1, 2025. Any person who completed pre-charge diversion prior to July 1, 2025 must apply to the court to have the person's records deleted. Deletion shall occur if the requirements of subdivisions (1)–(3) of this subsection (f) are met.

(5) Post-charge diversion records expungement. Within 30 days after the two-year anniversary of a successful completion of adult post-charge diversion, the court shall provide notice to all parties of record of the court's intention to order the expungement of all court files and records, law enforcement records, fingerprints, and photographs other than entries in the adult court diversion program's centralized filing system applicable to the

proceeding. However, the court shall not order expungement if the participant does not satisfy each of subdivisions (A)–(C) of this subdivision. The court shall give the State’s Attorney an opportunity for a hearing to contest the expungement of the records. The court shall expunge the records if it finds:

(A) two years have elapsed since the successful completion of the adult post-charge diversion program by the participant;

(B) the participant has not been convicted of a subsequent felony or misdemeanor during the two-year period, and no proceedings are pending seeking such conviction; and

(C) the participant does not owe restitution related to the case.

(6) Expungement of sealed records. The court may expunge any records that were sealed pursuant to this subsection prior to July 1, 2018 unless the State’s Attorney’s office that prosecuted the case objects. Thirty days prior to expunging a record pursuant to this subdivision, the court shall provide written notice of its intent to expunge the record to the State’s Attorney’s office that prosecuted the case.

(7) Post-charge diversion case index.

(A) The court and the Office of the Attorney General shall keep a special index of post-charge diversion cases that have been expunged pursuant to this section together with the expungement order. The index shall list only the name of the person convicted of the offense, the person’s date of birth, the docket number, date of case closure, location of programming, and the criminal offense that was the subject of the expungement.

(B) The special index and related documents specified in subdivision (A) of this subdivision (7) shall be confidential and shall be physically and electronically segregated in a manner that ensures confidentiality and that limits access to authorized persons.

(C) Inspection of the expungement order and the certificate may be permitted only upon petition by the person who is the subject of the case. The Chief Superior Judge may permit special access to the index and the documents for research purposes pursuant to the rules for public access to court records.

(D) The Court Administrator shall establish policies for implementing subdivisions (5)–(9) of this subsection (f).

(8) Effect of Expungement. Except as otherwise provided in this section, upon the entry of an order expunging files and records under this section, the proceedings in the matter shall be considered never to have occurred; all index references thereto shall be deleted; and the participant, the

court, law enforcement officers and departments, prosecutors, the referring entity, and the diversion program shall reply to any request for information that no record exists with respect to such participant inquiry in any matter. Copies of the order shall be sent to each agency, entity, or official named therein.

(9) Expungement Applicability. The process of automatically expunging records as provided in this section shall only apply to those persons who completed diversion on or after July 1, 2002. Any person who completed diversion prior to July 1, 2002 must apply to the court to have the person's records expunged. Expungement shall occur if the requirements of this subsection (f) are met.

(g) Public records act exemption.

~~(1) Within 30 days after the two-year anniversary of a successful completion of adult diversion, the court shall provide notice to all parties of record of the court's intention to order the expungement of all court files and records, law enforcement records other than entries in the adult court diversion program's centralized filing system, fingerprints, and photographs applicable to the proceeding. However, the court shall not order expungement if the participant does not satisfy each of subdivisions (A) (D) of this subdivision. The court shall give the State's Attorney an opportunity for a hearing to contest the expungement of the records. The court shall expunge the records if it finds:~~

~~(A) two years have elapsed since the successful completion of the adult diversion program by the participant;~~

~~(B) the participant has not been convicted of a subsequent felony or misdemeanor during the two-year period, and no proceedings are pending seeking such conviction;~~

~~(C) rehabilitation of the participant has been attained to the satisfaction of the court; and~~

~~(D) the participant does not owe restitution related to the case.~~
Except as otherwise provided in this section, any records or information produced or acquired pursuant to this section shall be exempt from public inspection or copying under Vermont's Public Records Act and shall be kept confidential.

~~(2) The court may expunge any records that were sealed pursuant to this subsection prior to July 1, 2018 unless the State's Attorney's office that prosecuted the case objects. Thirty days prior to expunging a record pursuant to this subdivision, the court shall provide written notice of its intent to expunge the record to the State's Attorney's office that prosecuted the case.~~

Notwithstanding subdivision (1) of this subsection, a law enforcement agency, State's Attorney's office, court, or community-based restorative justice provider may disclose information to colleges, universities, public agencies of the State, and nonprofit research organizations that a community-based restorative justice provider has agreements with for use in connection with research projects of a public service nature, but no person associated with those institutions or agencies shall disclose that information in any manner that would reveal the identity of an individual who provided the information to the community-based restorative justice provider.

~~(3)(A) The court shall keep a special index of cases that have been expunged pursuant to this section together with the expungement order. The index shall list only the name of the person convicted of the offense, his or her date of birth, the docket number, and the criminal offense that was the subject of the expungement.~~

~~(B) The special index and related documents specified in subdivision (A) of this subsection (3) shall be confidential and shall be physically and electronically segregated in a manner that ensures confidentiality and that limits access to authorized persons.~~

~~(C) Inspection of the expungement order and the certificate may be permitted only upon petition by the person who is the subject of the case. The Chief Superior Judge may permit special access to the index and the documents for research purposes pursuant to the rules for public access to court records.~~

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

~~(h) Except as otherwise provided in this section, upon the entry of an order expunging files and records under this section, the proceedings in the matter shall be considered never to have occurred, all index references thereto shall be deleted, and the participant, the court, and law enforcement officers and departments shall reply to any request for information that no record exists with respect to such participant inquiry in any matter. Copies of the order shall be sent to each agency or official named therein.~~

~~(i) [Repealed.]~~

~~(j) The process of automatically expunging records as provided in this section shall only apply to those persons who completed diversion on or after July 1, 2002. Any person who completed diversion prior to July 1, 2002 must apply to the court to have his or her records expunged. Expungement shall occur if the requirements of subsection (g) of this section are met.~~

~~(k) The Attorney General, in consultation with the Vermont Association of Court Diversion Programs, may develop and administer programs to assist persons under this section charged with delinquent, criminal, and civil offenses.~~

~~(l) Notwithstanding subdivision (e)(1) of this section, the diversion program may accept cases from the Youth Substance Awareness Safety Program pursuant to 7 V.S.A. § 656 or 18 V.S.A. § 4230b. The confidentiality provisions of this section shall become effective when a notice of violation is issued under 7 V.S.A. § 656(b) or 18 V.S.A. § 4230b(b) and shall remain in effect unless the person fails to register with or complete the Youth Substance Awareness Safety Program.~~

~~(m) Notwithstanding subdivision (e)(1) of this section, the diversion program may accept cases pursuant to 33 V.S.A. §§ 5225 and 5280.~~

* * *

§ 465 161. PUBLIC CONTRACT ADVOCATE

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Sec. 2. 7 V.S.A. § 656 is amended to read:

§ 656. PERSON 16 YEARS OF AGE OR OLDER AND UNDER 21 YEARS OF AGE MISREPRESENTING AGE, PROCURING, POSSESSING, OR CONSUMING ALCOHOLIC BEVERAGES; CIVIL VIOLATION

* * *

(b) Issuance of notice of violation. A law enforcement officer shall issue a person who violates this section a notice of violation, in a form approved by the Court Administrator. The notice of violation shall require the person to provide ~~his or her~~ the person's name and address and shall explain procedures under this section, including that:

(1) the person shall contact the Diversion Program in the county where the offense occurred within 15 days;

(2) failure to contact the Diversion Program within 15 days will result in the case being referred to the Judicial Bureau, where the person, if found liable for the violation, will be subject to a civil penalty and a suspension of the person's operator's license and may face substantially increased insurance rates;

(3) no money should be submitted to pay any penalty until after adjudication; and

(4) the person shall notify the Diversion Program if the person's address changes.

* * *

(d) Registration in Youth Substance Abuse Safety Program. Within 15 days after receiving a notice of violation, the person shall contact the Diversion Program in the county where the offense occurred and register for the Youth Substance Abuse Safety Program. If the person fails to do so, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation and shall provide two copies to the person charged with the violation.

(e) Notice to report to Diversion. Upon receipt from a law enforcement officer of a summons and complaint completed under this section, the Diversion Program shall send the person a notice to report to the Diversion Program. The notice to report shall provide that:

(1) The person is required to complete all conditions related to the offense imposed by the Diversion Program, including substance abuse screening and, if deemed appropriate following the screening, substance abuse assessment or substance abuse counseling, or both.

(2) If the person does not satisfactorily complete the substance abuse screening, any required substance abuse assessment or substance abuse counseling, or any other condition related to the offense imposed by the Diversion Program, the case will be referred to the Judicial Bureau, where the person, if found liable for the violation, shall be assessed a civil penalty, the person's driver's license will be suspended, and the person's automobile insurance rates may increase substantially.

(3) If the person satisfactorily completes the substance abuse screening, any required substance abuse assessment or substance abuse counseling, and any other condition related to the offense imposed by the Diversion Program, no penalty shall be imposed and the person's operator's license shall not be suspended.

(f) Diversion Program requirements.

(1) Upon being contacted by a person who has been issued a notice of violation, the Diversion Program shall register the person in the Youth Substance Abuse Safety Program. Pursuant to the Youth Substance Abuse Safety Program, the Diversion Program shall impose conditions on the person. The conditions imposed shall include only conditions related to the offense and in every case shall include a condition requiring satisfactory completion of

substance abuse screening using an evidence-based tool and, if deemed appropriate following the screening, substance abuse assessment and substance abuse education or substance abuse counseling, or both. If the screener recommends substance abuse counseling, the person shall choose a State-certified or State-licensed substance abuse counselor or substance abuse treatment provider to provide the services.

(2) Substance abuse screening required under this subsection shall be completed within 60 days after the Diversion Program receives a summons and complaint. The person shall complete all conditions at ~~his or her~~ the person's own expense.

(3) When a person has satisfactorily completed substance abuse screening, any required substance abuse education or substance abuse counseling, and any other condition related to the offense that the Diversion Program has imposed, the Diversion Program shall:

(A) ~~void~~ Void the summons and complaint with no penalty due; ~~and~~.

(B) ~~send~~ Send copies of the voided summons and complaint to the Judicial Bureau and to the law enforcement officer who completed them. Before sending copies of the voided summons and complaint to the Judicial Bureau under this subdivision, the Diversion Program shall redact all language containing the person's name, address, Social Security number, and any other information that identifies the person.

(4) If a person does not satisfactorily complete substance abuse screening, any required substance abuse education or substance abuse counseling, or any other condition related to the offense imposed by the Diversion Program ~~or if the person fails to pay the Diversion Program any required program fees~~, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation and shall provide two copies to the person charged with the violation.

(5) A person aggrieved by a decision of the Diversion Program or alcohol counselor may seek review of that decision pursuant to Rule 75 of the Vermont Rules of Civil Procedure.

(6) Notwithstanding 3 V.S.A. §§ 163(a)(2)(C) and 164(a)(2)(C), the adult or juvenile diversion programs shall accept cases from the Youth Substance Awareness Safety Program pursuant to this section. The confidentiality provisions of 3 V.S.A. § 163 or 164 shall become effective when a notice of violation is issued pursuant to subsection (b) of this section

and shall remain in effect unless the person fails to register with or complete the Youth Substance Awareness Safety Program.

* * *

Sec. 3. 18 V.S.A. § 4230b is amended to read:

§ 4230b. CANNABIS POSSESSION BY A PERSON 16 YEARS OF AGE
OR OLDER AND UNDER 21 YEARS OF AGE; CIVIL
VIOLATION

* * *

(b) Issuance of notice of violation. A law enforcement officer shall issue a person who violates this section with a notice of violation, in a form approved by the Court Administrator. The notice of violation shall require the person to provide ~~his or her~~ the person's name and address and shall explain procedures under this section, including that:

(1) the person shall contact the Diversion Program in the county where the offense occurred within 15 days;

(2) failure to contact the Diversion Program within 15 days will result in the case being referred to the Judicial Bureau, where the person, if found liable for the violation, will be subject to a civil penalty and a suspension of the person's operator's license and may face substantially increased insurance rates;

(3) no money should be submitted to pay any penalty until after adjudication; and

(4) the person shall notify the Diversion Program if the person's address changes.

* * *

(d) Registration in Youth Substance Awareness Safety Program. Within 15 days after receiving a notice of violation, the person shall contact the Diversion Program in the county where the offense occurred and register for the Youth Substance Awareness Safety Program. If the person fails to do so, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation and shall provide two copies to the person charged with the violation.

(e) Notice to report to Diversion. Upon receipt from a law enforcement officer of a summons and complaint completed under this section, the

Diversion Program shall send the person a notice to report to the Diversion Program. The notice to report shall provide that:

(1) The person is required to complete all conditions related to the offense imposed by the Diversion Program, including substance abuse screening and, if deemed appropriate following the screening, substance abuse assessment or substance abuse counseling, or both.

(2) If the person does not satisfactorily complete the substance abuse screening, any required substance abuse assessment or substance abuse counseling, or any other condition related to the offense imposed by the Diversion Program, the case will be referred to the Judicial Bureau, where the person, if found liable for the violation, shall be assessed a civil penalty, the person's driver's license will be suspended, and the person's automobile insurance rates may increase substantially.

(3) If the person satisfactorily completes the substance abuse screening, any required substance abuse assessment or substance abuse counseling, and any other condition related to the offense imposed by the Diversion Program, no penalty shall be imposed and the person's operator's license shall not be suspended.

(f) Diversion Program requirements.

(1) Upon being contacted by a person who has been issued a notice of violation, the Diversion Program shall register the person in the Youth Substance Awareness Safety Program. Pursuant to the Youth Substance Awareness Safety Program, the Diversion Program shall impose conditions on the person. The conditions imposed shall include only conditions related to the offense and in every case shall include a condition requiring satisfactory completion of substance abuse screening using an evidence-based tool and, if deemed appropriate following the screening, substance abuse assessment and substance abuse education or substance abuse counseling, or both. If the screener recommends substance abuse counseling, the person shall choose a State-certified or State-licensed substance abuse counselor or substance abuse treatment provider to provide the services.

(2) Substance abuse screening required under this subsection shall be completed within 60 days after the Diversion Program receives a summons and complaint. The person shall complete all conditions at ~~his or her~~ the person's own expense.

(3) When a person has satisfactorily completed substance abuse screening, any required substance abuse education or substance abuse counseling, and any other condition related to the offense that the Diversion Program has imposed, the Diversion Program shall:

(A) Void the summons and complaint with no penalty due.

(B) Send copies of the voided summons and complaint to the Judicial Bureau and to the law enforcement officer who completed them. Before sending copies of the voided summons and complaint to the Judicial Bureau under this subdivision, the Diversion Program shall redact all language containing the person's name, address, Social Security number, and any other information that identifies the person.

(4) If a person does not satisfactorily complete substance abuse screening, any required substance abuse education or substance abuse counseling, or any other condition related to the offense imposed by the Diversion Program or if the person fails to pay the Diversion Program any required Program fees, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation and shall provide two copies to the person charged with the violation.

(5) A person aggrieved by a decision of the Diversion Program or alcohol counselor may seek review of that decision pursuant to Rule 75 of the Vermont Rules of Civil Procedure.

(6) Notwithstanding 3 V.S.A. §§ 163(a)(2)(C) and 164(a)(2)(C), the adult or juvenile diversion programs shall accept cases from the Youth Substance Awareness Safety Program pursuant to this section, 18 V.S.A. § 4230f(e)(1), or 18 V.S.A. § 4230f(e)(2). The confidentiality provisions of 3 V.S.A. § 163 or 164 shall become effective when a notice of violation is issued pursuant to subsection (b) of this section, 18 V.S.A. § 4230f(e)(1), or 18 V.S.A. § 4230f(e)(2) and shall remain in effect unless the person fails to register with or complete the Youth Substance Awareness Safety Program.

* * *

Sec. 4. RESTORATIVE JUSTICE; POST-ADJUDICATION REPARATIVE PROGRAM WORKING GROUP; REPORT

(a) Creation. There is created the Post-Adjudication Reparative Program Working Group to create a Post-Adjudication Reparative Program (the "Program") that promotes uniform access to the appropriate community-based service providers for individuals sentenced to reparative boards and probation pursuant to 13 V.S.A. § 7030(a)(2) and (a)(3). The Working Group shall also study establishing a stable and reliable funding structure to support the operation of the appropriate community-based service providers.

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

(1) the Commissioner of Corrections or designee;

(2) the Chief Judge of the Vermont Superior Court or designee; and

(3) five representatives selected from different geographic regions of the State to represent the State's community-based restorative justice providers currently receiving reparative board funding from the Department of Corrections appointed by the providers.

(c) Powers and duties. The Working Group shall study the following issues:

(1) defining the Program and its scope;

(2) determining the offenses that presumptively qualify for referral to the Program;

(3) establishing any eligibility requirements for individuals sentenced to a reparative board or probation to be referred to the Program;

(4) designing uniform operational procedures for Program referrals from the courts, intake, data collection, participant success standards, and case closures;

(5) assessing the necessary capacity and resources of the Judiciary, the Department of Corrections, and the community-based restorative justice providers to operate the Program;

(6) exploring an approach to achieve greater stability and reliability for the community-based restorative justice providers, including the Designated Agency model; and

(7) consulting with the Office of the Attorney General, the Department of State's Attorneys and Sheriffs, the Office of the Defender General, the Center for Crime Victim Services, and other stakeholders as necessary, on considerations to incorporate into the Program.

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

(e) Report and updates.

(1) On or before January 15, 2025, the Working Group shall provide an update to the Senate Committee on Judiciary and House Committees on Corrections and Institutions and on Judiciary concerning any progress.

(2) On or before July 15, 2025, the Working Group shall provide an update to the Joint Legislative Justice Oversight Committee concerning any progress.

(3) On or before November 15, 2025, the Working Group shall submit a written report in the form of proposed legislation to the Joint Legislative Justice Oversight Committee, the Senate Committee on Judiciary, and the House Committees on Corrections and Institutions and on Judiciary.

(f) Meetings.

(1) The Chief Judge of the Vermont Superior Court or designee shall call the first meeting of the Working Group to occur on or before August 1, 2024.

(2) The Working Group shall meet not more than six times per year.

(3) The Chief Judge of the Vermont Superior Court or designee shall serve as the Chair of the Working Group.

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

(5) The Working Group shall cease to exist on January 15, 2026.

(g) Compensation and reimbursement. Members of the Working Group 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.

Sec. 5. DEPARTMENT OF STATE'S ATTORNEYS AND SHERIFFS;

POSITION; APPROPRIATION

(a) On July 1, 2024, a new, permanent, exempt Director of Policy position is created in the Department of State's Attorneys and Sheriffs. In addition to any other duties deemed appropriate by the Department, the Director of Policy shall supervise the development, oversight, and compliance work related to the Department's internal, external, and State-mandated policies.

(b) The position of Director of Policy established in subsection (a) of this section shall be subject to a General Fund appropriation in FY 2025.

Sec. 6. OFFICE OF THE ATTORNEY GENERAL; DIVERSION

PROGRAM POSITION; APPROPRIATION

(a) On July 1, 2024, a new, permanent, classified Diversion Program Coordinator position is created in the Office of the Attorney General. In addition to any other duties deemed appropriate by the Attorney General, the

Diversion Program Coordinator shall assist in the administration of the diversion programs governed by the Office of the Attorney General.

(b) The position of Diversion Program Coordinator established in subsection (a) of this section shall be subject to a General Fund appropriation in FY 2025.

Sec. 7. COMMUNITY JUSTICE UNIT; DIVERSION PROGRAM

ADMINISTRATION PLAN; REPORT

In counties where there is more than one pre-charge and post-charge diversion provider, the Community Justice Unit of the Office of the Attorney General shall collaborate with each county's juvenile and adult pre-charge and post-charge providers and each county's State's Attorney or designee to develop a plan to streamline the administration and provision of juvenile and adult pre-charge and post-charge diversion programs on or before July 1, 2027. The Community Justice Unit shall report on such plan in the 2027 annual report required pursuant to 3 V.S.A. §§ 163(b)(2) and 164(b)(2).

Sec. 8. OFFICE OF THE ATTORNEY GENERAL; PRE-CHARGE

DIVERSION PROVIDERS; GRANTS

Notwithstanding 3 V.S.A. §§ 163(b)(1) and 164(b)(1), in counties where there is more than one pre-charge or post-charge diversion provider, the Attorney General shall offer to grant or contract directly with all pre-charge providers in that county or provide for subgranting or subcontracting by the current post-charge provider in that county.

Sec. 9. OFFICE OF THE ATTORNEY GENERAL; COMMUNITY

REFERRALS; FUNDING ALTERNATIVES; REPORT

(a) On or before December 1, 2024, the Office of the Attorney General, in consultation with community-based restorative justice providers, the Department of Public Safety, the Vermont Association of Chiefs of Police, the Office of Racial Equity, and other stakeholders as needed, shall submit a written report outlining funding alternatives for community referrals to the Senate and House Committees on Judiciary. The report shall include funding alternatives considering:

- (1) state and local funding options;
- (2) entities through which funding could be provided; and
- (3) oversight requirements.

(b) As used in this section, “community referrals” mean referrals to community-based restorative justice providers that do not involve criminal offenses for which probable cause has been established.

Sec. 10. REDESIGNATION

24 V.S.A. §§ 1961–1969 are redesignated at 28 V.S.A. §§ 915–923.

Sec. 11. REPEALS

Sec. 8 of this act is repealed on July 1, 2029.

Sec. 12. EFFECTIVE DATES

This act shall take effect on July 1, 2024 except that Sec. 1 (juvenile and adult pre-charge and post-charge diversion) and Sec. 8 (Attorney General pre-charge diversion grants) shall take effect on July 1, 2025.

Rep. Andrews of Westford, for the Committee on Ways and Means, recommended the bill ought to pass when amended as recommended by the Committee on Judiciary.

Rep. Squirrell of Underhill, for the Committee on Appropriations, recommended that the report of the Committee on Judiciary be amended as follows:

First: By striking out Sec. 5, Department of State’s Attorneys and Sheriffs; position; appropriation, in its entirety and inserting in lieu thereof a new Sec. 5 to read as follows:

Sec. 5. DEPARTMENT OF STATE’S ATTORNEYS AND SHERIFFS;
POSITION; APPROPRIATION

To the extent funds are available, a new, permanent, exempt Director of Policy position is created in fiscal year 2025 within the Department of State’s Attorneys and Sheriffs. In addition to any other duties deemed appropriate by the Department, the Director of Policy shall supervise the development, oversight, and compliance work related to the Department’s internal, external, and State-mandated policies.

Second: By striking out Sec. 6, Office of the Attorney General; diversion program position; appropriation, in its entirety and inserting in lieu thereof a new Sec. 6 to read as follows:

Sec. 6. OFFICE OF THE ATTORNEY GENERAL; POSITION;
APPROPRIATION

To the extent funds are available, a new, permanent, classified Diversion Program Coordinator position is created in fiscal year 2025 within the Office of the Attorney General. In addition to any other duties deemed appropriate

by the Attorney General, the Diversion Program Coordinator shall assist in the administration of the diversion programs governed by the Office of the Attorney General.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Judiciary was amended as recommended by the Committee on Appropriations. Thereafter, the bill was amended as recommended by the Committee on Judiciary, as amended.

Pending the question, Shall the bill be read a third time?, **Rep. Dolan of Essex Junction** moved to amend the bill as follows:

First: In Sec. 1, 3 V.S.A. chapter 7, in subdivision 163(b)(1), preceding “Attorney General shall support” by striking out “The” and inserting in lieu thereof “Beginning on July 1, 2025, the”

Second: In Sec. 1, 3 V.S.A. chapter 7, in subsection 163(e), by adding a new subdivision (2)(C) to read as follows:

“(C) The candidate shall be informed that participation in the diversion program is voluntary.”

Third: In Sec. 1, 3 V.S.A. chapter 7, in subdivision 163(f)(1)(B), by striking out “Two years after the diversion program notifies” and inserting in lieu thereof “Within 30 days after the two-year anniversary notifying”

Fourth: In Sec. 1, 3 V.S.A. chapter 7, in subdivision 163(f)(1)(C), by striking out “Two years after the diversion program notifies” and inserting in lieu thereof “Within 30 days after the two-year anniversary notifying”

Fifth: In Sec. 1, 3 V.S.A. chapter 7, in subdivision 163(f)(4), following “on or after July 1, 2025.” by striking out “Any person who completed pre-charge diversion prior to July 1, 2025 must apply to the court to have the person’s records deleted. Deletion shall occur if the requirements of subdivisions (1)–(3) of this subsection (f) are met.”

Sixth: In Sec. 1, 3 V.S.A. chapter 7, in subdivision 164(b)(1), preceding “Attorney General shall support” by striking out “The” and inserting in lieu thereof “Beginning on July 1, 2025, the”

Seventh: In Sec. 1, 3 V.S.A. chapter 7, in subdivision 164(f)(1)(B), by striking out “Two years after the diversion program notifies” and inserting in lieu thereof “Within 30 days after the two-year anniversary notifying”

Eighth: In Sec. 1, 3 V.S.A. chapter 7, in subdivision 164(f)(1)(C), by striking out “Two years after the diversion program notifies” and inserting in lieu thereof “Within 30 days after the two-year anniversary notifying”

Ninth: In Sec. 1, 3 V.S.A. chapter 7, in subdivision 164(f)(4), following “on or after July 1, 2025.” by striking out “Any person who completed pre-charge diversion prior to July 1, 2025 must apply to the court to have the person’s records deleted. Deletion shall occur if the requirements of subdivisions (1)–(3) of this subsection (f) are met.”

Which was agreed to. Thereupon, third reading was ordered.

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 13th day of March 2024, he signed bills originating in the House of the following titles:

H. 516 An act relating to approval of amendments to the charter of the City of Essex Junction

H. 839 An act related to fiscal year 2024 budget adjustments

Adjournment

At five o'clock and fifty minutes in the afternoon, on motion of **Rep. Toof of St. Albans Town**, the House adjourned until tomorrow at three o'clock in the afternoon.

Thursday, March 14, 2024

At three o'clock in the afternoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Tristan Roberts of Halifax.

Message from the Senate No. 30

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 109. An act relating to Medicaid coverage for doula services.

S. 191. An act relating to New American educational grant opportunities.

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

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 41. Joint resolution requesting that the U. S. Postal Service reestablish, as rapidly as possible, a full-service U.S. Post Office in downtown Montpelier.

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

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred to committee as follows:

S. 187

Senate bill, entitled

An act relating to student application of sunscreen

To the Committee on Education.

S. 302

Senate bill, entitled

An act relating to public health outreach programs regarding dementia risk

To the Committee on Human Services.

Bills Referred to Committee on Ways and Means

House bills of the following titles, appearing on the Notice Calendar, affecting the revenue of the State, pursuant to House Rule 35(a), were referred to the Committee on Ways and Means:

H. 622

House bill, entitled

An act relating to emergency medical services

H. 630

House bill, entitled

An act relating to boards of cooperative education services

Bills Referred to Committee on Appropriations

House bills of the following titles, appearing on the Notice Calendar, carrying appropriations, under House Rule 35(a), were referred to the Committee on Appropriations:

H. 10

House bill, entitled

An act relating to amending the Vermont Employment Growth Incentive Program

H. 140

House bill, entitled

An act relating to requirements for State-funded grants

H. 673

House bill, entitled

An act relating to Vermont's outdoor recreation economy

H. 706

House bill, entitled

An act relating to banning the use of neonicotinoid pesticides

Ceremonial Reading**H.C.R. 145**

House concurrent resolution congratulating the 2023 Harwood Union High School championship bass fishing team

Offered by: Representatives Stevens of Waterbury, Dolan of Waitsfield, Torre of Moretown, and Wood of Waterbury

Whereas, for the past six years, bass fishing has been a competitive high school sport in Vermont, and

Whereas, the students who participate are dedicated to the sport, and some of them subsequently compete on collegiate teams and pursue careers related to fishing, wildlife management, or outdoor recreation, and

Whereas, in 2023, the championship tournament, held in October, was launched from the John Guilmette Fishing Access Site in South Hero; 21 teams from across the State participated; each team was limited to six fish, all of which were subsequently released back into the water with the Department

of Fish and Wildlife's assistance; and on board every team boat was the coach-boat captain, and

Whereas, the first-place Harwood fishing enthusiasts' catch weighed a total of 24 pounds, 9.9 ounces, a tournament-record weight and well ahead of second-place Middlebury's 21 pounds, 3 ounces, and

Whereas, the members of the 2023 Harwood bass fishing varsity team were Jordan Farr, Nate Conyers, Caleb Durand, Sid Ritzinger, Acer Thompson, Jackson Palermo, Tyler Bravin, and Sawyer Popowicz, and Head Coach-Captain Scott Green and Assistant Coach-Captain Rich Wilbur were outstanding, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates the 2023 Harwood Union High School championship bass fishing team, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Harwood Union High School.

Having been adopted in concurrence on Friday, February 2, 2024 in accord with Joint Rule 16b, was read.

Ceremonial Reading

H.C.R. 146

House concurrent resolution congratulating the 2023 Harwood Union High School Division II boys' championship soccer team

Offered by: Representatives Stevens of Waterbury, Dolan of Waitsfield, Torre of Moretown, and Wood of Waterbury

Whereas, the team's focused concentration aptly highlighted the 2023 Division II boys' soccer championship game played at the Maxfield Sports Complex in Hartford between the third-seeded Harwood Union High School Highlanders and the ninth-ranked Green Knights of Rice Memorial High School, and

Whereas, despite repeated scoring attempts, the contest remained scoreless into the second overtime period, and

Whereas, a Highlander player took advantage of an opportunity to employ his left foot to direct the ball into the goal zone and clinch the game and title for Harwood, and afterward, while holding the ball tightly, he described his scoring experience as unreal, and

Whereas, the proficient Highlanders, whose 13–1–4 record included a 17-game undefeated streak, were Matthew Fiaschetti, Emmett Lisai, Lincoln Dice,

Teighen Fils-Aime, Cole Shullenberger, Eamon Langlais, Eamon Knight, Caleb Brookens, Steele Nelson, Zachary Smith, Jackson McKay, Jack Greenwood, Owen Farr, Eli Herrington, Brycen Scharf, Dylan Rogers, Ollie Reilly, Tucker Buffum, Felix Kretz, Cody Milia, Finnegan Kramer, Dylan Mauro, Anthony Caforia, Will Andrus, Tyce Begin, and Tristan Lafayette, and

Whereas, Head Coach Joe Yalicki and assistant coaches Elan Shems and Lloyd Gotshall wisely advised the team throughout the soccer season, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates the 2023 Harwood Union High School Division II boys' championship soccer team, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Harwood Union High School.

Having been adopted in concurrence on Friday, February 2, 2024 in accord with Joint Rule 16b, was read.

Second Reading; Consideration Interrupted; Amendments Offered; Amendment Offered and Withdrawn; Proposal of Amendment Agreed to; Third Reading Ordered

S. 18

Rep. Brumsted of Shelburne, for the Committee on Human Services, to which had been referred Senate bill, entitled

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

Reported in favor of its passage in concurrence with proposal of amendment 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 \$1,000.00 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) 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.

Sec. 2. 7 V.S.A. chapter 40 is amended to read:

CHAPTER 40. TOBACCO PRODUCTS

§ 1001. DEFINITIONS

As used in this chapter:

(1) “Bidis” or “Beedies” means a product containing tobacco that is wrapped in temburni leaf (diospyros melanoxylon) or tendu leaf (diospyros exculpra), or any other product that is offered to, or purchased by, consumers as bidis or beedies.

(2) “Board” means the Board of Liquor and Lottery.

(3) “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.

(4) “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.

(5) “Cigarette” means:

(A) any roll of tobacco wrapped in paper or any substance not containing tobacco; and

(B) any roll of tobacco wrapped in a substance containing tobacco that, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subdivision (A) of this subdivision (5).

~~(2)(6) “Commissioner” means the Commissioner of Liquor and Lottery.~~

~~(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.~~

~~(4) “Vending machine” means any mechanical, electronic, or other similar device that dispenses tobacco products for money.~~

(7) “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 products as defined in section 831 of this title or products that are regulated by the Cannabis Control Board.

(8) “E-liquid container or other container holding a liquid or gel substance containing nicotine” means a bottle or other container of an e-liquid containing nicotine or a nicotine liquid or other substance 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.

(9) “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.

(10) “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.

(11) “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.

(12) “Licensed wholesale dealer” means a wholesale dealer licensed under 32 V.S.A. chapter 205.

(13) “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, and as to which 1,000 units weigh not more than three pounds.

(14) “Nicotine” means the chemical substance named 3-(1-Methyl-2-pyrrolidinyl)pyridine or C[10]H[14]N[2], including any salt or complex of nicotine, whether naturally or synthetically derived.

(15) “Proper proof of age” means a valid authorized form of identification as defined in section 589 of this title.

(16) “Retail dealer” means a person licensed pursuant to section 1002 of this title.

(17) “Roll-your-own tobacco” means any tobacco that, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes.

(18) “Snuff” means any finely cut, ground, or powdered tobacco that is not intended to be smoked, has a moisture content of not less than 45 percent, and is not offered in individual single-dose tablets or other discrete single-use units.

~~(5)~~(19) “Tobacco license” means a license issued by the Division of Liquor Control under this chapter permitting the licensee to engage in the retail sale of tobacco products.

~~(6) “Bidis” or “Beedies” means a product containing tobacco that is wrapped in temburni leaf (diospyros melanoxylon) or tendu leaf (diospyros exculpra), or any other product that is offered to, or purchased by, consumers as bidis or beedies.~~

~~(7)~~(20) “Tobacco paraphernalia” means any device used, intended for use, or designed for use in smoking, inhaling, ingesting, or otherwise introducing tobacco products, tobacco substitutes, e-liquids, or a combination

of these, into the human body, or for preparing tobacco for smoking, inhaling, ingesting, or otherwise introducing into the human body, including devices for holding tobacco, rolling paper, wraps, cigarette rolling machines, pipes, water pipes, carburetion devices, bongs, and hookahs, and clothing or accessories adapted for use with a tobacco product, a tobacco substitute, an e-liquid, or tobacco paraphernalia.

(21) “Tobacco products” means cigarettes, little cigars, roll-your-own tobacco, snuff, cigars, new smokeless tobacco, and 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)(22)(A) “Tobacco substitute” means products any product that is not a tobacco product, as defined in subdivision (21) of this section, and that meets one or both of the following descriptions:

(i) a 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; or

(ii) an oral nicotine product or any other item that is designed to deliver nicotine into the body, including a product or item containing or delivering nicotine that has been extracted from a tobacco plant or leaf.

(B) Cannabis products as defined in section 831 of this title or 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.

(23) “Vending machine” means any mechanical, electronic, or other similar device that sells or dispenses tobacco products, tobacco substitutes, e-liquids, tobacco paraphernalia, or a combination of these.

(24) “Wholesale dealer” means a person who imports or causes to be imported into the State any cigarettes, little cigars, roll-your-own tobacco, snuff, new smokeless tobacco, or other tobacco product for sale or who sells or furnishes any of these products to other wholesale dealers or retail dealers for the purpose of resale, but not by small quantity or parcel to consumers thereof.

§ 1002. LICENSE REQUIRED; APPLICATION; FEE; ISSUANCE

(a)(1) Except as provided in subsection (h) of this section, no person shall engage in the retail sale of tobacco products, tobacco substitutes, e-liquids, or

tobacco paraphernalia in 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.

(h) This section shall not apply to a cannabis establishment licensed pursuant to chapter 33 of this title to engage in the retail sale of cannabis products as defined in section 831 of this title but not engaged in the sale of tobacco products or tobacco substitutes.

* * *

§ 1003. SALE OF TOBACCO PRODUCTS; TOBACCO SUBSTITUTES;
E-LIQUIDS; TOBACCO PARAPHERNALIA; REQUIREMENTS;
PROHIBITIONS

(a)(1) A person shall not:

(A) sell or provide tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia to any person under 21 years of age; or

(B) knowingly enable the usage of tobacco products, tobacco substitutes, or e-liquids by a person under 21 years of age.

(2)(A) Except as otherwise provided in subdivision (B) of this subdivision (2), a person, including a retail dealer, who violates subdivision (1) of this subsection (a) shall be subject to a civil penalty of not more than \$500.00 for the first offense and not more than \$2,000.00 for any subsequent offense.

(B) An employee of a retail dealer who violates subdivision (1) of this subsection (a) in the course of employment 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. This penalty shall be in addition to the penalty imposed on the retail dealer pursuant to subdivision (A) of this subdivision (2).

(C) An action under this subsection (a) 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.

(b) All vending machines selling or dispensing tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia, or a combination of these, 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 or a~~ person who purchases bidis from any source shall be ~~fined~~ subject to a civil penalty of not more than \$250.00 for a first offense and not more than \$500.00 for a subsequent offense.

(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 “enable the usage of tobacco products, tobacco substitutes, or e-liquids” means creating a direct and immediate opportunity for a person to use tobacco products, tobacco substitutes, or e-liquids, or a combination of these.~~

§ 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 OR
PURCHASE OF TOBACCO PRODUCTS; MISREPRESENTING
~~AGE OR PURCHASING TOBACCO PRODUCTS; PENALTY,~~
TOBACCO SUBSTITUTES, E-LIQUIDS, OR TOBACCO
PARAPHERNALIA PROHIBITED

(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:

(A) 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; or

(B) the person is in possession of tobacco products or tobacco paraphernalia in connection with Indigenous cultural tobacco practices.

(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)(1) 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 complete a tobacco cessation program approved by the Department of Health.

(2) Within 90 days following the date of confiscation, the person shall provide to the Division of Liquor Control a certificate or attestation of completion of the tobacco cessation program. If the person does not submit the certificate or attestation within 90 days, the person shall be subject to a civil penalty of up to \$50.00.

(3) 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)(1) 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 subject to:

(A) having the tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia immediately confiscated;

(B) having the false identification immediately confiscated; and

(C) completing a tobacco cessation program approved by the Department of Health.

(2) Within 90 days following the date of confiscation, the person shall provide to the Division of Liquor Control a certificate or attestation of completion of the tobacco cessation program. If the person does not submit the certificate or attestation within 90 days, the person shall be subject to a civil penalty of up to \$50.00.

(3) An action under this subsection shall be brought in the same manner as a traffic violation pursuant to 23 V.S.A. chapter 24.

§ 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, 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. [Repealed.]~~

(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~~, Government Operations 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 ~~eigarettes 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).~~
[Repealed.]

(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 AND OTHER SUBSTANCES
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 e-liquid containing nicotine or any other liquid or gel substance containing nicotine unless that product is contained in child-resistant packaging; or

(2) any nicotine liquid e-liquid container or other container holding a liquid or gel substance containing nicotine 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 container” means a bottle or other container of a nicotine liquid or other substance 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. [Repealed.]~~

§ 1013. FLAVORED TOBACCO SUBSTITUTES, FLAVORED E-LIQUIDS, AND MENTHOL TOBACCO PRODUCTS PROHIBITED

(a) No person shall engage in the retail sale of:

- (1) any flavored tobacco substitute;
- (2) any flavored e-liquid; or
- (3) any menthol-flavored tobacco product.

(b)(1) A person who violates subsection (a) of this section shall be subject to a civil penalty of not more than \$200.00 for the first offense and not more than \$500.00 for any subsequent offense.

(2) 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.

§ 1014. SALE OF DISCOUNTED TOBACCO PRODUCTS, TOBACCO SUBSTITUTES, E-LIQUIDS, AND TOBACCO PARAPHERNALIA PROHIBITED

(a) As used in this section, “price reduction instrument” means any coupon, voucher, rebate, card, paper, note, form, statement, ticket, image, or other issue, whether in paper, digital, or any other form, used for commercial purposes to receive an article, product, service, or accommodation without charge or at a discounted price.

(b) No person shall do any of the following:

(1) sell or offer for sale a tobacco product, tobacco substitute, e-liquid, or tobacco paraphernalia to a consumer at a price lower than the price that was in effect at the time the seller purchased the item from the wholesale dealer;

(2) sell or offer for sale a tobacco product, tobacco substitute, e-liquid, or tobacco paraphernalia through any multipackage discount; or

(3) honor or accept a price reduction instrument in any transaction related to the sale of a tobacco product, tobacco substitute, e-liquid, or tobacco paraphernalia to a consumer.

(c) A person who violates subsection (b) of this section shall be subject to a civil penalty of not more than \$200.00 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 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:

* * *

(5) Violations of 7 V.S.A. § 1007 1003(a), relating to furnishing tobacco products, tobacco substitutes, e-liquids, and tobacco paraphernalia to a person under 21 years of age.

* * *

(33) Violations of 7 V.S.A. § 1013, relating to sale of flavored tobacco substitutes, flavored e-liquids, and menthol-flavored tobacco products.

(34) Violations of 7 V.S.A. § 1014, relating to sale of discounted tobacco products, tobacco substitutes, e-liquids, and tobacco paraphernalia.

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 OF TOBACCO PRODUCTS, TOBACCO
SUBSTITUTES, AND E-LIQUIDS PROHIBITED ON PUBLIC
SCHOOL GROUNDS

No person shall be permitted to use tobacco products ~~or~~, tobacco substitutes, or e-liquids, as those terms are 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. § 4226 is amended to read:

§ 4226. MINORS; TREATMENT; CONSENT

(a)(1) If a minor 12 years of age or older is suspected to ~~be dependent upon~~ have a substance use disorder, including a dependence on regulated drugs as

defined in section 4201 of this title, on alcohol, on nicotine, or on tobacco products or tobacco substitutes as defined in 7 V.S.A. § 1001, or to have venereal disease, or to be an alcoholic as defined in section 8401 of this title a sexually transmitted infection, and the finding of such ~~dependency, disease, or alcoholism~~ substance use disorder or infection is verified by a licensed ~~physician~~ health care professional, the minor may give:

(A) ~~his or her consent to medical treatment~~ health care services and hospitalization; and

(B) in the case of a ~~drug dependent or alcoholic person~~ an individual who has a substance use disorder, consent to nonmedical inpatient or outpatient treatment at a program approved by the Agency of Human Services to provide treatment for ~~drug dependency or alcoholism~~ substance use disorder if deemed necessary by the examining ~~physician for diagnosis or treatment of such dependency or disease or alcoholism~~ health care professional.

(2) Consent under this section shall not be subject to disaffirmance due to minority of the person consenting. The consent of the parent or legal guardian of a minor consenting under this section shall not be necessary to authorize care as described in this subsection.

(b) The parent, parents, or legal guardian shall be notified by the physician if the condition of a minor child requires immediate hospitalization as the result of ~~drug usage, alcoholism, or alcohol use~~ or for the treatment of a ~~venereal disease~~ sexually transmitted infection.

(c) As used in this section, “health care professional” means an individual licensed as a physician under 26 V.S.A. chapter 23 or 33, an individual licensed as a physician assistant under 26 V.S.A. chapter 31, or an individual licensed as a registered nurse or advanced practice registered nurse under 26 V.S.A. chapter 28.

Sec. 7. 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 those terms are defined in 7 V.S.A. § 1001 ~~and substances containing nicotine or that are otherwise intended for use with a tobacco substitute.~~

Sec. 8. 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; 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, or cannabis products as defined in 7 V.S.A. § 831.

* * *

Sec. 9. 18 V.S.A. § 9503 is amended to read:

§ 9503. VERMONT TOBACCO PREVENTION AND TREATMENT

(a) Except as otherwise specifically provided, the tobacco prevention and treatment program shall be administered and coordinated statewide by the Department of Health, pursuant to the provisions of this chapter. The program shall be comprehensive and research-based.

(b) The Department shall establish goals for reducing adult and youth smoking rates, including performance measures for each goal in conjunction with the Substance Misuse Prevention Oversight and Advisory Council established pursuant to section 4803 of this title. The services provided by a quitline approved by the Department of Health shall be offered and made available to any minor, upon ~~his or her~~ the minor's consent, who is a smoker or user of tobacco products, tobacco substitutes, or e-liquids, as those terms are defined in 7 V.S.A. § 1001.

(c) The Department of Liquor and Lottery shall administer the component of the program that relates to enforcement activities.

(d) The Agency of Education shall administer school-based programs.

(e) The Department shall pay all fees and costs of the surveillance and evaluation activities, including the costs associated with hiring a contractor to conduct an independent evaluation of the program.

Sec. 10. 33 V.S.A. § 1900 is amended to read:

§ 1900. DEFINITIONS

As used in this subchapter, unless otherwise indicated:

* * *

(10) “Tobacco” means all of the products listed in the definition of “tobacco products” in 7 V.S.A. § 1001(3).

* * *

Sec. 11. HEALTH EQUITY ADVISORY COMMISSION; MENTHOL
TOBACCO PRODUCT BAN; REPORT

On or before January 15, 2025, in its annual report due pursuant to 18 V.S.A. § 252(e), the Health Equity Advisory Commission shall recommend to the General Assembly whether the sale of tobacco products containing menthol, including menthol cigarettes, should be banned in Vermont.

Sec. 12. TOBACCO SUBSTITUTES AND E-LIQUIDS; ADVERTISING
RESTRICTIONS; REPORT

On or before December 1, 2024, 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 tobacco substitutes, including oral nicotine products, and e-liquids in this State.

Sec. 13. DEPARTMENT OF HEALTH; VERMONT YOUTH RISK
BEHAVIOR SURVEY; TOBACCO SALES; REPORT

On or before March 1, 2027, the Department of Health shall report 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, along with a comparison of the rates of use from previous Vermont Youth Risk Behavior Surveys. In its report, the Department shall also provide data on

retail sales of tobacco products, tobacco substitutes, and e-liquids during calendar years 2024, 2025, and 2026.

Sec. 14. DEPARTMENT OF HEALTH; SCHOOL-BASED USAGE AND
CESSATION EFFORTS; REPORT

The Department of Health shall collaborate with relevant school and community partners to survey and report on the use of tobacco products, tobacco substitutes, and e-liquids, as well as on nicotine and tobacco cessation efforts, in Vermont's schools. On or before January 15, 2026, the Department shall report to the House Committees on Human Services and on Education and the Senate Committees on Health and Welfare and on Education with its findings and any recommendations for legislative action.

Sec. 15. EFFECTIVE DATES

(a) Sec. 2 (7 V.S.A. chapter 40) shall take effect on January 1, 2025, except that 7 V.S.A. § 1013(a)(3) (prohibiting retail sale of menthol-flavored tobacco products) shall take effect on July 1, 2025.

(b) Secs. 1 (findings), 6 (18 V.S.A. § 4226; minor consent to treatment), 9 (18 V.S.A. § 9503; tobacco prevention and treatment), 11 (Health Equity Advisory Commission; menthol ban; report), 12 (advertising restrictions; report), 13 (Youth Risk Behavior Survey; tobacco sales; report), and 14 (school-based usage and cessation efforts; report) and this section shall take effect on passage.

(c) Secs. 3 (4 V.S.A. § 1102(b); Judicial Bureau jurisdiction), 4 (7 V.S.A. § 661(c); penalties), 5 (16 V.S.A. § 140; use prohibited on school grounds), 7 (18 V.S.A. § 4803(a); Substance Misuse Prevention Oversight and Advisory Council), 8 (32 V.S.A. § 7702; definition for tobacco tax purposes), and 10 (33 V.S.A. § 1900; definition for medical assistance statutes) shall take effect on January 1, 2025.

Rep. Ode of Burlington, for the Committee on Ways and Means, recommended that the report of the Committee on Human Services be amended as follows:

First: In Sec. 2, in 7 V.S.A. § 1001, striking out subdivision (7) in its entirety and inserting in lieu thereof a new subdivision (7) to read as follows:

(7) "E-liquid" means the solution, substance, or other material that contains nicotine and is used in or with a tobacco substitute, and that is heated or otherwise acted upon to produce an aerosol, vapor, or other emission to be inhaled or otherwise absorbed by the user. The term does not include cannabis products as defined in section 831 of this title or products that are regulated by the Cannabis Control Board.

Second: In Sec. 2, in 7 V.S.A. § 1001, striking out subdivision (22) in its entirety and inserting in lieu thereof a new subdivision (22) to read as follows:

~~(8)(22)(A)~~ “Tobacco substitute” means ~~products~~ any product that is not a tobacco product, as defined in subdivision (21) of this section, and that meets one or both of the following descriptions:

(i) a product, including an electronic ~~eigarettes~~ cigarette or other electronic or battery-powered ~~deviees~~ 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; or

(ii) an oral nicotine product or any other item that is designed to deliver nicotine into the body, including a product or item containing or delivering nicotine that has been extracted from a tobacco plant or leaf.

~~(B)~~ Cannabis products as defined in section 831 of this title or 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.

Third: In Sec. 2, by striking out 7 V.S.A. § 1005 in its entirety and inserting in lieu thereof a new 7 V.S.A. § 1005 to read as follows:

§ 1005. PERSONS UNDER 21 YEARS OF AGE; POSSESSION OR PURCHASE OF TOBACCO PRODUCTS; MISREPRESENTING AGE OR PURCHASING TOBACCO PRODUCTS; PENALTY, TOBACCO SUBSTITUTES, E-LIQUIDS, OR TOBACCO PARAPHERNALIA PROHIBITED

(a)(1) Prohibited conduct. 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:

(A) 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; or

(B) the person is in possession of tobacco products or tobacco paraphernalia in connection with Indigenous cultural tobacco practices.

(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) Offense. A person who possesses tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia in violation of subsection (a) of this section commits a civil violation and 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 referred to the Court Diversion Program for the purpose of enrollment in a tobacco cessation program approved by the Department of Health. A person who fails to complete the program shall be subject to a civil penalty of \$50.00.

(c) Issuance of notice of violation. A law enforcement officer shall issue a person who violates this section a notice of violation, in a form approved by the Court Administrator. The notice of violation shall require the person to provide the person's name and address and shall explain procedures under this section, including that:

(1) the person shall contact the Diversion Program in the county where the offense occurred within 15 days;

(2) failure to contact the Diversion Program within 15 days will result in the case being referred to the Judicial Bureau, where the person, if found liable for the violation, will be subject to a civil penalty;

(3) no money should be submitted to pay any penalty until after adjudication; and

(4) the person shall notify the Diversion Program if the person's address changes.

(d) Summons and complaint. When a person is issued a notice of violation under this section, the law enforcement officer shall complete a summons and complaint for the offense and send it to the Diversion Program in the county where the offense occurred. The summons and complaint shall not be filed with the Judicial Bureau at that time.

(e) Registration in tobacco cessation program. Within 15 days after receiving a notice of violation, the person shall contact the Diversion Program in the county where the offense occurred and register for a tobacco cessation program approved by the Department of Health. If the person fails to do so, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide a copy of the summons and complaint to the law enforcement

officer who issued the notice of violation and shall provide two copies to the person charged with the violation.

(f) Notice to report to Diversion. Upon receipt from a law enforcement officer of a summons and complaint completed under this section, the Diversion Program shall send the person a notice to report to the Diversion Program. The notice to report shall provide that:

(1) the person is required to complete the tobacco cessation program;

(2) if the person does not satisfactorily complete the tobacco cessation program, the case will be referred to the Judicial Bureau, where the person, if found liable for the violation, will be subject to a civil penalty; and

(3) if the person satisfactorily completes the tobacco cessation program, no penalty shall be imposed.

(g) Diversion Program requirements.

(1) Upon being contacted by a person who has been issued a notice of violation, the Diversion Program shall register the person in a tobacco cessation program approved by the Department of Health.

(2) When a person has satisfactorily completed the tobacco cessation program, the Diversion Program shall do all of the following:

(A) Void the summons and complaint with no penalty due.

(B) Send copies of the voided summons and complaint to the Judicial Bureau and to the law enforcement officer who completed them. Before sending copies of the voided summons and complaint to the Judicial Bureau under this subdivision, the Diversion Program shall redact all language containing the person's name, address, Social Security number, and any other information that identifies the person.

(3) If a person does not satisfactorily complete the tobacco cessation program or if the person fails to pay the Diversion Program any required program fees, the Diversion Program shall file the summons and complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion Program shall provide a copy of the summons and complaint to the law enforcement officer who issued the notice of violation and shall provide two copies to the person charged with the violation.

(4) A person aggrieved by a decision of the Diversion Program or of the tobacco cessation program may seek review of that decision pursuant to Rule 75 of the Vermont Rules of Civil Procedure.

(e)(h) Confiscation of false identification. A In addition to the procedures set forth in subsections (b)–(g) of this section, 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~~ have the person's false identification immediately confiscated.

Fourth: By striking out Sec. 15, effective dates, in its entirety and inserting in lieu thereof a new Sec. 15 to read as follows:

Sec. 15. EFFECTIVE DATES

(a) Secs. 2 (7 V.S.A. chapter 40), 3 (4 V.S.A. § 1102(b); Judicial Bureau jurisdiction), 4 (7 V.S.A. § 661(c); penalties), 5 (16 V.S.A. § 140; use prohibited on school grounds), 7 (18 V.S.A. § 4803(a); Substance Misuse Prevention Oversight and Advisory Council), 8 (32 V.S.A. § 7702; definition for tobacco tax purposes), and 10 (33 V.S.A. § 1900; definition for medical assistance statutes) shall take effect on January 1, 2026.

(b) Secs. 1 (findings), 6 (18 V.S.A. § 4226; minor consent to treatment), 9 (18 V.S.A. § 9503; tobacco prevention and treatment), 11 (Health Equity Advisory Commission; menthol ban; report), 12 (advertising restrictions; report), 13 (Youth Risk Behavior Survey; tobacco sales; report), and 14 (school-based usage and cessation efforts; report) and this section shall take effect on passage.

The bill, having appeared on the Notice Calendar, was taken up and read the second time.

At four o'clock and thirty-seven minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At five o'clock and twenty-four minutes in the afternoon, the Speaker called the House to order.

Pending the question, Shall the report of the Committee on Human Services be amended as recommended by the Committee on Ways and Means?, **Reps. Donahue of Northfield and Brumsted of Shelburne** moved to amend the report of the Committee on Ways and Means by striking out the third instance of amendment in its entirety and inserting in lieu thereof the following:

Third: [Deleted.]

Which was agreed to. Thereafter, the report of the Committee on Human Services was amended as recommended by the Committee on Ways and Means, as amended.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Human Services, as amended?, **Rep. Marcotte of Coventry** moved to further amend the report of the Committee on Human Services as follows:

First: By adding a new section to be Sec. 14a to read as follows:

Sec. 14a. INVESTIGATOR POSITION CREATED; APPROPRIATION;

REPORT

(a) One new permanent classified position, Investigator, is established in the Department of Liquor and Lottery to enforce, and to investigate potential violations of, Vermont laws relating to direct-to-consumer sales and delivery of alcohol and tobacco products, including 7 V.S.A. §§ 277, 279, 280, and 1010.

(b)(1) The sum of \$160,000.00 is appropriated to the Department of Liquor and Lottery from the Tobacco Litigation Settlement Fund in fiscal year 2025 to fund the Investigator position established in subsection (a) of this section.

(2) It is the intent of the General Assembly that the position established in subsection (a) of this section should be funded from the Tobacco Litigation Settlement Fund for fiscal years 2025 and 2026. It is also the intent of the General Assembly that, beginning in fiscal year 2027, the funding for the Investigator position should be built into base funding for the Department of Liquor and Lottery's budget, with the amount of the salary and benefits for the Investigator position offset by an equivalent amount of the revenue generated to the Department or to the Office of the Attorney General, or both, by the Investigator's activities in enforcing and in investigating violations of Vermont law, with the remainder of the revenue deposited into the General Fund.

(c) If the revenue generated by the Investigator's activities becomes insufficient to cover the cost of the position in the future, the Department of Liquor and Lottery shall propose eliminating the position as part of its next budget or budget adjustment presentation to the General Assembly.

(d)(1) On or before March 15, 2025, the Department of Liquor and Lottery shall provide an update to the House Committees on Government Operations and Military Affairs and on Human Services and the Senate Committees on Economic Development, Housing and General Affairs and on Health and Welfare regarding the status of its implementation of the new Investigator position.

(2) Annually on or before December 15, the Department of Liquor and Lottery shall report to the House Committees on Government Operations and Military Affairs and on Human Services and the Senate Committees on Economic Development, Housing and General Affairs and on Health and

Welfare on the impact of the Investigator's activities on compliance with Vermont's laws relating to direct-to-consumer sales and delivery of alcohol and tobacco products.

Second: In Sec. 15, effective dates, by adding a new subsection to be subsection (d) to read as follows:

(d) Sec. 14a (Investigator position created; appropriation; report) shall take effect on July 1, 2024, with the first report under subdivision (d)(2) due on or before December 15, 2025.

Which was agreed to.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Human Services, as amended?, **Rep. Maguire of Rutland City** moved to further amend the report of the Committee on Human Services as follows:

First: In Sec. 2, 7 V.S.A. chapter 40, by striking out section 1013 in its entirety and inserting in lieu thereof the following:

§ 1013. FLAVORED TOBACCO SUBSTITUTES AND FLAVORED

E-LIQUIDS PROHIBITED

(a) No person shall engage in the retail sale of any flavored tobacco substitute or any flavored e-liquid.

(b)(1) A person who violates subsection (a) of this section shall be subject to a civil penalty of not more than \$200.00 for the first offense and not more than \$500.00 for any subsequent offense.

(2) 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.

Second: In Sec. 3, 4 V.S.A. § 1102(b), in subdivision (33), by striking out the comma following “substitutes” and inserting in lieu thereof “and” and, following “e-liquids,” by striking out “, and menthol-flavored tobacco products”

Pending the question, Shall the report of the Committee on Human Services, as amended, be further amended as recommended by **Rep. Maguire of Rutland City?**, **Rep. Cina of Burlington** requested the vote be by division.

Thereupon, the amendment was disagreed to: Yeas, 54. Nays, 64.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Human Services, as amended?, **Rep. Galfetti of Barre Town** moved to further amend the report of the Committee on Human Services as follows:

In Sec. 2, in 7 V.S.A. chapter 40, section 1013, by adding a new subsection to be subsection (c) to read as follows:

(c) This section shall not apply to any product:

(1) that has received a marketing authorization order or similar order from the U.S. Food and Drug Administration pursuant to 21 U.S.C. § 387j; or

(2) that was on the market in the United States as of August 8, 2016, for which the manufacturer submitted a premarket tobacco product application to the U.S. Food and Drug Administration pursuant to 21 U.S.C. § 387j on or before September 9, 2020, and for which the application either remains under investigation by the U.S. Food and Drug Administration or a final decision on the application has not otherwise taken effect.

Which was disagreed to.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Human Services, as amended?, **Rep. Walker of Swanton** moved to further amend the report of the Committee on Human Services as follows:

First: By adding Secs. 4a–4c to read as follows:

Sec. 4a. 7 V.S.A. § 831(3) is amended to read:

(3) “Cannabis product” means concentrated cannabis and a product that is composed of cannabis and other ingredients and is intended for use ~~or consumption~~, including an edible ~~product~~, ointment, and tincture. Cannabis product ~~shall include~~ includes a vaporizer cartridge containing cannabis oil that is intended for use with a battery-powered device and any device designed to deliver cannabis into the body through inhalation of vapor that is sold at a cannabis establishment licensed pursuant to chapter 33 of this title. “Cannabis product” does not mean a “tobacco product” as defined in 32 V.S.A. § 7702, a “tobacco substitute” as defined in section 1001 of this title, or “tobacco paraphernalia” as defined in section 1001 of this title.

Sec. 4b. 7 V.S.A. § 868 is amended to read:

§ 868. PROHIBITED PRODUCTS

(a) The following are prohibited products and may not be cultivated, produced, or sold pursuant to a license issued under this chapter:

- (1) cannabis flower with greater than 30 percent tetrahydrocannabinol;
- (2) flavored oil cannabis products sold prepackaged for use with battery-powered devices and any cannabis flower that contains characterizing flavor that is not naturally occurring in the cannabis;
- (3) flavored oil cannabis products sold prepackaged for use with battery-powered devices and any cannabis flower that include a characterizing flavor in the name or description of the product;
- (4) edible cannabis products;
- (5) cannabis products that contain delta-9 tetrahydrocannabinol and nicotine or alcoholic beverages; and
- (4)(6) any cannabis, cannabis products, or packaging of such items that are designed to make the product more appealing to persons under 21 years of age.

* * *

Sec. 4c. 7 V.S.A. § 972(3) is amended to read:

(3) “Cannabis product” has the same meaning as provided in section 831 of this title means concentrated cannabis and a product that is composed of cannabis and other ingredients and is intended for use or consumption, including an edible product, ointment, and tincture. Cannabis product includes a vaporizer cartridge containing cannabis oil that is intended for use with a battery-powered device and any device designed to deliver cannabis into the body through inhalation of vapor that is sold at a cannabis establishment licensed pursuant to chapter 33 of this title. “Cannabis product” does not mean a “tobacco product” as defined in 32 V.S.A. § 7702, a “tobacco substitute” as defined in section 1001 of this title, or “tobacco paraphernalia” as defined in section 1001 of this title.

Second: In Sec. 15, effective dates, by inserting a new subsection to be subsection (d) to read as follows:

(d) Secs. 4a-4c shall take effect on January 1, 2026.

Thereupon, **Rep. Walker of Swanton** asked and was granted leave of the House to withdraw his amendment.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Human Services, as amended?, **Reps. Donahue of Northfield and Brumsted of Shelburne** moved to further amend the report of the Committee on Human Services as follows:

First: In Sec. 2, 7 V.S.A. chapter 40, by striking out § 1005 in its entirety and inserting in lieu thereof a new § 1005 to read as follows:

§ 1005. PERSONS UNDER 21 YEARS OF AGE; POSSESSION OF
 TOBACCO PRODUCTS, TOBACCO SUBSTITUTES, E-LIQUIDS,
OR TOBACCO PARAPHERNALIA; MISREPRESENTING AGE
OR 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:

(A) 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; or

(B) the person is in possession of tobacco products or tobacco paraphernalia in connection with Indigenous cultural tobacco practices.

(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.

Second: By striking out Sec. 14, Department of Health; school-based usage and cessation efforts; report, in its entirety and inserting in lieu thereof a new Sec. 14 to read as follows:

Sec. 14. DEPARTMENT OF HEALTH; SCHOOL-BASED USAGE AND
 CESSATION EFFORTS; DIVERSION TO TOBACCO
 CESSATION PROGRAM; REPORT

(a) The Department of Health shall collaborate with relevant school and community partners to survey and report on the use of tobacco products,

tobacco substitutes, and e-liquids, as well as on nicotine and tobacco cessation efforts, in Vermont's schools.

(b) The Department of Health, in consultation with the Division of Liquor Control and the Court Diversion Program, shall develop one or more options for diversion to a tobacco cessation program as an alternative to the existing civil penalties and fines for a person under 21 years of age who possesses, purchases, or uses of false identification to purchase tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia under 7 V.S.A. § 1005.

(c) On or before January 15, 2026, the Department shall report to the House Committees on Human Services, on Education, and on Judiciary and the Senate Committees on Health and Welfare, on Education, and on Judiciary with its findings and recommendations regarding the use of tobacco products, tobacco substitutes, and e-liquids in schools; cessation efforts in schools; and options for one or more diversion programs as set forth in subsections (a) and (b) of this section.

Which was agreed to.

Pending the question, Shall the bill be amended as recommended by the Committee on Human Services, as amended?, **Rep. McCoy of Poultney** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as recommended by the Committee on Human Services, as amended?, was decided in the affirmative. Yeas, 83. Nays, 53.

Those who voted in the affirmative are:

Andrews of Westford	Durfee of Shaftsbury	Mrowicki of Putney
Arsenault of Williston	Elder of Starksboro	Notte of Rutland City
Austin of Colchester	Emmons of Springfield	Noyes of Wolcott
Bartholomew of Hartland	Garofano of Essex	Nugent of South Burlington
Birong of Vergennes	Goldman of Rockingham	O'Brien of Tunbridge
Bluemle of Burlington	Headrick of Burlington	Ode of Burlington
Bongartz of Manchester	Holcombe of Norwich	Pajala of Londonderry
Bos-Lun of Westminster	Hooper of Burlington	Patt of Worcester
Brady of Williston	Houghton of Essex Junction	Pouech of Hinesburg
Brown of Richmond	Howard of Rutland City	Priestley of Bradford
Brumsted of Shelburne	Hyman of South Burlington	Rachelson of Burlington
Burke of Brattleboro	James of Manchester	Rice of Dorset
Buss of Woodstock	Jerome of Brandon	Roberts of Halifax
Campbell of St. Johnsbury	Kornheiser of Brattleboro	Satcowitz of Randolph
Carpenter of Hyde Park	Krasnow of South Burlington	Scheu of Middlebury
Casey of Montpelier	Lalley of Shelburne	Sheldon of Middlebury
Chapin of East Montpelier	LaLonde of South Burlington	Sibilia of Dover
Chase of Chester	Lanpher of Vergennes	Small of Winooski
Chesnut-Tangerman of Middletown Springs		Squirrel of Underhill
		Stebbins of Burlington

Coffey of Guilford	Leavitt of Grand Isle	Stevens of Waterbury
Cole of Hartford	Long of Newfane	Stone of Burlington
Conlon of Cornwall	Masland of Thetford	Surprenant of Barnard
Cordes of Lincoln	McCann of Montpelier	Taylor of Colchester
Demrow of Corinth	McCarthy of St. Albans	Toleno of Brattleboro
Dodge of Essex	City	Torre of Moretown
Dolan of Essex Junction	McGill of Bridport	White of Bethel
Dolan of Waitsfield	Mihaly of Calais	Whitman of Bennington
Donahue of Northfield	Minier of South Burlington	Wood of Waterbury *

Those who voted in the negative are:

Anthony of Barre City	Farlice-Rubio of Barnet	Morgan of Milton
Arrison of Weathersfield	Galfetti of Barre Town	Morris of Springfield
Bartley of Fairfax	Goslant of Northfield	Morrissey of Bennington
Berbeco of Winooski	Gregoire of Fairfield	Nicoll of Ludlow
Black of Essex	Hango of Berkshire	Parsons of Newbury *
Branagan of Georgia	Harrison of Chittenden	Pearl of Danville
Brennan of Colchester	Higley of Lowell	Peterson of Clarendon
Brownell of Pownal	Hooper of Randolph	Quimby of Lyndon
Burditt of West Rutland	Labor of Morgan	Sammis of Castleton *
Burrows of West Windsor	LaBounty of Lyndon	Shaw of Pittsford
Canfield of Fair Haven	LaMont of Morrystown *	Sims of Craftsbury
Carroll of Bennington	Laroche of Franklin	Smith of Derby
Chase of Colchester	Lipsky of Stowe	Taylor of Milton
Christie of Hartford	Maguire of Rutland City	Walker of Swanton
Cina of Burlington	Marcotte of Coventry	Waters Evans of Charlotte
Clifford of Rutland City	Mattos of Milton	Williams of Barre City
Corcoran of Bennington	McCoy of Poultney	Williams of Granby
Demar of Enosburgh	McFaun of Barre Town	

Those members absent with leave of the House and not voting are:

Andriano of Orwell	Graham of Williamstown	Oliver of Sheldon
Beck of St. Johnsbury	Graning of Jericho	Page of Newport City
Boyden of Cambridge	Logan of Burlington	Templeman of Brownington
Dickinson of St. Albans	Mulvaney-Stanak of	Toof of St. Albans Town
Town	Burlington	Troiano of Stannard

Rep. LaMont of Morrystown explained her vote as follows:

“Madam Speaker:

I voted NO, because as I was writing this explanation, I realized how hypocritical it would be for me to vote yes. Although I want to protect children and eliminate access to harmful and illicit or illegal substances, this is not it. We talk about the expense of health care on the State, without mentioning chronic health conditions, maternal death, infancy death, mental health, exposure to unhealthy living environments, air and water quality, non-gun related suicide, violence, and other severe and pervasive harms that also

cost the State significant money to address. When, if, and only when people have and can access quality care. Preventative care, improved quality of life, safely housed, well fed, positively contributing members of society should be the goal. NO to big tobacco. NO to big pharma, NO to big oil. Yes to protecting the children. Let us find another way.”

Rep. Parsons of Newbury explained his vote as follows:

“Madam Speaker:

Among other reasons, my no vote today was for my local general store that has never sold a flavored vape to a minor. Their ask? Could you please not give people one more reason to just drive by and go to New Hampshire?”

Rep. Sammis of Castleton explained his vote as follows:

“Madam Speaker:

I vote no today not due to a lack of desire to prevent youth nicotine use, but on the principle that Vermont business owners are being targeted and singled out on an already heavily regulated product. Vermont businesses have been overwhelmingly compliant with age enforcement but are now being blamed for purchases made either out-of-state or online. The laws already on the books are under enforced. If this bill didn’t support a full ban, it would have been a monumental step in nicotine use prevention, while protecting State tax revenue, consumer options, and our local economies. I would have supported it. Instead, it will create a prohibition. And where every other prohibition this State has attempted to enact, it will be ignored by consumers and fail. It will penalize responsible adult consumer options but will also not end youth use. The State will inadvertently create an unregulated black market, which historically always has negative consequences. Businesses will close as a result of this bill, responsible businesses who follow the rule of law and want responsible product use as much as anyone else. And it is caused by a legislative body that can’t even properly enforce existing laws or confidently define what chemical nicotine is before further choosing to regulate it.”

Rep. Wood of Waterbury explained her vote as follows:

“Madam Speaker:

I voted yes today. Yes, for our children. Yes, for improved health of our State. And no for big tobacco.”

Thereupon, third reading was ordered.

Recess

At eight o'clock and eleven minutes in the evening, the Speaker declared a recess until the fall of the gavel.

Called to Order

At eight o'clock and fifty-one minutes in the evening, the Speaker called the House to order.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 534

House bill, entitled
An act relating to retail theft

H. 645

House bill, entitled
An act relating to the expansion of approaches to restorative justice

Committee Bill; Second Reading; Third Reading Ordered

H. 870

Rep. Nugent of South Burlington spoke for the Committee on Government Operations and Military Affairs.

House bill, entitled

An act relating to professions and occupations regulated by the Office of Professional Regulation

Having appeared on the Notice Calendar and appearing on the Action Calendar, was taken up, read the second time, and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 856

Rep. Labor of Morgan, for the Committee on General and Housing, to which had been referred House bill, entitled

An act relating to medical leave for a serious injury

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

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

§ 471. DEFINITIONS

As used in this subchapter:

* * *

(3) “Family leave” means a leave of absence from employment by an employee who works for an employer ~~which~~ that employs 15 or more individuals who are employed for an average of at least 30 hours per week during the year for one of the following reasons:

(A) the serious ~~illness~~ health condition of the employee; or

(B) the serious ~~illness~~ health condition of the employee’s child, stepchild or ward who lives with the employee, foster child, parent, spouse, or parent of the employee’s spouse.

(4) “Health care provider” means a licensed health care provider or a health care provider as defined pursuant to 29 C.F.R. § 825.125.

(5) “Parental leave” means a leave of absence from employment by an employee who works for an employer ~~which~~ that employs 10 or more individuals who are employed for an average of at least 30 hours per week during the year for one of the following reasons:

* * *

~~(5)~~(6) “Serious ~~illness~~ health condition” means:

(A) an accident, illness, injury, disease, or physical or mental condition that:

~~(A)~~(i) poses imminent danger of death;

~~(B)~~(ii) requires inpatient care in a hospital, hospice, or residential medical care facility; or

~~(C)~~(iii) requires continuing in-home care under the direction of treatment by a ~~physician~~ health care provider; or

(B) rehabilitation from an accident, illness, injury, disease, or physical or mental condition described in subdivision (A) of this subdivision (5), including treatment for substance use disorder.

Sec. 2. 21 V.S.A. § 472 is amended to read:

§ 472. LEAVE

(a) During any 12-month period, an employee shall be entitled to take unpaid leave for a period not to exceed 12 weeks:

* * *

(2) for family leave, for the serious ~~illness~~ health condition of the employee or the employee’s child, stepchild or ward of the employee who lives with the employee, foster child, parent, spouse, or parent of the employee’s spouse.

* * *

(e)(1) An employee shall give reasonable written notice of intent to take leave under this subchapter. Notice shall include the date the leave is expected to commence and the estimated duration of the leave.

(2) In the case of the adoption or birth of a child, an employer shall not require that notice be given more than six weeks prior to the anticipated commencement of the leave.

(3) In the case of serious ~~illness~~ health condition of the employee or a member of the employee's family, an employer may require certification from a ~~physician~~ health care provider to verify the condition and the amount and necessity for the leave requested.

(4) An employee may return from leave earlier than estimated upon approval of the employer.

(5) An employee shall provide reasonable notice to the employer of ~~his or her~~ the need to extend leave to the extent provided by this ~~chapter~~ subchapter.

* * *

(h) Except for serious ~~illness~~ health condition of the employee, an employee who does not return to employment with the employer who provided the leave shall return to the employer the value of any compensation paid to or on behalf of the employee during the leave, except payments for accrued sick leave or vacation leave.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on General and Housing agreed to, and third reading ordered.

Action on Bill Postponed

H. 867

House bill, entitled

An act relating to miscellaneous amendments to the laws governing alcoholic beverages and the Board of Liquor and Lottery

Was taken up and, pending second reading of the bill, on motion of **Rep. Boyden of Cambridge**, action on the bill was postponed until March 19, 2024.

Adjournment

At nine o'clock and eleven minutes in the evening, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Friday, March 15, 2024

At nine o'clock and thirty minutes in the forenoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Kate Nugent of South Burlington.

**Committee Bill Introduced;
Referred to Committee on Ways and Means****H. 871**

By the Committee on Education,
House bill, entitled

An act relating to the development of an updated State aid to school construction program

Was read the first time and, pursuant to House Rule 35(a), affecting the revenue of the State, was referred to the Committee on Ways and Means.

Committee Bill Introduced**H. 872**

By the Committee on Government Operations and Military Affairs,
House bill, entitled

An act relating to miscellaneous updates to the powers of the Vermont Criminal Justice Council and the duties of law enforcement officers

Was read the first time and, pursuant to House Rule 48, placed on the Notice Calendar.

**Committee Bill Introduced;
Referred to Committee on Ways and Means**

H. 873

By the Committee on Education,
House bill, entitled

An act relating to financing the testing for and remediation of the presence of polychlorinated biphenyls (PCBs) in schools

Was read the first time and, pursuant to House Rule 35(a), affecting the revenue of the State, was referred to the Committee on Ways and Means.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred to committee as follows:

S. 109

Senate bill, entitled

An act relating to Medicaid coverage for doula services
To the Committee on Health Care.

S. 191

Senate bill, entitled

An act relating to New American educational grant opportunities
To the Committee on Education.

Bills Referred to Committee on Ways and Means

House bills of the following titles, appearing on the Notice Calendar, affecting the revenue of the State, pursuant to House Rule 35(a), were referred to the Committee on Ways and Means:

H. 687

House bill, entitled

An act relating to community resilience and biodiversity protection through land use

H. 769

House bill, entitled

An act relating to establishing a baby bond trust program

H. 829

House bill, entitled

An act relating to creating permanent upstream eviction protections and enhancing housing stability

Bills Referred to Committee on Appropriations

House bills of the following titles, appearing on the Notice Calendar, carrying appropriations, under House Rule 35(a), were referred to the Committee on Appropriations:

H. 657

House bill, entitled

An act relating to the modernization of Vermont's communications taxes and fees

H. 702

House bill, entitled

An act relating to legislative operations and government accountability

Joint Resolution Referred to Committee**J.R.S. 41**

By Senators Cummings, Perchlik, and Watson,

J.R.S. 41. Joint resolution requesting that the U.S. Postal Service reestablish, as rapidly as possible, a full-service U.S. Post Office in downtown Montpelier.

Whereas, as the Vermont State capital, the seat of Washington County, and an important commercial hub in central Vermont, the City of Montpelier's daily U.S. Mail service is extremely important, and

Whereas, the municipality of Montpelier has hosted a U.S. Post Office since 1798, and the historic State Street location dates from 1891, and

Whereas, on July 10 and 11, 2023, Montpelier experienced a devastating flood, and one of the most unfortunate consequences was the immediate closure of the U.S. Post Office, leaving the municipality bereft of this essential public service, and

Whereas, initial plans for a limited U.S. postal facility proved unworkable, and eventually, trucks, primarily offering a pickup point for postal box renters, were stationed in a parking lot on River Street, a site far from downtown

Montpelier that is not easily accessible to public transit customers or pedestrians, and

Whereas, because these trucks had neither heat nor electricity, this temporary, and wholly inadequate, arrangement ended on Friday, November 17, 2023, and

Whereas, on Monday, January 8, 2024, a rally was conducted in front of the shuttered Montpelier U.S. Post Office that featured remarks from U.S. Senator Peter Welch, U.S. Representative Becca Balint, and a senior member of U.S. Senator Bernie Sanders's staff, each of whom implored U.S. Postmaster General Louis DeJoy to remediate, immediately, this untenable situation, and

Whereas, the lack of a full-service U.S. Post Office in downtown Montpelier is extremely inconvenient for the citizens, businesses, and governmental offices located in the State's capital city, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly requests that the U.S. Postal Service reestablish, as rapidly as possible, a full-service U.S. Post Office in downtown Montpelier, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to President Joseph R. Biden, U.S. Postmaster General Louis DeJoy, and the members of the Vermont Congressional Delegation.

Was read by title, treated as a bill, and referred to the Committee on Government Operations and Military Affairs pursuant to House Rule 52.

Ceremonial Reading

H.C.R. 167

House concurrent resolution commemorating the centennial of U.S. Navy Torpedoman 2nd Class Henry Breault's becoming the first submariner to receive the Medal of Honor

Offered by: Representatives Morgan of Milton, Bartley of Fairfax, Beck of St. Johnsbury, Birong of Vergennes, Boyden of Cambridge, Branagan of Georgia, Brennan of Colchester, Burditt of West Rutland, Canfield of Fair Haven, Clifford of Rutland City, Demar of Enosburgh, Donahue of Northfield, Galfetti of Barre Town, Graham of Williamstown, Gregoire of Fairfield, Hango of Berkshire, Higley of Lowell, Hooper of Burlington, Labor of Morgan, Laroche of Franklin, Leavitt of Grand Isle, Maguire of Rutland City, Mattos of Milton, McCarthy of St. Albans City, McCoy of Poultney, McFaun of Barre Town, Morrissey of Bennington, Mrowicki of Putney, Nugent of South Burlington, Oliver of Sheldon, Page of Newport City,

Parsons of Newbury, Peterson of Clarendon, Sammis of Castleton, Shaw of Pittsford, Sibia of Dover, Smith of Derby, Taylor of Milton, Toof of St. Albans Town, and Walker of Swanton

Whereas, the Medal of Honor is the U.S. military's highest recognition and is awarded for acts of extraordinary valor while serving our nation, and

Whereas, Henry Breault had a long naval career, first, as a member of the Royal Navy Canadian Volunteer Reserve during World War I, and, subsequently, from 1920–1941, as a submariner in the U.S. Navy who enlisted in Grand Isle and is designated in U.S. Naval records as a Vermonter, and

Whereas, on October 28, 1923, Henry Breault was stationed on the USS O-5, which, while in transit through the Panama Canal, collided with the steamship Abangarez, a commercial vessel, causing the nearly immediate sinking of the submarine, and

Whereas, nearly all the personnel on board the submarine, including Henry Breault, were able to escape, but Breault, on the verge of jumping overboard to safety himself, returned to the torpedo room to rescue a trapped fellow submarine mate, closing the torpedo hatch after him, and

Whereas, 31 hours later, a salvage party was able to rescue both men, and Henry Breault's selfless bravery resulted in President Calvin Coolidge's awarding him the Medal of Honor on March 8, 1924, making him the first submariner—and, to this day, the only enlisted submariner—so recognized, and

Whereas, naval historian Ryan Walker has since written a book entitled, *The Silent Service's First Hero: The First Submariner to Receive the Medal of Honor*, and Henry Breault's story was also the subject of an exhibit at the Submarine Force Library and Museum in Groton, Connecticut, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly commemorates the centennial of U.S. Navy Torpedoman 2nd Class Henry Breault's becoming the first submariner to receive the Medal of Honor, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Submarine Force Library and Museum and to Ryan Walker.

Having been adopted in concurrence on Friday, March 1, 2024 in accord with Joint Rule 16b, was read.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 856

House bill, entitled

An act relating to medical leave for a serious injury

H. 870

House bill, entitled

An act relating to professions and occupations regulated by the Office of Professional Regulation

Action on Bills Postponed**H. 279**

House bill, entitled

An act relating to the Uniform Trust Decanting Act

Was taken up and, pending second reading of the bill, on motion of **Rep. LaLonde of South Burlington**, action on the bill was postponed until March 19, 2024.

H. 350

House bill, entitled

An act relating to the Uniform Directed Trust Act

Was taken up and, pending second reading of the bill, on motion of **Rep. LaLonde of South Burlington**, action on the bill was postponed until March 19, 2024.

H. 664

House bill, entitled

An act relating to designating a State Mushroom

Was taken up and, pending second reading of the bill, on motion of **Rep. Durfee of Shaftsbury**, action on the bill was postponed until March 19, 2024.

**Amendment Offered and Withdrawn; Third Reading; Bill Passed in
Concurrence with Proposal of Amendment**

S. 18

Senate bill, entitled

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

Was taken up and, pending third reading of the bill, **Rep. Graning of Jericho** moved to amend the House proposal of amendment by striking out Sec. 5, 16 V.S.A. § 140, in its entirety and inserting in lieu thereof a new Sec. 5 to read as follows:

Sec. 5. 16 V.S.A. § 140 is amended to read:

§ 140. ~~TOBACCO USE OF TOBACCO PRODUCTS, TOBACCO~~
SUBSTITUTES, AND E-LIQUIDS PROHIBITED ON PUBLIC
SCHOOL GROUNDS

No person shall be permitted to use tobacco products ~~or~~ tobacco substitutes, or e-liquids, as those terms are defined in 7 V.S.A. § 1001, on public school the grounds of a public school or an approved independent school that is eligible to receive public tuition, or at public school sponsored functions any function sponsored by such school. ~~Public school boards may adopt policies that include confiscation and appropriate referrals to law enforcement authorities.~~

Thereupon, **Rep. Graning of Jericho** asked and was granted leave of the House to withdraw her amendment.

Thereafter, the bill was read the third time and passed in concurrence with proposal of amendment.

Message from the Senate No. 31

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 189. An act relating to mental health response service guidelines and social service provider safety.

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

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

H. 518. An act relating to the approval of amendments to the charter of the Town of Essex.

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

The Senate has on its part adopted Senate concurrent resolution of the following title:

S.C.R. 11. Senate concurrent resolution congratulating Bag Balm on the company's 125th anniversary.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 171. House concurrent resolution congratulating the 2023 Green Mountain Council Class of Eagle Scouts.

H.C.R. 172. House concurrent resolution congratulating Goodridge Lumber Inc. of Albany on its 50th anniversary.

H.C.R. 173. House concurrent resolution in memory of former Castleton State College Dean of Education Honoree Fleming.

H.C.R. 174. House concurrent resolution congratulating the 2023 Spirit of the ADA Award winners.

H.C.R. 175. House concurrent resolution in memory of jazz aficionado Reuben Jackson.

H.C.R. 176. House concurrent resolution congratulating Kristi Lefebvre Huizenga of Colchester on her 2024 induction into the Vermont Sports Hall of Fame.

H.C.R. 177. House concurrent resolution recognizing March as Colorectal Cancer Awareness Month in Vermont.

H.C.R. 178. House concurrent resolution congratulating Lena Delores Baker on her 100th birthday.

H.C.R. 179. House concurrent resolution congratulating the Vermont place winners at the 2023 National Senior Games and designating March 21, 2024 as Vermont Senior Games Day at the State House.

H.C.R. 180. House concurrent resolution recognizing July 2024 as Park and Recreation Month in Vermont and designating July 19, 2024 as Vermont Park and Recreation Professionals Day in Vermont.

Adjournment

At ten o'clock and twenty-eight minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, March 19, 2024, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 48.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Rule 16b of the Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House:

H.C.R. 171

House concurrent resolution congratulating the 2023 Green Mountain Council Class of Eagle Scouts

H.C.R. 172

House concurrent resolution congratulating Goodridge Lumber Inc. of Albany on its 50th anniversary

H.C.R. 173

House concurrent resolution in memory of former Castleton State College Dean of Education Honoree Fleming

H.C.R. 174

House concurrent resolution congratulating the 2023 Spirit of the ADA Award winners

H.C.R. 175

House concurrent resolution in memory of jazz aficionado Reuben Jackson

H.C.R. 176

House concurrent resolution congratulating Kristi Lefebvre Huizenga of Colchester on her 2024 induction into the Vermont Sports Hall of Fame

H.C.R. 177

House concurrent resolution recognizing March as Colorectal Cancer Awareness Month in Vermont

H.C.R. 178

House concurrent resolution congratulating Lena Delores Baker on her 100th birthday

H.C.R. 179

House concurrent resolution congratulating the Vermont place winners at the 2023 National Senior Games and designating March 21, 2024 as Vermont Senior Games Day at the State House

H.C.R. 180

House concurrent resolution recognizing July 2024 as Park and Recreation Month in Vermont and designating July 19, 2024 as Vermont Park and Recreation Professionals Day in Vermont

S.C.R. 11

Senate concurrent resolution congratulating Bag Balm on the company's 125th anniversary

[The full text of the concurrent resolutions appeared in the House and Senate Calendar Addendums on the preceding legislative day and will appear in the Public Acts and Resolves of the 2024 Adjourned Session.]

Tuesday, March 19, 2024

At ten o'clock in the forenoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Shabnam Nolan, Executive Director of King Street Center, Burlington.

Pledge of Allegiance

Page Willa Kaeck of New Haven led the House in the Pledge of Allegiance.

**Committee Bill Introduced;
Referred to Committee on Ways and Means****H. 874**

By the Committee on Education,

House bill, entitled

An act relating to miscellaneous changes in education laws

Was read the first time and, pursuant to House Rule 35(a), affecting the revenue of the State, was referred to the Committee on Ways and Means.

**Committee Bill Introduced;
Referred to Committee on Appropriations**

H. 875

By the Committee on Government Operations and Military Affairs,
House bill, entitled

An act relating to the State Ethics Commission and the State Code of Ethics

Was read the first time and, pursuant to House Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

**Committee Bill Introduced;
Referred to Committee on Appropriations**

H. 876

By the Committee on Corrections and Institutions,
House bill, entitled

An act relating to miscellaneous amendments to the corrections laws

Was read the first time and, pursuant to House Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

**Committee Bill Introduced;
Referred to Committee on Ways and Means**

H. 877

By the Committee on Agriculture, Food Resiliency, and Forestry,
House bill, entitled

An act relating to miscellaneous agricultural subjects

Was read the first time and, pursuant to House Rule 35(a), affecting the revenue of the State, was referred to the Committee on Ways and Means.

Committee Bill Introduced

H. 878

By the Committee on Judiciary,
House bill, entitled

An act relating to miscellaneous judiciary procedures

Was read the first time and, pursuant to House Rule 48, placed on the Notice Calendar.

**Committee Bill Introduced;
Referred to Committee on Appropriations**

H. 879

By the Committee on Human Services,
House bill, entitled

An act relating to the Emergency Temporary Shelter Program

Was read the first time and, pursuant to House Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

**Committee Bill Introduced;
Referred to Committee on Ways and Means**

H. 880

By the Committee on Judiciary,
House bill, entitled

An act relating to increasing access to the judicial system

Was read the first time and, pursuant to House Rule 35(a), affecting the revenue of the State, was referred to the Committee on Ways and Means.

Senate Bill Referred

S. 189

Senate bill, entitled

An act relating to mental health response service guidelines and social service provider safety

Was read the first time and referred to the Committee on Human Services.

Bills Referred to Committee on Ways and Means

House bills of the following titles, appearing on the Notice Calendar, affecting the revenue of the State, pursuant to House Rule 35(a), were referred to the Committee on Ways and Means:

H. 585

House bill, entitled

An act relating to amending the pension system for sheriffs and certain deputy sheriffs

H. 626

House bill, entitled
An act relating to animal welfare

H. 721

House bill, entitled
An act relating to expanding access to Medicaid and Dr. Dynasaur

Bills Referred to Committee on Appropriations

House bills of the following titles, appearing on the Notice Calendar, carrying appropriations, under House Rule 35(a), were referred to the Committee on Appropriations:

H. 546

House bill, entitled
An act relating to administrative and policy changes to tax laws

H. 612

House bill, entitled
An act relating to miscellaneous cannabis amendments

H. 622

House bill, entitled
An act relating to emergency medical services

H. 624

House bill, entitled
An act relating to providing financial assistance to the forest economy

H. 655

House bill, entitled
An act relating to qualifying offenses for sealing criminal history records and access to sealed criminal history records

H. 695

House bill, entitled
An act relating to survivor benefits for law enforcement officers

H. 707

House bill, entitled

An act relating to revising the delivery and governance of the Vermont workforce system

H. 813

House bill, entitled

An act relating to establishing the Tree Fruit Farmer Assistance Program

Message from the Senate No. 32

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 197. An act relating to restricting perfluoroalkyl and polyfluoroalkyl substances in consumer products.

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

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 49. Joint resolution relating to weekend adjournment on March 22, 2024.

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

Recess

At ten o'clock and twenty-four minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

Call to Order

At twelve o'clock and forty minutes in the afternoon, the Speaker called the House to order.

Second Reading; Bill Amended; Third Reading Ordered**H. 279**

Rep. Andriano of Orwell, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to the Uniform Trust Decanting Act

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

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

CHAPTER 14. UNIFORM TRUST DECANTING ACT

§ 1401. SHORT TITLE

This chapter may be cited as the Uniform Trust Decanting Act.

§ 1402. DEFINITIONS

As used in this chapter:

(1) “Appointive property” means the property or property interest subject to a power of appointment.

(2) “Ascertainable standard” has the same meaning as in subdivision 103(2) of this title.

(3) “Authorized fiduciary” means:

(A) a trustee or other fiduciary, other than a settlor, that has discretion to distribute or direct a trustee to distribute part or all of the principal of the first trust to one or more current beneficiaries;

(B) a special fiduciary appointed under section 1409 of this title; or

(C) a special-needs fiduciary under section 1413 of this title.

(4) “Beneficiary” has the same meaning as in subdivision 103(3) of this title.

(5) “Charitable interest” means an interest in a trust that:

(A) is held by an identified charitable organization and makes the organization a qualified beneficiary;

(B) benefits only charitable organizations and, if the interest were held by an identified charitable organization, would make the organization a qualified beneficiary; or

(C) is held solely for charitable purposes and, if the interest were held by an identified charitable organization, would make the organization a qualified beneficiary.

(6) “Charitable organization” means:

(A) a person, other than an individual, organized and operated exclusively for charitable purposes; or

(B) a government or governmental subdivision, agency, or instrumentality, to the extent it holds funds exclusively for a charitable purpose.

(7) “Charitable purpose” means the relief of poverty, the advancement of education or religion, the promotion of health, a municipal or other governmental purpose, or another purpose the achievement of which is beneficial to the community.

(8) “Court” means the court in this State having jurisdiction in matters relating to trusts.

(9) “Current beneficiary” means a beneficiary that on the date the beneficiary’s qualification is determined is a distributee or permissible distributee of trust income or principal. The term includes the holder of a presently exercisable general power of appointment but does not include a person that is a beneficiary only because the person holds any other power of appointment.

(10) “Decanting power” or “the decanting power” means the power of an authorized fiduciary under this chapter to distribute property of a first trust to one or more second trusts or to modify the terms of the first trust.

(11) “Expanded distributive discretion” means a discretionary power of distribution that is not limited to an ascertainable standard or a reasonably definite standard.

(12) “First trust” means a trust over which an authorized fiduciary may exercise the decanting power.

(13) “First-trust instrument” means the trust instrument for a first trust.

(14) “General power of appointment” means a power of appointment exercisable in favor of a powerholder, the powerholder’s estate, a creditor of the powerholder, or a creditor of the powerholder’s estate.

(15) “Jurisdiction,” with respect to a geographic area, includes a state or country.

(16) “Person” has the same meaning as in section 103 of this title.

(17) “Power of appointment” means a power that enables a powerholder acting in a nonfiduciary capacity to designate a recipient of an ownership interest in or another power of appointment over the appointive property. The term does not include a power of attorney.

(18) “Powerholder” means a person in which a donor creates a power of appointment.

(19) “Presently exercisable power of appointment” means a power of appointment exercisable by the powerholder at the relevant time. The term:

(A) includes a power of appointment exercisable only after the occurrence of a specified event, the satisfaction of an ascertainable standard, or the passage of a specified time only after:

- (i) the occurrence of the specified event;
- (ii) the satisfaction of the ascertainable standard; or
- (iii) the passage of the specified time; and

(B) does not include a power exercisable only at the powerholder’s death.

(20) “Qualified beneficiary” has the same meaning as in section 103 of this title.

(21) “Reasonably definite standard” means a clearly measurable standard under which a holder of a power of distribution is legally accountable within the meaning of 26 U.S.C. § 674(b)(5)(A) and any applicable regulations.

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

(23) “Second trust” means:

(A) a first trust after modification under this chapter; or

(B) a trust to which a distribution of property from a first trust is or may be made under this chapter.

(24) “Second-trust instrument” means the trust instrument for a second trust.

(25) “Settlor” has the same meaning as in section 103 of this title.

(26) “Sign” means, with present intent to authenticate or adopt a record:

(A) to execute or adopt a tangible symbol; or

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

(27) “State” has the same meaning as in subdivision 103(17) of this title.

(28) “Terms of the trust” has the same meaning as in subdivision 103(18) of this title.

(29) “Trust instrument” has the same meaning as in subdivision 103(19) of this title.

§ 1403. SCOPE

(a) Except as otherwise provided in subsections (b) and (c) of this section, this chapter applies to an express trust that is irrevocable or revocable by the settlor only with the consent of the trustee or a person holding an adverse interest.

(b) This chapter does not apply to a trust held solely for charitable purposes.

(c) Subject to section 1415 of this title, a trust instrument may restrict or prohibit exercise of the decanting power.

(d) This chapter does not limit the power of a trustee, powerholder, or other person to distribute or appoint property in further trust or to modify a trust under the trust instrument, law of this State other than this chapter, common law, a court order, or a nonjudicial settlement agreement.

(e) This chapter does not affect the ability of a settlor to provide in a trust instrument for the distribution of the trust property or appointment in further trust of the trust property or for modification of the trust instrument.

§ 1404. FIDUCIARY DUTY

(a) In exercising the decanting power, an authorized fiduciary shall act in accordance with its fiduciary duties, including the duty to act in accordance with the purposes of the first trust.

(b) This chapter does not create or imply a duty to exercise the decanting power or to inform beneficiaries about the applicability of this chapter.

(c) Except as otherwise provided in a first-trust instrument, for purposes of this chapter and section 801 and subsection 802(a) of this title, the terms of the first trust are deemed to include the decanting power.

§ 1405. APPLICATION; GOVERNING LAW

This chapter applies to a trust created before, on, or after the effective date of this act that:

(1) has its principal place of administration in this State, including a trust whose principal place of administration has been changed to this State; or

(2) provides by its trust instrument that it is governed by the law of this State or is governed by the law of this State for the purpose of:

(A) administration, including administration of a trust whose governing law for purposes of administration has been changed to the law of this State;

(B) construction of terms of the trust; or

(C) determining the meaning or effect of terms of the trust.

§ 1406. REASONABLE RELIANCE

A trustee or other person who reasonably relies on the validity of a distribution of part or all of the property of a trust to another trust, or a modification of a trust, under this chapter, law of this State other than this chapter, or the law of another jurisdiction is not liable to any person for any action or failure to act as a result of the reliance.

§ 1407. NOTICE; EXERCISE OF DECANTING POWER

(a) In this section, a notice period begins on the day notice is given under subsection (c) of this section and ends 59 days after the day notice is given.

(b) Except as otherwise provided in this chapter, an authorized fiduciary may exercise the decanting power without the consent of any person and without court approval.

(c) Except as otherwise provided in subsection (f) of this section, an authorized fiduciary shall give notice in a record of the intended exercise of the decanting power not later than 60 days before the exercise to:

(1) each settlor of the first trust, if living or then in existence;

(2) each qualified beneficiary of the first trust;

(3) each holder of a presently exercisable power of appointment over any part or all of the first trust;

(4) each person who currently has the right to remove or replace the authorized fiduciary;

(5) each other fiduciary of the first trust;

(6) each fiduciary of the second trust;

(7) the Attorney General, if subsection 1414(b) of this title applies; and

(8) each person acting as a trust director, as defined in section 1302 of this title, of the first trust.

(d) An authorized fiduciary is not required to give notice under subsection (c) of this section to a person that is not known to the fiduciary or is known to the fiduciary but cannot be located by the fiduciary after reasonable diligence.

(e) A notice under subsection (c) of this section shall:

(1) specify the manner in which the authorized fiduciary intends to exercise the decanting power;

(2) specify the proposed effective date for exercise of the power;

(3) include a copy of the first-trust instrument; and

(4) include a copy of all second-trust instruments.

(f) The decanting power may be exercised before expiration of the notice period under subsection (a) of this section if all persons entitled to receive notice waive the period in a signed record.

(g) The receipt of notice, waiver of the notice period, or expiration of the notice period does not affect the right of a person to file an application under section 1409 of this title asserting that:

(1) an attempted exercise of the decanting power is ineffective because it did not comply with this chapter or was an abuse of discretion or breach of fiduciary duty; or

(2) section 1422 of this title applies to the exercise of the decanting power.

(h) An exercise of the decanting power is not ineffective because of the failure to give notice to one or more persons under subsection (c) of this section if the authorized fiduciary acted with reasonable care to comply with that subsection.

§ 1408. REPRESENTATION

(a) Notice to a person with authority to represent and bind another person under a first trust instrument or the Vermont Trust Code has the same effect as notice given directly to the person represented.

(b) Consent of or waiver by a person with authority to represent and bind another person under a first-trust instrument or the Vermont Trust Code is binding on the person represented unless the person represented objects to the representation before the consent or waiver otherwise would become effective.

(c) A person with authority to represent and bind another person under a first-trust instrument or the Vermont Trust Code may file an application under section 1409 of this title on behalf of the person represented.

(d) A settlor shall not represent or bind a beneficiary under this chapter unless the settlor represents a minor or unborn child under subdivision 303(6) of this title.

§ 1409. COURT INVOLVEMENT

(a) The court may, upon application of an authorized fiduciary, a person entitled to notice under subsection 1407(c) of this title, a beneficiary, or, with respect to a charitable interest, the Attorney General or another person with standing to enforce the charitable interest:

(1) provide instructions to the authorized fiduciary regarding whether a proposed exercise of the decanting power is permitted under this chapter and consistent with the fiduciary duties of the authorized fiduciary;

(2) appoint a special fiduciary and authorize the special fiduciary to determine whether the decanting power should be exercised under this chapter and to exercise the decanting power;

(3) approve an exercise of the decanting power;

(4) determine that a proposed or attempted exercise of the decanting power is ineffective because:

(A) after applying section 1422 of this title, the proposed or attempted exercise does not or did not comply with this chapter; or

(B) the proposed or attempted exercise would be or was an abuse of the fiduciary's discretion or a breach of fiduciary duty;

(5) determine the extent to which section 1422 of this title applies to a prior exercise of the decanting power;

(6) provide instructions to the trustee regarding the application of section 1422 of this title to a prior exercise of the decanting power; or

(7) order other relief to carry out the purposes of this chapter.

(b) On application of an authorized fiduciary, the court may approve:

(1) an increase in the fiduciary's compensation under section 1416 of this title; or

(2) a modification under section 1418 of this title of a provision granting a person the right to remove or replace the fiduciary.

§ 1410. FORMALITIES

An exercise of the decanting power shall be made in a record signed by an authorized fiduciary. The signed record shall, directly or by reference to the notice required by section 1407 of this title, identify the first trust and the second trust or trusts and state the property of the first trust being distributed to each second trust and the property, if any, that remains in the first trust.

§ 1411. DECANTING POWER UNDER EXPANDED DISTRIBUTIVE
DISCRETION

(a) As used in this section:

(1) “Noncontingent right” means a right that is not subject to the exercise of discretion or the occurrence of a specified event that is not certain to occur. The term does not include a right held by a beneficiary if any person has discretion to distribute property subject to the right to any person other than the beneficiary or the beneficiary’s estate.

(2) “Presumptive remainder beneficiary” means a qualified beneficiary other than a current beneficiary.

(3) “Successor beneficiary” means a beneficiary that is not a qualified beneficiary on the date the beneficiary’s qualification is determined. The term does not include a person that is a beneficiary only because the person holds a nongeneral power of appointment.

(4) “Vested interest” means:

(A) a right to a mandatory distribution that is a noncontingent right as of the date of the exercise of the decanting power;

(B) a current and noncontingent right, annually or more frequently, to a mandatory distribution of income, a specified dollar amount, or a percentage of value of some or all of the trust property;

(C) a current and noncontingent right, annually or more frequently, to withdraw income, a specified dollar amount, or a percentage of value of some or all of the trust property;

(D) a presently exercisable general power of appointment; or

(E) a right to receive an ascertainable part of the trust property on the trust’s termination that is not subject to the exercise of discretion or to the occurrence of a specified event that is not certain to occur.

(b) Subject to subsection (c) of this section and section 1414 of this title, an authorized fiduciary that has expanded distributive discretion over the principal of a first trust for the benefit of one or more current beneficiaries may exercise the decanting power over the principal of the first trust.

(c) Subject to section 1413 of this title, in an exercise of the decanting power under this section, a second trust shall not:

(1) include as a current beneficiary a person who is not a current beneficiary of the first trust, except as otherwise provided in subsection (d) of this section;

(2) include as a presumptive remainder beneficiary or successor beneficiary a person who is not a current beneficiary, presumptive remainder beneficiary, or successor beneficiary of the first trust, except as otherwise provided in subsection (d) of this section; or

(3) reduce or eliminate a vested interest.

(d) Subject to subdivision (c)(3) of this section and section 1414 of this title, in an exercise of the decanting power under this section, a second trust may be a trust created or administered under the law of any jurisdiction and may:

(1) retain a power of appointment granted in the first trust;

(2) omit a power of appointment granted in the first trust, other than a presently exercisable general power of appointment;

(3) create or modify a power of appointment if the powerholder is a current beneficiary of the first trust and the authorized fiduciary has expanded distributive discretion to distribute principal to the beneficiary; and

(4) create or modify a power of appointment if the powerholder is a presumptive remainder beneficiary or successor beneficiary of the first trust, but the exercise of the power may take effect only after the powerholder becomes, or would have become if then living, a current beneficiary.

(e) A power of appointment described in subdivisions (d)(1)–(4) of this section may be general or nongeneral. The class of permissible appointees in favor of which the power may be exercised may be broader than or different from the beneficiaries of the first trust.

(f) If an authorized fiduciary has expanded distributive discretion over part but not all of the principal of a first trust, the fiduciary may exercise the decanting power under this section over that part of the principal over which the authorized fiduciary has expanded distributive discretion.

§ 1412. DECANTING POWER UNDER LIMITED DISTRIBUTIVE

DISCRETION

(a) As used in this section, “limited distributive discretion” means a discretionary power of distribution that is limited to an ascertainable standard or a reasonably definite standard.

(b) An authorized fiduciary who has limited distributive discretion over the principal of the first trust for benefit of one or more current beneficiaries may exercise the decanting power over the principal of the first trust.

(c) Under this section and subject to section 1414 of this title, a second trust may be created or administered under the law of any jurisdiction. Under this section, the second trusts, in the aggregate, shall grant each beneficiary of the first trust beneficial interests that are substantially similar to the beneficial interests of the beneficiary in the first trust.

(d) A power to make a distribution under a second trust for the benefit of a beneficiary who is an individual is substantially similar to a power under the first trust to make a distribution directly to the beneficiary. A distribution is for the benefit of a beneficiary if:

(1) the distribution is applied for the benefit of the beneficiary;

(2) the beneficiary is under a legal disability or the trustee reasonably believes the beneficiary is incapacitated, and the distribution is made as permitted under the Vermont Trust Code; or

(3) the distribution is made as permitted under the terms of the first-trust instrument and the second-trust instrument for the benefit of the beneficiary.

(e) If an authorized fiduciary has limited distributive discretion over part but not all of the principal of a first trust, the fiduciary may exercise the decanting power under this section over that part of the principal over which the authorized fiduciary has limited distributive discretion.

§ 1413. TRUST FOR BENEFICIARY WITH DISABILITY

(a) As used in this section:

(1) “Beneficiary with a disability” means a beneficiary of a first trust who the special-needs fiduciary believes may qualify for governmental benefits based on disability, whether or not the beneficiary currently receives those benefits or is an individual who is subject to a guardianship or a protective arrangement.

(2) “Best interests” of a beneficiary with a disability include, without limitation, consideration of the financial impact to the family of the beneficiary who has a disability.

(3) “Governmental benefits” means financial aid or services from a state, federal, or other public agency.

(4) “Special-needs fiduciary” means, with respect to a trust that has a beneficiary with a disability:

(A) a trustee or other fiduciary, other than a settlor, who has discretion to distribute part or all of the principal of a first trust to one or more current beneficiaries;

(B) if no trustee or fiduciary has discretion under subdivision (A) of this subdivision (4), a trustee or other fiduciary, other than a settlor, who has discretion to distribute part or all of the income of the first trust to one or more current beneficiaries; or

(C) if no trustee or fiduciary has discretion under subdivision (A) or (B) of this subdivision (4), a trustee or other fiduciary, other than a settlor, who is required to distribute part or all of the income or principal of the first trust to one or more current beneficiaries.

(5) “Special-needs trust” means a trust the trustee believes would not be considered a resource for purposes of determining whether a beneficiary with a disability is eligible for governmental benefits.

(b) A special-needs fiduciary may exercise the decanting power under section 1411 of this title over the principal of a first trust as if the fiduciary had authority to distribute principal to a beneficiary with a disability subject to expanded distributive discretion if:

(1) a second trust is a special-needs trust that benefits the beneficiary with a disability; and

(2) the special-needs fiduciary determines that exercise of the decanting power will further the purposes of the first trust.

(c) In an exercise of the decanting power under this section, the following rules shall apply:

(1) Notwithstanding subdivision 1411(c)(2) of this title, the interest in the second trust of a beneficiary with a disability may:

(A) be a pooled trust as defined by Medicaid law for the benefit of the beneficiary with a disability under 42 U.S.C. § 1396p(d)(4)(C); or

(B) contain payback provisions complying with reimbursement requirements of Medicaid law under 42 U.S.C. § 1396p(d)(4)(A).

(2) Subdivision 1411(c)(3) of this title shall not apply to the interests of the beneficiary with a disability.

(3) Except as affected by any change to the interests of the beneficiary with a disability, the second trust, or if there are two or more second trusts, the second trusts in the aggregate, shall grant each other beneficiary of the first trust beneficial interests in the second trusts that are substantially similar to the beneficiary’s beneficial interests in the first trust.

§ 1414. PROTECTION OF CHARITABLE INTEREST

(a) As used in this section:

(1) “Determinable charitable interest” means a charitable interest that is a right to a mandatory distribution currently, periodically, on the occurrence of a specified event, or after the passage of a specified time and that is unconditional or will be held solely for charitable purposes.

(2) “Unconditional” means not subject to the occurrence of a specified event that is not certain to occur, other than a requirement in a trust instrument that a charitable organization be in existence or qualify under a particular provision of the U.S. Internal Revenue Code of 1986 on the date of the distribution, if the charitable organization meets the requirement on the date of determination.

(b) If a first trust contains a determinable charitable interest, the Attorney General shall have the rights of a qualified beneficiary and may represent and bind the charitable interest.

(c) If a first trust contains a charitable interest, the second trust or trusts shall not:

(1) diminish the charitable interest;

(2) diminish the interest of an identified charitable organization that holds the charitable interest;

(3) alter any charitable purpose stated in the first-trust instrument; or

(4) alter any condition or restriction related to the charitable interest.

(d) If there are two or more second trusts, the second trusts shall be treated as one trust for purposes of determining whether the exercise of the decanting power diminishes the charitable interest or diminishes the interest of an identified charitable organization for purposes of subsection (c) of this section.

(e) If a first trust contains a determinable charitable interest, the second trust or trusts that include a charitable interest pursuant to subsection (c) of this section shall be administered under the law of this State unless:

(1) the Attorney General, after receiving notice under section 1407 of this title, fails to object in a signed record delivered to the authorized fiduciary within the notice period;

(2) the Attorney General consents in a signed record to the second trust or trusts being administered under the law of another jurisdiction; or

(3) the court approves the exercise of the decanting power.

(f) This chapter shall not limit the powers and duties of the Attorney General under the law of this State other than as provided in this chapter.

§ 1415. TRUST LIMITATION ON DECANTING

(a) An authorized fiduciary shall not exercise the decanting power to the extent the first trust instrument expressly prohibits exercise of:

(1) the decanting power; or

(2) a power granted by State law to the authorized fiduciary to distribute part or all of the principal of the trust to another trust or to modify the trust.

(b) Exercise of the decanting power is subject to any restriction in the first-trust instrument that expressly applies to exercise of:

(1) the decanting power; or

(2) a power granted by State law to an authorized fiduciary to distribute part or all of the principal of the trust to another trust or to modify the trust.

(c) A general prohibition of the amendment or revocation of a first trust, a spendthrift clause, or a clause restraining the voluntary or involuntary transfer of a beneficiary's interest does not preclude exercise of the decanting power.

(d) Subject to subsections (a) and (b) of this section, an authorized fiduciary may exercise the decanting power under this chapter even if the first-trust instrument permits the authorized fiduciary or another person to modify the first-trust instrument or to distribute part or all of the principal of the first trust to another trust.

(e) If a first-trust instrument contains an express prohibition described in subsection (a) of this section or an express restriction described in subsection (b) of this section, the provision shall be included in the second trust instrument.

§ 1416. CHANGE IN COMPENSATION

(a) If a first-trust instrument specifies an authorized fiduciary's compensation, the fiduciary shall not exercise the decanting power to increase the fiduciary's compensation above the specified compensation unless:

(1) all qualified beneficiaries of the second trust consent to the increase in a signed record; or

(2) the increase is approved by the court.

(b) If a first-trust instrument does not specify an authorized fiduciary's compensation, the fiduciary shall not exercise the decanting power to increase the fiduciary's compensation above the compensation permitted by the Vermont Trust Code unless:

(1) all qualified beneficiaries of the second trust consent to the increase in a signed record; or

(2) the increase is approved by the court.

(c) A change in an authorized fiduciary's compensation that is incidental to other changes made by the exercise of the decanting power is not an increase in the fiduciary's compensation for purposes of subsections (a) and (b) of this section.

§ 1417. RELIEF FROM LIABILITY AND INDEMNIFICATION

(a) Except as otherwise provided in this section, a second-trust instrument shall not relieve an authorized fiduciary from liability for breach of trust to a greater extent than the first trust instrument.

(b) A second-trust instrument may provide for indemnification of an authorized fiduciary of the first trust or another person acting in a fiduciary capacity under the first trust for any liability or claim that would have been payable from the first trust if the decanting power had not been exercised.

(c) A second-trust instrument shall not reduce fiduciary liability in the aggregate.

(d) Subject to subsection (c) of this section, a second-trust instrument may divide and reallocate fiduciary powers among fiduciaries, including one or more trustees, distribution advisors, investment advisors, trust protectors, or other persons, and relieve an authorized fiduciary from liability for an act or failure to act of another fiduciary as permitted by the law of this State other than this chapter.

§ 1418. REMOVAL OR REPLACEMENT OF AUTHORIZED

FIDUCIARY

An authorized fiduciary shall not exercise the decanting power to modify a provision in a first-trust instrument granting another person power to remove or replace the fiduciary unless:

(1) the person holding the power consents to the modification in a signed record and the modification applies only to the person;

(2) the person holding the power and the qualified beneficiaries of the second trust consent to the modification in a signed record and the modification grants a substantially similar power to another person; or

(3) the court approves the modification and the modification grants a substantially similar power to another person.

§ 1419. TAX-RELATED LIMITATIONS

(a) As used in this section:

(1) “Grantor trust” means a trust as to which a settlor of a first trust is considered the owner under 26 U.S.C. §§ 671–677 or 26 U.S.C. § 679.

(2) “Internal Revenue Code” means the U.S. Internal Revenue Code of 1986.

(3) “Nongrantor trust” means a trust that is not a grantor trust.

(4) “Qualified benefits property” means property subject to the minimum distribution requirements of 26 U.S.C. § 401(a)(9) and any applicable regulations, or subject to any similar requirements that refer to 26 U.S.C. § 401(a)(9) or any applicable regulations.

(b) An exercise of the decanting power is subject to the following limitations:

(1) If a first trust contains property that qualified, or would have qualified but for provisions of this chapter other than this section, for a marital deduction for purposes of the gift or estate tax under the Internal Revenue Code or a state gift, estate, or inheritance tax, the second trust instrument shall not include or omit any term that, if included in or omitted from the trust instrument for the trust to which the property was transferred, would have prevented the transfer from qualifying for the deduction, or would have reduced the amount of the deduction, under the same provisions of the Internal Revenue Code or state law under which the transfer qualified.

(2) If the first trust contains property that qualified, or would have qualified but for provisions of this chapter other than this section, for a charitable deduction for purposes of the income, gift, or estate tax under the Internal Revenue Code or a state income, gift, estate, or inheritance tax, the second-trust instrument shall not include or omit any term that, if included in or omitted from the trust instrument for the trust to which the property was transferred, would have prevented the transfer from qualifying for the deduction, or would have reduced the amount of the deduction, under the same provisions of the Internal Revenue Code or state law under which the transfer qualified.

(3) If the first trust contains property that qualified, or would have qualified but for provisions of this chapter other than this section, for the exclusion from the gift tax described in 26 U.S.C. § 2503(b), the second-trust instrument shall not include or omit a term that, if included in or omitted from the trust instrument for the trust to which the property was transferred, would have prevented the transfer from qualifying under 26 U.S.C. § 2503(b). If the first trust contains property that qualified, or would have qualified but for provisions of this chapter other than this section, for the exclusion from the gift tax described in 26 U.S.C. § 2503(b) by application of

26 U.S.C. § 2503(c), the second-trust instrument shall not include or omit a term that, if included or omitted from the trust instrument for the trust to which the property was transferred, would have prevented the transfer from qualifying under 26 U.S.C. § 2503(c).

(4) If the property of the first trust includes shares of stock in an S corporation as defined in 26 U.S.C. § 1361 and the first trust is, or but for provisions of this chapter other than this section would be, a permitted shareholder under any provision of 26 U.S.C. § 1361, an authorized fiduciary may exercise the power with respect to part or all of the S corporation stock only if any second trust receiving the stock is a permitted shareholder under 26 U.S.C. § 1361(c)(2). If the property of the first trust includes shares of stock in an S corporation and the first trust is, or but for provisions of this chapter other than this section would be, a qualified subchapter-S trust within the meaning of 26 U.S.C. § 1361(d), the second-trust instrument shall not include or omit a term that prevents the second trust from qualifying as a qualified subchapter-S trust.

(5) If the first trust contains property that qualified, or would have qualified but for provisions of this chapter other than this section, for a zero inclusion ratio for purposes of the generation-skipping transfer tax under 26 U.S.C. § 2642(c), the second-trust instrument shall not include or omit a term that, if included in or omitted from the first-trust instrument, would have prevented the transfer to the first trust from qualifying for a zero inclusion ratio under 26 U.S.C. § 2642(c).

(6) If the first trust is directly or indirectly the beneficiary of qualified benefits property, the second-trust instrument shall not include or omit any term that, if included in or omitted from the first-trust instrument, would have increased the minimum distributions required with respect to the qualified benefits property under 26 U.S.C. § 401(a)(9) and any applicable regulations, or any similar requirements that refer to 26 U.S.C. § 401(a)(9) or any applicable regulations. If an attempted exercise of the decanting power violates this subsection, the trustee is deemed to have held the qualified benefits property and any reinvested distributions of the property as a separate share from the date of the exercise of the power, and section 1422 of this title shall apply to the separate share.

(7) If the first trust qualifies as a grantor trust because of the application of 26 U.S.C. § 672(f)(2)(A), the second trust shall not include or omit a term that, if included in or omitted from the first-trust instrument, would have prevented the first trust from qualifying under 26 U.S.C. § 672(f)(2)(A).

(8) As used in this subdivision, “tax benefit” means a federal or state tax deduction, exemption, exclusion, or other benefit not listed in this section, except for a benefit arising from being a grantor trust. Subject to subdivision (9) of this subsection (b), a second-trust instrument shall not include or omit a term that, if included in or omitted from the first-trust instrument, would have prevented qualification for a tax benefit if:

(A) the first-trust instrument expressly indicates an intent to qualify for the benefit or the first-trust instrument is clearly designed to enable the first trust to qualify for the benefit; and

(B) the transfer of property held by the first trust or the first trust qualified or, but for provisions of this chapter other than this section, would have qualified for the tax benefit.

(9) Subject to subdivision (4) of this subsection:

(A) except as otherwise provided in subdivision (7) of this subsection (b), the second trust may be a nongrantor trust, even if the first trust is a grantor trust; and

(B) except as otherwise provided in subdivision (10) of this subsection (b), the second trust may be a grantor trust, even if the first trust is a nongrantor trust.

(10) An authorized fiduciary shall not exercise the decanting power if a settlor objects in a signed record delivered to the fiduciary within the notice period and:

(A) the first trust and a second trust are both grantor trusts, in whole or in part, the first trust grants the settlor or another person the power to cause the first trust to cease to be a grantor trust, and the second trust does not grant an equivalent power to the settlor or other person; or

(B) the first trust is a nongrantor trust and a second trust is a grantor trust, in whole or in part, with respect to the settlor, unless:

(i) the settlor has the power at all times to cause the second trust to cease to be a grantor trust; or

(ii) the first-trust instrument contains a provision granting the settlor or another person a power that would cause the first trust to cease to be a grantor trust and the second-trust instrument contains the same provision.

§ 1420. DURATION OF SECOND TRUST

(a) Subject to subsection (b) of this section, a second trust may have a duration that is the same as or different from the duration of the first trust.

(b) To the extent that property of a second trust is attributable to property of the first trust, the property of the second trust is subject to any rules governing maximum perpetuity, accumulation, or suspension of the power of alienation that apply to property of the first trust.

§ 1421. NEED TO DISTRIBUTE NOT REQUIRED

An authorized fiduciary may exercise the decanting power whether or not under the first trust's discretionary distribution standard the fiduciary would have made or could have been compelled to make a discretionary distribution of principal at the time of the exercise.

§ 1422. SAVINGS PROVISION

(a) If exercise of the decanting power would be effective under this chapter except that the second-trust instrument in part does not comply with this chapter, the exercise of the power is effective and the following rules apply with respect to the principal of the second trust attributable to the exercise of the power:

(1) a provision in the second-trust instrument that is not permitted under this chapter is void to the extent necessary to comply with this chapter; and

(2) a provision required by this chapter to be in the second-trust instrument that is not contained in the instrument is deemed to be included in the instrument to the extent necessary to comply with this chapter.

(b) If a trustee or other fiduciary of a second trust determines that subsection (a) of this section applies to a prior exercise of the decanting power, the fiduciary shall take corrective action consistent with the fiduciary's duties.

§ 1423. TRUST FOR CARE OF ANIMAL

(a) As used in this section:

(1) "Animal trust" means a trust or an interest in a trust created to provide for the care of one or more animals.

(2) "Protector" means a person appointed in an animal trust to enforce the trust on behalf of the animal or, if no such person is appointed in the trust, a person appointed by the court for that purpose.

(b) The decanting power may be exercised over an animal trust that has a protector to the extent the trust could be decanted under this chapter if each animal that benefits from the trust were an individual, if the protector consents in a signed record to the exercise of the power.

(c) A protector for an animal has the rights under this chapter of a qualified beneficiary.

(d) Notwithstanding any other provision of this chapter, if a first trust is an animal trust, in an exercise of the decanting power, the second trust shall provide that trust property may be applied only to its intended purpose for the period the first trust benefitted the animal.

§ 1424. TERMS OF SECOND TRUST

A reference in the Vermont Trust Code to a trust instrument or terms of the trust includes a second-trust instrument and the terms of the second trust.

§ 1425. SETTLOR

(a) For purposes of the law of this State other than this chapter and subject to subsection (b) of this section, a settlor of a first trust is deemed to be the settlor of the second trust with respect to the portion of the principal of the first trust subject to the exercise of the decanting power.

(b) In determining settlor intent with respect to a second trust, the intent of a settlor of the first trust, a settlor of the second trust, and the authorized fiduciary may be considered.

§ 1426. LATER-DISCOVERED PROPERTY

(a) Except as otherwise provided in subsection (c) of this section, if exercise of the decanting power was intended to distribute all the principal of the first trust to one or more second trusts, later discovered property belonging to the first trust and property paid to or acquired by the first trust after the exercise of the power is part of the trust estate of the second trust or trusts.

(b) Except as otherwise provided in subsection (c) of this section, if exercise of the decanting power was intended to distribute less than all the principal of the first trust to one or more second trusts, later-discovered property belonging to the first trust or property paid to or acquired by the first trust after exercise of the power remains part of the trust estate of the first trust.

(c) An authorized fiduciary may provide in an exercise of the decanting power or by the terms of a second trust for disposition of later-discovered property belonging to the first trust or property paid to or acquired by the first trust after exercise of the power.

§ 1427. OBLIGATIONS

A debt, liability, or other obligation enforceable against property of a first trust is enforceable to the same extent against the property when held by the second trust after exercise of the decanting power.

§ 1428. UNIFORMITY OF APPLICATION AND CONSTRUCTION

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

§ 1429. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

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

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

Rep. Taylor of Colchester, for the Committee on Ways and Means, recommended the bill ought to pass when amended as recommended by the Committee on Judiciary.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, the report of the Committee on Judiciary agreed to, and third reading was ordered.

Favorable Reports; Second Reading; Third Reading Ordered**H. 350**

Rep. Andriano of Orwell, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to the Uniform Directed Trust Act

Reported in favor of its passage.

Rep. Taylor of Colchester, for the Committee on Ways and Means, reported in favor of its passage.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and third reading ordered.

Rep. Long of Newfane presiding.

**Committee Bill; Second Reading; Bill Amended;
Third Reading Ordered**

H. 868

Rep. Coffey of Guilford spoke for the Committee on Transportation.

House bill, entitled

An act relating to the fiscal year 2025 Transportation Program and miscellaneous changes to laws related to transportation

Rep. Mattos of Milton, for the Committee on Ways and Means, recommended the bill ought to pass.

Rep. Brennan of Colchester, for the Committee on Appropriations, recommended that the bill ought to pass when amended as follows:

In Sec. 2, public transit; Carbon Reduction Program; Environmental Policy and Sustainability Program; Central Garage; electric vehicle supply equipment (EVSE), by striking out subsection (e), in its entirety.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, the report of the Committee on Appropriations agreed to, and third reading ordered.

Favorable Reports; Second Reading; Third Reading Ordered

H. 794

Rep. Hooper of Burlington, for the Committee on Government Operations and Military Affairs, to which had been referred House bill, entitled

An act relating to services provided by the Vermont Veterans' Home

Reported in favor of its passage.

Rep. Page of Newport City, for the Committee on Appropriations, reported in favor of its passage.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 741

Rep. Goldman of Rockingham, for the Committee on Health Care, to which had been referred House bill, entitled

An act relating to health insurance coverage for colorectal cancer screening

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 8 V.S.A. § 4100g is amended to read:

§ 4100g. COLORECTAL CANCER SCREENING, COVERAGE
REQUIRED

(a) For purposes of this section:

(1) “Colonoscopy” means a procedure that enables a ~~physician~~ clinician to examine visually the inside of a patient’s entire colon and includes the concurrent removal of polyps or biopsy, or both.

(2) “Insurer” means insurance companies that provide health insurance as defined in subdivision 3301(a)(2) of this title, nonprofit hospital and medical services corporations, and health maintenance organizations. The term does not apply to coverage for specified disease or other limited benefit coverage.

(b) Insurers shall provide coverage for colorectal cancer screening, including:

(1) ~~Providing an insured 50 years of age or older with the option of:~~

~~(A) annual fecal occult blood testing plus one flexible sigmoidoscopy every five years; or~~

~~(B) one colonoscopy every 10 years. for an insured who is not at high risk for colorectal cancer, colorectal cancer screening examinations and laboratory tests in accordance with the most recently published recommendations established by the U.S. Preventive Services Task Force for average-risk individuals; and~~

(2) ~~For~~ for an insured who is at high risk for colorectal cancer, colorectal cancer screening examinations and laboratory tests as recommended by the treating ~~physician~~ clinician.

(c) For the purposes of subdivision (b)(2) of this section, an individual is at high risk for colorectal cancer if the individual has:

(1) a family medical history of colorectal cancer or a genetic syndrome predisposing the individual to colorectal cancer;

(2) a prior occurrence of colorectal cancer or precursor polyps;

(3) a prior occurrence of a chronic digestive disease condition such as inflammatory bowel disease, Crohn’s disease, or ulcerative colitis; or

(4) other predisposing factors as determined by the individual's treating ~~physieian~~ clinician.

(d) Colorectal cancer screening services performed under contract with the insurer shall not be subject to any co-payment, deductible, coinsurance, or other cost-sharing requirement. In addition, an insured shall not be subject to any additional charge for any service associated with a procedure or test for colorectal cancer screening, which may include one or more of the following:

- (1) removal of tissue or other matter;
- (2) laboratory services;
- (3) ~~physieian~~ clinician services;
- (4) facility use; and
- (5) anesthesia.

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.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on Health Care agreed to, and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 667

Rep. Nugent of South Burlington, for the Committee on Government Operations and Military Affairs, to which had been referred House bill, entitled

An act relating to the creation of the Vermont-Ireland Trade Commission

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 9 V.S.A. chapter 111B is added to read:

CHAPTER 111B. TRADE COMMISSIONS

§ 4129. VERMONT-IRELAND TRADE COMMISSION

(a) The Vermont-Ireland Trade Commission is established within the State Treasurer's office to advance bilateral trade and investment between Vermont and Ireland. The Commission shall consist of 10 members as follows:

- (1) three members, appointed by the Governor;
 - (2) three members, appointed by the Speaker of the House;
 - (3) three members, appointed by the Senate Committee on Committees;
- and
- (4) the State Treasurer or designee.

(b) The purposes of the Vermont-Ireland Trade Commission are to:

- (1) advance bilateral trade and investment between Vermont and Ireland;
- (2) initiate joint action on policy issues of mutual interest to Vermont and Ireland;
- (3) promote business and academic exchanges between Vermont and Ireland;
- (4) encourage mutual economic support between Vermont and Ireland;
- (5) encourage mutual investment in the infrastructure of Vermont and Ireland; and
- (6) address other issues as determined by the Commission.

(c) The members of the Commission, except for the State Treasurer or designee, shall be appointed for terms of four years each and shall continue to serve until their successors are appointed, except that in order to achieve staggered terms, the three members appointed by the Governor shall serve initial terms of two years each and the three members appointed by the Speaker of the House shall serve initial terms of three years each. Members may be reappointed.

(d) A vacancy in the membership of the Commission shall be filled by the relevant appointing authority within 90 days after the vacancy.

(e) The Commission shall select a chair from among its members at the first meeting. The Chair, as appropriate, may appoint from among the Commission members subcommittees or a subcommittee at the Chair's discretion. A majority of the members of the Commission shall constitute a quorum for purposes of transacting the business of the Commission.

(f) The Commission shall submit a written report with its findings, results, and recommendations to the Governor and the General Assembly within one year of its initial organizational meeting and on or before November 1 of each succeeding year for the activities of the current calendar year.

(g) The Vermont-Ireland Trade Commission is authorized to raise funds, through direct solicitation or other fundraising events, alone or with other

groups, and accept gifts, grants, and bequests from individuals, corporations, foundations, governmental agencies, and public and private organizations and institutions, to defray the Commission's administrative expenses and to carry out its purposes as set forth in this chapter. The funds, gifts, grants, or bequests received pursuant to this chapter shall be deposited in a bank account and allocated annually by the State Treasurer's office to defray the Commission's administrative expenses and carry out its purposes. Any monies so withdrawn shall not be used for any purpose other than the payment of benefits and expenses under this chapter. Interest earned shall remain in the bank account.

(h) Members of the Commission shall not receive compensation or be entitled to reimbursement of expenses for their service on the Commission.

Sec. 2. INITIAL APPOINTMENT DEADLINE FOR VERMONT-IRELAND
TRADE COMMISSION

Initial appointments to the Vermont-Ireland Trade Commission shall be made not later than October 1, 2024.

Sec. 3. REPEAL; VERMONT-IRELAND TRADE COMMISSION

9 V.S.A. § 4129 (Vermont-Ireland Trade Commission) as added by this act is repealed on June 30, 2029.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

Speaker presiding.

Rep. Harrison of Chittenden, for the Committee on Appropriations, recommended that the report of the Committee on Government Operations and Military Affairs be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 9 V.S.A. chapter 111B is added to read:

CHAPTER 111B. TRADE COMMISSIONS

§ 4129. VERMONT-IRELAND TRADE COMMISSION

(a) The Vermont-Ireland Trade Commission is established within the State Treasurer's office to advance bilateral trade and investment between Vermont and Ireland. The Commission shall consist of 10 members as follows:

- (1) three members, appointed by the Governor;
- (2) three members, appointed by the Speaker of the House;

(3) three members, appointed by the Senate Committee on Committees; and

(4) the State Treasurer or designee.

(b) The purposes of the Vermont-Ireland Trade Commission are to:

(1) advance bilateral trade and investment between Vermont and Ireland;

(2) initiate joint action on policy issues of mutual interest to Vermont and Ireland;

(3) promote business and academic exchanges between Vermont and Ireland;

(4) encourage mutual economic support between Vermont and Ireland;

(5) encourage mutual investment in the infrastructure of Vermont and Ireland; and

(6) address other issues as determined by the Commission.

(c) The members of the Commission, except for the State Treasurer or designee, shall be appointed for terms of four years each and shall continue to serve until their successors are appointed, except that in order to achieve staggered terms, the three members appointed by the Governor shall serve initial terms of two years each and the three members appointed by the Speaker of the House shall serve initial terms of three years each. Members may be reappointed. A member serves at the pleasure of the member's appointing authority.

(d) A vacancy in the membership of the Commission shall be filled by the relevant appointing authority within 90 days after the vacancy.

(e) The Commission shall select a chair from among its members at the first meeting. The Chair, as appropriate, may appoint from among the Commission members subcommittees or a subcommittee at the Chair's discretion. A majority of the members of the Commission shall constitute a quorum for purposes of transacting the business of the Commission.

(f) The Commission shall submit a written report with its findings, results, and recommendations to the Governor and the General Assembly within one year of its initial organizational meeting and on or before November 1 of each succeeding year for the activities of the current calendar year.

(g) The Vermont-Ireland Trade Commission is authorized to raise funds, through direct solicitation or other fundraising events, alone or with other groups, and accept donations, grants, and bequests from individuals,

corporations, foundations, governmental agencies, and public and private organizations and institutions, to defray the Commission's administrative expenses and to carry out its purposes as set forth in this chapter. The funds, donations, grants, or bequests received pursuant to this chapter shall be deposited in a bank account and allocated annually by the State Treasurer's office to defray the Commission's administrative expenses and carry out its purposes. Any monies so withdrawn shall not be used for any purpose other than the payment of expenses under this chapter. Interest earned shall remain in the bank account.

(h) Members of the Commission shall not receive compensation or be entitled to reimbursement of expenses by the State of Vermont for their service on the Commission.

Sec. 2. INITIAL APPOINTMENT DEADLINE FOR VERMONT-IRELAND
TRADE COMMISSION

Initial appointments to the Vermont-Ireland Trade Commission shall be made not later than October 1, 2024.

Sec. 3. REPEAL; VERMONT-IRELAND TRADE COMMISSION

9 V.S.A. § 4129 (Vermont-Ireland Trade Commission) as added by this act is repealed on June 30, 2029.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Government Operations and Military Affairs was amended as recommended by the Committee on Appropriations. Report of the Committee on Government Operations and Military Affairs, as amended, agreed to and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 644

Rep. Higley of Lowell, for the Committee on Government Operations and Military Affairs, to which had been referred House bill, entitled

An act relating to access to records by individuals who were in foster care

Reported in favor of its passage when amended by striking out Sec. 2, 33 V.S.A. § 5117, in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. 33 V.S.A. § 5117 is amended to read:

§ 5117. RECORDS OF JUVENILE JUDICIAL PROCEEDINGS

* * *

(b)(1) Notwithstanding ~~the foregoing~~ subsection (a) of this section, inspection of ~~such~~ the records and files by or dissemination of ~~such~~ the records and files to the following is not prohibited:

* * *

(E) the ~~child~~ individual who is the subject of the proceeding, the ~~child's~~ individual's parents, guardian, and custodian may inspect ~~such~~ the records and files upon approval of ~~the~~ a Family Court judge;

* * *

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on Government Operations and Military Affairs agreed to, and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 614

Rep. Lipsky of Stowe, for the Committee on Agriculture, Food Resiliency, and Forestry, to which had been referred House bill, entitled

An act relating to land improvement fraud and timber trespass

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 2029 is amended to read:

§ 2029. HOME IMPROVEMENT AND LAND IMPROVEMENT FRAUD

(a) As used in this section, ~~“home;~~

(1) “Home improvement” ~~includes~~ means the fixing, replacing, remodeling, removing, renovation, alteration, conversion, improvement, demolition, or rehabilitation of or addition to any building ~~or land~~, or any portion thereof, including roofs, that is used or designed to be used as a residence or dwelling unit. ~~Home improvement shall include~~

(2)(A) “Land improvement” means:

(i) the construction, replacement, installation, paving, or improvement of driveways, ~~roofs,~~ and sidewalks, ~~and~~ trails, roads, or other landscape features;

(ii) site work, including grading, excavation, landscape irrigation, site utility installation, site preparation, and other construction work that is not part of a building on a parcel;

(iii) the limbing, pruning, and cutting, or removal of trees or shrubbery and other improvements to structures or upon land that is adjacent to a dwelling house; and

(iv) forestry operations, as that term is defined in 10 V.S.A. § 2602, including the construction of trails, roads, and structures associated with forestry operations and the transportation off-site of trees, shrubs, or timber.

(B) "Land improvement" includes activities made in connection with a residence or dwelling or those activities not made in connection with a residence or dwelling.

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

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

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

(i) refund the payment; ~~or~~

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

(iii) make the payment;

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

(3) uses or employs any unfair or deceptive act or practice in order to induce, encourage, or solicit such person to enter into any contract or agreement or to modify the terms of the original contract or agreement; or

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

(c) Whenever a person is convicted of home improvement or land improvement fraud or of fraudulent acts related to home improvement or land improvement:

(1) the person shall notify the Office of the Attorney General;

(2) the court shall notify the Office of the Attorney General; and

(3) the Office of the Attorney General shall place the person's name on the Home Improvement and Land Improvement Fraud Registry.

(d)(1) A person who violates subsection (b) of this section shall be imprisoned not more than two years or fined not more than \$1,000.00, or both, if the loss to a single consumer is less than \$1,000.00.

(2) A person who is convicted of a second or subsequent violation of subdivision (1) of this subsection shall be imprisoned not more than three years or fined not more than \$5,000.00, or both.

(3) A person who violates subsection (b) of this section shall be imprisoned not more than three years or fined not more than \$5,000.00, or both, if:

(A) the loss to a single consumer is \$1,000.00 or more; or

(B) the loss to more than one consumer is \$2,500.00 or more in the aggregate.

(4) A person who is convicted of a second or subsequent violation of subdivision (3) of this subsection shall be imprisoned not more than five years or fined not more than \$10,000.00, or both.

(5) A person who violates subsection (c) or (e) of this section shall be imprisoned for not more than two years or fined not more than \$1,000.00, or both.

(e) A person who is sentenced pursuant to subdivision (d)(2), (3), or (4) of this section, or convicted of fraudulent acts related to home improvement or land improvement, may engage in home improvement or land improvement activities for compensation only if:

(1) the work is for a company or individual engaged in home improvement or land improvement activities and the company has not previously committed a violation under this section, the person has no relation to the company personally or in its corporate form, and the person first notifies the company or individual of the conviction and notifies the Office of the Attorney General of the person's current address and telephone number; the name, address, and telephone number of the company or individual for whom

the person is going to work; and the date on which the person will start working for the company or individual; or

(2) the person notifies the Office of the Attorney General of the intent to engage in home improvement or land improvement activities, and that the person has filed a surety bond or an irrevocable letter of credit with the Office in an amount of not less than ~~\$50,000.00~~ \$250,000.00, and pays on a regular basis all fees associated with maintaining such bond or letter of credit.

(f) The Office of the Attorney General shall release the letter of credit at such time when:

(1) any claims against the person relating to home improvement or land improvement fraud have been paid;

(2) there are no pending actions or claims against the person for home improvement or land improvement fraud; and

(3) the person has not been engaged in home improvement or land improvement activities for at least six years and has signed an affidavit so attesting.

(g) The Attorney General, a State's Attorney, or a law enforcement officer may, according to the requirements of 18 V.S.A. chapter 84, subchapter 2, seize from a person alleged to have committed home improvement or land improvement fraud under this section property that was used in the commission of the alleged fraud.

(h) A person convicted of home improvement or land improvement fraud is prohibited from applying for or receiving State grants or from contracting, directly or indirectly, with the State or any of its subdivisions for a period of up to three years following the date of the conviction, as determined by the Commissioner of Buildings and General Services.

(i) A person subject to the financial surety requirements of section 3605 of this title for timber trespass shall not engage in land improvement activities unless the person has satisfied the financial surety requirements for timber trespass.

Sec. 2. 13 V.S.A. §§ 3605 and 3605a are added to read:

§ 3605. FINANCIAL SURETY REQUIRED FOR CONTINUED TIMBER;

HARVESTING ACTIVITIES

(a) Under one or more of the following circumstances, a person shall not engage in timber harvesting activities for compensation unless the person satisfies the conditions of subsection (b) of this section:

(1) the person was convicted of a second or subsequent violation of timber trespass under section 3606a of this title and has not paid all required fines or restitution;

(2) the person is subject to two or more civil judgements under section 3606 of this title and has not paid all required damages or restitution;

(3) the person is subject to the financial surety requirements of subsection 2029(e) of this title for land improvement fraud; or

(4) the person was convicted of a combination of one or more violations of timber trespass and one or more occurrence of land improvement fraud and has not paid the required fines, damages, or restitution.

(b) A person subject to prohibition under subsection (a) of this section may engage in timber harvesting activities for compensation if:

(1) the work is for a company or individual engaged in timber harvesting activities and the company or individual has not previously committed a violation under this section, the person has no relation to the company personally or in its corporate form, and the person first notifies the company or individual of the conviction or civil judgment and notifies the Office of the Attorney General of the person's current address and telephone number; the name, address, and telephone number of the company or individual for whom the person is going to work; and the date on which the person will start working for the company or individual; or

(2) the person notifies the Office of the Attorney General of the intent to engage in timber harvesting activities, has filed a surety bond or an irrevocable letter of credit with the Office in an amount of not less than \$250,000.00, and pays on a regular basis all fees associated with maintaining such bond or letter of credit.

(c) The Office of the Attorney General shall release the letter of credit at such time when:

(1) any claims against the person relating to timber harvesting activities or land improvement fraud have been paid;

(2) there are no pending actions or claims against the person from the person's timber harvesting activities or land improvement fraud; and

(3) the person has not been engaged in timber harvesting activities for at least six years and has signed an affidavit so attesting.

§ 3605a. SEIZURE; FORFEITURE; DEBARMENT

(a) The Attorney General, a State's Attorney, or a law enforcement officer may, according to the requirements of 18 V.S.A. chapter 84, subchapter 2,

seize from a person alleged to have committed timber trespass under this chapter property that was used in the commission of the alleged trespass.

(b) A person convicted of timber trespass is prohibited from applying for or receiving State grants or from contracting, directly or indirectly, with the State or any of its subdivisions for a period of up to three years following the date of the conviction, as determined by the Commissioner of Buildings and General Services.

(c) When a person is convicted of timber trespass under this chapter, the court shall notify the Office of the Attorney General. The Office of the Attorney General shall place the person's name on the Home Improvement and Land Improvement Fraud Registry.

(d) The Office of the Attorney General shall include as part of the Home Improvement and Land Improvement Fraud Registry educational information for landowners regarding precautions to take or resources to reference prior to entering a contract for land improvement or timber harvesting.

Sec. 3. 18 V.S.A. § 4241 is amended to read:

§ 4241. SCOPE

(a) The following property shall be subject to this subchapter:

(1) All regulated drugs that have been cultivated, manufactured, distributed, compounded, possessed, sold, prescribed, dispensed, or delivered in violation of subchapter 1 of this chapter.

* * *

(7) Any property seized pursuant to 13 V.S.A. § 364.

(8) Any property seized pursuant to 13 V.S.A. § 2029.

(9) Any property seized pursuant to 13 V.S.A. § 3605a.

(b) This subchapter shall apply to property for which forfeiture is sought in connection with:

(1) a violation under chapter 84, subchapter 1 of this title that carries by law a maximum penalty of ~~ten~~ 10 years' incarceration or greater; ~~or~~

(2) a violation of 13 V.S.A. § 364;

(3) a violation of 13 V.S.A. § 2029; or

(4) a violation of 13 V.S.A. § 3606a or a civil timber trespass action under 13 V.S.A. § 3606.

Sec. 4. 18 V.S.A. § 4243 is amended to read:

§ 4243. JUDICIAL FORFEITURE PROCEDURE

(a) Conviction or agreement required. An asset is subject to forfeiture by judicial determination under section 4241 of this title ~~and~~, 13 V.S.A. § 364, 13 V.S.A. § 2029, or 13 V.S.A. § 3605a if:

(1) a person is convicted of the criminal offense related to the action for forfeiture; ~~or~~

(2) a person enters into an agreement with the prosecutor under which ~~he or she~~ the person is not charged with a criminal offense related to the action for forfeiture; or

(3) a person is subject to a civil action for timber trespass under 13 V.S.A. § 3606.

* * *

(g) Service of petition. A copy of the petition shall be served on all persons named in the petition as provided for in Rule 4 of the Vermont Rules of Civil Procedure. In addition, the State shall cause notice of the petition to be published in a newspaper of general circulation in the State, as ordered by the court. The petition shall state:

(1) the facts upon which the forfeiture is requested, including a description of the property subject to forfeiture, and, when applicable, the type and quantity of regulated drug involved; and

(2) the names of the apparent owner or owners, lienholders who have properly recorded their interests, and any other person appearing to have an interest; and, in the case of a conveyance, the name of the person holding title, the registered owner, and the make, model, and year of the conveyance.

Sec. 5. 18 V.S.A. § 4247 is amended to read:

§ 4247. DISPOSITION OF PROPERTY

(a) Whenever property is forfeited and delivered to the State Treasurer under this subchapter, the State Treasurer shall, not sooner than 90 days after the date the property is delivered, sell the property at a public sale held under 27 V.S.A. chapter 18, subchapter 7.

(b) The proceeds from the sale of forfeited property shall be used first to offset any costs of selling the property and then, after any liens on the property have been paid in full, applied to payment of seizure, storage, and forfeiture expenses, including animal care expenses related to the underlying violation. Remaining proceeds shall be distributed as follows:

(1)(A) ~~45~~ 60 percent shall be distributed among the following for the purposes of providing training on enforcement:

- (i) the Office of the Attorney General;
- (ii) the Department of State's Attorneys and Sheriffs; and
- (iii) State and local law enforcement agencies.

~~(B) The Agency of Administration is authorized to determine the allocations among the groups listed in subdivision (A) of this subdivision (1) and may only reimburse the prosecutor and law enforcement agencies that participated in the enforcement effort resulting in the forfeiture for expenses incurred, including actual expenses for involved personnel. The proceeds shall be held by the Treasurer until the Agency notifies the Treasurer of the allocation determinations, at which time the Treasurer shall forward the allocated amounts to the appropriate agency's operating funds~~ 15 percent shall be made available to victims of home improvement or land improvement fraud or victims of timber trespass.

(2) The remaining ~~55~~ 25 percent shall be deposited in the General Fund.

Sec. 6. REPEAL OF SUNSET; ALLOCATIONS OF FORFEITED

PROCEEDS

2022 Acts and Resolves No. 141, Sec. 3 (repeal of allocation determination of forfeited proceeds) is repealed.

Sec. 7. 18 V.S.A. § 4248(b) is amended to read:

(b) Those records shall be submitted to the State Treasurer and, when applicable to the property subject to forfeiture, shall be open to inspection by all federal and State departments and agencies charged with enforcement of federal and State drug control laws. Persons making final disposition or destruction of the property under court order shall report, under oath, to the court the exact circumstances of that disposition or destruction and a copy of that report shall be sent to the State Treasurer.

Sec. 8. IMPLEMENTATION; CONDITION OF OPERATION

(a) The requirement under 13 V.S.A. § 3605 that a person convicted of criminal timber trespass or assessed a civil penalty for timber trespass shall file a surety bond or letter of credit with the Office of the Attorney General shall, as a condition of continued or future operation, apply to all persons convicted of a criminal fine under 13 V.S.A. § 3606a or assessed civil liability under 13 V.S.A. § 3606 prior to July 1, 2024 and for which the criminal fine or civil liability remains unpaid as of July 1, 2024.

(b) The Attorney General shall send notice of the requirement for a surety bond or letter of credit under subsection (a) of this section as a condition of continued operation to all persons in the State who, as of the effective date of this act, have failed to pay criminal fines or civil damages assessed for timber trespass under 13 V.S.A. §§ 3606 and 3606a.

Sec. 9. OFFICE OF THE ATTORNEY GENERAL; REPORT ON TIMBER
TRESPASS ENFORCEMENT

(a) On or before January 15, 2025, the Office of the Attorney General shall submit to the House Committees on Agriculture, Food Resiliency, and Forestry and on Judiciary and the Senate Committees on Natural Resources and Energy and on Judiciary a report regarding the current enforcement of timber trespass within the State and potential methods of improving enforcement. The report shall include:

(1) a summary of the current issues pertaining to enforcement of timber trespass statutes;

(2) a summary of mechanisms or alternatives utilized in other states to effectively enforce or prevent timber theft or similar crimes; and

(3) recommendations for programs, policy changes, staffing, and budget estimates to improve enforcement and prevention; ensure consumer protection; and reduce the illegal harvesting, theft, and transporting of timber in the State, including proposed statutory changes to implement the recommendations.

(b) The Office of the Attorney General shall consult with the Department of Forests, Parks and Recreation, the Department of Public Safety, the Professional Logging Contractors of the Northeast, the Vermont Forest Products Association, and other interested parties in the preparation of the report required under this section.

Sec. 10. EFFECTIVE DATES

This section and Sec. 6 (repeal of sunset of allocation of forfeited proceeds) shall take effect on passage. All other sections shall take effect on July 1, 2024.

Rep. Chapin of East Montpelier, for the Committee on Judiciary, recommended that the report of the Committee on Agriculture, Food Resiliency, and Forestry be amended by striking out all after the enacting clause and inserting in lieu there of the following:

Sec. 1. 13 V.S.A. § 2029 is amended to read:

§ 2029. HOME IMPROVEMENT AND LAND IMPROVEMENT FRAUD

(a) As used in this section, ~~“home;~~

(1) ~~“Home improvement” includes~~ means the fixing, replacing, remodeling, removing, renovation, alteration, conversion, improvement, demolition, or rehabilitation of or addition to any building ~~or land~~, or any portion thereof, including roofs, that is used or designed to be used as a residence or dwelling unit. ~~Home improvement shall include~~

(2)(A) “Land improvement” means:

(i) the construction, replacement, installation, paving, or improvement of driveways, ~~roofs,~~ and sidewalks, and trails, roads, or other landscape features;

(ii) site work, including grading, excavation, landscape irrigation, site utility installation, site preparation, and other construction work that is not part of a building on a parcel;

(iii) the limbing, pruning, and cutting, or removal of trees or shrubbery and other improvements to structures or upon land that is adjacent to a dwelling house; and

(iv) forestry operations, as that term is defined in 10 V.S.A. § 2602, including the construction of trails, roads, and structures associated with forestry operations and the transportation off-site of trees, shrubs, or timber.

(B) “Land improvement” includes activities made in connection with a residence or dwelling or those activities not made in connection with a residence or dwelling.

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

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

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

(i) refund the payment; ~~or~~

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

(iii) make the payment;

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

(3) uses or employs any unfair or deceptive act or practice in order to induce, encourage, or solicit such person to enter into any contract or agreement or to modify the terms of the original contract or agreement; or

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

(c) Whenever a person is convicted of home improvement or land improvement fraud or of fraudulent acts related to home improvement or land improvement:

(1) the person shall notify the Office of the Attorney General;

(2) the court shall notify the Office of the Attorney General; and

(3) the Office of the Attorney General shall place the person's name on the Home Improvement and Land Improvement Fraud Registry.

(d)(1) A person who violates subsection (b) of this section shall be imprisoned not more than two years or fined not more than \$1,000.00, or both, if the loss to a single consumer is less than ~~\$1,000.00~~ \$1,500.00.

(2) A person who is convicted of a second or subsequent violation of ~~subdivision (1) of this subsection~~ (b) of this section shall be imprisoned not more than three years or fined not more than \$5,000.00, or both.

(3) A person who violates subsection (b) of this section shall be imprisoned not more than three years or fined not more than \$5,000.00, or both, if:

(A) the loss to a single consumer is ~~\$1,000.00~~ \$1,500.00 or more; or

(B) the loss to more than one consumer is \$2,500.00 or more in the aggregate.

(4) A person who is convicted of a second or subsequent violation of subdivision (b)(3) of this ~~subsection~~ section shall be imprisoned not more than five years or fined not more than \$10,000.00, or both.

(5) A person who violates subsection (c) or (e) of this section shall be imprisoned for not more than two years or fined not more than \$1,000.00, or both.

(e)(1) A person who is sentenced pursuant to subdivision (d)(2), (3), or (4) of this section, or convicted of fraudulent acts related to home improvement or land improvement, may engage in home improvement or land improvement activities for compensation only if:

(1)(A) the work is for a company or individual engaged in home improvement or land improvement activities; and the company or individual has not previously committed a violation under this section; the person and the management of the company or the individual are not a family member, a household member, or a current or prior business associate; and the person first notifies the company or individual of the conviction and notifies the Office of the Attorney General of the person's current address and telephone number; the name, address, and telephone number of the company or individual for whom the person is going to work; and the date on which the person will start working for the company or individual; or

(2)(B) the person notifies the Office of the Attorney General of the intent to engage in home improvement or land improvement activities, and that the person has filed a surety bond or an irrevocable letter of credit with the Office in an amount of not less than \$50,000.00, \$250,000.00 and pays on a regular basis all fees associated with maintaining such bond or letter of credit.

(2) As used in this subsection:

(A) "Business associate" means a person joined together with another person to achieve a common financial objective.

(B) "Family member" means a spouse, child, sibling, parent, next of kin, domestic partner, or legal guardian.

(C) "Household member" means a person who, for any period of time, is living or has lived together, is sharing or has shared occupancy of a dwelling.

(f) The Office of the Attorney General shall release the letter of credit at such time when:

(1) any claims against the person relating to home improvement or land improvement fraud have been paid;

(2) there are no pending actions or claims against the person for home improvement or land improvement fraud; and

(3) the person has not been engaged in home improvement or land improvement activities for at least six years and has signed an affidavit so attesting.

(g) A person convicted of home improvement or land improvement fraud is prohibited from applying for or receiving State grants or from contracting, directly or indirectly, with the State or any of its subdivisions for a period of up to three years following the date of the conviction, as determined by the Commissioner of Buildings and General Services.

(h) A person subject to the financial surety requirements of section 3605 of this title for timber trespass shall not engage in land improvement activities unless the person has satisfied the financial surety requirements for timber trespass.

Sec. 2. 13 V.S.A. § 3605 is added to read:

§ 3605. FINANCIAL SURETY REQUIRED FOR CONTINUED TIMBER

HARVESTING ACTIVITIES

(a) Under one or more of the following circumstances, a person shall not engage in timber harvesting activities for compensation unless the person satisfies the conditions of subsection (b) of this section:

(1) The person was convicted of a second or subsequent violation of timber trespass under section 3606a of this title and has not paid all required fines or restitution.

(2) The person is subject to two or more civil judgements under section 3606 of this title and has not paid all required damages or restitution.

(3) The person is subject to the financial surety requirements of subsection 2029(e) of this title for land improvement fraud.

(4) The person was convicted of a combination of one or more violations of timber trespass and one or more occurrence of land improvement fraud and has not paid the required fines, damages, or restitution.

(b)(1) A person subject to prohibition under subsection (a) of this section may engage in timber harvesting activities for compensation if:

(A) the work is for a company or individual engaged in timber harvesting activities and the company or individual has not previously committed a violation under this section; the person and the management of the company or the individual are not a family member, a household member,

or a current or prior business associate; and the person first notifies the company or individual of the conviction or civil judgment and notifies the Office of the Attorney General of the person's current address and telephone number; the name, address, and telephone number of the company or individual for whom the person is going to work; and the date on which the person will start working for the company or individual; or

(B) the person notifies the Office of the Attorney General of the intent to engage in timber harvesting activities, has filed a surety bond or an irrevocable letter of credit with the Office in an amount of not less than \$250,000.00, and pays on a regular basis all fees associated with maintaining such bond or letter of credit.

(2) As used in this subsection:

(A) "Business associate" means a person joined together with another person to achieve a common financial objective.

(B) "Family member" means a spouse, child, sibling, parent, next of kin, domestic partner, or legal guardian of a person.

(C) "Household member" means a person who, for any period of time, is living or has lived together, is sharing or has shared occupancy of a dwelling.

(c) The Office of the Attorney General shall release the letter of credit at such time when:

(1) any claims against the person relating to timber harvesting activities or land improvement fraud have been paid;

(2) there are no pending actions or claims against the person from the person's timber harvesting activities or land improvement fraud; and

(3) the person has not been engaged in timber harvesting activities for at least six years and has signed an affidavit so attesting.

Sec. 3. IMPLEMENTATION; CONDITION OF OPERATION

(a) The requirement under 13 V.S.A. § 3605 that a person convicted of criminal timber trespass or assessed a civil penalty for timber trespass shall file a surety bond or letter of credit with the Office of the Attorney General shall, as a condition of continued or future operation, apply to all persons convicted of a criminal fine under 13 V.S.A. § 3606a or assessed civil liability under 13 V.S.A. § 3606 prior to July 1, 2024 and for which the criminal fine or civil liability remains unpaid as of July 1, 2024.

(b) The Attorney General shall send notice of the requirement for a surety bond or letter of credit under subsection (a) of this section as a condition of continued operation to all persons in the State who, as of the effective date of this act, have failed to pay criminal fines or civil damages assessed for timber trespass under 13 V.S.A. §§ 3606 and 3606a.

Sec. 4. OFFICE OF THE ATTORNEY GENERAL; REPORT ON TIMBER
TRESPASS ENFORCEMENT

(a) On or before January 15, 2025, the Office of the Attorney General shall submit to the House Committees on Agriculture, Food Resiliency, and Forestry and on Judiciary and the Senate Committees on Natural Resources and Energy and on Judiciary a report regarding the current enforcement of timber trespass within the State and potential methods of improving enforcement. The report shall include:

(1) a summary of the current issues pertaining to enforcement of timber trespass statutes;

(2) a summary of mechanisms or alternatives utilized in other states to effectively enforce or prevent timber theft or similar crimes;

(3) recommendations for programs, policy changes, staffing, and budget estimates to improve enforcement and prevention; ensure consumer protection; and reduce the illegal harvesting, theft, and transporting of timber in the State, including proposed statutory changes to implement the recommendations; and

(4) a recommendation of whether and how property used in the commission of land improvement fraud or timber trespass should be subject to seizure and forfeiture by law enforcement.

(b) The Office of the Attorney General shall consult with the Department of Forests, Parks and Recreation; the Department of Public Safety; the Office of the State Treasurer; the Department of State's Attorneys and Sheriffs; the Professional Logging Contractors of the Northeast; the Vermont Forest Products Association; and other interested parties in the preparation of the report required under this section.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

Rep. Demrow of Corinth, for the Committee on Ways and Means, recommended that the bill ought to pass when amended as recommended by the Committee on Agriculture, Food Resiliency, and Forestry and when further amended as recommended by the Committee on Judiciary.

Rep. Milhaly of Calais, for the Committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the Committee on Agriculture, Food Resiliency, and Forestry and when further amended as recommended by the Committee on Judiciary.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Agriculture, Food Resiliency, and Forestry was amended as recommended by the Committee on Judiciary. The report of the Committee on Agriculture, Food Resiliency, and Forestry, as amended, agreed to and third reading was ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 606

Rep. Mrowicki of Putney, for the Committee on Government Operations and Military Affairs, to which had been referred House bill, entitled

An act relating to professional licensure and immigration status

Reported in favor of its passage when amended in Sec. 2, 3 V.S.A. § 139, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) If an applicant is required by State law to provide a Social Security number for the purpose of obtaining or maintaining a professional license under this title, the applicant may provide a federal employer identification number, an individual taxpayer identification number, or a Social Security number; provided, however, that an applicant shall provide a Social Security number if a federal law or an interstate compact of which the State is a member requires that an applicant provide a Social Security number to obtain or maintain a professional license.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on Government Operations and Military Affairs agreed to, and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 173

Rep. Arsenault of Williston, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to prohibiting manipulating a child for the purpose of sexual contact

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. PURPOSE

(a) According to the Crimes Against Children Research Center, child sexual abuse is tragically widespread with one in five girls and one in 20 boys experiencing sexual abuse before 18 years of age. In over 90 percent of incidents of child sexual abuse, the perpetrator is someone known and trusted by the child and the child's family.

(b) Behavior commonly referred to as "grooming" is a tactic in which someone methodically builds a trusting relationship with a child or young adult, the child's or young adult's family, and the child's or young adult's community to manipulate, coerce, or force the child or young adult to engage in sexual activities.

(c) "Grooming" is termed "manipulating" in this act because while data shows that members of the LGBTQ+ community are no more likely to sexually abuse a child than non-LGBTQ+ persons, some persons have co-opted and weaponized the term "grooming" to paint members of the LGBTQ+ community and education about gender, sexuality, and the existence of the LGBTQ+ community as inherently dangerous to children. Intentional misuse of the term "grooming" is not only harmful to members of the LGBTQ+ community, but also undermines the severity and experiences of children who have been manipulated to engage in sexual activity.

(d) Manipulating a child to engage in sexual activity may include behaviors in which the perpetrator:

(1) engages in boundary violations involving touching of the child;

(2) exposes the perpetrator's naked body to the child or observes the child undressing or while naked;

(3) shows the child obscene or indecent materials as defined in 13 V.S.A. chapter 63;

(4) physically or emotionally separates or isolates the child from peers, family, or other support systems;

(5) provides the child with alcohol or drugs; or

(6) develops a trusting relationship with the child through behaviors that are excessive or inappropriate for the context or relationship, including the provision of attention; affection; compliments; or rewards, privileges, or gifts.

Sec. 2. 13 V.S.A. § 2828 is amended to read:

§ 2828. LURING A CHILD

(a) No person shall knowingly solicit, lure, manipulate, or entice, or to attempt to solicit, lure, manipulate, or entice, a child under 16 years of age or another person believed by the person to be a child under 16 years of age, to engage in a sexual act as defined in section 3251 of this title or engage in lewd and lascivious conduct as defined in section 2602 of this title.

(b) This section applies to solicitation, luring, manipulating, or enticement by any means, including in person, through written or telephonic correspondence, or through electronic communication.

(c) This section shall not apply if the person is less than 19 years of age, the child is at least 15 years of age, and the conduct is consensual.

Sec. 3. 13 V.S.A. § 3258 is amended to read:

§ 3258. SEXUAL EXPLOITATION OF A MINOR

(a) No person shall engage in a sexual act as defined in section 3251 of this title or sexual conduct as defined in section 2821 of this title with a minor if:

(1) the actor is at least 48 months older than the minor; and

(2) the actor is in a position of power, authority, or supervision over the minor by virtue of the actor's undertaking the responsibility, professionally or voluntarily, to provide for the health or welfare of minors, or guidance, leadership, instruction, or organized recreational activities for minors.

(b) No person who is prohibited from engaging in a sexual act as defined in section 3251 of this title or sexual conduct as defined in section 2821 of this title with a minor pursuant to subsection (a) of this section shall knowingly solicit, lure, manipulate, or entice, or to attempt to solicit, lure, manipulate, or entice, such minor or another person believed by the person to be such a minor to engage in sexual conduct.

~~(c)~~(1) A person who violates subsection (a) of this section shall be imprisoned for not more than one year or fined not more than \$2,000.00, or both.

~~(e)~~(2) A person who violates subsection (a) of this section and who abuses ~~his or her~~ the person's position of power, authority, or supervision over the minor in order to engage in a sexual act as defined in section 3251 of this title or sexual conduct as defined in section 2821 of this title shall be imprisoned for not more than five years or fined not more than \$10,000.00, or both.

(d)(1) A person who violates subsection (b) of this section shall be imprisoned for not more than six months or fined not more than \$1,000.00, or both.

(2) A person who violates subsection (b) of this section and who abuses the person's position of power, authority, or supervision over the minor in order to engage in a sexual act as defined in section 3251 of this title or sexual conduct as defined in section 2821 of this title shall be imprisoned for not more than two years or fined not more than \$5,000.00, or both.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on Judiciary agreed to, and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 233

Rep. Cordes of Lincoln, for the Committee on Health Care, to which had been referred House bill, entitled

An act relating to pharmacy benefit management and Medicaid wholesale drug distribution

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. chapter 77 is added to read:

CHAPTER 77. PHARMACY BENEFIT MANAGERS

Subchapter 1. General Provisions

§ 3601. PURPOSE

The purpose of this chapter is to establish standards and criteria for the licensure and regulation of pharmacy benefit managers providing claims processing services or other prescription drug or device services for health benefit plans by:

(1) promoting, preserving, and protecting the public health, safety, and welfare through effective regulation and licensure of pharmacy benefit managers;

(2) promoting the solvency of the commercial health insurance industry, the regulation of which is reserved to the states by the McCarran-Ferguson Act, 15 U.S.C. §§ 1011–1015, as well as providing for consumer savings and for fairness in prescription drug benefits;

(3) providing for the powers and duties of the Commissioner of Financial Regulation; and

(4) prescribing penalties and fines for violations of this chapter.

§ 3602. DEFINITIONS

As used in this chapter:

(1) “Claims processing services” means the administrative services performed in connection with the processing and adjudicating of claims relating to pharmacist services that include receiving payments for pharmacist services or making payments to pharmacists or pharmacies for pharmacy services, or both.

(2) “Commissioner” means the Commissioner of Financial Regulation.

(3) “Covered person” means a member, policyholder, subscriber, enrollee, beneficiary, dependent, or other individual participating in a health benefit plan.

(4) “Health benefit plan” means a policy, contract, certificate, or agreement entered into, offered, or issued by a health insurer to provide, deliver, arrange for, pay for, or reimburse any of the costs of physical, mental, or behavioral health care services.

(5) “Health insurer” has the same meaning as in section 9402 of this title and includes:

(A) health insurance companies, nonprofit hospital and medical service corporations, and health maintenance organizations;

(B) employers, labor unions, and other group of persons organized in Vermont that provide a health benefit plan to beneficiaries who are employed or reside in Vermont; and

(C) the State of Vermont and any agent or instrumentality of the State that offers, administers, or provides financial support to State government.

(6) “Maximum allowable cost” means the per unit drug product reimbursement amount, excluding dispensing fees, for a group of equivalent multisource prescription drugs.

(7) “Other prescription drug or device services” means services other than claims processing services provided directly or indirectly, whether in connection with or separate from claims processing services, and may include:

(A) negotiating rebates, price concessions, discounts, or other financial incentives and arrangements with drug companies;

(B) disbursing or distributing rebates or price concessions, or both;

(C) managing or participating in incentive programs or arrangements for pharmacist services;

(D) negotiating or entering into contractual arrangements with pharmacists or pharmacies, or both;

(E) developing and maintaining formularies;

(F) designing prescription benefit programs; and

(G) advertising or promoting services.

(8) “Pharmacist” means an individual licensed as a pharmacist pursuant to 26 V.S.A. chapter 36.

(9) “Pharmacist services” means products, goods, and services, or a combination of these, provided as part of the practice of pharmacy.

(10) “Pharmacy” means a place licensed by the Vermont Board of Pharmacy at which drugs, chemicals, medicines, prescriptions, and poisons are compounded, dispensed, or sold at retail.

(11) “Pharmacy benefit management” means an arrangement for the procurement of prescription drugs at a negotiated rate for dispensation within this State to beneficiaries, the administration or management of prescription drug benefits provided by a health benefit plan for the benefit of beneficiaries, or any of the following services provided with regard to the administration of pharmacy benefits:

(A) mail service pharmacy;

(B) claims processing, retail network management, and payment of claims to pharmacies for prescription drugs dispensed to beneficiaries;

(C) clinical formulary development and management services;

(D) rebate contracting and administration;

(E) certain patient compliance, therapeutic intervention, and generic substitution programs; and

(F) disease or chronic care management programs.

(12)(A) “Pharmacy benefit manager” means an individual, corporation, or other entity, including a wholly or partially owned or controlled subsidiary of a pharmacy benefit manager, that provides pharmacy benefit management services for health benefit plans.

(B) The term “pharmacy benefit manager” does not include:

(i) a health care facility licensed in this State;

(ii) a health care professional licensed in this State;

(iii) a consultant who only provides advice as to the selection or performance of a pharmacy benefit manager;

(iv) a health insurer to the extent that it performs any claims processing and other prescription drug or device services exclusively for its enrollees; or

(v) an entity that provides pharmacy benefit management services for Vermont Medicaid.

(13) “Pharmacy benefit manager affiliate” means a pharmacy or pharmacist that, directly or indirectly, through one or more intermediaries, is owned or controlled by, or is under common ownership or control with, a pharmacy benefit manager.

§ 3603. RULEMAKING

The Commissioner of Financial Regulation shall adopt rules in accordance with 3 V.S.A. chapter 25 to carry out the provisions of this chapter. The rules shall include, as appropriate, requirements that health insurers maintain the confidentiality of proprietary information and that pharmacy benefit managers file their advertising and solicitation materials with the Commissioner for approval prior to sending any such materials to patients or consumers.

§ 3604. REPORTING

Annually on or before January 15, the Department of Financial Regulation shall report to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance regarding pharmacy benefit managers’ compliance with the provisions of this chapter.

Subchapter 2. Pharmacy Benefit Manager Licensure and Regulation

§ 3611. LICENSURE

(a) A person shall not establish or operate as a pharmacy benefit manager for health benefit plans in this State without first obtaining a license from the Commissioner of Financial Regulation.

(b) A person applying for a pharmacy benefit manager license shall submit an application for licensure in the form and manner prescribed by the Commissioner and shall include with the application a nonrefundable application fee of \$2,500.00 and an initial licensure fee of \$1,000.00.

(c) The Commissioner may refuse to issue or renew a pharmacy benefit manager license if the Commissioner determines that the applicant or any individual responsible for the conduct of the applicant's affairs is not competent, trustworthy, financially responsible, or of good personal and business reputation, or has been found to have violated the insurance laws of this State or any other jurisdiction, or has had an insurance or other certificate of authority or license denied or revoked for cause by any jurisdiction.

(d) Unless surrendered, suspended, or revoked by the Commissioner, a license issued under this section shall remain valid, provided the pharmacy benefit manager does all of the following:

(1) Continues to do business in this State.

(2) Complies with the provisions of this chapter and any applicable rules.

(3) Submits a renewal application in the form and manner prescribed by the Commissioner and pays the annual license renewal fee of \$1,000.00. The renewal application and renewal fee shall be due to the Commissioner on or before 90 days prior to the anniversary of the effective date of the pharmacy benefit manager's initial or most recent license.

(e) The Commissioner shall adopt rules pursuant to 3 V.S.A. chapter 25 to establish the licensing application, financial, and reporting requirements for pharmacy benefit managers in accordance with this section.

§ 3612. PROHIBITED PRACTICES

(a) A participation contract between a pharmacy benefit manager and a pharmacist shall not prohibit, restrict, or penalize a pharmacy or pharmacist in any way from disclosing to any covered person any health care information that the pharmacy or pharmacist deems appropriate, including:

(1) the nature of treatment, risks, or alternatives to treatment;

(2) the availability of alternate therapies, consultations, or tests;

(3) the decision of utilization reviewers or similar persons to authorize or deny services;

(4) the process that is used to authorize or deny health care services; or

(5) information on financial incentives and structures used by the health insurer.

(b) A pharmacy benefit manager shall not prohibit a pharmacy or pharmacist from:

(1) discussing information regarding the total cost for pharmacist services for a prescription drug;

(2) providing information to a covered person regarding the covered person's cost-sharing amount for a prescription drug;

(3) disclosing to a covered person the cash price for a prescription drug;
or

(4) selling a more affordable alternative to the covered person if a more affordable alternative is available.

(c) A pharmacy benefit manager contract with a participating pharmacist or pharmacy shall not prohibit, restrict, or limit disclosure of information to the Commissioner, law enforcement, or State and federal government officials, provided that:

(1) the recipient of the information represents that the recipient has the authority, to the extent provided by State or federal law, to maintain proprietary information as confidential; and

(2) prior to disclosure of information designated as confidential, the pharmacist or pharmacy:

(A) marks as confidential any document in which the information appears; and

(B) requests confidential treatment for any oral communication of the information.

(d) A pharmacy benefit manager shall not terminate a contract with or penalize a pharmacist or pharmacy due to the pharmacist or pharmacy:

(1) disclosing information about pharmacy benefit manager practices, except for information determined to be a trade secret under State law or by the Commissioner, when disclosed in a manner other than in accordance with subsection (c) of this section; or

(2) sharing any portion of the pharmacy benefit manager contract with the Commissioner pursuant to a complaint or query regarding the contract's compliance with the provisions of this chapter.

(e)(1) A pharmacy benefit manager shall not require a covered person purchasing a covered prescription drug to pay an amount greater than the lesser of:

(A) the cost-sharing amount under the terms of the health benefit plan, as determined in accordance with subdivision (2) of this subsection (e);

(B) the maximum allowable cost for the drug; or

(C) the amount the covered person would pay for the drug, after application of any known discounts, if the covered person were paying the cash price.

(2)(A) A pharmacy benefit manager shall attribute any amount paid by or on behalf of a covered person under subdivision (1) of this subsection (e), including any third-party payment, financial assistance, discount, coupon, or any other reduction in out-of-pocket expenses made by or on behalf of a covered person for prescription drugs, toward:

(i) the out-of-pocket limits for prescription drug costs under 8 V.S.A. § 4089i;

(ii) the covered person's deductible, if any; and

(iii) to the extent not inconsistent with Sec. 2707 of the Public Health Service Act, 42 U.S.C. § 300gg-6, the annual out-of-pocket maximums applicable to the covered person's health benefit plan.

(B) The provisions of subdivision (A) of this subdivision (2) relating to a third-party payment, financial assistance, discount, coupon, or other reduction in out-of-pocket expenses made on behalf of a covered person shall only apply to a prescription drug:

(i) for which there is no generic drug or interchangeable biological product, as those terms are defined in section 4601 of this title; or

(ii) for which there is a generic drug or interchangeable biological product, as those terms are defined in section 4601 of this title, but for which the covered person has obtained access through prior authorization, a step therapy protocol, or the pharmacy benefit manager's or health benefit plan's exceptions and appeals process.

(C) The provisions of subdivision (A) of this subdivision (2) shall apply to a high-deductible health plan only to the extent that it would not disqualify the plan from eligibility for a health savings account pursuant to 26 U.S.C. § 223.

(f) A pharmacy benefit manager shall not conduct or participate in spread pricing in this State, which means that a pharmacy benefit manager must

ensure that the total amount required to be paid by a health benefit plan and a covered person for a prescription drug covered under the plan does not exceed the amount paid to the pharmacy for dispensing the drug.

§ 3613. ENFORCEMENT; RIGHT OF ACTION

(a) The Commissioner of Financial Regulation shall enforce compliance with the provisions of this chapter.

(b)(1) The Commissioner may examine or audit the books and records of a pharmacy benefit manager providing claims processing services or other prescription drug or device services for a health benefit plan to determine compliance with this chapter.

(2) Information or data acquired in the course of an examination or audit under subdivision (1) of this subsection shall be considered proprietary and confidential, shall be exempt from public inspection and copying under the Public Records Act, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action.

(3) The Office of the Health Care Advocate shall have the right to receive or review copies of all materials provided to or reviewed by the Commissioner under this chapter in order to protect and promote patients' and consumers' interests in accordance with the Office's duties under chapter 229 of this title. The Office of the Health Care Advocate shall not further disclose any confidential or proprietary information provided to the Office pursuant to this subdivision. Information provided to the Office pursuant to this subdivision shall not be subject to subpoena and shall not be subject to discovery or admissible in evidence in any private civil action.

(c) The Commissioner may use any document or information provided pursuant to subsection 3612(c) or (d) of this chapter in the performance of the Commissioner's duties to determine compliance with this chapter.

(d) The Commissioner may impose an administrative penalty on a pharmacy benefit manager or the health insurer with which it is contracted, or both, for a violation of this chapter in accordance with 8 V.S.A. § 3661.

(e) A pharmacy, pharmacist, or other person injured by a pharmacy benefit manager's violation of this chapter may bring an action in Superior Court against the pharmacy benefit manager for injunctive relief, compensatory and punitive damages, costs and reasonable attorney's fees, and other appropriate relief.

§ 3614. COMPLIANCE; CONSISTENCY WITH FEDERAL LAW

Nothing in this chapter is intended or should be construed to conflict with applicable federal law.

§ 3615. CHARGES FOR EXAMINATIONS, APPLICATIONS, REVIEWS,
AND INVESTIGATIONS

The Department of Financial Regulation may charge its reasonable expenses in administering the provisions of this chapter to pharmacy benefit managers in the manner provided for in 8 V.S.A. § 18.

Subchapter 3. Pharmacy Benefit Manager Relations with Health Insurers

§ 3621. INSURER AUDIT OF PHARMACY BENEFIT MANAGER
ACTIVITIES

In order to enable periodic verification of pricing arrangements in administrative-services-only contracts, pharmacy benefit managers shall allow access, in accordance with rules adopted by the Commissioner, by the health insurer who is a party to the administrative-services-only contract to financial and contractual information necessary to conduct a complete and independent audit designed to verify the following:

(1) full pass through of negotiated drug prices and fees associated with all drugs dispensed to beneficiaries of the health benefit plan in both retail and mail order settings or resulting from any of the pharmacy benefit management functions defined in the contract;

(2) full pass through of all financial remuneration associated with all drugs dispensed to beneficiaries of the health benefit plan in both retail and mail order settings or resulting from any of the pharmacy benefit management functions defined in the contract; and

(3) any other verifications relating to the pricing arrangements and activities of the pharmacy benefit manager required by the contract if required by the Commissioner.

§ 3622. PHARMACY BENEFIT MANAGERS; REQUIRED PRACTICES
WITH RESPECT TO HEALTH INSURERS

(a) A pharmacy benefit manager that provides pharmacy benefit management for a health benefit plan has a fiduciary duty to its health insurer client that includes a duty to be fair and truthful toward the health insurer; to act in the health insurer's best interests; and to perform its duties with care, skill, prudence, and diligence. In the case of a health benefit plan offered by a health insurer as defined by subdivision 3602(5)(A) of this title, the health insurer shall remain responsible for administering the health benefit plan in accordance with the health insurance policy or subscriber contract or plan and in compliance with all applicable provisions of Title 8 and this title.

(b) A pharmacy benefit manager shall provide notice to the health insurer that the terms contained in subsection (c) of this section may be included in the contract between the pharmacy benefit manager and the health insurer.

(c) A pharmacy benefit manager that provides pharmacy benefit management for a health plan shall do all of the following:

(1) Provide all financial and utilization information requested by a health insurer relating to the provision of benefits to beneficiaries through that health insurer's health benefit plan and all financial and utilization information relating to services to that health insurer. A pharmacy benefit manager providing information under this subsection may designate that material as confidential. Information designated as confidential by a pharmacy benefit manager and provided to a health insurer under this subsection shall not be disclosed by the health insurer to any person without the consent of the pharmacy benefit manager, except that disclosure may be made by the health insurer:

(A) in a court filing under the consumer protection provisions of 9 V.S.A. chapter 63, provided that the information shall be filed under seal and that prior to the information being unsealed, the court shall give notice and an opportunity to be heard to the pharmacy benefit manager on why the information should remain confidential;

(B) to State and federal government officials;

(C) when authorized by 9 V.S.A. chapter 63;

(D) when ordered by a court for good cause shown; or

(E) when ordered by the Commissioner as to a health insurer as defined in subdivision 3602(5)(A) of this chapter pursuant to the provisions of Title 8 and this title.

(2) Notify a health insurer in writing of any proposed or ongoing activity, policy, or practice of the pharmacy benefit manager that presents, directly or indirectly, any conflict of interest with the requirements of this section.

(3) With regard to the dispensation of a substitute prescription drug for a prescribed drug to a beneficiary in which the substitute drug costs more than the prescribed drug and the pharmacy benefit manager receives a benefit or payment directly or indirectly, disclose to the health insurer the cost of both drugs and the benefit or payment directly or indirectly accruing to the pharmacy benefit manager as a result of the substitution.

(4) If the pharmacy benefit manager derives any payment or benefit for the dispensation of prescription drugs within the State based on volume of

sales for certain prescription drugs or classes or brands of drugs within the State, pass that payment or benefit on in full to the health insurer.

(5) Disclose to the health insurer all financial terms and arrangements for remuneration of any kind that apply between the pharmacy benefit manager and any prescription drug manufacturer that relate to benefits provided to beneficiaries under or services to the health insurer's health benefit plan, including formulary management and drug-switch programs, educational support, claims processing, and pharmacy network fees charged from retail pharmacies and data sales fees. A pharmacy benefit manager providing information under this subsection may designate that material as confidential. Information designated as confidential by a pharmacy benefit manager and provided to a health insurer under this subsection shall not be disclosed by the health insurer to any person without the consent of the pharmacy benefit manager, except that disclosure may be made by the health insurer:

(A) in a court filing under the consumer protection provisions of 9 V.S.A. chapter 63, provided that the information shall be filed under seal and that prior to the information being unsealed, the court shall give notice and an opportunity to be heard to the pharmacy benefit manager on why the information should remain confidential;

(B) when authorized by 9 V.S.A. chapter 63;

(C) when ordered by a court for good cause shown; or

(D) when ordered by the Commissioner as to a health insurer as defined in subdivision 3602(5)(A) of this title pursuant to the provisions of Title 8 and this title.

(d) A pharmacy benefit manager contract with a health insurer shall not contain any provision purporting to reserve discretion to the pharmacy benefit manager to move a drug to a higher tier or remove a drug from its drug formulary any more frequently than two times per year.

(e) Compliance with the requirements of this section is required for pharmacy benefit managers entering into contracts with a health insurer in this State for pharmacy benefit management in this State.

Subchapter 4. Pharmacy Benefit Manager Relations with Pharmacies

§ 3631. PHARMACY BENEFIT MANAGERS; REQUIRED PRACTICES

WITH RESPECT TO PHARMACIES

(a) Within 14 calendar days following receipt of a pharmacy claim, a pharmacy benefit manager or other entity paying pharmacy claims shall do one of the following:

(1) Pay or reimburse the claim.

(2) Notify the pharmacy in writing that the claim is contested or denied. The notice shall include specific reasons supporting the contest or denial and a description of any additional information required for the pharmacy benefit manager or other payer to determine liability for the claim.

(b) In addition to the practices prohibited by section 3612 of this chapter, a pharmacy benefit manager or other entity paying pharmacy claims shall not require a pharmacy to pass through any portion of the insured's co-payment, or patient responsibility, to the pharmacy benefit manager or other payer.

(c) For each drug for which a pharmacy benefit manager establishes a maximum allowable cost in order to determine the reimbursement rate, the pharmacy benefit manager shall do all of the following:

(1) Make available, in a format that is readily accessible and understandable by a pharmacist, the actual maximum allowable cost for each drug and the source used to determine the maximum allowable cost, which shall not be dependent upon individual beneficiary identification or benefit stage.

(2) Update the maximum allowable cost at least once every seven calendar days. In order to be subject to maximum allowable cost, a drug must be widely available for purchase by all pharmacies in the State, without limitations, from national or regional wholesalers and must not be obsolete or temporarily unavailable.

(3) Establish or maintain a reasonable administrative appeals process to allow a dispensing pharmacy provider to contest a listed maximum allowable cost.

(4)(A) Respond in writing to any appealing pharmacy provider within 10 calendar days after receipt of an appeal, provided that, except as provided in subdivision (B) of this subdivision (4), a dispensing pharmacy provider shall file any appeal within 10 calendar days from the date its claim for reimbursement is adjudicated.

(B) A pharmacy benefit manager shall allow a dispensing pharmacy provider to appeal after the 10-calendar-day appeal period set forth in subdivision (A) of this subdivision (4) if the prescription claim is subject to an audit initiated by the pharmacy benefit manager or its auditing agent.

(5) For a denied appeal, provide the reason for the denial and identify the national drug code and a Vermont-licensed wholesaler of an equivalent drug product that may be purchased by contracted pharmacies at or below the maximum allowable cost.

(6) For an appeal in which the appealing pharmacy is successful:

(A) make the change in the maximum allowable cost within 30 business days after the redetermination; and

(B) allow the appealing pharmacy or pharmacist to reverse and rebill the claim in question.

(d) A pharmacy benefit manager shall not reimburse a pharmacy or pharmacist in this State an amount less than the amount the pharmacy benefit manager reimburses a pharmacy benefit manager affiliate for providing the same pharmacist services.

(e) A pharmacy benefit manager shall not restrict, limit, or impose requirements on a licensed pharmacy in excess of those set forth by the Vermont Board of Pharmacy or by other State or federal law, nor shall it withhold reimbursement for services on the basis of noncompliance with participation requirements.

(f) A pharmacy benefit manager shall provide notice to all participating pharmacies prior to changing its drug formulary.

(g)(1) A pharmacy benefit manager or other third party that reimburses a 340B covered entity for drugs that are subject to an agreement under 42 U.S.C. § 256b through the 340B drug pricing program shall not reimburse the 340B covered entity for pharmacy-dispensed drugs at a rate lower than that paid for the same drug to pharmacies that are not 340B covered entities, and the pharmacy benefit manager shall not assess any fee, charge-back, or other adjustment on the 340B covered entity on the basis that the covered entity participates in the 340B program as set forth in 42 U.S.C. § 256b.

(2) With respect to a patient who is eligible to receive drugs that are subject to an agreement under 42 U.S.C. § 256b through the 340B drug pricing program, a pharmacy benefit manager or other third party that makes payment for the drugs shall not discriminate against a 340B covered entity in a manner that prevents or interferes with the patient's choice to receive the drugs from the 340B covered entity.

(3) As used in this section, "other third party" does not include Vermont Medicaid.

(h) A pharmacy benefit manager shall not:

(1) require a claim for a drug to include a modifier or supplemental transmission, or both, to indicate that the drug is a 340B drug unless the claim is for payment, directly or indirectly, by Medicaid; or

(2) restrict access to a pharmacy network or adjust reimbursement rates based on a pharmacy's participation in a 340B contract pharmacy arrangement.

Sec. 2. 8 V.S.A. § 4084 is amended to read:

§ 4084. ADVERTISING PRACTICES

(a) No company doing business in this State, and no insurance agent or broker, shall use in connection with the solicitation of health insurance or pharmacy benefit management any advertising copy or advertising practice or any plan of solicitation which that is materially misleading or deceptive. An advertising copy or advertising practice or plan of solicitation shall be considered to be materially misleading or deceptive if by implication or otherwise it transmits information in such manner or of such substance that a prospective applicant for health insurance may be misled thereby to his or her by it to the applicant's material damage.

(b)(1) If the Commissioner finds that any such advertising copy or advertising practice or plan of solicitation is materially misleading or deceptive he or she, the Commissioner shall order the company or the agent or broker using such copy or practice or plan to cease and desist from such use.

(2) Before making any such finding and order, the Commissioner shall give notice, not less than 10 days in advance, and a hearing to the company, agent, or broker affected.

(3) If the Commissioner finds, after due notice and hearing, that any authorized insurer, licensed pharmacy benefit manager, licensed insurance agent, or licensed insurance broker has wilfully intentionally violated any such order to cease and desist he or she, the Commissioner may suspend or revoke the license of such insurer, pharmacy benefit manager, agent, or broker.

Sec. 3. 8 V.S.A. § 4089j is amended to read:

§ 4089j. RETAIL PHARMACIES; FILLING OF PRESCRIPTIONS

(a) As used in this section:

* * *

(6) "Direct solicitation" means direct contact, including telephone, computer, e-mail, instant messaging, or in-person contact, by a pharmacy provider or its agent to a beneficiary of a plan offered by a health insurer without the beneficiary's consent for the purpose of marketing the pharmacy provider's services.

* * *

(d)(1) A health insurer or pharmacy benefit manager shall permit a participating network pharmacy to perform all pharmacy services within the lawful scope of the profession of pharmacy as set forth in 26 V.S.A. chapter 36.

(2) A health insurer or pharmacy benefit manager shall not do any of the following:

* * *

(F)(i) Exclude any amount paid by or on behalf of a covered individual, including any third-party payment, financial assistance, discount, coupon, or other reduction, when calculating a covered individual's contribution toward:

(I) the out-of-pocket limits for prescription drug costs under section 4089i of this title;

(II) the covered individual's deductible, if any; or

(III) to the extent not inconsistent with Sec. 2707 of the Public Health Service Act, 42 U.S.C. § 300gg-6, the annual out-of-pocket maximums applicable to the covered individual's health benefit plan.

(ii) The provisions of subdivision (i) of this subdivision (F) relating to a third-party payment, financial assistance, discount, coupon, or other reduction in out-of-pocket expenses made on behalf of a covered person shall only apply to a prescription drug:

(I) for which there is no generic drug or interchangeable biological product, as those terms are defined in 18 V.S.A. § 4601; or

(II) for which there is a generic drug or interchangeable biological product, as those terms are defined in 18 V.S.A. § 4601, but for which the covered person has obtained access through prior authorization, a step therapy protocol, or the pharmacy benefit manager's or health benefit plan's exceptions and appeals process.

(iii) The provisions of subdivision (i) of this subdivision (F) shall apply to a high-deductible health plan only to the extent that it would not disqualify the plan from eligibility for a health savings account pursuant to 26 U.S.C. § 223.

* * *

(5) A health insurer or pharmacy benefit manager shall adhere to the definitions of prescription drugs and the requirements and guidance regarding the pharmacy profession established by State and federal law and the Vermont Board of Pharmacy and shall not establish classifications of or distinctions

between prescription drugs, impose penalties on prescription drug claims, attempt to dictate the behavior of pharmacies or pharmacists, or place restrictions on pharmacies or pharmacists that are more restrictive than or inconsistent with State or federal law or with rules adopted or guidance provided by the Board of Pharmacy.

(6) A pharmacy benefit manager or licensed pharmacy shall not make a direct solicitation to the beneficiary of a plan offered by a health insurer unless one or more of the following applies:

(A) the beneficiary has given written permission to the supplier or the ordering health care professional to contact the beneficiary regarding the furnishing of a prescription item that is to be rented or purchased;

(B) the supplier has furnished a prescription item to the beneficiary and is contacting the beneficiary to coordinate delivery of the item; or

(C) if the contact relates to the furnishing of a prescription item other than a prescription item already furnished to the beneficiary, the supplier has furnished at least one prescription item to the beneficiary within the 15-month period preceding the date on which the supplier attempts to make the contact.

(7) The provisions of this subsection shall not apply to Medicaid.

(e) A health insurer or pharmacy benefit manager shall not alter a patient's prescription drug order or the pharmacy chosen by the patient without the patient's consent; provided, however, that nothing in this subsection shall be construed to affect the duty of a pharmacist to substitute a lower-cost drug or biological product in accordance with the provisions of 18 V.S.A. § 4605.

Sec. 4. REPEALS; CONTROLLING LAWS

(a) The following are repealed on July 1, 2029:

(1) 18 V.S.A. § 9421 (pharmacy benefit management; registration; insurer audit of pharmacy benefit manager activities); and

(2) 18 V.S.A. chapter 221, subchapter 9 (§§ 9471–9474; pharmacy benefit managers).

(b) To the extent that any provision of 18 V.S.A. § 9421 or 18 V.S.A. chapter 221, subchapter 9 is found to conflict with one or more provisions of 18 V.S.A. chapter 77 prior to July 1, 2029, the provisions of 18 V.S.A. chapter 77, as enacted in this act and as may be further amended, shall control.

Sec. 5. APPLICABILITY

(a)(1) The provisions of Sec. 1 of this act (18 V.S.A. chapter 77, pharmacy benefit managers) relating to contracting and to benefit design shall apply to a

contract or health benefit plan issued, offered, renewed, or recredentialed on or after January 1, 2025, including any health insurer that performs claims processing or other prescription drug or device services through a third party, but in no event later than July 1, 2029.

(2) At least annually through 2029, a pharmacy benefit manager that provides pharmacy benefit management for a health benefit plan and uses spread pricing shall disclose to the health insurer, the Department of Financial Regulation, the Green Mountain Care Board, and the Office of the Health Care Advocate the aggregate amount the pharmacy benefit manager retained on all claims charged to the health insurer for prescriptions filled during the preceding calendar year in excess of the amount the pharmacy benefit manager reimbursed pharmacies.

(b) A person doing business in this State as a pharmacy benefit manager on or before January 1, 2025 shall have 12 months following that date to come into compliance with the licensure provisions of Sec. 1 of this act (18 V.S.A. chapter 77, pharmacy benefit managers).

Sec. 6. PHARMACY BENEFIT MANAGER REGULATION; POSITIONS;
APPROPRIATION

(a) The following permanent positions are created in the Department of Financial Regulation:

(1) one exempt Enforcement Attorney;

(2) one classified Pharmacy Benefit Manager (PBM) Investigator; and

(3) one classified Pharmacy Benefit Manager (PBM) Licensing/Consumer Services Investigator.

(b) The sum of \$405,000.00 is appropriated to the Department of Financial Regulation from the Insurance Regulatory and Supervision Fund in fiscal year 2025 to support the Department's pharmacy benefit manager regulation activities as set forth in this act.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

and that after passage the title of the bill be amended to read: "An act relating to licensure and regulation of pharmacy benefit managers"

Rep. Andrews of Westford, for the Committee on Ways and Means, recommended that the report of the Committee on Health Care be amended in Sec. 1, 18 V.S.A. chapter 77, in § 3611, as follows:

First: In subsection (b), following “an application fee of,” by striking out “\$2,500.00” and inserting in lieu thereof “\$1,600.00” and, following “an initial licensure fee of,” by striking out “\$1,000.00” and inserting in lieu thereof “\$10,000.00”

Second: In subdivision (d)(3), following “the annual license renewal fee of,” by striking out “\$1,000.00” and inserting in lieu thereof “\$12,000.00”

Rep. Milhaly of Calais, for the Committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the Committee on Health Care and when further amended as recommended by the Committee on Ways and Means.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, the report of the Committee on Health Care amended as recommended by the Committee on Ways and Means. The report of the Committee on Health Care, as amended, agreed to and third reading ordered.

**Committee Bill; Favorable Report; Second Reading; Bill Amended;
Third Reading Ordered**

H. 867

Rep. Boyden of Cambridge spoke for the Committee on Government Operations and Military Affairs.

House bill, entitled

An act relating to miscellaneous amendments to the laws governing alcoholic beverages and the Board of Liquor and Lottery

Rep. Anthony of Barre City, for the Committee on Ways and Means, recommended the bill ought to pass.

The bill, having appeared on the Notice Calendar, was taken up and read the second time.

Pending the question, Shall the bill be read a third time?, **Reps. Birong of Vergennes and Brumsted of Shelburne** moved to amend the bill by striking out Sec. 11, effective dates, and its reader assistance heading in their entirety and inserting in lieu thereof reader assistance headings and Secs. 11 and 12 to read as follows:

* * * Tobacco Retail Audit * * *

Sec. 11. TOBACCO RETAIL AUDIT; INTENT; REPORT

(a) It is the intent of the General Assembly that comprehensive data should be developed regarding the placement of beverage alcohol products in retail

establishments to inform future public policy decisions by the General Assembly.

(b)(1) On or before January 15, 2025, the Department of Liquor and Lottery shall report to the House Committees on Government Operations and Military Affairs and on Human Services and the Senate Committees on Economic Development, Housing and General Affairs and on Health and Welfare regarding the results of the 2024 Tobacco Retail Audit.

(2) The report shall include detailed findings regarding the physical placement of beverage alcohol products within licensed retail establishments.

(3) The report shall take the form of a presentation to each of the Committees.

* * * Effective Dates * * *

Sec. 12. EFFECTIVE DATES

(a) This section and Sec. 5 shall take effect on passage.

(b) Secs. 3 and 4 shall take effect on July 1, 2026.

(c) All other sections shall take effect on July 1, 2024.

Which was agreed to. Thereupon, third reading was ordered.

Favorable Report; Second Reading; Third Reading Ordered

H. 664

Rep. Templeman of Brownington, for the Committee on Agriculture, Food Resiliency, and Forestry, to which had been referred House bill, entitled

An act relating to designating a State Mushroom

Reported in favor of its passage. The bill, having appeared on the Notice Calendar, was taken up, read the second time, and third reading ordered.

Adjournment

At four o'clock and nineteen minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.

Wednesday, March 20, 2024

At one o'clock in the afternoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Brian Cina of Burlington.

House Bill Introduced**H. 881**

By Reps. Hooper of Burlington, Bluemle of Burlington, Cina of Burlington, Headrick of Burlington, Logan of Burlington, Mulvaney-Stanak of Burlington, Ode of Burlington, Rachelson of Burlington, Stebbins of Burlington, and Stone of Burlington,

House bill, entitled

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

Was read the first time and referred to the Committee on Government Operations and Military Affairs.

Senate Bill Referred**S. 197**

Senate bill, entitled

An act relating to restricting perfluoroalkyl and polyfluoroalkyl substances in consumer products

Was read the first time and referred to the Committee on Human Services.

Bill Referred to Committee on Appropriations**H. 585**

House bill, entitled

An act relating to amending the pension system for sheriffs and certain deputy sheriffs

Appearing on the Notice Calendar, and pursuant to House Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

**Pending Entry on the Notice Calendar
Bills Referred to the Committee on Appropriations**

House bills of the following titles were severally taken up, and pursuant to House Rule 35(a), carrying an appropriation, were referred to the Committee on Appropriations, pending entry on the Notice Calendar:

H. 630

House bill, entitled

An act relating to boards of cooperative education services

H. 871

House bill, entitled

An act relating to the development of an updated State aid to school construction program

H. 874

House bill, entitled

An act relating to miscellaneous changes in education laws

Joint Resolution Adopted in Concurrence

J.R.S. 49

By Senator Baruth,

J.R.S. 49. Joint resolution relating to weekend adjournment on March 22, 2024.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 22, 2024, it be to meet again no later than Tuesday, March 26, 2024.

Was taken up, read, and adopted in concurrence.

Ceremonial Reading

H.C.R. 180

House concurrent resolution recognizing July 2024 as Park and Recreation Month in Vermont and designating July 19, 2024 as Vermont Park and Recreation Professionals Day in Vermont

Offered by: Representatives Krasnow of South Burlington, LaLonde of South Burlington, Hyman of South Burlington, Minier of South Burlington, and Nugent of South Burlington

House concurrent resolution recognizing July 2024 as Park and Recreation Month in Vermont and designating July 19, 2024 as Vermont Park and Recreation Professionals Day in Vermont

Offered by: Representatives Krasnow of South Burlington, LaLonde of South Burlington, Hyman of South Burlington, Minier of South Burlington, and Nugent of South Burlington

Whereas, Vermont's park and recreation programs are an integral part of our State and local communities, and

Whereas, their presence in a community promotes an active lifestyle, offers environmental protection, and serves as an economic resource, and

Whereas, park and recreation programs support the effectiveness of therapeutic recreational services for persons with disabilities, and

Whereas, in 1985, the National Recreation and Park Association established July as Park and Recreation Month, and, in 2009, the U.S. House of Representatives adopted a resolution endorsing this national celebration of our nation's parks, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly recognizes July 2024 as Park and Recreation Month in Vermont and designates July 19, 2024 as Vermont Park and Recreation Professionals Day, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont Recreation and Parks Association.

Having been adopted in concurrence on Friday, March 15, 2024 in accord with Joint Rule 16b, was read.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 173

House bill, entitled

An act relating to prohibiting manipulating a child for the purpose of sexual contact

H. 233

House bill, entitled

An act relating to pharmacy benefit management and Medicaid wholesale drug distribution

H. 279

House bill, entitled

An act relating to the Uniform Trust Decanting Act

H. 350

House bill, entitled

An act relating to the Uniform Directed Trust Act

H. 606

House bill, entitled

An act relating to professional licensure and immigration status

H. 614

House bill, entitled

An act relating to land improvement fraud and timber trespass

H. 644

House bill, entitled

An act relating to access to records by individuals who were in foster care

H. 664

House bill, entitled

An act relating to designating a State Mushroom

H. 667

House bill, entitled

An act relating to the creation of the Vermont-Ireland Trade Commission

H. 741

House bill, entitled

An act relating to health insurance coverage for colorectal cancer screening

Bill Amended; Third Reading; Bill Passed

H. 794

House bill, entitled

An act relating to services provided by the Vermont Veterans' Home

Was taken up and, pending third reading of the bill, **Rep. Hooper of Burlington** moved to amend the bill as follows:

In Sec. 2, 20 V.S.A. § 1717, in subdivision (b)(2), by striking out the following: “1714(13), (14), and (15)” and inserting in lieu thereof the following: “1714(5), (13), (14), and (15)”

Which was agreed to. Thereupon, the bill was read the third time and passed.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 867

House bill, entitled

An act relating to miscellaneous amendments to the laws governing alcoholic beverages and the Board of Liquor and Lottery

H. 868

House bill, entitled

An act relating to the fiscal year 2025 Transportation Program and miscellaneous changes to laws related to transportation

Committee Bill; Second Reading; Third Reading Ordered

H. 872

Rep. McCarthy of St. Albans City spoke for the Committee on Government Operations and Military Affairs.

House bill, entitled

An act relating to miscellaneous updates to the powers of the Vermont Criminal Justice Council and the duties of law enforcement officers

Having appeared on the Notice Calendar and appearing on the Action Calendar, was taken up, read the second time, and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 10

Rep. Marcotte of Coventry, for the Committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to amending the Vermont Employment Growth Incentive Program

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 32 V.S.A. § 3325 is amended to read:

§ 3325. VERMONT ECONOMIC PROGRESS COUNCIL

(a) Creation. The Vermont Economic Progress Council is created to exercise the authority and perform the duties assigned to it, including its authority and duties relating to:

(1) the Vermont Employment Growth Incentive Program pursuant to subchapter 2 of this chapter; and

(2) tax increment financing districts pursuant to 24 V.S.A. chapter 53, subchapter 5 and section 5404a of this title.

(b) Membership.

(1) The Council shall have 11 voting members:

(A) nine residents of the State appointed by the Governor with the advice and consent of the Senate who are knowledgeable and experienced in the subjects of community development and planning, education funding requirements, economic development, State fiscal affairs, property taxation, or entrepreneurial ventures and represent diverse geographical areas of the State and municipalities of various sizes;

(B) one member of the Vermont House of Representatives appointed by the Speaker of the House; and

(C) one member of the Vermont Senate appointed by the Senate Committee on Committees.

(2)(A) The Council shall have two regional members from each region of the State, one appointed by the regional development corporation of the region and one appointed by the regional planning commission of the region.

(B) A regional member shall be a nonvoting member and shall serve during consideration by the Council of an application from ~~his or her~~ the member's region.

(3) The Council shall provide not less than 30 days' notice of a vacancy to the relevant appointing authority, which shall appoint a replacement not later than 30 days after receiving notice.

* * *

(e) Operation.

(1) The Governor shall appoint a chair from the Council's members.

(2) The Council shall receive administrative support from the Agency of Commerce and Community Development and the Department of Taxes.

(3) The Council shall have:

(A) an executive director appointed by the Governor with the advice and consent of the Senate who is knowledgeable in subject areas of the Council's jurisdiction and who is an exempt State employee; and

(B) administrative staff.

(4) The Council shall adopt and make publicly available a policy governing conflicts of interest that meets or exceeds the requirements of the State Code of Ethics and shall include:

(A) clear standards for when a member of the Council may participate or must be recused when an actual or perceived conflict of interest exists; and

(B) a provision that requires a witness who is an officer of the State or its political subdivision or instrumentality to disclose a conflict of interest related to an application.

(5) The Council shall not enter into executive session to discuss applications or other matters pertaining to the Vermont Employment Growth Incentive Program under subchapter 2 of this chapter unless the Executive Branch State economist is present and has been provided all relevant materials concerning the session.

* * *

Sec. 2. 32 V.S.A. § 3326 is amended to read:

§ 3326. COST-BENEFIT MODEL

(a) The Council shall adopt and maintain a cost-benefit model for assessing and measuring the projected net fiscal cost and benefit to the State of proposed economic development activities.

(b) The Council shall not modify the cost-benefit model without the prior approval of the Joint Fiscal Committee.

(c)(1) The Council shall contract with the Executive Branch State economist to perform the cost-benefit analysis using the cost-benefit model when considering an application for incentives under subchapter 2 of this chapter.

(2) The Executive Branch State economist shall consult with the Joint Fiscal Office or its agent concerning the performance of the cost-benefit analysis and the operation of the cost-benefit model for each application in which the value of potential incentives an applicant may earn equals or exceeds \$1,000,000.00.

Sec. 3. 32 V.S.A. § 3340 is amended to read:

§ 3340. REPORTING

(a) On or before September 1 of each year, the Vermont Economic Progress Council and the Department of Taxes shall submit a joint report on the incentives authorized in this subchapter to the House Committees on Ways and Means, on Commerce and Economic Development, and on Appropriations, to the Senate Committees on Finance, on Economic Development, Housing and General Affairs, and on Appropriations, and to the Joint Fiscal Committee.

(b) The Council and the Department shall include in the joint report:

(1) the total amount of incentives authorized during the preceding year and the amount per business;

(2) with respect to each business with an approved application:

(A) the date and amount of authorization;

(B) the calendar year or years in which the authorization is expected to be exercised;

(C) whether the authorization is active; ~~and~~

(D) the date the authorization will expire; ~~and~~

(E) the aggregate number of new qualifying jobs anticipated to be created;

(F) Vermont gross wages and salaries for new qualifying jobs, sorted by groups in \$25,000.00 increments;

(G) the aggregate amount of new full-time payroll anticipated to be created; and

(H) NAICS code; and

(3) the following aggregate information for claims processed:

(A) the number of claims and incentive payments made in the current and prior claim years;

(B) the number of qualifying jobs for each approved claim; and

(C) the amount of new payroll and capital investment for each approved claim.

(c)(1) The Council and the Department shall present data and information in the joint report in a searchable format.

(2) Notwithstanding a provision of this section to the contrary, when reporting data and information pursuant to this section, the Council and Department shall take steps necessary to avoid disclosing any information that would enable the identification of an individual employee or the employee's compensation.

(d) Notwithstanding any provision of law to the contrary, an incentive awarded pursuant to this subchapter shall be treated as a tax expenditure for purposes of chapter 5 of this title.

Sec. 4. 32 V.S.A. § 3341 is amended to read:

§ 3341. CONFIDENTIALITY OF PROPRIETARY BUSINESS

INFORMATION

(a) The Vermont Economic Progress Council and the Department of Taxes shall use measures to protect proprietary financial information, including reporting information in an aggregate form.

(b) Information and materials submitted by a business concerning its application, income taxes, and other confidential financial information shall not be subject to public disclosure under the State's public records law in 1 V.S.A. chapter 5, but shall be available to the Joint Fiscal Office or its agent upon request of a legislative member of the Council or upon authorization of the Joint Fiscal Committee or a standing committee of the General Assembly, and shall also be available to the Auditor of Accounts in connection with the performance of duties under section 163 of this title; provided, however, that the Joint Fiscal Office or its agent and the Auditor of Accounts shall not disclose, directly or indirectly, to any person any proprietary business information or any information that would identify a business except in accordance with a judicial order or as otherwise specifically provided by law.

(c) Nothing in this section shall be construed to prohibit the publication of statistical information, rulings, determinations, reports, opinions, policies, or other information so long as the data are disclosed in a form that cannot identify or be associated with a particular business.

Sec. 5. 2016 Acts and Resolves No. 157, Sec. H.12, as amended by 2022 Acts and Resolves No. 164, Sec. 5, is further amended to read:

Sec. H.12. VEGI; REPEAL OF AUTHORITY TO AWARD
INCENTIVES

Notwithstanding any provision of law to the contrary, the Vermont Economic Progress Council shall not accept or approve an application for a Vermont Employment Growth Incentive under 32 V.S.A. chapter 105, subchapter 2 on or after January 1, ~~2024~~ 2026.

Sec. 6. ECONOMIC DEVELOPMENT INCENTIVES; STUDY

(a) Creation. There is created the Task Force on Economic Development Incentives composed of the following five members:

(1) one member of the House Committee on Commerce and Economic Development and one at-large member with experience in business and economic development appointed by the Speaker of the House of Representatives;

(2) one member of the Senate Committee on Economic Development, Housing and General Affairs and one at-large member with experience in business and economic development appointed by the Senate Committee on Committees; and

(3) one at-large member appointed jointly by the Speaker of the House of Representatives and the Senate Committee on Committees.

(b) Powers and duties. The Task Force shall conduct hearings, receive testimony, and review and consider:

(1) the purpose and performance of current State-funded economic development incentive programs; and

(2) models and features of economic development incentive programs from other jurisdictions, including:

(A) the structure, management, and oversight features of the program;

(B) the articulated purpose, goals, and benefits of the program, and the basis of measuring success; and

(C) the mechanism for providing an economic incentive, whether through a loan, grant, equity investment, or other approach.

(c) Assistance.

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

(2) The Task Force may direct the Joint Fiscal Office to issue a request for proposals and enter into one or more agreements for consulting services.

(d) Report. On or before January 15, 2024, the Task Force shall submit a report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs with its findings and any recommendations for legislative action, including whether and how any proposed program addition, revision, or other legislative action would:

(1) integrate with and further advance the current workforce development and economic development systems in this State; and

(2) advance the four principles of economic development articulated in 10 V.S.A. § 3.

(e) Meetings.

(1) The member of the House Committee on Commerce and Economic Development shall call the first meeting of the Task Force to occur on or before September 1, 2023.

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

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

(4) The Task Force shall cease to exist on January 15, 2024.

(f) 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 six meetings.

(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 six meetings.

(g) Appropriation. The amount of \$250,000.00 is appropriated from the General Fund in fiscal year 2024 for per diem compensation and reimbursement of expenses for members of the Task Force and for consulting services approved by the Task Force pursuant to this section.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

Rep. Anthony of Barre City, for the Committee on Ways and Means, recommended that the report of the Committee on Commerce and Economic Development be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 32 V.S.A. chapter 105 is amended to read:

CHAPTER 105. VERMONT EMPLOYMENT GROWTH
INCENTIVE PROGRAM

§ 3325. VERMONT ECONOMIC PROGRESS COUNCIL

* * *

(b) Membership.

(1) The Council shall have ~~11~~ nine voting members:

~~(A) nine who are residents of the State appointed by the Governor with the advice and consent of the Senate and who are knowledgeable and experienced in the subjects of community development and planning, education funding requirements, economic development, State fiscal affairs, property taxation, or entrepreneurial ventures and represent diverse geographical areas of the State and municipalities of various sizes; appointed as follows:~~

(A) five members, appointed by the Governor with the advice and consent of the Senate;

(B) two members, appointed by the Speaker of the House; and

(C) two members, appointed by the Senate Committee on Committees

~~(B) one member of the Vermont House of Representatives appointed by the Speaker of the House; and~~

~~(C) one member of the Vermont Senate appointed by the Senate Committee on Committees.~~

(2)(A) The Council shall have two regional members from each region of the State, one appointed by the regional development corporation of the region and one appointed by the regional planning commission of the region.

(B) A regional member shall be a nonvoting member and shall serve during consideration by the Council of an application from ~~his or her~~ the member's region.

(3) The Council shall provide not less than 30 days' notice of a vacancy to the relevant appointing authority, which shall appoint a replacement not later than 30 days after receiving notice.

(c) Terms.

(1) Members of the Council appointed by the Governor shall serve initial staggered terms with five members serving four-year terms, and four members serving two-year terms.

(2) After the initial term expires, a member's term is four years and a member may be reappointed.

(3) A term commences on April 1 of each odd-numbered year.

(d) Compensation.

(1) For attendance at a meeting and for other official duties, a member appointed by the Governor shall be entitled to compensation for services and reimbursement of expenses as provided in section 1010 of this title, except that a member who is a member of the General Assembly shall be entitled to compensation for services and reimbursement of expenses as provided in 2 V.S.A. § 23.

(2) A regional member who does not otherwise receive compensation and reimbursement of expenses from ~~his or her~~ the member's regional development or planning organization shall be entitled to compensation and reimbursement of expenses for attendance at meetings and for other official duties as provided in section 1010 of this title.

(e) Operation.

(1) The Governor shall appoint a chair from the Council's members.

(2) The Council shall receive administrative support from the Agency of Commerce and Community Development and the Department of Taxes.

(3) The Council shall have:

(A) an executive director appointed by the Governor with the advice and consent of the Senate who is knowledgeable in subject areas of the Council's jurisdiction and who is an exempt State employee; and

(B) administrative staff.

(4) The Council shall adopt and make publicly available a policy governing conflicts of interest that meets or exceeds the requirements of the State Code of Ethics and shall include:

(A) clear standards for when a member of the Council may participate or must be recused when an actual or perceived conflict of interest exists; and

(B) a provision that requires a witness who is an officer of the State or its political subdivision or instrumentality to disclose a conflict of interest related to an application.

(5) The Council shall not enter into executive session to discuss applications or other matters pertaining to the Vermont Employment Growth Incentive Program under subchapter 2 of this chapter unless the Executive Branch State economist is present and has been provided all relevant materials concerning the session.

* * *

§ 3326. COST-BENEFIT MODEL

(a) The Council shall adopt and maintain a cost-benefit model for assessing and measuring the projected net fiscal cost and benefit to the State of proposed economic development activities.

(b) The Council shall not modify the cost-benefit model without the prior approval of the Joint Fiscal Committee.

(c)(1) The Council shall contract with the Executive Branch State economist to perform the cost-benefit analysis using the cost-benefit model when considering an application for incentives under subchapter 2 of this chapter.

(2) The Executive Branch State economist shall consult with the Joint Fiscal Office or its agent concerning the performance of the cost-benefit analysis and the operation of the cost-benefit model for each application in which the value of potential incentives an applicant may earn equals or exceeds \$1,000,000.00.

§ 3327. ECONOMIC PROGRESS AND PERFORMANCE REPORTING

(a) Each year, the Council shall engage in a strategic planning process and produce a report on the purposes and performance of current State-funded economic development incentive programs.

(b) In furtherance of producing the report, the Council shall consult with representatives of:

(1) regional development corporations;

(2) regional chambers of commerce; and

(3) business and development organizations identified by the Vermont Sustainable Jobs Fund to be geographically and demographically diverse, in reviewing and considering:

(A) the purpose and performance of current State-funded economic development incentive programs; and

(B) appropriate incentives during low employment and during high employment.

(c) On or before December 15 of each year, the Council shall submit the report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs with its findings and any recommendations for legislative action, including whether and how any proposed program addition, revision, or other legislative action would:

(1) integrate with and further advance the current workforce development and economic development systems in this State; and

(2) advance the four principles of economic development articulated in 10 V.S.A. § 3.

* * *

§ 3340. REPORTING

(a) On or before September 1 of each year, the Vermont Economic Progress Council and the Department of Taxes shall submit a joint report on the incentives authorized in this subchapter to the House Committees on Ways and Means, on Commerce and Economic Development, and on Appropriations, to the Senate Committees on Finance, on Economic Development, Housing and General Affairs, and on Appropriations, and to the Joint Fiscal Committee.

(b) The Council and the Department shall include in the joint report:

(1) the total amount of incentives authorized during the preceding year and the amount per business;

(2) with respect to each business with an approved application:

(A) the date and amount of authorization;

(B) the calendar year or years in which the authorization is expected to be exercised;

(C) whether the authorization is active; ~~and~~

(D) the date the authorization will expire; ~~and~~

(E) the aggregate number of new qualifying jobs anticipated to be created;

(F) Vermont gross wages and salaries for new qualifying jobs, sorted by groups in \$25,000.00 increments;

(G) the aggregate amount of new full-time payroll anticipated to be created; and

(H) NAICS code; and

(3) the following aggregate information for claims processed:

(A) the number of claims and incentive payments made in the current and prior claim years;

(B) the number of qualifying jobs for each approved claim; and

(C) the amount of new payroll and capital investment for each approved claim.

(c)(1) The Council and the Department shall present data and information in the joint report in a searchable format.

(2) Notwithstanding a provision of this section to the contrary, when reporting data and information pursuant to this section, the Council and Department shall take steps necessary to avoid disclosing any information that would enable the identification of an individual employee or the employee's compensation.

(d) Notwithstanding any provision of law to the contrary, an incentive awarded pursuant to this subchapter shall be treated as a tax expenditure for purposes of chapter 5 of this title.

§ 3341. CONFIDENTIALITY OF PROPRIETARY BUSINESS INFORMATION

(a) The Vermont Economic Progress Council and the Department of Taxes shall use measures to protect proprietary financial information, including reporting information in an aggregate form.

(b) Information and materials submitted by a business concerning its application, income taxes, and other confidential financial information shall not be subject to public disclosure under the State's public records law in 1 V.S.A. chapter 5, but shall be available to the Joint Fiscal Office or its agent upon request of a legislative member of the Council or upon authorization of the Joint Fiscal Committee or a standing committee of the General Assembly, and shall also be available to the Auditor of Accounts in connection with the performance of duties under section 163 of this title; provided, however, that the Joint Fiscal Office or its agent and the Auditor of Accounts shall not disclose, directly or indirectly, to any person any proprietary business

information or any information that would identify a business except in accordance with a judicial order or as otherwise specifically provided by law.

(c) Nothing in this section shall be construed to prohibit the publication of statistical information, rulings, determinations, reports, opinions, policies, or other information so long as the data are disclosed in a form that cannot identify or be associated with a particular business.

* * *

Sec. 2. 2016 Acts and Resolves No. 157, Sec. H.12, as amended by 2022

Acts and Resolves No. 164, Sec. 5 and 2023 Acts and Resolves No. 72, Sec. 39, is further amended to read:

Sec. H.12. VEGI; REPEAL OF AUTHORITY TO AWARD

INCENTIVES

Notwithstanding any provision of law to the contrary, the Vermont Economic Progress Council shall not accept or approve an application for a Vermont Employment Growth Incentive under 32 V.S.A. chapter 105, subchapter 2 on or after January 1, ~~2025~~ 2026.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

Rep. Toleno of Brattleboro, for the Committee on Appropriations, reported in favor of its passage when amended as recommended by the Committee on Commerce and Economic Development and when further amended as recommended by the Committee on Ways and Means.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Commerce and Economic Development amended as recommended by the Committee on Ways and Means. The report of the Committee on Commerce and Economic Development, as amended, agreed to and third reading ordered.

Action on Bill Postponed

H. 121

House bill, entitled

An act relating to enhancing consumer privacy

Was taken up and, pending second reading of the bill, on motion of **Rep. Priestley of Bradford**, action on the bill was postponed until March 21, 2024.

Second Reading; Bill Amended; Third Reading Ordered**H. 621**

Rep. Carpenter of Hyde Park, for the Committee on Health Care, to which had been referred House bill, entitled

An act relating to health insurance coverage for diagnostic breast imaging

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 8 V.S.A. § 4100a is amended to read:

§ 4100a. MAMMOGRAMS AND OTHER BREAST IMAGING SERVICES; COVERAGE REQUIRED

(a)(1) Insurers shall provide coverage for screening ~~by mammography and for other medically necessary breast imaging services upon recommendation of a health care provider as needed to detect the presence of breast cancer and other abnormalities of the breast or breast tissue.~~ In addition, insurers shall provide coverage for screening by ultrasound ~~or another appropriate imaging service~~ for a patient for whom the results of a screening mammogram were inconclusive or who has dense breast tissue, or both.

(2) Benefits provided shall cover the full cost of the mammography, ~~service or ultrasound, as applicable,~~ and other breast imaging services and shall not be subject to any co-payment, deductible, coinsurance, or other cost-sharing requirement or additional charge, except to the extent that such coverage would disqualify a high-deductible health plan from eligibility for a health savings account pursuant to 26 U.S.C. § 223.

(b) [Repealed.]

(c) This section shall apply only to ~~screening~~ procedures conducted by test facilities accredited by the American College of Radiologists.

(d) As used in this subchapter:

(1) “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. The term does not apply to coverage for specified diseases or other limited benefit coverage.

(2) “Mammography” means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, and digital detector. The term includes breast tomosynthesis.

(3) “Other breast imaging services” means diagnostic mammography, ultrasound, and magnetic resonance imaging services that enable health care providers to detect the presence or absence of breast cancer and other abnormalities affecting the breast or breast tissue.

(4) “Screening” includes the mammography or ultrasound test procedure and a qualified physician’s interpretation of the results of the procedure, including additional views and interpretation as needed.

Sec. 2. EFFECTIVE DATE

This act shall take effect on January 1, 2026 and shall apply to all health insurance plans issued on and after January 1, 2026 on such date as a health insurer offers, issues, or renews the health insurance plan, but in no event later than January 1, 2027.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on Health Care agreed to, and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 639

Rep. Chesnut-Tangerman of Middletown Springs, for the Committee on General and Housing, to which had been referred House bill, entitled

An act relating to disclosure of flood history of real property subject to sale

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Flood Risk Disclosure * * *

Sec. 1. 27 V.S.A. § 380 is added to read:

§ 380. DISCLOSURE OF INFORMATION; CONVEYANCE OF REAL

ESTATE

(a) Prior to or as part of a contract for the conveyance of real property, the seller shall provide the buyer with the following information:

(1) whether the real property is located in a Federal Emergency Management Agency mapped special flood hazard area;

(2) whether the real property is located in a Federal Emergency Management Agency mapped moderate flood hazard area;

(3) whether the real property was subject to flooding or flood damage while the seller possessed the property, including flood damage from inundation or from flood-related erosion or landslide damage; and

(4) whether the seller maintains flood insurance on the real property.

(b) The failure of the seller to provide the buyer with the information required under subsection (a) of this section is grounds for the buyer to terminate the contract prior to transfer of title or occupancy, whichever occurs earlier.

(c) A buyer of real estate who fails to receive the information required to be disclosed by a seller under subsection (a) of this section may bring an action to recover from the seller the amount of the buyer's damages and reasonable attorney's fees. The buyer may also seek punitive damages when the seller knowingly failed to provide the required information.

(d) A seller shall not be liable for damages under this section for any error, inaccuracy, or omission of any information required to be disclosed to the buyer under subsection (a) of this section when the error, inaccuracy, or omission was based on information provided by a public body or by another person with a professional license or special knowledge who provided a written report that the seller reasonably believed to be correct and that was provided by the seller to the buyer.

(e) Noncompliance with the requirements of this section shall not affect the marketability of title of a real property.

Sec. 2. 9 V.S.A. § 4466 is added to read:

§ 4466. REQUIRED DISCLOSURE; MODEL FORM

(a) A landlord shall disclose in advance of entering a rental agreement with a tenant whether any portion of the premises offered for rent is located in a Federal Emergency Management Agency mapped special flood hazard area. This notice shall be provided to the tenant at or before execution of the lease in a separate written document substantially in the form prescribed by the Department of Housing and Community Development pursuant to subsection (b) of this section.

(b) The Department of Housing and Community Development shall develop a model form for the notice provided under this section that shall include the information required under subsection (a) of this section.

Sec. 3. 10 V.S.A. § 6236(e) is amended to read:

(e) All mobile home lot leases shall contain the following:

* * *

(8)(A) Notice that the mobile home park is in a flood hazard area if any lot within the mobile home park is wholly or partially located in a flood hazard area according to the flood insurance rate map effective for the mobile home

park at the time the proposed lease is furnished to a prospective leaseholder. This notice shall be provided in a clear and conspicuous manner in a separate written document substantially in the form prescribed by the Department of Housing and Community Development pursuant to subdivision (B) of this subdivision (8) and attached as an addendum to the proposed lease.

(B) The Department of Housing and Community Development shall develop a model form for the notice provided under this section that shall include the information required under subdivision (A) of this subdivision (8).

Sec. 4. 10 V.S.A. § 6201 is amended to read:

§ 6201. DEFINITIONS

As used in this chapter, ~~unless the context requires otherwise:~~

(1) “Mobile home” means:

(A) a structure or type of manufactured home, including the plumbing, heating, air-conditioning, and electrical systems contained in the structure, that is:

(i) built on a permanent chassis;

(ii) designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities;

(iii) transportable in one or more sections; and

(iv)(I) at least eight feet wide, 40 feet long, or when erected has at least 320 square feet; or

(II) if the structure was constructed prior to June 15, 1976, at least eight feet wide or 32 feet long; or

(B) any structure that meets all the requirements of this subdivision (1) except the size requirements, and for which the manufacturer voluntarily files a certification required by the U.S. Department of Housing and Urban Development and complies with the construction and safety standards established under Title 42 of the U.S. Code.

(C) [Repealed.]

(2) “Mobile home park” means any parcel of land under single or common ownership or control that contains, or is designed, laid out, or adapted to accommodate, more than two mobile homes. “Mobile home park” does not mean premises used solely for storage or display of mobile homes. Mobile home park does not mean any parcel of land under the ownership of an agricultural employer who may provide up to four mobile homes used by full-time workers or employees of the agricultural employer as a benefit or

condition of employment or any parcel of land used solely on a seasonal basis for vacation or recreational mobile homes.

* * *

(13) “Flood hazard area” has the same meaning as in section 752 of this title.

(14) “Flood insurance rate map” means, for any mobile home park, the official flood insurance rate map describing that park published by the Federal Emergency Management Agency on its website.

Sec. 5. 9 V.S.A. § 2602 is amended to read:

§ 2602. SALE OR TRANSFER; PRICE DISCLOSURE; MOBILE HOME
UNIFORM BILL OF SALE

(a) Appraisal; disclosure. When a mobile home is sold or offered for sale:

(1) If a mobile home is appraised, the appraisal shall include a cover sheet that itemizes the value of the unsited mobile home, the value of any adjacent or attached structures located on the site and the value of the sited location, if applicable, and valuations of sales of comparable properties.

(2) In the case of a new mobile home, the seller shall provide to a prospective buyer a written disclosure that states the retail price of the unsited mobile home, any applicable taxes, the set-up and transportation costs, and the value of the sited location, if applicable.

(3) In the case of a mobile home as defined in 10 V.S.A. § 6201, the seller shall provide to a prospective buyer a written disclosure of any flooding history or flood damage to the mobile home known to the seller, including flood damage from inundation or from flood-related erosion or landslide damage.

(4) A legible copy of the disclosure required in subdivision (2) of this subsection shall be prominently displayed on a new mobile home in a location that is clearly visible to a prospective buyer from the exterior.

* * *

* * * Accessibility Standards * * *

Sec. 6. 20 V.S.A. chapter 174 is amended to read:

CHAPTER 174. ACCESSIBILITY STANDARDS FOR PUBLIC
BUILDINGS AND, PARKING, AND STATE-FUNDED RESIDENTIAL
BUILDINGS

Subchapter 1. Public Buildings and Parking

§ 2900. DEFINITIONS

* * *

Subchapter 2. State-Funded Residential Construction

§ 2910. DEFINITIONS

As used in this subchapter:

(1) “Adaptable” means a residential unit that complies with the requirements for a Type A Unit or a Type B Unit set forth in section 1103 or 1104, respectively, of the 2017 ICC Standard for Accessible and Useable Buildings and Facilities or a similar standard adopted by the Access Board by rule pursuant to section 2901 of this chapter.

(2) “ICC” means the International Code Council.

(3) “State-funded residential building” means a building that is designed or intended for occupancy as a residence by one or more individuals the construction of which is funded in whole or in part by State funds.

(4) “Visitable” means a residential unit that complies with the requirements for a Type C Unit set forth in section 1105 of the 2017 ICC Standard for Accessible and Useable Buildings and Facilities or a similar standard adopted by the Access Board by rule pursuant to section 2901 of this chapter.

§ 2911. STATE-FUNDED RESIDENTIAL CONSTRUCTION;

ACCESSIBILITY REQUIREMENTS

(a) Any State-funded residential building that is constructed in Vermont on or after July 1, 2025 shall comply with the following requirements:

(1) All residential units that are located partially or wholly on the ground floor or are accessible by an elevator or lift shall be adaptable units.

(2) Any residential unit that is not located on the ground floor and is not accessible by an elevator or a lift shall be a visitable unit.

(b) A State-funded residential building constructed in accordance with the requirements of this section shall not be modified in any way that would reduce its compliance with the requirements of subsection (a) of this section, as applicable, during any subsequent repairs, renovations, alterations, or additions.

(c) The Access Board shall adopt rules as necessary to implement the provisions of this section.

Sec. 7. 24 V.S.A. § 4010 is amended to read:

§ 4010. DUTIES

(a) In the operation of or management of housing projects, an authority shall at all times observe the following duties with respect to rentals and tenant selection:

* * *

(6) When renting or leasing accessible dwelling accommodations, it shall give priority to tenants with a disability. As used in this subdivision, “accessible” means a dwelling that complies with the requirements for an accessible unit set forth in section 1102 of the 2017 ICC Standard for Accessible and Useable Buildings and Facilities or a similar standard adopted by the Access Board by rule pursuant to 20 V.S.A. § 2901.

* * *

* * * Housing Accountability * * *

Sec. 8. VERMONT STATEWIDE AND REGIONAL HOUSING TARGETS
PROGRESS; REPORT

(a) Upon publication of the Statewide Housing Needs Assessment setting out the statewide and regional housing targets required pursuant to 24 V.S.A. § 4348a, the Department of Housing and Community Development, in coordination with regional planning commissions, shall develop metrics for measuring progress toward the statewide and regional housing targets, including:

(1) for any housing target, a timeline separating the target into discrete steps with specific deadlines; and

(2) for any regional housing target:

(A) a rate measuring progress toward the total needed housing investment published in the regional plan for a region subject to the regional housing target by separate measure for each of price, quality, unit size or type, and zoning district, as applicable; and

(B) steps taken to achieve any actions recommended to satisfy the regional housing needs published in the regional plan for a region subject to the regional housing target.

(b) The Department shall employ the metrics developed under subsection (a) of this section to set annual goals for achieving the statewide and regional housing targets required pursuant to 24 V.S.A. § 4348a.

(c) Within one year following publication of the Statewide Housing Needs Assessment setting out the statewide and regional housing targets required pursuant to 24 V.S.A. § 4348a and annually thereafter through 2030, the Department shall publish a report on progress toward the statewide and regional housing targets, including:

(1)(A) annual and cumulative progress toward the statewide and regional housing targets based on the metrics developed pursuant to subsection (a) of this section; and

(B) for any statewide or regional housing target the Department determines may not practicably be measured by any of the metrics developed pursuant to subsection (a) of this section, an explanation that the statewide or regional housing target may not practicably be measured by the Department's metrics and a description of the status of progress toward the statewide or regional housing target;

(2) progress toward the annual goals for the year of publication set pursuant to subsection (b) of this section;

(3) an overall assessment whether, in the Department's discretion, annual progress toward the statewide and regional housing targets is satisfactory based on the measures under subdivisions (1) and (2) of this subsection and giving due consideration to the complete timeline for achieving the statewide and regional housing targets; and

(4) if the Department determines pursuant to subdivision (3) of this subsection that annual progress toward the statewide and regional housing targets is not satisfactory, recommendations for accelerating progress. The Department shall specifically consider whether the creation of a process that permits developers to propose noncompliant housing developments under certain conditions, like a builder's remedy, or a cause of action would be likely to accelerate progress.

(d) The Department shall have broad discretion to determine any timeline or annual goal under subsection (a) or (b) of this section, provided the Department determines that any step in a timeline or annual goal, when considered together with the other steps or annual goals, will reasonably lead to achievement of the statewide or regional housing targets published in the Statewide Housing Needs Assessment.

(e) If the statewide and regional housing targets are not published in the Statewide Housing Needs Assessment published in 2024, the Department shall develop and publish the required housing targets within six months following publication of the Statewide Housing Needs Assessment. Any reference to the statewide and regional housing targets published in the Statewide Housing

Needs Assessment in this section shall be deemed to refer to the housing targets published under this subsection, and any reference to the date of publication of the Statewide Housing Needs Assessment in this section shall be deemed to refer to the date of publication of the housing targets published under this subsection.

* * * Effective Date * * *

Sec. 9. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

and that after passage the title of the bill be amended to read: “An act relating to flood risk disclosure, accessibility standards for State-funded residential construction, and housing accountability”

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on General and Housing agreed to, and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 661

Rep. Garofano of Essex, for the Committee on Human Services, to which had been referred House bill, entitled

An act relating to child abuse and neglect investigation and substantiation standards and procedures

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 33 V.S.A. § 4903 is amended to read:

§ 4903. RESPONSIBILITY OF DEPARTMENT

The Department may expend, within amounts available for the purposes, what is necessary to protect and promote the welfare of children and adults in this State, including the strengthening of their homes whenever possible, by:

(1) Investigating complaints of neglect, abuse, or abandonment of children, including when, whether, and how names are placed on the Child Protection Registry.

* * *

Sec. 2. 33 V.S.A. § 4911 is amended to read:

§ 4911. PURPOSE

The purpose of this subchapter is to:

(1) protect children whose health and welfare may be adversely affected through abuse or neglect;

(2) strengthen the family and make the home safe for children whenever possible by enhancing the parental capacity for good child care;

(3) provide a temporary or permanent nurturing and safe environment for children when necessary; and for these purposes require the reporting of suspected child abuse and neglect, an assessment or investigation of such reports and provision of services, when needed, to such child and family;

(4) establish a range of responses to child abuse and neglect that take into account different degrees of child abuse or neglect and that recognize that child offenders should be treated differently from adults; and

(5) establish a tiered child protection registry that balances the need to protect children and the potential employment consequences of a registry record for ~~persons who are~~ a person's conduct that is substantiated for child abuse and neglect; and

(6) ensure that in the Department for Children and Families' efforts to protect children from abuse and neglect, the Department also ensures that investigations are thorough, unbiased, based on accurate and reliable evidence, and adhere to due process requirements.

Sec. 3. 33 V.S.A. § 4912 is amended to read:

§ 4912. DEFINITIONS

As used in this subchapter:

* * *

(16) Substantiated report” means that the Commissioner or the Commissioner’s designee has determined after investigation that a report is based upon accurate and reliable information ~~that would lead a reasonable person to believe~~ where there is a preponderance of the evidence necessary to support the allegation that the child has been abused or neglected.

* * *

Sec. 4. 33 V.S.A. § 4915b is amended to read:

§ 4915b. PROCEDURES FOR INVESTIGATION

(a) An investigation, to the extent that it is reasonable under the facts and circumstances presented by the particular allegation of child abuse, shall include all of the following:

(1) A visit to the child’s place of residence or place of custody and to the location of the alleged abuse or neglect.

(2) An interview with or observation of the child reportedly having been abused or neglected. If the investigator elects to interview the child, that interview may take place without the approval of the child's parents, guardian, or custodian, provided that it takes place in the presence of a disinterested adult who may be, but shall not be limited to being, a teacher, a member of the clergy, a child care provider regulated by the Department, or a nurse.

(3) Determination of the nature, extent, and cause of any abuse or neglect.

(4) Determination of the identity of the person alleged to be responsible for such abuse or neglect. The investigator shall use best efforts to obtain the person's mailing and e-mail address as soon as practicable once the person's identity is determined. The person shall be notified of the outcome of the investigation and any notices sent by the Department using the mailing address, or if requested by the person, to the person's e-mail address collected pursuant to this subdivision.

(5)(A) The identity, by name, of any other children living in the same home environment as the subject child. The investigator shall consider the physical and emotional condition of those children and may interview them, unless the child is the person who is alleged to be responsible for such abuse or neglect, in accordance with the provisions of subdivision (2) of this subsection (a).

(B) The identity, by name, of any other children who may be at risk if the abuse was alleged to have been committed by someone who is not a member of the subject child's household. The investigator shall consider the physical and emotional condition of those children and may interview them, unless the child is the person who is alleged to be responsible for such abuse or neglect, in accordance with the provisions of subdivision (2) of this subsection (a).

(6) A determination of the immediate and long-term risk to each child if that child remains in the existing home or other environment.

(7) Consideration of the environment and the relationship of any children therein to the person alleged to be responsible for the suspected abuse or neglect.

(8) All other data deemed pertinent, including any interviews of witnesses made known to the Department.

(b) For cases investigated and substantiated by the Department, the Commissioner shall, to the extent that it is reasonable, provide assistance to the child and the child's family. For cases investigated but not substantiated by the Department, the Commissioner may, to the extent that it is reasonable,

provide assistance to the child and the child's family. Nothing contained in this section or section 4915a of this title shall be deemed to create a private right of action.

* * *

Sec. 5. 33 V.S.A. § 4916 is amended to read:

§ 4916. CHILD PROTECTION REGISTRY

(a)(1) The Commissioner shall maintain a Child Protection Registry that shall contain a record of all investigations that have resulted in a substantiated report on or after January 1, 1992. Except as provided in subdivision (2) of this subsection, prior to placement of a substantiated report on the Registry, the Commissioner shall comply with the procedures set forth in section 4916a of this title.

(2) In cases involving sexual abuse or serious physical abuse of a child, the Commissioner in ~~his or her~~ the Commissioner's sole judgment may list a substantiated report on the Registry pending any administrative review after:

- (A) reviewing the investigation file; and
- (B) making written findings in consideration of:
 - (i) the nature and seriousness of the alleged behavior; and
 - (ii) the person's continuing access to children.

(3) A person alleged to have abused or neglected a child and whose name has been placed on the Registry in accordance with subdivision (2) of this subsection shall be notified of the Registry entry, provided with the Commissioner's findings, and advised of the right to seek an administrative review in accordance with section 4916a of this title.

(4) If the name of a person has been placed on the Registry in accordance with subdivision (2) of this subsection, it shall be removed from the Registry if the substantiation is rejected after an administrative review.

(b) A Registry record means an entry in the Child Protection Registry that consists of the name of an individual whose conduct is substantiated for child abuse or neglect, the date of the finding, the nature of the finding, and at least one other personal identifier, other than a name, listed in order to avoid the possibility of misidentification.

(c) The Commissioner shall adopt rules pursuant to 3 V.S.A. chapter 25 to permit use of the Registry records as authorized by this subchapter while preserving confidentiality of the Registry and other Department records related to abuse and neglect.

(d) For all substantiated reports of child abuse or neglect made on or after the date the final rules are adopted, the Commissioner shall create a Registry record that reflects a designated child protection level related to the risk of future harm to children. This system of child protection levels shall be based upon an evaluation of the risk the person responsible for the abuse or neglect poses to the safety of children. The risk evaluation shall include consideration of the following factors:

- (1) the nature of the conduct and the extent of the child's injury, if any;
- (2) the person's prior history of child abuse or neglect as either a victim or perpetrator;
- (3) the person's response to the investigation and willingness to engage in recommended services; and
- (4) the person's age and developmental maturity.

(e) The Commissioner shall ~~develop~~ adopt rules for the implementation of a system of Child Protection Registry levels for substantiated cases pursuant to 3 V.S.A. chapter 25. The rules shall address:

- (1) when and how names are placed on the Registry;
- (2) standards for determining a child protection level designation;
- (3) the length of time a person's name appears on the Registry prior to seeking expungement;
- ~~(2)~~(4) when and how names are expunged from the Registry;
- ~~(3)~~(5) whether the person is a juvenile or an adult;
- ~~(4)~~(6) whether the person was charged with or convicted of a criminal offense arising out of the incident of abuse or neglect; and
- ~~(5)~~(7) whether a Family Division of the Superior Court has made any findings against the person.

(f) [Repealed.]

Sec. 6. 33 V.S.A. § 4916a is amended to read:

§ 4916a. CHALLENGING SUBSTANTIATION OR PLACEMENT ON THE REGISTRY

(a) If an investigation conducted in accordance with section 4915b of this title results in a determination that a report of child abuse or neglect should be substantiated, the Department shall notify the person alleged to have abused or neglected a child of the following:

(1) the nature of the substantiation decision, and that the Department intends to enter the record of the substantiation into the Registry;

(2) who has access to Registry information and under what circumstances;

(3) the implications of having one's name placed on the Registry as it applies to employment, licensure, and registration;

(4) the Registry child protection level designation to be assigned to the person and the date that the person is eligible to seek expungement based on the designation level;

(5) the right to request a review of the substantiation determination or the child protection level designation, or both, by an administrative reviewer, the time in which the request for review shall be made, and the consequences of not seeking a review; and

~~(5)~~(6) the right to receive a copy of the Commissioner's written findings made in accordance with subdivision 4916(a)(2) of this title if applicable; and

(7) ways to contact the Department for any further information.

(b) Under this section, notice by the Department to a person alleged to have abused or neglected a child shall be by first-class mail sent to the person's last known mailing address, or if requested by the person, to the person's e-mail address collected during the Department's investigation pursuant to subdivision 4915b(a)(4) of this title. The Department shall maintain a record of the notification, including who sent the notification, the date it is sent, and the address to which it is sent.

(c)(1) ~~A person alleged to have abused or neglected a child~~ whose conduct is the subject of a substantiation determination may seek an administrative review of the Department's intention to place the person's name on the Registry by notifying the Department within ~~14~~ 30 days ~~of~~ after the date the Department ~~mailed~~ sent notice of the right to review in accordance with subsections (a) and (b) of this section. The Commissioner may grant an extension past the ~~14-day~~ 30-day period for good cause, not to exceed ~~28~~ 60 days after the Department has ~~mailed~~ sent notice of the right to review.

(2) The administrative review may be stayed upon request of the person ~~alleged to have committed abuse or neglect~~ whose conduct is the subject of a substantiation determination if there is a related case pending in the Criminal or Family Division of the Superior Court that arose out of the same incident of abuse or neglect for which the ~~person~~ person's conduct was substantiated. During the period the review is stayed, the person's name shall be placed on the Registry. Upon resolution of the Superior Court criminal or family case,

the person may exercise ~~his or her~~ the person's right to review under this section by notifying the Department in writing within 30 days after the related court case, including any appeals, has been fully adjudicated. If the person fails to notify the Department within 30 days, the Department's decision shall become final and no further review under this subsection is required.

(d)(1) ~~The~~ Except as provided in this subsection, the Department shall hold an administrative review conference within ~~35~~ 60 days ~~of~~ after receipt of the request for review. At least ~~10~~ 20 days prior to the administrative review conference, the Department shall provide to the person requesting review a copy of the redacted investigation file, which shall contain sufficient unredacted information to describe the allegations and the evidence relied upon as the basis of the substantiation, notice of time and place of the conference, and conference procedures, including information that may be submitted and mechanisms for providing information. There shall be no subpoena power to compel witnesses to attend a Registry review conference. The Department shall also provide to the person those redacted investigation files that relate to prior investigations that the Department has relied upon to make its substantiation determination in the case in which a review has been requested. If the Department fails to hold an administrative review conference within 60 days after receipt of the request to review, due to good cause shown, an extension may be authorized by the Commissioner or designee in which the basis of the failure is explained.

(2) The Department may elect to not hold an administrative review conference when a person who has requested a review does not respond to Department requests to schedule the review meeting or does not appear for the scheduled review meeting. In these circumstances, unless good cause is shown, the Department's substantiation shall be accepted and the person's name shall be placed on the Registry. Upon the Department's substantiation being accepted, the Department shall provide notice that advises the person of the right to appeal the substantiation determination or child protection designation level, or both, to the Human Services Board pursuant to section 4916b of this title.

(e) At the administrative review conference, the person who requested the review shall be provided with the opportunity to present documentary evidence or other information that supports ~~his or her~~ the person's position and provides information to the reviewer in making the most accurate decision regarding the allegation. The Department shall have the burden of proving ~~that it has accurately and reliably concluded that a reasonable person would believe by a preponderance of the evidence that the child has been abused or neglected by that person.~~ Upon the person's request or during a declared state of emergency

in Vermont, the conference may be held by teleconference through a live, interactive, audio-video connection or by telephone.

(f) The Department shall establish an administrative case review unit within the Department and contract for the services of administrative reviewers. An administrative reviewer shall be a neutral and independent arbiter who has no prior involvement in the original investigation of the allegation. Department information pertaining to the investigation that is obtained by the reviewer outside of the review meeting shall be disclosed to the person seeking the review.

(g) Within seven days of after the conference, the administrative reviewer shall:

- (1) reject the Department's substantiation determination;
- (2) accept the Department's substantiation; or
- (3) place the substantiation determination on hold and direct the Department to further investigate the case based upon recommendations of the reviewer.

(h) If the administrative reviewer accepts the Department's substantiation determination, a Registry record shall be made immediately. If the reviewer rejects the Department's substantiation determination, no Registry record shall be made.

(i) Within seven days of after the decision to reject or accept or to place the substantiation on hold in accordance with subsection (g) of this section, the administrative reviewer shall provide notice to the person of ~~his or her~~ the reviewer's decision to the person's requested address pursuant to subdivision 4915b(a)(4) of this title. If the administrative reviewer accepts the Department's substantiation, the notice shall advise the person of the right to appeal the administrative reviewer's decision to the human services board in accordance with section 4916b of this title.

* * *

Sec. 7. 33 V.S.A. § 4916b is amended to read:

§ 4916b. HUMAN SERVICES BOARD HEARING

(a) Within 30 days after the date on which the administrative reviewer ~~mailed~~ sent notice of placement of a report on the Registry, the person who is the subject of the substantiation may apply in writing to the Human Services Board for relief. The Board shall hold a fair hearing pursuant to 3 V.S.A. § 3091. When the Department receives notice of the appeal, it shall make note in the Registry record that the substantiation has been appealed to the Board.

* * *

Sec. 8. 33 V.S.A. § 4916c is amended to read:

§ 4916c. PETITION FOR EXPUNGEMENT FROM THE REGISTRY

(a)(1) ~~Except as provided in this subdivision~~ Pursuant to rules adopted in accordance with subsection 4916(e) of this title, a person whose name has been placed on the Registry prior to July 1, 2009 and has been listed on the Registry for at least three years may file a written request with the Commissioner, seeking a review for the purpose of expunging an individual Registry record or for the purpose of challenging the child protection level designation, or both. ~~A person whose name has been placed on the Registry on or after July 1, 2009 and has been listed on the Registry for at least seven years may file a written request with the Commissioner seeking a review for the purpose of expunging an individual Registry record.~~ The Commissioner shall grant a review upon request.

(2) A person who is required to register as a sex offender on the State's Sex Offender Registry shall not be eligible to petition for expungement of his or her the person's Registry record until the person is no longer subject to Sex Offender Registry requirements.

(b)(1) The person shall have the burden of proving that a reasonable person would believe that ~~he or she~~ the person no longer presents a risk to the safety or well-being of children.

(2) The Commissioner shall consider the following factors in making ~~his or her~~ a determination:

(A) the nature of the substantiation that resulted in the person's name being placed on the Registry;

(B) the number of substantiations;

(C) the amount of time that has elapsed since the substantiation;

(D) the circumstances of the substantiation that would indicate whether a similar incident would be likely to occur;

(E) any activities that would reflect upon the person's changed behavior or circumstances, such as therapy, employment, or education;

(F) references that attest to the person's good moral character; and

(G) any other information that the Commissioner deems relevant.

(3) The Commissioner may deny a petition for expungement based solely on subdivision (2)(A) or (2)(B) of this subsection.

(c) At the review, the person who requested the review shall be provided with the opportunity to present any evidence or other information, including witnesses, that supports ~~his or her~~ the person's request for expungement. Upon the person's request ~~or during a declared state of emergency in Vermont,~~ the conference may be held ~~by teleconference~~ through a live, interactive, audio-video connection or by telephone.

(d) A person may seek a review under this section ~~no~~ not more than once every 36 months.

(e) Within 30 days ~~of~~ after the date on which the Commissioner ~~mailed sent~~ notice of the decision pursuant to this section, a person may appeal the decision to the Human Services Board. The notice shall contain specific instructions concerning the information necessary for the person to prepare any future expungement request. The person shall be prohibited from challenging ~~his or her~~ the substantiation at such hearing, and the sole ~~issue~~ issues before the Board shall be whether the Commissioner abused ~~his or her~~ the Commissioner's discretion in ~~denial of~~ denying the petition for expungement or the petition challenging the child protection level designation. The hearing shall be on the record below, and determinations of credibility of witnesses made by the Commissioner shall be given deference by the Board.

* * *

Sec. 9. 33 V.S.A. § 4916d is amended to read:

§ 4916d. AUTOMATIC EXPUNGEMENT OF REGISTRY RECORDS

Registry entries concerning a person ~~who~~ whose conduct was substantiated for behavior occurring before the person reached 10 years of age shall be expunged when the person reaches ~~the age of~~ 18 years of age, provided that the person has had no additional substantiated Registry entries. ~~A person substantiated for behavior occurring before the person reached 18 years of age and whose name has been listed on the Registry for at least three years may file a written request with the Commissioner seeking a review for the purpose of expunging an individual Registry record in accordance with section 4916e of this title.~~

Sec. 10. 33 V.S.A. § 4922 is amended to read:

§ 4922. RULEMAKING

(a) ~~The Commissioner shall develop rules to implement this subchapter.~~ On or before September 1, 2025, the Commissioner shall file proposed rules pursuant to 3 V.S.A. chapter 25 implementing the provisions of this subchapter to become effective on January 1, 2026. These shall include:

- (1) rules setting forth criteria for determining whether to conduct an assessment or an investigation;
- (2) rules setting out procedures for assessment and service delivery;
- (3) rules outlining procedures for investigations;
- (4) rules for conducting the administrative review conference;
- (5) rules regarding access to and maintenance of Department records of investigations, assessments, reviews, and responses; ~~and~~
- (6) rules regarding the tiered Registry as required by section 4916 of this title;
- (7) rules establishing substantiation categories that require entry onto the Registry and alternatives to substantiation that do not require entry onto the Registry;
- (8) rules requiring notice and appeal procedures for alternatives to substantiation;
- (9) rules creating procedures for how substantiation recommendations are made by the Department district offices and how substantiation determinations are made by the Department central office; and
- (10) rules implementing subsections 4916(c) and (e) of this title.

* * *

Sec. 11. CHILD ABUSE AND NEGLECT; INTERVIEWS; CAPABILITIES;
REPORT

(a) On or before November 15, 2024, the Department for Children and Families shall submit a written report to the Senate Committee on Health and Welfare and the House Committee on Human Services examining the Department's capabilities and resources necessary to safely, securely, and confidentially store any interviews recorded during a child abuse and neglect investigation.

(b) The report required pursuant to subsection (a) of this section shall include the Department's proposed model policy detailing the types of interviews that should be recorded and the storage, safety, and confidentiality requirements of such interviews.

Sec. 12. EFFECTIVE DATE

This act shall take effect on September 1, 2024.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on Human Services agreed to, and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 704

Rep. Bartley of Fairfax, for the Committee on General and Housing, to which had been referred House bill, entitled

An act relating to disclosure of compensation in job advertisements

Reported in favor of its passage when 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. DISCLOSURE OF COMPENSATION TO PROSPECTIVE
EMPLOYEES

(a)(1) An employer shall ensure that any advertisement of a Vermont job opening shall include the following information:

(A) the compensation or range of compensation for the job opening;
and

(B) the job description, if any, for the job opening.

(2) An advertisement for a job opening that is paid solely on a commission basis shall disclose that fact and is not required to disclose the compensation or range of compensation pursuant to subdivision (1)(A) of this subsection.

(b) It shall be a violation of this section and subdivision 495(a)(8) of this subchapter for an employer to refuse to interview, hire, promote, or employ a current or prospective employee for asserting or exercising any rights provided pursuant to this section.

(c) As used in this section:

(1) “Advertisement” means written notice, in any format, of a specific job opening that is made available to potential applicants. “Advertisement” does not include:

(A) general announcements that notify potential applicants that employment opportunities may exist with the employer but do not identify any specific job openings; or

(B) verbal announcements of employment opportunities that are made in person or on the radio, television, or other digital or electronic mediums.

(2) “Employer” means an employer, as defined pursuant to section 495d of this subchapter, that employs five or more employees.

(3) “Potential applicants” includes both current employees of the employer and members of the general public.

(4) “Range of compensation” means the minimum and maximum annual salary or hourly wage for a job opening that the employer believes in good faith to be accurate at the time the employer creates the advertisement.

(5) “Vermont job opening” and “job opening” mean any position of employment that is:

(A) either:

(i) located in Vermont; or

(ii) if it is located outside Vermont, reports to a supervisor, office, or work site in Vermont; and

(B) a position for which an employer is hiring, including:

(i) positions that are open to internal candidates or external candidates, or both; and

(ii) positions into which current employees of the employer can transfer or be promoted.

Sec. 2. EFFECTIVE DATE

This act shall take effect on January 1, 2025.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on General and Housing agreed to, and third reading ordered.

Senate Proposal of Amendment Concurred in

H. 518

The Senate proposed to the House to amend House bill, entitled

An act relating to the approval of amendments to the charter of the Town of Essex

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

In Sec. 2, 24 App. V.S.A. chapter 117 (Town of Essex), in section 701 (fiscal year), following the words “first day of July” by striking out the words “and end on the last day of June”

Which proposal of amendment was considered and concurred in.

Second Reading; Bill Amended; Third Reading Ordered

H. 289

Rep. Sibilia of Dover, for the Committee on Environment and Energy, to which had been referred House bill, entitled

An act relating to the Renewable Energy Standard

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 30 V.S.A. § 218d is amended to read:

§ 218d. ALTERNATIVE REGULATION OF ELECTRIC AND NATURAL
GAS COMPANIES

* * *

(n)(1) Notwithstanding subsection (a) of this section and sections 218, 225, 226, 227, and 229 of this title, a municipal company formed under local charter or under chapter 79 of this title and an electric cooperative formed under chapter 81 of this title shall be authorized to change its rates for service to its customers if the rate change is:

- (A) applied to all customers equally;
- (B) not more than ~~two~~ three percent during any twelve-month period;
- (C) cumulatively not more than 10 percent from the rates last approved by the Commission; and
- (D) not going to take effect more than 10 years from the last approval for a rate change from the Commission.

* * *

Sec. 2. 30 V.S.A. § 8002 is amended to read:

§ 8002. DEFINITIONS

As used in this chapter:

* * *

(8) “Existing renewable energy” means renewable energy produced by a plant that came into service prior to or on ~~June 30, 2015~~ December 31, 2009.

* * *

(10) “Group net metering system” means a net metering system serving more than one customer, or a single customer with multiple electric meters, located within the service area of the same retail electricity provider. Various buildings owned by municipalities, including water and wastewater districts, fire districts, villages, school districts, and towns, may constitute a group net metering system. A union or district school facility may be considered in the same group net metering system with buildings of its member schools that are located within the service area of the same retail electricity provider. A system that files a complete application for a certificate of public good on or after January 1, 2026 shall not qualify for group net metering, unless the plant will be located on the same parcel, or a parcel adjacent to, the parcel where the energy is utilized.

* * *

(15) “Net metering” means measuring the difference between the electricity supplied to a customer and the electricity fed back by the customer’s net metering system during the customer’s billing period:

(A) ~~using~~ Using a single, non-demand meter or ~~such~~ other meter that would otherwise be applicable to the customer’s usage but for the use of net metering; ~~or.~~

(B) ~~if~~ If the system serves more than one customer, using multiple meters. The calculation shall be made by converting all meters to a non-demand, non-time-of-day meter, and equalizing them to the tariffed kWh rate.

(16) “Net metering system” means a plant for generation of electricity that:

(A) is of ~~no~~ not more than 500 kW capacity;

(B) operates in parallel with facilities of the electric distribution system;

(C) is intended primarily to offset the customer’s own electricity requirements and does not primarily supply electricity to electric vehicle supply equipment, as defined in section 201 of this title, for the resale of electricity to the public by the kWh or for other retail sales to the public, including those based in whole or in part on a flat fee per charging session or a time-based fee for occupying a parking space while using electric vehicle supply equipment; ~~and~~

(D)(i) employs a renewable energy source; or

(ii) is a qualified micro-combined heat and power system of 20 kW or fewer that meets the definition of combined heat and power in subsection 8015(b) of this title and uses any fuel source that meets air quality standards; and

(E)(i) for a system that files a complete application for a certificate of public good after December 31, 2024, except for systems as provided for in subdivision (ii) of this subdivision (E), generates energy that will be used on the same parcel as, or a parcel adjacent to, the parcel where the plant is located;

(ii) for a system that files a complete application for a certificate of public good after December 31, 2025, if the system serves a multifamily building containing qualified rental units serving low-income tenants, as defined under 32 V.S.A. § 5404a(a)(6), generates energy that will be used on the same parcel as, or a parcel adjacent to, the parcel where the plant is located; and

(iii) for purposes of this subdivisions (10) and (16), two parcels shall be adjacent if they share a property boundary or are adjacent and separated only by a river, stream, railroad line, private road, public highway, or similar intervening landform.

(17) “New renewable energy” means renewable energy capable of delivery in New England and produced by a specific and identifiable plant coming into service on or after June 30, 2015 January 1, 2010, but excluding energy generated by a hydroelectric generation plant with a capacity of 200 MW or greater.

(A) Energy from within a system of generating plants that includes renewable energy shall not constitute new renewable energy, regardless of whether the system includes specific plants that came or come into service on or after June 30, 2015 January 1, 2010.

(B) Except as provided in subdivision 8005(c)(3) of this title, “New new renewable energy” also may include includes the additional energy from an existing renewable energy plant retrofitted with advanced technologies or otherwise operated, modified, or expanded to increase the kWh output of the plant in excess of an a historical baseline established by calculating the average output of that plant for the 10-year period that ended June 30, 2015 January 1, 2010. If the production of new renewable energy through changes in operations, modification, or expansion involves combustion of the resource, the system also must result in an incrementally higher level of energy conversion efficiency or significantly reduced emissions.

* * *

(31) “Load” means the total amount of electricity utilized by a retail electricity provider over a 12-month calendar year period, including its retail electric sales, any use by the provider itself not included in retail sales, and transmission and distribution line losses associated with and allocated to the retail electricity provider.

(32) “Load growth” means the increase above a baseline year in a retail electricity provider’s load.

Sec. 3. 30 V.S.A. § 8004 is amended to read:

§ 8004. SALES OF ELECTRIC ENERGY; RENEWABLE ENERGY
STANDARD (RES)

* * *

(d) Alternative compliance payment. In lieu of purchasing renewable energy or tradeable renewable energy credits or supporting energy transformation projects to satisfy the requirements of this section and section 8005 of this title, a retail electricity provider in this State may pay to the Vermont Clean Energy Development Fund established under section 8015 of this title an alternative compliance payment at the applicable rate set forth in section 8005. The administrator of the Vermont Clean Energy Development Fund shall use the payment from a retail electricity provider electing to make an alternative compliance payment to satisfy its obligations under subdivisions 8005(a)(1), 8005(a)(2), 8005(a)(4), and 8005(a)(5) of this title for the development of renewable energy plants that are intended to serve and benefit customers with low income of the retail electricity provider that has made the payment. Such plants shall be located within the provider’s service territory, if feasible. In the event that such a payment is insufficient to enable the development of a renewable energy plant, the administrator may use the payment for other initiatives allowed under section 8015 of this title that will benefit customers with low income of the retail electricity provider that has made the payment. As used in this subsection (d), “customer with low income” means a person purchasing energy from a retail electricity provider and with an income that is less than or equal to 80 percent of area median income, adjusted for family size, as published annually by the U.S. Department of Housing and Urban Development.

* * *

Sec. 4. 30 V.S.A. § 8005 is amended to read:

§ 8005. RES CATEGORIES

(a) Categories. This section specifies ~~three~~ five categories of required resources to meet the requirements of the RES established in section 8004 of this title: total renewable energy, distributed renewable generation, ~~and~~ energy transformation, new renewable energy, and load growth renewable energy. In order to support progress toward Vermont's climate goals and requirements, a provider may, but shall not be required to, exceed the statutorily required amounts under this section.

(1) Total renewable energy.

* * *

(B) Required amounts. The amounts of total renewable energy required by this subsection (a) shall be ~~55~~ 63 percent of each retail electricity provider's annual ~~retail electric sales~~ load during the year beginning on January 1, ~~2017~~ 2025, increasing by at least an additional four percent each third January 1 thereafter, until reaching ~~75~~ 100 percent:

(i) on and after January 1, ~~2032~~ 2035 for a retail electricity provider who serves a single customer that takes service at 115 kilovolts and each municipal retail electricity provider formed under local charter or chapter 79 of this title; and

(ii) on and after January 1, 2030, for all other retail electricity providers.

(C) Relationship to other categories. Distributed renewable generation used to meet the requirements of subdivision (2) of this subsection (a), new renewable energy under subdivision (4) of this subsection (a), and load growth renewable generation under subdivision (5) of this subsection (a) shall also count toward the requirements of this subdivision. However, an energy transformation project under subdivision (3) of this subsection (a) shall not count toward the requirements of this subdivision.

(D) Municipal providers; petition. On petition by a provider that is a municipal electric utility serving not more than ~~6,000~~ 7,000 customers, the Commission may reduce the provider's required amount under this subdivision (1) for a period of up to three years. The Commission may approve one such period only for a municipal provider. The Commission may reduce this required amount if it finds that:

* * *

(2) Distributed renewable generation.

* * *

(B) Definition. As used in this section, “distributed renewable generation” means ~~one of the following~~:

(i) ~~a A renewable energy plant that is new renewable energy; has a plant capacity of five MW or less; and.~~

(ii) Is one of the following:

(I) new renewable energy;

(II) a hydroelectric renewable energy plant that is, on or before January 1, 2024, owned and operated by a municipal electric utility formed under local charter or chapter 79 of this title, as of January 1, 2020, including future plant modifications that do not cause the capacity of such a plant to exceed five MW; or

(III) a hydroelectric renewable energy plant that is, on or before January 1, 2024, owned and operated by a retail electricity provider that is not a municipal electric utility, provided such plant is and continues to be certified by the Low Impact Hydropower Institute. Plants owned by such utilities on or before January 1, 2024, which are later certified by the Low Impact Hydropower Institute, and continue to be certified shall be eligible under this subdivision (2) from the date of certification. Any future modifications that do not cause the capacity of such a plant to exceed five MW shall also be eligible under this subdivision (2); and

(iii) Is one of the following:

(I) is directly connected to the subtransmission or distribution system of a Vermont retail electricity provider; ~~or~~

(II) is directly connected to the transmission system of an electric company required to submit a Transmission System Plan under subsection 218c(d) of this title, if the plant is part of a plan approved by the Commission to avoid or defer a transmission system improvement needed to address a transmission system reliability deficiency identified and analyzed in that Plan; or

~~(ii)~~(III) is a net metering system approved under the former section 219a or under section 8010 of this title if the system is new renewable energy and the interconnecting retail electricity provider owns and retires the system’s environmental attributes.

(C) Required amounts. The required amounts of distributed renewable generation shall be ~~one~~ 5.8 percent of each retail electricity provider’s annual ~~retail electric sales~~ load during the year beginning on

January 1, 2017, increasing by an additional three-fifths of a percent 2025, increasing by at least an additional:

(i) one and a half percent each subsequent January 1 until reaching 40 20 percent on and after January 1, 2035 for a retail electricity provider who serves a single customer that takes service at 115 kilovolts and each municipal electric utility formed under local charter or chapter 79 of this title; and

(ii) two percent each subsequent January 1 until reaching 20 percent on and after January 1, 2032 for all other retail electricity providers.

(D) Distributed generation greater than five MW. On petition of a retail electricity provider, the Commission may for a given year allow the provider to employ energy with environmental attributes attached or tradeable renewable energy credits from a renewable energy plant with a plant capacity greater than five MW to satisfy the distributed renewable generation requirement if the plant would qualify as distributed renewable generation but for its plant capacity ~~and~~ when the provider demonstrates either that:

(i) it is unable during that a given year to meet the requirement solely with qualifying renewable energy plants of five MW or less. To demonstrate this inability, the provider shall issue one or more requests for proposals, and show that it is unable to obtain sufficient ownership of environmental attributes to meet its required amount under this subdivision (2) for that year from:

(i)(I) the construction and interconnection to its system of distributed renewable generation that is consistent with its approved least-cost integrated resource plan under section 218c of this title at a cost less than or equal to the sum of the applicable alternative compliance payment rate and the applicable rates published by the Department under the Commission's rules implementing subdivision 209(a)(8) of this title; and

(i)(II) purchase of tradeable renewable energy credits for distributed renewable generation at a cost that is less than the applicable alternative compliance rate; or

(ii) it has only one retail electricity customer who takes service at 115 kilovolts on property owned or controlled by the customer as of January 1, 2024. Such a provider may seek leave under this subdivision (D) for a period greater than a given year.

(3) Energy transformation.

* * *

(B) Required amounts. For the energy transformation category, the required amounts shall be ~~two~~ 7.33 percent of each retail electricity provider's annual ~~retail electric sales load~~ retail sales load during the year beginning January 1, ~~2017~~ 2025, increasing by at least an additional two-thirds of a percent each subsequent January 1 until reaching 12 percent on and after January 1, 2032. However, in the case of a provider that is a municipal electric utility serving not more than ~~6,000~~ 7,000 customers, the required amount shall be ~~two~~ six percent of the provider's ~~annual retail sales load~~ annual retail sales load beginning on January 1, ~~2019~~ 2025, increasing by an additional two-thirds of a percent each subsequent January 1 until reaching 10 and two-thirds percent on and after January 1, 2032. Prior to January 1, 2019, such a municipal electric utility voluntarily may engage in one or more energy transformation projects in accordance with this subdivision (3). In order to support progress toward Vermont's climate goals and requirements, a retail electricity provider may, but shall not be required to, exceed the statutorily required amounts, up to and including procuring all available energy transformation category projects and measures available at or below the relevant alternative compliance payment rate.

* * *

(4) New renewable energy.

(A) Purpose; establishment. This subdivision (4) establishes a new regional renewable energy category for the RES. This category encourages the use of new renewable generation to support the reliability of the regional ISO-NE electric system. To satisfy this requirement, a provider shall use new renewable energy with environmental attributes attached or any class of tradeable renewable energy credits generated by any renewable energy plant coming into service after January 1, 2010 whose energy is capable of delivery in New England.

(B) Required amounts and exemption. A retail electricity provider that is 100 percent renewable under subdivision (b)(1) of this section shall be exempt from any requirement for new renewable energy under this subdivision (4). For all other retail electricity providers, the amount of new renewable energy required by this subsection (a) shall be:

(i) For a retail electricity provider with 75,000 or more customers, the following percentages of each provider's annual load:

(I) Four percent beginning on January 1, 2027.

(II) 10 percent on and after January 1, 2030.

(III) 15 percent on and after January 1, 2032.

(IV) 20 percent on and after January 1, 2035. If the Commission determines in the report required under subdivision 8005b(b)(4) of this title that it is reasonable to expect that there will be sufficient new regional renewable resources available for a provider to meet its requirement under this subdivision (4) at or below the alternative compliance payment rate established in subdivision (6)(C) of this subsection (a) during a year beginning prior to January 1, 2035, the Commission shall require that provider to meet its requirement under this subdivision (4) in the earliest year the Commission determines it can, provided that the provider shall not be required to meet that requirement prior to the year starting January 1, 2032.

(ii) For a retail electricity provider with less than 75,000 customers, the following percentages of each provider's annual load:

(I) five percent beginning on January 1, 2030; and

(II) 10 percent on and after January 1, 2035.

(C) Relationship to other categories. Distributed renewable generation used to meet the requirements of subdivision (2) of this subsection (a) shall not also count toward the requirements of this subdivision (4). An energy transformation project under subdivision (3) of this subsection (a) shall not count toward the requirements of this subdivision (4).

(D) Single-customer provider. If a retail electricity provider with one customer taking service at 115 kilovolts has not satisfied the distributed renewable generation requirements of subdivision (2) of this subsection (a) on property owned or controlled by the customer as of January 1, 2024, and the cost of additional distributed renewable generation would be at or above the alternative compliance payment rate for the distributed renewable generation category or meeting that requirement with new renewable energy on its property would be economically infeasible, that provider may satisfy the requirements of subdivision (2) of this subsection (a) with an equivalent amount of increased new renewable energy as defined in this subdivision (4).

(5) Load growth; retail electricity providers; 100 percent renewable.

(A) For any retail electricity provider that is 100 percent renewable under subdivision (b)(1) of this section, that provider shall meet its load growth above its 2024 calendar year load, with at least the following percentages of new renewable energy or any renewable energy eligible under subdivision (2) of this subsection (a):

(i) 50 percent beginning on January 1, 2025;

(ii) 75 percent on and after January 1, 2026;

(iii) 90 percent on and after January 1, 2027;

(iv) 100 percent on and after January 1, 2028 until the provider's annual load exceeds 135 percent of the provider's 2022 annual load, at which point the provider shall meet its additional load growth with at least 50 percent new renewable energy until 2035; and

(v) 75 percent on and after January 1, 2035.

(B) For a retail electricity provider with 75,000 or more customers, and for each provider, excluding any provider that is 100 percent renewable under subdivision (b)(1) of this section, that is a member of the Vermont Public Power Supply Authority or its successor, that provider shall meet its load growth above its 2035 calendar year load with 100 percent new renewable energy, which shall include the required amounts of distributed renewable generation as applicable to the provider under subdivision (2) of this subsection (a).

(C) On petition of a retail electricity provider subject to the load growth requirements in subdivision (A) of this subsection (a)(5), the Commission may for a given year allow the provider to employ existing renewable energy with environmental attributes attached or tradeable renewable energy credits from an existing renewable energy plant to satisfy part or all of the load growth requirement if the provider demonstrates that, after making every reasonable effort, it is unable during that year to meet the requirement with energy with environmental attributes attached or tradeable renewable energy credits from qualifying new renewable energy plants.

(i) To demonstrate this inability, the provider shall at a minimum timely issue one or more subsequent requests for proposals or transactions and any additional solicitations as necessary to show that it is unable to obtain sufficient ownership of environmental attributes from new renewable energy to meet its required amount under this subdivision at a cost that is less than or equal to the applicable alternative compliance rate for the load growth category.

(ii) In the event the provider is able to meet a portion, but not all, of its load growth requirement in a calendar year with attributes from new renewable energy at a cost that is less than or equal to the applicable alternative compliance rate for the load growth category, the Commission shall allow the provider to use existing renewables only for that portion of its requirement that it is unable to meet with new renewable energy.

(iii) In the event that the provider is unable to meet its load growth requirement with a combination of attributes from new renewable energy and existing renewable energy at a cost that is less than or equal to the alternative compliance rate laid out in subdivision (6) in this subsection (a), the

Commission shall require the provider to meet the remainder of its requirement under this subdivision (5) by paying the alternative compliance rate for the load growth category.

(D) Notwithstanding any provision of law to the contrary, any additional energy available to a retail electricity provider that is 100 percent renewable under subdivision (b)(1) of this section under agreements approved or authorized by the Public Utility Commission in its April 15, 2011 Order issued in Docket No. 7670, Petition of twenty Vermont utilities and Vermont Public Power Supply Authority requesting authorization for the purchase of 218 MW to 225 MW of electricity shall also be eligible to meet the requirements laid out in subdivision (A) of this subdivision (a)(5), provided that such additional energy does not exceed two MW, and further provided that a retail electricity provider exercises its right to such energy on or before January 1, 2028 and for no longer than through December 31, 2038.

(6) Alternative compliance rates.

(A) The alternative compliance payment rates for the categories established by subdivisions (1)–(3) of this subsection (a) shall be:

(i) total renewable energy requirement — \$0.01 per kWh; and

(ii) distributed renewable generation and energy transformation requirements — \$0.06 per kWh.

(B) The Commission shall adjust these rates for inflation annually commencing January 1, 2018, using the CPI.

(C) For the new renewable energy and load growth requirements, it shall be \$0.04 per kWh annually commencing on January 1, 2025, with calculations for inflation beginning on January 1, 2023.

(D) The Commission shall have the authority to adjust the alternative compliance payment rate for the new renewable energy and load growth requirements differently than the rate of inflation in order to minimize discrepancies between this rate and alternative compliance payments for similar classes in other New England states and to increase the likelihood that Vermont retail electricity providers cost-effectively achieve these requirements, if it determines doing so is consistent with State energy policy under section 202a of this title.

(b) Reduced amounts; providers; 100 percent renewable.

(1) The provisions of this subsection shall apply to a retail electricity provider that:

(A) as of January 1, 2015, was entitled, through contract, ownership of energy produced by its own generation plants, or both, to an amount of renewable energy equal to or more than 100 percent of its anticipated total retail electric sales in 2017, regardless of whether the provider owned the environmental attributes of that renewable energy; and

(B) annually each July 1 commencing in 2018, owns and has retired tradeable renewable energy credits monitored and traded on the New England Generation Information System or otherwise approved by the Commission equivalent to 100 percent of the provider's total retail sales of electricity for the previous calendar year.

* * *

(c) Biomass.

(1) Distributed renewable generation that employs biomass to produce electricity shall be eligible to count toward a provider's distributed renewable generation or energy transformation requirement only if the plant satisfies the requirements of subdivision (3) of this subsection and produces both electricity and thermal energy from the same biomass fuel and the majority of the energy recovered from the plant is thermal energy.

(2) Distributed renewable generation and energy transformation projects that employ forest biomass to produce energy shall comply with renewability standards adopted by the Commissioner of Forests, Parks and Recreation under 10 V.S.A. § 2751. Energy transformation projects that use wood feedstock, except for noncommercial applications, that are eligible at the time of project commissioning to meet the renewability standards adopted by the Commissioner of Forests, Parks and Recreation do not lose eligibility due to a subsequent change in the renewability standards after the project commissioning date.

(3) No new wood biomass electricity generation facility or wood biomass combined heat and power facility coming into service after January 1, 2023 shall be eligible to satisfy any requirements of this section and section 8004 of this title unless that facility achieves 60 percent overall efficiency and at least a 50 percent net lifecycle greenhouse gas emissions reduction relative to the lifecycle emissions from the combined operation of a new combined-cycle natural gas plant using the most efficient commercially available technology. Any energy generation using wood feedstock from an existing wood biomass electric generation facility placed in service prior to January 1, 2023 remains eligible to satisfy any requirements of this section and section 8004 of this title. Changes to wood biomass electric facilities that were placed in service prior to January 1, 2023, including converting to a combined heat

and power facility, adding or modifying a district energy system, replacing electric generation equipment, or repowering the facility with updated or different electric generation technologies, do not change the in service date for the facility, or affect its eligibility to satisfy the requirements of this section and section 8004 of this title, or qualify it as new renewable energy.

(d) Hydropower. A hydroelectric renewable energy plant, that is not owned by a retail electricity provider, shall be eligible to satisfy the distributed renewable generation or energy transformation requirement only if, in addition to meeting the definition of distributed renewable generation, the plant:

(1) is and continues to be certified by the Low-impact Hydropower Institute; or

(2) after January 1, 1987, received a water quality certification pursuant to 33 U.S.C. § 1341 from the Agency of Natural Resources.

(e) Intent. Nothing in this section and section 8004 of this title is intended to relieve, modify, or in any manner affect a renewable energy plant's ongoing obligation to not have an undue adverse effect on air and water purity, the natural environment and the use of natural resources, and to comply with required environmental laws and rules.

Sec. 5. 30 V.S.A. § 8006a is amended to read:

§ 8006a. GREENHOUSE GAS REDUCTION CREDITS

(a) Standard offer adjustment. In accordance with this section, greenhouse gas reduction credits generated by an eligible ratepayer shall result in an adjustment of the standard offer under subdivision 8005a(c)(1) of this title (cumulative capacity; pace) or may be utilized by a retail electricity provider that serves a single customer that takes service at 115 kilovolts to meet the energy transformation requirements under subdivision 8005(a)(3)(D) of this title. For the purpose of adjusting the standard offer under subdivision 8005a(c)(1) of this title or energy transformation requirements under subdivision 8005(a)(3)(D) of this title, the amount of a year's greenhouse gas reduction credits shall be the lesser of the following:

(1) The amount of greenhouse gas reduction credits created by ~~the~~ an eligible ratepayers ratepayer served by ~~all providers~~ an eligible provider.

(2) The ~~providers'~~ eligible provider's annual ~~retail electric sales~~ load during that year to those eligible ratepayers creating greenhouse gas reduction credits.

(b) Definitions. ~~As used in~~ As used in this section:

(1) “Eligible ratepayer” means a customer of a Vermont retail electricity provider who takes service at 115 kilovolts and has demonstrated to the Commission that it has a comprehensive energy and environmental management program. Provision of the customer’s certification issued under standard 14001 (environmental management systems) of the International Organization for Standardization (ISO) shall constitute such a demonstration.

(2) “Eligible provider” means a Vermont retail electricity provider who serves a single customer that takes service at 115 kilovolts.

(3) “Eligible reduction” means a reduction in non-energy-related greenhouse gas emissions from manufacturing processes at an in-state facility of an eligible ratepayer, provided that each of the following applies:

(A) The reduction results from a specific project undertaken by the eligible ratepayer at the in-state facility after January 1, ~~2012~~ 2023.

(B) The specific project reduces or avoids greenhouse gas emissions above and beyond any reductions of such emissions required by federal and State statutes and rules.

(C) The reductions are quantifiable and verified by an independent third party as approved by the Agency of Natural Resources and the Commission. Such independent third parties shall be certified by a body accredited by the American National Standards Institute (ANSI) as having a certification program that meets the ISO standards applicable to verification and validation of greenhouse gas assertions. The independent third party shall use methodologies specified under 40 C.F.R. part 98 and U.S. Environmental Protection Agency greenhouse gas emissions factors and global warming potential figures to quantify and verify reductions in all cases where those factors and figures are available.

~~(3)~~(4) “Greenhouse gas” ~~shall be as defined under~~ has the same meaning as in 10 V.S.A. § 552.

~~(4)~~(5) “Greenhouse gas reduction credit” means a credit for eligible reductions, calculated in accordance with subsection (c) of this section and expressed as a kWh credit eligible under subdivision 8005a(c)(1) of this title, or as a credit eligible under subdivision 8005(a)(3)(D) of this title.

(c) Calculation. Greenhouse gas reduction credits shall be calculated as follows:

(1) Eligible reductions shall be quantified in metric tons of CO₂ equivalent, in accordance with the methodologies specified under 40 C.F.R. part 98, and using U.S. Environmental Protection Agency greenhouse gas

emissions factors and global warming potential figures, and may shall be counted annually for the life of the specific project that resulted in the reduction. A project that converts a gas with a high global warming potential into a gas with relatively lower global warming potential shall be eligible if the conversion produces a CO2 equivalent reduction on an annual basis.

(2) Metric tons of CO2 equivalent quantified under subdivision (1) of this subsection shall be converted into units of energy through calculation of the equivalent number of kWh of generation by renewable energy plants, other than biomass, that would be required to achieve the same level of greenhouse gas emission reduction through the displacement of market power purchases. For the purpose of this subdivision, the value of the avoided greenhouse gas emissions shall be based on the aggregate greenhouse gas emission characteristics of system power in the regional transmission area overseen by the Independent System Operator of New England (ISO-NE).

(d) Reporting. An eligible ~~ratepayer~~ provider shall report to the Commission annually on each specific project undertaken by an eligible ratepayer to create eligible reductions. The Commission shall specify the required contents of such reports, which shall be publicly available.

~~(e) Savings. A provider shall pass on savings that it realizes through greenhouse gas reduction credits proportionally to the eligible ratepayers generating the credits.~~

Sec. 6. 30 V.S.A. § 8010 is amended to read:

§ 8010. SELF-GENERATION AND NET METERING

* * *

(c) In accordance with this section, the Commission shall adopt and implement rules that govern the installation and operation of net metering systems.

(1) The rules shall establish and maintain a net metering program that:

* * *

(E) ~~ensures that all customers who want to participate in net metering have the opportunity to do so; [Repealed.]~~

* * *

(H) allows a customer to retain ownership of the environmental attributes of energy generated by the customer's net metering system and of any associated tradeable renewable energy credits or to transfer those attributes and credits to the interconnecting retail provider, and:

(i) if the customer retains the attributes, reduces the value of the credit provided under this section for electricity generated by the customer's net metering system by an appropriate amount; and

(ii) if the customer transfers the attributes to the interconnecting provider, requires the provider to retain them for application toward compliance with sections 8004 and 8005 of this title unless the provider has fewer than 75,000 customers, in which case the attributes do not need to be applied toward compliance obligations under sections 8004 and 8005 of this title; and

(iii) if a retail electricity provider that is 100 percent renewable under subdivision 8005(b)(1) of this title does not retire the transferred attributes under sections 8004 and 8005 of this title, requires that the provider apply an equivalent amount of attributes from distributed renewable generation that qualifies under subdivision 8005(a)(2) of this title toward its compliance obligations under sections 8004 and 8005 of this title.

(2) The rules shall include provisions that govern:

* * *

(F) the amount of the credit to be assigned to each kWh of electricity generated by a net metering customer in excess of the electricity supplied by the interconnecting provider to the customer, the manner in which the customer's credit will be applied on the customer's bill, and the period during which a net metering customer must use the credit, after which the credit shall revert to the interconnecting provider.

~~(i) When assigning an amount of credit under this subdivision (F), the Commission shall consider making multiple lengths of time available over which a customer may take a credit and differentiating the amount according to the length of time chosen. For example, a monthly credit amount may be higher if taken over 10 years and lower if taken over 20 years. Factors relevant to this consideration shall include the customer's ability to finance the net metering system, the cost of that financing, and the net present value to all ratepayers of the net metering program. [Repealed.]~~

(ii) ~~In~~ As used in this subdivision (ii), "existing net metering system" means a net metering system for which a complete application was filed before January 1, 2017.

(I) Commencing 10 years from the date on which an existing net metering system was installed, the Commission may apply to the system the same rules governing bill credits and the use of those credits on the customer's bill that it applies to net metering systems for which applications

were filed on or after January 1, 2017, other than any adjustments related to siting and tradeable renewable energy credits.

(II) The amount of excess generation, as defined in the Commission's rules, from existing net metering systems, may be applied to reduce the provider's statutory requirements under:

(aa) subdivision 8005(a)(2) of this title for a provider with fewer than 75,000 customers, not including one that is 100 percent renewable under subdivision 8005(b)(1) of this title, and

(bb) subdivision 8005(a)(5) of this title for a provider that is 100 percent renewable under subdivision 8005(b)(1) of this title.

(III) This subdivision (ii) shall apply to existing net metering systems notwithstanding any contrary provision of 1 V.S.A. § 214 and 2014 Acts and Resolves No. 99, Sec. 10.

(3) The rules shall establish standards and procedures governing application for and issuance or revocation of a certificate of public good for net metering systems under the provisions of section 248 of this title. In establishing these standards and procedures:

* * *

(C) ~~The rules shall seek to simplify the application and review process as appropriate, including simplifying the application and review process to encourage group net metering systems when the system is at least 50 percent owned by the customers who receive the bill credits for the electricity generated by the system.~~

* * *

~~(d) Commencing in 2021 and biennially thereafter, the Department shall submit to the Commission its evaluation of the current state of net metering in Vermont, which shall be included within the Department's Annual Energy Report required under subsection 202b(e) of this title and shall also be submitted to the Committees listed under subdivision 202b(e)(2) of this title. The evaluation shall:~~

~~(1) analyze the current pace of net metering deployment, both statewide and within the service territory of each retail electricity provider;~~

~~(2) after considering the goals and policies of this chapter, of 10 V.S.A. § 578 (greenhouse gas reduction), of section 202a (State energy policy) of this title, and of the Electrical Energy and Comprehensive Energy Plans under sections 202 and 202b of this title, recommend the future pace of net metering deployment statewide and within the service territory of each provider;~~

~~(3) analyze the existence and degree of cross-subsidy between net metering customers and other customers on a statewide and on an individual provider basis;~~

~~(4) evaluate the effect of net metering on retail electricity provider infrastructure and revenue;~~

~~(5) evaluate the benefits to net metering customers of connecting to the provider's distribution system;~~

~~(6) analyze the economic and environmental benefits of net metering, and the short- and long-term impacts on rates, both statewide and for each provider;~~

~~(7) analyze the reliability and supply diversification costs and benefits of net metering;~~

~~(8) evaluate the ownership and transfer of the environmental attributes of energy generated by net metering systems and of any associated tradeable renewable energy credits; and~~

~~(9) examine and evaluate best practices for net metering identified from other states. [Repealed.]~~

* * *

Sec. 7. 30 V.S.A. § 202b is amended to read:

§ 202b. STATE COMPREHENSIVE ENERGY PLAN

* * *

(b) In developing or updating the Plan's recommendations, the Department of Public Service shall seek public comment by holding public hearings in at least five different geographic regions of the State on at least three different dates, and by providing and maintaining notice ~~through publication once a week and at least seven days apart for two or more successive weeks in a newspaper or newspapers of general circulation in the regions where the hearings will be held, and by delivering notices to all licensed commercial radio and television stations with transmitting facilities within the State, plus Vermont Public Radio and Vermont Educational Television on the Department's website for at least 21 days before the day of each hearing and providing and maintaining reasonable notice consistent with best practices for public engagement. The notice shall include an internet address where more information regarding the hearings may be viewed.~~

* * *

(e) The Commissioner of Public Service (Commissioner) shall file an annual report on progress in meeting the goals of the Plan. The report shall address each of the following sectors of energy consumption in the State: electricity, nonelectric fuels for thermal purposes, and transportation. In preparing the report, the Commissioner shall consult with the Secretaries of Administration, of Agriculture, Food and Markets, of Natural Resources, and of Transportation and the Commissioner of Buildings and General Services.

(1) The Commissioner shall file the report on or before January 15 of each year, commencing in 2019. The provisions of 2 V.S.A. § 20(d) shall not apply to this report.

(2) The Commissioner shall file the report with the House ~~Committees~~ Committee on Environment and Energy and Technology and on Natural Resources, Fish, and Wildlife and with the Senate Committees on Finance and on Natural Resources and Energy.

(3) For each sector, the report shall provide:

(A) In millions of British thermal units (MMBTUs) for the most recent calendar year for which data are available, the total amount of energy consumed, the amount of renewable energy consumed, and the percentage of renewable energy consumed. For the electricity sector, the report shall also state the amounts in megawatt hours (MWH) of retail sales and load for Vermont as well as for each retail electricity provider and the Vermont and New England summer and winter peak electric demand, including the hour and day of peak demand.

(B) Projections of the energy reductions and shift to renewable energy expected to occur under existing policies, technologies, and markets. The most recent available data shall be used to inform these projections and shall be provided as a supplement to the data described in subdivision (A) of this subdivision (3).

(C) Recommendations of policies to further the renewable energy requirements and goals set forth in statute and the Plan, along with an evaluation of the relative cost-effectiveness and equity-related impacts of different policy approaches.

(4) The report shall include ~~a supplemental~~ an analysis setting forth how progress toward the goals of the Plan is supported by complementary work in avoiding or reducing energy consumption through efficiency and demand reduction. In this subdivision (4), “demand reduction” includes dispatchable measures, such as controlling appliances that consume energy, and nondispatchable measures, such as weatherization.

(5) The report shall include recommendations on methods to enhance the process for planning, tracking, and reporting progress toward meeting statutory energy ~~goals~~ requirements and the goals of the Plan. Such recommendations may include the consolidation of one or more periodic reports filed by the Department or other State agencies relating to renewable energy, with proposals for amending the statutes relevant to those reports.

(6) The report shall include a summary of the following information for each sector:

(A) major changes in relevant markets, technologies, and costs;

(B) average Vermont prices compared to the other New England states, based on the most recent available data; and

(C) significant Vermont and federal incentive programs that are relevant to one or more of the sectors.

(7) ~~The report shall include any activity that occurs under the Vermont Small Hydropower Assistance Program, the Vermont Village Green Program, and the Fuel Efficiency Fund.~~ the following information on progress toward meeting the Renewable Energy Standard (RES):

(A) An assessment of the costs and benefits of the RES based on the most current available data, including rate and economic impacts, customer savings, technology deployment, greenhouse gas emission reductions achieved both relative to 10 V.S.A § 578 requirements and societally, fuel price stability, effect on transmission and distribution upgrade costs, and any recommended changes based on this assessment.

(i) For the most recent calendar year for which data is available, each retail electricity provider's retail sales and load, in MWh; required amounts of renewable energy for each category of the RES as set forth in section 8005 of this title; and amounts of renewable energy and tradeable renewable energy credits eligible to satisfy the requirements of sections 8004 and 8005 of this title actually owned by the Vermont retail electricity providers, expressed as a percentage of retail sales and total load.

(ii) The report shall summarize the energy transformation projects undertaken pursuant to section 8005 of this title, their costs and benefits, their avoided fossil fuel consumption and greenhouse gas emissions, and, if applicable, energy savings.

(iii) The report shall summarize statewide progress toward achieving each of the categories set forth in section 8005 of this title.

(iv) The report shall assess how costs and benefits of the RES are being distributed across State, to the extent possible given available data, by retail electricity service territory, municipality, and environmental justice focus populations, as defined by 3 V.S.A. § 6002. Such an assessment shall consider metrics to monitor affordability of electric rates.

(B) Projections, looking at least 10 years ahead, of the impacts of the RES.

(i) The Department shall consider at least three scenarios based on high, mid-range, and low energy price forecasts.

(ii) The Department shall provide an opportunity for public comment on the model during its development and make the model and associated documents available on the Department's website.

(iii) The Department shall project, for the State, the impact of the RES in each of the following areas: electric utility rates, total energy consumption, electric energy consumption, fossil fuel consumption, and greenhouse gas emissions. The report shall compare the amount or level in each of these areas with and without the program.

(C) An assessment of whether the requirements of the RES have been met to date, and any recommended changes needed to achieve those requirements.

(D) A summary of the activities of distributed renewable generation programs that support the achievement of the RES, including:

(i) Standard Offer Program under section 8005a of this title, including the number of plants participating in the Program, the prices paid by the Program, and the plant capacity and average annual energy generation of the participating plants. The report shall present this information as totals for all participating plants and by category of renewable energy technology. The report also shall identify the number of applications received, the number of participating plants under contract, and the number of participating plants actually in service.

(ii) the net metering program, including: the current pace of net metering deployment, both statewide and within the service territory of each retail electricity provider; the ownership and transfer of the environmental attributes of energy generated by net metering systems and of any associated tradeable renewable energy credits; and any other information relevant to the costs and benefits of net metering.

(8) The report shall include any recommendations for statutory change related to sections 8004, 8005, 8005a, 8010, and 8011 of this title.

(9) For the report due in 2029, the Commission as shall issue a report on whether it is reasonable to expect that there will be sufficient new regional renewable resources available for a retail electricity provider with 75,000 or more customers to meet its requirement under subdivision 8005(a)(4)(B)(i)(IV) of this title at or below the alternative compliance payment rate for the new renewable generation category of section 8005 of this title during the year beginning on January 1, 2032, or during the years beginning on January 1, 2033 or January 1, 2034. The Commission shall not be required to issue this report in a contested case under 3 V.S.A. chapter 25 but shall conduct a proceeding on the issue with opportunities for participation by the retail electricity providers, Vermont Public Power Supply Authority, Renewable Energy Vermont, and other members of the public. Notwithstanding the timeline specified in subdivision (e)(1) of this section, the Commission shall file this annual report on or before December 15, 2028.

(d) During the preparation of reports under this section, the Department shall provide an opportunity for the public to submit relevant information and recommendations.

Sec. 8. REPORT

On or before January 15, 2025, the Department of Public Service, after consultation with the Public Utility Commission, the Vermont Housing Finance Agency, Vermont Housing and Conservation Board, Evernorth, Green Mountain Power, Vermont Electric Cooperative, the Vermont Public Power Supply Authority, other electric utilities that wish to participate, and the Office of Racial Equity, shall submit a report to the House Committee on Environment and Energy and the Senate Committee on Natural Resources and Energy. The goal of this report is to develop a replacement program for group net metering to reduce operating costs, reduce resident energy burdens, and encourage electrification and decarbonization of buildings and enhance the financial capacity of housing providers to electrify the buildings developed or rehabilitated and provide relief to residents of manufactured home communities from their energy burdens. This report shall:

(1) Discuss and prioritize recommendations for replacement programs based on how they would impact Vermont's impacted and frontline communities and identify opportunities for these communities to benefit from investments in renewables to adapt to climate and economic change within the framework of a replacement of the net-metering program.

(2) Discuss current programs electric utilities have in place to serve income-eligible customers, the number of participants in those programs, and their trends over time.

(3) Discuss progress affordable housing funders and developers have made to date in connecting projects with solar resources, as well as any barriers to this, and the comparison of the availability and cost of net metered installations on single-family dwelling units.

(4) List funding sources available for solar and other energy-related projects benefiting affordable housing and customers with low-income, including if it is federal or time-limited.

(5) Propose comparable successor programs to group net-metering for connecting affordable housing developments and income-eligible residents of manufactured home communities with solar projects in order to reduce operating costs, reduce resident energy burdens, and encourage electrification and decarbonization of buildings. Programs that meet the intent of this section shall include the following:

(A) a process to bring additional solar or other renewable energy projects online that could be owned by affordable housing developers;

(B) a process to enroll eligible customers, including property owners of qualified rental units; and

(C) if connecting directly to customers, a bill credit process to allocate a customer's kWh solar share on a monthly basis.

Sec. 9. REPEAL

30 V.S.A. § 8005b (renewable energy programs; reports) is repealed.

Sec. 10. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

Rep. Demrow of Corinth, for the Committee on Ways and Means, recommended the bill ought to pass when amended as recommended by the Committee on Environment and Energy.

Rep. Dolan of Waitsfield, for the Committee on Appropriations, recommended the bill ought to pass when amended as recommended by the Committee on Environment and Energy.

The bill, having appeared on the Notice Calendar, was taken up, and read the second time.

Pending the question, Shall the bill be amended as recommended by the Committee on Environment and Energy?, **Rep. McCoy of Poultney** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question,

Shall the bill be amended as recommended by the Committee on Environment and Energy?, was decided in the affirmative. Yeas, 99. Nays, 39.

Those who voted in the affirmative are:

Andrews of Westford	Dolan of Essex Junction	Morris of Springfield
Andriano of Orwell	Dolan of Waitsfield	Mrowicki of Putney *
Anthony of Barre City	Durfee of Shaftsbury	Nicoll of Ludlow
Arrison of Weathersfield	Emmons of Springfield	Notte of Rutland City
Arsenault of Williston	Farlice-Rubio of Barnet	Nugent of South Burlington
Austin of Colchester	Garofano of Essex	O'Brien of Tunbridge
Bartholomew of Hartland	Goldman of Rockingham	Pajala of Londonderry
Berbeco of Winooski	Graning of Jericho	Patt of Worcester *
Black of Essex	Headrick of Burlington	Pouech of Hinesburg *
Bluemle of Burlington	Holcombe of Norwich	Priestley of Bradford
Bongartz of Manchester	Hooper of Randolph	Rachelson of Burlington
Bos-Lun of Westminster	Hooper of Burlington	Rice of Dorset
Boyden of Cambridge	Houghton of Essex Junction	Roberts of Halifax
Brady of Williston	Howard of Rutland City	Satcowitz of Randolph
Brown of Richmond	Hyman of South Burlington	Scheu of Middlebury
Brumsted of Shelburne	James of Manchester *	Sheldon of Middlebury
Burke of Brattleboro *	Jerome of Brandon	Sibilia of Dover *
Burrows of West Windsor	Kornheiser of Brattleboro	Small of Winooski
Buss of Woodstock	Krasnow of South Burlington	Squirrell of Underhill
Campbell of St. Johnsbury	LaBounty of Lyndon	Stebbins of Burlington *
Carpenter of Hyde Park	Lalley of Shelburne	Stevens of Waterbury
Casey of Montpelier	LaLonde of South Burlington	Stone of Burlington
Chapin of East Montpelier	LaMont of Morristown	Surprenant of Barnard
Chase of Chester	Lanpher of Vergennes	Taylor of Colchester
Chase of Colchester	Logan of Burlington	Templeman of Brownington
Chesnut-Tangerman of Middletown Springs	Long of Newfane	Toleno of Brattleboro
Christie of Hartford	Masland of Thetford	Torre of Moretown *
Cina of Burlington	McCann of Montpelier	Troiano of Stannard
Coffey of Guilford	McCarthy of St. Albans City	Waters Evans of Charlotte
Cole of Hartford *	McGill of Bridport	White of Bethel
Conlon of Cornwall	Mihaly of Calais	Whitman of Bennington
Cordes of Lincoln	Minier of South Burlington	Williams of Barre City
Demrow of Corinth		Wood of Waterbury
Dodge of Essex		

Those who voted in the negative are:

Bartley of Fairfax	Gregoire of Fairfield	Noyes of Wolcott
Branagan of Georgia	Hango of Berkshire	Oliver of Sheldon
Brennan of Colchester	Harrison of Chittenden	Page of Newport City
Brownell of Pownal	Higley of Lowell	Pearl of Danville
Canfield of Fair Haven	Labor of Morgan	Peterson of Clarendon
Carroll of Bennington	Laroche of Franklin	Quimby of Lyndon
Clifford of Rutland City	Lipsky of Stowe	Sims of Craftsbury
Corcoran of Bennington	Maguire of Rutland City	Smith of Derby

Demar of Enosburgh	Marcotte of Coventry	Taylor of Milton
Dickinson of St. Albans Town	Mattos of Milton	Toof of St. Albans Town
Donahue of Northfield	McCoy of Poultney *	Walker of Swanton
Galfetti of Barre Town *	McFaun of Barre Town	Williams of Granby *
Goslant of Northfield *	Morgan of Milton	
	Morrissey of Bennington	

Those members absent with leave of the House and not voting are:

Beck of St. Johnsbury	Graham of Williamstown	Ode of Burlington
Birong of Vergennes	Leavitt of Grand Isle	Parsons of Newbury
Burditt of West Rutland	Mulvaney-Stanak of Burlington	Sammis of Castleton
Elder of Starksboro		Shaw of Pittsford

Rep. Burke of Brattleboro explained her vote as follows:

“Madam Speaker:

Yesterday, during the presentation for the Transportation Bill, H.868, I spoke about our electric vehicle incentive programs and how they have influenced electric vehicle adoption in our State, so that the number of registered electric and plug-in-electric vehicles in Vermont increased 44% over the past year. Vehicle electrification is State policy. As we push for this, we have the responsibility to ensure that the energy we are using for our vehicles comes from more in-state renewables, and that it is not adding to the demand of natural gas, large-scale hydro, nuclear, or biomass. H.289 will provide the opportunity for a clean electric portfolio, while enhancing the clean transportation options inherent in driving an electric vehicle.”

Rep. Cole of Hartford explained her vote as follows:

“Madam Speaker:

As a small state, Vermont has little control over wars abroad or the shrinking supply of non-renewable resources. Where we CAN claim control, however, is through investment in our own State’s renewable energy generation – the energy system we’ll be leaving to our State’s children. We must not neglect the power we hold to prepare for the inevitable, dramatic increase in demand for electricity nationwide. H.289 specifically requires us to meet more of that demand in-state and keeps that revenue in Vermont. As one of the youngest legislators here, I am voting YES for Vermonters even younger than me. The stakes are incredibly high, and the cost of doing nothing is higher.”

Rep. Galfetti of Barre Town explained her vote as follows:

“Madam Speaker:

I have heard many people say that Vermont must lead by example; as our carbon initiative will have no impact on climate change. But I ask myself at a time when we are demanding more and more out of the pockets of Vermonters, does it make sense to raise costs again on a bill that will do nothing for climate change? The purchase and manipulation of carbon credits is for the rich, not this brave little State. For that reason, I am voting yes for affordability by voting no on this bill.”

Rep. Goslant of Northfield explained his vote as follows:

“Madam Speaker:

I am voting no because this bill is making electricity more expensive at a time we are trying to push people away from fossil fuels. I am concerned about the affordability of this State when you couple this with pending property tax rate increases, a \$150 million new payroll tax that will kick in this summer, and the additional \$100 million of taxes currently being discussed in Ways and Means. We must get serious about balancing our values with our constituents’ ability to pay.”

Rep. James of Manchester explained her vote as follows:

“Madam Speaker:

In H.289, we are supporting a policy that since 2017 has benefitted Vermont without negative impact. The RES helps us to reduce fossil fuel consumption in tangible ways – with all of the positive economic, environmental, and societal impacts that accompany making a planned and predictable transition to renewable energy. The global economy is shifting to clean energy. We are responding and looking ahead. That’s the smart thing to do.”

Rep. McCoy of Poultney explained her vote as follows:

“Madam Speaker:

While I appreciate the goals of H.289, I am disappointed that the 18-month engagement process and ultimate report and recommendations of the Public Service Department were summarily dismissed. If we mandate recommendations and reports from Agencies and Departments, then we should fully vet what they are offering.”

Rep. Mrowicki of Putney explained his vote as follows:

“Madam Speaker:

I vote yes to support the good work of your Environment and Energy Committee. I vote yes for my children and grandchild that we might leave a legacy of action. And I vote yes for the voters who sent me and a large majority here to do something about climate. Doing nothing is not an option.”

Rep. Patt of Worcester explained his vote as follows:

“Madam Speaker:

I spent many years in the electric utility business. As a board member of Washington Electric Co-op for 8 years, and then as general manager for 16 ½ years. Getting to 100% renewable was a major achievement and it has been cost effective for the most rural utility in Vermont. Capital investments are paid for over extended periods of time; and they avoid immediate short-term costs. We have to change. We should not kick the can down the road. Costs will likely go up more over time if we do nothing. That’s what I know from experience.”

Rep. Pouech of Hinesburg explained his vote as follows:

“Madam Speaker:

I considered voting no because this bill eliminated group net metering. I have been passionate about renewable energy since the late 1970s. I believe our State and every government should commit to 100% use of renewables. I support this bill despite it eliminating municipalities, including water and wastewater districts, fire districts, villages, school districts, and towns from utilizing renewables through group net metering. I would add to this list of organizations, local business, and churches. I have personally worked with my local church, the Town of Hinesburg, and several local businesses to use and share solar power under our existing group net metering rules. This bill gives all the control and benefits back to utilities and shuts the door on participating and benefitting to local organizations who don’t have South-facing roofs or property capable or permittable to meet their renewable energy needs. I expect this body to fully understand what the elimination of group net metering does to our communities, businesses, schools, and non-profits. And I expect this body will take up this important aspect of community-based solar in the future.”

Rep. Sibilia of Dover explained her vote as follows:

“Madam Speaker:

I vote yes to giving our utilities more flexibility to manage rates, energy transition, climate change, and increasing load.”

Rep. Stebbins of Burlington explained her vote as follows:

“Madam Speaker:

I vote yes to 100% renewable electricity for all Vermonters, handcrafted as only Vermont does, to meet our shared goals of reliability, safety, affordability, and sustainability.”

Rep. Torre of Moretown explained her vote as follows:

“Madam Speaker:

I voted for this bill because more of a good thing is better – more resilience, more public health benefits, and a better future. Our electric utilities can and want to do more to decarbonize our grid – bring it on.”

Rep. Williams of Granby explained her vote as follows:

“Madam Speaker:

I pray this bill does not pass, but, if it does, those involved must do a much better job of selling this idea to the general public. The perception is that this is being shoved down our throats, and in a very aggressive time frame, and that small businesses (which the Legislature does a very poor job of supporting anyway) will be harmed to the point that many will close. Vermont has the oldest demographic in the country, which equates to fixed incomes. Conservative Vermonters truly believe we cannot financially afford this new idea. If you are so sure this is the way to go, you must do better. Most of us are not onboard. That doesn’t set well with having the confidence that the Legislature is here to support the great people of our State.”

Thereafter, third reading was ordered.

Message from the Senate No. 33

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 196. An act relating to the types of evidence permitted in weight of the evidence hearings.

S. 206. An act relating to designating Juneteenth as a legal holiday.

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

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

H. 659. An act relating to captive insurance.

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

Pending Entry on the Notice Calendar
Bills Referred to the Committee on Appropriations

House bills of the following titles were severally taken up and, pursuant to House Rule 35(a), carrying an appropriation, referred to the Committee on Appropriations, pending entry on the Notice Calendar:

H. 626

House bill, entitled

An act relating to animal welfare

H. 687

House bill, entitled

An act relating to community resilience and biodiversity protection through land use

H. 873

House bill, entitled

An act relating to financing the testing for and remediation of the presence of polychlorinated biphenyls (PCBs) in schools

Adjournment

At six o'clock and twenty-one minutes in the evening, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.

Thursday, March 21, 2024

At one o'clock in the afternoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rev. Rachel Field, St. Mary's Episcopal Church, Northfield.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred to committee as follows:

S. 196

Senate bill, entitled

An act relating to the types of evidence permitted in weight of the evidence hearings

To the Committee on Judiciary.

S. 206

Senate bill, entitled

An act relating to designating Juneteenth as a legal holiday

To the Committee on Government Operations and Military Affairs.

Ceremonial Reading**H.C.R. 179**

House concurrent resolution congratulating the Vermont place winners at the 2023 National Senior Games and designating March 21, 2024 as Vermont Senior Games Day at the State House

Offered by: Representatives Harrison of Chittenden, Andrews of Westford, Anthony of Barre City, Beck of St. Johnsbury, Black of Essex, Bluemle of Burlington, Bongartz of Manchester, Bos-Lun of Westminster, Brennan of Colchester, Brown of Richmond, Brownell of Pownal, Brumsted of Shelburne, Chapin of East Montpelier, Chase of Chester, Christie of Hartford, Dickinson of St. Albans Town, Dodge of Essex, Dolan of Essex Junction, Dolan of Waitsfield, Donahue of Northfield, Farlice-Rubio of Barnet, Garofano of Essex, Goldman of Rockingham, Goslant of Northfield, Graning of Jericho, Gregoire of Fairfield, Hango of Berkshire, Headrick of Burlington, Holcombe of Norwich, Hooper of Burlington, Houghton of Essex Junction, Howard of Rutland City, Hyman of South Burlington,

Krasnow of South Burlington, LaBounty of Lyndon, Lalley of Shelburne, LaLonde of South Burlington, Lanpher of Vergennes, Lipsky of Stowe, Masland of Thetford, McCann of Montpelier, McCoy of Poultney, McGill of Bridport, Mihaly of Calais, Minier of South Burlington, Morgan of Milton, Morris of Springfield, Morrissey of Bennington, Mrowicki of Putney, Noyes of Wolcott, Nugent of South Burlington, Ode of Burlington, Page of Newport City, Pajala of Londonderry, Peterson of Clarendon, Priestley of Bradford, Roberts of Halifax, Scheu of Middlebury, Shaw of Pittsford, Sims of Craftsbury, Squirrell of Underhill, Stone of Burlington, Taylor of Milton, Toleno of Brattleboro, Torre of Moretown, White of Bethel, Williams of Granby, and Wood of Waterbury

Whereas, annually, the Vermont Senior Games Association (VSGA) organizes the Vermont Senior Games as the qualifying event at which over 700 Vermont athletes compete to qualify for the biennial National Senior Games, which, in 2023, were held in Pittsburgh, Pennsylvania, and

Whereas, in 2023, 86 Vermont athletes participated in the National Senior Games in 13 sports and won nine gold, 11 silver, and 13 bronze medals, making an impressive total of 33 medals, and

Whereas, the athletically dedicated older Vermonters who competed at the 2023 National Senior Games were Matt Guild, Christopher Hamilton, Michelle Immler, Howard Malovany, Tocher Mitchell, Mark Mulder, Ted Selfridge, John Tashiro, Sarah Bombardier, Damon Fitch, Margaret Gibson, Susan Madrigan, Zane Rodriguez, Sandra Wall, Joan Weir, Lee Ann Banks, Bob Bence, Bernie Buteau, Mary Clifton, Brian Conchieri, Loren Palmer, Judy Selfridge, Vawn Edele, Cynthia Malovany, Victoria Luksch, Pam Sills, Eugene Demidenko, Valentina Demidenko, Elizabeth McCarthy, Stephen Hennessey, Candi Raines, Ellen Wolfson, Tim Hogeboom, John Bolton, Jack Devine, Jim Flint, Don Gilman, Judy Gover, Marc Hammond, Gurudharm Khalsa, Peter Mitchell, Chuck Shomo, Verna Borden, Thayer Raines, David Holton, and Jeff Shulman, and

Whereas, today, March 21, 2024, during National Senior Games Week, representatives of the VSGA and the Governor's Council on Physical Fitness are present at the State House to promote senior physical fitness, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates the Vermont place winners at the 2023 National Senior Games and designates March 21, 2024 as Vermont Senior Games Day at the State House, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the VSGA and to the Governor's Council on Physical Fitness.

Having been adopted in concurrence on Friday, March 15, 2024 in accord with Joint Rule 16b, was read.

**Pending Entry on the Notice Calendar
Bills Referred to the Committee on Appropriations**

House bills of the following titles were severally taken up and, pursuant to House Rule 35(a), carrying an appropriation, were referred to the Committee on Appropriations, pending entry on the Notice Calendar:

H. 721

House bill, entitled

An act relating to expanding access to Medicaid and Dr. Dynasaur

H. 829

House bill, entitled

An act relating to creating permanent upstream eviction protections and enhancing housing stability

H. 880

House bill, entitled

An act relating to increasing access to the judicial system

Third Reading; Bill Passed

H. 10

House bill, entitled

An act relating to amending the Vermont Employment Growth Incentive Program

Was taken up, read the third time, and passed.

**Amendment Offered and Withdrawn; Amendment Offered;
Third Reading; Bill Passed**

H. 289

House bill, entitled

An act relating to the Renewable Energy Standard

Was taken up and, pending third reading of the bill, **Rep. Galfetti of Barre Town** moved 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. § 8004 is amended to read:

§ 8004. SALES OF ELECTRIC ENERGY; RENEWABLE ENERGY
STANDARD (RES)

* * *

(g) Lowest cost. Retail electricity providers shall purchase energy to meet the requirements of this chapter based on prioritizing the lowest cost, the greatest reliability, and the smallest ecological footprint.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

Thereupon, **Rep. Galfetti of Barre Town** asked and was granted leave of the House to withdraw her amendment.

Pending third reading of the bill, **Reps. Walker of Swanton and Harrison of Chittenden** moved to amend the bill in Sec. 4, 30 V.S.A. § 8005, in subdivision (a)(2), by inserting a new subdivision (E) to read as follows:

(E) Avoiding Transmission and Distribution Constraints.

(i) Procurements by retail electricity providers, and programs developed that support meeting the requirements of this subdivision (2) shall avoid development of new facilities in generation constrained areas of the distribution or transmission system that would not need to be expanded but for the addition of additional generation, unless those upgrades are paid for as part of the interconnection requirements of the generation developers and those costs are not passed through to ratepayers through the cost to utilities to purchase the generation. To implement the intent of this section the Commission may update or adopt rules, including rules that require a locational adjustor fee.

(ii) A retail electricity provider may petition the Public Utility Commission for relief of the requirements of subdivision (C) of this subdivision or the associated alternative compliance payment. If relief is granted, the retail electricity provider shall be required to instead acquire new renewable generation from facilities that qualify to meet the requirements of subsection (a)(4), in addition to the requirements as described in subsection (a)(4).

Pending the question, Shall the bill be amended as offered by Reps. Walker of Swanton and Harrison of Chittenden?, **Rep. Toof of St. Albans Town** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as offered by Reps. Walker of Swanton and Harrison of Chittenden?, was decided in the negative. Yeas, 52. Nays, 90.

Those who voted in the affirmative are:

Anthony of Barre City	Goslant of Northfield	Morrissey of Bennington
Bartley of Fairfax	Graham of Williamstown	Noyes of Wolcott
Beck of St. Johnsbury	Gregoire of Fairfield	Oliver of Sheldon
Branagan of Georgia	Hango of Berkshire	Page of Newport City
Brennan of Colchester	Harrison of Chittenden	Pajala of Londonderry
Burditt of West Rutland	Higley of Lowell	Parsons of Newbury
Canfield of Fair Haven	Hooper of Randolph	Pearl of Danville
Carroll of Bennington	Labor of Morgan	Peterson of Clarendon
Chesnut-Tangerman of Middletown Springs	LaBounty of Lyndon	Quimby of Lyndon
Cina of Burlington	Laroche of Franklin	Roberts of Halifax
Clifford of Rutland City	Lipsky of Stowe	Sammis of Castleton
Corcoran of Bennington	Maguire of Rutland City	Shaw of Pittsford
Demar of Enosburgh	Marcotte of Coventry	Sims of Craftsbury
Dickinson of St. Albans Town	Mattos of Milton	Taylor of Milton
Donahue of Northfield	McCoy of Poultney	Templeman of Brownington
Galfetti of Barre Town	McFaun of Barre Town	Toof of St. Albans Town
	Mihaly of Calais	Walker of Swanton *
	Morgan of Milton	Williams of Granby

Those who voted in the negative are:

Andrews of Westford	Dolan of Waitsfield	Mrowicki of Putney
Andriano of Orwell	Durfee of Shaftsbury	Mulvaney-Stanak of Burlington
Arrison of Weathersfield	Elder of Starksboro	Nicoll of Ludlow
Arsenault of Williston	Emmons of Springfield	Notte of Rutland City
Austin of Colchester	Farlice-Rubio of Barnet	Nugent of South Burlington
Bartholomew of Hartland	Garofano of Essex	O'Brien of Tunbridge
Berbeco of Winooski	Goldman of Rockingham	Patt of Worcester
Black of Essex	Graning of Jericho	Pouech of Hinesburg
Bluemle of Burlington	Headrick of Burlington	Priestley of Bradford
Bos-Lun of Westminster	Holcombe of Norwich	Rachelson of Burlington
Boyden of Cambridge	Hooper of Burlington	Rice of Dorset
Brady of Williston	Houghton of Essex Junction	Satcowitz of Randolph
Brown of Richmond	Howard of Rutland City	Scheu of Middlebury
Brownell of Pownal	James of Manchester	Sheldon of Middlebury *
Brumsted of Shelburne	Jerome of Brandon	Sibilia of Dover
Burke of Brattleboro	Kornheiser of Brattleboro	Small of Winooski
Burrows of West Windsor	Krasnow of South Burlington	Squirrell of Underhill
Buss of Woodstock	Lalley of Shelburne	Stebbins of Burlington *
Campbell of St. Johnsbury	LaLonde of South Burlington	Stevens of Waterbury
Carpenter of Hyde Park		Stone of Burlington
Casey of Montpelier		

Chapin of East Montpelier	Lanpher of Vergennes	Surprenant of Barnard
Chase of Chester	Leavitt of Grand Isle	Taylor of Colchester
Chase of Colchester	Logan of Burlington	Toleno of Brattleboro
Christie of Hartford	Long of Newfane	Torre of Moretown
Coffey of Guilford	Masland of Thetford	Waters Evans of Charlotte
Cole of Hartford	McCann of Montpelier	White of Bethel
Conlon of Cornwall	McCarthy of St. Albans	Whitman of Bennington
Cordes of Lincoln	City	Williams of Barre City
Demrow of Corinth	McGill of Bridport	Wood of Waterbury
Dodge of Essex	Minier of South Burlington	
Dolan of Essex Junction	Morris of Springfield	

Those members absent with leave of the House and not voting are:

Birong of Vergennes	LaMont of Morristown	Troiano of Stannard
Bongartz of Manchester	Ode of Burlington	
Hyman of South Burlington	Smith of Derby	

Rep. Sheldon of Middlebury explained her vote as follows:

“Madam Speaker:

I vote no because this amendment is redundant and unnecessary and has potential unintended consequences.”

Rep. Stebbins of Burlington explained her vote as follows:

“Madam Speaker:

I voted no for four reasons. First, the 248-permit process requires grid impact analysis as it is. Second, developers pay for grid upgrades required by their project. Third, VELCO and our electric utilities complete Integrated Resource Plans every three years and they study this issue. And fourth, due to time, our committee could not hear from VELCO, VPPSE, Vermont Electric, or Washington Electric Co-op on this amendment.”

Rep. Walker of Swanton explained his vote as follows:

“Madam Speaker:

While the ratepayers will continue to write larger and larger checks, the developers will cash them.”

Thereafter, the bill was read the third time and passed.

Third Reading; Bill Passed**H. 621**

House bill, entitled

An act relating to health insurance coverage for diagnostic breast imaging

Was taken up, read the third time, and passed.

Action on Bill Postponed**H. 639**

House bill, entitled

An act relating to disclosure of flood history of real property subject to sale

Was taken up and, pending third reading of the bill, on motion of **Rep. Chesnut-Tangerman of Middletown Springs**, action on the bill was postponed until March 22, 2024.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 661

House bill, entitled

An act relating to child abuse and neglect investigation and substantiation standards and procedures

H. 704

House bill, entitled

An act relating to disclosure of compensation in job advertisements

H. 872

House bill, entitled

An act relating to miscellaneous updates to the powers of the Vermont Criminal Justice Council and the duties of law enforcement officers

**Committee Bill; Second Reading; Bill Amended;
Third Reading Ordered****H. 878**

Rep. Rachelson of Burlington spoke for the Committee on Judiciary.

House bill, entitled

An act relating to miscellaneous judiciary procedures

Having appeared on the Notice Calendar, was taken up and read the second time.

Pending the question, Shall the bill be read a third time?, **Rep. Small of Winooski**, moved to amend the bill as follows:

In Sec. 24, 15 V.S.A. § 558, in the title, by striking out “BIRTH” and inserting in lieu thereof of “PRIOR” and in the body of the statute, by striking out “birth” and inserting in lieu thereof “prior”

Which was agreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Chapin of East Montpelier** moved to amend the bill by adding two new sections to be Secs. 44 and 45 to read as follows:

Sec. 44. 20 V.S.A. § 4626 is added to read:

§ 4626. DRONES; OPERATION OVER PRIVATE PROPERTY WITHOUT
CONSENT OF OWNER; CIVIL PENALTY

(a) A person shall not fly a drone for hobby or recreational purposes at an altitude of less than 100 feet above privately owned real property unless the person has obtained prior written consent from the property owner.

(b) A person shall not, without the prior written consent of the property owner or occupant, use a drone to record an image of privately owned real property or of the owner or occupant of the property with the intent to conduct surveillance on the person or the property in violation of the person’s reasonable expectation of privacy. For purposes of this subsection, a person is presumed to have a reasonable expectation of privacy on the person’s privately owned real property if the person is not observable by another person located at ground level in a place where the other person has a legal right to be, regardless of whether the person is observable from the air using a drone.

(c) A person engaged in the business of selling drones shall provide written notice to each purchaser of a drone required to be registered by the U.S. Department of Transportation about the requirements under subsections (a) and (b) of this section for flying a drone above privately owned real property without the property owner’s prior written consent.

(d) A person who violates this section shall be assessed a civil penalty of not more than:

- (1) \$50.00 for a first violation; or
- (2) \$250.00 for a second or subsequent violation.

(e) As used in this section:

(1) “Property owner” means a person who owns, leases, licenses, or otherwise controls ownership or use of land, or an employee or agent of that person.

(2) “Surveillance” means:

(A) with respect to an owner or occupant of privately owned real property, the observation of the person with sufficient visual clarity to be able to obtain information about the person’s identity, habits, conduct, movements, or whereabouts; or

(B) with respect to privately owned real property, the observation of the property’s physical improvements with sufficient visual clarity to be able to determine unique identifying features about the property or information about its owners or occupants.

(f) This section shall not apply to the use of drones by distribution or transmission utilities or their contractors for purposes of ensuring system reliability and resiliency.

Sec. 45. 4 V.S.A. § 1102 is amended to read:

§ 1102. JUDICIAL BUREAU; JURISDICTION

* * *

(b) The Judicial Bureau shall have jurisdiction of the following matters:

* * *

(31) Violations of 20 V.S.A. § 4626, relating to flying, and providing information about flying, a drone above privately owned real property without the owner’s consent.

and by renumbering the remaining section to be numerically correct.

Rep. Long of Newfane presiding.

Speaker presiding.

Which was agreed to. Thereupon, third reading was ordered.

Message from the Senate No. 34

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 55. An act relating to authorizing public bodies to meet electronically under Vermont's Open Meeting Law.

S. 186. An act relating to the systemic evaluation of recovery residences and recovery communities.

S. 284. An act relating to student use of cell phones and other personal electronic devices in schools.

S. 289. An act relating to age-appropriate design code.

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

Second Reading; Bill Amended; Third Reading Ordered

H. 706

Rep. Rice of Dorset, for the Committee on Agriculture, Food Resiliency, and Forestry, to which had been referred House bill, entitled

An act relating to banning the use of neonicotinoid pesticides

Reported in favor of its passage when 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) Wild and managed pollinators are essential to the health and vitality of Vermont's agricultural economy, environment, and ecosystems. According to the Department of Fish and Wildlife (DFW), between 60 and 80 percent of the State's wild plants depend on pollinators to reproduce.

(2) Vermont is home to thousands of pollinators, including more than 300 native bee species. Many pollinator species are in decline or have disappeared from Vermont, including three bee species that the State lists as endangered. The Vermont Center for Ecostudies and DFW's State of Bees 2022 Report concludes that at least 55 of Vermont's native bee species need significant conservation action.

(3) Neonicotinoids are a class of neurotoxic, systemic insecticides that are extremely toxic to bees and other pollinators. Neonicotinoids are the most widely used class of insecticides in the world and include imidacloprid, clothianidin, thiamethoxam, acetamiprid, dinotefuran, thiacloprid, and nithiazine.

(4) Among other uses, neonicotinoids are commonly applied to crop seeds as a prophylactic treatment. More than 90 percent of neonicotinoids

applied to treated seeds move into soil, water, and nontarget plants. According to the Agency of Agriculture, Food and Markets, at least 1197.66 tons of seeds sold in Vermont in 2022 were treated with a neonicotinoid product.

(5) Integrated pest management is a pest management technique that protects public health, the environment, and agricultural productivity by prioritizing nonchemical pest management techniques. Under integrated pest management, pesticides are a measure of last resort. According to the European Academies Science Advisory Council, neonicotinoid seed treatments are incompatible with integrated pest management.

(6) A 2020 Cornell University report that analyzed more than 1,100 peer-reviewed studies found that neonicotinoid corn and soybean seed treatments pose substantial risks to bees and other pollinators but provide no overall net income benefits to farms. DFW similarly recognizes that neonicotinoid use contributes to declining pollinator populations.

(7) A 2014 peer-reviewed study conducted by the Harvard School of Public Health and published in the journal Bulletin of Insectology concluded that sublethal exposure to neonicotinoids is likely to be the main culprit for the occurrence of colony collapse disorder in honey bees.

(8) A 2020 peer-reviewed study published in the journal Nature Sustainability found that increased neonicotinoid use in the United States between 2008 and 2014 led to statistically significant reductions in bird biodiversity, particularly among insectivorous and grassland birds.

(9) A 2022 peer-reviewed study published in the journal Environmental Science and Technology found neonicotinoids in 95 percent of the 171 pregnant women who participated in the study. Similarly, a 2019 peer-reviewed study published in the journal Environmental Research found that 49.1 percent of the U.S. general population had recently been exposed to neonicotinoids.

(10) The European Commission and the provinces of Quebec and Ontario have implemented significant prohibitions on the use of neonicotinoids.

(11) The New York General Assembly passed legislation that prohibits the sale or use of corn, soybean, and wheat seed treated with imidacloprid, clothianidin, thiamethoxam, dinotefuran, or acetamiprid. The same legislation prohibits the nonagricultural application of imidacloprid, clothianidin, thiamethoxam, dinotefuran, or acetamiprid to outdoor ornamental plants and turf.

Sec. 2. 6 V.S.A. § 1101 is amended to read:

§ 1101. DEFINITIONS

As used in this chapter unless the context clearly requires otherwise:

(1) “Secretary” ~~shall have~~ has the same meaning stated in subdivision 911(4) of this title.

(2) “Cumulative” when used in reference to a substance means that the substance so designated has been demonstrated to increase twofold or more in concentration if ingested or absorbed by successive life forms.

(3) “Dealer or pesticide dealer” means any person who regularly sells pesticides in the course of business, but not including a casual sale.

(4) “Economic poison” ~~shall have~~ has the same meaning stated in subdivision 911(5) of this title.

(5) “Pest” means any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or ~~virus~~ viruses, bacteria, or other microorganisms that the Secretary declares as being injurious to health or environment. “Pest shall” does not mean any viruses, bacteria, or other microorganisms on or in living humans or other living animals.

(6) “Pesticide” for the purposes of this chapter ~~shall be~~ is used interchangeably with “economic poison.”

(7) “Treated article” means a pesticide or class of pesticides exempt under 40 C.F.R. § 152.25(a) from regulation under the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136-136y.

(8) “Neonicotinoid pesticide” means any economic poison containing a chemical belonging to the neonicotinoid class of chemicals.

(9) “Neonicotinoid treated article seeds” are treated article seeds that are treated or coated with a neonicotinoid pesticide.

(10) “Agricultural commodity” means any food in its raw or natural state, including all fruits or vegetables that are washed, colored, or otherwise treated in their unpeeled natural form prior to marketing.

(11) “Agricultural emergency” means an occurrence of any pest that presents an imminent risk of significant harm, injury, or loss to agricultural crops.

(12) “Bloom” means the period from the onset of flowering or inflorescence until petal fall is complete.

(13) “Crop group” means the groupings of agricultural commodities specified in 40 C.F.R. § 180.41(c) (2023).

(14) “Environmental emergency” means an occurrence of any pest that presents a significant risk of harm or injury to the environment, or significant harm, injury, or loss to agricultural crops or turf, including any exotic or foreign pest that may need preventative quarantine measures to avert or prevent that risk, as determined by the Secretary of Agriculture, Food and Markets.

(15) “Ornamental plants” mean perennials, annuals, and groundcover purposefully planted for aesthetic reasons.

(16) “Turf” means land planted in closely mowed, managed grasses, including residential and commercial property and publicly owned land, parks, and recreation areas. “Turf” does not include pasture, cropland, land used to grow sod, or any other land used for agricultural production.

Sec. 3. 6 V.S.A. § 1105b is added to read:

§ 1105b. USE AND SALE OF NEONICOTINOID TREATED ARTICLE

SEEDS

(a) No person shall sell, offer for sale or use, distribute, or use any neonicotinoid treated article seed for soybeans or for any crop in the cereal grains crop group (crop groups 15, 15-22, 16, and 16-22).

(b) The Secretary of Agriculture, Food and Markets, after consultation with the Secretary of Natural Resource, may issue a written exemption order to suspend the provisions of subsection (a) of this section. Such written exemption order shall not be valid for more than one year.

(c) A written exemption order issued under subsection (b) of this section shall:

(1) specify the types of neonicotinoid treated article seeds to which the exemption order applies, the date on which the exemption order takes effect; the exemption order’s duration; and the exemption order’s geographic scope, which may include specific farms, fields, or properties;

(2) provide a detailed evaluation of the agricultural seed market, including a determination either that the purchase of seeds that comply with subsection (a) of this section would cause agricultural producers undue financial hardship or that there is an insufficient amount of commercially available seed not treated with neonicotinoid pesticides to supply agricultural producers; and

(3) provide a detailed evaluation of the exemption order's anticipated effect on pollinator populations, bird populations, ecosystem health, and public health, including whether the exemption order will cause undue harm to pollinator populations, bird populations, ecosystem health, and public health.

(d) A written exemption order issued under subsection (b) of this section may:

(1) establish restrictions related to the use of neonicotinoid treated article seeds to which the exemption order applies to minimize harm to pollinator populations, bird populations, ecosystem health, and public health; or

(2) establish other restrictions related to the use of neonicotinoid treated article seeds to which the exemption order applies that the Secretary of Agriculture, Food and Markets considers necessary.

(e) Upon issuing a written exemption order under subsection (b) of this section, the Secretary of Agriculture, Food and Markets shall submit a copy of the exemption order to the Senate Committees on Natural Resources and Energy and on Agriculture; the House Committees on Environment and Energy and on Agriculture, Food Resiliency, and Forestry; and the Agricultural Innovation Board. The General Assembly shall manage a written exemption order submitted under this section in the same manner as a report to the General Assembly and shall post the written exemption order to the website of the General Assembly.

(f) The Secretary of Agriculture, Food and Markets, after consultation with the Secretary of Natural Resources, may rescind a written exemption order issued under subsection (b) of this section at any time. Such rescission shall come into effect not sooner than 30 days after its issuance and shall not apply to neonicotinoid treated article seeds planted or sown before such rescission comes into effect.

Sec. 4. 6 V.S.A. § 1105c is added to read:

§ 1105c. NEONICOTINOID PESTICIDES; PROHIBITED USES

(a) The following uses of neonicotinoid pesticides are prohibited:

(1) the outdoor application of neonicotinoid pesticides to any crop during bloom;

(2) the outdoor application of neonicotinoid pesticides to soybeans or any crop in the cereal grains crop group (crop groups 15, 15-22, 16, and 16-22);

(3) the outdoor application of neonicotinoid pesticides to crops in the leafy vegetables, brassica, bulb vegetables, herbs and spices, and stalk, stem, and leaf petiole vegetables crop groups (crop groups 3, 3-07, 4, 4-16, 5, 5-16, 19, 22, 25, and 26) harvested after bloom;

(4) the application of neonicotinoid pesticides to ornamental plants; and

(5) the application of neonicotinoid pesticides to turf.

(b) The Secretary of Agriculture, Food and Markets, after consultation with the Secretary of Natural Resources, may issue a written exemption order to suspend the provisions of subsection (a) of this section. Such written exemption order shall not be valid for more than one year.

(c) A written exemption order issued under subsection (b) of this section shall:

(1) specify the neonicotinoid pesticides, uses, and crops, plants, or turf to which the exemption order applies; the date on which the exemption order takes effect; the exemption order's duration; and the exemption order's geographic scope, which may include specific farms, fields, or properties;

(2) provide a detailed evaluation determining that an agricultural emergency or an environmental emergency exists;

(3) provide a detailed evaluation of reasonable responses available to address the agricultural emergency or the environmental emergency, including a determination that the use of the neonicotinoid pesticides to which the exemption order applies would be effective in addressing the emergency and a determination that there is no other less harmful pesticide or pest management practice that would be effective in addressing the emergency; and

(4) provide a detailed evaluation of the exemption order's anticipated effects on pollinator populations, bird populations, ecosystem health, and public health, including whether the exemption order will cause undue harm to pollinator population, bird populations, ecosystem health, and public health.

(d) A written exemption order issued under subsection (b) of this section may:

(1) establish restrictions related to the use of neonicotinoid pesticides to which the exemption order applies to minimize harm to pollinator populations, bird populations, ecosystem health, and public health; or

(2) establish other restrictions related to the use of neonicotinoid pesticides to which the exemption order applies that the Secretary of Agriculture, Food and Markets considers necessary.

(e) Upon issuing a written exemption order under subsection (b) of this section, the Secretary of Agriculture, Food and Markets shall submit a copy of the exemption order to the Senate Committees on Natural Resources and Energy and on Agriculture; the House Committees on Environment and Energy and on Agriculture, Food Resiliency, and Forestry; and the Agricultural Innovation Board. The General Assembly shall manage a written exemption order submitted under this section in the same manner as a report to the General Assembly and shall post the written exemption order to the website of the General Assembly.

(f) The Secretary of Agriculture, Food and Markets, after consultation with the Secretary of Natural Resources, may rescind any written exemption order issued under subsection (b) of this section at any time. Such rescission shall come into effect not sooner than 15 days after its issuance.

Sec. 5. 6 V.S.A. § 918 is amended to read:

§ 918. REGISTRATION

(a) Every economic poison that is distributed, sold, or offered for sale within this State or delivered for transportation or transported in intrastate commerce or between points within this State through any point outside this State shall be registered in the Office of the Secretary, and such registration shall be renewed annually, provided that products that have the same formula are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same economic poison may be registered as a single economic poison, and additional names and labels shall be added by supplemental statements during the current period of registration. It is further provided that any economic poison imported into this State, which is subject to the provisions of any federal act providing for the registration of economic poisons and that has been duly registered under the provisions of this chapter, may, in the discretion of the Secretary, be exempted from registration under this chapter when sold or distributed in the unbroken immediate container in which it was originally shipped. The registrant shall file with the Secretary a statement including:

* * *

(f) Unless the use or sale of a neonicotinoid pesticide is otherwise prohibited, the Secretary shall register as a restricted use pesticide any neonicotinoid pesticide labeled as approved for outdoor use that is distributed, sold, sold into, or offered for sale within the State or delivered for transportation or transported in intrastate commerce or between points within this State through any point outside this State, provided that the Secretary shall

not register the following products as restricted use pesticides unless classified under federal law as restricted use products:

- (1) pet care products used for preventing, destroying, repelling, or mitigating fleas, mites, ticks, heartworms, or other insects or organisms;
- (2) personal care products used for preventing, destroying, repelling, or mitigating lice or bedbugs; and
- (3) indoor pest control products used for preventing, destroying, repelling, or mitigating insects indoors; ~~and~~
- (4) ~~treated article seed.~~

Sec. 6. 6 V.S.A. § 1105a(c) is amended to read:

(c)(1) Under subsection (a) of this section, the Secretary of Agriculture, Food and Markets, after consultation with the Agricultural Innovation Board, shall adopt by rule BMPs for the use in the State of:

(A) neonicotinoid treated article seeds when used prior to January 1, 2029;

(B) neonicotinoid treated article seeds when the Secretary issues a written exemption order pursuant to section 1105b of this chapter authorizing the use of neonicotinoid treated article seeds;

(C) neonicotinoid pesticides when the Secretary issues a written exemption order pursuant to section 1105c of this chapter authorizing the use of neonicotinoid pesticides; and

(D) the agricultural use after July 1, 2025 of neonicotinoid pesticides the use of which is not otherwise prohibited under law.

(2) In developing the rules with the Agricultural Innovation Board, the Secretary shall address:

(A) establishment of threshold levels of pest pressure required prior to use of neonicotinoid treated article seeds or neonicotinoid pesticides;

(B) availability of nontreated article seeds that are not neonicotinoid treated article seeds;

(C) economic impact from crop loss as compared to crop yield when neonicotinoid treated article seeds or neonicotinoid pesticides are used;

(D) relative toxicities of different neonicotinoid treated article seeds or neonicotinoid pesticides and the effects of neonicotinoid treated article seeds or neonicotinoid pesticides on human health and the environment;

(E) surveillance and monitoring techniques for in-field pest pressure;

(F) ways to reduce pest harborage from conservation tillage practices; and

(G) criteria for a system of approval of neonicotinoid treated article seeds or neonicotinoid pesticides.

~~(2)~~(3) In implementing the rules required under this subsection, the Secretary of Agriculture, Food and Markets shall work with farmers, seed companies, and other relevant parties to ensure that farmers have access to appropriate varieties and amounts of untreated seed or treated seed that are not neonicotinoid treated article seeds.

Sec. 7. 2022 Acts and Resolves No. 145, Sec. 4 is amended to read:

Sec. 4. IMPLEMENTATION; REPORT; RULEMAKING

(a) On or before March 1, 2024, the Secretary of Agriculture, Food, and Markets shall submit to the Senate Committee on Agriculture and the House Committee on Agriculture, Food Resiliency, and Forestry a copy of the proposed rules required to be adopted under 6 V.S.A. § 1105a(c)(1)(A).

(b) The Secretary of Agriculture shall not file the final proposal of the rules required by 6 V.S.A. § 1105a(c)(1)(A) under 3 V.S.A. § 841 until at least 90 days from submission of the proposed rules to the General Assembly under subsection (a) of this section or July 1, 2024, ~~which ever~~ whichever shall occur first.

Sec. 8. EFFECTIVE DATES

(a) This section and Secs. 1 (findings), 2 (definitions), 5 (registration), and 6 (BMP rules), 7 (implementation) shall take effect on passage.

(b) Sec. 4 (prohibited use; neonicotinoid pesticides) shall take effect on July 1, 2025.

(c) Sec. 3 (treated article seed) shall take effect on January 1, 2029.

Rep. Taylor of Colchester, for the Committee on Ways and Means, recommended the bill ought to pass when amended as recommended by the Committee on Agriculture, Food Resiliency, and Forestry.

Rep. Toleno of Brattleboro, for the Committee on Appropriations, recommended the bill ought to pass when amended as recommended by the Committee on Agriculture, Food Resiliency, and Forestry.

The bill, having appeared on the Notice Calendar, was taken up, and read the second time.

Pending the question, Shall the bill be amended as recommended by the Committee on Agriculture, Food Resiliency and Forestry?, **Rep. Higley of Lowell** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as recommended by the Committee on Agriculture, Food Resiliency and Forestry?, was decided in the affirmative. Yeas, 112. Nays, 29.

Those who voted in the affirmative are:

Andrews of Westford	Dolan of Waitsfield	Mihaly of Calais
Andriano of Orwell	Donahue of Northfield	Minier of South Burlington
Anthony of Barre City	Durfee of Shaftsbury	Morris of Springfield
Arrison of Weathersfield	Elder of Starksboro	Mrowicki of Putney
Arsenault of Williston	Emmons of Springfield	Nicoll of Ludlow
Austin of Colchester	Farlice-Rubio of Barnet	Notte of Rutland City
Bartholomew of Hartland	Galfetti of Barre Town	Noyes of Wolcott
Berbeco of Winooski	Garofano of Essex	Nugent of South Burlington
Black of Essex	Goldman of Rockingham	O'Brien of Tunbridge
Bluemle of Burlington	Goslant of Northfield	Page of Newport City
Bongartz of Manchester	Graning of Jericho	Pajala of Londonderry
Bos-Lun of Westminster	Headrick of Burlington	Parsons of Newbury
Brady of Williston	Holcombe of Norwich	Patt of Worcester
Brown of Richmond	Hooper of Randolph	Pouech of Hinesburg
Brownell of Pownal	Hooper of Burlington	Priestley of Bradford
Brumsted of Shelburne	Houghton of Essex Junction	Quimby of Lyndon
Burditt of West Rutland	Howard of Rutland City	Rachelson of Burlington
Burke of Brattleboro	James of Manchester	Rice of Dorset
Burrows of West Windsor	Jerome of Brandon	Roberts of Halifax *
Buss of Woodstock	Kornheiser of Brattleboro	Sammis of Castleton
Campbell of St. Johnsbury	Krasnow of South	Satcowitz of Randolph
Carpenter of Hyde Park *	Burlington	Scheu of Middlebury
Carroll of Bennington	LaBounty of Lyndon	Sheldon of Middlebury
Casey of Montpelier	Lalley of Shelburne	Small of Winooski
Chapin of East Montpelier	LaLonde of South	Squirrell of Underhill
Chase of Chester	Burlington	Stebbins of Burlington
Chase of Colchester	LaMont of Morristown	Stevens of Waterbury
Chesnut-Tangerman of	Lanpher of Vergennes	Stone of Burlington
Middletown Springs *	Leavitt of Grand Isle	Surprenant of Barnard *
Christie of Hartford	Lipsky of Stowe	Taylor of Colchester
Cina of Burlington	Logan of Burlington	Templeman of
Coffey of Guilford	Long of Newfane	Brownington *
Cole of Hartford *	Marcotte of Coventry	Toleno of Brattleboro
Conlon of Cornwall	Masland of Thetford	Torre of Moretown
Corcoran of Bennington	McCann of Montpelier	Waters Evans of Charlotte
Cordes of Lincoln	McCarthy of St. Albans	White of Bethel
Demrow of Corinth	City	Whitman of Bennington
Dodge of Essex	McFaun of Barre Town	Williams of Barre City
Dolan of Essex Junction	McGill of Bridport	Wood of Waterbury

Those who voted in the negative are:

Bartley of Fairfax	Graham of Williamstown *	Oliver of Sheldon
Beck of St. Johnsbury	Gregoire of Fairfield *	Pearl of Danville
Boyden of Cambridge	Hango of Berkshire	Peterson of Clarendon
Branagan of Georgia	Higley of Lowell	Shaw of Pittsford
Brennan of Colchester	Labor of Morgan	Sibilia of Dover
Canfield of Fair Haven	Laroche of Franklin	Sims of Craftsbury
Clifford of Rutland City	Maguire of Rutland City	Taylor of Milton
Demar of Enosburgh *	McCoy of Poultney	Toof of St. Albans Town
Dickinson of St. Albans Town	Morgan of Milton	Walker of Swanton
	Morrissey of Bennington	Williams of Granby

Those members absent with leave of the House and not voting are:

Birong of Vergennes	Mattos of Milton	Ode of Burlington
Harrison of Chittenden	Mulvaney-Stanak of Burlington	Smith of Derby
Hyman of South Burlington		Troiano of Stannard

Rep. Carpenter of Hyde Park explained her vote as follows:

“Madam Speaker:

I voted yes as a farmer: for the health of the pollinators, for the health of the land, for the next generation of farmers who deserve the best we can give them, and it’s not neonicks.”

Rep. Chesnut-Tangerman of Middletown Springs explained his vote as follows:

“Madam Speaker:

This bill is a well-crafted law that provides a reasonable timeline, necessary exemption options, and science-supported directives to give farmers more choice in pest management, and provides protections for our critical pollinators, both wild and managed.”

Rep. Cole of Hartford explained her vote as follows:

“Madam Speaker:

I voted YES because healthy pollinator populations increase crop yields, expand farmers’ economic viability, and support a diversified, resilient food system. Neonicotinoids, in contrast, have proven ineffective in advancing any of those three goals.”

Rep. Graham of Williamstown explained his vote as follows:

“Madam Speaker:

If we are really concerned about pollinator protection and humans, we should be voting on a complete ban, not just one sector.”

Rep. Gregoire of Fairfield explained his vote as follows:

“Madam Speaker:

I support the goals of this bill. We need more data - perhaps from New York’s new process. My farmers were clear that they oppose the bill. I do support the goals, however.”

Rep. Roberts of Halifax explained his vote as follows:

“Madam Speaker:

No pollinators mean no farms, no food. I vote yes on H.706, and I also say – let ‘er thrip!”

Rep. Surprenant of Barnard explained her vote as follows:

“Madam Speaker:

I have been farming for a decade, a third of my life. It is my entire world. I have struggled to balance this legislative work with my farming career and when I hear sentiments like ‘Do you know how hard it is for our farmers to meet the demands of what the State imposes on them?’, I FUME. You underestimate farmers’ ability to adapt. By speaking as if you know our struggles, YOU undermine our agency as part of a community of responsible land stewards who want to do better. I am 32 years old. I have many years of farming ahead of me – yet already I have experienced devastating weather events. I voted YES to ensure my future in this industry.”

Rep. Templeman of Brownington explained his vote as follows:

“Madam Speaker:

I voted yes because I am concerned for our environment and neonicotinoids are not an economic benefit when applied to seed; rather, the contrary is true for apiaries.”

Thereafter, third reading was ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 845

Rep. Hooper of Burlington, for the Committee on Government Operations and Military Affairs, to which had been referred House bill, entitled

An act relating to designating November as Veterans Month

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. LEGISLATIVE INTENT

It is the intent of the General Assembly to honor the special value of the military service that the veterans of the U.S. Armed Forces have contributed to the security and well-being of our nation by designating November as Vermont Month of the Veteran.

Sec. 2. 1 V.S.A. § 378 is added to read:

§ 378. VERMONT MONTH OF THE VETERAN

November of each year is designated as the Vermont Month of the Veteran.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

and that after passage the title of the bill be amended to read: “An act relating to designating November as Vermont Month of the Veteran”

Rep. Long of Newfane presiding.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on Government Operations and Military Affairs agreed to, and third reading ordered.

Speaker presiding.

Second Reading; Bill Amended; Third Reading Ordered

H. 121

Rep. Priestley of Bradford, for the Committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to enhancing consumer privacy

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 9 V.S.A. chapter 61A is added to read:

CHAPTER 61A. VERMONT DATA PRIVACY ACT

§ 2415. DEFINITIONS

As used in this chapter:

(1) “Abortion” has the same meaning as in section 2492 of this title.

(2)(A) “Affiliate” means a legal entity that shares common branding with another legal entity or controls, is controlled by, or is under common control with another legal entity.

(B) As used in subdivision (A) of this subdivision (2), “control” or “controlled” means:

(i) ownership of, or the power to vote, more than 50 percent of the outstanding shares of any class of voting security of a company;

(ii) control in any manner over the election of a majority of the directors or of individuals exercising similar functions; or

(iii) the power to exercise controlling influence over the management of a company.

(3) “Authenticate” means to use reasonable means to determine that a request to exercise any of the rights afforded under subdivisions 2418(a)(1)–(5) of this title is being made by, or on behalf of, the consumer who is entitled to exercise the consumer rights with respect to the personal data at issue.

(4) “Biometric data” means personal data generated from the technological processing of an individual’s unique biological, physical, or physiological characteristics that is linked or reasonably linkable to an individual, including:

(A) iris or retina scans;

(B) fingerprints;

(C) facial or hand mapping, geometry, or templates;

(D) vein patterns;

(E) voice prints;

(F) gait or personally identifying physical movement or patterns;

(G) depictions, images, descriptions, or recordings; and

(H) data derived from any data in subdivision (G) of this subdivision (4), to the extent that it would be reasonably possible to identify the specific individual from whose biometric data the data has been derived.

(5) “Broker-dealer” has the same meaning as in 9 V.S.A. § 5102.

(6) “Business associate” has the same meaning as in HIPAA.

(7) “Child” has the same meaning as in COPPA.

(8)(A) “Consent” means a clear affirmative act signifying a consumer’s freely given, specific, informed, and unambiguous agreement to allow the processing of personal data relating to the consumer.

(B) “Consent” may include a written statement, including by electronic means, or any other unambiguous affirmative action.

(C) “Consent” does not include:

(i) acceptance of a general or broad terms of use or similar document that contains descriptions of personal data processing along with other, unrelated information;

(ii) hovering over, muting, pausing, or closing a given piece of content; or

(iii) agreement obtained through the use of dark patterns.

(9)(A) “Consumer” means an individual who is a resident of the State.

(B) “Consumer” does not include an individual acting in a commercial or employment context or as an employee, owner, director, officer, or contractor of a company, partnership, sole proprietorship, nonprofit, or government agency whose communications or transactions with the controller occur solely within the context of that individual’s role with the company, partnership, sole proprietorship, nonprofit, or government agency.

(10) “Consumer health data” means any personal data that a controller uses to identify a consumer’s physical or mental health condition or diagnosis, including gender-affirming health data and reproductive or sexual health data.

(11) “Consumer health data controller” means any controller that, alone or jointly with others, determines the purpose and means of processing consumer health data.

(12) “Consumer reporting agency” has the same meaning as in the Fair Credit Reporting Act, 15 U.S.C. § 1681a(f);

(13) “Controller” means a person who, alone or jointly with others, determines the purpose and means of processing personal data.

(14) “COPPA” means the Children’s Online Privacy Protection Act of 1998, 15 U.S.C. § 6501–6506, and any regulations, rules, guidance, and exemptions promulgated pursuant to the act, as the act and regulations, rules, guidance, and exemptions may be amended.

(15) “Covered entity” has the same meaning as in HIPAA.

(16) “Credit union” has the same meaning as in 8 V.S.A. § 30101.

(17) “Dark pattern” means a user interface designed or manipulated with the substantial effect of subverting or impairing user autonomy, decision-making, or choice and includes any practice the Federal Trade Commission refers to as a “dark pattern.”

(18) “Decisions that produce legal or similarly significant effects concerning the consumer” means decisions made by the controller that result in the provision or denial by the controller of financial or lending services, housing, insurance, education enrollment or opportunity, criminal justice, employment opportunities, health care services, or access to essential goods or services.

(19) “De-identified data” means data that does not identify and cannot reasonably be used to infer information about, or otherwise be linked to, an identified or identifiable individual, or a device linked to the individual, if the controller that possesses the data:

(A)(i) takes reasonable measures to ensure that the data cannot be used to re-identify an identified or identifiable individual or be associated with an individual or device that identifies or is linked or reasonably linkable to an individual or household;

(ii) for purposes of this subdivision (A), “reasonable measures” shall include the de-identification requirements set forth under 45 C.F.R. § 164.514 (other requirements relating to uses and disclosures of protected health information);

(B) publicly commits to process the data only in a de-identified fashion and not attempt to re-identify the data; and

(C) contractually obligates any recipients of the data to satisfy the criteria set forth in subdivisions (A) and (B) of this subdivision (19).

(20) “Financial institution”:

(A) as used in subdivision 2417(a)(12) of this title, has the same meaning as in 15 U.S.C. § 6809; and

(B) as used in subdivision 2417(a)(14) of this title, has the same meaning as in 8 V.S.A. § 11101.

(21) “Gender-affirming health care services” has the same meaning as in 1 V.S.A. § 150.

(22) “Gender-affirming health data” means any personal data concerning a past, present, or future effort made by a consumer to seek, or a consumer’s receipt of, gender-affirming health care services, including:

(A) precise geolocation data that is used for determining a consumer’s attempt to acquire or receive gender-affirming health care services;

(B) efforts to research or obtain gender-affirming health care services; and

(C) any gender-affirming health data that is derived from nonhealth information.

(23) “Genetic data” means any data, regardless of its format, that results from the analysis of a biological sample of an individual, or from another source enabling equivalent information to be obtained, and concerns genetic material, including deoxyribonucleic acids (DNA), ribonucleic acids (RNA), genes, chromosomes, alleles, genomes, alterations or modifications to DNA or RNA, single nucleotide polymorphisms (SNPs), epigenetic markers, uninterpreted data that results from analysis of the biological sample or other source, and any information extrapolated, derived, or inferred therefrom.

(24) “Geofence” means any technology that uses global positioning coordinates, cell tower connectivity, cellular data, radio frequency identification, wireless fidelity technology data, or any other form of location detection, or any combination of such coordinates, connectivity, data, identification, or other form of location detection, to establish a virtual boundary.

(25) “Health care facility” has the same meaning as in 18 V.S.A. § 9432.

(26) “Heightened risk of harm to a minor” means processing the personal data of a minor in a manner that presents a reasonably foreseeable risk of:

(A) unfair or deceptive treatment of, or unlawful disparate impact on, a minor;

(B) financial, physical, mental, emotional, or reputational injury to a minor;

(C) unintended disclosure of the personal data of a minor; or

(D) any physical or other intrusion upon the solitude or seclusion, or the private affairs or concerns, of a minor if the intrusion would be offensive to a reasonable person.

(27) “HIPAA” means the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, and any regulations promulgated pursuant to the act, as may be amended.

(28) “Identified or identifiable individual” means an individual who can be readily identified, directly or indirectly, including by reference to an identifier such as a name, an identification number, specific geolocation data, or an online identifier.

(29) “Independent trust company” has the same meaning as in 8 V.S.A. § 2401.

(30) “Investment adviser” has the same meaning as in 9 V.S.A. § 5102.

(31) “Mental health facility” means any health care facility in which at least 70 percent of the health care services provided in the facility are mental health services.

(32) “Nonpublic personal information” has the same meaning as in 15 U.S.C. § 6809.

(33)(A) “Online service, product, or feature” means any service, product, or feature that is provided online, except as provided in subdivision (B) of this subdivision (33).

(B) “Online service, product, or feature” does not include:

(i) telecommunications service, as that term is defined in the Communications Act of 1934, 47 U.S.C. § 153;

(ii) broadband internet access service, as that term is defined in 47 C.F.R. § 54.400 (universal service support); or

(iii) the delivery or use of a physical product.

(34) “Patient identifying information” has the same meaning as in 42 C.F.R. § 2.11 (confidentiality of substance use disorder patient records).

(35) “Patient safety work product” has the same meaning as in 42 C.F.R. § 3.20 (patient safety organizations and patient safety work product).

(36)(A) “Personal data” means any information, including derived data and unique identifiers, that is linked or reasonably linkable to an identified or identifiable individual or to a device that identifies, is linked to, or is reasonably linkable to one or more identified or identifiable individuals in a household.

(B) “Personal data” does not include de-identified data or publicly available information.

(37)(A) “Precise geolocation data” means personal data that accurately identifies within a radius of 1,850 feet a consumer’s present or past location or the present or past location of a device that links or is linkable to a consumer or any data that is derived from a device that is used or intended to be used to locate a consumer within a radius of 1,850 feet by means of technology that includes a global positioning system that provides latitude and longitude coordinates.

(B) “Precise geolocation data” does not include the content of communications or any data generated by or connected to advanced utility metering infrastructure systems or equipment for use by a utility.

(38) “Process” or “processing” means any operation or set of operations performed, whether by manual or automated means, on personal data or on sets of personal data, such as the collection, use, storage, disclosure, analysis, deletion, or modification of personal data.

(39) “Processor” means a person who processes personal data on behalf of a controller.

(40) “Profiling” means any form of automated processing performed on personal data to evaluate, analyze, or predict personal aspects related to an identified or identifiable individual’s economic situation, health, personal preferences, interests, reliability, behavior, location, or movements.

(41) “Protected health information” has the same meaning as in HIPAA.

(42) “Pseudonymous data” means personal data that cannot be attributed to a specific individual without the use of additional information, provided the additional information is kept separately and is subject to appropriate technical and organizational measures to ensure that the personal data is not attributed to an identified or identifiable individual.

(43) “Publicly available information” means information that:

(A) is lawfully made available through federal, state, or local government records; or

(B) a controller has a reasonable basis to believe that the consumer has lawfully made available to the general public through widely distributed media.

(44) “Qualified service organization” has the same meaning as in 42 C.F.R. § 2.11 (confidentiality of substance use disorder patient records);

(45) “Reproductive or sexual health care” has the same meaning as “reproductive health care services” in 1 V.S.A. § 150(c)(1).

(46) “Reproductive or sexual health data” means any personal data concerning a past, present, or future effort made by a consumer to seek, or a consumer’s receipt of, reproductive or sexual health care.

(47) “Reproductive or sexual health facility” means any health care facility in which at least 70 percent of the health care-related services or products rendered or provided in the facility are reproductive or sexual health care.

(48)(A) “Sale of personal data” means the sale, rent, release, disclosure, dissemination, provision, transfer, or other communication, whether oral, in writing, or by electronic or other means, of a consumer’s personal data by the controller to a third party for monetary or other valuable consideration or otherwise for a commercial purpose.

(B) For purposes of this subdivision (48), “commercial purpose” means to advance a person’s commercial or economic interests, such as by inducing another person to buy, rent, lease, join, subscribe to, provide, or exchange products, goods, property, information, or services, or enabling or effecting, directly or indirectly, a commercial transaction.

(C) “Sale of personal data” does not include:

(i) the disclosure of personal data to a processor that processes the personal data on behalf of the controller;

(ii) the disclosure of personal data to a third party for purposes of providing a product or service requested by the consumer;

(iii) the disclosure or transfer of personal data to an affiliate of the controller;

(iv) the disclosure of personal data where the consumer directs the controller to disclose the personal data or intentionally uses the controller to interact with a third party;

(v) the disclosure of personal data that the consumer:

(I) intentionally made available to the general public via a channel of mass media; and

(II) did not restrict to a specific audience; or

(vi) the disclosure or transfer of personal data to a third party as an asset that is part of a merger, acquisition, bankruptcy or other transaction, or a proposed merger, acquisition, bankruptcy, or other transaction, in which the third party assumes control of all or part of the controller’s assets.

(49) “Sensitive data” means personal data that:

(A) reveals a consumer’s government-issued identifier, such as a Social Security number, passport number, state identification card, or driver’s license number, that is not required by law to be publicly displayed;

(B) reveals a consumer’s racial or ethnic origin, national origin, citizenship or immigration status, religious or philosophical beliefs, or union membership;

(C) reveals a consumer’s sexual orientation, sex life, sexuality, or status as transgender or nonbinary;

(D) reveals a consumer’s status as a victim of a crime;

(E) is financial information, including a consumer’s account number, financial account log-in, financial account, debit card number, or credit card number in combination with any required security or access code, password, or credentials allowing access to an account;

(F) is consumer health data;

(G) is personal data collected and analyzed concerning consumer health data or personal data that describes or reveals a past, present, or future mental or physical health condition, treatment, disability, or diagnosis, including pregnancy, to the extent the personal data is not used by the controller to identify a specific consumer’s physical or mental health condition or diagnosis;

(H) is biometric or genetic data;

(I) is personal data collected from a known child;

(J) is a photograph, film, video recording, or other similar medium that shows the naked or undergarment-clad private area of a consumer; or

(K) is precise geolocation data.

(50)(A) “Targeted advertising” means:

(i) except as provided in subdivision (ii) of this subdivision (50)(A), the targeting of an advertisement to a consumer based on the consumer’s activity with one or more businesses, distinctly branded websites, applications, or services, other than the controller, distinctly branded website, application, or service with which the consumer is intentionally interacting; and

(ii) as used in section 2420 of this title, the targeting of an advertisement to a minor based on the minor’s activity with one or more businesses, distinctly branded websites, applications, or services, including

with the controller, distinctly branded website, application, or service with which the minor is intentionally interacting.

(B) “Targeted advertising” does not include:

(i) for targeted advertising to a consumer other than a minor, an advertisement based on activities within a controller’s own commonly branded website or online application;

(ii) an advertisement based on the context of a consumer’s current search query, visit to a website, or use of an online application;

(iii) an advertisement directed to a consumer in response to the consumer’s request for information or feedback; or

(iv) processing personal data solely to measure or report advertising frequency, performance, or reach.

(51) “Third party” means a person, such as a public authority, agency, or body, other than the consumer, controller, or processor or an affiliate of the processor or the controller.

(52) “Trade secret” has the same meaning as in section 4601 of this title.

(53) “Victim services organization” means a nonprofit organization that is established to provide services to victims or witnesses of child abuse, domestic violence, human trafficking, sexual assault, violent felony, or stalking.

§ 2416. APPLICABILITY

(a) Except as provided in subsection (b) of this section, this chapter applies to a person that conducts business in this State or a person that produces products or services that are targeted to residents of this State and that during the preceding calendar year:

(1) controlled or processed the personal data of not fewer than 6,500 consumers, excluding personal data controlled or processed solely for the purpose of completing a payment transaction; or

(2) controlled or processed the personal data of not fewer than 3,250 consumers and derived more than 20 percent of the person’s gross revenue from the sale of personal data.

(b) Sections 2420, 2424, and 2428 of this title, and the provisions of this chapter concerning consumer health data and consumer health data controllers apply to a person that conducts business in this State or a person that produces products or services that are targeted to residents of this State.

§ 2417. EXEMPTIONS

(a) This chapter does not apply to:

(1) a federal, State, tribal, or local government entity in the ordinary course of its operation;

(2) protected health information that a covered entity or business associate processes in accordance with, or documents that a covered entity or business associate creates for the purpose of complying with HIPAA;

(3) information used only for public health activities and purposes described in 45 C.F.R. § 164.512 (disclosure of protected health information without authorization);

(4) information that identifies a consumer in connection with:

(A) activities that are subject to the Federal Policy for the Protection of Human Subjects, codified as 45 C.F.R. part 46 (HHS protection of human subjects) and in various other federal regulations;

(B) research on human subjects undertaken in accordance with good clinical practice guidelines issued by the International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use;

(C) activities that are subject to the protections provided in 21 C.F.R. parts 50 (FDA clinical investigations protection of human subjects) and 56 (FDA clinical investigations institutional review boards); or

(D) research conducted in accordance with the requirements set forth in subdivisions (A) through (C) of this subdivision (a)(4) or otherwise in accordance with applicable law;

(5) patient identifying information that is collected and processed in accordance with 42 C.F.R. part 2 (confidentiality of substance use disorder patient records);

(6) patient safety work product that is created for purposes of improving patient safety under 42 C.F.R. part 3 (patient safety organizations and patient safety work product);

(7) information or documents created for the purposes of the Healthcare Quality Improvement Act of 1986, 42 U.S.C. § 11101–11152, and regulations adopted to implement that act;

(8) information that originates from, that is intermingled so as to be indistinguishable from, or that is treated in the same manner as information described in subdivisions (2)–(7) of this subsection that a covered entity,

business associate, or a qualified service organization program creates, collects, processes, uses, or maintains in the same manner as is required under the laws, regulations, and guidelines described in subdivisions (2)–(7) of this subsection;

(9) information processed or maintained solely in connection with, and for the purpose of, enabling:

(A) an individual’s employment or application for employment;

(B) an individual’s ownership of, or function as a director or officer of, a business entity;

(C) an individual’s contractual relationship with a business entity;

(D) an individual’s receipt of benefits from an employer, including benefits for the individual’s dependents or beneficiaries; or

(E) notice of an emergency to persons that an individual specifies;

(10) any activity that involves collecting, maintaining, disclosing, selling, communicating, or using information for the purpose of evaluating a consumer’s creditworthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living if done strictly in accordance with the provisions of the Fair Credit Reporting Act, 15 U.S.C. § 1681–1681x, as may be amended, by:

(A) a consumer reporting agency;

(B) a person who furnishes information to a consumer reporting agency under 15 U.S.C. § 1681s-2 (responsibilities of furnishers of information to consumer reporting agencies); or

(C) a person who uses a consumer report as provided in 15 U.S.C. § 1681b(a)(3) (permissible purposes of consumer reports);

(11) information collected, processed, sold, or disclosed under and in accordance with the following laws and regulations:

(A) the Driver’s Privacy Protection Act of 1994, 18 U.S.C. § 2721–2725;

(B) the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and regulations adopted to implement that act;

(C) the Airline Deregulation Act, Pub. L. No. 95-504, only to the extent that an air carrier collects information related to prices, routes, or services, and only to the extent that the provisions of the Airline Deregulation Act preempt this chapter;

(D) the Farm Credit Act, Pub. L. No. 92-181, as may be amended;

(E) federal policy under 21 U.S.C. § 830 (regulation of listed chemicals and certain machines);

(12) nonpublic personal information that is processed by a financial institution subject to the Gramm-Leach-Bliley Act, Pub. L. No. 106-102, and regulations adopted to implement that act;

(13) information that originates from, or is intermingled so as to be indistinguishable from, information described in subdivision (12) of this subsection and that a controller or processor collects, processes, uses, or maintains in the same manner as is required under the law and regulations specified in subdivision (12) of this subsection;

(14) a financial institution, credit union, independent trust company, broker-dealer, or investment adviser or a financial institution's, credit union's, independent trust company's, broker-dealer's, or investment adviser's affiliate or subsidiary that is only and directly engaged in financial activities, as described in 12 U.S.C. § 1843(k);

(15) a person regulated pursuant to part 3 of Title 8 (chapters 101–165) other than a person that, alone or in combination with another person, establishes and maintains a self-insurance program and that does not otherwise engage in the business of entering into policies of insurance;

(16) a third-party administrator, as that term is defined in the Third Party Administrator Rule adopted pursuant to 18 V.S.A. § 9417;

(17) personal data of a victim or witness of child abuse, domestic violence, human trafficking, sexual assault, violent felony, or stalking that a victim services organization collects, processes, or maintains in the course of its operation;

(18) a nonprofit organization that is established to detect and prevent fraudulent acts in connection with insurance; or

(19) noncommercial activity of:

(A) a publisher, editor, reporter, or other person who is connected with or employed by a newspaper, magazine, periodical, newsletter, pamphlet, report, or other publication in general circulation;

(B) a radio or television station that holds a license issued by the Federal Communications Commission;

(C) a nonprofit organization that provides programming to radio or television networks; or

(D) an entity that provides an information service, including a press association or wire service.

(b) Controllers, processors, and consumer health data controllers that comply with the verifiable parental consent requirements of COPPA shall be deemed compliant with any obligation to obtain parental consent pursuant to this chapter, including pursuant to section 2420 of this title.

§ 2418. CONSUMER PERSONAL DATA RIGHTS

(a) A consumer shall have the right to:

(1) confirm whether or not a controller is processing the consumer's personal data and access the personal data, unless the confirmation or access would require the controller to reveal a trade secret;

(2) obtain from a controller a list of third parties, other than individuals, to which the controller has transferred, at the controller's election, either the consumer's personal data or any personal data;

(3) correct inaccuracies in the consumer's personal data, taking into account the nature of the personal data and the purposes of the processing of the consumer's personal data;

(4) delete personal data provided by, or obtained about, the consumer;

(5) obtain a copy of the consumer's personal data processed by the controller, in a portable and, to the extent technically feasible, readily usable format that allows the consumer to transmit the data to another controller without hindrance, where the processing is carried out by automated means, provided such controller shall not be required to reveal any trade secret; and

(6) opt out of the processing of the personal data for purposes of:

(A) targeted advertising;

(B) the sale of personal data; or

(C) profiling in furtherance of solely automated decisions that produce legal or similarly significant effects concerning the consumer.

(b)(1) A consumer may exercise rights under this section by submitting a request to a controller using the method that the controller specifies in the privacy notice under section 2419 of this title.

(2) A controller shall not require a consumer to create an account for the purpose described in subdivision (1) of this subsection, but the controller may require the consumer to use an account the consumer previously created.

(3) A parent or legal guardian may exercise rights under this section on behalf of the parent's child or on behalf of a child for whom the guardian has legal responsibility. A guardian or conservator may exercise the rights under

this section on behalf of a consumer that is subject to a guardianship, conservatorship, or other protective arrangement.

(4)(A) A consumer may designate another person to act on the consumer's behalf as the consumer's authorized agent for the purpose of exercising the consumer's rights under subdivision (a)(4) or (a)(6) of this section.

(B) The consumer may designate an authorized agent by means of an internet link, browser setting, browser extension, global device setting, or other technology that enables the consumer to exercise the consumer's rights under subdivision (a)(4) or (a)(6) of this section.

(c) Except as otherwise provided in this chapter, a controller shall comply with a request by a consumer to exercise the consumer rights authorized pursuant to this chapter as follows:

(1)(A) A controller shall respond to the consumer without undue delay, but not later than 45 days after receipt of the request.

(B) The controller may extend the response period by 45 additional days when reasonably necessary, considering the complexity and number of the consumer's requests, provided the controller informs the consumer of the extension within the initial 45-day response period and of the reason for the extension.

(2) If a controller declines to take action regarding the consumer's request, the controller shall inform the consumer without undue delay, but not later than 45 days after receipt of the request, of the justification for declining to take action and instructions for how to appeal the decision.

(3)(A) Information provided in response to a consumer request shall be provided by a controller, free of charge, once per consumer during any 12-month period.

(B) If requests from a consumer are manifestly unfounded, excessive, or repetitive, the controller may charge the consumer a reasonable fee to cover the administrative costs of complying with the request or decline to act on the request.

(C) The controller bears the burden of demonstrating the manifestly unfounded, excessive, or repetitive nature of the request.

(4)(A) If a controller is unable to authenticate a request to exercise any of the rights afforded under subdivisions (a)(1)–(5) of this section using commercially reasonable efforts, the controller shall not be required to comply with a request to initiate an action pursuant to this section and shall provide notice to the consumer that the controller is unable to authenticate the request

to exercise the right or rights until the consumer provides additional information reasonably necessary to authenticate the consumer and the consumer's request to exercise the right or rights.

(B) A controller shall not be required to authenticate an opt-out request, but a controller may deny an opt-out request if the controller has a good faith, reasonable, and documented belief that the request is fraudulent.

(C) If a controller denies an opt-out request because the controller believes the request is fraudulent, the controller shall send a notice to the person who made the request disclosing that the controller believes the request is fraudulent, why the controller believes the request is fraudulent, and that the controller shall not comply with the request.

(5) A controller that has obtained personal data about a consumer from a source other than the consumer shall be deemed in compliance with a consumer's request to delete the data pursuant to subdivision (a)(4) of this section by:

(A) retaining a record of the deletion request and the minimum data necessary for the purpose of ensuring the consumer's personal data remains deleted from the controller's records and not using the retained data for any other purpose pursuant to the provisions of this chapter; or

(B) opting the consumer out of the processing of the personal data for any purpose except for those exempted pursuant to the provisions of this chapter.

(6) A controller may not condition the exercise of a right under this section through:

(A) the use of any false, fictitious, fraudulent, or materially misleading statement or representation; or

(B) the employment of any dark pattern.

(d) A controller shall establish a process by means of which a consumer may appeal the controller's refusal to take action on a request under subsection (b) of this section. The controller's process must:

(1) Allow a reasonable period of time after the consumer receives the controller's refusal within which to appeal.

(2) Be conspicuously available to the consumer.

(3) Be similar to the manner in which a consumer must submit a request under subsection (b) of this section.

(4) Require the controller to approve or deny the appeal within 45 days after the date on which the controller received the appeal and to notify the consumer in writing of the controller's decision and the reasons for the decision. If the controller denies the appeal, the notice must provide or specify information that enables the consumer to contact the Attorney General to submit a complaint.

§ 2419. DUTIES OF CONTROLLERS

(a) A controller shall:

(1) specify in the privacy notice described in subsection (d) of this section the express purposes for which the controller is collecting and processing personal data;

(2) process personal data only:

(A) as reasonably necessary and proportionate to provide the services for which the personal data was collected, consistent with the reasonable expectations of the consumer whose personal data is being processed;

(B) for another disclosed purpose that is compatible with the context in which the personal data was collected; or

(C) for a further disclosed purpose if the controller obtains the consumer's consent;

(3) establish, implement, and maintain reasonable administrative, technical, and physical data security practices to protect the confidentiality, integrity, and accessibility of personal data appropriate to the volume and nature of the personal data at issue; and

(4) provide an effective mechanism for a consumer to revoke consent to the controller's processing of the consumer's personal data that is at least as easy as the mechanism by which the consumer provided the consumer's consent and, upon revocation of the consent, cease to process the data as soon as practicable, but not later than 15 days after receiving the request.

(b) A controller shall not:

(1) process personal data beyond what is reasonably necessary and proportionate to the processing purpose;

(2) process sensitive data about a consumer without first obtaining the consumer's consent or, if the controller knows the consumer is a child, without processing the sensitive data in accordance with COPPA;

(3)(A) except as provided in subdivision (B) of this subdivision (3), process a consumer's personal data in a manner that discriminates against individuals or otherwise makes unavailable the equal enjoyment of goods or services on the basis of an individual's actual or perceived race, color, sex, sexual orientation or gender identity, physical or mental disability, religion, ancestry, or national origin;

(B) subdivision (A) of this subdivision (3) shall not apply to:

(i) a private establishment, as that term is used in 42 U.S.C. § 2000a(e) (prohibition against discrimination or segregation in places of public accommodation);

(ii) processing for the purpose of a controller's or processor's self-testing to prevent or mitigate unlawful discrimination; or

(iii) processing for the purpose of diversifying an applicant, participant, or consumer pool.

(4) process a consumer's personal data for the purposes of targeted advertising, of profiling the consumer in furtherance of decisions that produce legal or similarly significant effects concerning the consumer, or of selling the consumer's personal data without the consumer's consent if the controller has actual knowledge that, or willfully disregards whether, the consumer is at least 13 years of age and not older than 16 years of age; or

(5) discriminate or retaliate against a consumer who exercises a right provided to the consumer under this chapter or refuses to consent to the collection or processing of personal data for a separate product or service, including by:

(A) denying goods or services;

(B) charging different prices or rates for goods or services; or

(C) providing a different level of quality or selection of goods or services to the consumer.

(c) Subsections (a) and (b) of this section shall not be construed to:

(1) require a controller to provide a good or service that requires personal data from a consumer that the controller does not collect or maintain; or

(2) prohibit a controller from offering a different price, rate, level of quality, or selection of goods or services to a consumer, including an offer for no fee or charge, in connection with a consumer's voluntary participation in a financial incentive program, such as a bona fide loyalty, rewards, premium

features, discount, or club card program, provided that the controller may not transfer personal data to a third party as part of the program unless:

(A) the transfer is necessary to enable the third party to provide a benefit to which the consumer is entitled; or

(B)(i) the terms of the program clearly disclose that personal data will be transferred to the third party or to a category of third parties of which the third party belongs; and

(ii) the consumer consents to the transfer.

(d)(1) A controller shall provide to consumers a reasonably accessible, clear, and meaningful privacy notice that:

(A) lists the categories of personal data, including the categories of sensitive data, that the controller processes;

(B) describes the controller's purposes for processing the personal data;

(C) describes how a consumer may exercise the consumer's rights under this chapter, including how a consumer may appeal a controller's denial of a consumer's request under section 2418 of this title;

(D) lists all categories of personal data, including the categories of sensitive data, that the controller shares with third parties;

(E) describes all categories of third parties with which the controller shares personal data at a level of detail that enables the consumer to understand what type of entity each third party is and, to the extent possible, how each third party may process personal data;

(F) specifies an e-mail address or other online method by which a consumer can contact the controller that the controller actively monitors;

(G) identifies the controller, including any business name under which the controller registered with the Secretary of State and any assumed business name that the controller uses in this State;

(H) provides a clear and conspicuous description of any processing of personal data in which the controller engages for the purposes of targeted advertising, sale of personal data to third parties, or profiling the consumer in furtherance of decisions that produce legal or similarly significant effects concerning the consumer, and a procedure by which the consumer may opt out of this type of processing; and

(I) describes the method or methods the controller has established for a consumer to submit a request under subdivision 2418(b)(1) of this title.

(2) The privacy notice shall adhere to the accessibility and usability guidelines recommended under 42 U.S.C. chapter 126 (the Americans with Disabilities Act) and 29 U.S.C. 794d (section 508 of the Rehabilitation Act of 1973), including ensuring readability for individuals with disabilities across various screen resolutions and devices and employing design practices that facilitate easy comprehension and navigation for all users.

(e) The method or methods under subdivision (d)(1)(I) of this section for submitting a consumer's request to a controller must:

(1) take into account the ways in which consumers normally interact with the controller, the need for security and reliability in communications related to the request, and the controller's ability to authenticate the identity of the consumer that makes the request;

(2) provide a clear and conspicuous link to a website where the consumer or an authorized agent may opt out from a controller's processing of the consumer's personal data pursuant to subdivision 2418(a)(6) of this title or, solely if the controller does not have a capacity needed for linking to a webpage, provide another method the consumer can use to opt out; and

(3) allow a consumer or authorized agent to send a signal to the controller that indicates the consumer's preference to opt out of the sale of personal data or targeted advertising pursuant to subdivision 2418(a)(6) of this title by means of a platform, technology, or mechanism that:

(A) does not unfairly disadvantage another controller;

(B) does not use a default setting but instead requires the consumer or authorized agent to make an affirmative, voluntary, and unambiguous choice to opt out;

(C) is consumer friendly and easy for an average consumer to use;

(D) is as consistent as possible with similar platforms, technologies, or mechanisms required under federal or state laws or regulations; and

(E) enables the controller to reasonably determine whether the consumer has made a legitimate request pursuant to subsection 2418(b) of this title to opt out pursuant to subdivision 2418(a)(6) of this title.

(f) If a consumer or authorized agent uses a method under subdivision (d)(1)(I) of this section to opt out of a controller's processing of the consumer's personal data pursuant to subdivision 2418(a)(6) of this title and the decision conflicts with a consumer's voluntary participation in a bona fide reward, club card, or loyalty program or a program that provides premium features or discounts in return for the consumer's consent to the controller's processing of the consumer's personal data, the controller may either comply

with the request to opt out or notify the consumer of the conflict and ask the consumer to affirm that the consumer intends to withdraw from the bona fide reward, club card, or loyalty program or the program that provides premium features or discounts. If the consumer affirms that the consumer intends to withdraw, the controller shall comply with the request to opt out.

§ 2420. DUTIES OF CONTROLLERS TO MINORS

(a)(1) A controller that offers any online service, product, or feature to a consumer whom the controller actually knows or willfully disregards is a minor shall use reasonable care to avoid any heightened risk of harm to minors caused by the online service, product, or feature.

(2) In any action brought pursuant to section 2427, there is a rebuttable presumption that a controller used reasonable care as required under this section if the controller complied with this section.

(b) Unless a controller has obtained consent in accordance with subsection (c) of this section, a controller that offers any online service, product, or feature to a consumer whom the controller actually knows or willfully disregards is a minor shall not:

(1) process a minor's personal data for the purposes of:

(A) targeted advertising;

(B) the sale of personal data; or

(C) profiling in furtherance of any solely automated decisions that produce legal or similarly significant effects concerning the consumer;

(2) process a minor's personal data for any purpose other than:

(A) the processing purpose that the controller disclosed at the time the controller collected the minor's personal data; or

(B) a processing purpose that is reasonably necessary for, and compatible with, the processing purpose that the controller disclosed at the time the controller collected the minor's personal data; or

(3) process a minor's personal data for longer than is reasonably necessary to provide the online service, product, or feature;

(4) use any system design feature, except for a service or application that is used by and under the direction of an educational entity, to significantly increase, sustain, or extend a minor's use of the online service, product, or feature; or

(5) collect a minor's precise geolocation data unless:

(A) the minor's precise geolocation data is reasonably necessary for the controller to provide the online service, product, or feature;

(B) the controller only collects the minor's precise geolocation data for the time necessary to provide the online service, product, or feature; and

(C) the controller provides to the minor a signal indicating that the controller is collecting the minor's precise geolocation data and makes the signal available to the minor for the entire duration of the collection of the minor's precise geolocation data.

(c) A controller shall not engage in the activities described in subsection (b) of this section unless the controller obtains:

(1) the minor's consent; or

(2) if the minor is a child, the consent of the minor's parent or legal guardian.

(d) A controller that offers any online service, product, or feature to a consumer whom that controller actually knows or willfully disregards is a minor shall not:

(1) employ any dark pattern; or

(2) except as provided in subsection (e) of this section, offer any direct messaging apparatus for use by a minor without providing readily accessible and easy-to-use safeguards to limit the ability of an adult to send unsolicited communications to the minor with whom the adult is not connected.

(e) Subdivision (d)(2) of this section does not apply to an online service, product, or feature of which the predominant or exclusive function is:

(1) e-mail; or

(2) direct messaging consisting of text, photographs, or videos that are sent between devices by electronic means, where messages are:

(A) shared between the sender and the recipient;

(B) only visible to the sender and the recipient; and

(C) not posted publicly.

§ 2421. DUTIES OF PROCESSORS

(a) A processor shall adhere to a controller's instructions and shall assist the controller in meeting the controller's obligations under this chapter. In assisting the controller, the processor must:

(1) enable the controller to respond to requests from consumers pursuant to subsection 2418(b) of this title by means that:

(A) take into account how the processor processes personal data and the information available to the processor; and

(B) use appropriate technical and organizational measures to the extent reasonably practicable;

(2) adopt administrative, technical, and physical safeguards that are reasonably designed to protect the security and confidentiality of the personal data the processor processes, taking into account how the processor processes the personal data and the information available to the processor; and

(3) provide information reasonably necessary for the controller to conduct and document data protection assessments.

(b) Processing by a processor must be governed by a contract between the controller and the processor. The contract must:

(1) be valid and binding on both parties;

(2) set forth clear instructions for processing data, the nature and purpose of the processing, the type of data that is subject to processing, and the duration of the processing;

(3) specify the rights and obligations of both parties with respect to the subject matter of the contract;

(4) ensure that each person that processes personal data is subject to a duty of confidentiality with respect to the personal data;

(5) require the processor to delete the personal data or return the personal data to the controller at the controller's direction or at the end of the provision of services, unless a law requires the processor to retain the personal data;

(6) require the processor to make available to the controller, at the controller's request, all information the controller needs to verify that the processor has complied with all obligations the processor has under this chapter;

(7) require the processor to enter into a subcontract with a person the processor engages to assist with processing personal data on the controller's behalf and in the subcontract require the subcontractor to meet the processor's obligations concerning personal data;

(8)(A) allow the controller, the controller's designee, or a qualified and independent person the processor engages, in accordance with an appropriate

and accepted control standard, framework, or procedure, to assess the processor's policies and technical and organizational measures for complying with the processor's obligations under this chapter;

(B) require the processor to cooperate with the assessment; and

(C) at the controller's request, report the results of the assessment to the controller; and

(9) prohibit the processor from combining personal data obtained from the controller with personal data that the processor:

(A) receives from or on behalf of another controller or person; or

(B) collects from an individual.

(c) This section does not relieve a controller or processor from any liability that accrues under this chapter as a result of the controller's or processor's actions in processing personal data.

(d)(1) For purposes of determining obligations under this chapter, a person is a controller with respect to processing a set of personal data and is subject to an action under section 2427 of this title to punish a violation of this chapter, if the person:

(A) does not adhere to a controller's instructions to process the personal data; or

(B) begins at any point to determine the purposes and means for processing the personal data, alone or in concert with another person.

(2) A determination under this subsection is a fact-based determination that must take account of the context in which a set of personal data is processed.

(3) A processor that adheres to a controller's instructions with respect to a specific processing of personal data remains a processor.

§ 2422. DUTIES OF PROCESSORS TO MINORS

(a) A processor shall adhere to the instructions of a controller and shall:

(1) assist the controller in meeting the controller's obligations under sections 2420 and 2424 of this title, taking into account:

(A) the nature of the processing;

(B) the information available to the processor by appropriate technical and organizational measures; and

(C) whether the assistance is reasonably practicable and necessary to assist the controller in meeting its obligations; and

(2) provide any information that is necessary to enable the controller to conduct and document data protection assessments pursuant to section 2424 of this title.

(b) A contract between a controller and a processor must satisfy the requirements in subsection 2421(b) of this title.

(c) Nothing in this section shall be construed to relieve a controller or processor from the liabilities imposed on the controller or processor by virtue of the controller's or processor's role in the processing relationship as described in sections 2420 and 2424 of this title.

(d) Determining whether a person is acting as a controller or processor with respect to a specific processing of data is a fact-based determination that depends upon the context in which personal data is to be processed. A person that is not limited in the person's processing of personal data pursuant to a controller's instructions, or that fails to adhere to the instructions, is a controller and not a processor with respect to a specific processing of data. A processor that continues to adhere to a controller's instructions with respect to a specific processing of personal data remains a processor. If a processor begins, alone or jointly with others, determining the purposes and means of the processing of personal data, the processor is a controller with respect to the processing and may be subject to an enforcement action under section 2427 of this title.

§ 2423. DATA PROTECTION ASSESSMENTS FOR PROCESSING

ACTIVITIES THAT PRESENT A HEIGHTENED RISK OF HARM TO A CONSUMER

(a) A controller shall conduct and document a data protection assessment for each of the controller's processing activities that presents a heightened risk of harm to a consumer, which, for the purposes of this section, includes:

(1) the processing of personal data for the purposes of targeted advertising;

(2) the sale of personal data;

(3) the processing of personal data for the purposes of profiling, where the profiling presents a reasonably foreseeable risk of:

(A) unfair or deceptive treatment of, or unlawful disparate impact on, consumers;

(B) financial, physical, or reputational injury to consumers;

(C) a physical or other intrusion upon the solitude or seclusion, or the private affairs or concerns, of consumers, where the intrusion would be offensive to a reasonable person; or

(D) other substantial injury to consumers; and

(4) the processing of sensitive data.

(b)(1) Data protection assessments conducted pursuant to subsection (a) of this section shall:

(A) identify the categories of personal data processed, the purposes for processing the personal data, and whether the personal data is being transferred to third parties; and

(B) identify and weigh the benefits that may flow, directly and indirectly, from the processing to the controller, the consumer, other stakeholders, and the public against the potential risks to the consumer associated with the processing, as mitigated by safeguards that can be employed by the controller to reduce the risks.

(2) The controller shall factor into any data protection assessment the use of de-identified data and the reasonable expectations of consumers, as well as the context of the processing and the relationship between the controller and the consumer whose personal data will be processed.

(c)(1) The Attorney General may require that a controller disclose any data protection assessment that is relevant to an investigation conducted by the Attorney General pursuant to section 2427 of this title, and the controller shall make the data protection assessment available to the Attorney General.

(2) The Attorney General may evaluate the data protection assessment for compliance with the responsibilities set forth in this chapter.

(3) Data protection assessments shall be confidential and shall be exempt from disclosure and copying under the Public Records Act.

(4) To the extent any information contained in a data protection assessment disclosed to the Attorney General includes information subject to attorney-client privilege or work product protection, the disclosure shall not constitute a waiver of the privilege or protection.

(d) A single data protection assessment may address a comparable set of processing operations that present a similar heightened risk of harm.

(e) If a controller conducts a data protection assessment for the purpose of complying with another applicable law or regulation, the data protection assessment shall be deemed to satisfy the requirements established in this section if the data protection assessment is reasonably similar in scope and

effect to the data protection assessment that would otherwise be conducted pursuant to this section.

(f) Data protection assessment requirements shall apply to processing activities created or generated after July 1, 2025, and are not retroactive.

(g) A controller shall retain for at least five years all data protection assessments the controller conducts under this section.

§ 2424. DATA PROTECTION ASSESSMENTS FOR ONLINE SERVICES, PRODUCTS, OR FEATURES OFFERED TO MINORS

(a) A controller that offers any online service, product, or feature to a consumer whom the controller actually knows or willfully disregards is a minor shall conduct a data protection assessment for the online service product or feature:

(1) in a manner that is consistent with the requirements established in section 2423 of this title; and

(2) that addresses:

(A) the purpose of the online service, product, or feature;

(B) the categories of a minor's personal data that the online service, product, or feature processes;

(C) the purposes for which the controller processes a minor's personal data with respect to the online service, product, or feature; and

(D) any heightened risk of harm to a minor that is a reasonably foreseeable result of offering the online service, product, or feature to a minor.

(b) A controller that conducts a data protection assessment pursuant to subsection (a) of this section shall review the data protection assessment as necessary to account for any material change to the processing operations of the online service, product, or feature that is the subject of the data protection assessment.

(c) If a controller conducts a data protection assessment pursuant to subsection (a) of this section or a data protection assessment review pursuant to subsection (b) of this section and determines that the online service, product, or feature that is the subject of the assessment poses a heightened risk of harm to a minor, the controller shall establish and implement a plan to mitigate or eliminate the heightened risk.

(d)(1) The Attorney General may require that a controller disclose any data protection assessment pursuant to subsection (a) of this section that is relevant to an investigation conducted by the Attorney General pursuant to section

2427 of this title, and the controller shall make the data protection assessment available to the Attorney General.

(2) The Attorney General may evaluate the data protection assessment for compliance with the responsibilities set forth in this chapter.

(3) Data protection assessments shall be confidential and shall be exempt from disclosure and copying under the Public Records Act.

(4) To the extent any information contained in a data protection assessment disclosed to the Attorney General includes information subject to attorney-client privilege or work product protection, the disclosure shall not constitute a waiver of the privilege or protection.

(e) A single data protection assessment may address a comparable set of processing operations that include similar activities.

(f) If a controller conducts a data protection assessment for the purpose of complying with another applicable law or regulation, the data protection assessment shall be deemed to satisfy the requirements established in this section if the data protection assessment is reasonably similar in scope and effect to the data protection assessment that would otherwise be conducted pursuant to this section.

(g) Data protection assessment requirements shall apply to processing activities created or generated after July 1, 2025, and are not retroactive.

(h) A controller that conducts a data protection assessment pursuant to subsection (a) of this section shall maintain documentation concerning the data protection assessment for the longer of:

(1) three years after the date on which the processing operations cease;
or

(2) the date the controller ceases offering the online service, product, or feature.

§ 2425. DE-IDENTIFIED OR PSEUDONYMOUS DATA

(a) A controller in possession of de-identified data shall:

(1) follow industry best-practices to ensure that the data cannot be used to re-identify an identified or identifiable individual or be associated with an individual or device that identifies or is linked or reasonably linkable to an individual or household;

(2) publicly commit to maintaining and using de-identified data without attempting to re-identify the data; and

(3) contractually obligate any recipients of the de-identified data to comply with the provisions of this chapter.

(b) This section does not prohibit a controller from attempting to re-identify de-identified data solely for the purpose of testing the controller's methods for de-identifying data.

(c) This chapter shall not be construed to require a controller or processor to:

(1) re-identify de-identified data; or

(2) maintain data in identifiable form, or collect, obtain, retain, or access any data or technology, in order to associate a consumer with personal data in order to authenticate the consumer's request under subsection 2418(b) of this title; or

(3) comply with an authenticated consumer rights request if the controller:

(A) is not reasonably capable of associating the request with the personal data or it would be unreasonably burdensome for the controller to associate the request with the personal data;

(B) does not use the personal data to recognize or respond to the specific consumer who is the subject of the personal data or associate the personal data with other personal data about the same specific consumer; and

(C) does not sell or otherwise voluntarily disclose the personal data to any third party, except as otherwise permitted in this section.

(d) The rights afforded under subdivisions 2418(a)(1)–(5) of this title shall not apply to pseudonymous data in cases where the controller is able to demonstrate that any information necessary to identify the consumer is kept separately and is subject to effective technical and organizational controls that prevent the controller from accessing the information.

(e) A controller that discloses or transfers pseudonymous data or de-identified data shall exercise reasonable oversight to monitor compliance with any contractual commitments to which the pseudonymous data or de-identified data is subject and shall take appropriate steps to address any breaches of those contractual commitments.

§ 2426. CONSTRUCTION OF DUTIES OF CONTROLLERS AND PROCESSORS

(a) This chapter shall not be construed to restrict a controller's, processor's, or consumer health data controller's ability to:

(1) comply with federal, state, or municipal laws, ordinances, or regulations;

(2) comply with a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons by federal, state, municipal, or other governmental authorities;

(3) cooperate with law enforcement agencies concerning conduct or activity that the controller, processor, or consumer health data controller reasonably and in good faith believes may violate federal, state, or municipal laws, ordinances, or regulations;

(4) carry out obligations under a contract under subsection 2421(b) of this title for a federal or State agency or local unit of government;

(5) investigate, establish, exercise, prepare for, or defend legal claims;

(6) provide a product or service specifically requested by the consumer to whom the personal data pertains;

(7) perform under a contract to which a consumer is a party, including fulfilling the terms of a written warranty;

(8) take steps at the request of a consumer prior to entering into a contract;

(9) take immediate steps to protect an interest that is essential for the life or physical safety of the consumer or another individual, and where the processing cannot be manifestly based on another legal basis;

(10) prevent, detect, protect against, or respond to a network security or physical security incident, including an intrusion or trespass, medical alert, or fire alarm;

(11) prevent, detect, protect against, or respond to identity theft, fraud, harassment, malicious or deceptive activity, or any criminal activity targeted at or involving the controller or processor or its services, preserve the integrity or security of systems, or investigate, report, or prosecute those responsible for the action;

(12) assist another controller, processor, consumer health data controller, or third party with any of the obligations under this chapter; or

(13) process personal data for reasons of public interest in the area of public health, community health, or population health, but solely to the extent that the processing is:

(A) subject to suitable and specific measures to safeguard the rights of the consumer whose personal data is being processed; and

(B) under the responsibility of a professional subject to confidentiality obligations under federal, state, or local law.

(b) The obligations imposed on controllers, processors, or consumer health data controllers under this chapter shall not restrict a controller's, processor's, or consumer health data controller's ability to collect, use, or retain data for internal use to:

(1) conduct internal research to develop, improve, or repair products, services, or technology;

(2) effectuate a product recall; or

(3) identify and repair technical errors that impair existing or intended functionality.

(c)(1) The obligations imposed on controllers, processors, or consumer health data controllers under this chapter shall not apply where compliance by the controller, processor, or consumer health data controller with this chapter would violate an evidentiary privilege under the laws of this State.

(2) This chapter shall not be construed to prevent a controller, processor, or consumer health data controller from providing personal data concerning a consumer to a person covered by an evidentiary privilege under the laws of the State as part of a privileged communication.

(d)(1) A controller, processor, or consumer health data controller that discloses personal data to a processor or third-party controller pursuant to this chapter shall not be deemed to have violated this chapter if the processor or third-party controller that receives and processes the personal data violates this chapter, provided, at the time the disclosing controller, processor, or consumer health data controller disclosed the personal data, the disclosing controller, processor, or consumer health data controller did not have actual knowledge that the receiving processor or third-party controller would violate this chapter.

(2) A third-party controller or processor receiving personal data from a controller, processor, or consumer health data controller in compliance with this chapter is not in violation of this chapter for the transgressions of the controller, processor, or consumer health data controller from which the third-party controller or processor receives the personal data.

(e) This chapter shall not be construed to:

(1) impose any obligation on a controller, processor, or consumer health data controller that adversely affects the rights or freedoms of any person, including the rights of any person:

(A) to freedom of speech or freedom of the press guaranteed in the First Amendment to the U.S. Constitution; or

(B) under 12 V.S.A. § 1615; or

(2) apply to any person's processing of personal data in the course of the person's purely personal or household activities.

(f)(1) Personal data processed by a controller or consumer health data controller pursuant to this section may be processed to the extent that the processing is:

(A)(i) reasonably necessary and proportionate to the purposes listed in this section; or

(ii) in the case of sensitive data, strictly necessary to the purposes listed in this section; and

(B) adequate, relevant, and limited to what is necessary in relation to the specific purposes listed in this section.

(2)(A) Personal data collected, used, or retained pursuant to subsection (b) of this section shall, where applicable, take into account the nature and purpose or purposes of the collection, use, or retention.

(B) Personal data collected, used, or retained pursuant to subsection (b) of this section shall be subject to reasonable administrative, technical, and physical measures to protect the confidentiality, integrity, and accessibility of the personal data and to reduce reasonably foreseeable risks of harm to consumers relating to the collection, use, or retention of personal data.

(g) If a controller or consumer health data controller processes personal data pursuant to an exemption in this section, the controller or consumer health data controller bears the burden of demonstrating that the processing qualifies for the exemption and complies with the requirements in subsection (f) of this section.

(h) Processing personal data for the purposes expressly identified in this section shall not solely make a legal entity a controller or consumer health data controller with respect to the processing.

§ 2427. ENFORCEMENT: PRIVATE RIGHT OF ACTION AND

ATTORNEY GENERAL'S POWERS

(a)(1) A person who violates this chapter or rules adopted pursuant to this chapter commits an unfair and deceptive act in commerce in violation of section 2453 of this title.

(2) A consumer harmed by a violation of this chapter or rules adopted pursuant to this chapter may bring an action in Superior Court for the greater of \$1,000.00 or actual damages, injunctive relief, punitive damages in the case of an intentional violation, and reasonable costs and attorney's fees if the consumer has notified the controller or processor of the violation and the controller or processor fails to cure the violation within 60 days following receipt of the notice of violation.

(b)(1) The Attorney General may, prior to initiating any action for a violation of any provision of this chapter, issue a notice of violation to the controller or consumer health data controller if the Attorney General determines that a cure is possible.

(2) The Attorney General may, in determining whether to grant a controller, processor, or consumer health data controller the opportunity to cure an alleged violation described in subdivision (1) of this subsection, consider:

(A) the number of violations;

(B) the size and complexity of the controller, processor, or consumer health data controller;

(C) the nature and extent of the controller's, processor's, or consumer health data controller's processing activities;

(D) the substantial likelihood of injury to the public;

(E) the safety of persons or property;

(F) whether the alleged violation was likely caused by human or technical error; and

(G) the sensitivity of the data.

(c) Annually, on or before February 1, the Attorney General shall submit a report to the General Assembly disclosing:

(1) the number of notices of violation the Attorney General has issued;

(2) the nature of each violation;

(3) the number of violations that were cured during the available cure period; and

(4) any other matter the Attorney General deems relevant for the purposes of the report.

§ 2428. CONFIDENTIALITY OF CONSUMER HEALTH DATA

Except as provided in subsections 2417(a) and (b) of this title and section 2426 of this title, no person shall:

(1) provide any employee or contractor with access to consumer health data unless the employee or contractor is subject to a contractual or statutory duty of confidentiality;

(2) provide any processor with access to consumer health data unless the person and processor comply with section 2421 of this title;

(3) use a geofence to establish a virtual boundary that is within 1,850 feet of any health care facility, mental health facility, or reproductive or sexual health facility for the purpose of identifying, tracking, collecting data from, or sending any notification to a consumer regarding the consumer's consumer health data; or

(4) sell or offer to sell consumer health data without first obtaining the consumer's consent.

Sec. 2. PUBLIC EDUCATION AND OUTREACH; ATTORNEY GENERAL STUDY

(a) The Attorney General and the Agency of Commerce and Community Development shall implement a comprehensive public education, outreach, and assistance program for controllers and processors, as those terms are defined in 9 V.S.A. § 2415. The program shall focus on:

(1) the requirements and obligations of controllers and processors under the Vermont Data Privacy Act;

(2) data protection assessments under 9 V.S.A. § 2421;

(3) enhanced protections that apply to children, minors, sensitive data, or consumer health data, as those terms are defined in 9 V.S.A. § 2415;

(4) a controller's obligations to law enforcement agencies and the Attorney General's office;

(5) methods for conducting data inventories; and

(6) any other matters the Attorney General or the Agency of Commerce and Community Development deems appropriate.

(b) The Attorney General and the Agency of Commerce and Community Development shall provide guidance to controllers for establishing data privacy notices and opt-out mechanisms, which may be in the form of templates.

(c) The Attorney General and the Agency of Commerce and Community Development shall implement a comprehensive public education, outreach, and assistance program for consumers, as that term is defined in 9 V.S.A. § 2415. The program shall focus on:

(1) the rights afforded consumers under the Vermont Data Privacy Act, including:

(A) the methods available for exercising data privacy rights; and

(B) the opt-out mechanism available to consumers;

(2) the obligations controllers have to consumers;

(3) different treatment of children, minors, and other consumers under the act, including the different consent mechanisms in place for children and other consumers;

(4) understanding a privacy notice provided under the act;

(5) the different enforcement mechanisms available under the act, including the consumer's private right of action; and

(6) any other matters the Attorney General or the Agency of Commerce and Community Development deems appropriate.

(d) The Attorney General and the Agency of Commerce and Community Development shall cooperate with states with comparable data privacy regimes to develop any outreach, assistance, and education programs, where appropriate.

(e) On or before December 15, 2026, the Attorney General shall assess the effectiveness of the implementation of the act and submit a report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs with its findings and recommendations, including any proposed draft legislation to address issues that have arisen since implementation.

Sec. 3. 9 V.S.A. chapter 62 is amended to read:

CHAPTER 62. PROTECTION OF PERSONAL INFORMATION

Subchapter 1. General Provisions

§ 2430. DEFINITIONS

As used in this chapter:

(1) "Biometric data" shall have the same meaning as in section 2415 of this title.

(2)(A) “Brokered personal information” means one or more of the following computerized data elements about a consumer, if categorized or organized for dissemination to third parties:

- (i) name;
- (ii) address;
- (iii) date of birth;
- (iv) place of birth;
- (v) mother’s maiden name;

(vi) ~~unique biometric data generated from measurements or technical analysis of human body characteristics used by the owner or licensee of the data to identify or authenticate the consumer, such as a fingerprint, retina or iris image, or other unique physical representation or digital representation of biometric data;~~

(vii) name or address of a member of the consumer’s immediate family or household;

(viii) Social Security number or other government-issued identification number; or

(ix) other information that, alone or in combination with the other information sold or licensed, would allow a reasonable person to identify the consumer with reasonable certainty.

(B) “Brokered personal information” does not include publicly available information to the extent that it is related to a consumer’s business or profession.

(2)(3) “Business” means a controller, a consumer health data controller , or a commercial entity, including a sole proprietorship, partnership, corporation, association, limited liability company, or other group, however organized and whether or not organized to operate at a profit, including a financial institution organized, chartered, or holding a license or authorization certificate under the laws of this State, any other state, the United States, or any other country, or the parent, affiliate, or subsidiary of a financial institution, but does not include the State, a State agency, any political subdivision of the State, or a vendor acting solely on behalf of, and at the direction of, the State.

(3)(4) “Consumer” means an individual residing in this State who is a resident of the State or an individual who is in the State at the time a data broker collects the individual’s data.

(5) “Consumer health data controller” has the same meaning as in section 2415 of this title.

(6) “Controller” has the same meaning as in section 2415 of this title.

~~(4)~~(7)(A) “Data broker” means a business, or unit or units of a business, separately or together, that knowingly collects and sells or licenses to third parties the brokered personal information of a consumer with whom the business does not have a direct relationship.

(B) Examples of a direct relationship with a business include if the consumer is a past or present:

- (i) customer, client, subscriber, user, or registered user of the business’s goods or services;
- (ii) employee, contractor, or agent of the business;
- (iii) investor in the business; or
- (iv) donor to the business.

(C) The following activities conducted by a business, and the collection and sale or licensing of brokered personal information incidental to conducting these activities, do not qualify the business as a data broker:

- (i) developing or maintaining third-party e-commerce or application platforms;
- (ii) providing 411 directory assistance or directory information services, including name, address, and telephone number, on behalf of or as a function of a telecommunications carrier;
- (iii) providing publicly available information related to a consumer’s business or profession; or
- (iv) providing publicly available information via real-time or near-real-time alert services for health or safety purposes.

(D) The phrase “sells or licenses” does not include:

- (i) a one-time or occasional sale of assets of a business as part of a transfer of control of those assets that is not part of the ordinary conduct of the business; or
- (ii) a sale or license of data that is merely incidental to the business.

~~(5)~~(8)(A) “Data broker security breach” means an unauthorized acquisition or a reasonable belief of an unauthorized acquisition of more than one element of brokered personal information maintained by a data broker

when the brokered personal information is not encrypted, redacted, or protected by another method that renders the information unreadable or unusable by an unauthorized person.

(B) “Data broker security breach” does not include good faith but unauthorized acquisition of brokered personal information by an employee or agent of the data broker for a legitimate purpose of the data broker, provided that the brokered personal information is not used for a purpose unrelated to the data broker’s business or subject to further unauthorized disclosure.

(C) In determining whether brokered personal information has been acquired or is reasonably believed to have been acquired by a person without valid authorization, a data broker may consider the following factors, among others:

(i) indications that the brokered personal information is in the physical possession and control of a person without valid authorization, such as a lost or stolen computer or other device containing brokered personal information;

(ii) indications that the brokered personal information has been downloaded or copied;

(iii) indications that the brokered personal information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported; or

(iv) that the brokered personal information has been made public.

~~(6)~~(9) “Data collector” means a person who, for any purpose, whether by automated collection or otherwise, handles, collects, disseminates, or otherwise deals with personally identifiable information, and includes the State, State agencies, political subdivisions of the State, public and private universities, privately and publicly held corporations, limited liability companies, financial institutions, and retail operators.

~~(7)~~(10) “Encryption” means use of an algorithmic process to transform data into a form in which the data is rendered unreadable or unusable without use of a confidential process or key.

~~(8)~~(11) “License” means a grant of access to, or distribution of, data by one person to another in exchange for consideration. A use of data for the sole benefit of the data provider, where the data provider maintains control over the use of the data, is not a license.

~~(9)~~(12) “Login credentials” means a consumer’s user name or e-mail address, in combination with a password or an answer to a security question, that together permit access to an online account.

~~(10)~~(13)(A) “Personally identifiable information” means a consumer’s first name or first initial and last name in combination with one or more of the following digital data elements, when the data elements are not encrypted, redacted, or protected by another method that renders them unreadable or unusable by unauthorized persons:

(i) a Social Security number;

(ii) a driver license or nondriver State identification card number, individual taxpayer identification number, passport number, military identification card number, or other identification number that originates from a government identification document that is commonly used to verify identity for a commercial transaction;

(iii) a financial account number or credit or debit card number, if the number could be used without additional identifying information, access codes, or passwords;

(iv) a password, personal identification number, or other access code for a financial account;

~~(v) unique biometric data generated from measurements or technical analysis of human body characteristics used by the owner or licensee of the data to identify or authenticate the consumer, such as a fingerprint, retina or iris image, or other unique physical representation or digital representation of biometric data;~~

(vi) genetic information; and

(vii)(I) health records or records of a wellness program or similar program of health promotion or disease prevention;

(II) a health care professional’s medical diagnosis or treatment of the consumer; or

(III) a health insurance policy number.

(B) “Personally identifiable information” does not mean publicly available information that is lawfully made available to the general public from federal, State, or local government records.

~~(11)~~(14) “Record” means any material on which written, drawn, spoken, visual, or electromagnetic information is recorded or preserved, regardless of physical form or characteristics.

~~(12)~~(15) “Redaction” means the rendering of data so that the data are unreadable or are truncated so that ~~no~~ not more than the last four digits of the identification number are accessible as part of the data.

(13)(16)(A) “Security breach” means unauthorized acquisition of electronic data, or a reasonable belief of an unauthorized acquisition of electronic data, that compromises the security, confidentiality, or integrity of a consumer’s personally identifiable information or login credentials maintained by a data collector.

(B) “Security breach” does not include good faith but unauthorized acquisition of personally identifiable information or login credentials by an employee or agent of the data collector for a legitimate purpose of the data collector, provided that the personally identifiable information or login credentials are not used for a purpose unrelated to the data collector’s business or subject to further unauthorized disclosure.

(C) In determining whether personally identifiable information or login credentials have been acquired or is reasonably believed to have been acquired by a person without valid authorization, a data collector may consider the following factors, among others:

(i) indications that the information is in the physical possession and control of a person without valid authorization, such as a lost or stolen computer or other device containing information;

(ii) indications that the information has been downloaded or copied;

(iii) indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported; or

(iv) that the information has been made public.

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Subchapter 2. ~~Security Breach Notice Act~~ Data Security Breaches

* * *

§ 2436. NOTICE OF DATA BROKER SECURITY BREACH

(a) Short title. This section shall be known as the Data Broker Security Breach Notice Act.

(b) Notice of breach.

(1) Except as otherwise provided in subsection (c) of this section, any data broker shall notify the consumer that there has been a data broker security breach following discovery or notification to the data broker of the breach. Notice of the security breach shall be made in the most expedient time possible and without unreasonable delay, but not later than 45 days after the discovery

or notification, consistent with the legitimate needs of the law enforcement agency, as provided in subdivisions (3) and (4) of this subsection, or with any measures necessary to determine the scope of the security breach and restore the reasonable integrity, security, and confidentiality of the data system.

(2) A data broker shall provide notice of a breach to the Attorney General as follows:

(A)(i) The data broker shall notify the Attorney General of the date of the security breach and the date of discovery of the breach and shall provide a preliminary description of the breach within 14 business days, consistent with the legitimate needs of the law enforcement agency, as provided in subdivisions (3) and (4) of this subsection (b), after the data broker's discovery of the security breach or when the data broker provides notice to consumers pursuant to this section, whichever is sooner.

(ii) If the date of the breach is unknown at the time notice is sent to the Attorney General, the data broker shall send the Attorney General the date of the breach as soon as it is known.

(iii) Unless otherwise ordered by a court of this State for good cause shown, a notice provided under this subdivision (2)(A) shall not be disclosed to any person other than the authorized agent or representative of the Attorney General, a State's Attorney, or another law enforcement officer engaged in legitimate law enforcement activities without the consent of the data broker.

(B)(i) When the data broker provides notice of the breach pursuant to subdivision (1) of this subsection (b), the data broker shall notify the Attorney General of the number of Vermont consumers affected, if known to the data broker, and shall provide a copy of the notice provided to consumers under subdivision (1) of this subsection (b).

(ii) The data broker may send to the Attorney General a second copy of the consumer notice, from which is redacted the type of brokered personal information that was subject to the breach, that the Attorney General shall use for any public disclosure of the breach.

(3) The notice to a consumer required by this subsection shall be delayed upon request of a law enforcement agency. A law enforcement agency may request the delay if it believes that notification may impede a law enforcement investigation or a national or Homeland Security investigation or jeopardize public safety or national or Homeland Security interests. In the event law enforcement makes the request for a delay in a manner other than in writing, the data broker shall document the request contemporaneously in writing and include the name of the law enforcement officer making the

request and the officer's law enforcement agency engaged in the investigation. A law enforcement agency shall promptly notify the data broker in writing when the law enforcement agency no longer believes that notification may impede a law enforcement investigation or a national or Homeland Security investigation, or jeopardize public safety or national or Homeland Security interests. The data broker shall provide notice required by this section without unreasonable delay upon receipt of a written communication, which includes facsimile or electronic communication, from the law enforcement agency withdrawing its request for delay.

(4) The notice to a consumer required in subdivision (1) of this subsection shall be clear and conspicuous. A notice to a consumer of a security breach involving brokered personal information shall include a description of each of the following, if known to the data broker:

(A) the incident in general terms;

(B) the type of brokered personal information that was subject to the security breach;

(C) the general acts of the data broker to protect the brokered personal information from further security breach;

(D) a telephone number, toll-free if available, that the consumer may call for further information and assistance;

(E) advice that directs the consumer to remain vigilant by reviewing account statements and monitoring free credit reports; and

(F) the approximate date of the data broker security breach.

(5) A data broker may provide notice of a security breach involving brokered personal information to a consumer by two or more of the following methods:

(A) written notice mailed to the consumer's residence;

(B) electronic notice, for those consumers for whom the data broker has a valid e-mail address, if:

(i) the data broker's primary method of communication with the consumer is by electronic means, the electronic notice does not request or contain a hypertext link to a request that the consumer provide personal information, and the electronic notice conspicuously warns consumers not to provide personal information in response to electronic communications regarding security breaches; or

(ii) the notice is consistent with the provisions regarding electronic records and signatures for notices in 15 U.S.C. § 7001;

(C) telephonic notice, provided that telephonic contact is made directly with each affected consumer and not through a prerecorded message; or

(D) notice by publication in a newspaper of statewide circulation in the event the data broker cannot effectuate notice by any other means.

(c) Exception.

(1) Notice of a security breach pursuant to subsection (b) of this section is not required if the data broker establishes that misuse of brokered personal information is not reasonably possible and the data broker provides notice of the determination that the misuse of the brokered personal information is not reasonably possible pursuant to the requirements of this subsection. If the data broker establishes that misuse of the brokered personal information is not reasonably possible, the data broker shall provide notice of its determination that misuse of the brokered personal information is not reasonably possible and a detailed explanation for said determination to the Vermont Attorney General. The data broker may designate its notice and detailed explanation to the Vermont Attorney General as a trade secret if the notice and detailed explanation meet the definition of trade secret contained in 1 V.S.A. § 317(c)(9).

(2) If a data broker established that misuse of brokered personal information was not reasonably possible under subdivision (1) of this subsection and subsequently obtains facts indicating that misuse of the brokered personal information has occurred or is occurring, the data broker shall provide notice of the security breach pursuant to subsection (b) of this section.

(d) Waiver. Any waiver of the provisions of this subchapter is contrary to public policy and is void and unenforceable.

(e) Enforcement.

(1) With respect to a controller or processor other than a controller or processor licensed or registered with the Department of Financial Regulation under title 8 or this title, the Attorney General and State's Attorney shall have sole and full authority to investigate potential violations of this chapter and to enforce, prosecute, obtain, and impose remedies for a violation of this chapter or any rules or regulations adopted pursuant to this chapter as the Attorney General and State's Attorney have under chapter 63 of this title. The Attorney General may refer the matter to the State's Attorney in an appropriate case. The Superior Courts shall have jurisdiction over any enforcement matter brought by the Attorney General or a State's Attorney under this subsection.

(2) With respect to a controller or processor that is licensed or registered with the Department of Financial Regulation under title 8 or this title, the Department of Financial Regulation shall have the full authority to investigate potential violations of this chapter and to enforce, prosecute, obtain, and impose remedies for a violation of this chapter or any rules or regulations adopted pursuant to this chapter, as the Department has under title 8 or this title or any other applicable law or regulation.

* * *

Subchapter 5. Data Brokers

§ 2446. DATA BROKERS; ANNUAL REGISTRATION

(a) Annually, on or before January 31 following a year in which a person meets the definition of data broker as provided in section 2430 of this title, a data broker shall:

- (1) register with the Secretary of State;
- (2) pay a registration fee of \$100.00; and
- (3) provide the following information:

(A) the name and primary physical, e-mail, and ~~Internet~~ internet addresses of the data broker;

(B) ~~if the data broker permits the method for a consumer to opt out of the data broker's collection of brokered personal information, opt out of its databases, or opt out of certain sales of data:~~

~~(i) the method for requesting an opt-out;~~

~~(ii) if the opt-out applies to only certain activities or sales, which ones; and~~

~~(iii) and whether the data broker permits a consumer to authorize a third party to perform the opt-out on the consumer's behalf;~~

~~(C) a statement specifying the data collection, databases, or sales activities from which a consumer may not opt out;~~

~~(D) a statement whether the data broker implements a purchaser credentialing process;~~

~~(E) the number of data broker security breaches that the data broker has experienced during the prior year, and if known, the total number of consumers affected by the breaches;~~

~~(F)~~ where the data broker ~~has actual knowledge that it possesses the~~ brokered personal information of minors, a separate statement detailing the data collection practices, databases, and sales activities, ~~and opt-out policies~~ that are applicable to the brokered personal information of minors; and

~~(G)~~(D) any additional information or explanation the data broker chooses to provide concerning its data collection practices.

(b) A data broker that fails to register pursuant to subsection (a) of this section is liable to the State for:

(1) a civil penalty of ~~\$50.00~~ \$125.00 for each day, ~~not to exceed a total of \$10,000.00 for each year,~~ it fails to register pursuant to this section;

(2) an amount equal to the fees due under this section during the period it failed to register pursuant to this section; and

(3) other penalties imposed by law.

(c) A data broker that omits required information from its registration shall file an amendment to include the omitted information within five business days following notification of the omission and is liable to the State for a civil penalty of \$1,000.00 per day for each day thereafter.

(d) A data broker that files materially incorrect information in its registration:

(1) is liable to the State for a civil penalty of \$25,000.00; and

(2) if it fails to correct the false information within five business days after discovery or notification of the incorrect information, an additional civil penalty of \$1,000.00 per day for each day thereafter that it fails to correct the information.

(e) The Attorney General may maintain an action in the Civil Division of the Superior Court to collect the penalties imposed in this section and to seek appropriate injunctive relief.

* * *

§ 2448. DATA BROKERS; ADDITIONAL DUTIES

(a) Individual opt-out.

(1) A consumer may request that a data broker do any of the following:

(A) stop collecting the consumer's data;

(B) delete all data in its possession about the consumer; or

(C) stop selling the consumer's data.

(2) Notwithstanding subsections 2418(c)–(d) of this title, a data broker shall establish a simple procedure for consumers to submit a request and, shall comply with a request from a consumer within 10 days after receiving the request.

(3) A data broker shall clearly and conspicuously describe the opt-out procedure in its annual registration and on its website.

(b) General opt-out.

(1) A consumer may request that all data brokers registered with the State of Vermont honor an opt-out request by filing the request with the Secretary of State.

(2) On or before January 1, 2026, the Secretary of State shall develop an online form to facilitate the general opt-out by a consumer and shall maintain a Data Broker Opt-Out List of consumers who have requested a general opt-out, with the specific type of opt-out.

(3) The Data Broker Opt-Out List shall contain the minimum amount of information necessary for a data broker to identify the specific consumer making the opt-out.

(4) Once every 31 days, any data broker registered with the State of Vermont shall review the Data Broker Opt-Out List in order to comply with the opt-out requests contained therein.

(5) Data contained in the Data Broker Opt-Out List shall not be used for any purpose other than to effectuate a consumer's opt-out request.

(6) The Secretary of State shall implement and maintain reasonable security procedures and practices to protect a consumer's information under the Data Broker Opt-Out List from unauthorized use, disclosure, access, destruction, or modification, including administrative, physical, and technical safeguards appropriate to the nature of the information and the purposes for which the information will be used.

(7) The Secretary of State shall not charge a consumer to make an opt-out request.

(8) The Data Broker Opt-Out List shall include an accessible deletion mechanism that supports the ability of an authorized agent to act on behalf of a consumer.

(c) Credentialing.

(1) A data broker shall maintain reasonable procedures designed to ensure that the brokered personal information it discloses is used for a legitimate and legal purpose.

(2) These procedures shall require that prospective users of the information identify themselves, certify the purposes for which the information is sought, and certify that the information shall be used for no other purpose.

(3) A data broker shall make a reasonable effort to verify the identity of a new prospective user and the uses certified by the prospective user prior to furnishing the user brokered personal information.

(4) A data broker shall not furnish brokered personal information to any person if it has reasonable grounds for believing that the consumer report will not be used for a legitimate and legal purpose.

(d) Exemption. Nothing in this section applies to brokered personal information that is:

(1) regulated as a consumer report pursuant to the Fair Credit Reporting Act, 15 U.S.C. § 1681–1681x, if the data broker is fully complying with the Act; or

(2) regulated pursuant to the Driver’s Privacy Protection Act of 1994, 18 U.S.C. § 2721–2725, if the data broker is fully complying with the Act.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2025.

The bill, having appeared on the Notice Calendar, was taken up and read the second time.

Pending the question, Shall the bill be amended as recommend by the Committee on Commerce and Economic Development?, **Rep. Andriano of Orwell** moved to amend the report of the Committee on Commerce and Economic Development in Sec. 1, 9 V.S.A. chapter 61A, in section 2427, by striking out subdivision (a)(2) in its entirety and inserting in lieu thereof a new subdivision (a)(2) to read as follows:

(2) If a consumer who is harmed by a violation of this chapter or rules adopted pursuant to this chapter notifies the controller or processor of the violation and the controller or processor fails to cure the violation within 60 days following receipt of the notice of violation, the consumer may bring an action in Superior Court for:

(A) the greater of \$1,000.00 or actual damages;

(B) injunctive relief;

(C) punitive damages in the case of an intentional violation; or

(D) reasonable costs and attorney’s fees.

Which was agreed to. Thereafter, the bill was amended as recommended by the Committee on Commerce and Economic Development, as amended, and third reading ordered.

Adjournment

At six o'clock and twenty-four minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Friday, March 22, 2024

At nine o'clock and thirty minutes in the forenoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Daniel Noyes of Wolcott.

Memorial Service

House members rose as the Speaker placed before the House the following name of the member of past sessions of the Vermont General Assembly who had passed away recently:

Rep. Timothy Hayward of Middlesex	Member of the House, Sessions 1977–1978
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Thereupon, the members of the House held a moment of silence in memory of the deceased member.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred to committee as follows:

S. 55

Senate bill, entitled

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

To the Committee on Government Operations and Military Affairs.

S. 186

Senate bill, entitled

An act relating to the systemic evaluation of recovery residences and recovery communities

To the Committee on Human Services.

S. 284

Senate bill, entitled

An act relating to student use of cell phones and other personal electronic devices in schools

To the Committee on Education.

S. 289

Senate bill, entitled

An act relating to age-appropriate design code

To the Committee on Commerce and Economic Development.

Ceremonial Reading**H.C.R. 169**

House concurrent resolution honoring Norwich University Athletic Hall of Fame member Harold Martin, in celebration of Black History Month

Offered by: Representatives Donahue of Northfield, Goslant of Northfield, and Morgan of Milton

Offered by: Senators Cummings, Perchlik, Ram Hinsdale, and Watson

Whereas, Norwich University's first Black Cadet Harold (Doc) Martin's pioneering academic, athletic, and leadership achievements foreshadowed his distinguished academic, coaching, and military career, and

Whereas, as a varsity athlete on the icy hockey surface (probably the first Black collegiate ice hockey player in the nation), on the baseball diamond, on the track, and on the gridiron, where he proudly served as captain, Doc Martin was a valued team member, and

Whereas, Doc Martin rose to the rank of 1st Sergeant in the Corps of Cadets, served on the Norwich University Student Council, and was the athletic editor of the student publication *War Whoop*, and

Whereas, he earned a master's degree from New York University, and held faculty posts at Virginia Union University in Richmond, Virginia, and Shaw University in Raleigh, North Carolina, and

Whereas, starting in 1927, Doc Martin served as Director of Athletics at Virginia State University, and, beginning in 1932, he became Director of Health and Physical Education at Miner College in Washington, DC, and

Whereas, Doc Martin played for a season with the Pittsburgh Keystones of the former Negro Leagues Baseball, and he coached nine of his college teams in various sports to Central Intercollegiate Athletic Association championships, and

Whereas, in 1942, Doc Martin joined the Army Air Force, and, in 1943, was appointed Director of the Ground School at Tuskegee Airfield in Alabama, earned the rank of major, was tragically killed on March 23, 1945 in a plane crash near Reidsville, North Carolina, and he was buried with full military honors in Arlington National Cemetery, and

Whereas, in 1984, Doc Martin, Class of 1920, was inducted into the Norwich University Athletic Hall of Fame, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly honors Norwich University Athletic Hall of Fame member Harold Martin, in celebration of Black History Month, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Director of Campus and Athletic Communications at Norwich University.

Having been adopted in concurrence on Friday, March 1, 2024 in accord with Joint Rule 16b, was read.

**Committee Relieved of Consideration and Bill Committed to
Other Committee**

S. 189

Rep. Wood of Waterbury moved that the Committee on Human Services be relieved of Senate bill, entitled

An act relating to mental health response service guidelines and social service provider safety

And that the bill be committed to the Committee on Health Care, which was agreed to.

Third Reading; Bill Passed**H. 121**

House bill, entitled

An act relating to enhancing consumer privacy

Was taken up and read the third time.

Pending the question, Shall the bill pass?, **Rep. Marcotte of Coventry** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill pass?, was decided in the affirmative. Yeas, 139. Nays, 0.

Those who voted in the affirmative are:

Andrews of Westford *	Donahue of Northfield	Morris of Springfield
Anthony of Barre City	Durfee of Shaftsbury	Morrissey of Bennington
Arrison of Weathersfield	Emmons of Springfield	Mrowicki of Putney
Arsenault of Williston *	Farlice-Rubio of Barnet	Nicoll of Ludlow *
Austin of Colchester	Galfetti of Barre Town	Notte of Rutland City
Bartholomew of Hartland	Garofano of Essex	Noyes of Wolcott
Bartley of Fairfax	Goldman of Rockingham	Nugent of South Burlington
Beck of St. Johnsbury	Goslant of Northfield	O'Brien of Tunbridge
Birong of Vergennes	Graham of Williamstown	Oliver of Sheldon
Black of Essex	Graning of Jericho *	Page of Newport City
Bluemle of Burlington	Gregoire of Fairfield	Pajala of Londonderry
Bongartz of Manchester	Harrison of Chittenden	Patt of Worcester
Bos-Lun of Westminster	Headrick of Burlington	Peterson of Clarendon
Boyden of Cambridge	Higley of Lowell	Pouech of Hinesburg
Brady of Williston	Holcombe of Norwich	Priestley of Bradford
Branagan of Georgia	Hooper of Randolph	Quimby of Lyndon
Brennan of Colchester	Hooper of Burlington	Rachelson of Burlington
Brown of Richmond	Houghton of Essex Junction *	Rice of Dorset
Brownell of Pownal	Howard of Rutland City	Roberts of Halifax
Brumsted of Shelburne	James of Manchester	Sammis of Castleton
Burditt of West Rutland	Jerome of Brandon *	Satcowitz of Randolph
Burke of Brattleboro	Kornheiser of Brattleboro	Scheu of Middlebury
Burrows of West Windsor	Krasnow of South	Shaw of Pittsford
Buss of Woodstock	Burlington	Sheldon of Middlebury
Campbell of St. Johnsbury	Labor of Morgan	Sibilia of Dover *
Canfield of Fair Haven	LaBounty of Lyndon	Sims of Craftsbury
Carpenter of Hyde Park	Lalley of Shelburne	Small of Winooski
Carroll of Bennington	LaLonde of South	Smith of Derby
Casey of Montpelier	Burlington	Squirrell of Underhill
Chapin of East Montpelier	LaMont of Morristown	Stebbins of Burlington
Chase of Chester	Lanpher of Vergennes	Stevens of Waterbury
Chase of Colchester	Laroche of Franklin *	Stone of Burlington
Chesnut-Tangerman of	Lipsky of Stowe	Surprenant of Barnard
Middletown Springs	Logan of Burlington	Taylor of Milton
Christie of Hartford	Long of Newfane	Taylor of Colchester

Cina of Burlington *	Maguire of Rutland City	Templeman of Brownington
Clifford of Rutland City	Marcotte of Coventry	Toleno of Brattleboro
Coffey of Guilford	Masland of Thetford	Toof of St. Albans Town
Cole of Hartford	Mattos of Milton	Torre of Moretown
Conlon of Cornwall	McCann of Montpelier	Troiano of Stannard
Corcoran of Bennington	McCarthy of St. Albans City	Walker of Swanton
Cordes of Lincoln	McCoy of Poultney	Waters Evans of Charlotte
Demar of Enosburgh	McFaun of Barre Town	White of Bethel
Demrow of Corinth	McGill of Bridport	Whitman of Bennington
Dickinson of St. Albans Town	Mihaly of Calais	Williams of Barre City
Dodge of Essex	Minier of South Burlington	Williams of Granby
Dolan of Essex Junction	Morgan of Milton	Wood of Waterbury
Dolan of Waitsfield		

Those who voted in the negative are: none

Those members absent with leave of the House and not voting are:

Andriano of Orwell	Hyman of South Burlington	Ode of Burlington
Berbeco of Winooski	Leavitt of Grand Isle	Parsons of Newbury
Elder of Starksboro	Mulvaney-Stanak of Burlington	Pearl of Danville
Hango of Berkshire		

Rep. Andrews of Westford explained her vote as follows:

“Madam Speaker:

As a parent and as a legislator, I stand in unwavering support of this comprehensive data privacy bill, especially its critical provisions aimed at safeguarding our children’s future in the age of big data.”

Rep. Arsenault of Williston explained her vote as follows:

“Madam Speaker:

I voted yes because all Vermonters deserve the protection provided in H.121, but especially our kids. Predatory data-usage causes real harm. This bill works to mitigate that harm.”

Rep. Cina of Burlington explained his vote as follows:

“Madam Speaker:

I vote yes, but we cannot stop here. We must go further and protect neural data as we stand on the brink of the merging of humanity and our machines.”

Rep. Graning of Jericho explained her vote as follows:

“Madam Speaker:

I vote yes to make Vermont the 15th state to protect the data of its citizens. This is a thoughtful bill that delivers a delicate balance providing consumer protections while still allowing a business to thrive in the 21st century.”

Rep. Houghton of Essex Junction explained her vote as follows:

“Madam Speaker:

I vote yes for Vermonters and appreciate that this bill works with HIPAA, preserves the provision of care, and holds entities handling sensitive information to the same HIPAA-level duty of care they are well versed in.”

Rep. Jerome of Brandon explained her vote as follows:

“Madam Speaker:

H.121 is a strong consumer protection bill! Protecting our personal information – our face, our fingerprints, our gait, address, shopping habits, running routes and travel – our biometrics, and our personally identifying data – this is important now more than ever and it belongs to us. Fourteen states have passed data privacy legislation to protect consumer privacy. Vermont is poised to be the 15th and a national model. Data privacy is a vitally important topic and rightfully should be a federal law. That is not happening, and it has become each state’s responsibility. The Commerce and Economic Development Committee has built on the work done in states across the country and by national experts to create a data privacy bill that works for Vermonters and Vermont businesses. I am very proud of the work that we have done to create this bill.”

Rep. Laroche of Franklin explained his vote as follows:

“Madam Speaker:

I approve the unity that we express by this vote.”

Rep. Nicoll of Ludlow explained his vote as follows:

“Madam Speaker:

I vote yes. This bill is a significant step forward in protecting Vermonters and their data from predatory companies. I am particularly supportive of this bill because of the Geolocation data provisions in Section 2428, which will enhance protections for people exercising their reproductive rights in Vermont.”

Rep. Sibia of Dover explained her vote as follows:

“Madam Speaker:

Three transformative forces are pressing on Vermonters: demographic shifts and the aging of the workforce, climate change, and the digitization of our economy and everyday life. I worry that we aren’t responding with the speed and accuracy needed to help Vermonters manage these transformative forces. Today, thanks to the leadership of the HCED committee, and in particular the work of the member from Bradford, I’m relieved that we will take this important step forward to help protect Vermonters in the digital age and I will vote yes.”

**Amendment Offered and Withdrawn; Bill Amended;
Third Reading; Bill Passed**

H. 639

House bill, entitled

An act relating to disclosure of flood history of real property subject to sale

Was taken up and, pending third reading of the bill, **Rep. Higley of Lowell** moved to amend the bill by striking out Sec. 6, 20 V.S.A. chapter 174, and its reader assistance heading in their entirety and adding a reader assistance heading and a new Sec. 6 to read as follows:

* * * Housing Authority Accessibility Priority * * *

Sec. 6. [Deleted.]

Thereupon, **Rep. Higley of Lowell** asked and was granted leave of the House to withdraw his amendment.

Pending third reading of the bill, **Rep. Stevens of Waterbury** moved to amend the bill by adding a reader assistance heading and new sections to be Secs. 8a–d to read as follows:

* * * Recovery Residences * * *

Sec. 8a. 9 V.S.A. § 4452 is amended to read:

§ 4452. EXCLUSIONS

(a) Unless created to avoid the application of this chapter, this chapter does not apply to any of the following:

* * *

(b)(1) Notwithstanding sections 4467 and 4468 of this chapter, a recovery residence that has adopted a written exit and transfer policy approved by the

Vermont Alliance for Recovery Residences may immediately exit or transfer a resident in accordance with the policy if:

- (A) the exit or transfer is necessary for the resident's welfare;
- (B) the resident's needs cannot be met at the recovery residence; or
- (C) the health and safety of other residents or recovery resident employees would be at risk if the resident continues to reside at the recovery residence.

(2) As used in this subsection, "recovery residence" means a shared living residence supporting persons recovering from a substance use disorder that:

(A) provides tenants with peer support and assistance accessing support services and community resources available to persons recovering from substance use disorders; and

(B) is certified by an organization approved by the Department of Health and that is either a Vermont affiliate of the National Alliance for Recovery Residences or another approved organization or is pending such certification.

Sec. 8b. RECOMMENDATION; RECOVERY RESIDENCE

CERTIFICATION

(a) The Department of Health, in consultation with State agencies and community partners, shall develop and recommend a certification program for recovery residences operating in the State. The certification program shall incorporate those elements of the existing certification program operated by the Vermont Alliance of Recovery Residences. The recommended certification program shall also:

(1) identify an organization to serve as the certifying body for recovery residences in the State;

(2) propose certification fees for recovery residences;

(3) establish a grievance and review process for complaints pertaining to certified recovery residences;

(4) identify certification levels, which may include distinct staffing or administrative requirements, or both, to enable a recovery residence to provide more intensive or extensive services;

(5) identify eligibility requirements for each level of recovery residence certification, including:

(A) staff and administrative requirements for recovery residences, including staff training and supervision;

(B) compliance with industry best practices that support a safe, healthy, and effective recovery requirement; and

(C) data collection requirements related to resident outcomes; and

(6) establish the required policies and procedures regarding the provision of services by recovery residences, including policies and procedures related to:

(A) resident rights;

(B) resident use of legally prescribed medications; and

(C) promoting quality and positive outcomes for residents.

(b) In developing the certification program recommendations required pursuant to this section, the Department shall consider:

(1) available funding streams to sustainably expand recovery residence services throughout the State;

(2) how to eliminate barriers that limit the availability of recovery residences; and

(3) recovery residence models used in other states and their applicability to Vermont.

(c) On or before October 15, 2024, the Department shall submit a written report describing its recommended recovery residence certification program and containing corresponding draft legislation to the House Committee on Human Services and to the Senate Committee on Health and Welfare.

(d) As used in this section, “recovery residence” means a shared living residence supporting persons recovering from a substance use disorder that:

(1) provides tenants with peer support and assistance accessing support services and community resources available to persons recovering from substance use disorders; and

(2) is certified by an organization approved by the Department of Health and that is either a Vermont affiliate of the National Alliance for Recovery Residences or another approved organization or is pending such certification.

Sec. 8c. LEGISLATIVE INTENT; RECOVERY RESIDENCES;

LANDLORD-TENANT EXEMPTION

It is the intent of the General Assembly upon passage of legislation codifying the recovery residence certification program recommended by the Department of Health:

(1) to repeal 9 V.S.A. § 4452(b) (recovery residence exit or transfer exemption from eviction laws); and

(2) to add an exemption from the application of 9 V.S.A., chapter 137 (residential rental agreements) for occupancy in a recovery residence that has been certified by the Vermont Alliance for Recovery Residences according to the requirements of the certification process recommended by the Department of Health.

Sec. 8d. 18 V.S.A. § 4812 is added to read:

§ 4812. RECOVERY RESIDENCES; EXIT AND TRANSFER REPORTING

(a) Annually on or before January 1, a recovery residence shall report to the certifying body for the recovery residence any exit or transfer of a resident by the recovery residence in the previous year and the asserted basis for exiting or transferring the resident.

(b) Annually on or before January 15, the certifying body for a recovery residence shall report to the Department of Health the data received under subsection (a).

(c) Annually on or before February 1, the Department of Health shall submit the data received under subsection (b) of this section to the House Committees on General and Housing and on Human Services and the Senate Committees on Economic Development, Housing and General Affairs and on Health and Welfare.

(d) As used in this section, “recovery residence” means a shared living residence supporting persons recovering from a substance use disorder that:

(1) provides tenants with peer support and assistance accessing support services and community resources available to persons recovering from substance use disorders; and

(2) is certified by an organization approved by the Department of Health and that is either a Vermont affiliate of the National Alliance for Recovery Residences or another approved organization or is pending such certification.

and that after passage the title of the bill be amended to read: “An act relating to flood risk disclosure, accessibility standards for State-funded

residential construction, housing accountability, and recovery residence evictions”

Rep. Long of Newfane presiding.

Which was agreed to. Thereafter, the bill was read the third time and passed.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 706

House bill, entitled

An act relating to banning the use of neonicotinoid pesticides

H. 845

House bill, entitled

An act relating to designating November as Veterans Month

H. 878

House bill, entitled

An act relating to miscellaneous judiciary procedures

Second Reading; Bill Amended; Third Reading Ordered

H. 546

Rep. Kornheiser of Brattleboro, for the Committee on Ways and Means, to which had been referred House bill, entitled

An act relating to administrative and policy changes to tax laws

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Per Parcel Fee for Property Reappraisal * * *

Sec. 1. 32 V.S.A. § 4041a is amended to read:

§ 4041a. REAPPRAISAL

(a) A municipality shall be paid \$8.50 per grand list parcel per year from the ~~Education~~ General Fund to be used only for reappraisal and costs related to reappraisal of its grand list properties and for maintenance of the grand list.

* * *

Sec. 2. 32 V.S.A. § 5412 is amended to read:

§ 5412. REDUCTION OF LISTED VALUE AND RECALCULATION OF
EDUCATION TAX LIABILITY

(a)(1) If a listed value is reduced as the result of an appeal or court action made pursuant to section 4461 of this title, a municipality may submit a request for the Director of Property Valuation and Review to recalculate its education property tax liability for the education grand list value lost due to a determination, declaratory judgment, or settlement. The Director shall recalculate the municipality's education property tax liability for each year at issue, in accord with the reduced valuation, provided that:

(A) The reduction in valuation is the result of an appeal under chapter 131 of this title to the Director of Property Valuation and Review or to a court, with no further appeal available with regard to that valuation, or any judicial decision with no further right of appeal, or a settlement of either an appeal or court action if the Director determines that the settlement value is the fair market value of the parcel. The Director may waive the requirement of continuing an appeal or court action until there is no further right of appeal if the Director concludes that the value determined by an adjudicated decision is a reasonable representation of the fair market value of the parcel.

(B) The municipality submits the request on or before January 15 for a request involving an appeal or court action resolved within the previous calendar year.

(C) [Repealed.]

(D) The Director determines that the municipality's actions were consistent with best practices published by the Property Valuation and Review in consultation with the Vermont Assessors and Listers Association. The municipality shall have the burden of showing that its actions were consistent with the Director's best practices.

* * *

* * * Annual Link to Federal Income Tax Law * * *

Sec. 3. 32 V.S.A. § 5824 is amended to read:

§ 5824. ADOPTION OF FEDERAL INCOME TAX LAWS

The statutes of the United States relating to the federal income tax, as in effect on December 31, ~~2022~~ 2023, but without regard to federal income tax rates under 26 U.S.C. § 1, are hereby adopted for the purpose of computing the tax liability under this chapter and shall continue in effect as adopted until amended, repealed, or replaced by act of the General Assembly.

Sec. 4. 32 V.S.A. § 7402 is amended to read:

§ 7402. DEFINITIONS

As used in this chapter unless the context requires otherwise:

* * *

(8) “Laws of the United States” means the U.S. Internal Revenue Code of 1986, as amended through December 31, ~~2022~~ 2023. As used in this chapter, “Internal Revenue Code” has the same meaning as “laws of the United States” as defined in this subdivision. The date through which amendments to the U.S. Internal Revenue Code of 1986 are adopted under this subdivision shall continue in effect until amended, repealed, or replaced by act of the General Assembly.

* * *

* * * Expansion of Renter Credit * * *

Sec. 5. 32 V.S.A. § 6061 is amended to read:

§ 6061. DEFINITIONS

As used in this chapter unless the context requires otherwise:

* * *

(20) “Very low-income limit” means an amount of income 1.3 times the amount of the income limit for very low-income families as determined by the U.S. Department of Housing and Urban Development pursuant to 42 U.S.C. § 1437a as of June 30 of the taxable year, provided that for claimants who reside in Franklin or Grand Isle ~~county~~ County, “very low-income limit” means 1.3 times the average of the very low-income limits for the State as determined by the U.S. Department of Housing and Urban Development.

* * * Repeal of Property Tax Credit Late Fee * * *

Sec. 6. 32 V.S.A. § 6066a is amended as follows:

§ 6066a. DETERMINATION OF PROPERTY TAX CREDIT

(a) Annually, the Commissioner shall determine the property tax credit amount under section 6066 of this title, related to a homestead owned by the claimant, based on the prior taxable year’s income and crediting property taxes paid in the prior year. The Commissioner shall notify the municipality in which the housesite is located of the amount of the property tax credit for the claimant for homestead property tax liabilities on a monthly basis. The tax credit of a claimant who was assessed property tax by a town that revised the dates of its fiscal year, however, is the excess of the property tax that was assessed in the last 12 months of the revised fiscal year, over the adjusted

property tax of the claimant for the revised fiscal year, as determined under section 6066 of this title, related to a homestead owned by the claimant.

* * *

~~(d) For late claims filed after April 15, the property tax credit amount shall be reduced by \$15.00 [Repealed.]~~

* * *

Sec. 7. 32 V.S.A. § 6068 is amended to read:

§ 6068. APPLICATION AND TIME FOR FILING

(a) A property tax credit claim or request for allocation of an income tax refund to homestead property tax payment shall be filed with the Commissioner on or before the due date for filing the Vermont income tax return, without extension, and shall describe the school district in which the homestead property is located and shall particularly describe the homestead property for which the credit or allocation is sought, including the school parcel account number prescribed in subsection 5404(b) of this title. A renter credit claim shall be filed with the Commissioner on or before the due date for filing the Vermont income tax return, without extension.

~~(b) If the claimant fails to file a timely claim, the amount of the property tax credit under this chapter shall be reduced by \$15.00, but not below \$0.00, which shall be paid to the municipality for the cost of issuing an adjusted homestead property tax bill. If the claimant files a claim after October 15 but on or before March 15 of the following calendar year, the property tax credit under this chapter:~~

- ~~(1) shall be reduced in amount by \$150.00, but not below \$0.00;~~
- ~~(2) shall be issued directly to the claimant; and~~

~~(3) shall not require the municipality where the claimant's property is located to issue an adjusted homestead property tax bill.~~

(c) No request for allocation of an income tax refund or for a renter credit claim may be made after October 15. No property tax credit claim may be made after March 15 of the calendar year following the due date under subsection (a) of this section.

* * * Utility Property Valuation * * *

Sec. 8. 32 V.S.A. § 4452 is amended to read:

§ 4452. VALUATIONS

(a) On or before May 1 of each year, the Division of Property Valuation and Review of the Department of Taxes shall furnish the listers in each town or

city with the valuation of all taxable property of any public utility situated therein as reported by such utility to the Division.

(b) Each public utility shall furnish to the Division not later than March 31 in each year a sworn inventory of all its taxable property in such form as will show the valuation of its property in each town, city, or other municipality.

(c) The Division shall prescribe the form of such report and the officer or officers who shall make oath thereto.

(d) The valuations so furnished under this section shall be considered along with any other information as may reasonably be required by such listers in determining and fixing the valuations of such property for the purposes of local property taxation. The Division may require that each municipality use certain valuations furnished under this section.

* * * Property Tax Exemptions * * *

Sec. 9. 32 V.S.A. § 3802(22) is added to read:

(22) Real and personal estate owned by a county of this State, except land and buildings outside of a county's territorial limits shall be subject to municipal property tax by the municipality in which the land or buildings are situated. Notwithstanding the preceding provision, the exemption for public, pious, and charitable uses under subdivision (4) of this section shall be available for qualifying county land and buildings outside of the county's territorial limits.

* * * Fuel Tax * * *

Sec. 10. 33 V.S.A. § 2503(d) is amended to read:

(d) No tax under this section shall be imposed for any month ending after June 30, ~~2024~~ 2029.

* * * Health IT Fund Sunset Extension * * *

Sec. 11. 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, 2021 Acts and Resolves No. 73, Sec. 14, and 2023 Acts and Resolves No. 78, Sec. E.306.1, is further amended to read:

(10) Secs. 48–51 (health care claims tax) shall take effect on July 1, 2013 and Sec. 52 (Health IT-Fund; sunset) shall take effect on July 1, ~~2025~~ 2026.

Sec. 12. 2019 Acts and Resolves No. 6, Sec. 105, as amended by 2019 Acts and Resolves No. 71, Sec. 19, 2022 Acts and Resolves No. 83, Sec. 75, and 2023 Acts and Resolves No. 78, Sec. E.306.2, 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, ~~2025~~ 2026.

* * *

Sec. 13. LOCAL GOVERNMENT REVENUE; WORKING GROUP; REPORT

(a) Creation. There is created the Local Government Revenue Working Group to evaluate municipal revenue sources and to make recommendations for State authorization of new revenue generation for municipalities.

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

(1) the Commissioner of Housing and Community Development or designee;

(2) the Commissioner of Taxes or designee;

(3) the Secretary of Administration or designee;

(4) two representatives of local government, appointed by the Vermont League of Cities and Towns; and

(5) the State Treasurer or designee.

(c) Powers and duties. The Working Group shall build on the findings of the Joint Fiscal Report of 2024 entitled “Financing Public Infrastructure in Vermont Municipalities” by considering the following topics:

(1) the authorization of new revenue generation tools, including:

(A) the ability for all municipalities to adopt a local option tax by vote;

(B) allocating existing local option tax revenue differently;

(C) a local option tax rate that exceeds one percent; and

(D) applying a local option tax to new tax bases, such as motor vehicle sales, transportation services, property transfers, cannabis sales, sports betting transactions, and vehicle rentals;

(2) how to best implement a municipal revenue sharing program, including:

(A) revenue sharing programs in other states;

(B) existing State grant and aid programs for municipalities; and

(C) new or existing State revenue that could be allocated to a municipal revenue sharing program; and

(3) a formula to distribute dedicated municipal revenue sharing, including a system that is based on municipal characteristics, such as population, the income of residents, and municipal tax capacity.

(d) Report. On or before December 15, 2024, the Working Group shall submit a written report to the House Committees on Ways and Means and on Government Operations and Military Affairs and the Senate Committees on Finance and on Government Operations with its finding on how best to diversify and increase funding for Vermont municipalities and any recommendations for legislative action.

(e) Meetings.

(1) The Secretary of Administration, or designee, shall call the first meeting of the Working Group to occur on or before July 15, 2024.

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

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

(4) The Working Group shall cease to exist on July 1, 2025.

Sec. 14. WEALTH TAX COMMISSION; REPORT

(a) Creation. There is created the Wealth Tax Commission to study the taxation of wealth and investment gains that currently escape income taxation.

(b) Membership. The Wealth Tax Commission shall be composed of the following members:

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

(2) one current member of the Senate, who shall be appointed by the President Pro Tempore;

(3) the Commissioner of the Department of Financial Regulation or designee; and

(4) the Commissioner of Taxes or designee.

(c)(1) Assistance. The Wealth Tax Commission shall have the administrative and technical assistance of the Joint Fiscal Office, which shall contract with a facilitator who has knowledge of wealth taxes, mark-to-market income tax reform, or other reforms for taxing wealth and investment gains that currently escape income taxation.

(2) The facilitator contracted pursuant to subdivision (1) of this subsection shall coordinate with the following institutions for participation with the Wealth Tax Commission:

(A) legislative members and staff from other states;

(B) administrators and staff from the revenue agencies of other states;

(C) national academic and legal experts on wealth and income taxation; and

(D) the Multistate Tax Commission.

(d)(1) Powers and duties. The Wealth Tax Commission shall study the policy considerations surrounding the taxation of wealth and investment gains that currently escape taxation, implementation issues, and coordinating with other states to uniformly tax forms of wealth and investment gains.

(2) The Wealth Tax Commission shall report on the following issues relating to the implementation of a wealth tax:

(A) addressing taxpayers who move into and away from a state during a tax year and identifying the best approach for residency criteria for subjecting individuals to a tax on wealth and investments gains that currently escape income taxation;

(B) valuing nonpublic assets, including a functional mechanism for taxpayers to contest a state's value and alternative mechanisms for valuing difficult-to-value assets;

(C) addressing losses in taxpayers' net worth, including whether losses should be carried over in future tax years;

(D) addressing situations where wealth is primarily held in real estate, such as farmers and other taxpayers who may lack the funds needed to pay the tax without selling real estate;

(E) determining whether legislative changes are needed to require nonpublic information be made public for purposes of asset valuation, such as adding transparency to private business valuations; and

(F) determining the best practices of other states by conducting a survey of other states' experiences with key components of taxing wealth and investment gains that currently escape taxation, including valuing businesses, using financial accounting information, and withholding the income of nonresident individuals.

(3) The Wealth Tax Commission shall report on the following issues relating to coordinating with other states to enact a wealth tax:

(A) identifying and addressing legal considerations across states, such as federal preemption, the ability to form an interstate compact for state taxation, constitutional differences between states that could affect the coordination of enacting uniform tax laws, and the plausibility of developing a uniform approach or provisions for taxation of wealth and investment gains that currently escape income taxation;

(B) identifying the best approach for multiple states to enact a wealth tax contingent on passage or enactment in other states;

(C) identifying the components of a wealth tax that are most desirable to be uniform across and the components that can be left to the discretion of individual states;

(D) addressing how to best coordinate residency requirements, basis adjustments, crediting taxes paid in other states on wealth and investment gains that currently escape income taxation, enforcement, and information reporting across states; and

(E) determining whether interstate cooperation or a compact requires wealth tax categories to be uniform across states, including an examination of the differences between mark-to-market taxation and other forms of wealth taxation.

(e) Report. On or before November 1, 2025, the Wealth Tax Commission shall submit a written report to the House Committee on Ways and Means and the Senate Committee on Finance with its findings and recommendations.

(f) Meetings.

(1) The facilitator shall call the first meeting of the Commission to occur on or before September 15, 2024.

(2) The Commission shall elect a chair from among its legislative members at the first meeting.

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

(4) The Commission shall cease to exist on July 1, 2026.

(g) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Commission shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than 12 meetings. These payments shall be made from monies appropriated to the General Assembly.

(h) Appropriation. The sum of \$125,000.00 is appropriated to the Joint Fiscal Office from the General Fund in fiscal year 2025 to contract with a facilitator pursuant to subdivision (c)(1) of this section and for other resources relating to the work of the Commission.

* * * Effective Dates * * *

Sec. 15. EFFECTIVE DATES

(a) This section, Secs. 1 (reappraisals), 2 (property valuation and review waiver), 9 (exemption for county-owned property), 10 (fuel tax extension), 11 and 12 (extension of Health IT Fund), 13 (Local Government Revenue Working Group), and 14 (Wealth Tax Commission) shall take effect on passage.

(b) Notwithstanding 1 V.S.A. § 214, Secs. 3–4 (link to federal income tax laws) shall take effect retroactively on January 1, 2024 and apply to taxable years beginning on and after January 1, 2023.

(c) Sec. 5 (renter credit expansion) shall take effect on passage and apply to claim years 2025 and after.

(d) Secs. 6–7 (repeal of property tax credit late fee) shall take effect on passage and apply to claim years 2024 and after.

(e) Sec. 8 (utility property valuation) shall take effect on passage and apply to grand lists filed on or after April 1, 2025.

Rep. Scheu of Middlebury, for the Committee on Appropriations, recommended that the report of the Committee on Ways and Means be amended as follows:

First: In Sec. 13, local government revenue; working group; report, in subdivision (c)(1)(D), by striking out “sports betting transactions,”

Second: In Sec. 14, Wealth Tax Commission; report, in subsection (h), by striking out “The” and inserting in lieu thereof “To the extent funds are available, the”

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Ways and Means amended as recommended by the Committee on Appropriations. Report of the Committee on Ways and Means, as amended, agreed to and third reading ordered.

Action on Bill Postponed**H. 612**

House bill, entitled

An act relating to miscellaneous cannabis amendments

Was taken up and, pending second reading of the bill, on motion of **Rep. Birong of Vergennes**, action on the bill was postponed until March 26, 2024.

Second Reading; Recess; Bill Amended; Third Reading Ordered**H. 622**

Rep. Boyden of Cambridge, for the Committee on Government Operations and Military Affairs, to which had been referred House bill, entitled

An act relating to emergency medical services

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 901 is amended to read:

§ 901. PURPOSE, FINDINGS, POLICY

(a) Purpose. It is the purpose of this chapter to promote and provide for a comprehensive and effective emergency medical services system to ensure optimum patient care.

(b) Findings. The General Assembly finds that:

(1) Emergency medical services provided by an ambulance service are essential services.

(2) The provision of medical assistance in an emergency is a matter of vital concern affecting the health, safety, and welfare of the public.

(3) Key elements of an emergency medical services system include:

(A) the provision of prompt, efficient, and effective emergency medical dispatch and emergency medical care;

(B) a well-coordinated trauma care system;

(C) effective communication between prehospital care providers and hospitals; and

(D) the safe handling and transportation, and the treatment and transportation under appropriate medical guidance, of individuals who are sick or injured.

(c) Policy. It is the policy of the State of Vermont that all persons who suffer sudden and unexpected illness or injury should have access to the emergency medical services system in order to prevent loss of life or the aggravation of the illness or injury, and to alleviate suffering.

(1) The system should include competent emergency medical treatment provided by adequately trained, licensed, and equipped personnel acting under appropriate medical control.

(2) Persons involved in the delivery of emergency medical care should be encouraged to maintain and advance their levels of training and licensure, and to upgrade the quality of their vehicles and equipment.

Sec. 2. 18 V.S.A. § 908 is amended to read:

§ 908. EMERGENCY MEDICAL SERVICES SPECIAL FUND

(a)(1) The Emergency Medical Services Special Fund is established pursuant to 32 V.S.A. chapter 7, subchapter 5 comprising revenues received by the Department from the Fire Safety Special Fund, pursuant to 32 V.S.A. § 8557(a), that are designated for this Special Fund and public and private sources as gifts, grants, and donations together with additions and interest accruing to the Fund.

(2)(A) The Commissioner of Health shall administer the Fund to the extent funds are available to support online and regional training programs, data collection and analysis, and other activities relating to the training of emergency medical personnel and delivery of emergency medical services and ambulance services in Vermont, as determined by the Commissioner, after consulting with the EMS Advisory Committee established under section 909 of this title. The Commissioner shall prioritize the use of funds to provide grants to programs that offer basic emergency medical services training at low cost or no cost to participants.

(B) The Commissioner shall make reasonable efforts to award grants in a manner that supports geographic equity among the emergency medical services districts. The Commissioner shall also provide technical assistance to emergency medical services districts to ensure that grants are available to support emergency medical services training in districts that have historically experienced challenges in receiving grants from the Fund.

(3) Any balance at the end of the fiscal year shall be carried forward in the Fund.

(b) From the funds in the Emergency Medical Services Special Fund, the Commissioner of Health shall develop and implement by September 1, 2012 online training opportunities and offer regional classes to enable individuals to comply with the requirements of subdivision 906(10)(C) of this title.

Sec. 3. 33 V.S.A. § 1901m is added to read:

§ 1901m. REIMBURSEMENT FOR EMERGENCY MEDICAL SERVICES

(a) To the extent permitted under federal law or waivers of federal law, the Agency of Human Services shall reimburse a provider of emergency medical services for delivering emergency medical services to a Medicaid beneficiary who was not transported to a different location during the period of the emergency. The reimbursement shall be in an amount equal to the Medicare basic life support rate.

(b) Annually as part of its budget presentation, the Agency of Human Services shall report the amount of additional funds that would be necessary to reimburse emergency medical service providers at a level equal to the Medicare basic life support rate for all emergency medical services delivered to Medicaid beneficiaries.

Sec. 4. 24 V.S.A. § 2689 is amended to read:

§ 2689. REIMBURSEMENT FOR AMBULANCE SERVICE PROVIDERS

* * *

(d) Reimbursement for ambulance services provided to Medicaid beneficiaries shall be in accordance with 33 V.S.A. § 1901m.

Sec. 5. 18 V.S.A. § 909 is amended to read:

§ 909. EMS ADVISORY COMMITTEE; EMS EDUCATION
COUNCIL

~~(a) The Commissioner shall establish the Emergency Medical Services Advisory Committee to~~ shall advise the Department of Health on matters relating to the delivery of emergency medical services (EMS) in Vermont.

(b) The Committee shall ~~include~~ comprise the following members:

(1) ~~One~~ one representative from each EMS district in the State, with each representative being appointed by the EMS Board in his or her that individual's district;

(2) A ~~a~~ representative from the Vermont Ambulance Association or designee;

(3) A a representative from the Initiative for Rural Emergency Medical Services program at the University of Vermont or designee;

(4) A a representative from the Professional Firefighters of Vermont or designee;

(5) A a representative from the Vermont Career Fire Chiefs Association or designee;

(6) A a representative from the Vermont State Firefighters' Association or designee;

(7) ~~An~~ an emergency department nurse manager or emergency department director of a Vermont hospital appointed by the Vermont Association of Hospitals and Health Systems;

(8) ~~The~~ the Commissioner of Health or designee; and

(9) A a local government member not affiliated with emergency medical services, firefighter services, or hospital services, appointed by the Vermont League of Cities and Towns.

(c)(1) The Committee shall select from among its members a chair who is not an employee of the State.

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

(d) The Committee shall meet not less than quarterly and may be convened at any time by the Chair or at the request of 11 Committee members. Not more than two meetings each year shall be held in the same EMS district. One meeting each year shall be held at a Vermont EMS conference.

~~(e) Annually, on or before January 1, the Committee shall report on the EMS system to the House Committees on Government Operations, on Commerce and Economic Development, and on Human Services and to the Senate Committees on Government Operations, on Economic Development, Housing and General Affairs, and on Health and Welfare. The Committee's reports shall include information on the following:~~

~~(1) whether every Vermont municipality should be required to have in effect an emergency medical services plan providing for timely and competent emergency responses;~~

~~(2) whether the State should establish directives addressing when an agency can respond to a nonemergency request for transportation of a patient if doing so will leave the service area unattended or unable to respond to an emergency call in a timely fashion;~~

~~(3) how the EMS system is functioning statewide and the current state of recruitment and workforce development;~~

~~(4) each EMS district's response times to 911 emergencies in the previous year, based on information collected from the Vermont Department of Health's Division of Emergency Medical Services;~~

~~(5) funding mechanisms and funding gaps for EMS personnel and providers across the State, including for the funding of infrastructure, equipment, and operations and costs associated with initial and continuing training and licensure of personnel;~~

~~(6) the nature and costs of dispatch services for EMS providers throughout the State, including the annual number of mutual aid calls to an emergency medical service area that come from outside that area, and suggestions for improvement;~~

~~(7) legal, financial, or other limitations on the ability of EMS personnel with various levels of training and licensure to engage in lifesaving or health-preserving procedures;~~

~~(8) how the current system of preparing and licensing EMS personnel could be improved, including the role of Vermont Technical College's EMS program; whether the State should create an EMS academy; and how such an EMS academy should be structured; and~~

~~(9) how EMS instructor training and licensing could be improved. The Committee shall develop and maintain a five-year statewide plan for the coordinated delivery of emergency medical services in Vermont. The plan, which shall be updated at least annually, shall include:~~

~~(A) specific goals for the delivery of emergency medical services in this State;~~

~~(B) a time frame for achieving the stated goals;~~

~~(C) cost data and alternative funding sources for achieving the stated goals; and~~

~~(D) performance standards for evaluating the stated goals.~~

~~(2) Annually, on or before December 15, the Committee shall deliver to the Commissioner of Health and the General Assembly a report reviewing progress toward achieving the goals in the five-year plan and the goals set by the Committee for the coming year.~~

(f) In addition to its plan and report set forth in subsection (e) of this section, the Committee shall identify EMS resources and needs in each EMS district and provide that information to the Green Mountain Care Board to

inform the Board's periodic revisions to the Health Resource Allocation Plan developed pursuant to subsection 9405(b) of this title.

(g) The Committee shall establish from among its members the EMS Education Council, which may:

(1) sponsor training and education programs required for emergency medical personnel licensure in accordance with the Department of Health's required standards for that training and education; and

(2) provide advice to the Department of Health regarding the standards for emergency medical personnel licensure and any recommendations for changes to those standards.

Sec. 6. EMS ADVISORY COMMITTEE STATEWIDE EMS SYSTEM

DESIGN

(a) The EMS Advisory Committee shall collect data necessary to conduct a complete inventory and assessment of the EMS services currently available in Vermont, including:

(1) the number of full-time and part-time personnel currently performing emergency medical services;

(2) the current total spending on emergency medical services in Vermont, with itemized information for each emergency medical service regarding all applicable federal, State, and municipal appropriations and revenue sources; each contract for emergency medical services; and the projected budget for each emergency medical service; and

(3) information regarding all identified gaps in services and overlapping service areas.

(b) The EMS Advisory Committee shall provide recommendations for the design of a statewide EMS system, including recommendations relating to:

(1) EMS district structure and authority, which may include recommendations on the number and configuration of EMS districts and their powers, duties, and scope of authority;

(2) workforce training standards and other staffing best practices that support the retention and well-being of EMS personnel;

(3) a resource allocation plan that ensures emergency medical services are available in all regions of the State;

(4) a process for annually reviewing EMS providers' budgets;

(5) a governance model that provides for effective State and regional oversight, management, and continuous improvement of the EMS system, including identifying staffing and other operational needs to support the oversight and management of the system;

(6) cost estimates for implementing the recommended EMS system in Vermont, including operational and capital costs;

(7) facilitation and coordination of EMS training, including mobile EMS training opportunities; and

(8) any other areas the EMS Advisory Committee deems necessary or appropriate.

(c) The EMS Advisory Committee shall facilitate stakeholder conversations in order to receive information and recommendations about ways to achieve a coordinated, statewide EMS system, including proposals regarding EMS district structure and authority, system costs, and funding options.

(d) Assistance.

(1) The EMS Advisory Committee may hire a project manager and one or more additional consultants with relevant expertise in emergency medical services design and financing to assist the Committee in its work under this section.

(2) The EMS Advisory Committee shall have the administrative, technical, and legal assistance of the Department of Health, and the Department shall contract on the Committee's behalf with the project manager and any other consultants selected by the Committee pursuant to subdivision (1) of this subsection.

(e) Reports.

(1) On or before December 15, 2025, the EMS Advisory Committee shall submit its inventory and assessment to the Commissioner of Health and the General Assembly.

(2) On or before December 15, 2026, the EMS Advisory Committee shall submit its design recommendations to the Commissioner of Health and the General Assembly.

(f) Appropriation. The sum of \$370,000.00 is appropriated to the Department of Health from the General Fund in fiscal year 2025 to support the EMS Advisory Committee in accomplishing the work set forth in this section.

Sec. 7. 32 V.S.A. § 8557 is amended to read:

§ 8557. VERMONT FIRE SERVICE TRAINING COUNCIL

(a)(1) Sums for the expenses of the operation of training facilities and curriculum of the Vermont Fire Service Training Council not to exceed ~~\$1,200,000.00~~ \$1,500,000.00 per year shall be paid to the Fire Safety Special Fund created by 20 V.S.A. § 3157 by insurance companies, writing fire, homeowners multiple peril, allied lines, farm owners multiple peril, commercial multiple peril (fire and allied lines), private passenger and commercial auto, and inland marine policies on property and persons situated within the State of Vermont within 30 days after notice from the Commissioner of Financial Regulation of such estimated expenses. Captive companies shall be excluded from the effect of this section.

(2) The Commissioner shall annually, on or before July 1, apportion such charges among all such companies and shall assess them for the charges on a fair and reasonable basis as a percentage of their gross direct written premiums on such insurance written during the second prior calendar year on property situated in the State. The Department of Taxes shall collect all assessments under this section.

(3) An amount not less than \$100,000.00 shall be specifically allocated to the provision of what are now or formerly referred to as Level I, units I, II, and III (basic) courses for entry-level firefighters.

(4) An amount not less than ~~\$150,000.00~~ \$450,000.00 shall be specifically allocated to the Emergency Medical Services Special Fund established under 18 V.S.A. § 908 for the provision of training programs for certified Vermont EMS first responders and licensed emergency medical responders, emergency medical technicians, advanced emergency medical technicians, and paramedics.

(5) The Department of Health shall present a plan to the Joint Fiscal Committee that shall review the plan prior to the release of any funds.

(b) All administrative provisions of chapter 151 of this title, including those relating to the collection and enforcement of the income tax by the Commissioner, shall apply to this section.

Sec. 8. MEDICAID EMERGENCY MEDICAL SERVICES;

TREATMENT WITHOUT TRANSPORT; APPROPRIATION

(a) In fiscal year 2025, the sum of \$74,000.00 in Global Commitment funds is appropriated to the Department of Vermont Health Access for the increased reimbursement rate for emergency medical service providers set forth in Sec. 3 (33 V.S.A. § 1901m) of this act for delivering emergency

medical services to Medicaid beneficiaries who are not transported to a different location during the period of their emergency.

(b) In fiscal year 2025, the sum of \$31,206.00 is appropriated from the General Fund to the Agency of Human Services, Global Commitment appropriation for the State match for the increased reimbursement rate set forth in Sec. 3 (33 V.S.A. § 1901m) of this act.

(c) In fiscal year 2025, the sum of \$42,794.00 in federal funds is appropriated to the Agency of Human Services, Global Commitment appropriation for the State match for the increased reimbursement rate set forth in Sec. 3 (33 V.S.A. § 1901m) of this act.

Sec. 9. EFFECTIVE DATES

This act shall take effect on passage, except that Sec. 6(f) (EMS Advisory Committee appropriation) and Sec. 8 (Medicaid emergency medical services; treatment without transport; appropriation) shall take effect on July 1, 2024.

Rep. Sims of Craftsbury, for the Committee on Ways and Means, recommended the bill ought to pass when amended as recommended by the Committee on Government Operations and Military Affairs.

At eleven o'clock and thirty minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At eleven o'clock and forty-five minutes in the forenoon, the Speaker called the House to order.

Rep. Harrison of Chittenden, for the Committee on Appropriations, recommended that the report of the Committee on Government Operations and Military Affairs be amended as follows:

First: In Sec. 6, EMS Advisory Committee statewide EMS system design, by striking out subsection (f) in its entirety

Second: By striking out Sec. 9, effective dates, in its entirety and adding in lieu thereof two new sections to be Secs. 9 and 10 to read as follows:

Sec. 9. EMS ADVISORY COMMITTEE; APPROPRIATION

Notwithstanding any provision of 18 V.S.A. § 908 or 32 V.S.A. § 8557 to the contrary, of the funds allocated to the Emergency Medical Services Special Fund pursuant to 32 V.S.A. § 8557(a)(4), the sum of \$150,000.00 is appropriated to the Department of Health in fiscal year 2025 to support the EMS Advisory Committee in accomplishing the work set forth in Sec. 6 of this act. To the extent that there are unobligated funds in the Emergency Medical Services Special Fund in fiscal year 2025, up to an additional \$220,000.00 is appropriated and shall be made available to the Department of Health to

support the EMS Advisory Committee's work pursuant to Sec. 6 of this act, provided that total expenditures from the Fund to support that work shall not exceed \$370,000.00.

Sec. 10. EFFECTIVE DATES

This act shall take effect on passage, except that Secs. 8 (Medicaid emergency medical services; treatment without transport; appropriation) and 9 (EMS Advisory Committee; appropriation) shall take effect on July 1, 2024.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Government Operations and Military Affairs amended as recommended by the Committee on Appropriations. Report of the Committee on Government Operations and Military Affairs, as amended, agreed to and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 655

Rep. Dolan of Essex Junction, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to qualifying offenses for sealing criminal history records and access to sealed criminal history records

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

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

CHAPTER 230. EXPUNGEMENT AND SEALING OF CRIMINAL
HISTORY RECORDS

§ 7601. DEFINITIONS

As used in this chapter:

(1) "Court" means the Criminal Division of the Superior Court.

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

~~(3) "Predicate offense" means a criminal offense that can be used to enhance a sentence levied for a later conviction and includes operating a vehicle under the influence of alcohol or other substance in violation of 23 V.S.A. § 1201, domestic assault in violation of section 1042 of this title, and stalking in violation of section 1062 of this title. "Predicate offense" shall not include misdemeanor possession of cannabis, a disorderly conduct offense~~

~~under section 1026 of this title, or possession of a controlled substance in violation of 18 V.S.A. § 4230(a), 4231(a), 4232(a), 4233(a), 4234(a), 4234a(a), 4234b(a), 4235(b), or 4235a(a). [Repealed.]~~

(4) “Qualifying crime” means:

~~(A) a misdemeanor offense that is not:~~

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

~~(ii) an offense involving sexual exploitation of children in violation of chapter 64 of this title;~~

~~(iii) an offense involving violation of a protection order in violation of section 1030 of this title;~~

~~(iv) prostitution as defined in section 2632 of this title, or prohibited conduct under section 2601a of this title; or~~

~~(v) a predicate offense;~~

~~(B) a violation of subsection 3701(a) of this title related to criminal mischief;~~

~~(C) a violation of section 2501 of this title related to grand larceny;~~

~~(D) a violation of section 1201 of this title related to burglary, excluding any burglary into an occupied dwelling, as defined in subdivision 1201(b)(2) of this title;~~

~~(E) a violation of 18 V.S.A. § 4223 related to fraud or deceit;~~

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

~~(G) a violation of 18 V.S.A. § 4230(a) related to possession and cultivation of cannabis;~~

~~(H) a violation of 18 V.S.A. § 4231(a) related to possession of cocaine;~~

~~(I) a violation of 18 V.S.A. § 4232(a) related to possession of LSD;~~

~~(J) a violation of 18 V.S.A. § 4233(a) related to possession of heroin;~~

~~(K) a violation of 18 V.S.A. § 4234(a) related to possession of depressant, stimulant, and narcotic drugs;~~

~~(L) a violation of 18 V.S.A. § 4234a(a) related to possession of methamphetamine;~~

~~(M) a violation of 18 V.S.A. § 4234b(a) related to possession of ephedrine and pseudoephedrine;~~

~~(N) a violation of 18 V.S.A. § 4235(b) related to possession of hallucinogenic drugs;~~

~~(O) a violation of 18 V.S.A. § 4235a(a) related to possession of ecstasy; or~~

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

(A) all misdemeanor offenses except:

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

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

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

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

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

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

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

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

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

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

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

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

(xiii) a violation of subsection 3252(b) related to sexual exploitation of a minor;

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

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

(B) the following felonies:

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

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

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

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

(5) "Designated felony property offense" means:

(A) a felony violation of 9 V.S.A. § 4043 related to fraudulent use of a credit card;

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

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

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

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

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

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

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

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

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

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

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

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- (M) section 2533 of this title related to embezzlement by a receiver or trustee;
- (N) section 2561 of this title related to receiving stolen property;
- (O) section 2575 of this title related to retail theft;
- (P) section 2582 of this title related to theft of services;
- (Q) section 2591 of this title related to theft of rented property;
- (R) section 2592 of this title related to failure to return a rented or leased motor vehicle;
- (S) section 3016 of this title related to false claims;
- (T) section 3701 of this title related to unlawful mischief;
- (U) section 3705 of this title related to unlawful trespass;
- (V) section 3733 of this title related to mills, dams, or bridges;
- (W) section 3761 of this title related to unauthorized removal of human remains;
- (X) section 3766 of this title related to grave markers and ornaments;
- (Y) chapter 87 of this title related to computer crimes; and
- (Z) 18 V.S.A. § 4223 related to fraud or deceit in obtaining a regulated drug.

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

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

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

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

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

~~(D) pursuant to the conditions set forth in subsection (h) of this section, the person was convicted under 1201(c)(3)(A) of a violation of subdivision 1201(a) of this title related to burglary when the person was 25 years of age or younger, and the person did not carry a dangerous or deadly weapon during commission of the offense.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(e) For petitions filed pursuant to subdivision (a)(1)(B) of this section for a conviction for possession of a regulated drug under 18 V.S.A. chapter 84, subchapter 1 in an amount that is no longer prohibited by law or for which criminal sanctions have been removed:~~

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

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

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

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

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

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

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

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

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

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

~~(h) For petitions filed pursuant to subdivision (a)(1)(D) of this section, unless the court finds that expungement or sealing would not be in the interests of justice, the court shall grant the petition and order that the criminal history record be expunged or sealed in accordance with section 7606 or 7607 of this title if the following conditions are met:~~

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

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

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

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

(a) Petition:

(1) A person may file a petition with the court requesting sealing of a criminal history record related to a conviction under the following circumstances:

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

(B) The person was convicted of a qualifying crime or qualifying crimes arising out of the same incident or occurrence.

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

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

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

(b) Offenses that are no longer prohibited by law.

For petitions filed pursuant to subdivision (a)(1)(A) of this section, the court shall grant the petition and order that the criminal history record be sealed if the following conditions are met:

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

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

(c) Qualifying misdemeanors. For petitions filed to seal a qualifying misdemeanor pursuant to subdivision (a)(1)(B) of this section, the court shall grant the petition and order that the criminal history record be sealed if the following conditions are met:

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

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

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

(d) Qualifying felony offenses. For petitions filed to seal a qualifying felony pursuant to subdivision (a)(1)(B) of this section, the court shall grant the petition and order that the criminal history record be sealed if the following conditions are met:

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

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

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

(e) Qualifying DUI misdemeanor. For petitions filed to seal a qualifying DUI misdemeanor pursuant to subdivision (a)(1)(B) of this section, the court shall grant the petition and order that the criminal history record be sealed if the following conditions are met:

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

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

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

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

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

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

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

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

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

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

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

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

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

(c), (d) [Repealed.]

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

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

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

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

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

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

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

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

§ 7604. NEW CHARGE

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

§ 7605. DENIAL OF PETITION

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

§ 7606. EFFECT OF EXPUNGEMENT

~~(a) Order and notice. Upon finding that the requirements for expungement have been met, the court shall issue an order that shall include provisions that its effect is to annul the record of the arrest, conviction, and sentence and that such person shall be treated in all respects as if the person had never been arrested, convicted, or sentenced for the offense. The court shall provide notice of the expungement to the respondent, Vermont Crime Information~~

Center (VCIC), the arresting agency, the Restitution Unit of the Vermont Center for Crime Victim Services, and any other entity that may have a record related to the order to expunge. The VCIC shall provide notice of the expungement to the Federal Bureau of Investigation's National Crime Information Center.

(b) Effect.

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

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

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

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

(c) Process.

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

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

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

(d) Special index.

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

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

(3) Inspection of the expungement order may be permitted only upon petition by the person who is the subject of the case. The Chief Superior Judge may permit special access to the index and the documents for research purposes pursuant to the rules for public access to court records.

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

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

§ 7607. EFFECT OF SEALING

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

(b) Effect.

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

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

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

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

(c) Exceptions. A party seeking to use a sealed criminal history record in a court proceeding shall, prior to any use of the record in open court or in a public filing, notify the court of the party's intent to do so. The court shall thereafter determine whether the record may be used prior its disclosure in the proceeding. This shall not apply to the use of a sealed record pursuant to subdivision (2), (3), (4), or (7) of this subsection. Use of a sealed document pursuant to an exception shall not change the effect of sealing under subsection (b) of this section. Notwithstanding any other provision of law or a sealing order, entities may access and use sealed records for a period of 10 years only in the following circumstances, and the sealed record shall remain otherwise confidential:

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

(2) A criminal justice agency as defined in 20 V.S.A. § 2056a and the Attorney General may use the criminal history record sealed in accordance with section 7602 or 7603 of this title without limitation for criminal justice purposes as defined in 20 V.S.A. § 2056a.

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

(4) A person or a court in possession of an order issued by a court regarding a matter that was subsequently sealed may file or cite to that decision in any subsequent proceeding. The party or court filing or citing to that decision shall ensure that information regarding the identity of the defendant in the sealed record is redacted.

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

(6) The State's Attorney and Attorney General may disclose information contained in a sealed criminal history record when required to meet their otherwise legally required discovery obligations.

(7) The person whose criminal history records have been sealed pursuant to this chapter and the person's attorney may access and use the sealed records in perpetuity and shall not be subject to the 10-year limitation.

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

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

(10) Upon adopting rules outlining a process for handling sealed records and maintaining confidentiality and the standards for determining when information contained in a sealed record may be used for the purpose of licensing decisions, the Vermont Criminal Justice Council may inspect and receive copies of sealed criminal history records. Access to such records shall not be permitted if the Legislative Committee on Administrative Rules objects to some or all of the rules pursuant to 3 V.S.A. § 842(b) and files the objection or objections in certified form pursuant to 3 V.S.A. § 842(c). Sealed records shall remain confidential and not be available for inspection and copying unless and until the Council relies on such records in a public licensing decision.

(11) Upon adopting rules outlining a process for handling sealed records and maintaining confidentiality and the standards for determining when information contained in a sealed record may be used for the purpose of licensing decisions, the Vermont Office of Professional Regulation may inspect and receive copies of sealed criminal history records. Access to such records shall not be permitted if the Legislative Committee on Administrative Rules objects to some or all of the rules pursuant to 3 V.S.A. § 842(b) and files the objection or objections in certified form pursuant to 3 V.S.A. § 842(c). Sealed records shall remain confidential and not be available for inspection and copying unless and until the Office relies on such records in a public licensing decision.

(12) Upon adopting rules outlining a process for handling sealed records and maintaining confidentiality and the standards for determining when information contained in a sealed record may be used for the purpose of licensing decisions, the Vermont Board of Medical Practice may inspect and receive copies of sealed criminal history records. Access to such records shall not be permitted if the Legislative Committee on Administrative Rules objects to some or all of the rules pursuant to 3 V.S.A. § 842(b) and files the objection or objections in certified form pursuant to 3 V.S.A. § 842(c). Sealed records shall remain confidential and not be available for inspection and copying unless and until the Board relies on such records in a public licensing decision.

(d) Process.

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

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

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

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

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

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

(e) Special index.

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

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

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

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

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

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

§ 7608. VICTIMS

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

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

§ 7609. EXPUNGEMENT OF CRIMINAL HISTORY RECORDS OF AN
INDIVIDUAL 18–21 YEARS OF AGE

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

(b) Exceptions.

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

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

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

§ 7610. CRIMINAL HISTORY RECORD SEALING SPECIAL FUND

There is established the Criminal History Record Sealing Special Fund, which shall be managed in accordance with 32 V.S.A. chapter 7, subchapter 5. Fees collected pursuant to 32 V.S.A. § 1431(e) for the filing of a petition to seal a criminal history record of a violation of 23 V.S.A. § 1201(a) shall be deposited into and credited to this Fund. This Fund shall be available to the Office of the Court Administrator, the Department of State's Attorneys and Sheriffs, the Department of Motor Vehicles, and the Vermont Crime Information Center to offset the administrative costs of sealing such records. Balances in the Fund at the end of the fiscal year shall be carried forward and remain in the Fund.

§ 7611. UNAUTHORIZED DISCLOSURE

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

Sec. 2. 13 V.S.A. § 7041 is amended to read:

§ 7041. DEFERRED SENTENCE

(a) Upon an adjudication of guilt and after the filing of a presentence investigation report, the court may defer sentencing and place the respondent

on probation upon such terms and conditions as it may require if a written agreement concerning the deferring of sentence is entered into between the State's Attorney and the respondent and filed with the clerk of the court.

(b) Notwithstanding subsection (a) of this section, the court may defer sentencing and place the respondent on probation without a written agreement between the State's Attorney and the respondent if the following conditions are met:

(1) [Repealed.]

(2) the crime for which the respondent is being sentenced is not a listed crime as defined in subdivision 5301(7) of this title;

(3) the court orders a presentence investigation in accordance with the procedures set forth in V.R.C.P. Rule 32, unless the State's Attorney agrees to waive the presentence investigation;

(4) the court permits the victim to submit a written or oral statement concerning the consideration of deferment of sentence;

(5) the court reviews the presentence investigation and the victim's impact statement with the parties; and

(6) the court determines that deferring sentence is in the interests of justice.

(c) Notwithstanding subsections (a) and (b) of this section, the court may not defer a sentence for a violation of section 3253a (aggravated sexual assault of a child), section 2602 (lewd and lascivious conduct with a child unless the victim and the defendant were within five years of age and the act was consensual), 3252(c) (sexual assault of a child under 16 unless the victim and the defendant were within five years of age and the act was consensual), 3252(d) or (e) (sexual assault of a child), 3253(a)(8) (aggravated sexual assault), or 3253a (aggravated sexual assault of a child) of this title.

(d) Entry of deferment of sentence shall constitute an appealable judgment for purposes of appeal in accordance with 12 V.S.A. § 2383 and V.R.A.P. Rule 3. Except as otherwise provided, entry of deferment of sentence shall constitute imposition of sentence solely for the purpose of sentence review in accordance with section 7042 of this title. The court may impose sentence at any time if the respondent violates the conditions of the deferred sentence during the period of deferment.

(e) Upon violation of the terms of probation or of the deferred sentence agreement, the court shall impose sentence. Upon fulfillment of the terms of probation and of the deferred sentence agreement, the court shall strike the adjudication of guilt and discharge the respondent. Except as provided in

subsection (h) of this section, the record of the criminal proceedings shall be ~~expunged~~ sealed upon the discharge of the respondent from probation, absent a finding of good cause by the court. The court shall issue an order to ~~expunge~~ seal all records and files related to the arrest, citation, investigation, charge, adjudication of guilt, criminal proceedings, and probation related to the deferred sentence. Copies of the order shall be sent to each agency, department, or official named therein. Thereafter, the court, law enforcement officers, agencies, and departments shall reply to any request for information that no record exists with respect to such person upon inquiry in the matter. Notwithstanding this subsection, the record shall not be ~~expunged~~ sealed until restitution has been paid in full.

(f) A deferred sentence imposed under subsection (a) or (b) of this section may include a restitution order issued pursuant to section 7043 of this title. Nonpayment of restitution shall not constitute grounds for imposition of the underlying sentence.

(g) [Repealed.]

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

Sec. 3. 24 V.S.A. § 2002 is added to read:

§ 2002. EXPUNGEMENT OF MUNICIPAL VIOLATION RECORDS

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

(b) Effect of expungement.

(1) Upon entry of an expungement order, the order shall be legally effective immediately and the individual whose record is expunged shall be

treated in all respects as if the individual had never been adjudicated of the violation.

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

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

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

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

(e) Application. This section shall apply to municipal violations that occur on and after July 1, 2024.

Sec. 4. 23 V.S.A. § 2303 is amended to read:

§ 2303. EXPUNGEMENT OF VIOLATION RECORDS

* * *

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

Sec. 5. PETITIONLESS SEALING

On or before December 2, 2024, the Chief Superior Judge, in consultation with the Attorney General, the Department of State's Attorneys and Sheriffs, the Office of the Defender General, and the Department of Corrections, shall submit to the House and Senate Committees on Judiciary a recommendation to establish a mechanism for petitionless sealing and any resources required for the recommendation to be implemented.

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

Rep. Squirrell of Underhill, for the Committee on Appropriations, recommended the bill ought to pass when amended as recommended by the Committee on Judiciary.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, the report of the Committee on Judiciary agreed to, and third reading was ordered.

Second Reading; Bill Amended; Third Reading Ordered**H. 702**

Rep. Boyden of Cambridge, for the Committee on Government Operations and Military Affairs, to which had been referred House bill, entitled

An act relating to legislative operations and government accountability

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Purpose and Findings * * *

Sec. 1. PURPOSE

(a) The purpose of this act is to actuate the principle of government accountability by focusing on how evidence is used to inform policy, how our State laws are carried out, and how legislation can best be formed to achieve its intended outcomes. This act strives to systematize government accountability efforts as much as possible with simple, clear, independent, objective, and fact-based processes rather than rely upon individual legislators or individual committees to be effective.

(b) Government accountability means the principle of demanding that legislation succeeds in achieving its stated policy goals through the provision of means by which to measure whether the policy goals have been met. The metrics for determining whether success has been achieved are as important as the goals themselves.

(c) Government oversight means the mechanisms put into place to ensure that the bodies of government tasked with executing legislative intent are properly doing so. Oversight by the Legislature is the examination of the processes followed and the information produced by government officials executing the law to determine whether those officials are properly and adequately achieving the policy goals established by the General Assembly.

* * * Creation of the Joint Government Oversight and Accountability
Committee * * *

Sec. 2. 2 V.S.A. chapter 28 is added to read:

CHAPTER 28. JOINT GOVERNMENT OVERSIGHT AND
ACCOUNTABILITY COMMITTEE

§ 971. CREATION OF COMMITTEE

(a) There is created the Joint Government Oversight and Accountability Committee, whose membership shall be appointed each biennial session of the General Assembly. The Committee shall work independently and with other legislative committees to assist with matters related to issues of significant public concern.

(b) The Committee shall be composed of eight members: four members of the House of Representatives, not more than two shall be from the same party, appointed by the Speaker of the House; and four members of the Senate, not more than two shall be from the same party, appointed by the Committee on Committees. In addition to two members-at-large appointed from each chamber, one appointment shall be made from each of the House Committee on Government Operations and Military Affairs, the Senate Committee on Government Operations, and the House and Senate Committees on Appropriations.

(c) The Committee shall elect a chair, vice chair, and clerk from among its members and shall adopt rules of procedure. The position of chair shall rotate biennially between the House and the Senate members. The Committee shall keep minutes of its meetings and maintain a file thereof. A quorum shall consist of five members.

(d) The Committee shall meet as necessary for the prompt discharge of its duties but shall meet at least every other week.

(e) For attendance at a meeting when the General Assembly is not in session, members of the Committee shall be entitled to compensation for services and reimbursement of expenses as provided under subsection 23(a) of this title.

(f) The professional and clerical services of the Joint Fiscal Office, the Office of Legislative Operations, and the Office of Legislative Counsel shall be available to the Committee.

§ 972. DUTIES AND POWERS

(a) Duties. The Committee shall have duties as described in this section and elsewhere in law.

(1)(A) The Committee shall exercise government oversight by examining and investigating matters of significant public concern relating to State government performance. The Committee shall examine the possible reasons for any failure of government oversight and provide findings and tangible recommendations to standing committees of jurisdiction to prevent future failures.

(B) The Committee will select issues of significant public concern to examine and investigate by a majority of the current Committee members who have not recused themselves from the matter.

(C) As used in this section, an “issue of significant public concern” means any issue that:

(i) affects the State as a whole;

(ii) affects a vulnerable population;

(iii) costs the State more than \$100,000,000.00;

(iv) implicates a serious failure of State government oversight or accountability;

(v) arises from previously enacted legislation; or

(vi) constitutes a failure to adequately respond to State or federal audits.

(2) The Committee shall, with coordination from the Legislative Committee on Administrative Rules, evaluate executive entities directed to adopt rules to ensure consistency and accountability in the rulemaking process.

(3) The Committee shall review performance notes issued pursuant to section 523 of this title and monitor performance measures for legislation requiring any performance note.

(4) The Committee shall, on an annual basis, issue a report that includes:

(A) which issues of significant public concern the Committee has examined and investigated, including relevant information and data;

(B) the Committee’s current objectives for review of issues of significant public concern and which objectives, to date, have and have not been met;

(C) the Committee’s objectives for review of issues of significant public concern for the upcoming two years; and

(D) any additional resources required by the Committee to adequately conduct its work.

(b) Powers. The Committee shall have powers as described in this section and elsewhere in law.

(1) Subpoenas and oaths. The Committee shall have the power to issue subpoenas and administer oaths in connection with the examination and investigation of matters of government oversight and accountability related to issues of significant public concern. The Commission may take or cause depositions to be taken as needed in any investigation or hearing.

(2) Direction of Joint Fiscal Office Division of Performance Accountability. The Committee may use the staff and services of the Division of Performance Accountability for carrying out the purposes of this chapter.

* * * Reports * * *

Sec. 3. 2 V.S.A. § 20 is amended to read:

§ 20. LIMITATION ON DISTRIBUTION AND DURATION OF AGENCY
REPORTS

(a) Unless otherwise provided by law, whenever it is required by statute, rule, or otherwise that an agency, department, or other entity submit an annual, biennial, or other periodic report to the General Assembly, that requirement shall be met by submission by ~~January~~ November 15 of copies of the report for activities in the preceding fiscal year to the Clerk of the House, the Secretary of the Senate, the Office of Legislative ~~Counsel~~ Operations, chairs of legislative standing committees of jurisdiction, and such individual members of the General Assembly or committees that specifically request a copy of the report. ~~To the extent practicable, reports~~ Reports shall also be ~~placed~~ published on the agency's ~~Internet~~ website. No general distribution or mailing of such reports shall be made to members of the General Assembly.

* * *

(e) If it becomes apparent to any agency, department, or other entity directed by the General Assembly to report on a matter that the agency, department, or entity will be unable to do so within the required time, the reporting agency, department, or entity shall inform, if applicable, the relevant legislative committee's current chair, the committee assistant, and the Office of Legislative Operations of which report will be late, why, and when it will be delivered.

Sec. 4. MANAGEMENT OF REPORTS AND DATA; APPROPRIATION

(a) The Office of Legislative Operations, in coordination with the Office of Legislative Counsel and Legislative Office of Information Technology, shall review the systems involved in publishing the current publicly available

legislative reports database to ensure that legislatively mandated reports are being efficiently tracked, submitted, and published in an accessible manner.

(b) The sum of \$100,000.00 is appropriated from the General Fund to the Legislative Office of Information Technology in fiscal year 2025 for the purpose of upgrading the General Assembly's report management system.

(c) On or before January 31, 2025, the directors of the Office of Legislative Operations, the Office of Legislative Counsel, and the Legislative Office of Information Technology, or their designees, will together report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations on the status of the publicly available legislative reports database and with any recommendations for legislative action.

* * * Joint Fiscal Office * * *

Sec. 5. 2 V.S.A. § 527 is added to read:

§ 527. DIVISION OF PERFORMANCE ACCOUNTABILITY

(a) There is hereby created within Joint Fiscal Office a division to be known as the Division of Performance Accountability.

(b) The Division shall provide nonpartisan services as described in this section and elsewhere in law.

(c) At the direction of the Joint Government Oversight and Accountability Committee, and with the approval of the Speaker of the House and the President Pro Tempore of the Senate, the Division shall produce performance notes regarding certain proposed or enacted legislation for the use of the Committee. Performance notes shall include information regarding legislative intent, policy goals, metrics to measure results and evaluate whether the goals are being accomplished, and estimates of any savings, return on investment, or quantifiable benefit resulting from the adoption of the legislation.

Sec. 6. CREATION OF POSITION IN DIVISION OF PERFORMANCE
ACCOUNTABILITY; APPROPRIATION

(a) One new, permanent, full-time, exempt position is created in the Joint Fiscal Office's Division of Performance Accountability.

(b) The sum of \$160,000.00 is appropriated from the General Fund to the Joint Fiscal Office in fiscal year 2025 for the purpose of creating a position in the Division of Performance Accountability.

* * * Effective Date * * *

Sec. 7. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Bluemle of Burlington, for the Committee on Appropriations, recommended that the report of the Committee on Government Operations and Military Affairs be amended as follows:

First: In Sec. 4, management of reports and data; appropriation, by striking out subsection (b) in its entirety and by relettering the remaining subsection to be alphabetically correct

Second: In Sec. 6, creation of position in Division of Performance Accountability; appropriation, in subsection (b), before “sum of \$160,000.00” by striking out “The” and inserting in lieu thereof “To the extent funds are available, the”, and after “for the purpose of creating a,” adding “new, permanent, full-time, exempt”

Third: In Sec. 6, creation of position in Division of Performance Accountability; appropriation, by striking out subsection (a) in its entirety and by relettering the remaining subsection to be alphabetically correct

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Government Operations and Military Affairs was amended as recommended by the Committee on Appropriations. Report of the Committee on Government Operations and Military Affairs, as amended, agreed to and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 707

Rep. Graning of Jericho, for the Committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to revising the delivery and governance of the Vermont workforce system

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. chapter 22A is amended to read:

CHAPTER 22A. WORKFORCE EDUCATION AND TRAINING

* * *

§ 541. OFFICE OF WORKFORCE EXPANSION AND DEVELOPMENT

(a) There is created within the Executive Branch the Office of the Workforce Expansion and Development.

(b) The Office of Workforce Expansion and Development shall have the administrative, legal, and technical support of the Department of Labor.

(c) There shall be at least two full-time staff to accomplish the duties of the Office. One of these staff positions shall be the Executive Director of the Office of Workforce Expansion and Development, who shall be an exempt employee and who shall report to and be under the general supervision of the Governor. Another position shall be a staff member, who shall be a classified employee, who shall support the work of the Executive Director, and who shall report to and be under the general supervision of the Executive Director.

(d) The Executive Director of the Office of Workforce Expansion and Development shall:

(1) coordinate the efforts of workforce development in the State;

(2) oversee the affairs of the State Workforce Development Board;

(3) work with State agencies and private partners to:

(A) develop strategies for comprehensive and integrated workforce education and training;

(B) manage the collection of outcome information; and

(C) align workforce efforts with other State strategies; and

(4) perform other workforce development duties as directed by the Governor.

(e) The Executive Committee of the State Workforce Development Board shall, in consultation with the Department of Human Resources, suggest a set of recommended qualifications to the Governor for consideration for the position of Executive Director of the Office of Workforce Expansion and Development.

(f) The Governor shall appoint the Executive Director with the advice and consent of the Senate, and the Executive Committee of the State Workforce Development Board may provide a list to the Governor of recommended candidates for Executive Director.

§ 541a. STATE WORKFORCE DEVELOPMENT BOARD; EXECUTIVE
COMMITTEE

(a) Board established; duties. Pursuant to the requirements of 29 U.S.C. § 3111, the Governor shall establish the State Workforce Development Board to assist the Governor in the execution of his or her duties under the Workforce Innovation and Opportunity Act of 2014 and to assist the Commissioner of Labor as specified in section 540 of this title.

* * *

(c) Membership. The Board shall consist of the Governor and the following members who are appointed by the Governor and serve at the Governor's pleasure unless otherwise indicated, in conformance with the federal Workforce Innovation and Opportunity Act and who serve at his or her pleasure, unless otherwise indicated (WIOA), and who shall be selected from diverse backgrounds to represent the interests of ethnic and diverse communities and represent diverse regions of the State, including urban, rural, and suburban areas:

(1) ~~the Commissioner of Labor;~~

(2) ~~two members~~ one member of the Vermont House of Representatives, who shall serve for the duration of the biennium, appointed by the Speaker of the House;

(3)~~(2)~~ ~~two members~~ one member of the Vermont Senate, who shall serve for the duration of the biennium, appointed by the Senate Committee on Committees;

(4) ~~the President of the University of Vermont;~~

(5) ~~the Chancellor of the Vermont State Colleges;~~

(6) ~~the President of the Vermont Student Assistance Corporation;~~

(7) ~~a representative of an independent Vermont college or university;~~

(8) ~~a director of a regional technical center;~~

(9) ~~a principal of a Vermont high school;~~

(10) ~~two representatives of labor organizations who have been nominated by a State labor federation;~~

(11)~~(3)~~ ~~two~~ four members who are core program representatives of individuals and organizations who have experience with respect to youth activities, as defined in 29 U.S.C. § 3102(71), as follows:

(A) the Commissioner of Labor, or designee, for the Adult, Dislocated Worker, and Youth program and Wagner-Peyser;

(B) the Secretary of Education, or designee, for the Adult Education and Family Literacy Act program;

(C) the Secretary of Human Services, or designee, for the Vocational Rehabilitation program; and

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

~~(12)(4) two six workforce representatives of individuals and organizations who have experience in the delivery of workforce investment activities, as defined in 29 U.S.C. § 3102(68), as follows:~~

(A) two representatives from labor organizations operating in this State who are nominated by a State labor federation;

(B) one representative from a State-registered apprenticeship program; and

(C) three representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, which may include:

(i) organizations that serve veterans;

(ii) organizations that provide or support competitive, integrated employment for individuals with disabilities;

(iii) organizations that support the training or education needs of eligible youth as described in 20 CFR § 681.200, including representatives of organizations that serve out-of-school youth as described in 20 CFR § 681.210; and

(iv) organizations that connect volunteers in national or State service programs to the workforce;

~~(13) the lead State agency officials with responsibility for the programs and activities carried out by one-stop partners, as described in 29 U.S.C. § 3151(b), or if no official has that responsibility, representatives in the State with responsibility relating to these programs and activities;~~

~~(14) the Commissioner of Economic Development;~~

~~(15) the Secretary of Commerce and Community Development;~~

~~(16) the Secretary of Human Services;~~

~~(17) the Secretary of Education;~~

~~(18) two individuals who have experience in, and can speak for, the training needs of underemployed and unemployed Vermonters; and~~

(5) two elected local government officials who represent a city or town within different regions of the State; and

~~(19)(6) a number of appointees sufficient to constitute a majority of the Board~~ 13 business representatives who:

(A) are owners, chief executives, or operating officers of businesses, and including nonprofits, or other business executives or employers with optimum policymaking or hiring authority, with at least one member representing a small business as defined by the U.S. Small Business Administration;

(B) represent businesses with employment opportunities that reflect in-demand sectors and employment opportunities in the State; and

(C) are appointed from among individuals nominated by State business organizations and business trade associations.

(d) Operation of Board.

(1) Executive Committee.

(A) Creation. There is created an Executive Committee that shall manage the affairs of the Board.

(B) Members. The members of the Executive Committee shall comprise the following:

(i) the Chair of the Board;

(ii) the Commissioner of Labor or designee;

(iii) the Secretary of Education or designee;

(iv) the Secretary of Human Services or designee;

(v) the Secretary Commerce and Community Development or designee;

(vi) two business representatives, appointed by the Chair of the Board, who serve on the Board; and

(vii) two workforce representatives, appointed by the Chair of the Board, who serve on the Board.

(C) Meetings. The Chair of the Board shall chair the Executive Committee. The Executive Committee shall meet at least once monthly and shall hold additional meetings upon call of the Chair.

(D) Duties. The Executive Committee shall have the following duties and responsibilities:

(i) recommend to the Board changes to the Board's rules or bylaws;

(ii) establish one or more subcommittees as it determines necessary and appropriate to perform its work; and

(iii) other duties as provided in the Board's bylaws.

(2) Member representation and vacancies.

(A) A member of the State Board may send a designee ~~that~~ who meets the requirements of subdivision (B) of this subdivision ~~(1)(2)~~ to any State Board meeting, who shall count toward a quorum, and who shall be allowed to vote on behalf of the Board member for whom ~~he or she~~ the individual serves as a designee.

(B) Members of the State Board or their designees who represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority or relevant subject matter expertise within the organizations, agencies, or entities.

~~(C) The members of the Board shall represent diverse regions of the State, including urban, rural, and suburban areas~~ The Chair of the Board shall provide notice within 30 days after a vacancy on the Board to the relevant appointing authority, which shall appoint a replacement within 90 days after receiving notice.

~~(2)(3)~~ Chair. The Governor shall select a chair for the Board from among the business representatives appointed pursuant to subdivision ~~(c)(18)(6)~~ of this section.

~~(3)(4)~~ Meetings. The Board shall meet at least three times annually and shall hold additional meetings upon call of the Chair.

~~(4)(5)~~ Committees; work groups; ad hoc committees. The Chair, in consultation with the Commissioner of Labor, may:

(A) assign one or more members or their designees to standing committees, ad hoc committees, or work groups to carry out the work of the Board; and

(B) appoint one or more nonmembers of the Board to a standing committee, ad hoc committee, or work group and determine whether the individual serves as an advisory or voting member, provided that the number of voting nonmembers on a standing committee shall not exceed the number of Board members or their designees.

* * *

§ 541b. WORKFORCE EDUCATION AND TRAINING; DUTIES OF
OTHER STATE AGENCIES, DEPARTMENTS, AND PRIVATE
PARTNERS

(a) To ensure the State Workforce Development Board, ~~and the Commissioner of Labor, and the Executive Director of the Office of Workforce Expansion and Development~~ are able to fully perform their duties under this chapter, each agency and department within State government, and each person who receives funding from the State, shall comply within a reasonable period of time with a request for data and information made by the Board, ~~or the Commissioner, or the Executive Director~~ in furtherance of their duties under this chapter.

(b) The Agency of Commerce and Community Development shall coordinate its work in adopting a statewide economic development plan with the activities of the Board, ~~and the Commissioner of Labor, and the Executive Director.~~

Sec. 2. 2022 Acts and Resolves No. 183, Sec. 5a is amended to read:

Sec. 5a. REGIONAL WORKFORCE EXPANSION SYSTEM

* * *

(c) System infrastructure. The Department shall make investments that improve and expand regional capacity to strengthen networks who assist jobseekers, workers, and employers in connecting.

(1) The Department is authorized to create up to four classified, ~~two-~~ year limited-service positions, with funding allocated to perform the work described in this section, who shall report to the Workforce Development Division and of whom:

* * *

(e) Interim report. On or before ~~January 15, 2023~~ July 15, 2025, the Department shall provide a narrative update on the progress made in hiring staff, establishing interagency agreements, developing regional information exchange systems, and supporting State-level work to expand the labor force to the House and Senate committees of jurisdiction.

(f) Implementation. The Department of Labor shall begin implementing the Regional Workforce Expansion System on or before ~~July 1, 2022~~ September 1, 2024.

Sec. 3. TASK FORCE TO STUDY DATA MANAGEMENT MODELS

On or before December 15, 2025, the Executive Director of the Office of Workforce Development, in consultation with the Executive Committee of the State Workforce Development Board and the Agency of Digital Services, shall issue 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 development of a data trust as outlined in model three of the final report of the State Oversight Committee on Workforce Expansion and Development pursuant to 2022 Acts and Resolves No. 183, Sec. 5. The report shall include:

(1) a recommendation on audience, partners, use cases, outcomes, and data required for future workforce, education, and training programs;

(2) a detailed review of the current availability of public and private workforce development and training data, education data, and demographic data, including the integration of data between the State's workforce development and training programs and private programs funded through State funding dollars;

(3) a summary of the progress made in the development of data-sharing relationships with the stewards of identified data sets;

(4) draft legislative language for the creation of a data tool;

(5) the amount of funding necessary to establish and maintain the use of a data tool; and

(6) a summary of other efforts across State government and through the Agency of Digital Services regarding the development of data trusts, along with best practices identified through those efforts.

Sec. 4. WORKFORCE EDUCATION AND TRAINING LEADERSHIP

WORKING GROUP

(a) Creation. There is created a working group to review and propose changes to the leadership and duties set forth in 10 V.S.A. § 540.

(b) Membership. The working group shall be composed of the following:

(1) the Executive Committee of the State Workforce Development Board; and

(2) the Executive Director of the Office Workforce Expansion and Development.

(c) Meetings.

(1) Chair. The Chair of the State Workforce Development Board shall initially chair the working group and shall call the first meeting of the working group to occur on or before October 1, 2024. The Executive Director of the Office of Workforce Expansion and Development shall, upon hire, solely chair the working group.

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

(3) The working group shall meet not more than eight times.

(d) Powers and duties. The working group shall review 10 V.S.A. § 540 and engage with workforce development stakeholders to:

(1) evaluate the effectiveness of the current language in statute; and

(2) determine, due to changes in the State Workforce Board as set forth in this act, how the authorities and responsibilities for the coordination of workforce education and training set forth in 10 V.S.A. § 540 should be modified to ensure there is effective and comprehensive leadership in workforce development, education, and training between the Commissioner of Labor, the Executive Director of the Office of Workforce Expansion and Development, and any other relevant authorities.

(e) Reporting.

(1) Progress report. The working group shall submit a written progress report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs updating the committees on its progress on the work set forth in this section on or before April 1, 2025.

(2) Final report. The working group shall submit a written report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs with its final recommendations based on the analysis conducted pursuant to this section on or before November 1, 2025. The final report shall also include alternatives that were seriously considered but not listed in the final recommendations, along with the names and affiliations of the stakeholders consulted during the working group's meetings

(f) Compensation and reimbursement.

(1) Unless otherwise compensated by the member's employer for performance of the member's duties on the working group, a nonlegislative member of the working group shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010.

(2) Payments to members of the working group authorized under this subsection shall be made from monies appropriated to the Department of Labor.

(g) Expiration. The working group shall cease to exist on December 31, 2025.

Sec. 5. STATE WORKFORCE DEVELOPMENT BOARD TRANSITION
PERIOD

(a) An appointing authority for the State Workforce Development Board pursuant to 10 V.S.A. § 541a(c) shall make all appointments as required to the Board on or before September 1, 2024.

(b) A member of the State Workforce Development Board on June 30, 2024, except for the Governor, and unless appointed or placed on the Board after the passage of this act pursuant to 10 V.S.A. § 541a(c), shall cease being a member of the Board on July 1, 2024.

(c) Notwithstanding subsection (b) of this section, an appointing authority pursuant to 10 V.S.A. § 541a(c) may reappoint the same individual as a member to the Board after passage of this act.

(d) Members of the Board appointed by the Governor shall serve initial staggered terms with eight members serving three-year terms, eight members serving two-year terms, and seven members serving one-year terms.

(e) The Governor shall appoint a chair of the Board pursuant to 10 V.S.A. § 541a(d)(3) on or before August 1, 2024.

(f) The Board shall amend the Board's WIOA Governance Document to align it pursuant to the terms of this act on or before February 1, 2025.

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

Rep. Toleno of Brattleboro, for the Committee on Appropriations, recommended the bill ought to pass when amended as recommended by the Committee on Commerce and Economic Development.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, the report of the Committee on Commerce and Economic Development agreed to, and third reading was ordered.

**Committee Bill; Second Reading; Bill Amended;
Third Reading Ordered**

H. 877

Rep. Graham of Williamstown spoke for the Committee on Agriculture, Food Resiliency, and Forestry.

House bill, entitled

An act relating to miscellaneous agricultural subjects

Rep. Masland of Thetford, for the Committee on Ways and Means, recommended that the bill ought to pass when amended as follows:

First: In Sec. 4, 6 V.S.A. § 1112, by striking out subsection (d) in its entirety and inserting in lieu thereof the following:

(d) The Secretary may charge a fee of up to \$75.00 to applicants who prefer to utilize an electronic or alternate testing service for their pesticide certification or licensing examinations. The Secretary may contract with a vendor to administer examinations. The Secretary shall continue to administer in-person examinations that do not include any additional fee for an electronic or alternate testing service.

Second: By adding a new section to be Sec. 4a to read as follows:

Sec. 4a. REPORT ON FEE FOR ELECTRONIC PESTICIDE

CERTIFICATION

On or before December 15, 2024, the Secretary of Agriculture, Food and Markets shall submit to the House Committee on Ways and Means and the Senate Committee on Finance a proposed fee for the electronic administration of pesticide certification examinations based on the costs of the contract that the Secretary enters with a vendor for the administration of the examinations.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, the report of the Committee on Ways and Means agreed to, and third reading ordered.

Action on Bill Postponed

H. 659

House bill, entitled

An act relating to captive insurance

Was taken up and, pending second reading of the bill, on motion of **Rep. White of Bethel**, action on the bill was postponed until March 27, 2024.

Message from the Senate No. 35

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has considered House proposal of amendment to Senate bill of the following title:

S. 18. An act relating to banning flavored tobacco products and e-liquids.

And has concurred therein.

The Senate has on its part passed Senate bills of the following titles:

S. 150. An act relating to automobile insurance.

S. 183. An act relating to reenvisioning the Agency of Human Services.

S. 213. An act relating to the regulation of wetlands, river corridor development, and dam safety.

S. 246. An act relating to amending the Vermont basic needs budget and livable wage.

S. 305. An act relating to miscellaneous changes related to the Public Utility Commission.

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

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

H. 801. An act relating to approval of the adoption of the charter of the Town of Waterbury.

And has passed the same in concurrence.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 181. House concurrent resolution recognizing June 24, 2024 as Saint-Jean-Baptiste Day in Vermont.

H.C.R. 182. House concurrent resolution congratulating the 2024 Fair Haven Union High School Slaters Division II championship girls' basketball team.

H.C.R. 183. House concurrent resolution designating March 28, 2024 as Alzheimer's Awareness Day at the State House.

H.C.R. 184. House concurrent resolution congratulating the Desorcie family on 60 years of wonderful and continuous family ownership of Desorcie's Market in Highgate Center.

H.C.R. 185. House concurrent resolution congratulating the 2024 Thetford Academy Panthers Division III championship boys' basketball team.

H.C.R. 186. House concurrent resolution celebrating the centennial of diplomatic relations between the Republic of Ireland and the United States and the continuing enthusiastic and warm friendship between the two nations.

H.C.R. 187. House concurrent resolution congratulating the 2024 Mt. Anthony Union High School Patriots wrestling team on winning the school's 35th consecutive State championship.

H.C.R. 188. House concurrent resolution congratulating Milton High School junior Olivia Thomas on her individual track and field achievements.

H.C.R. 189. House concurrent resolution recognizing March 2024 as National Senior Nutrition Program Month in Vermont and celebrating over a half century of the federal Senior Nutrition Program.

H.C.R. 190. House concurrent resolution designating March 26, 2024 as Robert Frost Day in Vermont.

H.C.R. 191. House concurrent resolution recognizing March 25, 2024 as National Medal of Honor Day in Vermont.

Adjournment

At one o'clock and seven minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, March 26, 2024, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 49.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Rule 16b of the Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House:

H.C.R. 181

House concurrent resolution recognizing June 24, 2024 as Saint-Jean-Baptiste Day in Vermont

H.C.R. 182

House concurrent resolution congratulating the 2024 Fair Haven Union High School Slaters Division II championship girls' basketball team

H.C.R. 183

House concurrent resolution designating March 28, 2024 as Alzheimer's Awareness Day at the State House

H.C.R. 184

House concurrent resolution congratulating the Desorcie family on 60 years of wonderful and continuous family ownership of Desorcie's Market in Highgate Center

H.C.R. 185

House concurrent resolution congratulating the 2024 Thetford Academy Panthers Division III championship boys' basketball team

H.C.R. 186

House concurrent resolution celebrating the centennial of diplomatic relations between the Republic of Ireland and the United States and the continuing enthusiastic and warm friendship between the two nations

H.C.R. 187

House concurrent resolution congratulating the 2024 Mt. Anthony Union High School Patriots wrestling team on winning the school's 35th consecutive State championship

H.C.R. 188

House concurrent resolution congratulating Milton High School junior Olivia Thomas on her individual track and field achievements

H.C.R. 189

House concurrent resolution recognizing March 2024 as National Senior Nutrition Program Month in Vermont and celebrating over a half century of the federal Senior Nutrition Program

H.C.R. 190

House concurrent resolution designating March 26, 2024 as Robert Frost Day in Vermont

H.C.R. 191

House concurrent resolution recognizing March 25, 2024 as National Medal of Honor Day in Vermont

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2024 Adjourned Session.]

Tuesday, March 26, 2024

At ten o'clock in the forenoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Meghan Mayhew Bergman, author, Shaftsbury.

Pledge of Allegiance

Pages Emerson Morrill of Vergennes and Guinevere Velto of Springfield led the House in the Pledge of Allegiance.

**Committee Bill Introduced;
Referred to Committee on Appropriations**

H. 882

By the Committee on Corrections and Institutions,
House bill, entitled

An act relating to capital construction and State bonding budget adjustment

Was read the first time and, pursuant to House Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

**Committee Bill Introduced;
Referred to Committee on Ways and Means**

H. 883

By the Committee on Appropriations,
House bill, entitled

An act relating to making appropriations for the support of government

Was read the first time and, pursuant to House Rule 35(a), affecting the revenue of the State, was referred to the Committee on Ways and Means.

Joint Assembly

At ten o'clock and twenty-nine minutes in the forenoon, the hour for the Joint Assembly having arrived, the Speaker called for a recess and pursuant to the provisions of Joint Senate resolution, entitled

J.R.S. 47. Joint resolution providing for a Joint Assembly to vote on the retention of two Superior Judges and one Magistrate

The Senate appeared in the Hall of the House.

Thereupon, the Joint Assembly having concluded its session, at one o'clock and thirty-six minutes in the afternoon, the Speaker resumed the Chair.

Message from the Senate No. 36

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 50. Joint resolution relating to weekend adjournment on March 29, 2024.

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

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred to committee as follows:

S. 150

Senate bill, entitled

An act relating to automobile insurance

To the Committee on Commerce and Economic Development.

S. 183

Senate bill, entitled

An act relating to reenvisioning the Agency of Human Services

To the Committee on Human Services.

S. 213

Senate bill, entitled

An act relating to the regulation of wetlands, river corridor development, and dam safety

To the Committee on Environment and Energy.

S. 246

Senate bill, entitled

An act relating to amending the Vermont basic needs budget and livable wage

To the Committee on General and Housing.

S. 305

Senate bill, entitled

An act relating to miscellaneous changes related to the Public Utility Commission

To the Committee on Environment and Energy.

Ceremonial Reading

H.C.R. 190

House concurrent resolution designating March 26, 2024 as Robert Frost Day in Vermont

Offered by: Representatives Durfee of Shaftsbury, Bongartz of Manchester, Brownell of Pownal, Carroll of Bennington, Chesnut-Tangerman of Middletown Springs, Conlon of Cornwall, James of Manchester, Morrissey of Bennington, Mrowicki of Putney, Rice of Dorset, Whitman of Bennington, and Williams of Barre City

Offered by: Senators Bray, Campion, Hardy, and Sears

Whereas, Robert Frost was born 150 years ago today, on March 26, 1874, in San Francisco, California, and he was honored, pursuant to 1961 Acts and Resolves No. R-59, as the first Vermont Poet Laureate, and

Whereas, his distinguished literary oeuvre is most memorable for his more than two dozen published poetry collections, and especially noteworthy were his four poetry Pulitzer Prizes awarded in recognition of his volumes entitled: *New Hampshire: A Poem with Notes and Grace Notes* (1924), *Collected Poems* (1931), *A Further Range* (1937), and *A Witness Tree* (1943), and

Whereas, many of Robert Frost's poems epitomized the rural character and landscape of Vermont, and

Whereas, during the 1920s and 1930s, Robert Frost resided in a stone farmhouse in South Shaftsbury, the location for the writing of his iconic poem "Stopping by Woods on a Snowy Evening," one of the selections in his 1924 Pulitzer Prize-winning volume, and

Whereas, his towering presence and leadership at Middlebury College's summertime Bread Loaf School of English in Ripton, where he also resided on a farm after 1938, led to the school's reputation as a stellar center for learning the art of writing, and his many other teaching posts included Bennington College, and

Whereas, Robert Frost was the 1960 recipient of the United States Congressional Gold Medal; recited his poem “The Gift Outright” at President John F. Kennedy’s 1961 inaugural; died in Boston, Massachusetts, in 1963 at 88 years of age; and was buried in the Bennington Centre Cemetery, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly designates March 26, 2024 as Robert Frost Day in Vermont, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Robert Frost Stone House in Shaftsbury and to the Bread Loaf School of English in Ripton.

Having been adopted in concurrence on Friday, March 22, 2024 in accord with Joint Rule 16b, was read.

Ceremonial Reading

H.C.R. 191

House concurrent resolution recognizing March 25, 2024 as National Medal of Honor Day in Vermont

Offered by: Committee on Government Operations and Military Affairs

Whereas, the Medal of Honor is the U.S. Armed Forces’ highest accolade for extraordinary military valor, and

Whereas, in 1861, President Abraham Lincoln signed Public Resolution 82, the original Medal of Honor legislation, and

Whereas, the first recipients of the Medal of Honor were a group of soldiers known as Andrews’ Raiders who led a daunting mission to cross Confederate lines and steal a train, and six of these soldiers were honored on March 25, 1863, and

Whereas, during the Civil War, 61 Vermonters, defined as having either been born or enlisted in the State, were Medal of Honor recipients, and

Whereas, the most unusual recipient was Willie Johnston, who, as an 11-year-old resident of the Northeast Kingdom community of Salem, begged to accompany his father upon the older Johnston’s 1861 military enlistment, and

Whereas, Willie Johnston was accepted as a drummer in D Company of the 3rd Vermont Volunteer Infantry Regiment, and

Whereas, during the 1862 Peninsula Campaign, when Union forces failed to invade the Confederate capital of Richmond, Virginia, and were forced to flee

down the Virginia peninsula, young Johnston proved the only drummer in his division to retain his instrument through the harrowing ordeal, and

Whereas, on September 16, 1863, when Willie Johnston was only 13 years of age, U.S. Secretary of War Edwin Stanton presented him with this special medal, and he remains the youngest recipient to this day, and

Whereas, other Vermonters were awarded the Medal of Honor for service during the Indian Wars (1), the Philippines Campaign (1), interim periods (2), World War II (2), and the Vietnam War (1), and

Whereas, Congress established National Medal of Honor Day, first observed in 1991, “to foster public appreciation and recognition of Medal of Honor Recipients,” now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly recognizes March 25, 2024 as National Medal of Honor Day in Vermont, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Robert Burke, Director of the Vermont Office of Veterans Affairs, and to William Mattoon in Springfield.

Having been adopted in concurrence on Friday, March 22, 2024 in accord with Joint Rule 16b, was read.

Second Reading; Bill Amended; Third Reading Ordered

H. 612

Rep. Birong of Vergennes, for the Committee on Government Operations and Military Affairs, to which had been referred House bill, entitled

An act relating to miscellaneous cannabis amendments

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 6 V.S.A. § 562(4) is amended to read:

(4)(A) “Hemp products” or “hemp-infused products” means all products with the federally defined tetrahydrocannabinol concentration level for hemp derived from, or made by, processing hemp plants or plant parts, which are prepared in a form available for commercial sale, including cosmetics, personal care products, food intended for animal or human consumption, cloth, cordage, fiber, fuel, paint, paper, construction materials, plastics, and any product containing one or more hemp-derived cannabinoids, such as cannabidiol.

(B) Notwithstanding subdivision (A) of this subdivision (4), “hemp products” and “hemp-infused products” do not include any substance, manufacturing intermediary, or product that:

(i) is prohibited or deemed a regulated cannabis product by administrative rule of the Cannabis Control Board; or

(ii) contains more than 0.3 percent total tetrahydrocannabinol on a dry-weight basis.

(C) A hemp-derived product or substance that is excluded from the definition of “hemp products” or “hemp-infused products” pursuant to subdivision (B) of this subdivision (4) shall be considered a cannabis product as defined by 7 V.S.A. § 831(3); provided, however, that a person duly licensed or registered by the Cannabis Control Board lawfully may possess such products in conformity with the person’s license or hemp processor registration.

Sec. 2. 7 V.S.A. § 861(18) is amended to read:

(18) “Controls,” “is controlled by,” and “under common control” mean the power to direct, or cause the direction or management and policies of a person, ~~whether through the direct or beneficial ownership of voting securities, by contract, or otherwise.~~ A person who ~~directly or beneficially owns~~ has a 10 percent or more ownership interest or equity interest, or the equivalent thereof, in the assets, capital, profits, or stock of another person shall be deemed to control the person.

Sec. 3. 7 V.S.A. § 868 is amended to read:

§ 868. PROHIBITED PRODUCTS

(a) The Except as provided in section 907 of this title relating to a retailer with a medical endorsement, the following are prohibited products and may not be cultivated, produced, or sold pursuant to a license issued under this chapter:

(1) cannabis flower with greater than 30 percent tetrahydrocannabinol;

(2) flavored oil cannabis products sold prepackaged for use with battery- powered devices and any cannabis flower that contains characterizing flavor that is not naturally occurring in the cannabis;

(3) cannabis products that contain delta-9 tetrahydrocannabinol and nicotine or alcoholic beverages; and

(4) any cannabis, cannabis products, or packaging of such items that are designed to make the product more appealing to persons under 21 years of age.

(b)(1) Except as provided by subdivision (2) of this subsection and in section 907 of this title relating to a retailer with a medical endorsement, solid and liquid concentrate cannabis products with greater than 60 percent tetrahydrocannabinol may be produced by a licensee and sold to another licensee in accordance with subchapter 3 of this chapter but shall not be sold to the public by a licensed retailer or integrated licensee.

(2) Liquid concentrate cannabis products with greater than 60 percent tetrahydrocannabinol that are prepackaged for use with battery-powered devices shall be permitted to be sold to the public by a licensed retailer or integrated licensee.

Sec. 4. 7 V.S.A. § 881 is amended to read:

§ 881. RULEMAKING; CANNABIS ESTABLISHMENTS

(a) The Board shall adopt rules to implement and administer this chapter in accordance with subdivisions (1)–(8) of this subsection.

(1) Rules concerning any cannabis establishment shall include:

(A) the form and content of license and renewal applications;

(B) qualifications for licensure that are directly and demonstrably related to the operation of a cannabis establishment, including:

(i) a requirement to submit an operating plan, which shall include information concerning:

(I) the type of business organization, the identity of its controlling owners and principals, and the identity of the controlling owners and principals of its affiliates; and

(II) the sources, amount, and nature of its capital, assets, and financing; the identity of its financiers; and the identity of the controlling owners and principals of its financiers;

(ii) a requirement to file an amendment to its operating plan in the event of a significant change in organization, operation, or financing; and

(iii) the requirement for a fingerprint-based criminal history record check and regulatory record check pursuant to section 883 of this title;

(C) oversight requirements, including provisions to ensure that a licensed establishment complies with State and federal regulatory requirements governing insurance, securities, workers' compensation, unemployment insurance, and occupational health and safety;

(D) inspection requirements;

-
- (E) records to be kept by licensees and the required availability of the records;
 - (F) employment and training requirements;
 - (G) security requirements, including any appropriate lighting, physical security, video, and alarm requirements;
 - (H) health and safety requirements;
 - (I) regulation of additives to cannabis and cannabis products, including cannabidiol derived from hemp and substances that are toxic or designed to make the product more addictive, more appealing to persons under 21 years of age, or to mislead consumers;
 - (J) procedures for seed-to-sale traceability of cannabis, including any requirements for tracking software;
 - (K) regulation of the storage and transportation of cannabis;
 - (L) sanitary requirements;
 - (M) procedures for the renewal of a license, which shall allow renewal applications to be submitted up to 90 days prior to the expiration of the cannabis establishment's license;
 - (N) procedures for suspension and revocation of a license;
 - (O) requirements for banking and financial transactions, including provisions to ensure that the Board, the Department of Financial Regulation, and financial institutions have access to relevant information concerning licensed establishments to comply with State and federal regulatory requirements;
 - (P) disclosure or eligibility requirements for a financier, its owners and principals, and its affiliates, which may include:
 - (i) requirements to disclose information to a licensed establishment, the Board, or the Department of Financial Regulation;
 - (ii) a minimum age requirement and a requirement to conduct a background check for natural persons;
 - (iii) requirements to ensure that a financier complies with applicable State and federal laws governing financial institutions, licensed lenders, and other financial service providers; and
 - (iv) any other requirements, conditions, or limitations on the type or amount of loans or capital investments made by a financier or its affiliates, which the Board, in consultation with the Department of Financial Regulation,

determines are necessary to protect the public health, safety, and general welfare;

(Q) policies and procedures for conducting outreach and promoting participation in the regulated cannabis market by diverse groups of individuals, including those who have been disproportionately harmed by cannabis prohibition;

(R) advertising and marketing; and

(S) requirements for cannabis control testing of hemp, hemp-infused products, cannabis, and cannabis products.

(2)(A) Rules concerning cultivators shall include:

(i) creation of a tiered system of licensing based on the plant canopy size of the cultivation operation or plant count for breeding stock;

(ii) pesticides or classes of pesticides that may be used by cultivators, provided that any rules adopted under this subdivision shall comply with and shall be at least as stringent as the Agency of Agriculture, Food and Markets' Vermont Pesticide Control Regulations;

(iii) standards for indoor cultivation of cannabis;

(iv) procedures and standards for testing cannabis for contaminants, potency, and quality assurance and control;

(v) labeling requirements for cannabis sold to retailers and integrated licensees, including health warnings developed in consultation with the Department of Health;

(vi) regulation of visits to the establishments, including the number of visitors allowed at any one time and record keeping concerning visitors; ~~and~~

(vii) facility inspection requirements and procedures; and

(viii) performance standards that would allow the Board to relegate a cultivator into a lower tier or expand into a tier that may not be otherwise available to new applicants.

* * *

(5) Rules concerning retailers shall include:

(A) requirements for proper verification of age of customers;

(B) restrictions that cannabis shall be stored behind a counter or other barrier to ensure a customer does not have direct access to the cannabis;

(C) requirements that if the retailer sells hemp or hemp products, the hemp and hemp products are clearly labeled as such;

(D) requirements for opaque, child-resistant packaging of cannabis products and child-deterrent packaging for cannabis at point of sale to customer; and

(E) requirements and procedures for facility inspection to occur at least annually;

(F) location or siting requirements that increase the geographic distribution of new cannabis retail establishments based on population and market needs; and

(G) requirements for a medical-use endorsement, including rules requiring access for patients who are under 21 years of age.

* * *

Sec. 5. 7 V.S.A. § 907 is amended to read:

§ 907. RETAILER LICENSE

(a) A retailer licensed under this chapter may:

(1) purchase cannabis and cannabis products from a licensed cannabis establishment; and

(2) transport, possess, package, and sell cannabis and cannabis products to the public for consumption off the registered premises or for cultivation.

(b) In a single transaction, a retailer may provide one ounce of cannabis or the equivalent in cannabis products, or a combination thereof, to a person 21 years of age or older upon verification of a valid government-issued photograph identification card.

(c)(1) Packaging shall include:

(A) the strain and variety of cannabis contained;

(B) the potency of the cannabis represented by the amount of tetrahydrocannabinol and cannabidiol in milligrams total and per serving;

(C) a “produced on” date reflecting the date that the cultivator finished producing the cannabis;

(D) appropriate warnings as prescribed by the Board in rule; and

(E) any additional requirements contained in rules adopted by the Board in accordance with this chapter.

(2) Packaging shall not be designed to appeal to persons under 21 years of age.

(d) A retailer shall display a safety information flyer at the point of purchase and offer a customer a copy of the flyer with each purchase. A retailer shall inform the customer that if the customer elects not to receive the flyer, the information contained in the flyer is available on the website for the Board. The flyer shall be developed by the Board in consultation with the Department of Health, posted on the Board's website, and supplied to the retailer free of charge. At a minimum, the flyer or flyers shall contain information concerning the methods for administering cannabis, the amount of time it may take for cannabis products to take effect, the risks of driving under the influence of cannabis, the potential health risks of cannabis use, the symptoms of problematic usage, how to receive help for cannabis abuse, and a warning that cannabis possession is illegal under federal law.

(e) Delivery of cannabis to customers is prohibited, except as provided in subsection (f) of this section.

(f) A retailer may obtain a medical-use endorsement in compliance with rules adopted by the Board and the endorsement shall permit the retailer to:

(1) sell tax-free cannabis and cannabis products to registered patients directly or through their registered caregivers:

(A) that are otherwise prohibited for sale to nonmedical customers pursuant to subdivisions 868(a)(1) and (b)(1) of this title;

(B) that are otherwise prohibited for sale to nonmedical customers if they are determined to be appropriate for use by a registered patient as determined by the Board through rulemaking; and

(C) quantities in excess of the single transaction limit in subsection (b) of this section provided they do not exceed the per patient possession limit in section 952 of this title .

(2) deliver cannabis and cannabis products to registered patients directly or through their registered caregivers; and

(3) allow registered patients to purchase directly or through their registered caregivers cannabis and cannabis products without leaving their vehicles.

Sec. 6. 7 V.S.A. § 910 is amended to read:

§ 910. CANNABIS ESTABLISHMENT FEE SCHEDULE

The following fees shall apply to each person or product licensed by the Board:

* * *

(4) Retailers.

(A) Retailers that sell cannabis and cannabis products to consumers shall be assessed an annual licensing fee of \$10,000.00.

(B) Retailers that include a medical-use endorsement shall be assessed an annual licensing fee of \$10,250.00.

* * *

Sec. 7. 7 V.S.A. § 951(8) is amended to read:

(8) “Qualifying medical condition” means:

(A) cancer, multiple sclerosis, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, glaucoma, Crohn’s disease, Parkinson’s disease, post-traumatic stress disorder, ulcerative colitis, or the treatment of these conditions, if the disease or the treatment results in severe, persistent, and intractable symptoms; or

(B) a disease or medical condition or its treatment that is chronic, debilitating, and produces one or more of the following intractable symptoms: cachexia or wasting syndrome, chronic pain, severe nausea, or seizures.

Sec. 8. 7 V.S.A. § 955 is amended to read:

§ 955. REGISTRATION; FEES

(a) A registration card shall expire ~~one year after the date of issuance for patients with a qualifying medical condition of chronic pain and the caregivers who serve those patients. For all other patients and the caregivers who serve those patients, a registration card shall expire~~ three years after the date of issuance. A patient or caregiver may renew the card according to protocols adopted by the Board.

(b) The Board shall charge and collect a \$50.00 registration and renewal fee for patients and caregivers. Fees shall be deposited in the Cannabis Regulation Fund as provided in section 845 of this title.

Sec. 9. 7 V.S.A. § 977 is amended to read:

§ 977. FEES

(a) The Board shall charge and collect the following fees for dispensaries:

(1) a one-time ~~\$2,500.00~~ \$1,000.00 application fee;

(2) a ~~\$20,000.00 registration fee for the first year of operation;~~

~~(3) an annual renewal fee of \$25,000.00 for a subsequent year of operation \$5,000.00; and~~

~~(4)(3) an annual Registry identification or renewal card fee of \$50.00 to be paid by the dispensary for each owner, principal, financier, and employee of the dispensary.~~

(b) Fees shall be deposited in the Cannabis Regulation Fund as provided in section 845 of this title.

Sec. 10. 7 V.S.A. § 978(f) is amended to read:

~~(f) The Board may charge and collect fees for review of advertisements. [Repealed.]~~

Sec. 11. 18 V.S.A. § 4230(d) is amended to read:

~~(d) Cannabis-infused~~ Cannabis-infused products. Only the portion of a cannabis-infused product that is attributable to cannabis shall count toward the possession limits of this section. The weight of cannabis that is attributable to cannabis-infused products shall be determined according to methods set forth in rule by the ~~Department of Public Safety in accordance with chapter 86 of this title (therapeutic use of cannabis)~~ Cannabis Control Board.

Sec. 12. 20 V.S.A. § 2730(b) is amended to read:

(b) The term “public building” does not include:

* * *

(5) A farm building that is used in the outdoor cultivation of cannabis by a person licensed pursuant to 7 V.S.A. chapter 33 in accordance with such chapter and related rules.

Sec. 13. 32 V.S.A. § 7902 is amended to read:

§ 7902. CANNABIS EXCISE TAX

(a) There is imposed a cannabis excise tax equal to 14 percent of the sales price of each retail sale in this State of cannabis and cannabis products, including food or beverages.

(b) The tax imposed by this section shall be paid by the purchaser to the retailer or integrated licensee. Each retailer or integrated licensee shall collect from the purchaser the full amount of the tax payable on each taxable sale.

(c) The tax imposed by this section is separate from and in addition to the general sales and use tax imposed by chapter 233 of this title. The tax imposed by this section shall not be part of the sales price to which the general sales and use tax applies. The cannabis excise tax shall be separately itemized from the general sales and use tax on the receipt provided to the purchaser.

(d) The following sales shall be exempt from the tax imposed under this section:

(1) sales under any circumstances in which the State is without power to impose the tax; and

(2) sales made by any dispensary as authorized under 7 V.S.A. chapter 37 or any retailer licensed with a medical-use endorsement as authorized under 7 V.S.A. chapter 33, provided that the cannabis or cannabis product is sold only to registered ~~qualifying~~ patients directly or through their registered caregivers. A retailer that sells cannabis or cannabis products that are exempt from tax pursuant to this subdivision shall retain information pertaining to each exempt transaction as required by the Commissioner of Taxes.

Sec. 14. 32 V.S.A. § 9741 is amended to read:

§ 9741. SALES NOT COVERED

Retail sales and use of the following shall be exempt from the tax on retail sales imposed under section 9771 of this title and the use tax imposed under section 9773 of this title:

* * *

(55) Cannabis and cannabis products, as defined under 7 V.S.A. § 831, sold by any dispensary as authorized under 7 V.S.A. chapter 37 or any retailer licensed with a medical-use endorsement as authorized under 7 V.S.A. chapter 33, provided that the cannabis or cannabis product is sold only to registered qualifying patients directly or through their registered caregivers. A retailer that sells cannabis or cannabis products that are exempt from tax pursuant to this subdivision shall retain information pertaining to each exempt transaction as required by the Commissioner of Taxes.

* * *

Sec. 15. TRANSFER AND APPROPRIATION

Notwithstanding 7 V.S.A. § 845(c), in fiscal year 2025:

(1) \$500,000.00 is transferred from the Cannabis Regulation Fund established pursuant to 7 V.S.A. § 845 to the Cannabis Business Development Fund established pursuant to 7 V.S.A. § 987; and

(2) \$500,000.00 is appropriated from the Cannabis Business 19 Development Fund to the Agency of Commerce and Community Development to fund technical assistance and provide loans and grants pursuant to 7 V.S.A. § 987.

Sec. 16. 7 V.S.A. § 869 is amended to read:

§ 869. CULTIVATION OF CANNABIS; ENVIRONMENTAL AND LAND
USE STANDARDS; REGULATION OF CULTIVATION

(a) A cannabis establishment shall not be regulated as “farming” under the Required Agricultural Practices, 6 V.S.A. chapter 215, or other State law, and cannabis produced from cultivation shall not be considered an agricultural product, farm crop, or agricultural crop for the purposes of 32 V.S.A. chapter 124, 32 V.S.A. § 9741, or other relevant State law.

* * *

(f) Notwithstanding subsection (a) of this section, a cultivator licensed under this chapter who initiates cultivation of cannabis outdoors on a parcel of land shall:

(1) be regulated in the same manner as “farming” and not as “development” on the tract of land where cultivation occurs for the purposes of permitting under 10 V.S.A. chapter 151;

(2)(A) not be regulated by a municipal bylaw adopted under 24 V.S.A. chapter 117 in the same manner that Required Agricultural Practices are not regulated by a municipal bylaw under 24 V.S.A. § 4413(d)(1)(A), except that there shall be the following minimum setback distance between the cannabis plant canopy and a property boundary or edge of a highway:

(i) if the cultivation occurs in a cannabis cultivation district adopted by a municipality pursuant to 24 V.S.A. § 4414a, the setback shall be not larger than 25 feet as established by the municipality; and

(ii) if the cultivation occurs outside of cannabis cultivation district adopted by a municipality pursuant to 24 V.S.A. § 4414a or no cannabis cultivation district has been adopted by the municipality, the setback shall be not larger than 100 feet as established by the municipality;

(B) if a municipality does not have zoning, the setback shall be 10 feet;

(3) be eligible to enroll in the Use Value Appraisal Program under 32 V.S.A. chapter 124 for the cultivation of cannabis;

(4) be exempt under 32 V.S.A. § 9741(3), (25), and (50) from the tax on retail sales imposed under 32 V.S.A. § 9771; and

(5) be entitled to the rebuttable presumption that cultivation does not constitute a nuisance under 12 V.S.A. chapter 195 in the same manner as “agricultural activities” are entitled to the rebuttable presumption, provided

that, notwithstanding 12 V.S.A. § 5753(a)(1)(A), the cultivation is complying with subsections (b) and (d) of this section.

Sec. 17. 24 V.S.A. § 4414a is added to read:

§ 4414a. CANNABIS CULTIVATION DISTRICT

A municipality, after consultation with the municipal cannabis control commission, if one exists, may adopt a bylaw identifying cannabis cultivation districts where the outdoor cultivation of cannabis is preferred within the municipality. Cultivation of cannabis within a cannabis cultivation district shall be presumed not to result in an undue effect on the character of the area affected. The adoption of a cannabis cultivation district shall not have the effect of prohibiting cultivation of outdoor cannabis in the municipality.

Sec. 18. EFFECTIVE DATES

Sec. 6, 7 V.S.A. § 910, shall take effect on July 1, 2025, and the remainder of the act shall take effect on passage.

Rep. Anthony of Barre City, for the Committee on Ways and Means, recommended the bill ought to pass when amended as recommended by the Committee on Government Operations and Military Affairs.

Rep. Scheu of Middlebury, for the Committee on Appropriations, recommended the bill ought to pass when amended as recommended by the Committee on Government Operations and Military Affairs.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, the report of the Committee on Government Operations and Military Affairs agreed to, and third reading was ordered.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 622

House bill, entitled

An act relating to emergency medical services

H. 655

House bill, entitled

An act relating to qualifying offenses for sealing criminal history records and access to sealed criminal history records

Bill Amended; Recess; Third Reading; Bill Passed**H. 702**

House bill, entitled

An act relating to legislative operations and government accountability

Was taken up and, pending third reading of the bill, **Reps. Cina of Burlington and Donahue of Northfield** moved to amend the bill in Sec. 2, 2 V.S.A. chapter 28, in section 972, in subdivision (a)(1)(B), by adding a new sentence to the end of the subdivision to read as follows:

The Committee shall consider issues of significant public concern referred to the Committee pursuant to a resolution adopted by either chamber of the General Assembly.

Which was agreed to.

At two o'clock and thirty minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At three o'clock and two minutes in the afternoon, the Speaker called the House to order.

Pending third reading of the bill, **Rep. McCarthy of St. Albans City** moved to amend the bill by adding a reader assistance heading and two new sections to be Secs. 6a and 6b to read as follows:

* * * State-Funded Grants Review * * *

Sec. 6a. WORKING GROUP ON STATE GRANT PROCESSES

(a) Creation. There is created the Working Group on State Grant Processes for the purpose of assessing the State's current grant awarding procedures.

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

(1) the Secretary of Administration or designee;

(2) six representatives of nonprofit organizations, selected by Common Good Vermont, with at least one representative being a certified public accountant and at least one representative being a certified financial planner, that within 12 months following July 1, 2024 have received a State-funded grant, as follows:

(A) two representatives from human service organizations;

(B) one representative from an arts, culture, or humanities organization; an environmental organization; or a recreational organization;

(C) one representative from an education organization, excluding higher education;

(D) one representative from a nonprofit agency that provides mental health care; and

(E) one representative from Common Good Vermont.

(3) one representative from a Vermont United Way organization, appointed by the Executive Director of the United Way of Vermont;

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

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

(6) one representative of the Department of Finance and Management, appointed by the Governor; and

(7) one member, appointed by the Vermont League of Cities and Towns.

(c) Meetings.

(1) The Secretary of Administration or designee shall call the first meeting of the Working Group to occur on or before September 1, 2024.

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

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

(4) The Working Group shall meet not fewer than eight times.

(5) The Chair may establish subcommittees to perform the work set forth in this section.

(d) Powers and duties. The Working Group shall:

(1) assess the State's current grant and contracting funding levels and identify cost of living or other inflationary adjustments;

(2) assess the impact of bridge loans and lines of credit and identify alternative mechanisms for meeting funding needs;

(3) assess grant and contracting processes and practices across State agencies and departments and identify uniform best practices;

(4) determine the specific circumstances under which funding should be reimbursable;

(5) identify the funding sources that are currently reimbursable but are not required to be and recommend solutions to improve reimbursement practices and processes;

(6) identify system improvements that would simplify grant application and reporting processes;

(7) examine ways to ensure consistency between State and federal indirect rates, including:

(A) implementing a standard indirect rate across all State-funded grants;

(B) reviewing the process for nonprofit organizations to qualify for an indirect rate above the standard rate; and

(C) honoring federal indirect rates;

(8) analyze the impact of grants being executed more than 30 days after a notice of award is issued;

(9) analyze the impact of agencies not paying grantees within 30 days after receiving a written request for payment on a grant; and

(10) consider related issues that arise during the course of the Working Group's duties as set forth in this section.

(e) Reporting. The Working Group shall submit a written report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations with its recommendations based on the analysis conducted pursuant to this section on or before September 1, 2025.

(f) Compensation and reimbursement.

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

(2) Other members of the Working Group shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than eight meetings.

(3) Payments to members of the Working Group authorized under this subsection shall be made from monies appropriated to the General Assembly.

(g) Expiration. The Working Group shall cease to exist on December 31, 2025.

Sec. 6b. STATE-FUNDED GRANTS; REPORT ON PROMPT

EXECUTION AND PAYMENT

On or before November 15, 2024, the Agency of Administration, in consultation with the Joint Fiscal Office, shall submit a preliminary written report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations analyzing and summarizing the fiscal and logistical impacts of requiring State agencies to:

(1) execute State-funded grant agreements within 30 days after providing notice of award to a grantee; and

(2) promptly pay grantees of State-funded grant agreements within 30 days after receipt of a valid written request for payment.

Which was agreed to. Thereafter, the bill was read a third time and passed.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 707

House bill, entitled

An act relating to revising the delivery and governance of the Vermont workforce system

H. 877

House bill, entitled

An act relating to miscellaneous agricultural subjects

Second Reading; Bill Amended; Third Reading Ordered

H. 585

Rep. McCarthy of St. Albans City, for the Committee on Government Operations and Military Affairs, to which had been referred House bill, entitled

An act relating to amending the pension system for sheriffs and certain deputy sheriffs

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 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:

(i) the following employees who are first employed in the positions listed in this subdivision (F)(i) on or after 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~~ and employees of the Vermont State Psychiatric Care Hospital employees or as employees of its successor in interest, who provide direct patient care; and

(ii) the following employees who are first employed in the positions listed in this subdivision (F)(ii) or first included in the membership of the System on or after January 1, 2025, or who are members of the System as of December 31, 2024 and make an irrevocable election to join Group G on or before December 31, 2024, pursuant to the terms set by the Board:

(I) all sheriffs; and

(II) deputy sheriffs who:

(aa) are employed by county sheriff’s departments that participate in the Vermont Employees’ Retirement System;

(bb) have attained Level II or Level III law enforcement officer certification from the Vermont Criminal Justice Council;

(cc) are required to perform law enforcement duties as the primary function of their employment; and

(dd) are not full-time deputy sheriffs compensated by the State of Vermont whose primary function is transports as defined in 24 V.S.A. § 290(b) and eligible for Group C pursuant to 3 V.S.A. § 455(9)(B).

* * *

(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 Psychiatric Care Hospital or its predecessor or 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 Psychiatric Care Hospital or its predecessor or 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 Psychiatric Care Hospital or its predecessor or 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;

(iv) for all sheriffs and those deputy sheriffs who meet the requirements pursuant to subdivision (11)(F)(ii) of this subsection (a), who were first included in the membership of the System on or before June 30, 2008, who were employed as of December 31, 2024, and who made an irrevocable election to prospectively join Group G on or before January 1, 2025, 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;

(v) for all sheriffs and those deputy sheriffs who meet the requirements pursuant to subdivision (11)(F)(ii) of this subsection (a), who were first included in the membership of the System on or after July 1, 2008, who were employed as of December 31, 2024, and who made an irrevocable election to prospectively join Group G on or before January 1, 2025, 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

(vi) for all sheriffs and those deputy sheriffs who meet the requirements pursuant to subdivision (11)(F)(ii) of this subsection (a), who first become a Group G member after January 1, 2025, 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. 2. 3 V.S.A. § 459 is amended to read:

§ 459. NORMAL AND EARLY RETIREMENT

* * *

(b) Normal retirement allowance.

* * *

(6)(A) Upon normal retirement pursuant to subdivisions 455(a)(13)(E)(i) ~~and, (iii), (iv), and (vi)~~ of this chapter, a Group G member shall receive a normal retirement allowance equal to two and one-half of a percent of the member's average final compensation times years of membership service in Group G. The maximum retirement allowance shall be 50 percent of average final compensation.

(B) Upon normal retirement pursuant to ~~subdivision~~ subdivisions 455(a)(13)(E)(ii) ~~and (v)~~ of this chapter, a Group G member shall receive a normal retirement allowance equal to two and one-half of a percent of the member's average final compensation times years of membership service in Group G. The maximum retirement allowance shall be 60 percent of average final compensation.

* * *

(d) Early retirement allowance.

* * *

(4)(A) Upon early retirement, a Group G member who was previously a Group F member first included in the membership of the System on or before June 30, 2008, and who elected to transfer into Group G ~~on July 1, 2023~~ pursuant to the terms set by the Board, shall receive an early retirement allowance that shall be equal to the normal retirement allowance reduced by the lesser of (i) one-half of one percent for each month equal to the difference between the 240 months and the member's months of creditable service, or (ii) an amount that shall be the actuarial equivalent of the normal retirement allowance computed under subsection (b) of this section.

(B) Upon early retirement, a Group G member who was previously a Group F member first included in the membership of the System on or after

July 1, 2008, and who elected to transfer into Group G ~~on July 1, 2023~~ pursuant to the terms set by the Board, shall receive an early retirement allowance that shall be equal to the normal retirement allowance reduced by the lesser of (i) five-ninths of one percent for each month equal to the difference between the 240 months and the member's months of creditable service, or (ii) an amount that shall be the actuarial equivalent of the normal retirement allowance computed under subsection (b) of this section.

* * *

Sec. 3. 3 V.S.A. § 489 is amended to read:

§ 489. BENEFITS

Persons who become members of the Vermont State Retirement System under this subchapter and on behalf of whom contributions are paid as provided in this subchapter shall be entitled to benefits under the Vermont State Retirement System as though they were employees of the State of Vermont. These employees shall be considered "Group F members" as defined in subdivision 455(a)(11)(E) of this title, except that:

(1) elected municipal employees shall not be subject to mandatory retirement requirements; and

(2) sheriffs and those deputy sheriffs who meet the requirements pursuant to subdivision 455(a)(11)(F)(ii)(II) of this chapter shall be considered members of Group G.

Sec. 4. ONE-TIME IRREVOCABLE ELECTION FOR SHERIFFS AND
CERTAIN DEPUTY SHERIFFS

(a) On or before September 1, 2024, the Department of State's Attorneys and Sheriffs, in consultation with the Department of Human Resources and the Office of the State Treasurer, shall establish a list of positions newly eligible for Group G of the Vermont State Employees' Retirement System, which shall be limited to the following:

(1) all sheriffs; and

(2) deputy sheriffs who:

(A) are employed by county sheriff's departments that participate in the Vermont State Employees' Retirement System;

(B) have attained Level II or Level III law enforcement officer certification from the Vermont Criminal Justice Council;

(C) are required to perform law enforcement duties as the primary function of their employment; and

(D) are not full-time deputy sheriffs compensated by the State of Vermont whose primary function is transports as defined in 24 V.S.A. § 290(b) and eligible for Group C pursuant to 3 V.S.A. § 455(9)(B).

(b) In establishing any new deputy sheriff position on and after January 1, 2025, the Department of State's Attorneys and Sheriffs, in consultation with sheriff's departments, shall identify that position as eligible for either Group C membership or Group G membership pursuant to the criteria as set forth in subsection (a) of this section.

(c)(1) A sheriff or deputy sheriff who qualifies for Group G membership shall have a one-time option to transfer to Group G on or before December 1, 2024. For a sheriff or deputy sheriff who qualifies for Group G membership who is first employed on or after December 1, 2024, election to join Group G under this subsection shall be made as soon as possible but shall be within 30 days from the employee's date of hire.

(2) Election to join the Group G plan under this subsection shall be irrevocable.

(d) The effective date of participation in a new group plan for those employees covered under this section and who elect to transfer to Group G shall be January 1, 2025. All past service accrued through the date of transfer shall be calculated based upon the plan in which it was accrued, with all provisions and penalties, if applicable, applied.

(e) The Department of State's Attorneys and Sheriffs shall notify the Office of the State Treasurer of changes in a deputy sheriff's eligibility for Group G within 30 days of the change in eligibility, pursuant to 3 V.S.A. § 455(11)(F)(ii)(II).

(f) Nothing in this section shall be read to extend postretirement health or other insurance benefits to Group G deputy sheriffs who work for county sheriff's departments.

Sec. 5. 32 V.S.A. § 1182(c) is added to read:

(c) Compensation under subsection (a) of this section shall be reduced by 30% for any sheriff whose law enforcement officer certification is permanently revoked pursuant to 20 V.S.A. § 2406.

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

Rep. Beck of St. Johnsbury, for the Committee on Ways and Means, recommended the bill ought to pass when amended as recommended by the Committee on Government Operations and Military Affairs.

Rep. Dickinson of St. Albans Town, for the Committee on Appropriations, recommended the bill ought to pass when amended as recommended by the Committee on Government Operations and Military Affairs.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, the report of the Committee on Government Operations and Military Affairs agreed to, and third reading was ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 630

Rep. Buss of Woodstock, for the Committee on Education, to which had been referred House bill, entitled

An act relating to boards of cooperative education services

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Findings and Intent * * *

Sec. 1. FINDINGS; INTENT

(a) Findings. The General Assembly finds that:

(1) Vermont's school districts are small by national and regional standards, which denies them some of the benefits of scale. As of 2021, Vermont was one of approximately nine states that did not have an established system of cooperative educational service agencies.

(2) Some specialized education services are higher in cost or intensity but lower in incidence. Collaborating to ensure quality education is more regionally available to serve students in the least restrictive environment, with a focus of reintegration into the classroom, may make providing such services more efficient and affordable.

(3) Students should be in the least restrictive setting to reach success. Some students require a higher level of care and access to peers that would not be available in an inclusive setting. Some students who are currently placed in substantially separate programs are not able to access their community, peers, or inclusive activities. Vermont is currently sending many of these students to programs that are geographically far away or out of state. Working cooperatively could prevent these students from being transported such long distances. Staying closer to home will also afford these students greater opportunities for afterschool or community-based activities.

(4) Market concentration means single districts cannot always rely on competitive bidding to reduce costs and improve quality. Districts often all have separate contracts for the same service, with the same vendor or vendors, which is an avoidable duplicative cost.

(5) For services that all districts need, such as professional development and specialized settings for students with extraordinary needs, collaboration statewide ensures that the highest quality expertise and programming can be shared at scale in ways that benefit all students and districts.

(6) Collaborative management of some functions would yield the same outcome but at a lower price and with fewer demands on administrative time, such that districts can spend proportionally less of every dollar on noninstructional administrative tasks or duplicative services and capabilities.

(7) Examples of functions that can be challenging or less affordable given the small size of Vermont's districts are:

(A) applying for State, federal, and other grants;

(B) supporting staff and educator development, recruitment, and retention;

(C) supporting transformation of operations or implementation of new State initiatives or quality standards;

(D) providing high-quality, evidence- and science-based professional development in a coherent and consistent way;

(E) providing or ensuring access to regionally available specialized settings for students with unique needs or highly specialized needs in the least restrictive environment, with a focus on reintegration and early intervention;

(F) managing prekindergarten programs to ensure equitable access to high-quality prekindergarten programs;

(G) procurement of services to support education, from food service to transportation, given the lack of enough vendors to ensure competitive bidding;

(H) providing skilled facilities planning and management; and

(I) providing appropriate support and instruction for English learners.

(b) Intent. This act is one of the initial steps in ensuring the opportunity to transform Vermont's educational system. It is the intent of the General Assembly to address the delivery, governance, and financing of Vermont's education system, with the goal of transforming the educational system to ensure high-quality education for all Vermont students, sustainable and

transparent use of public resources, and appropriate support and expertise from the Agency of Education.

Sec. 2. 16 V.S.A. chapter 10 is added to read:

CHAPTER 10. BOARDS OF COOPERATIVE EDUCATION SERVICES

§ 601. POLICY

It is the policy of the State to allow and encourage supervisory unions to create boards of cooperative education services to provide shared programs and services on a regional and statewide level. Formation of a board of cooperative education services shall be designed to build upon the geographically focused cooperative regions used by Vermont superintendents as of July 1, 2024; maximize the impact of available dollars through collaborative funding; reduce duplication of programs, personnel, and services; and contribute to equalizing educational opportunities for all pupils.

§ 602. DEFINITIONS

As used in this chapter:

(1) “Educator” means any:

(A) individual licensed under chapter 51 of this title, the majority of whose employed time in a public school district, supervisory union, or board of cooperative education services is assigned to furnish to students direct instructional or other educational services, as defined by rule of the Standards Board, or who is otherwise subject to licensing as determined by the Standards Board; or

(B) individual licensed under chapter 51 of this title, the majority of whose employed time in a public school, school district, or supervisory union is assigned to developing and managing school curriculum, evaluating and disciplining personnel, or supervising and managing a public school system or public school program.

(2) “Supervisory union” means an administrative, planning, and educational service unit created by the State Board under section 261 of this title that consists of two or more school districts. This term also means a supervisory district.

§ 603. CREATION OF BOARD OF COOPERATIVE EDUCATION

SERVICES; ORGANIZATION; SECRETARY APPROVAL

(a) Establishment of boards of cooperative education services. When the boards of two or more supervisory unions vote to explore the advisability of entering into a written agreement to provide shared programs and services, the

interested boards shall meet and discuss the terms of any such agreement. At this meeting or a subsequent meeting, the participating boards may enter into a proposed agreement to form an association of supervisory unions to deliver shared programs and services to complement the educational programs of member supervisory unions in a cost-effective manner. An association formed pursuant to this chapter shall be known as a board of cooperative education services (BOCES) and shall be a body politic and corporate with the powers and duties afforded them under this chapter.

(b) Articles of agreement. Agreements to form a BOCES pursuant to this chapter shall take the form of articles of agreement and shall serve as the operating agreement for a BOCES. Agreements shall include a cost-benefit analysis outlining the projected financial savings or enhanced outcomes, or both, that the parties expect to realize through shared services or programs. No agreement or subsequent amendments shall take effect unless approved by the member supervisory union boards and the Secretary of Education. The Secretary shall approve articles of agreement if the Secretary finds that the formation of the proposed BOCES is in the best interests of the State, the students, and the member supervisory unions and aligns with the policy set forth in section 601 of this title, subject to the limitations of subsection (d) of this section. At a minimum, the articles of agreement shall state:

- (1) the names of the participating supervisory unions;
- (2) the mission, purpose, and focus of the BOCES;
- (3) the programs or services to be offered by the BOCES;
- (4) the financial terms and conditions of membership of the BOCES, including any applicable membership fee;
- (5) the service fees for member supervisory unions and the service fees for nonmember supervisory unions, as applicable;
- (6) the detailed procedure for the preparation and adoption of an annual budget with carryforward provisions;
- (7) the method of termination of the BOCES and the withdrawal of member supervisory unions, which shall include the apportionment of assets and liabilities;
- (8) the procedure for admitting new members and for amending the articles of agreement;
- (9) the powers and duties of the board of directors of the BOCES to operate and manage the association, including:
 - (A) board meeting attendance requirements;

- (B) consequences for failure to attend a board meeting;
- (C) a conflict-of-interest policy; and
- (D) a policy regarding board member salaries or stipends; and

(10) any other matter not incompatible with law that the member supervisory unions consider necessary to the formation of the BOCES.

(c) Board of directors. A BOCES shall be managed by a board of directors, which shall be composed of one person appointed annually by each member supervisory union board. Appointed persons shall be members of a member supervisory union board or the superintendent or designee of the member supervisory union. Each member of the BOCES board of directors shall be entitled to a vote. No member of the board of directors of a BOCES shall serve as a member of a board of directors or as an officer or employee of any related for-profit or nonprofit organization. The board of directors shall elect a chair from its members and provide for such other officers as it may determine are necessary. The board of directors may also establish subcommittees and create board policies and procedures as it may determine are necessary. The board of directors shall meet not fewer than four times annually. Each member of the board of directors shall provide updates on the activities of the BOCES on a quarterly basis to the member's appointing supervisory union board at an open board meeting.

(d) Number of BOCESs. There shall be not more than seven BOCESs statewide. Supervisory unions shall not be a member of more than one BOCES but may seek services as a nonmember from other BOCESs.

(e) Agency of Education promotion. The Agency of Education shall promote the use of BOCESs as providers of education services and programs for local school districts and supervisory unions and shall include consideration of grant applications that include the use of education cooperatives for the purpose of procuring services and programs. The Agency may designate BOCESs as eligible recipients for any applicable federal or State grants for educational programs.

§ 604. POWERS OF BOARDS OF COOPERATIVE EDUCATION

SERVICES

(a) In addition to any other powers granted by law, a BOCES shall have the power to provide educational programs, services, facilities, and professional and other staff that, in its discretion, best serve the needs of its members. A BOCES shall follow all applicable State and federal laws in its provision of services, including Section 504 of the Rehabilitation Act of 1973,

29 U.S.C. § 794, and the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400–1482.

(b) A BOCES may employ an executive director who shall serve under the general direction of the board and who shall be responsible for the care and supervision of the BOCES. The board shall annually evaluate the executive director's performance and effectiveness in implementing the programs, policies, and goals of the BOCES. The executive director shall not serve as a board member, officer, or employee of any related for-profit or nonprofit organization.

(c) A BOCES shall be a body politic and corporate and shall have standing to sue and be sued to the same extent as a school district. A BOCES may enter into contracts for the purchase of supplies, materials, services, and for the purchase or leasing of land, buildings, and equipment as considered necessary by the board of directors. Section 559 of this title shall apply to the procurement of services or items with costs that exceed \$40,000.00, as well as high-cost construction contracts, as defined by subsection 559(b) of this title.

(d) The board of directors of a BOCES may apply for State, federal, or private grants, for which a BOCES may be otherwise eligible, to obtain funds necessary to carry out the purpose for which the BOCES is established. Nothing in this chapter is intended to create an entitlement to federal funds distributed by the Agency of Education to local education agencies.

§ 605. FINANCING; BUDGETING; AND ACCOUNTING

(a) Education cooperative fund. A BOCES shall establish and manage a fund to be known as an education cooperative fund. All monies contributed by the member school districts and all grants or gifts from the federal government, State government, charitable foundations, private corporations, or any other source shall be deposited into the fund.

(b) Treasurer.

(1) A BOCES shall appoint a treasurer who may be a treasurer of a member school district and who shall be sworn in before entering the duties of the office.

(2) The treasurer may, subject to the direction of the board of directors, receive and disburse all money belonging to the board without further appropriation.

(3) The treasurer shall keep financial records of cash receipts and disbursements and shall make those records available to the board of directors upon request.

(4) The board of directors shall ensure that its blanket bond covers a newly appointed treasurer before the treasurer enters upon the duties of the office. In lieu of a blanket bond, a BOCES may choose to provide suitable crime insurance coverage. The board of directors may pay reasonable compensation to the treasurer for services rendered and shall evaluate the treasurer's performance annually.

(c) Financial accounting system. A BOCES shall use the uniform chart of accounts and financial reporting requirements used by supervisory unions as its financial accounting system.

(d) Audit. Annually, a BOCES shall cause an independent audit to be made of its financial statements consistent with generally accepted governmental auditing standards and shall discuss and vote to accept the audit report at an open meeting of the board. The board shall transmit a copy of each audit to the boards of its member supervisory unions.

(e) Annual statement. Annually, a BOCES shall prepare financial statements, including:

- (1) a statement of net assets; and
- (2) a statement of revenues, expenditures, and changes in net assets.

(f) Budget. A board of cooperative education services shall adopt a budget prior to the beginning of the fiscal year for which the budget is adopted.

(g) Loans. A BOCES may, upon approval of its members, negotiate or contract with any person, corporation, association, or company for a loan not to exceed the difference between the anticipated revenues for the current fiscal year for the budget of the BOCES and the amount credited to date to said budget in order to pay current obligations. Such loan shall be liquidated within six months thereafter from monies subsequently credited to said budget. The total principal, interest, and fees to be paid on such loan shall not exceed the total amount of the authorized budget for the same length of time.

§ 606. ANNUAL REPORT; PUBLIC INFORMATION

(a) The board of a BOCES shall prepare an annual report concerning the affairs of the BOCES and have it printed and distributed to the boards of the member supervisory unions. The annual report shall include, at a minimum:

(1) information on the programs and services offered by the BOCES, including information on the cost-effectiveness of such programs and services and progress made towards achieving the objectives and purposes set forth in the articles of agreement; and

- (2) audited financial statements and the independent auditor's report.

(b) A BOCES shall maintain an internet website that makes the following information available to the public at no cost:

(1) a list of the members of the board of directors of the BOCES;

(2) copies of approved minutes of open meetings held by the board of the BOCES;

(3) a copy of the articles of agreement and any subsequent amendments;
and

(4) a copy of the annual report required under subsection (a) of this section.

§ 607. EMPLOYMENT

(a) A BOCES shall be considered to be a public employer and may employ personnel, including educators, to carry out the purposes and functions of the board. Annually, the board of a BOCES shall conduct an area survey of the salaries of the educators and staff employed by the BOCES's member supervisory unions and school districts.

(b) No person shall be eligible for employment by a BOCES as an educator unless the person is appropriately licensed by the Standards Board for Professional Educators pursuant to chapter 51 of this title.

(c) A person employed by a BOCES as an educator shall be a participant in the Vermont State Teachers' Retirement System pursuant to chapter 55 of this title.

(d) A person who is employed by a BOCES and who is not educator shall be a participant in the Vermont Municipal Employees' Retirement System pursuant to 24 V.S.A. chapter 125.

(e) Educators employed by a BOCES shall be entitled to organize pursuant to chapter 57 of this title.

(f) Employees employed by a BOCES and who are not educators shall be entitled to organize pursuant to 21 V.S.A. chapter 22.

(g) Educators and employees who are employed by a BOCES shall be provided health care benefits pursuant to chapter 61 of this title.

Sec. 3. TRANSITION; REPORT

(a) On or before July 1, 2026, each supervisory union board shall consider and vote on the desirability of establishing a board of cooperative education services pursuant to 16 V.S.A. chapter 10. There shall be not more than seven boards of cooperative service established statewide. Supervisory union boards

that vote to establish a board of cooperative education services shall hold an organizational meeting pursuant to 16 V.S.A. § 603 on or before July 1, 2027.

(b) On or before July 1, 2028, the Secretary of Education shall review the boards of cooperative education services as they exist, or are anticipated to exist, on that date. On or before November 1, 2028, the Secretary shall issue a written report to the General Assembly and the State Board of Education with the following information and recommendations:

(1) the number of boards of cooperative education services in existence on July 1, 2028, including the names of member supervisory unions and services provided;

(2) the number of supervisory unions that are not members of boards of cooperative education services and information on why such supervisory unions have not joined a board of cooperative education services; and

(3) recommendations for expansion of the membership and powers of boards of cooperative education services, including recommendations for whether membership in such boards shall be mandatory.

Sec. 4. BOCES GRANT PROGRAM; APPROPRIATION

(a) There is established the Boards of Cooperative Education Services Start-up Grant Program, to be administered by the Agency of Education, from funds appropriated for this purpose, to award grants to boards of cooperative education services (BOCES) formed pursuant to 16 V.S.A. chapter 10 after July 1, 2024. BOCES shall be eligible for a single \$10,000.00 grant after the Secretary of Education approves the applicant's initial articles of agreement pursuant to 16 V.S.A. § 603(b). Grants may be used for start-up costs and may include reimbursement to member supervisory unions for costs incurred during the exploration and formation of the BOCES and articles of agreement.

(b) The sum of \$70,000.00 is appropriated from the General Fund to the Agency of Education in fiscal year 2025 to fund the Boards of Cooperative Education Services Start-up Grant Program created in subsection (a) of this section. Unexpended appropriations shall carry forward into the subsequent fiscal year and remain available for use for this purpose.

* * * Conforming Revisions * * *

Sec. 5. 16 V.S.A. § 261a is amended to read:

§ 261a. DUTIES OF SUPERVISORY UNION BOARD

* * *

(b) Virtual merger. In order to ~~promote the efficient use of financial and human resources~~ maximize the impact of available funding and resources, and to reduce duplication of educational programs, personnel, and services, and whenever legally permissible, supervisory unions are encouraged to reach agreements with other supervisory unions jointly to provide any service or perform any duty under this section pursuant to section 267 of this title, or to form boards of cooperative education services pursuant to chapter 10 of this title. Agreements between supervisory unions are not subject to the waiver requirement of subdivision (a)(8) of this section. Agreements shall include a cost-benefit analysis outlining the projected financial savings or enhanced outcomes, or both, that the parties expect to realize through shared services or programs.

* * *

Sec. 6. 16 V.S.A. § 1691a is amended to read:

§ 1691a. DEFINITIONS

As used in this chapter:

(1) “Administrator” means an individual licensed under this chapter the majority of whose employed time in a public school, school district, ~~or~~ supervisory union, or board of cooperative education services is assigned to developing and managing school curriculum, evaluating and disciplining personnel, or supervising and managing a public school system or public school program.

* * *

(10) “Teacher” means an individual licensed under this chapter the majority of whose employed time in a public school district ~~or,~~ supervisory union, or board of cooperative education services is assigned to furnish to students direct instructional or other educational services, as defined by rule of the Standards Board, or who is otherwise subject to licensing as determined by the Standards Board.

Sec. 7. 16 V.S.A. § 1931(20) is amended to read:

(20) “Teacher” ~~shall mean~~ means any licensed teacher, principal, supervisor, superintendent, or any professional licensed by the Vermont Standards Board for Professional Educators who is regularly employed, or otherwise contracted if following retirement, for the full normal working time for ~~his or her~~ the teacher’s position in a public day school or school district within the State, or in any school or teacher-training institution located within the State, controlled by the State Board of Education, and supported wholly by the State; or in certain public independent schools designated for such

purposes by the Board in accordance with section 1935 of this title; or who is regularly employed by a board of cooperative education services created in accordance with chapter 10 of this title. In all cases of doubt, the Board shall determine whether any person is a teacher as defined in this chapter. It ~~shall~~ does not mean a person who is teaching with an emergency license.

Sec. 8. 24 V.S.A. § 5051(10) is amended to read:

(10) “Employee” means the following persons employed on a regular basis by a school district ~~or~~, by a supervisory union, or by a board of cooperative education services for ~~no~~ not fewer than 1,040 hours in a year and for ~~no~~ not fewer than 30 hours a week for the school year, as defined in 16 V.S.A. § 1071, or for ~~no~~ not fewer than 1,040 hours in a year and for ~~no~~ not fewer than 24 hours a week year-round; provided, however, that if a person who was employed on a regular basis by a school district as either a special education or transportation employee and who was transferred to and is working in a supervisory union or a board of cooperative education services in the same capacity pursuant to 16 V.S.A. § 261a(a)(6) or (8)(E) and if that person is also employed on a regular basis by a school district within the supervisory union, then the person is an “employee” if these criteria are met by the combined hours worked for the supervisory union and school district. The term ~~shall~~ also ~~mean~~ means persons employed on a regular basis by a municipality other than a school district for ~~no~~ not fewer than 1,040 hours in a year and for ~~no~~ not fewer than 24 hours per week, including persons employed in a library at least one-half of whose operating expenses are met by municipal funding:

* * *

Sec. 9. 16 V.S.A. § 1981 is amended to read:

§ 1981. DEFINITIONS

As used in this chapter unless the context requires otherwise:

* * *

(8) “School board negotiations council” means, for a supervisory district, its school board, and, for school districts within a supervisory union or board of cooperative education services, the body comprising representatives designated by each school board within the supervisory union or board of cooperative education services and by the supervisory union board or board of cooperative education services to engage in professional negotiations with a teachers’ or administrators’ organization.

(9) “Teachers’ organization negotiations council” or “administrators’ organization negotiations council” means the body comprising representatives designated by each teachers’ organization or administrators’ organization within a supervisory district ~~or~~, supervisory union, or board of cooperative education services to act as its representative for professional negotiations.

Sec. 10. 21 V.S.A. § 1722 is amended to read:

§ 1722. DEFINITIONS

As used in this chapter:

* * *

(18) “School board negotiations council” means, for a supervisory district, its school board, and, for school districts within a supervisory union or board of cooperative education services, the body comprising representatives designated by each school board within the supervisory union or board of cooperative education services and by the supervisory union board or board of cooperative education services to engage in collective bargaining with their school employees’ negotiations council.

(19) “School employees’ negotiations council” means the body comprising representatives designated by each exclusive bargaining agent within a supervisory district ~~or~~, supervisory union, or board of cooperative education services to engage in collective bargaining with its school board negotiations council.

(20) “Supervisory district” and “supervisory union” ~~shall~~ have the same ~~meaning~~ meanings as in 16 V.S.A. § 11.

(21) “Municipal school employee” means an employee of a supervisory union ~~or~~, school district, or board of cooperative education services who is not otherwise subject to 16 V.S.A. chapter 57 (labor relations for teachers and administrators) and who is not otherwise excluded pursuant to subdivision (12) of this section.

* * *

Sec. 11. 16 V.S.A. § 2101 is amended to read:

§ 2101. DEFINITIONS

As used in this chapter:

(1) “Participating employee” means a school employee who is eligible for and has elected to receive health benefit coverage through a school employer.

(2) “School employee”:

(A) includes the following individuals:

- (i) an individual employed by a school employer as a teacher or administrator as defined in section 1981 of this title;
- (ii) a municipal school employee as defined in 21 V.S.A. § 1722;
- (iii) an individual employed as a supervisor as defined in 21 V.S.A. § 1502;
- (iv) a confidential employee as defined in 21 V.S.A. § 1722;
- (v) a certified employee of a school employer; and
- (vi) any other permanent employee of a school employer not covered by subdivisions (i)-(v) of this subdivision (2); and

(B) notwithstanding subdivision (A) of this subdivision (2), excludes individuals who serve in the role of superintendent.

(3) “School employer” means a supervisory union or school district as those terms are defined in section 11 of this title, or a board of cooperative education services formed pursuant to chapter 10 of this title.

* * * Effective Date * * *

Sec. 12. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

Rep. Beck of St. Johnsbury, for the Committee on Ways and Means, recommended the report of the Committee on Education be amended in Sec. 4, BOCES grant program; appropriation, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) Notwithstanding any provision of 16 V.S.A. § 4025 to the contrary, the sum of \$70,000.00 is appropriated from the Education Fund to the Agency of Education in fiscal year 2025 to fund the Boards of Cooperative Education Services Start-up Grant Program created in subsection (a) of this section. Unexpended appropriations shall carry forward into the subsequent fiscal year and remain available for use for this purpose.

Rep. Mihaly of Calais, for the Committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the Committee on Education and when further amended as recommended by the Committee on Ways and Means.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Education amended as recommended by the Committee on Ways and Means. The report of the Committee on Education, as amended, agreed to and third reading ordered.

Action on Bill Postponed**H. 687**

House bill, entitled

An act relating to community resilience and biodiversity protection through land use

Was taken up and, pending second reading of the bill, on motion of **Rep. Sheldon of Middlebury**, action on the bill was postponed until March 27, 2024.

**Committee Bill; Second Reading; Point of Order; Question Divided;
Bill Amended; Third Reading Ordered**

H. 880

Rep. LaLonde of South Burlington spoke for the Committee on Judiciary.

House bill, entitled

An act relating to increasing access to the judicial system

Rep. Demrow of Corinth, for the Committee on Ways and Means, recommended that the bill ought to pass when amended by striking out Secs. 3 and 4 in their entireties and inserting in lieu thereof the following:

Sec. 3. 32 V.S.A. § 5811(18) is amended to read:

(18) “Vermont net income” means, for any taxable year and for any corporate taxpayer:

(A) the taxable income of the taxpayer for that taxable year under the laws of the United States, without regard to 26 U.S.C. § 168(k), and excluding income that under the laws of the United States is exempt from taxation by the states:

(i) increased by:

(I) the amount of any deduction for State and local taxes on or measured by income, franchise taxes measured by net income, franchise taxes for the privilege of doing business and capital stock taxes; ~~and~~

(II) to the extent such income is exempted from taxation under the laws of the United States ~~by~~² the amount received by the taxpayer on and after January 1, 1986 as interest income from state and local obligations, other than obligations of Vermont and its political subdivisions, and any dividends or other distributions from any fund to the extent such dividend or distribution is attributable to such Vermont State or local obligations;

(III) the amount of any deduction for a federal net operating loss; and

(IV) the amount of any deduction allowed under 26 U.S.C. § 250(a); and

(ii) decreased by:

* * *

Sec. 4. 32 V.S.A. § 5832 is amended to read:

§ 5832. TAX ON INCOME OF CORPORATIONS

A tax is imposed for each calendar year, or fiscal year ending during that calendar year, upon the income earned or received in that taxable year by every taxable corporation, reduced by any Vermont net operating loss allowed under section 5888 of this title, such tax being the greater of:

(1) an amount determined in accordance with the following schedule:

Vermont net income of the corporation for the taxable year allocated or apportioned to Vermont under section 5833 of this title	Tax
\$0-10,000.00	6.00%
10,001.00-25,000.00	\$600.00 plus 7.0% of the excess over \$10,000.00
25,001.00 and over	\$1,650.00 plus 8.5% <u>10%</u> of the excess over 25,000.00

or

(2)(A) \$75.00 for small farm corporations. "Small farm corporation" means any corporation organized for the purpose of farming, which during the taxable year is owned solely by active participants in that farm business and receives less than \$100,000.00 Vermont gross receipts from that farm operation, exclusive of any income from forest crops; or

* * *

Sec. 5. 9 V.S.A. § 5302 is amended to read:

§ 5302. NOTICE FILING

* * *

(e) At the time of the filing of the information prescribed in subsection (a), (b), (c), or (d) of this section, except investment companies subject to 15 U.S.C. § 80a-1 et seq., the issuer shall pay to the Commissioner a fee of ~~\$600.00~~ \$740.00. The fee is nonrefundable.

(f) Investment companies subject to 15 U.S.C. § 80a-1 et seq. shall pay to the Commissioner an initial notice filing fee of ~~\$2,000.00~~ \$2,250.00 and an annual renewal fee of ~~\$1,650.00~~ \$1,900.00 for each portfolio or class of investment company securities for which a notice filing is submitted.

* * *

Sec. 6. ACCESS TO JUSTICE; POSITIONS; APPROPRIATIONS

(a) Judiciary.

(1) The following classified limited service positions are established in the Judiciary in fiscal year 2025:

- (A) 10 Judicial Assistants;
- (B) two IT Help Desk Analysts;
- (C) two Centralized Service Analysts;
- (D) one Database Administrator;
- (E) seven Sheriff's Deputies;
- (F) 11 Judicial Officers II; and
- (G) one Security Supervisor.

(2)(A) The sum of \$2,261,500.00 is appropriated from the General Fund to the Judiciary in fiscal year 2025 to provide a partial year's funding for the positions established in subdivision (1) of this subsection (a), for contracts for language access services, and for the Court Technology Fund.

(B) It is the intent of the General Assembly to appropriate an annualized amount to the Judiciary in fiscal year 2026 for the positions, language access services, and the Court Technology Fund. The Judiciary shall include the annualized amounts necessary to support these expenditures in its fiscal year 2026 budget presentation.

(b) Department of State's Attorneys and Sheriffs.

(1)(A) The following exempt limited service positions are established in the Department of State's Attorneys and Sheriffs in fiscal year 2025:

- (i) 10 Deputy State's Attorneys; and
- (ii) one Deputy State's Attorney – Pre-Charge Diversion.

(B) The following classified limited service positions are established in the Department of State's Attorneys and Sheriffs in fiscal year 2025:

- (i) 10 Victim Advocates; and
- (ii) 10 Administrative Staff.

(2)(A) The sum of \$1,701,000.00 is appropriated from the General Fund to the Department of State's Attorneys and Sheriffs in fiscal year 2025 to provide a partial year's funding for the positions created in subdivision (1) of this subsection (b).

(B) It is the intent of the General Assembly to appropriate an annualized amount to the Department of State's Attorneys and Sheriffs in fiscal year 2026 for the positions established in subdivision (1) of this subsection (b). The Department of State's Attorneys and Sheriffs shall include the annualized amounts necessary to support these expenditures in its fiscal year 2026 budget presentation.

(c) Office of the Defender General.

(1) One exempt limited service position, Bennington County Juvenile Attorney, is established in the Office of the Defender General in fiscal year 2025.

(2)(A) The sum of \$1,344,700.00 is appropriated from the General Fund to the Office of the Defender General in fiscal year 2025 to provide a partial year's funding for:

- (i) the position established in subdivision (1) of this subsection (c);
- (ii) the contract for services for Orleans County;
- (iii) additional assigned counsel contracts;
- (iv) the contract for the Bennington County Juvenile Attorney;
- (v) additional serious felony units;
- (vi) the approved Data Manager position;
- (vii) in-person training for Office staff and contractors; and
- (viii) the Office's case management system.

(B) It is the intent of the General Assembly to appropriate an annualized amount to the Office of the Defender General in fiscal year 2026 for the purposes set forth in subdivision (A) of this subdivision (2). The Office of the Defender General shall include the annualized amounts necessary to support these expenditures in its fiscal year 2026 budget presentation.

(d) Department of Corrections.

(1)(A) Six classified limited service positions are established in the Department of Corrections in fiscal year 2025 to assist with remote hearings.

(B) The sum of \$300,000.00 is appropriated from the General Fund to the Department of Corrections in fiscal year 2025 to provide a partial year's funding for the positions established in subdivision (A) of this subdivision (1). The Department of Corrections shall include the annualized amounts necessary to support these expenditures in its fiscal year 2026 budget presentation.

(2) The sum of \$750,000.00 is appropriated from the General Fund to the Department of Corrections for grants to the community justice centers for Justice Reinvestment II. The Department shall include this amount in the base funding for community justice center grants in the Justice Reinvestment II component of its fiscal year 2026 budget proposal.

(e) Office of the Attorney General/Court Diversion.

(1) One exempt limited service position – Pre-Charge Diversion is established in the Office of the Attorney General in fiscal year 2025.

(2)(A) The sum of \$397,400.00 is appropriated from the General Fund to the Office of the Attorney General in fiscal year 2025 to provide a partial year's funding for:

(i) the position established in subdivision (1) of this subsection (e);

(ii) grants to community justice centers to expand their workforce by 3.5 full-time equivalent positions to help address caseload pressures; and

(iii) additional resources to the Court Diversion Program.

(B) The Office of the Attorney General shall include the annualized amounts necessary to support the expenditures described in this subsection (e) in its fiscal year 2026 budget presentation.

(f) Center for Crime Victim Services.

(1) One classified Grants Administrator position is established in the Center for Crime Victim Services in fiscal year 2025.

(2) The sum of \$42,700.00 is appropriated from the General Fund to the Center for Crime Victim Services in fiscal year 2025 to provide a partial year's funding for the position established in subdivision (1) of this subsection. The Center for Crime Victim Services shall include the annualized amount necessary to support this expenditure in its fiscal year 2026 budget presentation.

(g) Vermont Access to Justice Coalition. In fiscal year 2025, the sum of \$262,500.00 is appropriated from the General Fund to the Agency of Administration for a partial year's grant to the Vermont Access to Justice Coalition to provide legal services to Vermonters with low incomes. The Agency shall include the annualized amount necessary to support this expenditure in its fiscal year 2026 budget presentation.

(h) One-time funding.

(1) The sum of \$150,000.00 is appropriated from the General Fund to the Office of the Defender General in fiscal year 2025 to restore funding for the Public Defense Special Fund.

(2) The sum of \$300,000.00 is appropriate from the General Fund to the Center for Crime Victim Services in fiscal year 2025 to cover the deficit in the Domestic and Sexual Violence Special Fund.

(i) Annually, as part of their budget presentations, the agencies that received new positions pursuant to this section shall report on the status of their case backlogs and caseload pressures, as applicable, and on any need to convert one or more of the limited service positions established in this section to permanent positions.

Sec. 7. EFFECTIVE DATES

This act shall take effect on July 1, 2024, except that Secs. 3 (add-back of corporate income tax deductions) and 4 (corporate income tax brackets) shall take effect on January 1, 2025 and apply to taxable years beginning on and after January 1, 2025.

and that after passage the title of the bill be amended to read: "An act relating to increasing access to justice and to corporate taxes and fees"

Thereupon, **Rep. Donahue of Northfield** raised a Point of Order that the report of the Committee on Ways and Means was not germane to the bill because the revenue that would be raised by the report would fund beyond H.880, which the Speaker ruled not well-taken because the same revenue stream that the report recommends for H.880 is also recommended for H.721, that revenue stream provides funding to specifically support the policy of those two bills, and it cannot be separated between them.

Rep. Squirrell of Underhill, for the Committee on Appropriations, recommended the report of the Committee on Ways and Means be amended in Sec. 6, access to justice; positions; appropriations, as follows:

First: By striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) Judiciary.

(1) The following classified limited service positions are established in the Judiciary in fiscal year 2025:

- (A) 10 Judicial Assistants;
- (B) two IT Help Desk Analysts;
- (C) two Centralized Service Analysts;
- (D) one Database Administrator;
- (E) 11 Judicial Officers II; and
- (F) one Security Supervisor.

(2)(A) The sum of \$2,261,500.00 is appropriated from the General Fund to the Judiciary in fiscal year 2025 to provide a partial year's funding for the positions established in subdivision (1) of this subsection (a), for contracts for language access services and contracts with sheriff's deputies, and for the Court Technology Fund.

(B) It is the intent of the General Assembly to appropriate an annualized amount to the Judiciary in fiscal year 2026 for the positions, contracts for language access services, contracts with sheriff's deputies, and the Court Technology Fund. The Judiciary shall include the annualized amounts necessary to support these expenditures in its fiscal year 2026 budget presentation.

Second: In subsection (c), in subdivision (2)(A), by striking out subdivision (iv) in its entirety and renumbering the remaining subdivisions to be numerically correct

Third: By adding a new subsection (j) to read as follows:

(j) It is the intent of the General Assembly to use a portion of the revenues generated through the amended taxes and fees in Secs. 3–5 of this act to fund the appropriations set forth in this section.

Which was agreed to.

Pending the question, Shall the bill be amended as recommended by the Committee on Ways and Means, as amended?, **Rep. Donahue of Northfield** asked that the question be divided by first considering sections 3 - 5 and their applicable dates and by thereafter considering section 6 with its applicable date, and the Speaker ruled the question was divisible in that manner.

Rep. Long of Newfane presiding.

Speaker presiding.

Pending the question, Shall the bill be amended as recommended by the Committee on Ways and Means, as amended, in the first division of amendment, which is Sections 3-5 and their applicable effective dates?, **Rep. Donahue of Northfield** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as recommended by the Committee on Ways and Means, as amended, in the first division of amendment, which is Sections 3-5 and their applicable effective dates?, was decided in the affirmative. Yeas, 97. Nays, 40.

Those who voted in the affirmative are:

Andrews of Westford	Demrow of Corinth	Mihaly of Calais
Andriano of Orwell *	Dodge of Essex	Morris of Springfield
Anthony of Barre City	Dolan of Essex Junction	Mrowicki of Putney
Arsenault of Williston	Dolan of Waitsfield *	Mulvaney-Stanak of Burlington
Austin of Colchester	Durfee of Shaftsbury	Notte of Rutland City
Bartholomew of Hartland	Emmons of Springfield	Noyes of Wolcott
Berbeco of Winooski	Farlice-Rubio of Barnet	Ode of Burlington *
Black of Essex	Garofano of Essex	Pajala of Londonderry
Bluemle of Burlington	Goldman of Rockingham	Patt of Worcester
Bongartz of Manchester	Graning of Jericho	Pouech of Hinesburg
Bos-Lun of Westminster	Headrick of Burlington *	Priestley of Bradford
Boyden of Cambridge	Hooper of Burlington	Rice of Dorset
Brown of Richmond	Houghton of Essex Junction	Roberts of Halifax
Brownell of Pownal	Howard of Rutland City	Satcowitz of Randolph
Brumsted of Shelburne	Hyman of South Burlington	Scheu of Middlebury
Burditt of West Rutland	James of Manchester	Sheldon of Middlebury
Burke of Brattleboro	Jerome of Brandon	Sibilia of Dover
Burrows of West Windsor	Kornheiser of Brattleboro	Sims of Craftsbury
Buss of Woodstock	Krasnow of South Burlington	Squirrell of Underhill
Campbell of St. Johnsbury	LaBounty of Lyndon	Stebbins of Burlington
Carpenter of Hyde Park	Lalley of Shelburne *	Stevens of Waterbury
Carroll of Bennington	LaLonde of South Burlington	Stone of Burlington
Casey of Montpelier	LaMont of Morristown	Surprenant of Barnard
Chapin of East Montpelier	Lanpher of Vergennes	Taylor of Colchester
Chase of Chester	Leavitt of Grand Isle	Templeman of Brownington
Chase of Colchester	Lipsky of Stowe	Toleno of Brattleboro
Chesnut-Tangerman of Middletown Springs	Logan of Burlington	Torre of Moretown
Christie of Hartford	Long of Newfane	Troiano of Stannard
Cina of Burlington	Masland of Thetford	Waters Evans of Charlotte
Coffey of Guilford	McCarthy of St. Albans City	White of Bethel
Cole of Hartford	McGill of Bridport	Whitman of Bennington
Conlon of Cornwall		Williams of Barre City
Cordes of Lincoln		Wood of Waterbury

Those who voted in the negative are:

Arrison of Weathersfield	Galfetti of Barre Town	Morgan of Milton *
Bartley of Fairfax	Goslant of Northfield	Morrissey of Bennington
Beck of St. Johnsbury *	Gregoire of Fairfield	Oliver of Sheldon
Birong of Vergennes	Hango of Berkshire	Page of Newport City
Brady of Williston *	Harrison of Chittenden	Parsons of Newbury
Branagan of Georgia	Higley of Lowell	Peterson of Clarendon
Brennan of Colchester	Hooper of Randolph	Quimby of Lyndon
Canfield of Fair Haven	Labor of Morgan	Shaw of Pittsford
Clifford of Rutland City	Laroche of Franklin	Smith of Derby
Corcoran of Bennington	Maguire of Rutland City	Taylor of Milton
Demar of Enosburgh	Marcotte of Coventry	Toof of St. Albans Town
Dickinson of St. Albans Town	Mattos of Milton	Walker of Swanton
Donahue of Northfield *	McCoy of Poultney	Williams of Granby
	Minier of South Burlington	

Those members absent with leave of the House and not voting are:

Elder of Starksboro	McFaun of Barre Town	Pearl of Danville
Graham of Williamstown	Nicoll of Ludlow	Rachelson of Burlington
Holcombe of Norwich	Nugent of South Burlington	Sammis of Castleton
McCann of Montpelier	O'Brien of Tunbridge	Small of Winooski

Rep. Andriano of Orwell explained his vote as follows:

“Madam Speaker:

I vote yes because Vermonters are imploring us to increase public safety and to do so we must decrease the court backlog. The only way to do that is to pay for it, and that’s what these sections of the bill do. Thank you.”

Rep. Beck of St. Johnsbury explained his vote as follows:

“Madam Speaker:

Vermont’s Corporate Income Tax has tripled in the last ten years. We don’t have a revenue problem, we have a spending problem, a big one.”

Rep. Brady of Williston explained her vote as follows:

“Madam Speaker:

Like many of us, I have had a lot of hard conversations with constituents recently. One of them reminded me that the job of a citizen legislator is to make the best decision we can based on our values, beliefs, and community input with the very limited time and resources we have. I believe in the power of government to solve problems, particularly for those most marginalized in our society. I believe in progressive taxation to fight rising inequality and I certainly do not believe in trickle-down economics. But I believe most deeply in the power of public education as the one institution we have to close

opportunity gaps and create a more just and hopeful future. Public education and particularly what we do in the early years is prevention, including prevention for being involved in the criminal justice system or being unhoused or many of the challenges we are wrestling with in this body and in society. Prevention is harder to quantify and takes longer to measure. I am hearing - quite loudly and consistently - in my community and in my committee that we are at an inflection point in education in the State for a variety of complex reasons that are no one individual or legislature's fault. I believe we can and must do better for all kids and make funding of public education more predictable and sustainable. So, the best decision I can make today is that large policy and new revenue commitments now diminish our ability to do the hard work ahead on education and make critical investments for all kids and our collective future."

Rep. Dolan of Waitsfield explained her vote as follows:

"Madam Speaker:

I voted yes for public safety – a major priority of all our communities. However, I must stress that the State is facing an education spending crisis that demands our immediate and sustained attention."

Rep. Donahue of Northfield explained her vote as follows:

"Madam Speaker:

Almost everyone agrees on the priority to support our criminal justice system. But fiscal responsibility means choices among priorities. Achieving these priorities means offsetting with other spending choices, not raising new taxes that harm our economy and thus harm future revenues. I vote no."

Rep. Headrick of Burlington explained his vote as follows:

"Madam Speaker:

As of this morning, of the 1,382 incarcerated Vermonters, 435 are being detained without having been sentenced by the courts."

Rep. Lalley of Shelburne explained her vote as follows:

"Madam Speaker:

I voted yes because public safety is degrading quality of life and adding to the costs of policing in my community. The problems this creates increasingly pose an unfunded mandate on taxpayers in Shelburne."

Rep. Morgan of Milton explained his vote as follows:

“Madam Speaker:

We are funding more judges in the General Fund as requested. Getting serious about our sentencing of crimes sends a clear message to criminals – let’s put teeth in that. More money is not always the answer. Taxing our corporations certainly isn’t the answer.”

Rep. Ode of Burlington explained her vote as follows:

“Madam Speaker:

The Judicial Branch is a co-equal branch of government alongside the Legislative and Executive Branches. It deserves to be adequately funded – and it must be if Vermonters are to have access to justice.”

Thereafter, the bill was amended as recommended by the Committee on Ways and Means, as amended, in the second division of amendment, which is Section 6 and its applicable effective date.

Pending the question, Shall the bill be read a third time?, **Rep. Demrow of Corinth** moved to amend the bill as follows:

First: In Sec. 2, 13 V.S.A. § 7282, in subdivision (a)(8)(D), following “June 30, 2013,” by inserting “but before July 1, 2023,”

Second: In Sec. 2, 13 V.S.A. § 7282, in subdivision (a)(8)(E), by striking out “June 30, 2024” and inserting in lieu thereof “June 30, 2023”

Third: By striking out Sec. 7, effective dates, in its entirety and inserting lieu thereof a new Sec. 7 to read as follows:

Sec. 7. EFFECTIVE DATES

This act shall take effect on July 1, 2024, except that:

- (1) this section shall take effect on passage;
- (2) notwithstanding 1 V.S.A. § 214, Sec. 2, 13 V.S.A. § 7282, shall take effect on passage and shall apply retroactively to July 1, 2023; and
- (3) Secs. 3 (add-back of corporate income tax deductions) and 4 (corporate income tax brackets) shall take effect on January 1, 2025 and apply to taxable years beginning on and after January 1, 2025.

Which was agreed to. Thereupon, third reading was ordered.

Recess

At five o'clock and fifty-five minutes in the evening, the Speaker declared a recess until the fall of the gavel.

Called to Order

At six o'clock and forty-one minutes in the evening, the Speaker called the House to order.

Second Reading; Bill Amended; Third Reading Ordered**H. 721**

Rep. Houghton of Essex Junction, for the Committee on Health Care, to which had been referred House bill, entitled

An act relating to expanding access to Medicaid and Dr. Dynasaur

Reported in favor of its passage when 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 “Medicaid Expansion Act of 2024.”

Sec. 2. FINDINGS

The General Assembly finds that:

(1) Medicaid is a comprehensive public health insurance program, funded jointly by state and federal governments. Vermont’s Medicaid program currently covers adults with incomes up to 133 percent of the federal poverty level (FPL), children up to 19 years of age from families with incomes up to 312 percent FPL, and pregnant individuals with incomes up to 208 percent FPL.

(2) States may customize their Medicaid programs with permission from the federal government through waivers and demonstrations. Vermont is the only state in the nation that operates its entire Medicaid program under a comprehensive statewide demonstration, called the Global Commitment to Health, that offers the same services to residents in all regions of the State.

(3) Vermont’s unique Medicaid program provides comprehensive coverage for a full array of health care services, including primary and specialty care; reproductive and gender-affirming care; hospital and surgical care; prescription drugs; long-term care; mental health, dental, and vision care; disability services; substance use disorder treatment; and some social services and supportive housing services.

(4) There are no monthly premiums for most individuals covered under Vermont’s Medicaid program, and co-payments are minimal or nonexistent for most Medicaid coverage. For example, the highest co-payment for prescription drugs for a Medicaid beneficiary is just \$3.00.

(5) Close to one-third of all Vermonters, including a majority of all children in the State, have coverage provided through Vermont Medicaid, making it the largest health insurance program in Vermont.

(6) In 2021, the six percent uninsured rate for Vermonters who had an annual income between 251 and 350 percent FPL was double the three percent overall uninsured rate. And for those 45 to 64 years of age, the estimated number of uninsured Vermonters increased more than 50 percent over the previous three years, from 4,900 uninsured in 2018 to 7,400 in 2021.

(7) Cost is the primary barrier to health insurance coverage for uninsured Vermonters. More than half (51 percent) of uninsured individuals identify cost as the only reason they do not have insurance.

(8) During the COVID-19 public health emergency, the uninsured rate for Vermonters with incomes just above Medicaid levels (between 139 and 200 percent FPL) fell from six percent in 2018 to two percent in 2021. This drop was due in large part to the federal Medicaid continuous coverage requirement, which allowed individuals to remain on Medicaid throughout the pandemic even if their incomes rose above the Medicaid eligibility threshold. A majority of Vermonters (56 percent) with incomes between 139 and 200 percent FPL were on Medicaid in 2021.

(9) The end of the public health emergency and the beginning of the federally required Medicaid “unwinding” means that many of these Vermonters are losing their comprehensive, low- or no-cost Medicaid health coverage.

(10) Almost nine in 10 (88 percent) insured Vermonters visited a doctor in 2021, compared with just 48 percent of uninsured Vermonters. Insured Vermonters are also significantly more likely to seek mental health care than uninsured Vermonters (34 percent vs. 21 percent).

(11) Marginalized populations are more likely than others to forgo health care due to cost. Vermonters who are members of gender identity minority groups are the most likely not to receive care from a doctor because they cannot afford to (12 percent). In addition, eight percent of each of the following populations also indicated that they are unlikely to receive care because of the cost: Vermonters under 65 years of age who have a disability, Vermonters who are Black or African American, and Vermonters who are LGBTQ.

(12) Many Vermonters under 65 years of age who have insurance are considered “underinsured,” which means that their current or potential future medical expenses are more than what their incomes can bear. The percentage

of underinsured Vermonters is increasing, from 30 percent in 2014 to 37 percent in 2018 and to 40 percent in 2021.

(13) Vermonters 18 to 24 years of age are the most likely to be underinsured among those under 65 years of age, with 37 percent or 38,700 young adults falling into this category.

(14) The highest rates of underinsurance are among individuals with the lowest incomes, who are just over the eligibility threshold for Medicaid. Among Vermonters under 65 years of age, 43 percent of those earning 139–150 percent FPL and 49 percent of those earning 151–200 percent FPL are underinsured.

(15) Underinsured Vermonters 18 to 64 years of age spend on average approximately 2.5 times more on out-of-pocket costs than fully insured individuals, with an average of \$4,655.00 for underinsured adults compared with less than \$1,900.00 for fully insured individuals.

(16) Individuals with lower incomes or with a disability who turn 65 years of age and must transition from Medicaid to Medicare often face what is known as the “Medicare cliff” or the “senior and disabled penalty” when suddenly faced with paying high Medicare costs. Individuals with incomes between \$14,580.00 and \$21,876.00 per year, and couples with incomes between \$19,728.00 and \$29,580.00 per year, can go from paying no monthly premiums for Medicaid or a Vermont Health Connect plan to owing hundreds of dollars per month in Medicare premiums, deductibles, and cost-sharing requirements.

(17) The Patient Protection and Affordable Care Act, Pub. L. No. 111-148, allows young adults to remain on their parents’ private health insurance plans until they reach 26 years of age. The same option does not exist under Dr. Dynasaur, Vermont’s public children’s health insurance program established in accordance with Title XIX (Medicaid) and Title XXI (SCHIP) of the Social Security Act, however, so young adults who come from families without private health insurance are often uninsured or underinsured.

(18) In order to promote the health of young adults and to increase access to health care services, the American Academy of Pediatrics recommends that coverage under Medicaid and SCHIP, which in Vermont means Dr. Dynasaur, be made available to all individuals from 0 to 26 years of age.

Sec. 3. 33 V.S.A. § 1901 is amended to read:

§ 1901. ADMINISTRATION OF PROGRAM

* * *

(b) The Secretary shall make coverage under the Dr. Dynasaur program established in accordance with Title XIX (Medicaid) and Title XXI (SCHIP) of the Social Security Act available to the following individuals whose modified adjusted gross income is at or below 312 percent of the federal poverty level for the applicable family size:

- (1) all Vermont residents up to 21 years of age; and
- (2) pregnant individuals of any age.

(c) The Secretary may charge a monthly premium, in amounts set by the General Assembly, per family for pregnant ~~women and~~ individuals, children, and young adults eligible for medical assistance under Sections 1902(a)(10)(A)(i)(III), (IV), (VI), and (VII) of Title XIX of the Social Security Act, whose family income exceeds 195 percent of the federal poverty level, as permitted under section 1902(r)(2) of that act. Fees collected under this subsection shall be credited to the State Health Care Resources Fund established in section 1901d of this title and shall be available to the Agency to offset the costs of providing Medicaid services. Any co-payments, coinsurance, or other cost sharing to be charged shall also be authorized and set by the General Assembly.

* * *

Sec. 4. AGENCY OF HUMAN SERVICES; TECHNICAL ANALYSIS; REPORTS

(a) The Agency of Human Services, in collaboration with interested stakeholders, shall undertake a technical analysis relating to expanding access to Medicaid and Dr. Dynasaur, to rates paid to health care providers for delivering services to individuals on Medicaid and Dr. Dynasaur, and to the structure of Vermont's health insurance markets.

(b) The technical analysis relating to expanding access to Medicaid and Dr. Dynasaur shall examine the feasibility of; consider the need for one or more federal waivers or one or more amendments to Vermont's Global Commitment to Health Section 1115 demonstration, or both, for; develop a proposed implementation timeline and estimated costs of implementation for; and estimate the programmatic costs of, each of the following:

- (1) expanding eligibility for Medicaid for adults who are 26 years of age or older but under 65 years of age and not pregnant to individuals with incomes at or below 312 percent of the federal poverty level (FPL) by 2030;
- (2) expanding eligibility for Dr. Dynasaur to all Vermont residents up to 26 years of age with incomes at or below 312 percent FPL by 2030;

(3) expanding eligibility for the Immigrant Health Insurance Plan established pursuant to 33 V.S.A. chapter 19, subchapter 9 to all individuals up to 65 years of age with incomes up to 312 percent FPL who have an immigration status for which Medicaid or Dr. Dynasaur is not available by 2030; and

(4) implementing a proposed schedule of sliding-scale cost-sharing requirements for beneficiaries of the expanded Medicaid, Dr. Dynasaur, and Immigrant Health Insurance Plan programs.

(c)(1) The technical analysis relating to Medicaid provider reimbursement rates shall include:

(A) an analysis of the expected enrollment by proposed expansion population for each of the programs described in subsection (b) of this section;

(B) an examination of the insurance coverage individuals in each proposed expansion population currently has, if any, and the average reimbursement rates under that coverage by provider type as a percentage of the Medicare rates for the same services;

(C) an analysis of how current Vermont Medicaid rates compare to rates paid to Vermont providers, by provider type, under Medicare;

(D) an assessment of how other states' public option and Medicaid buy-in programs set provider rates, which providers are included, the basis for those rates by provider type, and any available data regarding the impacts of those rates on provider participation and patient access to care;

(E) an estimate of the costs to the State, by provider type, if providers were reimbursed at 125 percent, 145 percent, 160 percent, and 200 percent of Medicare rates;

(F) if a fee schedule is benchmarked to Medicare rates, how best to structure a methodology that avoids federal Medicare rate cuts while ensuring appropriate inflationary indexing;

(G) if rate differentials will continue between primary care and specialty care services under the RBRVS fee schedule, an estimate of the costs of including comprehensive prenatal, labor and delivery, postpartum, other reproductive health care services, and psychiatric services under the primary care rate; and

(H) a proposed methodology for comparing Medicaid home health and pediatric palliative care rates against Medicare home health prospective payment system or Medicare hospice rates.

(2) As used in this section, “provider type” means the designated and specialized service agencies and each category of health care provider that provides services for which the Department of Vermont Health Access maintains a reimbursement methodology, including hospital inpatient services; hospital outpatient services; professional services reimbursed based on the RBRVS fee schedule for both primary care and specialty care services; services provided by federally qualified health centers and rural health centers; suppliers of durable medical equipment, prosthetics, orthotics, and supplies; clinical laboratory services; home health services; hospice services; pediatric palliative care services; ambulance services; anesthesia services; dental services; assistive community care services; and applied behavior analysis services.

(d) The technical analysis relating to Vermont’s health insurance markets shall include:

(1) determining the potential advantages and disadvantages to individuals, small businesses, and large businesses of modifying Vermont’s current health insurance market structure, including the impacts on health insurance premiums and on Vermonters’ access to health care services;

(2) exploring other affordability mechanisms to address the 2026 expiration of federal enhanced premium tax credits for plans issued through the Vermont Health Benefit Exchange; and

(3) examining the feasibility of creating a public option or other mechanism through which otherwise ineligible individuals or employees of small businesses, or both, could buy into Vermont Medicaid coverage.

(e)(1) On or before January 15, 2025, the Agency of Human Services shall submit the technical analysis required by this section to the House Committees on Health Care and on Appropriations and to the Senate Committees on Health and Welfare, on Finance, and on Appropriations. The analysis shall include the feasibility of each item described in subsections (b)–(d) of this section; the federal strategy for achieving each item, including identification of any necessary federal waivers, the process for obtaining such waivers, and the likelihood of approval for each such waiver; the costs, both programmatic costs and technological and operational costs; a timeline for implementation of each recommended action; and a description of any legislative needs.

(2) On or before January 15, 2026, the Agency of Human Services shall provide the following to the House Committees on Health Care and on Appropriations and to the Senate Committees on Health and Welfare, on Finance, and on Appropriations:

(A) an analysis of how current Vermont Medicaid rates compare to rates paid to Vermont providers, by provider type, under average commercial health insurance fee schedules; and

(B) an estimate of the costs to the State and an analysis of the advantages and disadvantages of benchmarking rates for RBRVS-equivalent professional services based on the average commercial health insurance rates paid to Vermont providers rather than the Medicare fee-for-service physician fee schedule.

Sec. 5. 33 V.S.A. § 1901e is amended to read:

§ 1901e. GLOBAL COMMITMENT FUND

* * *

(c)(1) Annually, on or before October 1, the Agency shall provide a detailed report to the Joint Fiscal Committee that describes the managed care organization's investments under the terms and conditions of the Global Commitment to Health Medicaid Section 1115 waiver, including the amount of the investment and the agency or departments authorized to make the investment.

(2) In addition to the annual report required by subdivision (1) of this subsection, the Agency shall provide the information set forth in subdivisions (A)–(E) of this subdivision annually as part of its budget presentation. The Agency may choose to provide the required information for the subset of the Global Commitment investments being independently evaluated in any one year. The information to be provided shall include:

(A) a detailed description of the investment;

(B) which Vermonters are served by the investment;

(C) the cost of the investment;

(D) the efficacy of the investment; and

(E) where in State government the investment is managed, including the division or office responsible for the management.

Sec. 6. 33 V.S.A. §1901c is added to read:

§ 1901c. MEDICAID COVERED SERVICE CONSIDERATIONS; REPORT

Annually on or before January 15, the Commissioner of Vermont Health Access shall report to the House Committee on Health Care and the Senate Committee on Health and Welfare regarding each service that the Department of Vermont Health Access considered for new, modified, expanded, or reduced coverage under the Vermont Medicaid program during the preceding fiscal

year, including the reason for considering the service, the factors considered, the stakeholders consulted, the coverage decision made, and the rationale for the decision.

Sec. 7. MEDICARE SAVINGS PROGRAMS; INCOME ELIGIBILITY

The Agency of Human Services shall make the following changes to the Medicare Savings Programs:

(1) increase the Qualified Medicare Beneficiary (QMB) Program income threshold to 190 percent of the federal poverty level (FPL);

(2) increase the Specified Low-Income Medicare Beneficiary (SLMB) Program income threshold to 210 percent FPL; and

(3) increase the Qualifying Individual (QI) Program income threshold to 225 percent FPL.

Sec. 8. MEDICAID STATE PLAN AMENDMENTS

(a) The Agency of Human Services shall request approval from the Centers for Medicare and Medicaid Services to amend Vermont's Medicaid state plan to expand eligibility for the Medicare Savings Programs as set forth in Sec. 7 of this act.

(b) If amendments to Vermont's Medicaid state plan or to Vermont's Global Commitment to Health Section 1115 demonstration, or both, are necessary to implement any of the other provision of this act, the Agency of Human Services shall seek approval from the Centers for Medicare and Medicaid Services as expeditiously as possible.

Sec. 9. REPEAL OF VPHARM PROGRAM

33 V.S.A. § 2073 (VPharm assistance program) is repealed on the later of January 1, 2027 or 12 months following approval by the Centers for Medicare and Medicaid Services of the amendment to Vermont's Medicaid state plan to expand eligibility for the Medicare Savings Programs as set forth in Secs. 7 and 8(a) of this act.

Sec. 10. 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, 2021 Acts and Resolves No. 73, Sec. 14, and 2023 Acts and Resolves No. 78, Sec. E.306.1, is further amended to read:

(10) Secs. 48–51 (health care claims tax) shall take effect on July 1, 2013 and Sec. 52 (Health IT-Fund; sunset) shall take effect on July 1, 2025 2027.

Sec. 11. 2019 Acts and Resolves No. 6, Sec. 105, as amended by 2019 Acts and Resolves No. 71, Sec. 19, 2022 Acts and Resolves No. 83, Sec. 75, and 2023 Acts and Resolves No. 78, Sec. E.306.2, 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, ~~2025~~ 2027.

Sec. 12. APPROPRIATIONS

(a) In fiscal year 2025, the sum of \$1,200,000.00 in Global Commitment funds is appropriated to the Agency of Human Services to implement the Dr. Dynasaur eligibility expansion set forth in Sec. 3 of this act.

(1) In fiscal year 2025, the sum of \$360,000.00 is appropriated from the General Fund to the Agency of Human Services, Global Commitment appropriation for the State match for implementation of the Dr. Dynasaur eligibility expansion set forth in Sec. 3 of this act.

(2) In fiscal year 2025, the sum of \$840,000.00 in federal funds is appropriated to the Agency of Human Services, Global Commitment appropriation for implementation of the Dr. Dynasaur eligibility expansion set forth in Sec. 3 of this act.

(b) In fiscal year 2025, the sum of \$450,000.00 in Global Commitment funds is appropriated to the Agency of Human Services for the technical analysis required by Sec. 4 of this act.

(1) In fiscal year 2025, the sum of \$250,000.00 is appropriated from the General Fund to the Agency of Human Services, Global Commitment appropriation for the State match for the technical analysis required by Sec. 4 of this act.

(2) In fiscal year 2025, the sum of \$200,000.00 in federal funds is appropriated to the Agency of Human Services, Global Commitment appropriation for the technical analysis required by Sec. 4 of this act.

(c) The sum of \$200,000.00 is appropriated to the Department of Vermont Health Access in fiscal year 2025, of which \$100,000.00 is from the General Fund and \$100,000.00 is in federal funds, to implement the Medicare Savings Programs eligibility expansion as set forth in Sec. 7 of this act.

Sec. 13. EFFECTIVE DATES

This act shall take effect on passage, except:

(1) Sec. 3 (33 V.S.A. § 1901; Dr. Dynasaur eligibility expansion) shall take effect on January 1, 2026;

(2) Sec. 7 (Medicare Savings Programs; income eligibility) shall take effect upon the later of January 1, 2026 or approval by the Centers for Medicare and Medicaid Services of the amendment to Vermont's Medicaid state plan as directed in Sec. 8(a); and

(3) Sec. 12 (appropriations) shall take effect on July 1, 2024.

Rep. Andrews of Westford, for the Committee on Ways and Means, recommended that the report of the Committee on Health Care be amended as follows:

First: By striking out Sec. 13, effective dates, in its entirety and inserting in lieu thereof a new Sec. 13 to read as follows:

Sec. 13. 32 V.S.A. § 5811(18) is amended to read:

(18) "Vermont net income" means, for any taxable year and for any corporate taxpayer:

(A) the taxable income of the taxpayer for that taxable year under the laws of the United States, without regard to 26 U.S.C. § 168(k), and excluding income that under the laws of the United States is exempt from taxation by the states:

(i) increased by:

(I) the amount of any deduction for State and local taxes on or measured by income, franchise taxes measured by net income, franchise taxes for the privilege of doing business and capital stock taxes; ~~and~~

(II) to the extent such income is exempted from taxation under the laws of the United States ~~by~~, the amount received by the taxpayer on and after January 1, 1986 as interest income from state and local obligations, other than obligations of Vermont and its political subdivisions, and any dividends or other distributions from any fund to the extent such dividend or distribution is attributable to such Vermont State or local obligations;

(III) the amount of any deduction for a federal net operating loss; and

(IV) the amount of any deduction allowed under 26 U.S.C. § 250(a); and

(ii) decreased by:

* * *

Second: By adding a new section to be Sec. 14 to read as follows:

Sec. 14. 32 V.S.A. § 5832 is amended to read:

§ 5832. TAX ON INCOME OF CORPORATIONS

A tax is imposed for each calendar year, or fiscal year ending during that calendar year, upon the income earned or received in that taxable year by every taxable corporation, reduced by any Vermont net operating loss allowed under section 5888 of this title, such tax being the greater of:

(1) an amount determined in accordance with the following schedule:

Vermont net income of the corporation for the taxable year allocated or apportioned to Vermont under section 5833 of this title	Tax
\$0-10,000.00	6.00%
10,001.00-25,000.00	\$600.00 plus 7.0% of the excess over \$10,000.00
25,001.00 and over	\$1,650.00 plus 8.5% 10% of the excess over 25,000.00

or

(2)(A) \$75.00 for small farm corporations. “Small farm corporation” means any corporation organized for the purpose of farming, which during the taxable year is owned solely by active participants in that farm business and receives less than \$100,000.00 Vermont gross receipts from that farm operation, exclusive of any income from forest crops; or

(B) An amount determined in accordance with section 5832a of this title for a corporation that qualifies as and has elected to be taxed as a digital business entity for the taxable year; or

(C) For C corporations with Vermont gross receipts from \$0.00–\$500,000.00, the greater of the amount determined under subdivision (1) of this section or \$100.00; or

(D) For C corporations with Vermont gross receipts from \$500,001.00–\$1,000,000.00, the greater of the amount determined under subdivision (1) of this section or \$500.00; or

(E) For C corporations with Vermont gross receipts from \$1,000,001.00–\$5,000,000.00, the greater of the amount determined under subdivision (1) of this section or \$2,000.00; or

(F) For C corporations with Vermont gross receipts from \$5,000,001.00–\$300,000,000.00, the greater of the amount determined under subdivision (1) of this section or \$6,000.00; or

(G) For C corporations with Vermont gross receipts greater than \$300,000,000.00, the greater of the amount determined under subdivision (1) of this section or \$100,000.00.

Third: By adding a new section to be Sec. 15 to read as follows:

Sec. 15. 9 V.S.A. § 5302 is amended to read:

§ 5302. NOTICE FILING

* * *

(e) At the time of the filing of the information prescribed in subsection (a), (b), (c), or (d) of this section, except investment companies subject to 15 U.S.C. § 80a-1 et seq., the issuer shall pay to the Commissioner a fee of ~~\$600.00~~ \$740.00. The fee is nonrefundable.

(f) Investment companies subject to 15 U.S.C. § 80a-1 et seq. shall pay to the Commissioner an initial notice filing fee of ~~\$2,000.00~~ \$2,250.00 and an annual renewal fee of ~~\$1,650.00~~ \$1,900.00 for each portfolio or class of investment company securities for which a notice filing is submitted.

* * *

Fourth: By adding a new section to be Sec. 16 to read as follows:

Sec. 16. EFFECTIVE DATES

(a) This section and Secs. 1 (short title), 2 (findings), 4 (technical analysis and reports), 5 (Global Commitment investments), 6 (Medicaid covered service considerations), 8 (Medicaid state plan amendments), 9 (repeal of VPharm program), and 10 and 11 (extension of Health IT-Fund) shall take effect on passage.

(b) Sec. 3 (33 V.S.A. § 1901; Dr. Dynasaur eligibility expansion) shall take effect on January 1, 2026.

(c) Sec. 7 (Medicare Savings Programs; income eligibility) shall take effect upon the later of January 1, 2026 or approval by the Centers for Medicare and Medicaid Services of the amendment to Vermont's Medicaid state plan as directed in Sec. 8(a).

(d) Secs. 12 (appropriations) and 15 (securities registration fee) shall take effect on July 1, 2024.

(e) Secs. 13 (add-back of corporate income tax deductions) and 14 (corporate income tax brackets) shall take effect on January 1, 2025 and apply to taxable years beginning on and after January 1, 2025.

Rep. Scheu of Middlebury, for the Committee on Appropriations, recommended that the report of the Committee on Ways and Means be amended by adding a fifth instance of amendment to read as follows:

Fifth: In Sec. 12, appropriations, by adding a new subsection to be subsection (d) to read as follows:

(d) It is the intent of the General Assembly to use a portion of the revenues generated through the amended taxes and fees in Secs. 13–15 of this act to fund the appropriations set forth in this section.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Ways and Means amended as recommended by the Committee on Appropriations.

Pending the question, Shall the report of the Committee on Health Care be amended as recommended by the Committee on Ways and Means, as amended?, **Rep. McCoy of Poultney** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the report of the Committee on Health Care be amended as recommended by the Committee on Ways and Means, as amended?, was decided in the affirmative. Yeas, 92. Nays, 39.

Those who voted in the affirmative are:

Andrews of Westford	Cordes of Lincoln	McCarthy of St. Albans
Anthony of Barre City	Demrow of Corinth	City
Arrison of Weathersfield	Dodge of Essex	McGill of Bridport *
Arsenault of Williston	Dolan of Essex Junction	Mihaly of Calais
Austin of Colchester	Dolan of Waitsfield	Morris of Springfield
Bartholomew of Hartland	Durfee of Shaftsbury	Mulvaney-Stanak of
Berbeco of Winooski	Emmons of Springfield	Burlington
Black of Essex *	Farlice-Rubio of Barnet	Notte of Rutland City
Bluemle of Burlington	Garofano of Essex	Noyes of Wolcott
Bongartz of Manchester	Goldman of Rockingham *	Ode of Burlington
Bos-Lun of Westminster	Graning of Jericho	Pajala of Londonderry
Boyden of Cambridge	Headrick of Burlington	Patt of Worcester
Brown of Richmond	Holcombe of Norwich	Pouech of Hinesburg
Brownell of Pownal	Hooper of Burlington	Priestley of Bradford
Brumsted of Shelburne	Houghton of Essex Junction*	Rice of Dorset
Burke of Brattleboro	Howard of Rutland City	Satcowitz of Randolph
Burrows of West Windsor	Hyman of South Burlington	Scheu of Middlebury
Buss of Woodstock	James of Manchester	Sheldon of Middlebury
Campbell of St. Johnsbury	Jerome of Brandon	Sims of Craftsbury
Carpenter of Hyde Park	Kornheiser of Brattleboro	Squirrell of Underhill
Carroll of Bennington	Krasnow of South	Stebbins of Burlington

Casey of Montpelier	Burlington	Stevens of Waterbury
Chapin of East Montpelier	LaBounty of Lyndon	Stone of Burlington
Chase of Chester	Lalley of Shelburne	Taylor of Colchester
Chase of Colchester	LaLonde of South	Templeman of Brownington
Chesnut-Tangerman of Middletown Springs	Burlington	Toleno of Brattleboro
Christie of Hartford	LaMont of Morristown	Torre of Moretown
Cina of Burlington *	Lanpher of Vergennes	Troiano of Stannard
Coffey of Guilford	Leavitt of Grand Isle	Waters Evans of Charlotte
Cole of Hartford	Logan of Burlington	Whitman of Bennington
Conlon of Cornwall	Long of Newfane	Williams of Barre City
Corcoran of Bennington	Masland of Thetford	Wood of Waterbury

Those who voted in the negative are:

Bartley of Fairfax	Hango of Berkshire	Page of Newport City
Beck of St. Johnsbury	Harrison of Chittenden	Parsons of Newbury
Birong of Vergennes	Higley of Lowell	Peterson of Clarendon
Branagan of Georgia	Hooper of Randolph	Quimby of Lyndon
Brennan of Colchester	Labor of Morgan	Roberts of Halifax
Canfield of Fair Haven	Laroche of Franklin	Shaw of Pittsford
Clifford of Rutland City	Lipsky of Stowe	Sibilia of Dover
Demar of Enosburgh	Maguire of Rutland City	Taylor of Milton *
Dickinson of St. Albans Town	Mattos of Milton	Toof of St. Albans Town
Donahue of Northfield	McCoy of Poultney *	Walker of Swanton
Galfetti of Barre Town	Minier of South Burlington	White of Bethel
Goslant of Northfield	Morgan of Milton *	Williams of Granby
Gregoire of Fairfield	Morrissey of Bennington	
	Oliver of Sheldon	

Those members absent with leave of the House and not voting are:

Andriano of Orwell	McCann of Montpelier	Pearl of Danville
Brady of Williston	McFaun of Barre Town	Rachelson of Burlington
Burditt of West Rutland	Mrowicki of Putney	Sammis of Castleton
Elder of Starksboro	Nicoll of Ludlow	Small of Winooski
Graham of Williamstown	Nugent of South Burlington	Smith of Derby
Marcotte of Coventry	O'Brien of Tunbridge	Surprenant of Barnard

Rep. Black of Essex explained her vote as follows:

“Madam Speaker:

It is a rare occurrence when we can make an investment and know exactly what the payoff will be. I vote yes to put \$175 per month back into the social security checks of nearly 20,000 Vermonters who need and deserve it the most.”

Rep. Cina of Burlington explained his vote as follows:

“Madam Speaker:

Read my lips, yes, new taxes on corporations, so that Vermont can take this important step forward toward guaranteeing the human right of health care to all Vermonters.”

Rep. Goldman of Rockingham explained her vote as follows:

“Madam Speaker:

I voted yes on H.721. Increasing access to Medicaid for 19- and 20- year-olds and pregnant individuals will support them in staying healthier and cost less for them and to the system over time. Premium and cost-sharing support for those reaching 65 years old and going from Medicaid to Medicare may put \$2,000 a year in their pockets. This will make more money available for food, heat, and other needs for low-income individuals.”

Rep. Houghton of Essex Junction explained her vote as follows:

“Madam Speaker:

H.721 takes significant steps for health and well-being for our most vulnerable older and disabled Vermonters by drawing down significant federal dollars and will help our hospitals decrease uncompensated care. This is good fiscal policy.”

Rep. McCoy of Poultney explained her vote as follows:

“Madam Speaker:

As the senior member from St. Johnsbury previously stated, we do not have a revenue problem, we have a spending problem.”

Rep. McGill of Bridport explained her vote as follows:

“Madam Speaker:

I voted yes because this is a critical investment in the health and welfare of struggling Vermonters.”

Rep. Morgan of Milton explained his vote as follows:

“Madam Speaker:

Again, we are asking businesses to shoulder more and more tax burden. With something of this importance, we should be shifting our priorities on the General Fund of the budget. We must control our spending!”

Rep. Taylor of Milton explained his vote as follows:

“Madam Speaker:

We’ve had some great initiatives presented in bills today. If these are so important, which I believe they are, let’s find a way to fund them without raising taxes. We can’t have everything. What bills can we scrap, or initiatives we can end to offset the spending? We need to prioritize, and Vermonters can’t afford to keep paying more.”

Thereafter, the bill was amended as recommended by the Committee on Health Care, as amended, and third reading ordered.

Bill Amended; Third Reading; Bill Passed

H. 546

House bill, entitled

An act relating to administrative and policy changes to tax laws

Was taken up and, pending third reading of the bill, **Rep. Kornheiser of Brattleboro** moved to amend the bill as follows:

In Sec. 8, 32 V.S.A. § 4452, in subsection (d) by adding a sentence at the end of that reads “The valuations provided by the Division for property used for the transmission and distribution of electricity shall be used by the listers as the valuations of that property for purposes of property taxation.”

Which was agreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Kornheiser of Brattleboro** moved to amend the bill by striking out Sec. 15, effective dates, and its reader assistance heading in their entirety and inserting in lieu thereof new Secs. 15 and 16 and their reader assistance headings to read as follows:

* * * Fees * * *

Sec. 15. 18 V.S.A. § 5017 is amended to read:

§ 5017. FEES FOR COPIES

(a) For a certified copy of a vital event certificate, the fee shall be \$10.00.

(b) The State Registrar shall waive the fee for certified copies of vital event certificates issued to:

(1) an individual attesting to a lack of fixed, regular, and adequate nighttime residence; and

(2) an individual between 18 and 24 years of age who resided in a foster home or residential child care facility between 16 and 18 years of age pursuant to placement by a child-placing agency.

* * * Effective Dates * * *

Sec. 16. EFFECTIVE DATES

(a) This section, Secs. 1 (reappraisals), 2 (property valuation and review waiver), 9 (exemption for county-owned property), 10 (fuel tax extension), 11 and 12 (extension of Health IT Fund), 13 (Local Government Revenue Working Group), and 14 (Wealth Tax Commission) shall take effect on passage.

(b) Notwithstanding 1 V.S.A. § 214, Secs. 3 and 4 (link to federal income tax laws) shall take effect retroactively on January 1, 2024 and apply to taxable years beginning on and after January 1, 2023.

(c) Sec. 5 (renter credit expansion) shall take effect on passage and apply to claim years 2025 and after.

(d) Secs. 6 and 7 (repeal of property tax credit late fee) shall take effect on passage and apply to claim years 2024 and after.

(e) Sec. 8 (utility property valuation) shall take effect on passage and apply to grand lists filed on or after April 1, 2025.

(f) Sec. 15 (fee waiver for vital event certificates) shall take effect on July 1, 2024.

Which was agreed to. Thereafter, the bill was read a third time and passed.

Action on Bill Postponed

H. 829

House bill, entitled

An act relating to creating permanent upstream eviction protections and enhancing housing stability

Was taken up and, pending second reading of the bill, on motion of **Rep. Stevens of Waterbury**, action on the bill was postponed until March 27, 2024.

Committee Bill; Second Reading; Bill Amended; Third Reading Ordered

H. 873

Rep. Conlon of Cornwall spoke for the Committee on Education.

House bill, entitled

An act relating to financing the testing for and remediation of the presence of polychlorinated biphenyls (PCBs) in schools

Rep. Beck of St. Johnsbury, for the Committee on Ways and Means, recommended that the bill ought to pass when amended as follows:

In Sec. 1, PCB testing and remediation in schools, in subdivision (c)(1)(A), after “funds that remain” and before “for grants to schools” by striking out “in the Education Fund” and inserting in lieu thereof “at the Agency of Education”

and in Sec. 1, in subdivision (c)(1)(B), after “(B)” and before “are sufficient to fully fund” by striking out “whether the remaining funds in the Education Fund” and inserting in lieu thereof “whether the funds appropriated to the Agency of Education for investigation, remediation, and removal of PCBs in schools”

and in Sec. 1, in subdivision (c)(1)(C), after “when the Secretary of Natural Resources estimates” and before “will be insufficient to award grants” by striking out “the remaining funds in the Education Fund” and inserting in lieu thereof “the funds appropriated to the Agency of Education for investigation, remediation, and removal of PCBs in schools”

and in Sec 1, in subdivision (d)(1), after “that there is \$4,000,000.00 or less of funds remaining” and before “for the investigation, remediation, and removal of PCBs” by striking out “in the Education Fund” and inserting in lieu thereof “at the Agency of Education”

and in Sec. 1, in subdivision (d)(2), after “to transfer \$2,000,000.00” and before “to the Agency of Education” by inserting “from the Environmental Contingency Fund”

Rep. Mihaly of Calais, for the Committee on Appropriations, recommended the bill ought to pass when amended as recommended by the Committee on Ways and Means.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Ways and Means agreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Dolan of Waitsfield** moved to amend the bill in Sec. 1, PCB testing and remediation in schools, in subsection (e), by adding a new sentence after the current last sentence to read as follows:

As part of the submission to the General Assembly, the Secretary shall recommend the source of the necessary funds, provided that the Secretary shall

first consider all other sources of funding before recommending the Education Fund as a source of the necessary funds.

Which was agreed to. Thereafter, third reading was ordered.

Adjournment

At eight o'clock and nine minutes in the evening, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.

Wednesday, March 27, 2024

At one o'clock in the afternoon, the Speaker called the House to order.

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Joint Resolution Adopted in Concurrence

J.R.S. 50

By Senator Baruth,

J.R.S. 50. Joint resolution relating to weekend adjournment on March 29, 2024.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 29, 2024, it be to meet again no later than Tuesday, April 2, 2024.

Was taken up, read, and adopted in concurrence.

Ceremonial Reading

H.C.R. 175

House concurrent resolution in memory of jazz aficionado Reuben Jackson

Offered by: Representatives Krasnow of South Burlington, Cina of Burlington, Mulvaney-Stanak of Burlington, Andrews of Westford, Arsenault of Williston, Berbeco of Winooski, Black of Essex, Burrows of West Windsor, Carpenter of Hyde Park, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Dodge of Essex, Farlice-Rubio of Barnet, Garofano of Essex, Headrick of Burlington, Hyman of South Burlington, LaMont of Morristown, Leavitt of Grand Isle, Logan of Burlington, McGill of Bridport, Minier of

South Burlington, Mulvaney-Stanak of Burlington, Ode of Burlington, Patt of Worcester, Small of Winooski, Stevens of Waterbury, Stone of Burlington, Troiano of Stannard, and Waters Evans of Charlotte

Whereas, Reuben Jackson's contributions to the annals of jazz were noteworthy, and

Whereas, Reuben Jackson was born in Georgia, spent his youth in the nation's capital, and, in 1975, arrived in Vermont to attend Goddard College, and

Whereas, in addition to studying writing at Goddard, Reuben Jackson inaugurated his broadcasting career working as a DJ at WGDR, the college's radio station, and discovering a love for the radio medium, and

Whereas, for two decades, Reuben Jackson was honored to work as the curator for the Duke Ellington Collection at the Smithsonian Institution, and

Whereas, his erudite jazz criticism appeared on the airwaves of *National Public Radio*; in the pages of the *Washington Post*, *JazzTimes*, and *DownBeat*; and on the All About Jazz website, and

Whereas, years later, Reuben Jackson returned to Vermont to teach English at Burlington High School, and, in 2012, he was reunited with his passion for radio, hosting Vermont Public (the former Vermont Public Radio)'s *Friday Night Jazz* program for six years (2012–2018), and recordings from the series are now in the collection of the American Archive of Public Broadcasting, and

Whereas, Reuben Jackson's mentoring at the Young Writers Project reflected both his deep passion for the written word and his life as a respected published poet, and

Whereas, much of his poetry focused on the challenges of the Black American experience, and his most recent volume, *Scattered Clouds*, was issued in 2019, and

Whereas, most recently, Reuben Jackson, who died on February 16, 2024 at 67 years of age and is survived by his partner, Jenae Michelle, had worked as a jazz archivist at the University of the District of Columbia and served as a radio host at WPFW-FM in Washington, DC, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly expresses its sincere condolences to the family of Reuben Jackson, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Jenae Michelle, Vermont Public, WPFW Radio, and the Felix E. Grant Jazz Archives at the University of the District of Columbia.

Having been adopted in concurrence on Friday, March 15, 2024 in accord with Joint Rule 16b, was read.

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 27th day of March 2024, he signed a bill originating in the House of the following title:

H. 469 An act relating to remote and electronic processes for executing an advance directive

**Second Reading; Question Divided; Consideration Interrupted;
Amendment Offered; Bill Amended; Motion to Commit Disagreed to;
Third Reading Ordered**

H. 687

Rep. Bongartz of Manchester, for the Committee on Environment and Energy, to which had been referred House bill, entitled

An act relating to community resilience and biodiversity protection through land use

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Act 250 * * *

Sec. 1. PURPOSE

The purpose of this act is to further assist the State in achieving the conservation vision and goals for the State established in 10 V.S.A. § 2802 and 24 V.S.A. § 4302. It provides a regulatory framework that supports the vision for Vermont of human and natural community resilience and biodiversity protection in the face of climate change, as described in 2023 Acts and Resolves No. 59. It would strengthen the administration of the Act 250 program by changing the structure, function, and name of the Natural Resources Board. It requires that appeals of Act 250 permit decisions be heard by a five-member board called the Environmental Review Board. The Environmental Division of the Superior Court would continue to hear the other types of cases within its jurisdiction. The Environmental Review Board would retain the current duties of the Natural Resources Board in addition to hearing appeals, reviewing the future land use maps of regional plans, and reviewing

applications for the Tier 1A area status. The Board would provide oversight, management, and training to the Act 250 program staff and District Commissions and develop Act 250 program policy through permit decisions and rulemaking. This change would allow the Act 250 program to be a more citizen-friendly process applied more consistently across districts. The program updates established in this act would be used to guide State financial investment in human and natural infrastructure.

Sec. 2. 10 V.S.A. § 6000 is added to read:

§ 6000. PURPOSE; CONSTRUCTION

The purposes of this chapter are to protect and conserve the environment of the State and to support the achievement of the goals of the Capability and Development Plan, of 24 V.S.A. § 4302(c), and of the conservation vision and goals for the State established in section 2802 of this title, while supporting equitable access to infrastructure.

Sec. 3. 10 V.S.A. § 6021 is amended to read:

§ 6021. BOARD; VACANCY; REMOVAL

(a) ~~A Natural Resources Board established.~~ The Environmental Review Board is created to administer the Act 250 program and hear appeals.

(1) The Board shall consist of five members appointed by the Governor, after review and approval by the Environmental Review Board Nominating Committee in accordance with subdivision (2) of this subsection and confirmed with the advice and consent of the Senate, so that one appointment expires in each year. The Chair shall be a full-time position, and the other four members shall be half-time positions. In making these appointments, the Governor and the Senate shall give consideration to candidates who have experience, expertise, or skills relating to the environment or land use one or more of the following areas: environmental science; land use law, policy, planning, and development; and community planning. All candidates shall have a commitment to environmental justice.

(A) The Governor shall appoint a chair of the Board, a position that shall be a full-time position. The Governor shall ensure Board membership reflects, to the extent possible, the racial, ethnic, gender, and geographic diversity of the State. The Board shall not contain two members who reside in the same county.

(B) Following initial appointments, the members, except for the Chair, shall be appointed for terms of four five years. All terms shall begin on July 1 and expire on June 30. A member may continue serving until a

successor is appointed. The initial appointments shall be for staggered terms of one year, two years, three years, four years, and five years.

~~(2) The Governor shall appoint up to five persons, with preference given to former Environmental Board, Natural Resources Board, or District Commission members, with the advice and consent of the Senate, to serve as alternates for Board members.~~

~~(A) Alternates shall be appointed for terms of four years, with initial appointments being staggered. The Environmental Review Board Nominating Committee shall advertise the position when a vacancy will occur on the Environmental Review Board.~~

~~(B) The Chair of the Board may assign alternates to sit on specific matters before the Board in situations where fewer than five members are available to serve. The Nominating Committee shall review the applicants to determine which are well qualified for appointment to the Board and shall recommend those candidates to the Governor. The names of candidates shall be confidential.~~

~~(C) The Governor shall appoint, with the advice and consent of the Senate, a chair and four members of the Board from the list of well-qualified candidates sent to the Governor by the Committee.~~

~~(b) Any vacancy occurring in the membership of the Board shall be filled by the Governor for the unexpired portion of the term. Terms; vacancy; succession. The term of each appointment subsequent to the initial appointments described in subsection (a) of this section shall be five years. Any appointment to fill a vacancy shall be for the unexpired portion of the term vacated. A member may seek reappointment by informing the Governor. If the Governor decides not to reappoint the member, the Nominating Committee shall advertise the vacancy.~~

~~(c) Removal. Notwithstanding the provisions of 3 V.S.A. § 2004, members shall only be removable for cause only, except the Chair, who shall serve at the pleasure of the Governor by the remaining members of the Board in accordance with the Vermont Administrative Procedures Act. The Board shall adopt rules pursuant to 3 V.S.A. chapter 25 to define the basis and process for removal.~~

~~(d) Disqualified members. The Chair of the Board, upon request of the Chair of a District Commission, may appoint and assign former Commission members to sit on specific Commission cases when some or all of the regular members and alternates of the District Commission are disqualified or otherwise unable to serve. If necessary to achieve a quorum, the Chair of the~~

Board may appoint a member of a District Commission who has not worked on the case to sit on a specific case before the Board.

(e) Retirement from office. When a Board member who hears all or a substantial part of a case retires from office before the case is completed, the member may remain a member of the Board, at the member's discretion, for the purpose of concluding and deciding that case and signing the findings and judgments involved. A retiring chair shall also remain a member for the purpose of certifying questions of law if a party appeals to the Supreme Court. For the service, the member shall receive a reasonable compensation to be fixed by the remaining members of the Board and necessary expenses while on official business.

Sec. 4. 10 V.S.A. § 6032 is added to read:

§ 6032. ENVIRONMENTAL REVIEW BOARD NOMINATING
COMMITTEE

(a) Creation. The Environmental Review Board Nominating Committee is created for the purpose of assessing the qualifications of applicants for appointment to the Environmental Review Board in accordance with section 6021 of this title.

(b) Members. The Committee shall consist of six members who shall be appointed by July 31, 2024 as follows:

(1) The Governor shall appoint two members from the Executive Branch, with at least one being an employee of the Department of Human Resources.

(2) The Speaker of the House of Representatives shall appoint two members from the House of Representatives.

(3) The Senate Committee on Committees shall appoint two members from the Senate.

(c) Terms. The members of the Committee shall serve for terms of two years. Members shall serve until their successors are appointed. Members shall serve not more than three consecutive terms. A legislative member who is appointed as a member of the Committee shall retain the position for the term appointed to the Committee even if the member is subsequently not reelected to the General Assembly during the member's term on the Committee.

(d) Chair. The members shall elect their own chair.

(e) Quorum. A quorum of the Committee shall consist of four members.

(f) Staff and services. The Committee is authorized to use the staff and services of appropriate State Agencies and Departments as necessary to conduct investigations of applicants.

(g) Confidentiality. Except as provided in subsection (h) of this section, proceedings of the Committee, including the names of candidates considered by the Committee and information about any candidate submitted to the Governor, shall be confidential. The provisions of 1 V.S.A. § 317(e) (expiration of Public Records Act exemptions) shall not apply to the exemptions or confidentiality provisions in this subsection.

(h) Public information. The following shall be public:

(1) operating procedures of the Committee;

(2) standard application forms and any other forms used by the Committee, provided they do not contain personal information about a candidate or confidential proceedings;

(3) all proceedings of the Committee prior to the receipt of the first candidate's completed application; and

(4) at the time the Committee sends the names of the candidates to the Governor, the total number of applicants for the vacancies and the total number of candidates sent to the Governor.

(i) Reimbursement. Legislative members of the Committee shall be entitled to per diem compensation and reimbursement for expenses in accordance with 2 V.S.A. § 23. Compensation and reimbursement shall be paid from the legislative appropriation.

(j) Duties.

(1) When a vacancy occurs, the Committee shall review applicants to determine which are well qualified for the Board and submit those names to the Governor. The Committee shall submit to the Governor a summary of the qualifications and experience of each candidate whose name is submitted to the Governor together with any further information relevant to the matter.

(2) An applicant for the position of member of the Environmental Review Board shall not be required to be an attorney. If the candidate is admitted to practice law in Vermont or practices a profession requiring licensure, certification, or other professional regulation by the State, the Committee shall submit the candidate's name to the Court Administrator or the applicable State professional regulatory entity, and that entity shall disclose to the Committee any professional disciplinary action taken or pending concerning the candidate.

(3) Candidates shall be sought who have experience, expertise, or skills relating to one or more of the following areas: environmental science; land use law, policy, planning, and development; and community planning. All candidates shall have a commitment to environmental justice

(4) The Committee shall ensure a candidate possesses the following attributes:

(A) Integrity. A candidate shall possess a record and reputation for excellent character and integrity.

(B) Impartiality. A candidate shall exhibit an ability to make judicial determinations in a manner free of bias.

(C) Work ethic. A candidate shall demonstrate diligence.

(D) Availability. A candidate shall have adequate time to dedicate to the position.

(5) The Committee shall require candidates to disclose to the Committee their financial interests and potential conflicts of interest.

Sec. 5. 10 V.S.A. § 6025 is amended to read:

§ 6025. RULES

(a) The Board may adopt rules of procedure for itself and the District Commissions. The Board shall adopt rules of procedure that govern appeals and other contested cases before it that are consistent with this chapter. The Board's procedure for approving regional plans and regional plan maps, which may be adopted as rules or issued as guidance, shall ensure that the maps are consistent with legislative intent as expressed in 2802 of this title and 24 V.S.A. §§ 4302 and 4348a.

* * *

Sec. 6. 10 V.S.A. § 6027 is amended to read:

§ 6027. POWERS

(a) The Board and District Commissions each shall have supervisory authority in environmental matters respecting projects within their jurisdiction and shall apply their independent judgment in determining facts and interpreting law. Each shall have the power, with respect to any matter within its jurisdiction, to:

(1) administer oaths, take depositions, subpoena and compel the attendance of witnesses, and require the production of evidence;

(2) allow parties to enter upon lands of other parties for the purposes of inspecting and investigating conditions related to the matter before the Board or Commission;

(3) enter upon lands for the purpose of conducting inspections, investigations, examinations, tests, and site evaluations as it deems necessary to verify information presented in any matter within its jurisdiction; and

(4) apply for and receive grants from the federal government and from other sources.

(b) The powers granted under this chapter are additional to any other powers ~~which~~ that may be granted by other legislation.

(c) ~~The Natural Resources Board may designate or establish such regional offices as it deems necessary to implement the provisions of this chapter and the rules adopted hereunder. The Natural Resources Board may designate or require a regional planning commission to receive applications, provide administrative assistance, perform investigations, and make recommendations.~~

(d) At the request of a District Commission, if the Board Chair determines that the workload in the requesting district is likely to result in unreasonable delays or that the requesting District Commission is disqualified to hear a case, the Chair may authorize the District Commission of another district to sit in the requesting district to consider one or more applications.

(e) ~~The Natural Resources Board may by rule allow joint hearings to be conducted with specified State agencies or specified municipalities.~~

(f) ~~The Board shall publish its decisions online. The Board may publish online or contract to publish annotations and indices of its decisions, the decisions of the Environmental Division of the Superior Court and the Supreme Court, and the text of those decisions. The published product shall be available at a reasonable rate to the general public and at a reduced rate to libraries and governmental bodies within the State.~~

(g) ~~The Natural Resources Board shall manage the process by which land use permits are issued under section 6086 of this title, may initiate enforcement on related matters under the provisions of chapters 201 and 211 of this title, and may petition the Environmental Division initiate and hear petitions for revocation of land use permits issued under this chapter. Grounds for revocation are:~~

(1) noncompliance with this chapter, rules adopted under this chapter, or an order that is issued that relates to this chapter;

(2) noncompliance with any permit or permit condition;

(3) failure to disclose all relevant and material facts in the application or during the permitting process;

(4) misrepresentation of any relevant and material fact at any time;

(5) failure to pay a penalty or other sums owed pursuant to, or other failure to comply with, court order, stipulation agreement, schedule of compliance, or other order issued under Vermont statutes and related to the permit; or

(6) failure to provide certification of construction costs, as required under subsection 6083a(a) of this title, or failure to pay supplemental fees as required under that section.

(h) ~~The Natural Resources Board may~~ shall hear appeals of decisions made by District Commissions and district coordinators, including fee refund requests under section 6083a of this title.

(i) The Chair, subject to the direction of the Board, shall have general charge of the offices and employees of the Board and the offices and employees of the District Commissions.

(j) ~~The Natural Resources Board may participate as a party in all matters before the Environmental Division that relate to land use permits issued under this chapter~~ The Board shall review for compliance regional plans and the future land use maps, including proposed Tier 1B areas, developed by the regional planning commissions pursuant to 24 V.S.A. § 4348a.

(k) The Board shall review applications for Tier 1A areas and approve or disapprove based on whether the application demonstrates compliance with the requirements of section 6034 of this title. The Board shall produce guidelines for municipalities seeking to obtain the Tier 1A area status.

* * *

Sec. 7. 10 V.S.A. § 6022 is amended to read:

§ 6022. PERSONNEL

(a) Regular personnel. The Board may appoint legal counsel, scientists, engineers, experts, investigators, temporary employees, and administrative personnel as it finds necessary in carrying out its duties, ~~unless the Governor shall otherwise provide in providing personnel to assist the District Commissions and in investigating matters within its jurisdiction.~~

(b) Executive Director. The Board shall appoint an Executive Director. The Director shall be a full-time State employee, shall be exempt from the State classified system, and shall serve at the pleasure of the Board. The Director shall be responsible for:

(1) supervising and administering the operation and implementation of this chapter and the rules adopted by the Board as directed by the Board;

(2) assisting the Board in its duties and administering the requirements of this chapter;

(3) employing any staff as may be required to carry out the functions of the Board; and

(4) preparing an annual budget for submission to the Board.

Sec. 8. 10 V.S.A. § 6084 is amended to read:

§ 6084. NOTICE OF APPLICATION; HEARINGS; COMMENCEMENT OF REVIEW

(a) ~~On or before the date of~~ Upon the filing of an application with the District Commission, the applicant ~~District Commission shall send, by electronic means, notice and a copy of the initial application to the owner of the land if the applicant is not the owner; the municipality in which the land is located; the municipal and regional planning commissions for the municipality in which the land is located; the Vermont Agency of Natural Resources; and any adjacent Vermont municipality and municipal and regional planning commission if the land is located on a municipal or regional boundary. The applicant shall furnish to the District Commission the names of those furnished notice by affidavit, and shall post~~ send by electronic means a copy of the notice ~~in~~ to the town clerk's office of the town or towns in which the project lies. The town clerk shall post the notice in the town office. The applicant shall also provide a list of adjoining landowners to the District Commission. Upon request and for good cause, the District Commission may authorize the applicant to provide a partial list of adjoining landowners in accordance with Board rules.

* * *

(e) Any notice for a major or minor application, as required by this section, shall also be published by the District Commission in a local newspaper generally circulating in the area where the development or subdivision is located and on the Board's website not more than ~~ten~~ 10 days after receipt of a complete application.

* * *

Sec. 9. 10 V.S.A. § 6086(f) is amended to read:

(f) Prior to any appeal of a permit issued by a District Commission, any aggrieved party may file a request for a stay of construction with the District Commission together with a declaration of intent to appeal the permit. The

stay request shall be automatically granted for seven days upon receipt and notice to all parties and pending a ruling on the merits of the stay request pursuant to Board rules. The automatic stay shall not extend beyond the 30-day appeal period unless a valid appeal has been filed with the ~~Environmental Division Board~~. The automatic stay may be granted only once under this subsection during the 30-day appeal period. Following appeal of the District Commission decision, any stay request must be filed with the ~~Environmental Division pursuant to the provisions of chapter 220 of this title~~ Board. A District Commission shall not stay construction authorized by a permit processed under the Board's minor application procedures.

Sec. 10. 10 V.S.A. § 6089 is amended to read:

§ 6089. APPEALS

~~Appeals of any act or decision of a District Commission under this chapter or a district coordinator under subsection 6007(e) of this title shall be made to the Environmental Division in accordance with chapter 220 of this title. For the purpose of this section, a decision of the Chair of a District Commission under section 6001e of this title on whether action has been taken to circumvent the requirements of this chapter shall be considered an act or decision of the District Commission.~~

(a)(1) Appeals to the Board. An appeal of any act or decision of a District Commission shall be to the Board and shall be accompanied by a fee prescribed by section 6083a of this title.

(2) Participation before District Commission. A person shall not appeal an act or decision that was made by a District Commission unless the person was granted party status by the District Commission pursuant to subdivision 6085(c)(1)(E) of this title, participated in the proceedings before the District Commission, and retained party status at the end of the District Commission proceedings. In addition, the person may only appeal those issues under the criteria with respect to which the person was granted party status. However, notwithstanding these limitations, a person may appeal an act or decision of the District Commission if the Board determines that:

(A) there was a procedural defect that prevented the person from obtaining party status or participating in the proceeding;

(B) the decision being appealed is the grant or denial of party status;

or

(C) some other condition exists that would result in manifest injustice if the person's right to appeal was disallowed.

(3) Filing the appeal. An appellant to the Board, under this section, shall file with the notice of appeal a statement of the issues to be addressed in the appeal, a summary of the evidence that will be presented, and a preliminary list of witnesses who will testify on behalf of the appellant.

(4) De novo hearing. The Board shall hold a de novo hearing on all findings requested by any party that files an appeal or cross appeal, according to the rules of the Board. The hearing shall be held in the municipality where the project subject to the appeal is located, if possible, or as close as possible.

(5) Notice of appeal. Notice of appeal shall be filed with the Board within 30 days following the act or decision by the District Commission. The Board shall notify the parties who had party status before the District Commission of the filing of any appeal.

(6) Prehearing discovery.

(A) A party may obtain discovery of expert witnesses who may provide testimony relevant to the appeal. Expert witness prefiled testimony shall be in accordance with the Vermont Rules of Evidence. The use of discovery for experts shall comply with the requirements in the Vermont Rules of Civil Procedure 26–37.

(B) Interrogatories served on nonexpert witnesses shall be limited to discovery of the identity of witnesses and a summary of each witness' testimony, except by order of the Board for cause shown. Interrogatories served on expert witnesses shall be in accordance with the Vermont Rules of Civil Procedure.

(C) Parties may submit requests to produce and requests to enter upon land pursuant to the Vermont Rule of Civil Procedure 34.

(D) Parties may not take depositions of witnesses, except by order of the Board for cause shown.

(E) The Board may require a party to supplement, as necessary, any prehearing testimony that is provided.

(b) Prior decisions. Prior decisions of the former Environmental Board, the Water Resources Board, the Waste Facilities Panel, and the Environmental Division of the Superior Court shall be given the same weight and consideration as prior decisions of the Environmental Review Board.

(c) Appeals to Supreme Court. An appeal from a decision of the Board under subsection (a) of this section shall be to the Supreme Court by a party as set forth in subsection 6085(c) of this title.

(d) Objections. No objection that has not been raised before the Board may be considered by the Supreme Court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

(e) Appeals of decisions. An appeal of a decision by the Board shall be allowed pursuant to 3 V.S.A. § 815, including the unreasonableness or insufficiency of the conditions attached to a permit. An appeal from the District Commission shall be allowed for any reason, except no appeal shall be allowed when an application has been granted and no hearing was requested.

(f) Precedent. Precedent from the former Environmental Board and of the Environmental Review Board that interpret this chapter shall be provided the same deference by the Supreme Court as precedents accorded to other Executive Branch agencies charged with administering their enabling act. On appeal to the Supreme Court from the Environmental Review Board, decisions of the Environmental Review Board interpreting this act also shall be accorded that deference.

(g) Clearly erroneous. Upon appeal to the Supreme Court, the Board's findings of fact shall be accepted unless clearly erroneous.

(h) Completion of case. A case shall be deemed completed when the Board enters a final decision even though that decision is appealed to the Supreme Court and remanded by that Court.

(i) Court of record; jurisdiction. The Board shall have the powers of a court of record in the determination and adjudication of all matters within its jurisdiction. It may initiate proceedings on any matter within its jurisdiction. It may render judgments and enforce the same by any suitable process issuable by courts in this State. An order issued by the Board on any matter within its jurisdiction shall have the effect of a judicial order. The Board's jurisdiction shall include:

(1) the issuance of declaratory rulings on the applicability of this chapter and rules or orders issued under this chapter, pursuant to 3 V.S.A. § 808; and

(2) the issuance of decisions on appeals pursuant to sections 6007 and 6089 of this title.

Sec. 11. 10 V.S.A. § 6007 is amended to read:

§ 6007. ACT 250 DISCLOSURE STATEMENT; JURISDICTIONAL
DETERMINATION

* * *

(c) With respect to the partition or division of land, or with respect to an activity that might or might not constitute development, any person may submit to the district coordinator an "Act 250 Disclosure Statement" and other information required by the rules of the Board and may request a jurisdictional opinion from the district coordinator concerning the applicability of this chapter. If a requestor wishes a final determination to be rendered on the question, the district coordinator, at the expense of the requestor and in accordance with rules of the Board, shall publish notice of the issuance of the opinion in a local newspaper generally circulating in the area where the land that is the subject of the opinion is located and shall serve the opinion on all persons listed in subdivisions 6085(c)(1)(A) through (D) of this title. In addition, the requestor who is seeking a final determination shall consult with the district coordinator and obtain approval of a subdivision 6085(c)(1)(E) list of persons who shall be notified by the district coordinator because they are adjoining property owners or other persons who would be likely to be able to demonstrate a particularized interest protected by this chapter that may be affected by an act or decision by a District Commission.

(d) A person who seeks review of a jurisdictional opinion issued by a district coordinator shall bring to the Board an appeal of issues addressed in the opinion.

(1) The appellant shall provide notice of the filing of an appeal to each person entitled to notice under subdivisions 6085(c)(1)(A) through (D) of this title and to each person on an approved subdivision 6085(c)(1)(E) list.

(2) Failure to appeal within 30 days following the issuance of the jurisdictional opinion shall render the decision of the district coordinator under subsection (c) of this section the final determination regarding jurisdiction unless the underlying jurisdictional opinion was not properly served on persons listed in subdivisions 6085(c)(1)(A) through (D) of this title and on persons on a subdivision 6085(c)(1)(E) list approved under subsection (c) of this section.

Sec. 12. 10 V.S.A. § 6083a is amended to read:

§ 6083a. ACT 250 FEES

* * *

(i) All persons filing an appeal, cross appeal, or petition from a District Commission decision or jurisdictional opinion shall pay a fee of \$295.00, plus publication costs, unless the Board approves a waiver of fees based on indigency.

(j) Any municipality filing an application for a Tier 1A area status shall pay a fee of \$295.00.

(k) Any regional planning commission filing a regional plan or future land use map to be reviewed by the Board shall pay a fee of \$295.00.

* * * Appeals * * *

Sec. 13. 10 V.S.A. chapter 220 is amended to read:

CHAPTER 220. CONSOLIDATED ENVIRONMENTAL APPEALS

§ 8501. PURPOSE

It is the purpose of this chapter to:

(1) consolidate existing appeal routes for municipal zoning and subdivision decisions and acts or decisions of the Secretary of Natural Resources, ~~district environmental coordinators, and District Commissions,~~ excluding enforcement actions brought pursuant to chapters 201 and 211 of this title and the adoption of rules under 3 V.S.A. chapter 25;

(2) standardize the appeal periods, the parties who may appeal these acts or decisions, and the ability to stay any act or decision upon appeal, taking into account the nature of the different programs affected;

~~(3) encourage people to get involved in the Act 250 permitting process at the initial stages of review by a District Commission by requiring participation as a prerequisite for an appeal of a District Commission decision to the Environmental Division;~~

~~(4) assure~~ ensure that clear appeal routes exist for acts and decisions of the Secretary of Natural Resources; and

~~(5)~~(4) consolidate appeals of decisions related to renewable energy generation plants and telecommunications facilities with review under, respectively, 30 V.S.A. §§ 248 and 248a, with appeals and consolidation of proceedings pertaining to telecommunications facilities occurring only while 30 V.S.A. § 248a remains in effect.

§ 8502. DEFINITIONS

As used in this chapter:

(1) ~~“District Commission” means a District Environmental Commission established under chapter 151 of this title. [Repealed.]~~

(2) ~~“District coordinator” means a district environmental coordinator attached to a District Commission established under chapter 151 of this title. [Repealed.]~~

(3) “Environmental Court” or “Environmental Division” means the Environmental Division of the Superior Court established by 4 V.S.A. § 30.

(4) “~~Natural Resources~~ Environmental Review Board” or “Board” means the Board established under chapter 151 of this title.

(5) “Party by right” means the following:

(A) the applicant;

(B) the landowner, if the applicant is not the landowner;

(C) the municipality in which the project site is located and the municipal and regional planning commissions for that municipality;

(D) if the project site is located on a boundary, any Vermont municipality adjacent to that border and the municipal and regional planning commissions for that municipality;

(E) the solid waste management district in which the land is located, if the development or subdivision constitutes a facility pursuant to subdivision 6602(10) of this title; and

(F) any State agency affected by the proposed project.

(6) “Person” means any individual; partnership; company; corporation; association; joint venture; trust; municipality; the State of Vermont or any agency, department, or subdivision of the State; any federal agency; or any other legal or commercial entity.

(7) “Person aggrieved” means a person who alleges an injury to a particularized interest protected by the provisions of law listed in section 8503 of this title, attributable to an act or decision by a ~~district coordinator, District Commission,~~ the Secretary, or the Environmental Division that can be redressed by the Environmental Division or the Supreme Court.

(8) “Secretary” means the Secretary of Natural Resources or the Secretary’s duly authorized representative. As used in this chapter, “Secretary” ~~shall also mean~~ means the Commissioner of Environmental Conservation, the Commissioner of Forests, Parks and Recreation, and the Commissioner of Fish and Wildlife, with respect to those statutes that refer to the authority of that commissioner or department.

§ 8503. APPLICABILITY

(a) This chapter shall govern all appeals of an act or decision of the Secretary, excluding enforcement actions under chapters 201 and 211 of this title and rulemaking, under the following authorities and under the rules adopted under those authorities:

* * *

~~(b) This chapter shall govern:~~

~~(1) all appeals from an act or decision of a District Commission under chapter 151 of this title, excluding appeals of application fee refund requests;~~

~~(2) appeals from an act or decision of a district coordinator under subsection 6007(c) of this title;~~

~~(3) appeals from findings of fact and conclusions of law issued by the Natural Resources Board in its review of a designated growth center for conformance with the criteria of subsection 6086(a) of this title, pursuant to authority granted at 24 V.S.A. § 2793e(f). [Repealed.]~~

(c) This chapter shall govern all appeals arising under 24 V.S.A. chapter 117, the planning and zoning chapter.

(d) This chapter shall govern all appeals from an act or decision of the Environmental Division under this chapter.

(e) This chapter shall not govern appeals from rulemaking decisions by the ~~Natural Resources~~ Environmental Review Board under chapter 151 of this title or enforcement actions under chapters 201 and 211 of this title.

(f) This chapter shall govern all appeals of acts or decisions of the legislative body of a municipality arising under 24 V.S.A. chapter 61, subchapter 10, relating to the municipal certificate of approved location for salvage yards.

(g) This chapter shall govern all appeals of an act or decision of the Secretary of Natural Resources that a solid waste implementation plan for a municipality proposed under 24 V.S.A. § 2202a conforms with the State Solid Waste Implementation Plan adopted pursuant to section 6604 of this title.

§ 8504. APPEALS TO THE ENVIRONMENTAL DIVISION

(a) ~~Act 250 and Agency~~ appeals. Within 30 days of the date of following the act or decision, any person aggrieved by an act or decision of the Secretary, ~~a District Commission, or a district coordinator~~ under the provisions of law listed in section 8503 of this title, or any party by right, may appeal to the Environmental Division, except for an act or decision of the Secretary under subdivision 6086b(3)(E) of this title or governed by section 8506 of this title.

* * *

(c) Notice of the filing of an appeal.

~~(1) Upon filing an appeal from an act or decision of the District Commission, the appellant shall notify all parties who had party status as of~~

~~the end of the District Commission proceeding, all friends of the Commission, and the Natural Resources Board that an appeal is being filed. In addition, the appellant shall publish notice not more than 10 days after providing notice as required under this subsection, at the appellant's expense, in a newspaper of general circulation in the area of the project that is the subject of the decision. [Repealed.]~~

* * *

~~(d) Requirement to participate before the District Commission or the Secretary.~~

~~(1) Participation before District Commission.—An aggrieved person shall not appeal an act or decision that was made by a District Commission unless the person was granted party status by the District Commission pursuant to subdivision 6085(c)(1)(E) of this title, participated in the proceedings before the District Commission, and retained party status at the end of the District Commission proceedings. In addition, the person may only appeal those issues under the criteria with respect to which the person was granted party status. However, notwithstanding these limitations, an aggrieved person may appeal an act or decision of the District Commission if the Environmental judge determines that:~~

~~(A) there was a procedural defect that prevented the person from obtaining party status or participating in the proceeding;~~

~~(B) the decision being appealed is the grant or denial of party status;~~

~~or~~

~~(C) some other condition exists that would result in manifest injustice if the person's right to appeal was disallowed. [Repealed.]~~

~~(2) Participation before the Secretary.~~

* * *

~~(e) Act 250 jurisdictional determinations by a district coordinator.~~

~~(1) The appellant shall provide notice of the filing of an appeal to each person entitled to notice under subdivisions 6085(c)(1)(A) through (D) of this title, to each person on an approved subdivision 6085(c)(1)(E) list, and to the Natural Resources Board.~~

~~(2) Failure to appeal within the time required under subsection (a) of this section shall render the decision of the district coordinator under subsection 6007(c) of this title the final determination regarding jurisdiction under chapter 151 of this title unless the underlying jurisdictional opinion was not properly served on persons listed in subdivisions 6085(c)(1)(A) through~~

~~(D) of this title and on persons on a subdivision 6085(c)(1)(E) list approved under subsection 6007(c) of this title. [Repealed.]~~

* * *

(g) Consolidated appeals. The Environmental Division may consolidate or coordinate different appeals where those appeals all relate to the same project.

* * *

~~(i) Deference to Agency technical determinations. In the adjudication of appeals relating to land use permits under chapter 151 of this title, technical determinations of the Secretary shall be accorded the same deference as they are accorded by a District Commission under subsection 6086(d) of this title. [Repealed.]~~

* * *

(k) Limitations on appeals. Notwithstanding any other provision of this section:

(1) ~~there shall be no appeal from a District Commission decision when the Commission has issued a permit and no hearing was requested or held, or no motion to alter was filed following the issuance of an administrative amendment;~~

(2) a municipal decision regarding whether a particular application qualifies for a recorded hearing under 24 V.S.A. § 4471(b) shall not be subject to appeal;

(3) ~~if a District Commission issues a partial decision under subsection 6086(b) of this title, any appeal of that decision must be taken within 30 days of the date of that decision.~~

(l) Representation. The Secretary may represent the Agency of Natural Resources in all appeals under this section. ~~The Chair of the Natural Resources Board may represent the Board in any appeal under this section, unless the Board directs otherwise. If more than one State agency, other than the Board, either appeals or seeks to intervene in an appeal under this section, only the Attorney General may represent the interests of those agencies of the State in the appeal.~~

(m) Precedent. Prior decisions of the former Environmental Board, Water Resources Board, and Waste Facilities Panel shall be given the same weight and consideration as prior decisions of the Environmental Division.

(n) Intervention. Any person may intervene in a pending appeal if that person:

- (1) appeared as a party in the action appealed from and retained party status;
- (2) is a party by right;
- (3) is the Natural Resources Board; [Repealed.]
- (4) is a person aggrieved, as defined in this chapter;
- (5) qualifies as an “interested person,” as established in 24 V.S.A. § 4465, with respect to appeals under 24 V.S.A. chapter 117; or
- (6) meets the standard for intervention established in the Vermont Rules of Civil Procedure.

(o) With respect to review of an act or decision of the Secretary pursuant to 3 V.S.A. § 2809, the Division may reverse the act or decision or amend an allocation of costs to an applicant only if the Division determines that the act, decision, or allocation was arbitrary, capricious, or an abuse of discretion. In the absence of such a determination, the Division shall require the applicant to pay the Secretary all costs assessed pursuant to 3 V.S.A. § 2809.

(p) Administrative record. The Secretary shall certify the administrative record as defined in chapter 170 of this title and shall transfer a certified copy of that record to the Environmental Division when:

~~(1) there is an appeal of an act or decision of the Secretary that is based on that record; or~~

~~(2) there is an appeal of a decision of a District Commission, and the applicant used a decision of the Secretary based on that record to create a presumption under a criterion of subsection 6086(a) of this title that is at issue in the appeal.~~

§ 8505. APPEALS TO THE SUPREME COURT

(a) Any person aggrieved by a decision of the Environmental Division pursuant to this subchapter, any party by right, or any person aggrieved by a decision of the Environmental Review Board may appeal to the Supreme Court within 30 days of following the date of the entry of the order or judgment appealed from, provided that:

- (1) the person was a party to the proceeding before the Environmental Division; or
- (2) the decision being appealed is the denial of party status; or

(3) the Supreme Court determines that:

(A) there was a procedural defect that prevented the person from participating in the proceeding; or

(B) some other condition exists that would result in manifest injustice if the person's right to appeal were disallowed.

* * *

* * * Environmental Division * * *

Sec. 14. 4 V.S.A. § 34 is amended to read:

§ 34. JURISDICTION; ENVIRONMENTAL DIVISION

The Environmental Division shall have:

(1) jurisdiction of matters arising under 10 V.S.A. chapters 201 and 220; and

(2) jurisdiction of matters arising under 24 V.S.A. chapter 61, subchapter 12 and 24 V.S.A. chapter 117; and

~~(3) original jurisdiction to revoke permits under 10 V.S.A. chapter 151.~~

* * * Transition; Revision Authority * * *

Sec. 15. ENVIRONMENTAL REVIEW BOARD POSITIONS;

APPROPRIATION

(a) The following new positions are created at the Environmental Review Board for the purposes of carrying out this act:

(1) two Staff Attorneys; and

(2) four half-time Environmental Review Board members.

(b) The sum of \$484,000.00 is appropriated to the Environmental Review Board from the General Fund in fiscal year 2025 for the positions established in subsection (a) of this section and for additional operating costs required to implement the appeals process established in this act.

Sec. 16. NATURAL RESOURCES BOARD TRANSITION

(a) The Governor shall appoint the members of Environmental Review Board on or before July 1, 2025, and the terms of any Natural Resources Board member not appointed consistent with the requirements of 10 V.S.A. § 6021(a)(1)(A) or (B) shall expire on that day.

(b) As of July 1, 2025, all appropriations and employee positions of the Natural Resources Board are transferred to the Environmental Review Board.

(c) The Environmental Review Board shall adopt rules of procedure for its hearing process pursuant to 10 V.S.A. § 6025(a) on or before October 1, 2026.

Sec. 17. ENVIRONMENTAL DIVISION; CONTINUED JURISDICTION

Notwithstanding the repeal of its jurisdictional authority to hear appeals relative to land use permits under Sec. 13 of this act, the Environmental Division of the Superior Court shall continue to have jurisdiction to complete its consideration of any appeal that is pending before it as of October 1, 2026 if the act or appeal has been filed. The Environmental Review Board shall have authority to be a party in any appeals pending under this section until October 1, 2026.

Sec. 18. REVISION AUTHORITY

In preparing the Vermont Statutes Annotated for publication in 2024, the Office of Legislative Counsel shall replace all references to the “Natural Resources Board” with the “Environmental Review Board” in Title 3, Title 10, Title 24, Title 29, Title 30, and Title 32.

* * * Forest Blocks * * *

Sec. 19. 10 V.S.A. § 6001 is amended to read:

§ 6001. DEFINITIONS

As used in this chapter:

* * *

(47) “Habitat connector” means land or water, or both, that links patches of habitat within a landscape, allowing the movement, migration, and dispersal of wildlife and plants and the functioning of ecological processes. A habitat connector may include features including recreational trails and improvements constructed for farming, logging, or forestry purposes.

(48) “Forest block” means a contiguous area of forest in any stage of succession and not currently developed for nonforest use. A forest block may include features including recreational trails, wetlands, or other natural features that do not themselves possess tree cover and improvements constructed for farming, logging, or forestry purposes.

(49) “Habitat” means the physical and biological environment in which a particular species of plant or wildlife lives.

Sec. 20. 10 V.S.A. § 6086(a)(8) is amended to read:

(8) Ecosystem protection; scenic beauty; historic sites.

(A) Scenic beauty, historic sites, and rare and irreplaceable natural areas. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.

~~(A)~~(B) Necessary wildlife habitat and endangered species. A permit will not be granted if it is demonstrated by any party opposing the applicant that a development or subdivision will destroy or significantly imperil necessary wildlife habitat or any endangered species; ~~and:~~

(i) the economic, social, cultural, recreational, or other benefit to the public from the development or subdivision will not outweigh the economic, environmental, or recreational loss to the public from the destruction or imperilment of the habitat or species; ~~or~~

(ii) all feasible and reasonable means of preventing or lessening the destruction, diminution, or imperilment of the habitat or species have not been or will not continue to be applied; or

(iii) a reasonably acceptable alternative site is owned or controlled by the applicant which would allow the development or subdivision to fulfill its intended purpose.

(C) Forest blocks and habitat connectors. A permit will not be granted for a development or subdivision within or partially within a forest block or habitat connector unless the applicant demonstrates that a project will not result in an undue adverse impact on the forest block or habitat connector. If a project as proposed would result in an undue adverse impact, a permit may only be granted if effects are avoided, minimized, or mitigated as allowed in accordance with rules adopted by the Board.

Sec. 21. CRITERION 8(C) RULEMAKING

(a) The Environmental Review Board (Board), in collaboration with the Agency of Natural Resources, shall adopt rules to implement the requirements for the administration of 10 V.S.A. § 6086(a)(8)(C). It is the intent of the General Assembly that these rules discourage fragmentation of the forest blocks and habitat connectors by encouraging clustering of development. Rules adopted by the Board shall include:

(1) How forest blocks and habitat connectors are further defined, including their size, location, and function, which may include:

(A) information that will be available to the public to determine where forest blocks and habitat connectors are located; or

(B) advisory mapping resources, how they will be made available, how they will be used, and how they will be updated.

(2) Standards establishing how impacts can be avoided or minimized, including how fragmentation of forest blocks or habitat connectors is avoided or minimized, which may include steps to promote proactive site design of buildings, roadways and driveways, utility location, and location relative to existing features such as roads, tree lines, and fence lines.

(3)(A) As used in this section “fragmentation” generally means dividing land that has naturally occurring vegetation and ecological processes into smaller areas as a result of land uses that remove vegetation and create physical barriers that limit species’ movement and interrupt ecological processes between previously connected natural vegetation. However, the rules shall further define “fragmentation” for purposes of avoiding, minimizing, and mitigating undue adverse impacts on forest blocks and habitat connectors. “Fragmentation” does not include the division or conversion of a forest block or habitat connector by an unpaved recreational trail or by improvements constructed for farming, logging, or forestry purposes below the elevation of 2,500 feet.

(B) As used in this subsection, “recreational trail” has the same meaning as “trails” in 10 V.S.A. § 442.

(4) Criteria to identify the circumstances when a forest block or habitat connectors is eligible for mitigation. As part of this, the criteria shall identify the circumstances when the function, value, unique sensitivity, or location of the forest block or habitat connector would not allow mitigation.

(5) Standards for how impacts to a forest block or habitat connectors may be mitigated. Standards may include:

(A) appropriate ratios for compensation;

(B) appropriate forms of compensation such as conservation easements, fee interests in land, and other forms of compensation; and

(C) appropriate uses of on-site and off-site mitigation.

(b) The Board shall convene a working group of stakeholders to provide input to the rule prior to pre-filing with the Interagency Committee on Administrative Rules. The Board shall convene the working group on or before July 1, 2025.

(c) The Board shall file a final proposed rule with the Secretary of State and Legislative Committee on Administrative Rules on or before June 15, 2026.

Sec. 22. 10 V.S.A. § 127 is amended to read:

§ 127. RESOURCE MAPPING

(a) ~~On or before January 15, 2013, the~~ The Secretary of Natural Resources shall complete and maintain resource mapping based on the Geographic Information System (GIS) or other technology. The mapping shall identify natural resources throughout the State, including forest blocks and habitat connectors, that may be relevant to the consideration of energy projects and projects subject to chapter 151 of this title. The Center for Geographic Information shall be available to provide assistance to the Secretary in carrying out the ~~GIS-based~~ resource mapping.

(b) The Secretary of ~~Natural Resources~~ shall consider the ~~GIS-based~~ resource maps developed under subsection (a) of this section when providing evidence and recommendations to the Public Utility Commission under 30 V.S.A. § 248(b)(5) and when commenting on or providing recommendations under chapter 151 of this title to District Commissions on other projects.

(c) The Secretary shall establish and maintain written procedures that include a process and science-based criteria for updating resource maps developed under subsection (a) of this section. Before establishing or revising these procedures, the Secretary shall provide opportunities for affected parties and the public to submit relevant information and recommendations.

* * * Wood products manufacturers * * *

Sec. 23. 10 V.S.A. § 6093 is amended to read:

§ 6093. MITIGATION OF PRIMARY AGRICULTURAL SOILS

(a) Mitigation for loss of primary agricultural soils. Suitable mitigation for the conversion of primary agricultural soils necessary to satisfy subdivision 6086(a)(9)(B)(iv) of this title shall depend on where the project tract is located.

* * *

(5) Wood products manufacturers. Notwithstanding any provision of this chapter to the contrary, a conversion of primary agricultural soils by a wood products manufacturer shall be allowed to pay a mitigation fee computed according to the provisions of subdivision (1) of this subsection, except that it shall be entitled to a ratio of 1:1 protected acres to acres of affected primary agricultural soil.

* * *

* * * Road Rule * * *

Sec. 24. 10 V.S.A. § 6001(3)(A)(xii) is added to read:

(xii) The construction of a road or roads and any associated driveways to provide access to or within a tract of land owned or controlled by a person. For the purposes of determining jurisdiction under this subdivision, any new development or subdivision on a parcel of land that will be provided access by the road and associated driveways is land involved in the construction of the road. Jurisdiction under this subdivision shall not apply unless the length of any single road is greater than 800 feet, and the length all roads and any associated driveways in combination is greater than 2,000 feet. As used in this subdivision (xii), “roads” shall include any new road or improvement to a Class IV road by a private person, including roads that will be transferred to or maintained by a municipality after their construction or improvement. For the purpose of determining the length of any road and associated driveways, the length of all other roads and driveways within the tract of land constructed after July 1, 2024 shall be included. This subdivision shall not apply to a State or municipal road, a utility corridor of an electric transmission or distribution company, or a road used primarily for farming or forestry purposes. The conversion of a road used for farming or forestry purposes that also meets the requirements of this subdivision shall constitute development. This subdivision shall not apply to development within a Tier 1A area established in accordance with 10 V.S.A. § 6034 or a Tier 1B area established in accordance with 10 V.S.A. § 6033. The intent of this subdivision (xii) is to encourage the design of clustered subdivisions and development that does not fragment Tier 2 areas or Tier 3 areas.

Sec. 25. RULEMAKING; ROAD CONSTRUCTION

The Natural Resources Board may adopt rules providing additional specificity to the necessary elements of 10 V.S.A. § 6001(3)(A)(xii). It is the intent of the General Assembly that any rules encourage the design of clustered subdivisions and development that does not fragment Tier 2 areas or Tier 3 areas.

* * * Location-Based Jurisdiction * * *

Sec. 26. 10 V.S.A. § 6001 is amended to read:

§ 6001. DEFINITIONS

As used in this chapter:

* * *

(3)(A) “Development” means each of the following:

(i) The construction of improvements on a tract or tracts of land, owned or controlled by a person, involving more than 10 acres of land within a radius of five miles of any point on any involved land, for commercial or industrial purposes in a municipality that has adopted permanent zoning and subdivision bylaws.

(ii) The construction of improvements on a tract or tracts of land, owned or controlled by a person, involving more than one acre of land within a radius of five miles of any point on any involved land, for commercial or industrial purposes in a municipality that has not adopted permanent zoning and subdivision bylaws.

(iii) The construction of improvements for commercial or industrial purposes on a tract or tracts of land, owned or controlled by a person, involving more than one acre of land within a municipality that has adopted permanent zoning and subdivision bylaws, if the municipality in which the proposed project is located has elected by ordinance, adopted under 24 V.S.A. chapter 59, to have this jurisdiction apply.

(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:

* * *

(vi) The construction of improvements for commercial, industrial, or residential use at or above the elevation of 2,500 feet.

* * *

(xiii) The construction of improvements for commercial, industrial, or residential purpose in a Tier 3 area as determined by rules adopted by the Board.

* * *

(45) “Tier 2” means an area that is not a Tier 1 area or a Tier 3 area.

(46) “Tier 3” means an area consisting of critical natural resources which may include river corridors, headwaters streams, habitat connectors of Statewide significance, and as may be further defined by the Board.

Sec. 27. TIER 3 RULEMAKING

(a) The Environmental Review Board in consultation with the Secretary of Natural Resources shall adopt rules to implement the requirements for the administration of 10 V.S.A. § 6001(3)(A)(xiii) and 10 V.S.A. § 6001(46). The Board shall review the definition of Tier 3 area and its use in 10 V.S.A. chapter 151 and recommend any additional significant natural resources that should be added to the definition. It is the intent of the General Assembly that these rules address the protection of critical natural resources. Rules adopted by the Board shall include:

(1) any necessary clarifications to how the Tier 3 definition is used in 10 V.S.A. chapter 151;

(2) any necessary changes to how 10 V.S.A. § 6001(3)(A)(xiii) should be administered, and when jurisdiction should be triggered to protect the functions and values of resources of Statewide significance;

(3) the process for how Tier 3 areas will be mapped or identified by Agency of Natural Resources and the Board; and

(4) other policies or programs that shall be developed to review development impacts to Tier 3 areas if they are not included in 10 V.S.A. § 6001(46).

(b) On or before January 1, 2025, the Board shall convene a working group of stakeholders to provide input to the rule prior to prefiling with the Interagency Committee on Administrative Rules. The working group shall include representation from regional planning commissions, environmental groups, science and ecological research organizations, woodland or forestry organizations, the Vermont Housing and Conservation Board, the Vermont Chamber of Commerce, the League of Cities of Towns, the Land Access and Opportunity Board, and other stakeholders.

(c) The Board shall file a final proposed rule with the Secretary of State and Legislative Committee on Administrative Rules on or before February 1, 2026.

* * * Tier 1 Areas * * *

Sec. 28. 10 V.S.A. § 6033 is added to read:

§ 6033. REGIONAL PLAN FUTURE LAND USE MAP REVIEW

(a) The Board shall review requests from regional planning commissions to approve or disapprove portions of future land use maps for the purposes of changing jurisdictional thresholds under this chapter by identifying areas on future land use maps for Tier 1B area status and to approve designations

pursuant to 24 V.S.A. chapter 139. The Board may produce guidelines for regional planning commissions seeking Tier 1B area status. If requested by the regional planning commission, the Board shall complete this review concurrently with regional plan approval. A request for Tier 1B area status made by a regional planning commission separate from regional plan approval shall follow the process set forth in 24 V.S.A. § 4348.

(b) The Board shall review the portions of future land use maps that include downtowns or village centers, planned growth areas, and village areas to ensure they meet the requirements under 24 V.S.A. §§ 5803 and 5804 for designation as downtown and village centers and neighborhood areas.

(c) To obtain a Tier 1B area status under this section the regional planning commission shall demonstrate to the Board that the municipalities with Tier 1B areas meet the following requirements as included in subsection 24 V.S.A. § 4348a(a)(12)(C):

(A) The municipality has requested to have the area mapped for Tier 1B.

(B) The municipality has a duly adopted and approved plan and a planning process that is confirmed in accordance with 24 V.S.A. § 4350.

(C) The municipality has adopted permanent zoning and subdivision bylaws in accordance with 24 V.S.A. §§ 4414, 4418, and 4442.

(D) The area excludes identified flood hazard and fluvial erosion areas, except those areas containing preexisting development in areas suitable for infill development as defined in § 29-201 of the Vermont Flood Hazard Area and River Corridor Rule unless the municipality has adopted flood hazard and river corridor bylaws applicable to the entire municipality that are consistent with the standards established pursuant to subsection 755(b) of this title (flood hazard) and subsection 1428(b) of this title (river corridor).

(E) The municipality has water supply, wastewater infrastructure, or soils that can accommodate a community system for compact housing development in the area proposed for Tier 1B.

(F) Municipal staff adequate to support development review and zoning administration in the Tier 1B area.

Sec. 29. 10 V.S.A. § 6034 is added to read:

§ 6034. TIER 1A AREA STATUS

(a) Application and approval.

(1) Beginning on January 1, 2027, a municipality, by resolution of its legislative body, may apply to the Environmental Review Board for Tier 1A

status for the area of the municipality that is suitable for dense development and meets the requirements of subsection (b) of this section.

(2) The Board shall issue an affirmative determination on finding that the municipality meets the requirements of subsection (b) of this section within 45 days after the application is received.

(b) Tier 1A area status requirements.

(1) To obtain a Tier 1A area status under this section, a municipality shall demonstrate to the Board that it has each of the following:

(A) A municipal plan that is approved in accordance with 24 V.S.A. § 4350.

(B) Municipal flood hazard planning, applicable to the entire municipality, in accordance with 24 V.S.A. § 4382(12) and the guidelines issued by the Department pursuant to 24 V.S.A. chapter 139.

(C) Flood hazard and river corridor bylaws, applicable to the entire municipality, that are consistent with the standards established pursuant to subsection 755(b) of this title (flood hazard) and subsection 1428(b) of this title (river corridor) or the proposed Tier 1A area excludes the flood hazard areas and river corridor.

(D) A capital budget and program pursuant to 24 V.S.A. § 4430 that make substantial investments in the ongoing development of the Tier 1A area, are consistent with the plan's implementation program, and are consistent with the smart growth principles defined in 24 V.S.A. chapter 139.

(E) Permanent zoning and subdivision bylaws that do not include broad exemptions that exclude significant private or public land development from requiring a municipal land use permit.

(F) Urban form bylaws for the Tier 1A area that further the smart growth principles of 24 V.S.A. chapter 139, adequately regulate the physical form and scale of development, with reasonable provision for a portion of the areas with sewer and water to allow at least four stories, and conform to the guidelines established by the Board.

(G) Historic preservation bylaws for established design review districts, historic districts, or historic landmarks pursuant to 24 V.S.A. § 4414(1)(E) and (F) for the portion of the Tier 1A area that meet State historic preservation guidelines issued by the Department of Housing and Community Development pursuant to 24 V.S.A. chapter 139.

(H) Wildlife habitat planning bylaws for the Tier 1A area that protect significant natural communities; rare, threatened, and endangered species; and river corridors or exclude these areas from the proposed Tier 1A area.

(I) Permitted water and wastewater systems with the capacity to support additional development within the Tier 1A area. The municipality shall have adopted consistent policies, by municipal plan and ordinance, on the allocation, connection, and extension of water and wastewater lines that include a defined and mapped service area to support the Tier 1A area.

(J) Municipal staff adequate to support coordinated comprehensive and capital planning, development review, and zoning administration in the Tier 1A area.

(K) The applicable regional plan has been approved by the Board.

(2) If any party entitled to notice under subdivision (c)(4)(A) of this section or any resident of the municipality raises concerns about the municipality's compliance with the requirements, those concerns shall be addressed as part of the municipality's application.

(c) Process for issuing determinations of Tier 1A area status.

(1) A preapplication meeting shall be held with the Board staff, municipal staff, and staff of the relevant regional planning commission (RPC) to review the requirements of subsection (b) of this section. The meeting shall be held in person or electronically.

(2) An application by the municipality shall include the information and analysis required by the Board's guidelines on how to meet the requirements of subsection (b) of this section.

(3) After receipt of a complete final application, the Environmental Review Board shall convene a public hearing in the municipality to consider whether to issue a determination of Tier 1A area status under this section.

(A) Notice.

(i) At least 35 days in advance of the Board's meeting, the regional planning commission shall post notice of the meeting on its website.

(ii) The municipality shall publish notice of the meeting at least 30 days and 15 days in advance of the Board's meeting in a newspaper of general circulation in the municipality, and deliver physically or electronically, with proof of receipt or by certified mail, return receipt requested to the Agency of Natural Resources; the Division for Historic Preservation; the Agency of Agriculture Food and Markets; the Agency of Transportation; the

regional planning commission; the regional development corporations; and the entities providing educational, police, and fire services to the municipality.

(iii) The notice shall also be posted by the municipality in or near the municipal clerk's office and in at least two other designated public places in the municipality, on the websites of the municipality and the regional planning commission, and on any email lists or social media that the municipality uses.

(iv) The municipality shall also certify in writing that the notice required by this subsection (c) has been published, delivered, and posted within the specified time.

(v) Notice of an application for Tier 1A area status shall be delivered physically or electronically with proof of receipt or sent by certified mail, return receipt requested, to each of the following:

(I) the chair of the legislative body of each adjoining municipality;

(II) the executive director of each abutting regional planning commission;

(III) the Department of Housing and Community Development and the Community Investment Board for a formal review and comment; and

(IV) business, conservation, low-income advocacy, and other community or interest groups or organizations that have requested notice in writing prior to the date the hearing is warned.

(B) No defect in the form or substance of any requirements of this subsection (c) shall invalidate the action of the Board where reasonable efforts are made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the Superior Court or by the Board itself, the municipality shall issue new posting and notice, and the Board shall hold a new hearing and take a new action.

(4) The Board may recess the proceedings on any application pending submission of additional information. The Board shall close the proceedings promptly after all parties have submitted the requested information.

(5) The Board shall issue its determination in writing. The determination shall include explicit findings on each of the requirements in subsection (b) of this section.

(d) Review of status.

(1) Initial determination of status may be made at any time. Thereafter, review of a status shall occur every eight years with a check-in after four years.

(2) The Board, on its motion, may review compliance with the Tier 1A area requirements at more frequent intervals.

(3) If at any time the Board determines that the Tier 1A area no longer meets the standards for the status, it shall take one of the following actions:

(A) require corrective action within a reasonable time frame; or

(B) terminate the status.

(e) Appeal.

(1) An interested person may appeal any act or decision of the Board under this section to the Supreme Court within 30 days following the act or decision.

(2) As used in this section, an “interested person” means any one of the following:

(A) A person owning title to or occupying property within or abutting the Tier 1A area.

(B) The municipality making the application or a municipality that adjoins the municipality making the application.

(C) The RPC for the region that includes the Tier 1A area or a RPC whose region adjoins the municipality in which the Tier 1A area is located.

(D) Any 20 persons who, by signed petition, allege that the decision is not in accord with the requirements of this chapter, and who own or occupy real property located within the municipality in which the Tier 1A area is located or an adjoining municipality. The petition must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal. The designated representative must have participated in the public hearing described in subdivision (c)(4) of this section.

(E) Any person entitled to receive notice under this section that participated in the Board’s hearing on an application.

Sec. 30. TIER 1A AREA GUIDELINES

On or before January 1, 2026, the Environmental Review Board shall publish guidelines to direct municipalities seeking to obtain the Tier 1A area status.

Sec. 31. 24 V.S.A. § 4382 is amended to read:

§ 4382. THE PLAN FOR A MUNICIPALITY

(a) A plan for a municipality shall be consistent with the goals established in section 4302 of this title and compatible with approved plans of other municipalities in the region and with the regional plan and shall include the following:

* * *

(2) A land use plan, which shall consist of a map and statement of present and prospective land uses, that:

* * *

(C) Identifies those areas, if any, proposed for designation under chapter ~~76A~~ 139 of this title and for status under 10 V.S.A. §§ 6033 and 6034, together with, for each area proposed for designation, an explanation of how the designation would further the plan's goals and the goals of section 4302 of this title; and how the area meets the requirements for the type of designation to be sought.

* * *

Sec. 32. 10 V.S.A. § 6081 is amended to read:

§ 6081. PERMITS REQUIRED; EXEMPTIONS

* * *

(z)(1) Notwithstanding any other provision of this chapter to the contrary, no permit or permit amendment is required for any subdivision, development, or change to an existing project that is located entirely within a Tier 1A area under section 6034 of this chapter.

(2) Notwithstanding any other provision of this chapter to the contrary, no permit or permit amendment is required for 50 units or fewer of housing on 10 acres or less located entirely within a Tier 1B area approved by the Board under section 6033 of this chapter.

(3) Upon receiving notice and a copy of the permit issued by an appropriate municipal panel pursuant to 24 V.S.A. § 4460(f), a previously issued permit for a development or subdivision located in a Tier 1A area shall remain attached to the property. However, neither the Board nor the Agency of Natural Resources shall enforce the permit or assert amendment jurisdiction on the tract or tracts of land unless the designation is revoked or the municipality has not taken any action to enforce the conditions of the permit.

Sec. 33. 24 V.S.A. § 4460 is amended to read:

§ 4460. APPROPRIATE MUNICIPAL PANELS

* * *

(g)(1) This subsection shall apply to a subdivision or development that:

(A) was previously permitted pursuant to 10 V.S.A. chapter 151;

(B) is located in a Tier 1A area pursuant to 10 V.S.A. § 6034; and

(C) has applied for a permit or permit amendment required by zoning regulations or bylaws adopted pursuant to this subchapter.

(2) The appropriate municipal panel reviewing a municipal permit or permit amendment pursuant to this subsection shall include conditions contained within a permit previously issued pursuant to 10 V.S.A. chapter 151 unless the panel determines that the permit condition pertains to any of the following:

(A) the construction phase of the project that has already been constructed;

(B) compliance with another State permit that has independent jurisdiction;

(C) federal or State law that is no longer in effect or applicable;

(D) an issue that is addressed by municipal regulation and the project will meet the municipal standards; or

(E) a physical or use condition that is no longer in effect or applicable or that will no longer be in effect or applicable once the new project is approved.

(3) After issuing or amending a permit containing conditions pursuant to this subsection, the appropriate municipal panel shall provide notice and a copy of the permit to the Environmental Review Board.

(4) The appropriate municipal panel shall comply with the notice and hearing requirements provided in subdivision 4464(a)(1) of this title. In addition, notice shall be provided to those persons requiring notice under 10 V.S.A. § 6084(b) and shall explicitly reference the existing Act 250 permit.

(5) The appropriate municipal panel's decision shall be issued in accordance with subsection 4464(b) of this title and shall include specific findings with respect to its determinations pursuant to subdivision (2) of this subsection.

(6) Any final action by the appropriate municipal panel affecting a condition of a permit previously issued pursuant to 10 V.S.A. chapter 151 shall be recorded in the municipal land records.

(h) Within a designated Tier 1A area, the appropriate municipal panel shall enforce any existing permits issued under 10 V.S.A. chapter 151 that has not had its permit conditions transferred to a municipal permit pursuant to subsection (g).

Sec. 34. TIER 2 AREA REPORT

(a) On or before February 15, 2026, the Environmental Review Board shall report recommendations to address Act 250 jurisdiction in Tier 2 areas. The recommendations shall:

(1) recommend statutory changes to address fragmentation of rural and working lands while allowing for development review;

(2) address how to apply location-based jurisdiction to Tier 2 areas while meeting the Statewide planning goals, including how to address commercial development and which shall also include:

(A) review of the effectiveness of mitigation of impacts on primary agricultural soils and make recommendations for how to improve protections for this natural resource;

(B) review of the effectiveness of jurisdictional triggers for development of retail and service businesses outside of village centers, and criterion 9(L), in addressing sprawl and strip development, and how to improve the effectiveness of criterion 9(L);

(C) review how the Act 250 permit process has been working for forest processing facilities, including 10 V.S.A. § 6084(g), and any identified shortcomings or challenges. The report shall look at permitting holistically to understand the role of permits from the Agency of Natural Resources, municipal permits, where they apply, and Act 250, and develop recommendations to find efficiencies in the permitting process, or recommendations to develop an alternative permit program to support forest processing facilities, while still addressing relevant environmental or community impacts; and

(D) review whether and how Act 250 jurisdiction over commercial activities on farms should be revised, including accessory on-farm businesses.

(b) The report shall be submitted to the House Committees on Agriculture, Food Resiliency, and Forestry and on Environment and Energy and the Senate Committees on Agriculture and on Natural Resources and Energy.

Sec. 35. AFFORDABLE HOUSING DEVELOPMENT REGULATORY
INCENTIVES STUDY

(a) The Department of Housing and Community Development, the Vermont Housing and Conservation Board, the Land Access and Opportunity Board, and the Vermont Housing Finance Agency shall:

(1) engage with diverse stakeholders including housing developers, local government officials, housing advocacy organizations, financial institutions, and community members to identify regulatory policies that incentivize mixed-income, mixed-use development and support affordable housing production as a percentage of new housing units in communities throughout the State, including examining the impact of inclusionary zoning; and

(2) develop recommendations for legislative, regulatory, and administrative actions to improve and expand affordable housing development incentives within State designated areas.

(b) On or before December 15, 2024, the Department of Housing and Community Development shall submit a report to the Senate Committees on Economic Development, Housing and General Affairs and on Natural Resources and Energy, and the House Committees on General and Housing and on Environment and Energy with its findings and recommendations.

* * * Future Land Use Maps * * *

Sec. 36. 24 V.S.A. § 4302 is amended to read:

§4302. PURPOSE; GOALS

* * *

(c) In addition, this chapter shall be used to further the following specific goals:

(1) To plan development so as to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside.

(A) Intensive residential development should be encouraged primarily in areas related to community centers downtowns, village centers, planned growth areas, and village areas as described in section 4348a of this title, and strip development along highways should be discouraged should be avoided. These areas should be planned so as to accommodate a substantial majority of housing needed to reach the housing targets developed for each region pursuant to subdivision 4348a(a)(9) of this title.

(B) Economic growth should be encouraged in locally and regionally designated growth areas, employed to revitalize existing village and urban centers, or both, ~~and should be encouraged in growth centers designated under chapter 76A of this title.~~

(C) Public investments, including the construction or expansion of infrastructure, should reinforce the ~~general character and~~ planned growth patterns of the area.

(D) Development should be undertaken in accordance with smart growth principles as defined in subdivision 2791(13) of this title.

* * *

(5) To identify, protect, and preserve important natural and historic features of the Vermont landscape, including:

(A) significant natural and fragile areas;

(B) outstanding water resources, including lakes, rivers, aquifers, shorelands, and wetlands;

(C) significant scenic roads, waterways, and views;

(D) important historic structures, sites, or districts, archaeological sites, and archaeologically sensitive areas.

(6) To maintain and improve the quality of air, water, wildlife, forests, and other land resources.

(A) Vermont's air, water, wildlife, mineral, and land resources should be planned for use and development according to the principles set forth in 10 V.S.A. § 6086(a).

(B) Vermont's water quality should be maintained and improved according to the policies and actions developed in the basin plans established by the Secretary of Natural Resources under 10 V.S.A. § 1253.

(C) Vermont's forestlands should be managed so as to maintain and improve forest blocks and habitat connectors.

* * *

(11) To ensure the availability of safe and affordable housing for all Vermonters.

(A) Housing should be encouraged to meet the needs of a diversity of social and income groups in each Vermont community, particularly for those citizens of low and moderate income, and consistent with housing targets provided for in subdivision 4348a(a)(9) of this title.

(B) New and rehabilitated housing should be safe, sanitary, located conveniently to employment and commercial centers, and coordinated with the provision of necessary public facilities and utilities.

(C) Sites for ~~multi-family~~ multifamily and manufactured housing should be readily available in locations similar to those generally used for single-family ~~conventional~~ dwellings.

(D) Accessory ~~apartments~~ dwelling units within or attached to single-family residences ~~which~~ that provide affordable housing in close proximity to cost-effective care and supervision for relatives, elders, or persons who have a disability should be allowed.

* * *

(14) To encourage flood resilient communities.

(A) New development in identified flood hazard, ~~fluvial erosion~~, and river corridor protection areas should be avoided. If new development is to be built in such areas, it should not exacerbate flooding and fluvial erosion.

(B) The protection and restoration of floodplains and upland forested areas that attenuate and moderate flooding and fluvial erosion should be encouraged.

(C) Flood emergency preparedness and response planning should be encouraged.

(15) To equitably distribute environmental benefits and burdens as described in 3 V.S.A. chapter 72.

* * *

Sec. 37. 24 V.S.A. § 4345a is amended to read:

§ 4345a. DUTIES OF REGIONAL PLANNING COMMISSIONS

A regional planning commission created under this chapter shall:

* * *

(5) Prepare a regional plan and amendments that are consistent with the goals established in section 4302 of this title, and compatible with approved municipal and adjoining regional plans. When preparing a regional plan, the regional planning commission shall:

(A) develop and carry out a process that will encourage and enable widespread citizen involvement and meaningful participation, as defined in 3 V.S.A. § 6002;

(B) develop a regional data base that is compatible with, useful to, and shared with the geographic information system established under 3 V.S.A. § 20;

(C) conduct capacity studies;

(D) identify areas of regional significance. Such areas may be, but are not limited to, historic sites, earth resources, rare and irreplaceable natural areas, recreation areas, and scenic areas;

~~(E) use a land evaluation and site assessment system, that shall at a minimum use the criteria established by the Secretary of Agriculture, Food and Markets under 6 V.S.A. § 8, to identify viable agricultural lands~~ consider the potential environmental benefits and environmental burdens, as defined in 3 V.S.A. §6002, of the proposed plan;

(F) consider the probable social and economic benefits and consequences of the proposed plan; and

(G) prepare a report explaining how the regional plan is consistent with the goals established in section 4302 of this title.

* * *

(11) Review proposed State capital expenditures prepared pursuant to 32 V.S.A. chapter 5 and the Transportation Program prepared pursuant to 19 V.S.A. chapter 1 for compatibility and consistency with regional plans and submit comments to the Secretaries of Transportation and Administration and the legislative committees of jurisdiction.

* * *

(17) As part of its regional plan, define a substantial regional impact, as the term may be used with respect to its region. This definition shall be given ~~due consideration~~ substantial deference, where relevant, in State-regulatory proceedings.

* * *

Sec. 38. 24 V.S.A. § 4347 is amended to read:

§ 4347. PURPOSES OF REGIONAL PLAN

A regional plan shall be made with the general purpose of guiding and accomplishing a coordinated, efficient, equitable and economic development of the region ~~which that~~ that will, in accordance with the present and future needs and resources, best promote the health, safety, order, convenience, prosperity, and welfare of ~~the~~ the current and future inhabitants as well as efficiency and economy in the process of development. This general purpose includes

recommending a distribution of population and of the uses of the land for urbanization, trade, industry, habitation, recreation, agriculture, forestry, and other uses as will tend to:

(1) create conditions favorable to transportation, health, safety, civic activities, and educational and cultural opportunities;

(2) reduce the wastes of financial, energy, and human resources which result from either excessive congestion or excessive scattering of population;

(3) promote an efficient and economic utilization of drainage, energy, sanitary, and other facilities and resources;

(4) promote the conservation of the supply of food, water, energy, and minerals;

(5) promote the production of food and fiber resources and the reasonable use of mineral, water, and renewable energy resources; and

(6) promote the development of housing suitable to the needs of the region and its communities; and

(7) help communities equitably build resilience to address the effects of climate change through mitigation and adaptation consistent with the Vermont Climate Action Plan adopted pursuant to 10 V.S.A. § 592 and 3 V.S.A. chapter 72.

Sec. 39. 24 V.S.A. § 4348 is amended to read:

§ 4348. ADOPTION AND AMENDMENT OF REGIONAL PLAN

(a) A regional planning commission shall adopt a regional plan. Any plan for a region, and any amendment ~~thereof~~, shall be prepared by the regional planning commission. At the outset of the planning process and throughout the process, regional planning commissions shall solicit the participation of municipalities, local citizens, and organizations by holding informal working sessions that suit the needs of local people. The purpose of these working sessions is to allow for meaningful participation as defined in 3 V.S.A. § 6002, provide consistent information about new statutory requirements related to the regional plan, explain the reasons for new requirements, and gather information to be used in the development of the regional plan and future land use element.

(b) 60 days prior to holding the first public hearing on a regional plan, a regional planning commission shall submit a draft regional plan to the Environmental Review Board and Agency of Commerce and Community Development for preliminary review and comments related to conformance of the draft with sections 4302 and 4348a of this title and chapter 139 of this title.

The Agency shall coordinate with other State agencies and respond within 60 days unless more time is granted by the regional planning commission.

(c) The regional planning commission shall hold two or more public hearings within the region after public notice on any proposed plan or amendment. The minimum number of required public hearings may be specified within the bylaws of the regional planning commission.

~~(e)~~(d) At least 30 days prior to the first hearing, a copy of the proposed plan or amendment, a report documenting conformance with the goals established in section 4302 of this chapter and the plan elements established in section 4348a of this chapter, and a description of any changes to the Regional Future Land Use Map with a request for general comments and for specific comments with respect to the extent to which the plan or amendment is consistent with the goals established in section 4302 of this title, shall be delivered physically or electronically with proof of receipt or sent by certified mail, return receipt requested, to each of the following:

(1) the chair of the legislative body of each municipality within the region;

(2) the executive director of each abutting regional planning commission;

(3) the Department of Housing and Community Development within the Agency of Commerce and Community Development and the Community Investment Board for a formal review and comment;

(4) business, conservation, low-income advocacy, and other community or interest groups or organizations that have requested notice in writing prior to the date the hearing is warned; and

(5) the Agency of Natural Resources and; the Agency of Agriculture, Food and Markets; the Agency of Transportation; the Department of Public Service; the Department of Public Safety's Division of Emergency Management; and the Environmental Review Board.

~~(d)~~(e) Any of the foregoing bodies, or their representatives, may submit comments on the proposed regional plan or amendment to the regional planning commission and may appear and be heard in any proceeding with respect to the adoption of the proposed plan or amendment.

~~(e)~~(f) The regional planning commission may make revisions to the proposed plan or amendment at any time not less than 30 days prior to the final public hearing held under this section. If the proposal is changed, a copy of the proposed change shall be delivered physically ~~or;~~ electronically with proof of receipt; or by certified mail, return receipt requested, to the chair of

the legislative body of each municipality within the region, and to any individual or organization requesting a copy, at least 30 days prior to the final hearing.

~~(f)(g)~~ A regional plan or amendment shall be adopted by not less than a 60 percent vote of the commissioners representing municipalities, in accordance with the bylaws of the regional planning commission, ~~and immediately submitted to the legislative bodies of the municipalities that comprise the region. The plan or amendment shall be considered duly adopted and shall take effect 35 days after the date of adoption, unless, within 35 days of the date of adoption, the regional planning commission receives certification from the legislative bodies of a majority of the municipalities in the region vetoing the proposed plan or amendment. In case of such a veto, the plan or amendment shall be deemed rejected.~~

(h)(1) Within 15 days following adoption a regional planning commission shall submit its regionally adopted regional plan to the Environmental Review Board for a determination of regional plan compliance with: a report documenting conformance with the goals established in section 4302 of this chapter and the plan elements established in section 4348a of this chapter, and a description of any changes to the regional plan future land use map.

(2) The Environmental Review Board shall hold a public hearing within 60 days after receiving a plan and provide notice of it at least 15 days in advance by direct mail or electronically with proof of receipt to the requesting regional planning commission, posting on the website of the Environmental Review Board, and publication in a newspaper of general circulation in the region affected. The regional planning commission shall notify their municipalities and post on their website the public hearing notice.

(3) The Environmental Review Board shall issue the determination in writing within 15 days after the close of the hearing on the plan. If the determination is affirmative, a copy of the determination shall be provided to the regional planning commission and the Environmental Review Board. If the determination is negative, the Environmental Review Board shall state the reasons for denial in writing and, if appropriate, suggest acceptable modifications. Submissions for a new determination that follow a negative determination shall receive a new determination within 45 days.

(4) The Environmental Review Board's affirmative determination shall be based upon finding the regional plan meets the following requirements:

(A) Consistency with the State planning goals as described in section 4302 of this chapter with consistency determined in the manner described under subdivision 4302(f)(1) of this chapter.

(B) Consistency with the purposes of the regional plan established in section 4347 of chapter.

(C) Consistency with the regional plan elements as described in section 4348a of this chapter, except that the requirements of section 4352 of this chapter related to enhanced energy planning shall be the under the sole authority of the Department of Public Service.

(D) Compatibility with adjacent regional planning areas in the manner described under subdivision 4302(f)(2) of this chapter.

(i) Objections of interested parties.

(1) An interested party who has participated in the regional plan adoption process may object to the approval of the plan or approval of the future land use maps by the Environmental Review Board within 15 days following plan adoption by the regional planning commission. Participation is defined as providing written or oral comments for consideration at a public hearing held by the regional planning commission. Objections shall be submitted using a form provided by the Environmental Review Board.

(2) As used in this section, an “interested party” means any one of the following:

(A) Any 20 persons by signed petition who own property or reside within the region. The petition must designate one person to serve as the representative of the petitioners regarding all matters related to the objection. The designated representative must have participated in the regional plan adoption process as described in subdivision (e)(1) of this section.

(B) A party entitled to notice under subsection (d) of this section.

(3) Any objection under this section shall be limited to the question of whether the regional plan is consistent with the regional plan elements and future land use areas as described in section 4348a of this title. The requirements of section 4352 of this title related to enhanced energy planning shall be under the sole authority of the Department of Public Service and shall not be reviewed by the Environmental Review Board.

(4) The Environmental Review Board shall hear any objections of regional plan adoption concurrently with regional plan review under subsection (h) of this section and 10 V.S.A. § 6027. The Environmental Review Board decision of approval of a regional plan shall expressly evaluate any objections and state the reasons for their decisions in writing. If applicable, the decision to uphold an objection shall suggest modifications to the regional plan.

(j) Minor amendments to regional plan future land use map. A regional planning commission may submit a request for a minor amendment to boundaries of a future land use area for consideration by the Environmental Review Board with a letter of support from the municipality. The request may only be submitted after an affirmative vote of the municipal legislative body and the regional planning commission board. The Environmental Review Board, after consultation with the Community Investment Board and the regional planning commissions, shall provide guidance about what constitutes a minor amendment. Minor amendments may include any change to a future land use area consisting of fewer than 10 acres. A minor amendment to a future land use area shall not require an amendment to a regional plan as outlined in section 4348 of this chapter. The Board may adopt rules to implement this section.

(k) An affirmative determination of regional plan compliance issued pursuant to this section shall remain in effect until the end of the period for expiration or readoption of the plan to which it applies.

(l) Regional planning commissions shall be provided up to 18 months from a negative determination by the Environmental Review Board to obtain an affirmative determination of regional plan compliance. If a regional planning commission is unable to obtain affirmative determination of regional plan compliance, member municipalities shall lose benefits related to designations, Act 250, or State infrastructure investments.

(m) Upon approval by the Environmental Review Board, the plan shall be considered duly adopted, shall take effect, and is not appealable. The plan shall be immediately submitted to the entities listed in subsection (d) of this section.

~~(g)~~(n) Regional plans may be reviewed from time to time and may be amended in the light of new developments and changed conditions affecting the region. As specifically enabled in this section, minor amendments to the designated areas do not require the amendment of a regional plan. All minor amendments to future land use areas shall be compiled and included in the next iteration of the regional plan.

~~(h)~~(o) In proceedings under 10 V.S.A. chapter 151, 10 V.S.A. chapter 159, and 30 V.S.A. § 248, in which the provisions of a regional plan or a municipal plan are relevant to the determination of any issue in those proceedings:

(1) the provisions of the regional plan shall be given effect to the extent that they are not in conflict with the provisions of a duly adopted municipal plan; and

(2) to the extent that such a conflict exists, the regional plan shall be given effect if it is demonstrated that the project under consideration in the proceedings would have a substantial regional impact as determined by the definition in the regional plan.

(p) Regional planning commissions shall adopt a regional plan in conformance this title by December 31, 2026.

Sec. 40. 24 V.S.A. § 4348a is amended to read:

§4348a. ELEMENTS OF A REGIONAL PLAN

(a) A regional plan shall be consistent with the goals established in section 4302 of this title and shall include the following:

(1) A statement of basic policies of the region to guide the future growth and development of land and of public services and facilities, and to protect the environment.

(2) A ~~land-use~~ natural resources and working lands element, which shall consist of a map or maps and ~~statement of present and prospective land uses policies, based on ecosystem function, consistent with Vermont Conservation Design, supports compact centers surrounded by rural and working lands, and~~ that:

(A) Indicates those areas of significant natural resources, including existing and proposed for forests, wetlands, vernal pools, rare and irreplaceable natural areas, floodplains, river corridors, recreation, agriculture, (using the agricultural lands identification process established in 6 V.S.A. § 8), residence, commerce, industry, public, and ~~semi-public~~ semipublic uses, open spaces, areas reserved for flood plain, forest blocks, habitat connectors, recreation areas and recreational trails, and areas identified by the State, regional planning commissions, or municipalities that require special consideration for aquifer protection; for wetland protection; for the maintenance of forest blocks, wildlife habitat, and habitat connectors; or for other conservation purposes.

(B) ~~Indicates those areas within the region that are likely candidates for designation under sections 2793 (downtown development districts), 2793a (village centers), 2793b (new town centers), and 2793c (growth centers) of this title.~~

(C) ~~Indicates locations proposed for developments with a potential for regional impact, as determined by the regional planning commission, including flood control projects, surface water supply projects, industrial parks, office parks, shopping centers and shopping malls, airports, tourist~~

~~attractions, recreational facilities, private schools, public or private colleges, and residential developments or subdivisions.~~

~~(D) Sets forth the present and prospective location, amount, intensity, and character of such land uses and the appropriate timing or sequence of land development activities in relation to the provision of necessary community facilities and services.~~

~~(E) Indicates those areas that have the potential to sustain agriculture and recommendations for maintaining them which that may include transfer of development rights, acquisition of development rights, or farmer assistance programs.~~

~~(F)(C) Indicates those areas that are important as forest blocks and habitat connectors and plans for land development in those areas to minimize forest fragmentation and promote the health, viability, and ecological function of forests. A plan may include specific policies to encourage the active management of those areas for wildlife habitat, water quality, timber production, recreation, or other values or functions identified by the regional planning commission.~~

~~(D) encourages preservation of rare and irreplaceable natural areas, scenic and historic features, and resources.~~

~~(E) encourages protection and improvement of the quality of waters of the State to be used in the development and furtherance of the applicable basin plans established by the Secretary of Natural Resources under 10 V.S.A. § 1253.~~

(3) An energy element, ~~may include~~ including an analysis of resources, needs, scarcities, costs, and problems within the region across all energy sectors, including electric, thermal, and transportation; a statement of policy on the conservation and efficient use of energy and the development and siting of renewable energy resources; a statement of policy on patterns and densities of land use likely to result in conservation of energy; and an identification of potential areas for the development and siting of renewable energy resources and areas that are unsuitable for siting those resources or particular categories or sizes of those resources.

(4) A transportation element, ~~which may consist~~ consisting of a statement of present and prospective transportation and circulation facilities, and a map showing existing and proposed highways, including limited access highways, and streets by type and character of improvement, and where pertinent, anticipated points of congestion, parking facilities, transit routes, terminals, bicycle paths and trails, scenic roads, airports, railroads and port facilities, and other similar facilities or uses, and recommendations to meet

future needs for such facilities, with indications of priorities of need, costs, and method of financing.

(5) A utility and facility element, consisting of a map and statement of present and prospective local and regional community facilities and public utilities, whether publicly or privately owned, showing existing and proposed educational, recreational and other public sites, buildings and facilities, including public schools, State office buildings, hospitals, libraries, power generating plants and transmission lines, wireless telecommunications facilities and ancillary improvements, water supply, sewage disposal, refuse disposal, storm drainage, and other similar facilities and activities, and recommendations to meet future needs for those facilities, with indications of priority of need.

~~(6) A statement of policies on the:~~

~~(A) preservation of rare and irreplaceable natural areas, scenic and historic features, and resources; and~~

~~(B) protection and improvement of the quality of waters of the State to be used in the development and furtherance of the applicable basin plans established by the Secretary of Natural Resources under 10 V.S.A. § 1253. [Repealed.]~~

* * *

(12) A future land use element, based upon the elements in this section, that sets forth the present and prospective location, amount, intensity, and character of such land uses in relation to the provision of necessary community facilities and services and that consists of a map delineating future land use area boundaries for the land uses in subdivisions (A)–(J) of this subdivision (12) as appropriate and any other special land use category the regional planning commission deems necessary; descriptions of intended future land uses; and policies intended to support the implementation of the future land use element using the following land use categories:

(A) Downtown or village centers. These areas are the vibrant, mixed-use centers bringing together community economic activity and civic assets. They include downtowns, villages, and new town centers, previously designated under chapter 76A and downtowns and village centers seeking benefits under the Community Investment Program under section 5804 of this title. The downtown or village centers are the central business and civic centers within planned growth areas, village areas, or may stand alone. Village centers are not required to have municipal water, wastewater, zoning, or subdivision bylaws.

(B) Planned growth areas. These areas include the densest existing settlement and future growth areas with the highest concentrations of population, housing, and employment in each region and town, as appropriate. They include a mix of commercial, residential, and civic or cultural sites with active streetscapes, supported by land development regulations, public water, wastewater, or both, and multimodal transportation systems. These areas include new town centers, downtowns, village centers, growth centers, and neighborhood development areas previously designated under chapter 76A of this title. These areas should generally meet the smart growth principles definition in chapter 139 of this title and the following criteria:

(i) The municipality has a duly adopted and approved plan and a planning process that is confirmed in accordance with section 4350 of this title and has adopted bylaws and regulations in accordance with sections 4414, 4418, and 4442 of this title.

(ii) This area is served by municipal water or wastewater infrastructure.

(iii) The area is generally within walking distance from the municipality's or an adjacent municipality's downtown, village center, new town center, or growth center.

(iv) The area excludes identified flood hazard and fluvial erosion areas, except those areas containing preexisting development in areas suitable for infill development as defined in section 29-201 of the Vermont Flood Hazard Area and River Corridor Rule.

(v) The municipal plan indicates that this area is intended for higher-density residential and mixed-use development.

(vi) The area provides for housing that meets the needs of a diversity of social and income groups in the community.

(vii) The area is served by planned or existing transportation infrastructure that conforms with "complete streets" principles as described under 19 V.S.A. § 309d and establishes pedestrian access directly to the downtown, village center, or new town center. Planned transportation infrastructure includes those investments included in the municipality's capital improvement program.

(C) Village areas. These areas include the traditional settlement area or a proposed new settlement area, typically comprised of a cohesive mix of residential, civic, religious, commercial, and mixed-use buildings, arranged along a main street and intersecting streets that are within walking distance for residents who live within and surrounding the core. Village areas shall have one of the following: municipal water, wastewater, or land development

regulations. If no municipal wastewater is available, the area must have soils that are adequate for wastewater disposal. They provide some opportunity for infill development or new development areas where the village can grow and be flood resilient. These areas include existing village center designations and similar areas statewide, but this area is larger than the village center designation. Village areas must meet the following criteria:

(i) The municipality has a duly adopted and approved plan and a planning process that is confirmed in accordance with section 4350 of this title.

(ii) The municipality has adopted bylaws and regulations in accordance with sections 4414, 4418, and 4442 of this title.

(iii) Unless the municipality has adopted flood hazard and river corridor bylaws, applicable to the entire municipality, that are consistent with the standards established pursuant to 10 V.S.A. § 755b (flood hazard) and 10 V.S.A. § 1428(b) (river corridor), the area excludes identified flood hazard and fluvial erosion areas, except those areas containing preexisting development in areas suitable for infill development as defined in § 29-201 of the Vermont Flood Hazard Area and River Corridor Rule.

(D) Transition or infill area. These areas include areas of existing or planned commercial, office, mixed-use development, or residential uses either adjacent to a planned growth or village area or a new stand-alone Transition or infill area and served by, or planned for, municipal water or wastewater, or both. The intent of this land use category is to transform these areas into higher-density, mixed-use settlements, or residential neighborhoods through infill and redevelopment or new development. New commercial strip auto-oriented development is not allowed as to prevent negatively impacting the economic vitality of commercial areas in the adjacent or nearby planned growth or village area. This area could also include adjacent greenfields safer from flooding and planned for future growth.

(E) Resource-based recreation areas. These areas include large-scale resource-based, recreational facilities, often concentrated around ski resorts, lakeshores, or concentrated trail networks, that may provide infrastructure, jobs, or housing to support recreational activities.

(F) Enterprise areas. These areas include locations of high economic activity and employment that are not adjacent to planned growth areas. These include industrial parks, areas of natural resource extraction, or other commercial uses that involve larger land areas. Enterprise areas typically have ready access to water supply, sewage disposal, electricity, and freight transportation networks.

(G) Hamlet. Small historic clusters of homes and perhaps a school, church, store, or other public buildings not planned for significant growth; no public water supply or wastewater systems; and mostly focused along one or two roads. These may be depicted as points on the future land use map.

(H) Rural; general. These areas include areas that promote the preservation of Vermont's traditional working landscape and natural area features. They allow for low-density residential and sometimes limited commercial development that is compatible with productive lands and natural areas. This could also include an area that a municipality is planning to make more rural than it is currently.

(I) Rural; agricultural and forestry. These areas include blocks of forest or farmland that sustain resource industries, provide critical wildlife habitat and movement, outdoor recreation, flood storage, aquifer recharge, and scenic beauty, and contribute to economic well-being and quality of life. Development in these areas should be carefully managed to promote the working landscape and rural economy, and address regional goals, while protecting the agricultural and forest resource value.

(J) Rural; conservation. These are areas of significant natural resources, identified by regional planning commissions or municipalities based upon existing Agency of Natural Resources mapping that require special consideration for aquifer protection; for wetland protection; for the maintenance of forest blocks, wildlife habitat, and habitat connectors; or for other conservation purposes. The mapping of these areas and accompanying policies are intended to help meet requirements of 10 V.S.A. chapter 89. Any portion of this area that is approved by the ERB as having Tier 3 area status shall be identified on the future land use map as an overlay upon approval.

(b) The various elements and statements shall be correlated with the land use element and with each other. The maps called for by this section may be incorporated on one or more maps, and may be referred to in each separate statement called for by this section.

(c) The regional plan future land use map shall delineate areas within the regional planning commission's member municipalities that are eligible to receive designation benefits as Centers and Neighborhoods when the future land use map is approved by the Environmental Review Board per 10 V.S.A. § 6033. The areas eligible for designation shall be identified on the regional plan future land use map as regional downtown centers, village centers, planned growth area, and village areas in a manner consistent with this section and chapter 139. This methodology shall include all approved designated downtowns, villages, new town centers, neighborhood development areas, and

growth centers existing on July 1, 2024, unless the subject member municipality requests otherwise.

(d) With the exception of preexisting, nonconforming designations approved prior to the establishment of the program under chapter 139 or areas included in the municipal plan for the purposes of relocating a municipality's center for flood resiliency purposes, the areas eligible for designation benefits upon the Environmental Review Board's approval of the regional plan future land use map for designation as a Center shall not include development that is disconnected from a Center and that lacks a pedestrian connection to the Center via a complete street.

(e) The VAPDA shall develop, maintain, and update standard methodology and process for the mapping of areas eligible for Tier 1B status under 10 V.S.A. § 6033 and designation under 24 V.S.A. chapter 139. The methodology shall be issued on or before December 31, 2024, in consultation with the Department of Housing and Community Development and Natural Resources Board.

Sec. 41. REGIONAL PLANNING COMMISSION STUDY

(a) The Vermont Association of Planning and Development Agencies (VAPDA) shall hire an independent contractor to study the strategic opportunities for regional planning commissions to better serve municipalities and the State. This study shall seek to ensure that the regional planning commissions are statutorily enabled and strategically positioned to meet ongoing and emerging State and municipal needs and shall review the following: governance, funding, programs, service delivery, equity, accountability, and staffing.

(b) A stakeholder group composed of the Vermont League of Cities and Towns, Vermont Council on Rural Development, the Department of Housing and Community Development, the Agency of Administration, the Office of Racial Equity, legislators and others will be invited to participate in the study to provide their insights into governance structure, accountability and performance standards.

(c) The study shall identify the gaps in statutory enabling language, structure, and local engagement and make recommendations on how to improve and ensure consistent and equitable statewide programming and local input and engagement including methods to improve municipal participation; the amount of regional planning grant funding provided to each regional planning commission relative to statutory responsibilities, the number of municipalities and other demands; and how to make it easier for municipalities to work together.

(d) On or before December 31, 2024, the study report shall be submitted to the House Committees on Environment and Energy, on Commerce and Economic Development, and on Government Operations and Military Affairs and the Senate Committees on Economic Development, Housing and General Affairs, on Natural Resources and Energy, and on Government Operations.

Sec. 42. REGIONAL PLANNING COMMISSION PUBLIC

ENGAGEMENT

(a) The regional planning commissions (RPCs) shall conduct a multifaceted public engagement process with stakeholders and the general public on land use, climate change, and regional structures legislation that is enacted in the 2024 Legislative session, including Act 250 reform and the regional planning process, the new State permitting program for river corridors, and climate resilience and mitigation activities and opportunities for Vermont municipalities. This process will engage Vermonters through education about the policy changes and solicitation of ideas and concepts that promote better public awareness, more effective implementation and governance, and efficient use of resources.

(b) The RPCs, in conjunction with a communications consultant, shall design and implement an information campaign directed to each municipality and residents Statewide. The RPCs shall ensure that all Vermonters, especially those that are marginalized and generally do not or cannot participate can do so.

(c) The campaign shall include the following methods of outreach:

(1) public service announcements;

(2) A Statewide website with information and direction on how to participate or connect with State and regional entities;

(3) Materials that can be posted and distributed town by town on the topics; and

(4) A series of regional public meetings, no less than two per county.

(d) The RPCs shall procure assistance by September 1, 2024 and shall have begun the initial phase of this process by November 1, 2024 and shall conclude this effort by December 1, 2025.

(e) In fiscal year 2025, the sum of \$200,000.00 General Fund is appropriated to the Agency of Commerce and Community Development to administer this section including to hire the consultant, create the website and informational materials, and for meeting stipends.

* * * Resilience Planning * * *

Sec. 43. 24 V.S.A. § 4306 is amended to read:

§ 4306. MUNICIPAL AND REGIONAL PLANNING AND RESILIENCE
FUND

(a)(1) The Municipal and Regional Planning and Resilience Fund for the purpose of assisting municipal and regional planning commissions to carry out the intent of this chapter is hereby created in the State Treasury.

(2) The Fund shall be composed of 17 percent of the revenue from the property transfer tax under 32 V.S.A. chapter 231 and any monies from time to time appropriated to the Fund by the General Assembly or received from any other source, private or public. All balances at the end of any fiscal year shall be carried forward and remain in the Fund. Interest earned by the Fund shall be deposited in the Fund.

(3) Of the revenues in the Fund, each year:

(A) 10 percent shall be disbursed to the Vermont Center for Geographic Information;

(B) 70 percent shall be disbursed to the Secretary of Commerce and Community Development for performance contracts with regional planning commissions to provide regional planning services pursuant to section 4341a of this title; and

(C) 20 percent shall be disbursed to municipalities.

(b)(1) Allocations for performance contract funding to regional planning commissions shall be determined according to a formula to be adopted by rule under 3 V.S.A. chapter 25 by the Department for the assistance of the regional planning commissions. Disbursement of funding to regional planning commissions shall be predicated upon meeting performance goals and targets pursuant to the terms of the performance contract.

(2) Disbursement to municipalities shall be awarded annually on or before December 31 through a competitive program administered by the Department providing the opportunity for any eligible municipality or municipalities to compete regardless of size, provided that to receive funds, a municipality:

(A) shall be confirmed under section 4350 of this title; or

(B)(i) shall use the funds for the purpose of developing a municipal plan to be submitted for approval by the regional planning commission, as required for municipal confirmation under section 4350 of this title; and

(ii) shall have voted at an annual or special meeting to provide local funds for municipal planning and resilience purposes and regional planning purposes.

(3) Of the annual disbursement to municipalities, an amount not to exceed 20 percent of the total may be disbursed to the Department to administer a program providing direct technical consulting assistance under retainer on a rolling basis to any eligible municipality to meet the requirements for designated neighborhood development area under chapter 76A of this title, provided that the municipality is eligible for funding under subdivision (2) of this subsection and meets funding guidelines established by the Department to ensure accessibility for lower capacity communities, municipal readiness, and statewide coverage.

(4) Of the annual disbursement to municipalities, the Department may allocate funding as bylaw modernization grants under section 4307 of this title.

(c) Funds allocated to municipalities shall be used for the purposes of:

(1) funding the regional planning commission in undertaking capacity studies;

(2) carrying out the provisions of subchapters 5 through 10 of this chapter;

(3) acquiring development rights, conservation easements, or title to those lands, areas, and strictures identified in either regional or municipal plans as requiring special consideration for provision of needed housing, aquifer protection, flood protection, climate resilience, open space, farmland preservation, or other conservation purposes; and

(4) reasonable and necessary costs of administering the Fund by the Department of Housing and Community Development, not to exceed six percent of the municipality allocation.

Sec. 44. MUNICIPAL PLANNING AND RESILIENCE GRANT

PROGRAM

(a) The Agency of Commerce and Community Development shall rename the Municipal Planning Grant Program that the Agency administers under 24 V.S.A. § 4306(b)(2) as the Municipal Planning and Resilience Grant Program.

(b) In addition to other funds appropriated to the Agency of Commerce and Community Development for grants under 24 V.S.A. § 4306, \$1,500,000.00 is appropriated from the General Fund to the Municipal and Regional Planning and Resilience Fund for the grants from the Fund for the following purposes:

(1) assistance to municipalities to support resiliency planning and identify and plan for resiliency projects to reduce damages from flooding and other climate change-related hazards; and

(2) funding for regional planning commissions to increase staff in order to support municipalities in conducting climate resiliency planning; project development and implementation; and hazard mitigation locally, regionally, and on a watershed scale.

Sec. 45. CLIMATE RESILIENCY PLANNING POSITIONS

(a) In addition to other funds appropriated to the Agency of Commerce and Community Development in fiscal year 2025, \$125,000.00 is appropriated from the General Fund to the Agency for the purpose of creating a new permanent full-time position to staff the climate resiliency grants from the Municipal Planning and Resilience Grant Program.

(b) In addition to other funds appropriated to the Agency of Natural Resources in fiscal year 2025, \$125,000.00 is appropriated from the General Fund to the Agency for the purposes of funding a new permanent full-time position in the Water Investment Division of the Department of Environmental Conservation for the purposes of assisting in the financing of climate resilience projects from the Special Environmental Revolving Funds under 24 V.S.A. chapter 120.

* * * Designated Areas Update * * *

Sec. 46. REPEAL

24 V.S.A. chapter 76A is repealed.

Sec. 47. 24 V.S.A. chapter 139 is added to read:

CHAPTER 139. STATE COMMUNITY INVESTMENT PROGRAM

§ 5801. DEFINITIONS

As used in this chapter:

(1) “Community Investment Program” means the program established in this chapter, as adapted from the former State designated areas program formerly in chapter 76A of this title. Statutory references outside this chapter referring to the former State-designated village centers, downtown, and new town centers shall mean designated center, once established. Statutory references outside this chapter referring to the former State-designated growth centers and neighborhood development areas shall mean designated neighborhood, once established.

(2) “Complete streets” or “complete street principles” has the same meaning as in 19 V.S.A. chapter 24.

(3) “Department” means the Department of Housing and Community Development.

(4) “Downtown center” or “village center” means areas on the regional plan future land use maps that may be designated as a center consistent with section 4348a of this title.

(5) “ERB” refers to the Environmental Review Board established pursuant to 10 V.S.A. § 6021.

(6) “Infill” means the use of vacant land or property or the redevelopment of existing buildings within a built-up area for further construction or land development.

(7) “Local downtown organization” means either a nonprofit corporation, or a board, council, or commission created by the legislative body of the municipality, whose primary purpose is to administer and implement the community reinvestment agreement and other matters regarding the revitalization of the downtown.

(8) “Planned growth area” means an area on the regional plan future land use maps required under section 4348a of this title, which may encompass a downtown center or village center on the regional future land use map and may be designated as a center or neighborhood or both.

(9) “Regional plan future land use map” means the map prepared pursuant to 24 V.S.A. § 4348a.

(10) “Smart growth principles” means growth that:

(A) maintains the historic development pattern of compact village and urban centers separated by rural countryside;

(B) develops compact mixed-use centers at a scale appropriate for the community and the region;

(C) enables choice in modes of transportation;

(D) protects the State’s important environmental, natural, and historic features, including natural areas, water quality, scenic resources, and historic sites and districts;

(E) serves to strengthen agricultural and forest industries and minimizes conflicts of development with these industries;

(F) balances growth with the availability of economic and efficient public utilities and services;

(G) supports a diversity of viable businesses in downtowns and villages;

(H) provides for housing that meets the needs of a diversity of social and income groups in each community; and

(I) reflects a settlement pattern that, at full build-out, is not characterized by:

(i) scattered development located outside compact urban and village centers that is excessively land consumptive and inefficient;

(ii) development that limits transportation options, especially for pedestrians, bicyclists, transit users, and people with disabilities;

(iii) the fragmentation of farmland and forestland;

(iv) development that makes inefficient use of land, energy, roads, utilities, and other supporting infrastructure or that requires the extension of infrastructure across undeveloped lands outside compact, villages, downtowns, or urban centers; and

(v) development that contributes to a pattern of strip linear development along well-traveled roads and highways that lacks depth, as measured from the highway.

(11) “Sprawl repair” means the redevelopment of lands developed with buildings, traffic and circulation, parking, or other land coverage in pattern that is consistent with smart growth principles and is served by a complete street connecting to a proximate Center and served by water and sewer infrastructure.

(12) “State Board” means the Vermont Community Investment Board established in section 5802 of this title.

(13) “State Designated Downtown and Village Center” or “Center” means a contiguous downtown or village area approved as part of the ERB review of regional plan future land use maps, which may include an approved preexisting designated village center, designated downtown, or designated new town center established prior to the approval of the regional plan future land use maps. It shall encompass an area that extends access to benefits that sustain and revitalize existing buildings and maintain the basis of the program’s original focus on revitalizing historic downtowns and villages by promoting development patterns and historic preservation practices vital to Vermont’s economy, cultural landscape, equity of opportunity, and climate resilience.

(14) “State-designated neighborhood” or “neighborhood” means a contiguous geographic area approved as part of the Environmental Review Board review of regional plan future land use maps that is adjacent and contiguous to a center, which may include an approved and preexisting designated neighborhood development area or growth center established prior to approval of the regional plan future land use maps. It means an area that is compact, principally walkable to a center, principally served by complete streets, primarily including historic areas, and may include areas transitioning to complete streets and smart growth through municipal capital planning, programming, and budgeting in complete streets in accordance with section 4430 of this title.

(15) “Vermont Downtown Program” means a program within the Department that coordinates with Main Street America that helps support community revitalization and economic vitality while preserving the historic character of Vermont’s downtown cores. The Vermont Downtown Program provides downtowns with financial incentives, training, and technical assistance supporting local efforts to restore historic buildings, improve housing, design walkable communities, and encourage economic development by incentivizing public and private investments.

(16) “Village area” means an area on the regional plan future land use maps pursuant to section 4348a of this title, which may encompass a village center on the regional future land use map.

§ 5802. VERMONT COMMUNITY INVESTMENT BOARD

(a) A Vermont Community Investment Board, also referred to as the “State Board,” is created to administer the provisions of this chapter. The State Board shall be composed of the following members or their designees:

- (1) the Secretary of Commerce and Community Development;
- (2) the Secretary of Transportation;
- (3) the Secretary of Natural Resources;
- (4) the Commissioner of Public Safety;
- (5) the State Historic Preservation Officer;

(6) a member of the community designated by the Director of Racial Equity;

(7) a person, appointed by the Governor from a list of three names submitted by the Vermont Natural Resources Council and the Preservation Trust of Vermont;

(8) a person, appointed by the Governor from a list of three names submitted by the Association of Chamber Executives;

(9) three public members representative of local government, one of whom shall be designated by the Vermont League of Cities and Towns and two of whom shall be appointed by the Governor;

(10) the Executive Director of the Vermont Bond Bank;

(11) the State Treasurer;

(12) a member of the Vermont Planners Association designated by the Association;

(13) a representative of a regional development corporation designated by the regional development corporations; and

(14) a representative of a regional planning commission designated by the Vermont Association of Planning and Development Agencies.

(b) The State Board shall elect a chair and vice chair from among its membership.

(c) The Department shall provide legal, staff, and administrative support to the State Board; shall produce guidelines to direct municipalities seeking to obtain designation under this chapter and for other purposes established by this chapter; and shall pay per diem compensation for board members pursuant to 32 V.S.A. § 1010(b).

(d) The State Board shall meet at least quarterly.

(e) The State Board shall have authority to adopt rules of procedure to use for appeal of its decisions and rules on handling conflicts of interest.

(f) In addition to any other duties confirmed by law, the State Board shall have the following duties:

(1) to serve as the funding and benefits coordination body for the State Community Investment Program;

(2) to review and comment on proposed regional plan future land use maps prepared by the regional planning commission and presented to the ERB for designated center and designated neighborhood recognition under 10 V.S.A. § 6033;

(4) to award tax credits under the 32 V.S.A. § 5930aa et seq.;

(5) to manage the Downtown Transportation and Related Capital Improvement Fund Program established by section 5808 of this title; and

(6) to review and comment on ERB guidelines, rules, or procedures for the status process and regional plan future land use maps as they relate to the designations under this chapter.

§ 5803. DESIGNATION OF DOWNTOWN AND VILLAGE CENTERS

(a) Designation established. A regional planning commission may apply to the ERB for approval and designation of all centers by submitting the regional plan future land use map adopted by the regional planning commission. The regional plan future land use map shall identify downtown centers and village centers as the downtown and village areas eligible for designation as centers. The Department and State Board shall provide comments to the Environmental Review on areas eligible for center designation as provided under this chapter.

(b) Inclusions. The areas mapped by the regional planning commissions as a center shall allow for the designation of preexisting, approved village centers, downtown centers, and new town centers in existence on or before December 31, 2025.

(c) With the exception for preexisting, nonconforming designations approved prior to the establishment of the program under this chapter or areas included in the municipal plan for the purposes of relocating a municipality's center for flood resiliency purposes, the areas eligible for designation benefits upon the Environmental Review Board's approval of the regional plan future land use map for designation as a Center shall not include development that is disconnected from a Center and that lacks a pedestrian connection to the Center via a complete street.

(d) Approval. The ERB shall conduct its review pursuant to 10 V.S.A. § 6033.

(e) Transition. All designated village centers, new town centers, or downtowns existing as of December 31, 2025 will retain current benefits until June 30, 2026 or until approval of the regional future land use maps by the ERB, whichever comes first. All existing designations in effect December 31, 2025 will expire June 30, 2026 if the regional planning commission does not receive State Board approval of the regional plan future land use maps under this chapter. All benefits for preexisting designated village centers, downtowns, and new town centers that are removed under this chapter shall remain with the prior designations existing as of December 31, 2025 until July 1, 2032. Prior to June 30, 2026, no renewal shall be required for the preexisting designations. New applications may be approved by the State Board prior to the approval of a regional future land use map under former chapter 76A of this title by the State Board until December 31, 2025. The last

day to submit an application for designation prior to December 31, 2025 will be October 1, 2025.

(f) Benefits Steps. A center may receive the benefits associated with the steps in this section by meeting the established requirements. The Department shall review applications from municipalities to advance from Step One to Two and from Step Two to Three and issue written decisions. The Department shall issue a written administrative decision within 30 days following the regional plan future land use map approval. If a municipal application is rejected by the Department, the municipality may appeal the administrative decision to the State Board. To maintain an established Step Three Center after the initial approval of regional plan future land use map by the ERB, the municipality shall apply for renewal and meet the program requirements upon application for approval of a regional plan future land use map. Step Three designations that are not approved for renewal revert to Step Two. The municipality may appeal the administrative decision of the Department to the State Board. Appeals of administrative decisions shall be heard by the State Board at the next meeting following a timely filing stating the reasons for the appeal. The State Board's decision is final. The Department may issue guidelines to administer these steps.

(1) Step One.

(A) Requirements. Step One is established to create an accessible and low-barrier entry point for all villages throughout the State to access site-based improvement supports and conduct initial planning. All downtown and village centers shall automatically reach Step One upon approval of the regional plan future land use map by the Environmental Review Board. Regional plan future land use maps supersede preexisting designated areas that may already meet the Step One requirement.

(B) Benefits. A center that reaches Step One is eligible for the following benefits:

(i) funding and technical assistance for site-based projects, including the Better Places Grant Program, access to the Downtown and Village Center Tax Credit Program described in 32 V.S.A. § 5930aa et seq., and other programs identified in the Department's guidelines; and

(ii) funding for developing or amending the municipal plan, visioning, and assessments.

(2) Step Two.

(A) Requirements. Step Two is established to create a mid-level entry point for emerging villages throughout the State to build planning and

implementation capacity for community-scale projects. A center reaches Step Two if it:

(i) meets the requirements of Step One or if it has a designated village center or new town center under chapter 76A of this title upon initial approval of the regional plan future land use map and prior to December 31, 2026;

(ii) has a confirmed municipal planning process; and

(iii) has a municipal plan with goals for investment in the center.

(B) Benefits. In addition to the benefits of Step One, a center that reaches Step Two is eligible for the following benefits:

(i) general grant priority for bylaws and special-purpose plans, capital plans, and area improvement or reinvestment plans, including priority consideration for the Better Connections Program and other applicable programs identified by Department guidance;

(ii) funding priority for infrastructure project scoping, design, engineering, and construction by the State Program;

(iii) the authority to create a special taxing district pursuant to chapter 87 of this title for the purpose of financing both capital and operating costs of a project within the boundaries of a center;

(iv) priority consideration for State and federal affordable housing funding;

(v) authority for the municipal legislative body to lower speed limits to less than 25 mph within the center under 23 V.S.A. § 1007(g);

(vi) State wastewater permit fees capped at \$50.00 for residential development under 3 V.S.A. § 2822;

(vii) exemption from the land gains tax under 32 V.S.A. § 10002(p); and

(viii) assistance and guidance from the Department for establishing local historic preservation regulations.

(3) Step Three.

(A) Requirements. Step Three is established to create the higher-level entry point for downtowns throughout the State to create vibrant mixed-use centers. A center reaches Step Three and maintains Step Three as a downtown if the Department finds that it meets the following requirements:

(i) Meets the requirements of Step Two, or if it has an existing downtown designated under chapter 76A of this title in effect upon initial approval of the regional future land use map and prior to December 31, 2026.

(ii) Is listed or eligible for listing in the National Register of Historic Places.

(iii) Has a downtown improvement plan.

(iv) Has a downtown investment agreement.

(v) Has a capital plan adopted under section 4430 of this title that implements the downtown improvement plan.

(vi) Has a local downtown organization with an organizational structure necessary to sustain a comprehensive long-term downtown revitalization effort, including a local downtown organization that will collaborate with municipal departments, local businesses, and local nonprofit organizations. The local downtown organization shall work to:

(I) enhance the physical appearance and livability of the downtown district by implementing local policies that promote the use and rehabilitation of historic and existing buildings, by developing pedestrian-oriented design requirements, by encouraging new development and infill that satisfy such design requirements, and by supporting long-term planning that is consistent with the goals set forth in section 4302 of this title;

(II) build consensus and cooperation among the many groups and individuals who have a role in the planning, development, and revitalization process;

(III) market the assets of the downtown district to customers, potential investors, new businesses, local citizens, and visitors;

(IV) strengthen, diversify, and increase the economic activity within the downtown; and

(V) measure annually progress and achievements of the revitalization efforts as required by Department guidelines.

(vii) Has available public water and wastewater service and capacity.

(viii) Has permanent zoning and subdivision bylaws.

(ix) Has adopted historic preservation regulations for the district with a demonstrated commitment to protect and enhance the historic character of the downtown through the adoption of bylaws that adequately meet the historic preservation requirements in subdivisions 4414(1)(E) and (F) of this

title, unless recognized by the program as a preexisting designated new town center.

(x) Has adopted design or form-based regulations that adequately regulate the physical form and scale of development.

(B) Benefits. In addition to the benefits of Steps One and Two, a municipality that reaches Step Three is eligible for the following benefits:

(i) Funding for the local downtown organization and technical assistance from the Vermont Downtown Program for the center.

(ii) Tax increment financing district location pursuant to 32 V.S.A. § 5404a.

(iii) A reallocation of receipts related to the tax imposed on sales of construction materials as provided in 32 V.S.A. § 9819.

(iv) Eligibility to receive National Main Street Accreditation from Main Street America through the Vermont Downtown Program.

(v) Signage options pursuant to 10 V.S.A. § 494(13) and (17).

(vi) Certain housing appeal limitations pursuant to chapter 117 of this title.

(vii) Highest priority for locating proposed State functions by the Commissioner of Buildings and General Services or other State officials, in consultation with the municipality, Department, State Board, the General Assembly committees of jurisdiction for the Capital Budget, and the regional planning commission. When a downtown location is not suitable, the Commissioner shall issue written findings to the consulted parties demonstrating how the suitability of the State function to a downtown location is not feasible.

(viii) Funding for infrastructure project scoping, design, and engineering, including participation in the Downtown Transportation and Related Capital Improvement Fund Program established by section 5808 of this title.

§ 5804. DESIGNATED NEIGHBORHOOD

(a) Designation established.

(1) A regional planning commission may request approval from the Environmental Review Board for designation of areas on the regional plan future land use maps as a designated neighborhood under 10 V.S.A. § 6033. Areas eligible for designation include planned growth areas and village areas identified on the regional plan future land use map. This designation

recognizes that the vitality of downtowns and villages and their adjacent neighborhoods and the benefits structure must ensure that any subsidy for sprawl repair or infill development locations within a neighborhood is secondary to a primary commitment to maintain the livability and maximize the climate resilience and flood-safe infill potential of these areas.

(2) Approval of planned growth areas and village areas as designated neighborhoods shall follow the same process as approval for designated centers provided for in 10 V.S.A. § 6033 and consistent with sections 4348 and 4348a of this title.

(b) Transition. Any municipality with an existing designated growth center or neighborhood development area will retain current benefits until July 1, 2029 or upon approval of the regional plan future land use maps, whichever comes first. All existing neighborhood development area and growth center designations in effect on July 1, 2024 will expire on July 1, 2029 if the regional plan future land use map does not gain approval. All benefits that are removed for neighborhood development areas and growth centers under this chapter shall remain active with prior designations existing as of July 1, 2024 until July 1, 2032. During the period of transition, no renewal shall be required for the existing designations. Prior to the approval of a regional plan future land use map by the ERB, new neighborhood development area designations may be approved by the State Board.

(c) Requirements. A designated neighborhood shall meet the requirements for planned growth area or village area as described in section 4348a of this title.

(d) Benefits. A designated neighborhood is eligible for the following benefits:

(1) general grant priority for bylaws and special-purpose plans, capital plans, and area improvement or reinvestment plans, including the Better Connections Program and other programs identified in Department guidance;

(2) funding priority for infrastructure project scoping, design, engineering, and construction by State programs;

(3) access to the Downtown and Village Center Tax Credit Program described in 32 V.S.A. § 5930aa et seq.;

(4) priority consideration for State and federal affordable housing funding;

(5) certain housing appeal limitations under chapter 117 of this title;

(6) authority for the municipal legislative body to lower speed limits to less than 25 mph within the neighborhood;

(7) State wastewater application fee capped at \$50.00 for residential development under 3 V.S.A. § 2822(j)(4)(D); and

(8) exclusion from the land gains tax provided by 32 V.S.A. § 10002(p).

§ 5805. TRANSITION

On or before June 30, 2026, the regional planning commissions shall update the regional plan future land use maps to delineate downtown or village centers, planned growth areas, which may encompass a downtown center and village center; and village areas. Notwithstanding other provisions in this chapter, new applications for designation under the prior chapter 76A framework shall end upon approval of a regional plan future land use map by the ERB.

§ 5806. DESIGNATION DATA CENTER

The Department shall maintain an online municipal planning data center publishing approved regional plan future land use maps and indicating the status of each approved designation within the region, and associated steps for centers.

§ 5807. MUNICIPAL TECHNICAL ASSISTANCE

(a) The Commissioner of Housing and Community Development shall develop a procedure for providing interagency technical assistance to municipalities participating in the programs under this chapter.

(b) The procedure shall include interagency assistance and address the following:

- (1) general project advising and scoping services;
- (2) physical improvement design services;
- (3) regulatory and policy-making project services;
- (4) programmatic and project management services; and

(5) legislative recommendations to the General Assembly to better align designation benefits with strategic priorities on or before December 15, 2026.

(c) Procedures and recommendations shall address statutory State agency plans with a focus on the following strategic priorities for municipal and community development assistance:

- (1) housing development growth and equity;
- (2) climate resilience;
- (3) coordinated infrastructure investment;

- (4) local administrative capacity;
- (5) equity, diversity, and access;
- (6) livability and social service; and
- (7) historic preservation.

§ 5808. DOWNTOWN TRANSPORTATION AND RELATED CAPITAL
IMPROVEMENT FUND

(a) There is created the Downtown Transportation and Related Capital Improvement Fund, which shall be a special fund created under 32 V.S.A. chapter 7, subchapter 5, to be administered by the State Board in accordance with this chapter to aid municipalities with designated centers in financing capital transportation and related improvement projects to support economic development. This shall be the same Fund that was created under the prior section 2796 of this title.

(b) The Fund shall be composed of the following:

- (1) State or federal funds as may be appropriated by the General Assembly;
- (2) any gifts, grants, or other contributions to the Fund; and
- (3) proceeds from the issuance of general obligation bonds.

(c) Any municipality with a designated center may apply to the Board for financial assistance from the Fund for capital transportation and related improvement projects within or serving the district. The Board may award to any municipality grants in amounts not to exceed \$250,000.00 annually, loans, or loan guarantees for financing capital transportation projects, including construction or alteration of roads and highways, parking facilities, and rail or bus facilities or equipment, or for the underground relocation of electric utility, cable, and telecommunications lines, but shall not include assistance for operating costs. Grants awarded by the Board shall not exceed 80 percent of the overall cost of the project. The approval of the Board may be conditioned upon the repayment to the Fund of some or all of the amount of a loan or other financial benefits and such repayment may be from local taxes, fees, or other local revenues sources. The Board shall consider geographical distribution in awarding the resources of the Fund.

(d) The Fund shall be available to the Department of Housing and Community Development for the reasonable and necessary costs of administering the Fund. The amount projected to be spent on administration shall be included in the Department's fiscal year budget presentations to the General Assembly.

§ 5809. PROPERTY ASSESSMENT FUND; BROWNFIELDS AND REDEVELOPMENT; COMPETITIVE PROGRAM

(a) There is created the Property Assessment Fund pursuant to 32 V.S.A. chapter 7, subchapter 5 to be administered by the Department of Housing and Community Development for the purpose of providing financing, on a competitive basis, to municipalities that demonstrate a financial need in order to determine and evaluate a full assessment of the extent and the cost of remediation of property or, in the case of an existing building, an assessment that supports a clear plan, including the associated costs of renovation to bring the building into compliance with State and local building codes. This shall be the same Fund that was created under the prior section 2797 of this title.

(b) The Fund shall be composed of the following:

(1) State or federal funds that may be appropriated by the General Assembly;

(2) any gifts, grants, or other contributions to the funds; and

(3) proceeds from the issuance of general obligation bonds.

(c) A municipality deemed financially eligible may apply to the Fund for the assessment of property and existing buildings proposed for redevelopment, provided the Department finds that the property or building:

(1) is not likely to be renovated or improved without the preliminary assessment; and

(2) when renovated or redeveloped, will integrate and be compatible with any applicable and approved regional development, capital, and municipal plans; is expected to create new property tax if developed by a taxable entity; and is expected to reduce pressure for development on open or undeveloped land in the local community or in the regional planning commission.

(d) The Department shall distribute funds under this section in a manner that provides funding for assessment projects of various sizes in as many geographical areas of the State as possible and may require matching funds from the municipality in which an assessment project is conducted.

§ 5810. 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. This shall be the same Fund created under the prior section 2799 of this title.

(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 persons 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 an area designated under this chapter 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 three projects per calendar year within a municipality.

(4) The minimum amount of a grant award is \$5,000.00, and the maximum amount of a grant award is \$40,000.00.

(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 \$10,000.00 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. The Department

may require a higher percent of matching funds for certain project areas to ensure equitable distribution of resources across Vermont.

(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. 48. 32 V.S.A. § 5930aa is amended to read:

§ 5930aa. DEFINITIONS

As used in this subchapter:

* * *

(2) “Qualified building” means a building built at least 30 years before the date of application, located within a designated ~~downtown, village center, or neighborhood development area~~ center or neighborhood, which, upon completion of the project supported by the tax credit, will be an income-producing building not used solely as a single-family residence. Churches and other buildings owned by a religious organization may be qualified buildings, but in no event shall tax credits be used for religious worship.

(3) “Qualified code improvement project” means a project:

(A) to install or improve platform lifts suitable for transporting personal mobility devices, limited use or limited application elevators, elevators, sprinkler systems, and capital improvements in a qualified building, and the installations or improvements are required to bring the building into compliance with the statutory requirements and rules regarding fire prevention, life safety, and electrical, plumbing, and accessibility codes as determined by the Department of Public Safety;

(B) to abate lead paint conditions or other substances hazardous to human health or safety in a qualified building; or

(C) to redevelop a contaminated property in a designated ~~downtown, village center, or neighborhood development area~~ center or neighborhood under a plan approved by the Secretary of Natural Resources pursuant to 10 V.S.A. § 6615a.

* * *

(5) “Qualified façade improvement project” means the rehabilitation of the façade of a qualified building that contributes to the integrity of the designated ~~downtown, designated village center, or neighborhood development area~~ center or neighborhood. Façade improvements to qualified buildings listed, or eligible for listing, in the State or National Register of Historic Places must be consistent with the Secretary of the Interior Standards, as determined by the Vermont Division for Historic Preservation.

(6) “Qualified Flood Mitigation Project” means any combination of structural and nonstructural changes to a qualified building ~~located within the flood hazard area as mapped by the Federal Emergency Management Agency~~ that reduces or eliminates flood damage to the building or its contents. This may include relocation of HVAC, electrical, plumbing, and other building systems, and equipment above the flood level; repairs or reinforcement of foundation walls, including flood gates; or elevation of an entire eligible building above the flood level. Further eligible projects may be defined via program guidance. The project shall comply with the municipality’s adopted flood hazard bylaw, if applicable, and a certificate of completion shall be submitted by a registered engineer, architect, qualified contractor, or qualified local official ~~to the State Board~~ program staff. Improvements to qualified buildings listed, or eligible for listing, in the State or National Register of Historic Places shall be consistent with Secretary of the Interior’s Standards for Rehabilitation, as determined by the Vermont Division for Historic Preservation.

* * *

(9) “State Board” means the Vermont ~~Downtown Development~~ Community Investment Board established pursuant to 24 V.S.A. chapter ~~76A~~ 139.

Sec. 49. 32 V.S.A. § 5930bb is amended to read:

§ 5930bb. ELIGIBILITY AND ADMINISTRATION

(a) Qualified applicants may apply to the State Board to obtain the tax credits provided by this subchapter for a qualified project at any time before the completion of the qualified project.

(b) To qualify for any of the tax credits under this subchapter, expenditures for the qualified project must exceed \$5,000.00.

(c) Application shall be made in accordance with the guidelines set by the State Board.

~~(d) Notwithstanding any other provision of this subchapter, qualified applicants may apply to the State Board at any time prior to June 30, 2013, to obtain a tax credit not otherwise available under subsections 5930cc(a)-(c) of this title of 10 percent of qualified expenditures resulting from damage caused by a federally declared disaster in Vermont in 2011. The credit shall only be claimed against the taxpayer's State individual income tax under section 5822 of this title. To the extent that any allocated tax credit exceeds the taxpayer's tax liability for the first tax year in which the qualified project is completed, the taxpayer shall receive a refund equal to the unused portion of the tax credit. If within two years after the date of the credit allocation no claim for a tax credit or refund has been filed, the tax credit allocation shall be rescinded and recaptured pursuant to subdivision 5930cc(6) of this title. The total amount of tax credits available under this subsection shall not be more than \$500,000.00 and shall not be subject to the limitations contained in subdivision 5930cc(2) of this subchapter.~~

(e) Beginning on July 1, 2025, under this subchapter no new tax credit may be allocated by the State Board to a qualified building located in a neighborhood development area Designated Neighborhood unless specific funds have been appropriated for that purpose.

Sec. 50. 32 V.S.A. § 5930cc is amended to read:

§ 5930cc. DOWNTOWN AND VILLAGE CENTER PROGRAM TAX

CREDITS

* * *

(c) Code improvement tax credit. The qualified applicant of a qualified code improvement project shall be entitled, upon the approval of the State Board, to claim against the taxpayer's State individual income tax, State corporate income tax, or bank franchise or insurance premiums tax liability a credit of 50 percent of qualified expenditures up to a maximum tax credit of \$12,000.00 for installation or improvement of a platform lift, a maximum credit of \$60,000.00 for the installation or improvement of a limited use or limited application elevator, a maximum tax credit of \$75,000.00 for installation or improvement of an elevator, a maximum tax credit of \$50,000.00 for installation or improvement of a sprinkler system, and a maximum tax credit of ~~\$50,000.00~~ \$100,000.00 for the combined costs of all other qualified code improvements.

(d) Flood Mitigation Tax Credit. The qualified applicant of a qualified flood mitigation project shall be entitled, upon the approval of the State Board, to claim against the taxpayer's State individual income tax, State corporate income tax, or bank franchise or insurance premiums tax liability a credit of

50 percent of qualified expenditures up to a maximum tax credit of ~~\$75,000.00~~
~~\$100,000.00~~.

Sec. 51. 32 V.S.A. § 5930ee is amended to read:

§ 5930ee. LIMITATIONS

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

(1) the total amount of tax credits awarded annually, together with sales tax reallocated under section 9819 of this title, does not exceed ~~\$3,000,000.00~~
~~\$5,000,000.00~~;

* * *

Sec. 52. REVISION AUTHORITY

In preparing the Vermont Statutes Annotated for publication in 2024, the Office of Legislative Counsel shall replace all references to “24 V.S.A. chapter 76A” with “24 V.S.A. chapter 139.”

* * * Effective Dates * * *

Sec. 53. EFFECTIVE DATES

This act shall take effect on passage, except that:

(1) Secs. 13 (10 V.S.A. chapter 220) and 14 (4 V.S.A. § 34) shall take effect on October 1, 2026;

(2) Secs. 19 (10 V.S.A. § 6001), 20 (10 V.S.A. § 6086(a)(8)), and 26 (10 V.S.A. § 6001) shall take effect on December 31, 2026; and

(3) Sec. 46 (repeal) shall take effect on January 1, 2027.

Rep. James of Manchester presiding.

Speaker presiding.

Rep. Demrow of Corinth, for the Committee on Ways and Means, recommended that the report of the Committee on Environment and Energy be amended as follows:

First: In Sec. 47, 24 V.S.A. chapter 139, in section 5803 in subdivision (f)(3)(B), by striking out subdivision (ii) in its entirety and by renumbering the remaining subdivisions to be numerically correct.

Second: By striking out Sec. 51, 32 V.S.A. § 5930ee, in its entirety and by renumbering the remaining to be numerically correct.

Rep. Squirrell of Underhill, for the Committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the Committees on Environment and Energy when further amended as recommended by the Committee on Ways and Means, and when further amended as follows:

First: In Sec. 15, environmental review board positions; appropriation, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) In fiscal year 2025, \$112,500.00 is appropriated from the General Fund to the Natural Resources Board for the attorney positions established in subsection (a)(1) of this section.

Second: By striking out Sec. 42, regional planning commission public engagement, in its entirety and inserting in lieu thereof a new Sec. 42 to read as follows:

Sec. 42. POSITION; DEPARTMENT OF FISH AND WILDLIFE

In fiscal year 2025, \$125,000.00 is appropriated from the General Fund to the Department of Fish and Wildlife, Wildlife Division for one new permanent classified Biologist position to assist the Department in supporting the implementation of this act.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Environment and Energy was amended as recommended by the Committee on Ways and Means and then further amended as recommended by the Committee on Appropriations.

Pending the question, Shall the bill be amended as recommended by the Committee on Environment and Energy, as amended?, **Reps. Elder of Starksboro, Bartley of Fairfax, Sims of Craftsbury, Andrews of Westford, Birong of Vergennes, Boyden of Cambridge, Buss of Woodstock, Carpenter of Hyde Park, Chapin of East Montpelier, Donahue of Northfield, Hango of Berkshire, Harrison of Chittenden, Lipsky of Stowe, Noyes of Wolcott, Pajala of Londonderry, Small of Winooski, and Walker of Swanton** moved that the report of the Committee on Environment and Energy, as amended, be further amended as follows:

First: By adding a new section to be Sec. 28a to read as follows:

Sec. 28a. 10 V.S.A. § 6001(3)(A)(xi) is amended to read:

(xi) Notwithstanding any other provision of law to the contrary, until ~~July 1~~ December 31, 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, a designated village center with permanent zoning and subdivision bylaws, 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. For purposes of this ~~subsection~~ subdivision, the construction of four units or fewer of housing in an existing structure shall only count as one unit towards the total number of units

Second: By adding a new section to be Sec. 28b to read as follows:

Sec. 28b. 10 V.S.A. § 6001(3)(D)(viii)(III) is amended to read:

(III) Notwithstanding any other provision of law to the contrary, until ~~July 1~~ December 31, 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.

Third: By adding a new section to be Sec. 28c to read as follows:

Sec. 28c. 2023 Acts and Resolves No. 47, Sec. 16a is amended to read:

Sec. 16a. 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), a person shall request a jurisdictional opinion under 10 V.S.A. § 6007 on or before ~~June 30~~ December 30, 2026. The jurisdictional opinion shall require the project to substantially complete construction on or before June 30, 2029 in order to remain exempt.

Fourth: In Sec. 32, 10 V.S.A. § 6081, by inserting three new subsections after subsection (z) to read as follows:

(aa) No permit amendment is required for the construction of improvements for a hotel or motels converted to permanently affordable housing developments as defined in 24 V.S.A. § 4303(2).

(bb) No permit or permit amendment is required for the construction of improvements for an accessory dwelling unit as defined in 24 V.S.A. § 4303.

(cc) No permit amendment is required for the construction of improvements for converting a structure used for a commercial purpose to 29 or fewer housing units.

Thereupon, **Rep. Bongartz of Manchester** asked that the amendment be divided by first considering the first through third instances of amendment, and by thereafter considering the fourth instance of amendment, and the Speaker ruled the question was divisible in that manner.

Thereupon, the question, Shall the report of the Committee on Environment and Energy, as amended, be further amended as offered by Rep. Elder of Starksboro and others in the first through third instances of amendment?, was agreed to.

Pending the question, Shall the report of the Committee on Environment and Energy, as amended, be further amended as offered by Rep. Elder of Starksboro and others in the fourth instance of amendment?, **Rep. Bartley of Fairfax** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the report of the Committee on Environment and Energy, as amended, be further amended as offered by Rep. Elder of Starksboro and others in the fourth instance of amendment?, was decided in the affirmative. Yeas, 84. Nays, 60.

Those who voted in the affirmative are:

Andriano of Orwell	Elder of Starksboro	O'Brien of Tunbridge
Arsenault of Williston	Farlice-Rubio of Barnet	Oliver of Sheldon
Bartley of Fairfax	Galfetti of Barre Town	Page of Newport City
Beck of St. Johnsbury	Goslant of Northfield	Pajala of Londonderry
Birong of Vergennes	Graham of Williamstown	Parsons of Newbury
Boyden of Cambridge	Graning of Jericho	Pearl of Danville
Brady of Williston	Gregoire of Fairfield	Peterson of Clarendon
Branagan of Georgia	Hango of Berkshire	Pouech of Hinesburg
Brennan of Colchester	Harrison of Chittenden	Priestley of Bradford
Brownell of Pownal	Headrick of Burlington	Quimby of Lyndon
Burditt of West Rutland	Hooper of Randolph	Rice of Dorset
Burrows of West Windsor	Howard of Rutland City	Roberts of Halifax
Buss of Woodstock	Labor of Morgan	Sammis of Castleton *
Canfield of Fair Haven	LaBounty of Lyndon	Shaw of Pittsford
Carpenter of Hyde Park	Lalley of Shelburne	Sibilia of Dover
Carroll of Bennington	LaMont of Morristown	Sims of Craftsbury
Casey of Montpelier	Laroche of Franklin	Small of Winooski
Chapin of East Montpelier	Leavitt of Grand Isle	Stone of Burlington
Chase of Colchester	Lipsky of Stowe	Surprenant of Barnard
Christie of Hartford	Maguire of Rutland City	Taylor of Milton
Cina of Burlington	Marcotte of Coventry	Taylor of Colchester
Clifford of Rutland City	Mattos of Milton	Templeman of Brownington
Cole of Hartford	McCann of Montpelier	Toof of St. Albans Town
Corcoran of Bennington	McCoy of Poultney *	Walker of Swanton
Cordes of Lincoln	McFaun of Barre Town	White of Bethel
Demar of Enosburgh	McGill of Bridport	Whitman of Bennington
Dickinson of St. Albans Town	Minier of South Burlington	Williams of Granby
Donahue of Northfield	Morgan of Milton	
	Morrissey of Bennington	

Those who voted in the negative are:

Andrews of Westford	Durfee of Shaftsbury	Mrowicki of Putney
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Anthony of Barre City	Emmons of Springfield	Mulvaney-Stanak of Burlington
Arrison of Weathersfield	Garofano of Essex	Nicoll of Ludlow
Austin of Colchester	Goldman of Rockingham	Notte of Rutland City
Bartholomew of Hartland	Holcombe of Norwich	Nugent of South Burlington
Black of Essex	Hooper of Burlington	Ode of Burlington
Bluemle of Burlington	Houghton of Essex Junction	Patt of Worcester
Bongartz of Manchester	Hyman of South Burlington	Satcowitz of Randolph
Bos-Lun of Westminster	James of Manchester	Scheu of Middlebury
Brown of Richmond	Jerome of Brandon	Sheldon of Middlebury
Brumsted of Shelburne	Kornheiser of Brattleboro	Smith of Derby
Burke of Brattleboro	Krasnow of South Burlington	Squirrell of Underhill
Campbell of St. Johnsbury	LaLonde of South Burlington	Stebbins of Burlington
Chase of Chester	Lanpher of Vergennes	Stevens of Waterbury
Chesnut-Tangerman of Middletown Springs	Long of Newfane	Toleno of Brattleboro
Coffey of Guilford	Masland of Thetford	Torre of Moretown
Conlon of Cornwall	McCarthy of St. Albans City	Troiano of Stannard
Demrow of Corinth	Mihaly of Calais	Waters Evans of Charlotte
Dodge of Essex	Morris of Springfield	Williams of Barre City
Dolan of Essex Junction		Wood of Waterbury
Dolan of Waitsfield		

Those members absent with leave of the House and not voting are:

Berbeco of Winooski	Logan of Burlington	Rachelson of Burlington
Higley of Lowell	Noyes of Wolcott	

Rep. McCoy of Poultney explained her vote as follows:

“Madam Speaker:

This amendment just makes sense.”

Rep. Sammis of Castleton explained his vote as follows:

“Madam Speaker:

I rise in support of this amendment not because housing is just an issue. It is ‘the issue’ that will define the future of this State and impact future generations to come. You cannot have a state if you don’t have people. The issue is here, and it is now. We have a conscious choice today to either address it, or willfully continue kicking the can down the road. It’s as simple as that.”

Pending the question, Shall the bill be amended as recommended by the Committee on Environment and Energy, as amended?, **Reps. Sims of Craftsbury, Boyden of Cambridge, Buss of Woodstock, Carpenter of Hyde Park, Hango of Berkshire, Noyes of Wolcott, Pajala of Londonderry, and Surprenant of Barnard** moved that the report of the Committee on Environment and Energy, as amended, be further amended as follows:

First: In Sec. 28, 10 V.S.A. § 6033, in subsection (c), by striking out subdivision (F) and inserting in lieu thereof a new subdivision (F) to read as follows:

(F) Municipal staff or contracted capacity adequate to support development review and zoning administration in the Tier 1B area.

Second: In Sec. 39, 24 V.S.A. § 4348, in subsection (a), by striking out the second sentence in its entirety and inserting in lieu thereof the following:

At the outset of the planning process and throughout the process, regional planning commissions shall solicit the participation of each of their member municipalities, local citizens, and organizations by holding informal working sessions that suit the needs of local people.

Third: In Sec. 39, 24 V.S.A. § 4348, by striking out subsection (d), and inserting in lieu thereof a new (d) to read as follows:

(e)(d)(1) At least 30 days prior to the first hearing, a copy of the proposed plan or amendment, a report documenting conformance with the goals established in section 4302 of this chapter and the plan elements established in section 4348a of this chapter, and a description of any changes to the Regional Future Land Use Map with a request for general comments and for specific comments with respect to the extent to which the plan or amendment is consistent with the goals established in section 4302 of this title, shall be delivered physically or electronically with proof of receipt or sent by certified mail, return receipt requested, to each of the following:

(1)(A) the chair of the legislative body of each municipality within the region;

(2)(B) the executive director of each abutting regional planning commission;

(3)(C) the Department of Housing and Community Development within the Agency of Commerce and Community Development and the Community Investment Board for a formal review and comment;

(4)(D) business, conservation, low-income advocacy, and other community or interest groups or organizations that have requested notice in writing prior to the date the hearing is warned; and

(5)(E) the Agency of Natural Resources ~~and~~; the Agency of Agriculture, Food and Markets; the Agency of Transportation; the Department of Public Service; the Department of Public Safety's Division of Emergency Management; and the Environmental Review Board.

(2) At least 30 days prior to the first hearing, the regional planning commission shall provide each of its member municipalities with a written description of map changes within the municipality, a municipality-wide map showing old versus new areas with labels, and information about the new Tier structure under 10 V.S.A. chapter 151, including how to obtain Tier 1A or 1B status, and the process to updating designated area boundaries.

Fourth: In Sec. 43, 24 V.S.A. § 4306, by adding a new subsection to be subsection (d) to read as follows:

(d) Until July 1, 2027, the annual disbursement to municipalities shall:

(1) prioritize funding grants to municipalities that do not have zoning or subdivision bylaws to create zoning or subdivision bylaws;

(2) allow a regional planning commission to submit an application for disbursement on behalf of a municipality; and

(3) not require a municipality without zoning or subdivision bylaws to contribute matching funds in order to receive a grant.

Which was agreed to.

Pending the question, Shall the bill be amended as recommended by the Committee on Environment and Energy, as amended?, **Reps. Sims of Craftsbury and Surprenant of Barnard** moved that the report of the Committee on Environment and Energy, as amended, be further amended as follows:

First: In Sec. 34, tier 2 area report, by striking out subdivision (a)(2)(C) in its entirety and by renumbering the remaining subdivisions to be numerically correct.

Second: By adding new section to be Sec. 34a to read as follows:

Sec. 34a. WOOD PRODUCTS MANUFACTURERS REPORT

(a) The Natural Resources Board, in consultation with the Department of Forests, Parks and Recreation, shall convene a stakeholder group to report on how to address the Act 250 permitting process to better support wood products manufacturers and their vital role in the forest economy.

(b) The group shall examine the Act 250 permitting process and identify how the minor permit process provided for in 10 V.S.A. § 6084(g) has been working and whether there are shortcomings or challenges.

(c) The group may look at permitting holistically to understand the role of permits from the Agency of Natural Resources, municipal permits, where they apply, and Act 250 permits and develop recommendations to find efficiencies

in the entire process or recommend an alternative permitting process for wood products manufacturers.

(d) On or before December 15, 2024, the Natural Resources Board shall submit the report to the House Committees on Agriculture, Food Resiliency, and Forestry and on Environment and Energy and the Senate Committees on Agriculture and on Natural Resources and Energy.

Which was agreed to.

Pending the question, Shall the bill be amended as recommended by the Committee on Environment and Energy, as amended?, **Reps. Surprenant of Barnard and Sims of Craftsbury** moved that the report of the Committee on Environment and Energy, as amended, be further amended as follows:

First: By adding a new section to be Sec. 23a to read as follows:

Sec. 23a. 24 V.S.A. § 4412(11) is amended to read:

(11) Accessory on-farm businesses. No bylaw shall have the effect of prohibiting an accessory on-farm business at the same location as a farm.

(A) Definitions. As used in this subdivision (11):

(i) “Accessory on-farm business” means activity ~~that is accessory to~~ on a farm, the revenues of which may exceed the revenues of the farming operation, and comprises one or both of the following:

(I) The storage, preparation, processing, and sale of qualifying products, provided that ~~more than 50 percent of the total annual sales are from the~~ qualifying products that are produced on the a farm at which the business is located; the sale of products that name, describe, or promote the farm or accessory on-farm business, including merchandise or apparel that features the farm or accessory on-farm business; or the sale of bread or baked goods baked in the State.

* * *

(iv) “Qualifying product” means a product that is ~~wholly~~ principally:

(I) an agricultural, horticultural, viticultural, or dairy commodity, or maple syrup;

(II) livestock or cultured fish or a product thereof;

(III) a product of poultry, bees, an orchard, or fiber crops;

(IV) a commodity otherwise grown or raised on a farm; or

(V) a product manufactured on one or more farms from commodities wholly grown or raised on one or more farms.

* * *

Second: By adding a new section to be Sec. 23b to read as follows:

Sec. 23b. 10 V.S.A. § 6081 is amended to read:

§ 6081. PERMITS REQUIRED; EXEMPTIONS

* * *

(t) No permit or permit amendment is required for the construction of improvements for an accessory on-farm business for the storage or sale of qualifying products or the other eligible enumerated products as defined in 24 V.S.A. § 4412(11)(A)(i)(I). No permit or permit amendment is required for the construction of improvements for an accessory on-farm business for the preparation or processing of qualifying products as defined in 24 V.S.A. § 4412(11)(A)(i)(I), provided that more than 50 percent of the total annual sales of the prepared or processed qualifying products come from products produced on the farm where the business is located. This subsection shall not apply to the construction of improvements related to hosting events or farm stays as part of an accessory on-farm business as defined in 24 V.S.A. § 4412(11)(A)(i)(II).

* * *

Which was agreed to.

Pending the question, Shall the bill be amended as recommended by the Committee on Environment and Energy, as amended?, **Reps. Buss of Woodstock, Andrews of Westford, Bartley of Fairfax, Carpenter of Hyde Park, Chase of Chester, Donahue of Northfield, Elder of Starksboro, Hango of Berkshire, Roberts of Halifax, Sims of Craftsbury, and Williams of Granby** moved that the report of the Committee on Environment and Energy, as amended, be further amended as follows:

First: By striking out Sec. 1, purpose, in its entirety and inserting in lieu thereof a new Sec. 1 to read as follows:

Sec. 1. PURPOSE

The purpose of this act is to further assist the State in achieving the conservation vision and goals for the State established in 10 V.S.A. § 2802 and 24 V.S.A. § 4302. It provides a regulatory framework that supports the vision for Vermont of human and natural community resilience and biodiversity protection in the face of climate change, as described in 2023 Acts and Resolves No. 59. It would strengthen the administration of the Act 250

program by changing the structure, function, and name of the Natural Resources Board. The Environmental Review Board would retain the current duties of the Natural Resources Board in addition to reviewing the future land use maps of regional plans and reviewing applications for the Tier 1A area status. The Board would provide oversight, management, and training to the Act 250 program staff and District Commissions and develop Act 250 program policy through rulemaking. This change would allow the Act 250 program to be a more citizen-friendly process applied more consistently across districts. The program updates established in this act would be used to guide State financial investment in human and natural infrastructure.

Second: In Sec. 3, 10 V.S.A. § 6021, in subsection (a), after the words “the Act 250 program” by striking the words “and hear appeals”

Third: In Sec. 3, 10 V.S.A. § 6021, by striking out subsection (e) in its entirety

Fourth: In Sec. 5, 10 V.S.A. § 6025, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) The Board may adopt rules of procedure for itself and the District Commissions. The Board’s procedure for approving regional plans and regional plan maps, which may be adopted as rules or issued as guidance, shall ensure that the maps are consistent with legislative intent as expressed in section 2802 of this title and 24 V.S.A. §§ 4302 and 4348a.

Fifth: In Sec. 6, 10 V.S.A. § 6027, by striking out subsections (f) and (g) in their entirety and inserting in lieu thereof:

* * *

Sixth: In Sec. 6, 10 V.S.A. § 6027, by striking out subsection (h) in its entirety and inserting in lieu thereof a new subsection (h) to read as follows:

(h) ~~The Natural Resources Board~~ may hear appeals of fee refund requests under section 6083a of this title.

Seventh: By striking out Secs. 10, 10 V.S.A. § 6089, and 11, 10 V.S.A. § 6007, in their entirety and inserting in lieu thereof new Secs. 10 and 11 to read as follows:

Sec. 10. 10 V.S.A. § 6082 is amended to read:

§ 6082. APPROVAL BY LOCAL GOVERNMENTS AND STATE
AGENCIES

(a) The permit required under section 6081 of this title shall not supersede or replace the requirements for a permit of any other State agency or municipal government.

(b) By rule, the Board shall establish a process by which to resolve disputes between a District Commission and a State agency when a District Commission raises concerns about an agency permit used as evidence in a permit application. A resolution of the dispute that requires changes to agency permitting shall be published in order to alert applicants and shall go into effect for new applications after the publication date.

(c) The Board shall adopt rules to update the presumptions that are applicable to State agency permits used as evidence for a permit application under subsection 6086(d) of this title.

Sec. 11. 10 V.S.A. § 6087 is amended to read:

§ 6087. DENIAL OR APPROVAL OF APPLICATION

(a) No application shall be denied by the District Commission unless it finds the proposed subdivision or development detrimental to the public health, safety, or general welfare.

(b) A permit may not be denied solely for the reasons set forth in subdivisions 6086(a)(5), (6), and (7) of this title. However, reasonable conditions and requirements allowable in subsection 6086(c) of this title may be attached to alleviate the burdens created. Any conditions that have been attached shall identify which criteria under subsection 6086(a) of this title they are attached to mitigate.

(c) ~~A denial of a permit decision shall contain the specific reasons for denial or approval.~~

(d) A person may, within six months after a denial, apply for reconsideration of his or her a permit which application shall include an affidavit to the District Commission and all parties of record that the deficiencies have been corrected. The District Commission shall hold There shall be a new hearing upon 25 days' notice to the parties. The hearing shall be held within 40 days of after receipt of the request for reconsideration.

(e) The Board shall establish, by rule, a process for a request for reconsideration. This process shall have the permit application reviewed by the Board. The decision on reconsideration shall be issued within 30 days after the close of the hearing.

Eighth: In Sec. 12, 10 V.S.A. § 6083a, by striking out subsection (i) in its entirety and by renumbering the remaining subsections

Ninth: By striking out all of Sec. 13, 10 V.S.A. chapter 220, in its entirety and inserting in lieu thereof a new Sec. 13 to read as follows:

Sec. 13. 10 V.S.A. § 6083 is amended to read:

§ 6083. APPLICATIONS

* * *

(d)(1) The Board and Commissions shall make all practical efforts to process matters before the Board and permits in a prompt manner. The Board shall establish time limits for the processing of land use permits issued under section 6086 of this title as well as procedures and time periods within which to notify applicants whether an application is complete. Within 10 days after the application's filing or the filing of updated application information, the District Coordinator shall determine whether the application is complete and notify the applicant. If the District Commission requests additional information from the applicant, the applicant shall respond within 30 days.

(2) The Board shall establish policies, procedures, and accountability measures for District Commissioners and District Coordinators to ensure greater equity amongst Commission decisions in order to resolve inequities and discrepancies. The number of requests for reconsideration, the number of rebuttal presumptions, and the number of appeals brought to the Environmental Division of the Superior Court shall be included in the review of equity. Once the Board has adopted the policies, annual training shall be required to ensure accountability to the policies, procedures, and binding decisions of the Environmental Division of the Superior Court.

(3) The Board shall report annually by February 15 to the General Assembly by electronic submission. The annual report shall assess the performance of the Board and Commissions in meeting the limits; and accountability measures established pursuant to subdivision (2) of this subsection, identify areas which that hinder effective performance; list fees collected for each permit; summarize changes made to improve performance; and describe staffing needs for the coming year. The annual report shall list the number of enforcement actions taken by the Board, the disposition of such cases, and the amount of penalties collected. 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.

* * *

(h) If the District Coordinator deems the application incomplete after it has been submitted to the District Commission and the applicant disagrees with the District Coordinator, the Board shall review the application within 30 days and determine if all required information has been submitted and whether the application is complete.

Tenth: By striking out all of Secs. 14, 4 V.S.A. § 34, and 17, environmental division; continued jurisdiction, and their reader assistance headings in their entirety and by renumbering the remaining sections to be numerically correct.

At three o'clock and thirty-four minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

Message from the Senate No. 37

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 58. An act relating to public safety.

S. 184. An act relating to the temporary use of automated traffic law enforcement (ATLE) systems.

S. 258. An act relating to the management of fish and wildlife.

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

At four o'clock and forty-four minutes in the afternoon, the Speaker called the House to order.

Pending the question, Shall the report of the Committee on Environment and Energy, as amended, be further amended as offered by Rep. Buss of Woodstock and others?, **Rep. McCoy of Poultney** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the report of the Committee on Environment and Energy, as amended, be further amended as offered by Rep. Buss of Woodstock and others?, was decided in the negative. Yeas, 53. Nays, 89.

Those who voted in the affirmative are:

Andriano of Orwell	Goslant of Northfield	Oliver of Sheldon
Bartley of Fairfax	Gregoire of Fairfield	Page of Newport City
Beck of St. Johnsbury	Hango of Berkshire	Pajala of Londonderry
Boyden of Cambridge	Harrison of Chittenden	Parsons of Newbury
Branagan of Georgia	Hooper of Randolph	Pearl of Danville
Brennan of Colchester	Labor of Morgan	Peterson of Clarendon
Burditt of West Rutland	LaBounty of Lyndon	Priestley of Bradford
Buss of Woodstock	Laroche of Franklin	Quimby of Lyndon
Canfield of Fair Haven	Lipsky of Stowe	Sammis of Castleton *
Carpenter of Hyde Park	Maguire of Rutland City	Shaw of Pittsford
Clifford of Rutland City	Marcotte of Coventry	Sibilia of Dover
Demar of Enosburgh	Mattos of Milton	Sims of Craftsbury
Dickinson of St. Albans Town	McCoy of Poultney *	Smith of Derby
Donahue of Northfield	McFaun of Barre Town	Taylor of Milton
Elder of Starksboro	Minier of South Burlington	Templeman of Brownington
Farlice-Rubio of Barnet	Morgan of Milton	Toof of St. Albans Town
Galfetti of Barre Town	Morrissey of Bennington	Walker of Swanton
	Noyes of Wolcott	Williams of Granby

Those who voted in the negative are:

Andrews of Westford	Demrow of Corinth	Morris of Springfield
Anthony of Barre City	Dodge of Essex	Mrowicki of Putney
Arrison of Weathersfield	Dolan of Essex Junction	Mulvaney-Stanak of Burlington
Arsenault of Williston	Dolan of Waitsfield	Nicoll of Ludlow
Austin of Colchester	Durfee of Shaftsbury	Notte of Rutland City
Bartholomew of Hartland	Emmons of Springfield	Nugent of South Burlington
Birong of Vergennes	Garofano of Essex	O'Brien of Tunbridge
Black of Essex	Goldman of Rockingham	Ode of Burlington *
Bluemle of Burlington	Graning of Jericho	Patt of Worcester
Bongartz of Manchester	Headrick of Burlington	Pouech of Hinesburg
Bos-Lun of Westminster	Holcombe of Norwich	Rice of Dorset
Brady of Williston	Hooper of Burlington	Roberts of Halifax
Brown of Richmond	Houghton of Essex Junction	Satcowitz of Randolph
Brownell of Pownal	Howard of Rutland City	Scheu of Middlebury
Brumsted of Shelburne	Hyman of South Burlington	Sheldon of Middlebury
Burke of Brattleboro	James of Manchester	Small of Winooski
Campbell of St. Johnsbury	Jerome of Brandon	Squirrell of Underhill
Carroll of Bennington	Kornheiser of Brattleboro	Stebbins of Burlington
Casey of Montpelier	Lalley of Shelburne	Stevens of Waterbury
Chapin of East Montpelier	LaLonde of South Burlington	Stone of Burlington
Chase of Chester	LaMont of Morristown	Surprenant of Barnard
Chase of Colchester	Lanpher of Vergennes	Taylor of Colchester
Chesnut-Tangerman of Middletown Springs	Leavitt of Grand Isle	Toleno of Brattleboro
Christie of Hartford	Long of Newfane	Torre of Moretown
Cina of Burlington	Masland of Thetford	Troiano of Stannard
Coffey of Guilford	McCann of Montpelier	Waters Evans of Charlotte
Cole of Hartford	McCarthy of St. Albans City	White of Bethel
Conlon of Cornwall		Whitman of Bennington

Corcoran of Bennington
Cordes of Lincoln

McGill of Bridport
Mihaly of Calais

Williams of Barre City
Wood of Waterbury

Those members absent with leave of the House and not voting are:

Berbeco of Winooski
Burrows of West Windsor
Graham of Williamstown

Higley of Lowell
Krasnow of South
Burlington

Logan of Burlington
Rachelson of Burlington

Rep. McCoy of Poultney explained her vote as follows:

“Madam Speaker:

To have the ERB provide policies, guidance, and suggestions to the District Commission, have the Commission hear and decide the approval/denial of permit applications, and after all the help, suggestions, and guidance of the ERB, have the very same ERB hear the appeal from a denial of a permit is absolutely absurd.”

Rep. Ode of Burlington explained her vote as follows:

“Madam Speaker:

I vote no. The role and ability of citizens to create fair and rational deliberative bodies is embedded in the Vermont Constitution. This bill restores a citizen process to Act 250. I say this as a member of a citizen legislature.”

Rep. Sammis of Castleton explained his vote as follows:

“Madam Speaker:

I vote yes because the Act 250 process is in severe need of updating. It has hampered our State for decades and created the majority of the issues we have today, from housing, population loss, and economic stagnancy. Better yet, maybe it’s time for the State to consider ending its misplaced pride of ownership for the confusing mess that is Act 250 and come up with better legislation that doesn’t put our population in a perpetual economic and housing stranglehold.”

Pending the question, Shall the bill be amended as recommended by the Committee on Environment and Energy, as amended?, **Rep. Buss of Woodstock** moved that the report of the Committee on Environment and Energy, as amended, be further amended by adding a new section to be Sec. 34b to read as follows:

Sec. 34b. LOCATION-BASED JURISDICTION REVIEW

On or before February 1, 2029, the Environmental Review Board shall review and report on the new Tier jurisdiction framework used to establish location-based jurisdiction for 10 V.S.A. chapter 151. The Board shall report

on the outcomes and outline successes and any changes that are needed. The Board shall undertake an in-depth review of the Act 250 updates, including the duties and responsibilities of all the staff and the Board itself, specifically whether the updates have reduced appeals and whether the updates have created more equity and cohesion amongst the District Commissions and district coordinators.

Which was agreed to.

Pending the question, Shall the bill be amended as recommended by the Committee on Environment and Energy, as amended?, **Reps. Buss of Woodstock and Lipsky of Stowe** moved that the report of the Committee on Environment and Energy, as amended, be further amended as follows:

First: In Sec. 27, tier 3 rulemaking, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) On or before January 1, 2025, the Board shall convene a working group of stakeholders to provide input to the rule prior to pre-filing with the Interagency Committee on Administrative Rules. The working group shall include representation from regional planning commissions, environmental groups, science and ecological research organizations, woodland or forestry organizations, the Vermont Housing and Conservation Board, the Vermont Chamber of Commerce, the League of Cities of Towns, the Land Access and Opportunity Board, and other stakeholders, such as the Vermont Ski Areas Association, the Department of Taxes, Division of Property Valuation and Review, the Department of Forests, Parks and Recreation, the Vermont Woodlands Association, and the Professional Logging Contractors of the Northeast.

Second: In Sec. 27, tier 3 rulemaking, by adding a new subsection to be subsection (d) to read as follows:

(d) During the rule development, the stakeholder group established under subsection (b) of this section shall solicit participation from representatives of municipalities and landowners that host Tier 3 critical resource areas on their properties to determine the responsibilities and education needed to understand, manage, and interact with the resources.

Which was agreed to.

Pending the question, Shall the bill be amended as recommended by the Committee on Environment and Energy, as amended?, **Rep. Hyman of South Burlington** moved that the report of the Committee on Environment and Energy, as amended, be further amended in Sec. 29, 10 V.S.A. § 6034, in subdivision (b)(1), by striking out subdivision (C) in its entirety and inserting in lieu thereof a new subdivision (C) to read as follows:

(C) Flood hazard and river corridor bylaws, applicable to the entire municipality, that are consistent with or stronger than the standards established pursuant to subsection 755(b) of this title (flood hazard) and subsection 1428(b) of this title (river corridor) or the proposed Tier 1A area excludes the flood hazard areas and river corridor.

Which was agreed to.

Pending the question, Shall the bill be amended as recommended by the Committee on Environment and Energy, as amended?, **Reps. Graning of Jericho, Jerome of Brandon, and Marcotte of Coventry** moved that the report of the Committee on Environment and Energy, as amended, be further amended in Sec. 32, 10 V.S.A. § 6081, by striking out subdivision (z)(2) in its entirety and inserting in lieu thereof a new subdivision (z)(2) to read as follows:

(2) Notwithstanding any other provision of this chapter to the contrary, no permit or permit amendment is required within a Tier 1B area approved by the Board under section 6033 of this chapter for 50 units or fewer of housing on a tract or tracts of land involving 10 acres or less or for mixed-use development with 50 units or fewer of housing on a tract or tracts of land involving 10 acres or less.

Which was agreed to.

Pending the question, Shall the bill be amended as recommended by the Committee on Environment and Energy, as amended?, **Rep. Bongartz of Manchester** moved that the report of the Committee on Environment and Energy, as amended, be further amended as follows:

First: In Sec. 24, 10 V.S.A. § 6001(3)(A)(xii), by striking out “July 1, 2024” and inserting in lieu thereof “July 1, 2026”

Second: In Sec. 29, 10 V.S.A. § 6034, in subdivision (a)(1), by striking out “January 1, 2027” and inserting in lieu thereof “January 1, 2026”

Third: By striking out Sec. 53, effective dates, in its entirety and inserting in lieu thereof a new Sec. 53 to read as follows:

Sec. 53. EFFECTIVE DATES

This act shall take effect on passage, except that:

(1) Secs. 13 (10 V.S.A. chapter 220) and 14 (4 V.S.A. § 34) shall take effect on October 1, 2026;

(2) Secs. 19 (10 V.S.A. § 6001), 20 (10 V.S.A. § 6086(a)(8)), and 26 (10 V.S.A. § 6001) shall take effect on December 31, 2026;

(3) Sec. 24 (10 V.S.A. § 6001(3)(A)(xii) shall take effect on July 1, 2026; and

(4) Sec. 46 (repeal) shall take effect on January 1, 2027.

Which was agreed to. Thereafter, the bill was amended as recommended by the Committee on Environment and Energy, as amended.

Pending the question, Shall the bill be read a third time?, **Rep. Bartley of Fairfax** moved that the bill be committed to the Committee on Judiciary, which was disagreed to.

Pending the question, Shall the bill be read a third time?, **Rep. McCoy of Poultney** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be read a third time?, was decided in the affirmative. Yeas, 89, Nays, 51.

Those who voted in the affirmative are:

Andrews of Westford	Corcoran of Bennington	McGill of Bridport
Anthony of Barre City	Cordes of Lincoln	Mihaly of Calais
Arrison of Weathersfield	Demrow of Corinth	Morris of Springfield
Arsenault of Williston	Dodge of Essex	Mrowicki of Putney
Austin of Colchester	Dolan of Essex Junction	Nicoll of Ludlow
Bartholomew of Hartland	Dolan of Waitsfield *	Notte of Rutland City
Beck of St. Johnsbury	Durfee of Shaftsbury	Nugent of South Burlington
Berbeco of Winooski	Emmons of Springfield	O'Brien of Tunbridge
Birong of Vergennes	Garofano of Essex	Ode of Burlington
Black of Essex	Goldman of Rockingham	Patt of Worcester *
Bluemle of Burlington	Graning of Jericho	Pouech of Hinesburg
Bongartz of Manchester	Headrick of Burlington	Rice of Dorset
Bos-Lun of Westminster	Holcombe of Norwich	Satcowitz of Randolph
Brady of Williston	Hooper of Burlington	Scheu of Middlebury
Brown of Richmond	Houghton of Essex Junction	Sheldon of Middlebury *
Brownell of Pownal	Howard of Rutland City	Small of Winooski
Brumsted of Shelburne	Hyman of South Burlington	Squirrell of Underhill
Burke of Brattleboro	James of Manchester	Stebbins of Burlington *
Campbell of St. Johnsbury	Jerome of Brandon	Stevens of Waterbury
Carroll of Bennington	Kornheiser of Brattleboro	Stone of Burlington
Casey of Montpelier	Lalley of Shelburne	Surprenant of Barnard
Chapin of East Montpelier	LaLonde of South Burlington	Taylor of Colchester
Chase of Chester	LaMont of Morristown	Toleno of Brattleboro
Chase of Colchester	Lanpher of Vergennes	Torre of Moretown
Chesnut-Tangerman of Middletown Springs	Leavitt of Grand Isle	Troiano of Stannard
Christie of Hartford	Long of Newfane	Waters Evans of Charlotte
Cina of Burlington	Masland of Thetford	White of Bethel
Coffey of Guilford *	McCann of Montpelier	Whitman of Bennington
Cole of Hartford	McCarthy of St. Albans	Williams of Barre City
Conlon of Cornwall	City	Wood of Waterbury

Those who voted in the negative are:

Andriano of Orwell	Hango of Berkshire	Pajala of Londonderry
Bartley of Fairfax *	Harrison of Chittenden	Pearl of Danville
Boyden of Cambridge	Hooper of Randolph	Peterson of Clarendon
Branagan of Georgia	Labor of Morgan	Priestley of Bradford
Brennan of Colchester	LaBounty of Lyndon	Quimby of Lyndon
Burditt of West Rutland	Laroche of Franklin	Roberts of Halifax
Buss of Woodstock	Lipsky of Stowe	Sammis of Castleton
Canfield of Fair Haven	Maguire of Rutland City	Shaw of Pittsford
Carpenter of Hyde Park	Marcotte of Coventry	Sibilia of Dover
Clifford of Rutland City	Mattos of Milton	Sims of Craftsbury
Demar of Enosburgh	McCoy of Poultney	Smith of Derby
Dickinson of St. Albans Town	McFaun of Barre Town	Taylor of Milton
Donahue of Northfield	Minier of South Burlington	Templeman of Brownington
Farlice-Rubio of Barnet	Morgan of Milton	Toof of St. Albans Town
Galfetti of Barre Town	Morrissey of Bennington	Walker of Swanton
Goslant of Northfield	Noyes of Wolcott	Williams of Granby
Gregoire of Fairfield *	Oliver of Sheldon	
	Page of Newport City	

Those members absent with leave of the House and not voting are:

Burrows of West Windsor	Krasnow of South Burlington	Mulvaney-Stanak of Burlington
Elder of Starksboro	Logan of Burlington	Parsons of Newbury
Graham of Williamstown		Rachelson of Burlington
Higley of Lowell		

Rep. Bartley of Fairfax explained her vote as follows:

“Madam Speaker:

I vote no today not just for Fairfax, not just for rural Vermont, but all Vermont!”

Rep. Coffey of Guilford explained her vote as follows:

“Madam Speaker:

Changing the way we design, plan, and build will support, grow, and strengthen our downtowns and village centers, build the housing that we need to attract workers, and accommodate older Vermonters in our rural State. H.687 helps us do this. I vote yes.”

Rep. Dolan of Waitsfield explained her vote as follows:

“Madam Speaker:

I vote yes on this bill to improve the efficiency, transparency, and predictability of the Act 250 process. This bill supports the livability and economic vitality of our communities including farms and forests, and tourism

and outdoor-based recreation-based business. This bill also contributes to the scaffolding we need to achieve a more climate resistant future.”

Rep. Gregoire of Fairfield explained his vote as follows:

“Madam Speaker:

I have no doubt supporters of this bill believe in it. Multiple experts tell us something very different. This bill is not good for rural Vermont. Others have said this, but it is wrong and against the principles of this body to impugn the motives of those who support or do not support a bill. We all care about the environment, and insinuations to the contrary are shameful.”

Rep. Patt of Worcester explained his vote as follows:

“Madam Speaker:

Three of the towns I represent are rural with less than 1000 residents. H.687 is a major bill in many ways. It will allow us to accomplish a simple and critical purpose. We have experienced and will continue to experience the effects of climate change on our communities large and small, so we must learn from these experiences to use our landscape in ways that mitigate future damage as much as possible, and to promote much needed new housing and other projects of benefit to our economy in ways that are resilient and lasting.”

Rep. Sheldon of Middlebury explained her vote as follows:

“Madam Speaker:

Today I vote Yes for improvements to the administration of Act 250 that support good governance, effective locally driven land-use planning, and economic development initiatives.”

Rep. Stebbins of Burlington explained her vote as follows:

“Madam Speaker:

To meet Vermont’s land use challenges – be they lack of housing or areas of flooding – we need a more efficient, consistent permitting process that exempts Act 250 review in locations identified through stakeholder mapping processes, and that clarifies where environmental review should occur. This bill does this and increases access to technical assistance and grants for all communities.”

Action on Bill Postponed**H. 829**

House bill, entitled

An act relating to creating permanent upstream eviction protections and enhancing housing stability

Was taken up and, pending second reading of the bill, on motion of **Rep. Stevens of Waterbury**, action on the bill was postponed until March 28, 2024.

Action on Bill Postponed**H. 659**

House bill, entitled

An act relating to captive insurance

Was taken up and, pending consideration of the Senate proposal of amendment, on motion of **Rep. White of Bethel**, action on the bill was postponed until April 2, 2024.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 585

House bill, entitled

An act relating to amending the pension system for sheriffs and certain deputy sheriffs

H. 612

House bill, entitled

An act relating to miscellaneous cannabis amendments

H. 630

House bill, entitled

An act relating to boards of cooperative education services

H. 721

House bill, entitled

An act relating to expanding access to Medicaid and Dr. Dynasaur

H. 873

House bill, entitled

An act relating to financing the testing for and remediation of the presence of polychlorinated biphenyls (PCBs) in schools

H. 880

House bill, entitled

An act relating to increasing access to the judicial system

Action on Bill Postponed**H. 657**

House bill, entitled

An act relating to the modernization of Vermont's communications taxes and fees

Was taken up and, pending second reading of the bill, on motion of **Rep. Sims of Craftsbury**, action on the bill was postponed until March 28, 2024.

Action on Bill Postponed**H. 871**

House bill, entitled

An act relating to the development of an updated State aid to school construction program

Was taken up and, pending second reading of the bill, on motion of **Rep. Conlon of Cornwall**, action on the bill was postponed until March 28, 2024.

Action on Bill Postponed**H. 874**

House bill, entitled

An act relating to miscellaneous changes in education laws

Was taken up and, pending second reading of the bill, on motion of **Rep. Brady of Williston**, action on the bill was postponed until March 28, 2024.

Action on Bill Postponed**H. 875**

House bill, entitled

An act relating to the State Ethics Commission and the State Code of Ethics

Was taken up and, pending second reading of the bill, on motion of **Rep. Waters Evans of Charlotte**, action on the bill was postponed until March 28, 2024.

Action on Bill Postponed**S. 278**

Senate bill, entitled

An act relating to prohibiting a comparative negligence defense in an action for a negligence claim relating to a sexual act or sexual conduct

Was taken up and, pending second reading of the bill, on motion of **Rep. Burditt of West Rutland**, action on the bill was postponed until March 28, 2024.

Action on Bill Postponed**H. 876**

House bill, entitled

An act relating to miscellaneous amendments to the corrections laws

Was taken up and, pending second reading of the bill, on motion of **Rep. Emmons of Springfield**, action on the bill was postponed until March 28, 2024.

Action on Bill Postponed**H. 879**

House bill, entitled

An act relating to the Emergency Temporary Shelter Program

Was taken up and, pending second reading of the bill, on motion of **Rep. Wood of Waterbury**, action on the bill was postponed until March 28, 2024.

Adjournment

At seven o'clock and thirty-six minutes in the evening, on motion of **Rep. McCoy of Poughkeepsie**, the House adjourned until tomorrow at one o'clock in the afternoon.

Thursday, March 28, 2024

At one o'clock in the afternoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Michael T. Brown, II, Board member, Alzheimer's Association of Vermont, Springfield.

Committee Bill Introduced**H. 884**

By the Committee on Government Operations and Military Affairs,
House bill, entitled

An act relating to the modernization of governance for the St. Albans Cemetery Association

Was read the first time and, pursuant to House Rule 48, placed on the Notice Calendar.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred to committee as follows:

S. 58

Senate bill, entitled

An act relating to public safety

To the Committee on Judiciary.

S. 184

Senate bill, entitled

An act relating to the temporary use of automated traffic law enforcement (ATLE) systems

To the Committee on Transportation.

S. 258

Senate bill, entitled

An act relating to the management of fish and wildlife

To the Committee on Environment and Energy.

Bill Referred to Committee on Ways and Means**H. 869**

House bill, entitled

An act relating to approval of the merger of Brandon Fire District No. 1 and Brandon Fire District No. 2

Appearing on the Notice Calendar, and pursuant to House Rule 35(a), materially affecting the revenue of one or more municipalities, was referred to the Committee on Ways and Means.

Ceremonial Reading**H.C.R. 183**

House concurrent resolution designating March 28, 2024 as Alzheimer's Awareness Day at the State House

Offered by: Representative Noyes of Wolcott

Offered by: Senator Brock

Whereas, Alzheimer's disease is a degenerative brain disease, the most common form of dementia, and nationally affects 6.9 million Americans aged 65 and older, and

Whereas, the national cost of caring for those with Alzheimer's or other dementias is projected to be \$360 billion in 2024, and

Whereas, Vermont's per capita Medicare spending on people with dementia is \$23,329, and

Whereas, Vermont's Alzheimer's disease mortality rate is the third highest in the nation, and

Whereas, the older population is the State's fastest growing demographic, and approximately one in nine persons 65 years of age and older has Alzheimer's, and

Whereas, 19,000 Vermonters provide an estimated 28 million hours of unpaid Alzheimer's care valued at \$615 million, and

Whereas, caregiving for individuals living with Alzheimer's or other dementias takes an enormous toll, and dementia caregivers suffer more stress, depression, and health problems than caregivers for other illnesses, and

Whereas, the total lifetime cost of care for someone with Alzheimer's or other dementias is estimated at several hundred thousand dollars, and family caregivers assume a large percentage of these costs, and

Whereas, advocates are visiting the State House today to raise awareness of the challenges associated with navigating Alzheimer's or other forms of dementia, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly designates March 28, 2024 as Alzheimer's Awareness Day at the State House, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont Chapter of the Alzheimer's Association.

Having been adopted in concurrence on Friday, March 22, 2024 in accord with Joint Rule 16b, was read.

**Committee Bill; Second Reading; Amendment Offered;
Bill Amended; Third Reading Ordered**

H. 883

Rep. Lanpher of Vergennes spoke for the Committee on Appropriations.

House bill, entitled

An act relating to making appropriations for the support of government

Rep. Long of Newfane presiding.

Speaker presiding.

Rep. Kornheiser of Brattleboro, for the Committee on Ways and Means, recommended the bill ought to pass.

The bill, having appeared on the Notice Calendar, was taken up and read the second time.

Pending the question, Shall the bill be read a third time?, **Reps. Casey of Montpelier, Williams of Barre City, McCann of Montpelier, and Anthony of Barre City** moved that the bill be amended by adding a new section to be Sec. E.801 to read as follows:

Sec. E.801 10 V.S.A. chapter 20A is added to read:

CHAPTER 20A. FLOOD RECOVERY ASSISTANCE PROGRAM

§ 461. FLOOD RECOVERY ASSISTANCE PROGRAM

(a) The Agency of Commerce and Community Development shall establish the Flood Recovery Assistance Program (FRAP) to provide financial assistance in the form of grants to nonprofit and for-profit businesses in the State that suffered losses due to the 2023 floods. Grants under the program

shall be available for all of the following when related to losses due to the 2023 flooding:

- (1) physical or structural damages from flooding;
- (2) lost revenue of businesses;
- (3) lost wages of employees of businesses;
- (4) lost inventory and new supplies;
- (5) damaged equipment; and
- (6) other administrative or operating expenses.

(b) The Agency shall develop criteria for grant awards under this section, including priority eligibility for businesses owned by Persons of Color, Indigenous Peoples, and new Americans. U.S. citizenship shall not be a requirement for eligibility under the program.

(c) The duty to implement this chapter is contingent upon the Agency's receipt of funds.

Pending the question, Shall the bill be amended as offered by Rep. Casey of Montpelier and others?, **Rep. Priestley of Bradford** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as offered by Rep. Casey of Montpelier and others?, was decided in the negative. Yeas, 44. Nays, 97.

Those who voted in the affirmative are:

Anthony of Barre City	Farlice-Rubio of Barnet	Nicoll of Ludlow
Beck of St. Johnsbury	Galfetti of Barre Town	O'Brien of Tunbridge
Bos-Lun of Westminster	Gregoire of Fairfield	Patt of Worcester
Boyden of Cambridge	Hango of Berkshire	Pearl of Danville
Brownell of Pownal	Headrick of Burlington	Priestley of Bradford
Burke of Brattleboro	Hooper of Randolph	Roberts of Halifax
Burrows of West Windsor	LaBounty of Lyndon	Sibilia of Dover
Buss of Woodstock	LaMont of Morristown	Sims of Craftsbury
Carroll of Bennington	Leavitt of Grand Isle	Small of Winooski
Casey of Montpelier	Mattos of Milton	Smith of Derby
Chapin of East Montpelier	McCann of Montpelier	Taylor of Milton
Chase of Chester	McFaun of Barre Town	Templeman of Brownington
Cina of Burlington *	Minier of South Burlington	Walker of Swanton
Cole of Hartford	Morgan of Milton	Williams of Barre City *
Donahue of Northfield *	Morris of Springfield	

Those who voted in the negative are:

Andrews of Westford *	Dolan of Waitsfield *	McGill of Bridport
Arrison of Weathersfield	Durfee of Shaftsbury	Mihaly of Calais

Arsenault of Williston	Emmons of Springfield	Morrissey of Bennington
Austin of Colchester	Garofano of Essex	Mrowicki of Putney
Bartholomew of Hartland	Goldman of Rockingham	Notte of Rutland City
Bartley of Fairfax	Goslant of Northfield	Noyes of Wolcott
Berbeco of Winooski	Graham of Williamstown	Nugent of South Burlington
Birong of Vergennes	Graning of Jericho	Ode of Burlington
Black of Essex	Harrison of Chittenden	Oliver of Sheldon
Bluemle of Burlington	Higley of Lowell	Page of Newport City
Bongartz of Manchester	Holcombe of Norwich	Pajala of Londonderry
Brady of Williston	Hooper of Burlington	Parsons of Newbury *
Branagan of Georgia	Houghton of Essex Junction	Peterson of Clarendon
Brennan of Colchester	Howard of Rutland City	Pouech of Hinesburg
Brown of Richmond	Hyman of South Burlington	Quimby of Lyndon
Brumsted of Shelburne	James of Manchester	Rachelson of Burlington
Burditt of West Rutland	Jerome of Brandon	Rice of Dorset
Campbell of St. Johnsbury	Kornheiser of Brattleboro	Satcowitz of Randolph
Canfield of Fair Haven	Krasnow of South Burlington	Scheu of Middlebury *
Chase of Colchester	Labor of Morgan	Shaw of Pittsford
Chesnut-Tangerman of Middletown Springs *	Lalley of Shelburne	Sheldon of Middlebury
Christie of Hartford	LaLonde of South Burlington	Squirrell of Underhill
Clifford of Rutland City	Lanpher of Vergennes	Stebbins of Burlington *
Coffey of Guilford	Laroche of Franklin	Stevens of Waterbury *
Conlon of Cornwall	Lipsky of Stowe	Taylor of Colchester
Corcoran of Bennington	Long of Newfane	Toleno of Brattleboro
Cordes of Lincoln *	Maguire of Rutland City	Toof of St. Albans Town
Demar of Enosburgh	Marcotte of Coventry *	Torre of Moretown
Demrow of Corinth	Masland of Thetford	Troiano of Stannard
Dickinson of St. Albans Town	McCarthy of St. Albans City	Waters Evans of Charlotte
Dodge of Essex *	McCoy of Poultney	White of Bethel
Dolan of Essex Junction		Whitman of Bennington
		Williams of Granby
		Wood of Waterbury *

Those members absent with leave of the House and not voting are:

Andriano of Orwell	Logan of Burlington	Sammis of Castleton
Carpenter of Hyde Park	Mulvaney-Stanak of Burlington	Stone of Burlington
Elder of Starksboro		Surprenant of Barnard

Rep. Andrews of Westford explained her vote as follows:

“Madam Speaker:

I vote no with regret and apologies to my colleagues from flood ravaged communities, and with my commitment to work with them to create a process and a funding mechanism for now and for future disasters that we all know will happen.”

Rep. Chesnut-Tangerman of Middletown Springs explained his vote as follows:

“Madam Speaker:

I am very sympathetic to the pain at the heart of the amendment. The appeal is powerful. But when we act on the fly, we make mistakes. When we don’t take the time or testimony to understand the full impact of our actions we act rashly and set bad precedent.”

Rep. Cina of Burlington explained his vote as follows:

“Madam Speaker:

According to climate scientists, the flood disasters of 2023 are just the beginning of the great environmental devastation yet to come. I vote yes because the government must be better prepared to serve the people both in the current recovery and in the future times of greatest need.”

Rep. Cordes of Lincoln explained her vote as follows:

“Madam Speaker:

Having felt the pain of my constituents because of failures of part of State government, I don’t want to set up a similar situation with another agency; that is why I voted no.”

Rep. Dodge of Essex explained her vote as follows:

“Madam Speaker:

After spending the summer gathering and distributing supplies and donations, it is difficult to vote no. I am committed to helping our friends and neighbors in flooded regions through the process.”

Rep. Dolan of Waitsfield explained her vote as follows:

“Madam Speaker:

While I voted no to the amendment, the need to equitably help our communities, businesses, and people now, and to become more resilient to the devastation from flooding is real. We need everyone at the table to drive down risks, costs, and impacts associated with tomorrow’s floods.”

Rep. Donahue of Northfield explained her vote as follows:

“Madam Speaker:

This is exactly the correct process for bringing an issue before the body when it was unable to be heard elsewhere. I vote yes in support of the process.”

Rep. Marcotte of Coventry explained his vote as follows:

“Madam Speaker:

I vote no. I have been clear that without money to fund this proposal, we are giving our struggling businesses false hope that we will provide them with more help.”

Rep. Parsons of Newbury explained his vote as follows:

“Madam Speaker:

I wish I could have voted yes today – I truly do. Unfortunately, this amendment requires that grant awards be prioritized by skin color. This country has been down that road before. It was wrong then, and it is wrong now.”

Rep. Scheu of Middlebury explained her vote as follows:

“Madam Speaker:

While I believe we can all empathize and agree that the floods of this past year were extremely painful for many, this needs to be part of a larger conversation so that any program that’s created is the best one it can be. This will not be the only climate event.”

Rep. Stebbins of Burlington explained her vote as follows:

“Madam Speaker:

I vote no, not because this isn’t needed, but because statute needs vetting. That is our collective duty. However, we have four more weeks. We must heed this cry for help. We must do more, and with better process.”

Rep. Stevens of Waterbury explained his vote as follows:

“Madam Speaker:

As a representative of a community damaged by the flooding in July and in December, I must regretfully vote no. The intent of this amendment is important, and with a full hearing would be an important addition to our governmental responses to the effects of climate change. I vote no on process, not on the need and intent to get it right.”

Rep. Williams of Barre City explained his vote as follows:

“Madam Speaker:

I vote yes. With sincere gratitude and love to my colleagues, your sympathy and compassion sustain and inspire me. What sustains Barre?”

Rep. Wood of Waterbury explained her vote as follows:

“Madam Speaker:

Representing communities that have been through similar devastation, I reluctantly vote no, and I hope we can find an avenue to address this need.”

Pending the question, Shall the bill be read a third time?, **Rep. Lanpher of Vergennes** moved to amend the bill as follows:

First: In Sec. B.1102, unobligated General Fund contingent appropriations, in subsection (a), prior to the words “be appropriated”, by inserting the words “carry forward and”

Second: In Sec. D.100, allocations; property transfer tax, in subdivision (a)(2)(A), in the first sentence, by striking out “(10 V.S.A. § 314)” and inserting in lieu thereof “pursuant to 10 V.S.A. § 314” and, in the second and fourth sentences, following “Vermont Housing”, by inserting the word “and”

Third: In Sec. D.103, reserves, in subdivision (a)(1)(A), by striking out “\$14,800,138.75” and inserting in lieu thereof “\$15,195,975”

Fourth: By striking out Sec. E.234, amending 30 V.S.A. § 248c(d), in its entirety and inserting in lieu thereof the following:

Sec. E.234 [Deleted.]

Fifth: By adding a new section to be Sec. E.306.4 to read as follows:

Sec. E.306.4 PSYCHIATRIC RESIDENTIAL TREATMENT FACILITY;
LICENSURE

Notwithstanding any provision of law to the contrary, no funds appropriated to the Department of Vermont Health Access in this act shall be expended for operation of a psychiatric residential treatment facility until the facility has been licensed by the State; provided, however, that the Department may expend funds on goods and services, such as purchasing supplies and hiring and training staff, that are necessary to prepare the facility to be operational upon licensure.

Sixth: By striking out Sec. E.311, amending 18 V.S.A. § 5017, in its entirety and inserting in lieu thereof the following:

Sec. E.311 [Deleted.]

Seventh: In Sec. E.312, health – public health, in subdivision (a)(4), in the first sentence, following “the amount of”, by striking out “\$100,000” and inserting in lieu thereof “\$400,000”

Eighth: By striking out Sec. E.313, appropriation; substance misuse prevention, in its entirety and inserting in lieu thereof a new Sec. E.313 to read as follows:

Sec. E.313 APPROPRIATION; SUBSTANCE MISUSE PREVENTION

(a) In fiscal year 2025, the \$795,000 Opioid Abatement Special Fund and \$1,410,000 General Fund appropriated to the Department of Health in Secs. B.1100(d)(4) and B.313 of this act shall be for substance misuse prevention. The total \$2,205,000 appropriation shall be granted to Vermont Prevention Lead Organizations to implement evidence-based and trauma-informed substance misuse prevention strategies statewide. The Department shall require, as part of the grant agreement with the Vermont Prevention Lead Organizations, that information on the use of the funds, including the specific activities supported by the funds, a description of the number of people served, and information on the outcomes achieved by this investment, be provided to the Department in an agreed-upon time frame. The Department shall report this information annually, on or before January 10, to the House and Senate Committees on Appropriations, the House Committee on Human Services, and the Senate Committee on Health and Welfare.

Ninth: By striking out Sec. E.605, Vermont Student Assistance Corporation, in its entirety and inserting in lieu thereof a new Sec. E.605 to read as follows:

Sec. E.605 VERMONT STUDENT ASSISTANCE CORPORATION

(a) Of the funds appropriated to the Vermont Student Assistance Corporation in Sec. B.605 of this act:

(1) \$25,000 shall be deposited into the Trust Fund established in 16 V.S.A. § 2845;

(2) not more than \$300,000 may be used by the Vermont Student Assistance Corporation for a student aspirational initiative to serve one or more high schools; and

(3) not less than \$1,000,000 shall be used to continue the Vermont Trades Scholarship Program established in 2022 Act and Resolves No. 183, Sec. 14.

(b) Of the funds appropriated to the Vermont Student Assistance Corporation in Sec. B.605 of this act that are remaining after accounting for the expenditures set forth in subsection (a) of this section, not less than 93 percent shall be used for direct student aid.

(c) After accounting for the expenditures set forth in subsection (a) of this section, up to seven percent of the funds appropriated to the Vermont Student Assistance Corporation in Sec. B.605 of this act or otherwise currently or previously appropriated to the Vermont Student Assistance Corporation or provided to the Vermont Student Assistance Corporation by an agency or department of the State for the administration of a program or initiative, may be used by the Vermont Student Assistance Corporation for its costs of administration. The Vermont Student Assistance Corporation may recoup its reasonable costs of collecting the forgivable loans in repayment. Funds shall not be used for indirect costs. To the extent that any of these funds are federal funds, allocation for expenses associated with administering the funds shall be consistent with federal grant requirements.

Tenth: By striking out Sec. F.100, effective dates, in its entirety and inserting in lieu thereof a new Sec. F.100 to read as follows:

Sec. F.100 EFFECTIVE DATES

(a) This section and Secs. C.100, C.101, C.103, C.104, C.105, C.106, C.107, C.111, C.112, C.113, C.114, C.115, and B.1102 shall take effect on passage.

(b) Notwithstanding 1 V.S.A. § 214:

(1) Sec. C.102 shall take effect retroactively on March 1, 2024;

(2) Secs. C.108, C.109, and C.110 shall take effect retroactively on July 1, 2023; and

(3) Sec. E.910 shall take effect retroactively on January 1, 2024.

(c) Sec. E.318.2 shall take effect on July 1, 2025.

(d) All remaining sections shall take effect on July 1, 2024.

Which was agreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Lanpher of Vergennes** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be read a third time?, was decided in the affirmative. Yeas, 104. Nays, 39.

Those who voted in the affirmative are:

Andrews of Westford
Andriano of Orwell
Anthony of Barre City
Arrison of Weathersfield
Arsenault of Williston

Demrow of Corinth
Dodge of Essex
Dolan of Essex Junction
Dolan of Waitsfield
Durfee of Shaftsbury

Nicoll of Ludlow
Notte of Rutland City
Noyes of Wolcott
Nugent of South Burlington
O'Brien of Tunbridge

Austin of Colchester	Emmons of Springfield	Ode of Burlington *
Bartholomew of Hartland	Farlice-Rubio of Barnet	Pajala of Londonderry
Berbeco of Winooski	Garofano of Essex	Patt of Worcester
Birong of Vergennes	Goldman of Rockingham	Pearl of Danville
Black of Essex	Graning of Jericho	Pouech of Hinesburg
Bluemle of Burlington	Headrick of Burlington	Priestley of Bradford
Bongartz of Manchester	Holcombe of Norwich	Rachelson of Burlington
Bos-Lun of Westminster	Hooper of Burlington	Rice of Dorset
Boyden of Cambridge	Houghton of Essex Junction	Roberts of Halifax
Brady of Williston	Howard of Rutland City	Satcowitz of Randolph
Brown of Richmond	Hyman of South Burlington	Scheu of Middlebury
Brownell of Pownal	James of Manchester	Sheldon of Middlebury
Brumsted of Shelburne	Jerome of Brandon	Sibilia of Dover
Burke of Brattleboro	Kornheiser of Brattleboro	Sims of Craftsbury
Burrows of West Windsor	Krasnow of South	Small of Winooski *
Buss of Woodstock	Burlington	Squirrell of Underhill
Campbell of St. Johnsbury	LaBounty of Lyndon	Stebbins of Burlington
Carpenter of Hyde Park	Lalley of Shelburne	Stevens of Waterbury
Carroll of Bennington	LaLonde of South	Stone of Burlington
Casey of Montpelier	Burlington	Taylor of Colchester
Chapin of East Montpelier	Lanpher of Vergennes	Templeman of Brownington*
Chase of Chester	Leavitt of Grand Isle	Toleno of Brattleboro
Chase of Colchester	Long of Newfane	Torre of Moretown
Chesnut-Tangerman of	Masland of Thetford	Troiano of Stannard
Middletown Springs	McCann of Montpelier	Waters Evans of Charlotte
Christie of Hartford	McCarthy of St. Albans	White of Bethel
Cina of Burlington	City	Whitman of Bennington
Coffey of Guilford	McGill of Bridport	Williams of Barre City
Cole of Hartford	Mihaly of Calais	Wood of Waterbury
Conlon of Cornwall	Minier of South Burlington	
Corcoran of Bennington	Morris of Springfield	
Cordes of Lincoln	Mrowicki of Putney	

Those who voted in the negative are:

Bartley of Fairfax	Gregoire of Fairfield	Morrissey of Bennington
Beck of St. Johnsbury	Hango of Berkshire	Oliver of Sheldon
Branagan of Georgia	Harrison of Chittenden	Page of Newport City
Brennan of Colchester	Higley of Lowell	Parsons of Newbury
Burditt of West Rutland	Hooper of Randolph	Peterson of Clarendon
Canfield of Fair Haven	Labor of Morgan	Quimby of Lyndon
Clifford of Rutland City	Laroche of Franklin	Shaw of Pittsford
Demar of Enosburgh	Lipsky of Stowe	Smith of Derby
Dickinson of St. Albans	Maguire of Rutland City	Taylor of Milton
Town	Marcotte of Coventry	Toof of St. Albans Town
Donahue of Northfield	Mattos of Milton	Walker of Swanton
Galfetti of Barre Town	McCoy of Poultney	Williams of Granby
Goslant of Northfield	McFaun of Barre Town	
Graham of Williamstown	Morgan of Milton	

Those members absent with leave of the House and not voting are:

Elder of Starksboro
LaMont of Morristown
Logan of Burlington

Mulvaney-Stanak of
Burlington
Sammis of Castleton

Surprenant of Barnard

Rep. Ode of Burlington explained her vote as follows:

“Madam Speaker:

I vote yes. As the Chair of the House Appropriations Committee explained in her floor report, ‘This budget so closely remains within the Governor’s recommended budget that, after accounting for the \$12 million pension plus payment, the difference in General Funds is within a 0.2 percent (not even one half of one percent) difference.’ In dollars, that’s no more than a \$3.3 million difference between the House budget and the Governor’s recommend.”

Rep. Small of Winooski explained her vote as follows:

“Madam Speaker:

I support the budget before us with hesitation and concern. We cannot say that we prioritize equity without providing adequate process. We cannot say that we prioritize those most vulnerable and hope the funding arrives later. What we say matters, but what we fund matters more.”

Rep. Templeman of Brownington explained his vote as follows:

“Madam Speaker:

I voted yes on this budget because it includes \$450,000 for The Northeast Organic Farming Association of Vermont, which supports both farmers and those living with food insecurity.”

Message from the Senate No. 38

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 98. An act relating to Green Mountain Care Board authority over prescription drug costs.

S. 114. An act relating to removal of criminal penalties for possessing, dispensing, or selling psilocybin and establishment of the Psychedelic Therapy Advisory Working Group.

S. 120. An act relating to postsecondary schools and sexual misconduct protections.

S. 192. An act relating to forensic facility admissions criteria and processes.

S. 204. An act relating to reading assessment and intervention.

S. 220. An act relating to Vermont's public libraries.

S. 254. An act relating to including rechargeable batteries and battery-containing products under the State battery stewardship program.

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

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

H. 554. An act relating to approval of the adoption of the charter of the Town of South Hero.

And has passed the same in concurrence.

Second Reading; Consideration Interrupted; Amendment Offered and Withdrawn; Bill Amended; Third Reading Ordered

H. 829

Rep. Stevens of Waterbury, for the Committee on General and Housing, to which had been referred House bill, entitled

An act relating to creating permanent upstream eviction protections and enhancing housing stability

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Housing Programs * * *

Sec. 1. 10 V.S.A. § 322 is amended to read:

§ 322. ALLOCATION SYSTEM

(a) In determining the allocation of funds available for the purposes of this chapter, the Board shall give priority to projects that combine the dual goals of creating affordable housing and conserving and protecting Vermont's agricultural land, historic properties, important natural areas or recreation lands and also shall consider, but not be limited to, the following factors:

(1) the need to maintain balance between the dual goals in allocating resources;

(2) the need for a timely response to unpredictable circumstances or special opportunities to serve the purposes of this chapter;

- (3) the level of funding or other participation by private or public sources in the activity being considered for funding by the Board;
- (4) what resources will be required in the future to sustain the project;
- (5) the need to pursue the goals of this chapter without displacing lower income Vermonters;
- (6) the long-term effect of a proposed activity and, with respect to affordable housing, the likelihood that the activity will prevent the loss of subsidized housing units and will be of perpetual duration;
- (7) geographic distribution of funds; and
- (8) the need to timely address Vermont's housing crisis.

(b) The Board's allocation system shall include a method, defined by rule, that evaluates the need for, impact, and quality of activities proposed by applicants.

Sec. 2. 10 V.S.A. § 699 is amended to read:

§ 699. VERMONT RENTAL HOUSING IMPROVEMENT PROGRAM

(a) Creation of Program.

(1) The Department of Housing and Community Development shall design and implement the Vermont Rental Housing Improvement Program, through which the Department shall award funding to statewide or regional nonprofit housing organizations, or both, to provide competitive grants and forgivable loans to private landlords for the rehabilitation, including weatherization and accessibility improvements, of eligible rental housing units.

(2) The Department shall develop statewide standards for the Program, including factors that partner organizations shall use to evaluate applications and award grants and forgivable loans.

(3) A landlord shall not offer a unit created through the Program as a short-term rental, as defined in 18 V.S.A. § 4301, for the period a grant or loan agreement is in effect.

(4) The Department may utilize a reasonable percentage of appropriations made to the Department for the Program to administer the Program.

(5) The Department may cooperate with and subgrant funds to State agencies and political subdivisions and public and private organizations in order to carry out the purposes of this subsection.

(b) Eligible rental housing units. The following units are eligible for a grant or forgivable loan through the Program:

(1) Non-code compliant.

(A) The unit is an existing unit, whether or not occupied, that does not comply with the requirements of applicable building, housing, or health laws.

(B) If the unit is occupied, the grant or forgivable loan agreement shall include terms:

* * *

(d) Program requirements applicable to grants and forgivable loans.

(1)(A) A grant or loan shall not exceed:

(i) \$70,000.00 per unit, for rehabilitation or creation of an eligible rental housing unit meeting the applicable building accessibility requirements under the Vermont Access Rules; or

(ii) \$50,000.00 per unit, for rehabilitation or creation of any other eligible rental housing unit.

(B) In determining the amount of a grant or loan, a housing organization shall consider the number of bedrooms in the unit, ~~and~~ whether the unit is being rehabilitated or newly created, whether the project includes accessibility improvements, and whether the unit is being converted from nonresidential to residential purposes.

(2) A landlord shall contribute matching funds or in-kind services that equal or exceed 20 percent of the value of the grant or loan.

(3) A project may include a weatherization component.

(4) A project shall comply with applicable building, housing, and health laws.

(5) The terms and conditions of a grant or loan agreement apply to the original recipient and to a successor in interest for the period the grant or loan agreement is in effect.

(6) The identity of a recipient, ~~and~~ the amount of a grant or forgivable loan, the year in which the grant or forgivable loan was extended, and the year in which any affordability covenant ends are public records that shall be available for public copying and inspection and the Department shall publish this information at least quarterly on its website.

(7) A project for rehabilitation or creation of an accessible unit may apply funds to the creation of a parking spot for individuals with disabilities.

(e) Program requirements applicable to grants and five-year forgivable loans. For a grant or five-year forgivable loan awarded through the Program, the following requirements apply for a minimum period of five years:

(1) A landlord shall coordinate with nonprofit housing partners and local coordinated entry organizations to identify potential tenants.

(2)(A) Except as provided in subdivision (2)(B) of this subsection (e), a landlord shall lease the unit to a household that is:

(i) exiting homelessness; or

(ii) actively working with an immigrant or refugee resettlement program; or

(iii) composed of at least one individual with a disability who is eligible to receive Medicaid-funded home and community based services.

(B) If, upon petition of the landlord, the Department or the housing organization that issued the grant determines that a household ~~exiting homelessness~~ under subdivision (2)(A) of this subsection (e) is not available to lease the unit, then the landlord shall lease the unit:

(i) to a household with an income equal to or less than 80 percent of area median income; or

(ii) if such a household is unavailable, to another household with the approval of the Department or housing organization.

(3)(A) A landlord shall accept any housing vouchers that are available to pay all, or a portion of, the tenant's rent and utilities.

(B) If no housing voucher or federal or State subsidy is available, the total cost of rent for the unit, including utilities not covered by rent payments, shall not exceed the applicable fair market rent established by the Department of Housing and Urban Development.

(4)(A) A landlord may convert a grant to a forgivable loan upon approval of the Department and the housing organization that approved the grant.

(B) A landlord who converts a grant to a forgivable loan shall receive a ~~10-percent~~ prorated credit for loan forgiveness for each year in which the landlord participates in the ~~grant program~~ Program.

(f) Requirements applicable to 10-year forgivable loans. For a 10-year forgivable loan awarded through the Program, the following requirements apply for a minimum period of 10 years:

* * *

Sec. 3. VERMONT RENTAL HOUSING IMPROVEMENT

APPROPRIATION

The sum of \$6,000,000.00 is appropriated from the General Fund to the Department of Housing and Community Development in fiscal year 2025 for the Vermont Housing Improvement Program established in 10 V.S.A. § 699.

Sec. 4. 2023 Acts and Resolves No. 47, Sec. 36 is amended to read:

Sec. 36. MIDDLE-INCOME HOMEOWNERSHIP DEVELOPMENT
PROGRAM

* * *

(d) The total amount of subsidies for a project shall not exceed 35 percent of eligible development costs, as determined by the Agency, which the at the time of approval of the project, unless the Agency later determines that the project will not result in affordable owner-occupied housing for income-eligible homebuyers without additional subsidy, in which case the Agency may, at its discretion, reasonably exceed this limitation and only to the extent required to achieve affordable owner-occupied housing. The Agency may shall allocate subsidies consistent with the following:

(1) Developer subsidy. The Agency may provide a direct subsidy to the developer, which shall not exceed the difference between the cost of development and the market value of the home as completed.

(2) Affordability subsidy. Of any remaining amounts available for the project after the developer subsidy, the Agency may provide a subsidy for the benefit of the homebuyer to reduce the cost of purchasing the home, provided that:

(A) the Agency includes conditions in the subsidy, agreement or uses another legal mechanism, to ensure that, to the extent the home value has risen, the amount of the subsidy upon sale of the home, to the extent proceeds are available, the amount of the affordability subsidy either:

(i) remains with the home to offset the cost to future homebuyers;
or

(ii) is recaptured by the Agency upon sale of the home for use in a similar program to support affordable homeownership development; or

(B) the subsidy is subject to a housing subsidy covenant, as defined in 27 V.S.A. § 610, that preserves the affordability of the home for a period of 99 years or longer.

(3) The Agency shall allocate not less than 33 percent of the funds available through the Program to projects that include a housing subsidy covenant consistent with subdivision (2)(B) of this subsection.

* * *

(f)(1) When implementing the Program, the Agency shall consult stakeholders and experts in the field.

(2) The Program shall include:

(A) a streamlined and appropriately scaled application process;

(B) an outreach and education plan, including specific tactics to reach and support eligible applicants, especially those from underserved regions or sectors;

(C) an equitable system for distributing investments statewide on the basis of need according to a system of priorities that includes consideration of:

(i) geographic distribution;

(ii) community size;

(iii) community economic need; and

(iv) whether an application has already received an investment or is from an applicant in a community that has already received Program funding.

~~(3) The Agency shall use its best efforts to ensure:~~

~~(A) that investments awarded are targeted to the geographic communities or regions with the most pressing economic and employment needs; and~~

~~(B) that the allocation of investments provides equitable access to the benefits to all eligible geographical areas.~~

* * *

Sec. 5. REPEAL

2023 Acts and Resolves No. 47, Sec. 37 (middle-income homeownership; implementation) is repealed.

Sec. 6. APPROPRIATION; MIDDLE-INCOME HOMEOWNERSHIP DEVELOPMENT PROGRAM

The sum of \$25,000,000.00 is appropriated from the General Fund to the Department of Housing and Community Development to grant to the Vermont Housing Finance Agency in fiscal year 2025 for the Middle-Income

Homeownership Development Program established by 2022 Acts and Resolves No. 182, Sec. 11, and amended from time to time.

Sec. 7. APPROPRIATION; VERMONT HOUSING CONSERVATION
BOARD; PERPETUALLY AFFORDABLE HOUSING

The sum of \$110,000,000.00 is appropriated from the General Fund to the Vermont Housing Conservation Board in fiscal year 2025 for the following purposes:

(1) to provide support and enhance capacity for the production and preservation of affordable rental housing and homeownership units, including support for manufactured home communities, permanent homes for those experiencing homelessness, recovery residences, and housing available to farm workers, and refugees, or individuals with disabilities who are eligible to receive Medicaid-funded home and community based services;

(2) to fund the construction and preservation of emergency shelter for households experiencing homelessness; and

(3) to fund permanent supportive housing.

Sec. 8. APPROPRIATION; FIRST GENERATION HOMEBUYER
PROGRAM

The sum of \$1,000,000.00 is appropriated from the General Fund to the Department of Housing and Community Development in fiscal year 2025 for a grant to the Vermont Housing Finance Agency for the First-Generation Homebuyer Program established by 2022 Acts and Resolves No. 182, Sec. 2, and amended from time to time.

* * * Eviction Prevention Initiatives * * *

Sec. 9. APPROPRIATION; RENTAL HOUSING STABILIZATION
SERVICES

The sum of \$400,000.00 is appropriated from the General Fund to the Office of Economic Opportunity within the Department for Children and Families in fiscal year 2025 for a grant to the Champlain Valley Office of Economic Opportunity for the Rental Housing Stabilization Services Program established by 2023 Acts and Resolves No. 47, Sec. 43.

Sec. 10. APPROPRIATION; TENANT REPRESENTATION PILOT
PROGRAM

The sum of \$1,025,000.00 is appropriated from the General Fund to the Agency of Human Services in fiscal year 2025 for a grant to Vermont Legal

Aid for the Tenant Representation Pilot Program established by 2023 Acts and Resolves No. 47, Sec. 44.

Sec. 11. APPROPRIATION; RENT ARREARS ASSISTANCE FUND

The sum of \$2,500,000.00 is appropriated from the General Fund to the Vermont State Housing Authority in fiscal year 2025 for the Rent Arrears Assistance Fund established by 2023 Acts and Resolves No. 47, Sec. 45.

Sec. 12. RESIDENT SERVICES PROGRAM; APPROPRIATION

(a) The sum of \$6,000,000.00 is appropriated from the General Fund to the Agency of Human Services in fiscal year 2025 for a grant to the Vermont Housing and Conservation Board for the Resident Services Program established by this section. The Agency shall work in coordination with the Board to develop the Resident Services Program for the purpose of distributing funds to eligible affordable housing organizations to respond to timely and urgent resident needs and aid with housing retention.

(b) For purposes of this section, an “eligible affordable housing organization” is a Vermont-based nonprofit or public housing organization that makes available at least 15 percent of its affordable housing portfolio to homeless families and individuals, including those with special needs who require service support and rental assistance to secure and maintain their housing, consistent with the goal of Executive Order No. 03-16 (Publicly Funded Housing for the Homeless).

Sec. 13. RENT PAYMENT REPORTING REPORT

(a) To facilitate the development of a pilot program for housing providers to report tenant rent payments for inclusion in consumer credit reports, the Office of the State Treasurer shall study:

(1) any entities currently facilitating landlord credit reporting;

(2) the number of landlords in Vermont utilizing rent payment software, related software expenses, and the need for or benefit of utilizing software for positive pay reporting;

(3) the impacts on tenants from rent payment reporting programs, including, if feasible, data gathered from the Champlain Housing Trust’s program;

(4) any logistical steps the State must take to facilitate the program and any associated administrative costs; and

(5) any other issues the Treasurer deems appropriate for facilitating the development of the pilot program.

(b) On or before December 15, 2024, the Treasurer shall submit a report to the Senate Committee on Economic Development, Housing and General Affairs and the House Committee on General and Housing with its findings and recommendations, which may be in the form of proposed legislation.

* * * Manufactured Homes * * *

Sec. 14. 2022 Acts and Resolves No. 182, Sec. 3, as amended by 2023 Acts and Resolves No. 3, Sec. 75 and 2023 Acts and Resolves No. 78, Sec. C.119, is further amended to read:

Sec. 3. MANUFACTURED HOME IMPROVEMENT AND
REPLACEMENT REPAIR PROGRAM

(a) Of the amounts available from the American Rescue Plan Act (ARPA) recovery funds, \$4,000,000 is appropriated to the Department of Housing and Community Development for the purposes specified Amounts appropriated to the Department of Housing and Community Development for the Manufactured Home Improvement and Repair Program shall be used for one or more of the following purposes:

* * *

(b) The Department administers the Manufactured Home Improvement and Repair Program and may utilize a reasonable percentage of appropriations made to the Department for the Program to administer the Program.

(c) The Department may cooperate with and subgrant funds to State agencies and political subdivisions and public and private organizations in order to carry out the purposes of subsection (a) of this section.

Sec. 15. MANUFACTURED HOME IMPROVEMENT AND REPAIR
PROGRAM APPROPRIATIONS; INFRASTRUCTURE; MOBILE
HOME REPAIR

The sum of \$2,000,000.00 is appropriated from the General Fund to the Department of Housing and Community Development in fiscal year 2025 for the following purposes:

(1) to improve mobile home park infrastructure under the Manufactured Home Improvement and Repair Program established by 2022 Acts and Resolves No. 182, Sec. 3, and amended from time to time; and

(2) to expand the Home Repair Awards program under the Manufactured Home Improvement and Repair Program established by 2022 Acts and Resolves No. 182, Sec. 3, and amended from time to time.

Sec. 16. MOBILE HOME TECHNICAL ASSISTANCE APPROPRIATION

(a) The sum of \$700,000.00 is appropriated from the General Fund to the Department of Housing and Community Development for a subgrant to the Champlain Valley Office of Economic Opportunity in fiscal year 2025 to fund the Mobile Home Park Technical Assistance Services Team, including administration and direct project administration costs, such as advertising, background check fees, office supplies, postage, staff mileage liability insurance, training, service contracts, rent, utilities, telephone, space maintenance, and staffing.

(b) The sum of \$300,000.00 is appropriated from the General Fund to the Department of Housing and Community Development for a subgrant to the Champlain Valley Office of Economic Opportunity in fiscal year 2025 to fund individual resident emergency grants accessible to all income-eligible mobile homeowners statewide to prevent loss of housing, remediate unsafe housing, enhance housing safety, health, and habitability issues, and provide relief from the impacts of natural disaster.

* * * Reporting * * *

Sec. 17. EMERGENCY HOUSING TRANSITION; AGENCY OF HUMAN SERVICES; JOINT FISCAL COMMITTEE OVERSIGHT; REPORTS

(a) As used in this act, “alternative housing placements” may include shelter beds and pods; placements with family or friends; permanent housing solutions, including tiny homes, manufactured homes, and apartments; residential treatment beds for physical health, long-term care, substance use, or mental health; nursing home beds; and recovery homes.

(b) On or before the last day of each month from July 2024 through March 2025, the Agency of Human Services, or other relevant agency or department, shall report to the House Committees on Human Services and on General and Housing, the Senate Committee on Health and Welfare, and the Joint Fiscal Committee on its progress in assisting households housed in hotels and motels with transitioning from the pandemic-era General Assistance Emergency Housing Program to alternative housing placements and on the creation of new, alternative housing solutions. Each update shall include:

(1) the number of households remaining in hotels and motels that have not yet been transitioned to an alternative housing placement by household size, by eligibility category, and by each Agency of Human Services district;

(2) the number of actual alternative housing placements made during the previous reporting period compared with the targeted number of placements for that period;

(3) of the households successfully transitioned to an alternative housing placement during the previous month, the number of households whose screening indicated a potential need for services from each department within the Agency;

(4) the number of beds available for emergency housing in each Agency of Human Services district in the State, with separate reporting on the number of beds available in nursing homes and residential care homes for individuals whose screening indicates they could meet the clinical criteria for those settings and the number of emergency beds available for individuals whose screening indicates they do not meet the clinical criteria, including low-barrier shelters, beds for youth, and beds for individuals who have experienced domestic violence;

(5) of the households that were housed in a hotel or motel for four months or longer and transitioned out during the previous month, the number that have had all or a portion of their security deposits returned to them since leaving the hotel or motel or are awaiting the return of these funds;

(6) of the households that were housed in a hotel or motel for less than four months and transitioned out during the previous month, the amount of security deposit funds refunded to the State by the hotels and motels during that month;

(7) the number of households that have been successfully transitioned to an alternative housing placement since the previous report, the types of housing settings in which they have been placed, and the supportive services they are receiving in conjunction with their housing;

(8) the outlook for transitioning additional households to alternative housing placements in the coming months, including an estimate of the number of households likely to be placed per month;

(9) a projected timeline for transitioning the remaining households to alternative housing placements;

(10) the average negotiated rate for rooms that the Agency paid to the hotels and motels providing the temporary, continued hotel or motel housing during the previous month;

(11) the status of responding to and implementing the letters of interest from community partners and municipalities for housing and supportive services;

(12) the status of contracts for housing and supportive services resulting from the Agency's requests for proposals (RFPs);

(13) the status of grants awarded through the Housing Opportunity Grant Program and how those grants relate to the Agency's efforts to assist households with transitioning out of the pandemic-era General Assistance Emergency Housing Program;

(14) once the Adverse Weather Conditions Policy takes effect again in the fall of 2024, how the Agency plans to distinguish the households that become eligible for the General Assistance Emergency Housing Program under that Policy from the households that the Agency is assisting with transitioning out of the pandemic-era General Assistance Emergency Housing Program;

(15) the total amount of funds expended to date on housing placements and supportive services for households transitioning out of the pandemic-era General Assistance Emergency Housing Program; and

(16) beginning with the September 2024 reporting period, any State rules and local regulations and ordinances that are impeding the timely development of safe, decent, affordable housing in Vermont communities in order to:

(A) identify areas in which flexibility or discretion are available; and

(B) advise whether the temporary suspension of relevant State rules and local regulations and ordinances, or the adoption or amendment of State rules, would facilitate faster and less costly revitalization of existing housing and construction of new housing units.

(c) On or before the last day of each month from July 2024 through March 2025, the Vermont Housing and Conservation Board shall report to the House Committees on Human Services and on General and Housing; the Senate Committees on Health and Welfare and on Economic Development, Housing and General Affairs; and the Joint Fiscal Committee on:

(1) the status of the Board's initiatives to make additional housing units available and how those initiatives support the Agency of Human Services' efforts to assist households with transitioning out of the pandemic-era General Assistance Emergency Housing Program; and

(2) the status of the Board's efforts to expand emergency shelter capacity, including the number of new beds available since the previous report, the number of additional beds planned, and when the additional planned beds are likely to become available.

(d) The Agency may hire temporary employees or contract with community-based organizations, or both, as needed to support the Agency in assisting households housed in hotels and motels with transitioning from the pandemic-era General Assistance Emergency Housing Program to alternative housing placements; to support the creation of new, alternative housing solutions; and to collect and report on the information required by subsection (b) of this section.

(e) On or before April 1, 2025, the Agency shall report to the House Committees on Appropriations, on Human Services, and on Housing and General Affairs; the Senate Committees on Appropriations, on Health and Welfare, and on Economic Development, Housing and General Affairs; and the Joint Fiscal Committee the number of households, if any, that were not successfully transitioned out of the pandemic-era General Assistance Emergency Housing Program into alternative housing placements and the reason why each such household was not successfully placed.

* * * Effective Date * * *

Sec. 18. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

Rep. Wood of Waterbury, for the Committee on Human Services, recommended that the report of the Committee on General and Housing be amended as follows:

First: In Sec. 1, 10 V.S.A. § 322, in subdivision (a)(8), following “Vermont’s”, by inserting “affordable”

Second: In Sec. 2, 10 V.S.A. § 699, in subdivision (a)(4), following “reasonable percentage”, by inserting “, up to a cap of five percent.”

Third: In Sec. 2, 10 V.S.A. § 699, in subdivision (a)(5), by striking out “political” and inserting in lieu thereof “governmental”

Fourth: In Sec. 2, 10 V.S.A. § 699, in subdivision (e)(2)(A)(i), following “exiting homelessness”, by inserting “, including any individual under 25 years of age who secures housing through a master lease held by a youth service provider on behalf of individuals under 25 years of age”

Fifth: In Sec. 2, 10 V.S.A. § 699, by striking out subsection (f) in its entirety and inserting in lieu thereof a new subsection (f) to read as follows:

(f) Requirements applicable to 10-year forgivable loans. For a 10-year forgivable loan awarded through the Program, the following requirements apply for a minimum period of 10 years:

(1) A landlord shall coordinate with nonprofit housing partners and local coordinated entry organizations to identify potential tenants.

(2)(A) Except as provided in subdivision (2)(B) of this subsection (f), a landlord shall lease the unit to a household that is:

(i) exiting homelessness, including any individual under 25 years of age who secures housing through a master lease held by a youth service provider on behalf of individuals under 25 years of age;

(ii) actively working with an immigrant or refugee resettlement program; or

(iii) composed of at least one individual with a disability who is eligible to receive Medicaid-funded home and community based services.

(B) If, upon petition of the landlord, the Department or the housing organization that issued the grant determines that a household under subdivision (2)(A) of this subsection (f) is not available to lease the unit, then the landlord shall lease the unit:

(i) to a household with an income equal to or less than 80 percent of area median income; or

(ii) if such a household is unavailable, to another household with the approval of the Department or housing organization.

(3)(A) A landlord shall accept any housing vouchers that are available to pay all, or a portion of, the tenant's rent and utilities.

(B) If no housing voucher or federal or State subsidy is available, the cost of rent for the unit, including utilities not covered by rent payments, shall not exceed the applicable fair market rent established by the Department of Housing and Urban Development.

~~(2)~~(4) The Department shall forgive 10 percent of the amount of a forgivable loan for each year a landlord participates in the loan program.

Sixth: In Sec. 12, resident services program; appropriation, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) For purposes of this section, an "eligible affordable housing organization" is a Vermont-based nonprofit or public housing organization that makes available at least 15 percent of its affordable housing portfolio to, or a

Vermont-based nonprofit that provides substantial services to, families and individuals experiencing homelessness, including those who require service support or rental assistance to secure and maintain their housing, consistent with the goal of Executive Order No. 03-16 (Publicly Funded Housing for the Homeless).

Seventh: In Sec. 14, manufactured home improvement and repair program, in subsection 3(b), following “reasonable percentage”, by inserting “, up to a cap of five percent,”

Eighth: In Sec. 14, manufactured home improvement and repair program, in subsection 3(c), by striking out “political” and inserting in lieu thereof “governmental”

Ninth: By striking out Sec. 17, emergency housing transition; agency of human services; joint fiscal committee oversight; reports, and its reader assistance heading in their entirety and inserting in lieu thereof a reader assistance heading and a new section to be Sec. 17 to read as follows:

* * * Municipal Property Tax Exemption * * *

Sec. 17. 32 V.S.A. § 3847 is amended to read:

§ 3847. NEIGHBORHOOD HOUSING IMPROVEMENT PROGRAMS

At an annual or special meeting, a municipality may vote to exempt in whole or in part, for a period not exceeding five years, the municipal property tax on the value of improvements made to principal or temporary dwelling units with funds provided in whole or in part by a nonprofit, neighborhood, or municipal housing improvement program that limits eligibility to residents with incomes below the median income of the State. Such programs include neighborhood housing services, Community Loan Funds, community land trusts, neighborhood planning associations, and municipal housing improvement programs.

Rep. Kornheiser of Brattleboro, for the Committee on Ways and Means, recommended that the bill ought to pass when amended as recommended by the Committee on General and Housing, when further amended as recommended by the Committee on Human Services, and when further amended as follows:

First: By redesignating Sec. 1, 10 V.S.A. § 322, as Sec. 1a and adding a new Sec. 1 to read as follows:

Sec. 1. LEGISLATIVE INTENT; HOUSING INVESTMENT

(a) Legislative intent. It is the intent of the General Assembly that, as funds are available, approximately \$900,000,000.00 will be appropriated from

the General Fund over fiscal years 2026 through 2034 to fund programs that advance a long-term solution to Vermont's housing shortage. These funds will support programs that reach a broad spectrum of Vermont residents, including low-income and middle-income Vermonters, families and individuals experiencing homelessness, individuals with disabilities, older Vermonters, individuals in recovery, farmworkers, individuals facing eviction, and Vermonters living in substandard housing. Through sustained funding and annual investments, the General Assembly intends to implement this comprehensive and strategic housing plan that yields permanent affordable housing for Vermonters and for communities in all 14 counties.

(b) Programs. Funds appropriated consistent with subsection (a) of this section shall include:

(1) the Vermont Housing and Conservation Board's programs:

(A) to provide support and enhance capacity for the production and preservation of affordable rental housing and homeownership units, including support for manufactured home communities, permanent homes for those experiencing homelessness, recovery residences, and housing available to farm workers, refugees, or individuals with disabilities who are eligible to receive Medicaid-funded home and community based services;

(B) to fund the construction and preservation of emergency shelter for households experiencing homelessness; and

(C) to fund permanent supportive housing;

(2) the Vermont Housing Improvement Program;

(3) the Land Access and Opportunity Board;

(4) the State Refugee Office;

(5) the Resident Services Program;

(6) the Middle-Income Homeownership Development Program;

(7) the Manufactured Home Improvement and Repair Program;

(8) the Office of Economic Opportunity; and

(9) eviction prevention initiatives.

(c) Additional funding. In addition to the appropriations in subsection (a) of this section, it is the intent of the General Assembly to support funding for temporary emergency housing until such time as is no longer necessary.

Second: By striking out Sec. 3, Vermont rental housing improvement appropriation, in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. APPROPRIATION; VERMONT RENTAL HOUSING
IMPROVEMENT PROGRAM

The sum of \$1,000,000.00 is appropriated from the General Fund to the Department of Housing and Community Development in fiscal year 2025 for the Vermont Rental Housing Improvement Program established in 10 V.S.A. § 699.

Third: By striking out Secs. 6–8 in their entirety and inserting in lieu thereof new Secs. 6–8 to read as follows:

Sec. 6. APPROPRIATION; LAND ACCESS AND OPPORTUNITY BOARD

The sum of \$1,000,000.00 is appropriated from the General Fund to the Vermont Housing and Conservation Board in fiscal year 2025 to administer and support the Land Access and Opportunity Board.

Sec. 7. APPROPRIATION; VERMONT HOUSING AND CONSERVATION
BOARD; PERPETUALLY AFFORDABLE HOUSING

The sum of \$7,300,000.00 is appropriated from the General Fund to the Vermont Housing and Conservation Board in fiscal year 2025 for the following purposes:

(1) to provide support and enhance capacity for the production and preservation of affordable rental housing and homeownership units, including support for manufactured home communities, permanent homes for those experiencing homelessness, recovery residences, and housing available to farm workers, refugees, or individuals with disabilities who are eligible to receive Medicaid-funded home and community based services;

(2) to fund the construction and preservation of emergency shelter for households experiencing homelessness; and

(3) to fund permanent supportive housing.

Sec. 8. APPROPRIATION; STATE REFUGEE OFFICE; REFUGEE
HOUSING

The sum of \$900,000.00 is appropriated from the General Fund to the Agency of Human Services' State Refugee Office for grants to support transitional housing for refugees.

Fourth: In Sec. 12, resident services program; appropriation, in subsection (a), by striking out “\$6,000,000.00” and inserting in lieu thereof “\$700,000.00”

Fifth: By striking out Secs. 15, manufactured home improvement and repair program appropriations; infrastructure; mobile home repair, and 16, mobile home technical assistance appropriation, in their entireties and inserting in lieu thereof new Secs. 15 and 16 to read as follows:

Sec. 15. APPROPRIATION; OFFICE OF ECONOMIC OPPORTUNITY;
INDIVIDUALS EXPERIENCING HOMELESSNESS

The sum of \$2,700,000.00 is appropriated from the General Fund to the Department for Children and Families’ Office of Economic Opportunity in fiscal year 2025 for grants, whether alone or in conjunction with federal Emergency Solutions Grants, consistent with the HUD-recognized Continuum of Care Program to community agencies to assist individuals experiencing homelessness by preserving existing services, increasing services, or increasing resources available statewide.

Sec. 16. [Deleted.]

Sixth: By striking out Sec. 18, effective date, and its reader assistance heading in their entireties and adding in lieu thereof a reader assistance heading and eight new sections to be Secs. 18–25 to read as follows:

* * * Property Transfer Tax * * *

Sec. 18. 32 V.S.A. § 9602 is amended to read:

§ 9602. TAX ON TRANSFER OF TITLE TO PROPERTY

(a) A tax is hereby imposed upon the transfer by deed of title to property located in this State, or a transfer or acquisition of a controlling interest in any person with title to property in this State. The amount of the tax equals ~~one and one-quarter~~ 1.25 percent of the value of the property transferred up to \$600,000.00 of value and 3.25 percent of the value of the property transferred in excess of \$600,000.00, or \$1.00, whichever is greater, except as follows:

(1) With respect to the transfer of property to be used for the principal residence of the transferee, the tax shall be imposed at the rate of ~~five-tenths of one~~ 0.5 percent of the first ~~\$100,000.00~~ \$200,000.00 in value of the property transferred and at the rate of ~~one and one-quarter~~ 1.25 percent of the value of the property transferred in excess of ~~\$100,000.00~~ \$200,000.00; except that no tax shall be imposed on the first ~~\$110,000.00~~ \$250,000.00 in value of the property transferred if the purchaser obtains a purchase money mortgage funded in part with a homeland grant through the Vermont Housing and

Conservation Trust Fund or that the Vermont Housing and Finance Agency or U.S. Department of Agriculture and Rural Development has committed to make or purchase; and tax at the rate of ~~one and one-quarter~~ 1.25 percent shall be imposed on the value of that property in excess of ~~\$110,000.00~~ \$250,000.00. In all cases, the tax shall be imposed at the rate of 3.25 percent of the value of the property transferred in excess of \$600,000.00.

(2) [Repealed.]

(3) With respect to the transfer to a housing cooperative organized under 11 V.S.A. chapter 7 and whose sole purpose is to provide principal residences for all of its members or shareholders, or to an affordable housing cooperative under 11 V.S.A. chapter 14, of property to be used as the principal residence of a member or shareholder, the tax shall be imposed in the amount of ~~five-tenths of one~~ 0.5 percent of the first ~~\$100,000.00~~ \$200,000.00 in value of the residence transferred and at the rate of ~~one and one-quarter~~ 1.25 percent of the value of the residence transferred in excess of ~~\$100,000.00~~ \$200,000.00; provided that the homesite leased by the cooperative is used exclusively as the principal residence of a member or shareholder. If the transferee ceases to be an eligible cooperative at any time during the six years following the date of transfer, the transferee shall then become obligated to pay any reduction in property transfer tax provided under this subdivision, and the obligation to pay the additional tax shall also run with the land. In all cases, the tax shall be imposed at the rate of 3.25 percent of the value of the property transferred in excess of \$600,000.00.

(b) Each year on August 1, the Commissioner shall adjust the values taxed at a lower rate under subdivisions (a)(1) and (3) of this section according to the percent change in the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) by determining the increase or decrease, to the nearest 0.1 percent, for the month ending on June 30 in the calendar year one year prior to the first day of the current fiscal year compared to the CPI-U for the month ending on June 30 in the calendar year two years prior. The Commissioner shall update the return required under section 9610 of this title according to this adjustment.

Sec. 19. 32 V.S.A. § 9602a is amended to read:

§ 9602a. CLEAN WATER SURCHARGE

There shall be a surcharge of 0.2 percent on the value of property subject to the property transfer tax under section 9602 of this title, except that there shall be no surcharge on the first ~~\$100,000.00~~ \$200,000.00 in value of property to be used for the principal residence of the transferee or the first ~~\$200,000.00~~ \$250,000.00 in value of property transferred if the purchaser obtains a

purchase money mortgage funded in part with a homeland grant through the Vermont Housing and Conservation Trust Fund or that the Vermont Housing and Finance Agency or U.S. Department of Agriculture and Rural Development has committed to make or purchase. The surcharge shall be in addition to any tax assessed under section 9602 of this title. The surcharge assessed under this section shall be paid, collected, and enforced under this chapter in the same manner as the tax assessed under section 9602 of this title. The Commissioner shall deposit the surcharge collected under this section in the Clean Water Fund under 10 V.S.A. § 1388, except for the first \$1,000,000.00 of revenue generated by the surcharge, which shall be deposited in the Vermont Housing and Conservation Trust Fund created in 10 V.S.A. § 312.

Sec. 20. 32 V.S.A. § 9602a is amended to read:

§ 9602a. CLEAN WATER SURCHARGE

There shall be a surcharge of 0.04 percent on the value of property subject to the property transfer tax under section 9602 of this title, except that there shall be no surcharge on the first ~~\$100,000.00~~ \$200,000.00 in value of property to be used for the principal residence of the transferee or the first ~~\$200,000.00~~ \$250,000.00 in value of property transferred if the purchaser obtains a purchase money mortgage funded in part with a homeland grant through the Vermont Housing and Conservation Trust Fund or that the Vermont Housing and Finance Agency or U.S. Department of Agriculture and Rural Development has committed to make or purchase. The surcharge shall be in addition to any tax assessed under section 9602 of this title. The surcharge assessed under this section shall be paid, collected, and enforced under this chapter in the same manner as the tax assessed under section 9602 of this title. The Commissioner shall deposit the surcharge collected under this section in the Vermont Housing and Conservation Trust Fund created in 10 V.S.A. § 312.

Sec. 21. 32 V.S.A. § 9610 is amended to read:

§ 9610. REMITTANCE OF RETURN AND TAX; INSPECTION OF
RETURNS; TRANSFER OF REVENUE

(a) Not later than 30 days after the receipt of any property transfer return, a town clerk shall file the return in the office of the town clerk and electronically forward a copy of the acknowledged return to the Commissioner; provided, however, that with respect to a return filed in paper format with the town, the Commissioner shall have the discretion to allow the town to forward a paper copy of that return to the Department.

(b) The copies of property transfer returns in the custody of the town clerk may be inspected by any member of the public.

(c)(1) Prior to ~~distributions~~ the distribution of property transfer tax revenues under ~~10 V.S.A. § 312, 24 V.S.A. § 4306(a), and~~ subdivision 435(b)(10) of this title, two percent of the revenues received from the property transfer tax shall be deposited in a special fund in the Department of Taxes for Property Valuation and Review administration costs.

(2) After the distribution under subdivision (c)(1) of this section and prior to the distribution under subdivision 435(b)(10) of this title, \$27,244,000.00 of the revenue received from the property transfer tax shall be deposited in the Vermont Housing and Conservation Trust Fund created in 10 V.S.A. § 312 and \$9,262,960.00 shall then be deposited in the Municipal and Regional Planning Fund created in 24 V.S.A. § 4305. Prior to a transfer under this subdivision, the Commissioner shall adjust the amount transferred according to the the year-over-year percentage change in total General Fund appropriations in the two most recently closed fiscal years, provided that if the year-over-year change is zero or negative, the amount transferred shall instead be equal to the transfer in the previous fiscal year.

(d)(1) Prior to any distribution of property transfer tax revenue under ~~10 V.S.A. § 312, 24 V.S.A. § 4306(a),~~ subdivision 435(b)(10) of this title, and subsection (c) of this section, \$2,500,000.00 of the revenue received from the property transfer tax shall be transferred to the Vermont Housing Finance Agency to pay the principal of and interest due on the bonds, notes, and other obligations authorized to be issued by the Agency pursuant to 10 V.S.A. § 621(22), the proceeds of which the Vermont Housing and Conservation Board shall use to create affordable housing pursuant to 10 V.S.A. § 314.

(2) As long as the bonds, notes, and other obligations incurred pursuant to subdivision (1) of this subsection remain outstanding, the rate of tax imposed pursuant to section 9602 of this title shall not be reduced below a rate estimated, at the time of any reduction, to generate annual revenues of at least \$12,000,000.00.

Sec. 22. 10 V.S.A. § 312 is amended to read:

§ 312. CREATION OF VERMONT HOUSING AND CONSERVATION
TRUST FUND

There is created a special fund in the State Treasury to be known as the "Vermont Housing and Conservation Trust Fund." The Fund shall be administered by the Board and expenditures therefrom shall only be made to implement and effectuate the policies and purposes of this chapter. The Fund shall be ~~compriised~~ composed of ~~50 percent of~~ the revenue deposited from the

property transfer tax under 32 V.S.A. ~~chapter 231 § 9610(c)(2)~~ and any monies from time to time appropriated to the Fund by the General Assembly or received from any other source, private or public, approved by the Board. Unexpended balances and any earnings shall remain in the Fund for use in accord with the purposes of this chapter.

Sec. 23. 24 V.S.A. § 4306(a) is amended to read:

(a)(1) The Municipal and Regional Planning Fund for the purpose of assisting municipal and regional planning commissions to carry out the intent of this chapter is hereby created in the State Treasury.

(2) The Fund shall be composed of ~~17 percent~~ of the revenue deposited from the property transfer tax under 32 V.S.A. ~~chapter 231 § 9610(c)(2)~~ and any monies from time to time appropriated to the Fund by the General Assembly or received from any other source, private or public. All balances at the end of any fiscal year shall be carried forward and remain in the Fund. Interest earned by the Fund shall be deposited in the Fund.

(3) Of the revenues in the Fund, each year:

(A) 10 percent shall be disbursed to the Vermont Center for Geographic Information;

(B) 70 percent shall be disbursed to the Secretary of Commerce and Community Development for performance contracts with regional planning commissions to provide regional planning services pursuant to section 4341a of this title; and

(C) 20 percent shall be disbursed to municipalities.

Sec. 24. 32 V.S.A. § 435(b) is amended to read:

(b) The General Fund shall be composed of revenues from the following sources:

(1) alcoholic beverage tax levied pursuant to 7 V.S.A. chapter 15;

(2) [Repealed.]

(3) [Repealed.]

(4) corporate income and franchise taxes levied pursuant to chapter 151 of this title;

(5) individual income taxes levied pursuant to chapter 151 of this title;

(6) all corporation taxes levied pursuant to chapter 211 of this title;

(7) 69 percent of the meals and rooms taxes levied pursuant to chapter 225 of this title;

(8) [Repealed.]

(9) [Repealed.]

(10) ~~33 percent~~ of the revenue from the property transfer taxes levied pursuant to chapter 231 of this title and the revenue from the gains taxes levied each year pursuant to chapter 236 of this title; and

(11) [Repealed.]

(12) all other revenues accruing to the State not otherwise required by law to be deposited in any other designated fund or used for any other designated purpose.

Sec. 25. 32 V.S.A. § 9603 is amended to read:

§ 9603. EXEMPTIONS

The following transfers are exempt from the tax imposed by this chapter:

* * *

(27)(A) Transfers of abandoned dwellings that the transferee certifies will be rehabilitated for occupancy as principal residences and not as short-term rentals as defined under 18 V.S.A. § 4301(a)(14), provided the rehabilitation is completed and occupied not later than three years after the date of the transfer. If three years after the date of transfer the rehabilitation has not been completed and occupied, then the tax imposed by this chapter shall become due.

(B) As used in this subdivision (27):

(i) “Abandoned” means real estate owned by a municipality and acquired through condemnation or a tax sale, provided the real estate has substandard structural or housing conditions, including unsanitary and unsafe dwellings and deterioration sufficient to constitute a threat to human health, safety, and public welfare.

(ii) “Completed” means rehabilitation of a dwelling to be fit for occupancy as a principal residence.

(iii) “Principal residence” means a dwelling occupied by a resident individual as the individual’s domicile during the taxable year and for a property owner, owned, or for a renter, rented under a rental agreement other than a short-term rental as defined under 18 V.S.A. § 4301(a)(14).

(iv) “Rehabilitation” means extensive repair, reconstruction, or renovation of an existing dwelling beyond normal and ordinary maintenance, painting, repairs, or replacements, with or without demolition, new construction, or enlargement.

Seventh: By adding a reader assistance heading and new Sec. 26 to read as follows:

* * * Personal Income Tax * * *

Sec. 26. 32 V.S.A. § 5822 is amended to read:

§ 5822. TAX ON INCOME OF INDIVIDUALS, ESTATES, AND TRUSTS

(a) A tax is imposed for each taxable year upon the taxable income earned or received in that year by every individual, estate, and trust, subject to income taxation under the laws of the United States, in an amount determined by the following tables, and adjusted as required under this section:

(1) Married individuals filing joint returns and surviving spouses:

If taxable income is:	The tax is:
Not over \$64,600.00 <u>\$79,950.00</u>	3.35% of taxable income
Over \$64,600.00 <u>\$79,950.00</u> but not over \$156,150.00 <u>\$193,350.00</u>	\$2,164.00 <u>\$2,678.00</u> plus 6.6% of the amount of taxable income over \$64,600.00 <u>\$79,950.00</u>
Over \$156,150.00 <u>\$193,350.00</u> but not over \$237,950.00 <u>\$294,650.00</u>	\$8,206.00 <u>\$10,162.00</u> plus 7.6% of the amount of taxable income over \$156,150.00 <u>\$193,350.00</u>
Over \$237,950.00 <u>\$294,650.00</u> but <u>not over \$500,000.00</u>	\$14,423.00 <u>\$17,861.00</u> plus 8.75% of the amount of taxable income over \$237,950.00 <u>\$294,650.00</u>
<u>Over \$500,000.00</u>	<u>\$35,829.00</u> plus 11.75% of the <u>amount over \$500,000.00</u>

(2) Heads of households:

If taxable income is:	The tax is:
Not over \$51,850.00 <u>\$64,150.00</u>	3.35% of taxable income
Over \$51,850.00 <u>\$64,150.00</u> but not over \$133,850.00 <u>\$165,700.00</u>	\$1,737.00 <u>\$2,149.00</u> plus 6.6% of the amount of taxable income over \$51,850.00 <u>\$64,150.00</u>
Over \$133,850.00 <u>\$165,700.00</u> but	\$7,149.00 <u>\$8,851.00</u> plus 7.60%

not over \$216,700.00 <u>\$268,350.00</u>	of the amount of taxable income over \$133,850.00 <u>\$165,700.00</u>
Over \$216,700.00 <u>\$268,350.00</u> but not over <u>\$455,350.00</u>	\$13,446.00 <u>\$16,652.00</u> plus 8.75% of the amount of taxable income over \$216,700.00 <u>\$268,350.00</u>
Over <u>\$455,350.00</u>	<u>\$33,015.00</u> plus 11.75% of the amount of taxable income over <u>\$455,350.00</u>

(3) Unmarried individuals (other than surviving spouse or head of household):

If taxable income is:	The tax is:
Not over \$38,700.00 <u>\$47,900.00</u>	3.35% of taxable income
Over \$38,700.00 <u>\$47,900.00</u> but not over \$93,700.00 <u>\$116,000.00</u>	\$1,296.00 <u>\$1,605.00</u> plus 6.6% of the amount of taxable income over \$38,700.00 <u>\$47,900.00</u>
Over \$93,700.00 <u>\$116,000.00</u> but not over \$195,450.00 <u>\$242,000.00</u>	\$4,926.00 <u>\$6,100.00</u> plus 7.6% of the amount of taxable income over \$93,700.00 <u>\$116,000.00</u>
Over \$195,450.00 <u>\$242,000.00</u> but not over <u>\$410,650.00</u>	\$12,659.00 <u>\$15,676.00</u> plus 8.75% of the amount of taxable income over \$195,450.00 <u>\$242,000.00</u>
Over <u>\$410,650.00</u>	<u>\$30,433.00</u> plus 11.75% of the amount of taxable income over <u>\$410,650.00</u>

(4) Married individuals filing separate returns:

If taxable income is:	The tax is:
Not over \$32,300.00 <u>\$39,975.00</u>	3.35% of taxable income
Over \$32,300.00 <u>\$39,975.00</u> but	\$1,082.00 <u>\$1,339.00</u> plus 6.6% of

not over \$78,075.00 <u>\$96,675.00</u>	the amount of taxable income over \$32,300.00 <u>\$39,975.00</u>
Over \$78,075.00 <u>\$96,675.00</u> but not over \$118,975.00 <u>\$147,325.00</u>	\$4,103.00 <u>\$5,081.00</u> plus 7.6% of the amount of taxable income over \$78,075.00 <u>\$96,675.00</u>
Over \$118,975.00 <u>\$147,325.00</u> but not over <u>\$250,000.00</u>	\$7,212.00 <u>\$8,930.00</u> plus 8.75% of the amount of taxable income over \$118,975.00 <u>\$147,325.00</u>
Over <u>\$250,000.00</u>	<u>\$17,914.00</u> plus 11.75% of the amount of taxable income over <u>\$250,000.00</u>

(5) Estates and trusts:

If taxable income is:	The tax is:
\$2,600.00 <u>\$3,200.00</u> or less	3.35% of taxable income
Over \$2,600.00 <u>\$3,200.00</u> but not over \$6,100.00 <u>\$7,500.00</u>	\$87.00 <u>\$107.00</u> plus 6.6% of the amount of taxable income over \$2,600.00 <u>\$3,200.00</u>
Over \$6,100.00 <u>\$7,500.00</u> but not over \$9,350.00 <u>\$11,550.00</u>	\$318.00 <u>\$391.00</u> plus 7.6% of the amount of taxable income over \$6,100.00 <u>\$7,500.00</u>
Over \$9,350.00 <u>\$11,550.00</u>	\$565.00 <u>\$699.00</u> plus 8.75% of the amount of taxable income over \$9,350.00 <u>\$11,550.00</u>

(6) If the federal adjusted gross income of the taxpayer exceeds \$150,000.00, then the tax calculated under this subsection shall be the greater of the tax calculated under subdivisions (1)–(5) of this subsection or three percent of the taxpayer's federal adjusted gross income.

(b) As used in this section:

(1) “Married individuals,” “surviving spouse,” “head of household,” “unmarried individual,” “estate,” and “trust” have the same meaning as under the Internal Revenue Code.

(2) The amounts of taxable income shown in the tables in this section shall be adjusted annually for inflation by the Commissioner of Taxes using the Consumer Price Index adjustment percentage, in the manner prescribed for inflation adjustment of federal income tax tables for the taxable year by the Commissioner of Internal Revenue, beginning with taxable year ~~2003~~ 2025; provided, however, notwithstanding 26 U.S.C. § 1(f)(3), that as used in this subdivision, “consumer price index” means the last Consumer Price Index for All Urban Consumers published by the U.S. Department of Labor.

* * *

Eighth: By adding a reader assistance heading and a new section to be Sec. 27 to read as follows:

* * * Effective Dates * * *

Sec. 27. EFFECTIVE DATES

This section and all other sections shall take effect on passage, except:

(1) Sec. 26 (personal income tax brackets) shall take effect on January 1, 2025 and shall apply to taxable years beginning on and after January 1, 2025.

(2) Sec. 20 (clean water surcharge) shall take effect on July 1, 2027.

and that after passage the title of the bill be amended to read: “An act relating to long-term housing solutions”

Rep. Bluemle of Burlington, for the Committee on Appropriations, recommended the bill ought to pass when amended as recommended by the Committee on General and Housing, when further amended as recommended by the Committee on Human Services, and when further amended as recommended by the Committee on Way and Means.

The bill, having appeared on the Notice Calendar, was taken up, and read the second time.

At six o'clock and twenty-four minutes in the evening, the Speaker declared a recess until the fall of the gavel.

At seven o'clock and twenty-one minutes in the evening, the Speaker called the House to order.

Thereafter, the question, Shall the report of the Committee on General and Housing be amended as recommended by the Committee on Human Services?, was agreed to.

Pending the question, Shall the report of the Committee on General and Housing, as amended, be further amended as recommended by the Committee on Ways and Means?, **Rep. Kornheiser of Brattleboro** moved to amend the report of the Committee on Ways and Means, as follows:

First: In Sec. 18, 32 V.S.A. § 9602, in subsection (a), by striking out “up to \$600,000.00 of value and 3.25 percent of the value of the property transferred in excess of \$600,000.00” and inserting in lieu thereof “up to \$750,000.00 of value and 3.65 percent of the value of the property transferred in excess of \$750,000.00” and, in subdivision (a)(1), by striking out “In all cases, the tax shall be imposed at the rate of 3.25 percent of the value of the property transferred in excess of \$600,000.00” and inserting in lieu thereof “In all cases, the tax shall be imposed at the rate of 3.65 percent of the value of the property transferred in excess of \$750,000.00” and, in subdivision (a)(3), by striking out “In all cases, the tax shall be imposed at the rate of 3.25 percent of the value of the property transferred in excess of \$600,000.00” and inserting in lieu thereof “In all cases, the tax shall be imposed at the rate of 3.65 percent of the value of the property transferred in excess of \$750,000.00”

Second: In Sec. 19, 32 V.S.A. § 9602a, by striking out “0.2” and inserting in lieu thereof “0.2 0.22”

Third: By striking out Secs. 21–24 in their entirety and inserting in lieu thereof new Secs. 21–24a to read as follows:

Sec. 21. 32 V.S.A. § 9610(c) is amended to read:

(c) Prior to distributions of property transfer tax revenues under 10 V.S.A. § 312, 24 V.S.A. § 4306(a), and subdivision 435(b)(10) of this title, ~~two~~ 1.5 percent of the revenues received from the property transfer tax shall be deposited in a special fund in the Department of Taxes for Property Valuation and Review administration costs.

Sec. 22. [Deleted.]

Sec. 23. 24 V.S.A. § 4306(a) is amended to read:

(a)(1) The Municipal and Regional Planning Fund for the purpose of assisting municipal and regional planning commissions to carry out the intent of this chapter is hereby created in the State Treasury.

(2) The Fund shall be composed of ~~17~~ 13 percent of the revenue deposited from the property transfer tax under 32 V.S.A. chapter 231 and any monies from time to time appropriated to the Fund by the General Assembly

or received from any other source, private or public. All balances at the end of any fiscal year shall be carried forward and remain in the Fund. Interest earned by the Fund shall be deposited in the Fund.

* * *

Sec. 24. 32 V.S.A. § 435(b) is amended to read:

(b) The General Fund shall be composed of revenues from the following sources:

- (1) alcoholic beverage tax levied pursuant to 7 V.S.A. chapter 15;
- (2) [Repealed.]
- (3) [Repealed.]
- (4) corporate income and franchise taxes levied pursuant to chapter 151 of this title;
- (5) individual income taxes levied pursuant to chapter 151 of this title;
- (6) all corporation taxes levied pursuant to chapter 211 of this title;
- (7) 69 percent of the meals and rooms taxes levied pursuant to chapter 225 of this title;
- (8) [Repealed.]
- (9) [Repealed.]
- (10) ~~33~~ 37 percent of the revenue from the property transfer taxes levied pursuant to chapter 231 of this title and the revenue from the gains taxes levied each year pursuant to chapter 236 of this title; and
- (11) [Repealed.]
- (12) all other revenues accruing to the State not otherwise required by law to be deposited in any other designated fund or used for any other designated purpose.

Sec. 24a. ALLOCATIONS; PROPERTY TRANSFER TAX; FISCAL
YEAR 2025

This section contains the following amounts allocated to special funds that receive revenue from the property transfer tax. These allocations shall not exceed available revenues.

(1) The sum of \$575,662.00 is allocated 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 \$575,662.00 from the property transfer tax deposited into

the Current Use Administration Special Fund shall be transferred into the General Fund.

(2)(A) Notwithstanding 10 V.S.A. § 312, amounts in excess of \$22,106,740.00 from the property transfer tax and surcharge established by 32 V.S.A. § 9602a deposited into the Vermont Housing and Conservation Trust Fund shall be transferred into the General Fund.

(B) The dedication of \$2,500,000.00 in revenue from the property transfer tax pursuant to 32 V.S.A. § 9610(d) for the debt payments on the affordable housing bond, pursuant to 10 V.S.A. § 314, shall be offset by the reduction of \$1,500,000.00 in the appropriation to the Vermont Housing and Conservation Board and \$1,000,000.00 from the surcharge established by 32 V.S.A. § 9602a. The fiscal year 2025 appropriation of \$22,106,740.00 to the Vermont Housing and Conservation Board reflects the \$1,500,000.00 reduction. The affordable housing bond and related property transfer tax and surcharge provisions are repealed after the life of the bond on July 1, 2039. Once the bond is retired, the \$1,500,000.00 reduction in the appropriation to the Vermont Housing and Conservation Board shall be restored.

(3) Notwithstanding 24 V.S.A. § 4306(a), amounts in excess of \$7,772,373.00 from the property transfer tax deposited into the Municipal and Regional Planning Fund shall be transferred into the General Fund. The \$7,772,373.00 shall be allocated as follows:

(A) \$6,404,540.00 for disbursement to regional planning commissions in a manner consistent with 24 V.S.A. § 4306(b);

(B) \$931,773.00 for disbursement to municipalities in a manner consistent with 24 V.S.A. § 4306(b); and

(C) \$436,060.00 to the Agency of Digital Services for the Vermont Center for Geographic Information.

Fourth: In Sec. 25, 32 V.S.A. § 9603, by adding a subdivision (28) to read as follows:

(28) Transfers of a new mobile home, as that term is defined in 10 V.S.A. § 6201(1), that bears a label evidencing greater energy efficiency provided under the ENERGY STAR Program established in 42 U.S.C. § 6294a.

Fifth: In Sec. 27, effective dates, by adding two new subdivisions to be subdivisions (3) and (4) to read as follows:

(3) Sec. 18 shall take effect on passage, except the inflation adjustment in subsection 32 V.S.A. § 9602(b) shall apply on and after August 1, 2025.

(4) Sec. 24a (property transfer tax appropriations) shall take effect on July 1, 2024.

Which was agreed to.

Pending the question, Shall the report of the Committee on General and Housing, as amended, be further amended as recommended by the Committee on Ways and Means, as amended?, **Rep. Pearl of Danville** moved to further amend the report of the Committee on Ways and Means in Sec. 25, 32 V.S.A. § 9603, by adding a subdivision (28) to read as follows:

(28) Transfers of property that will be enrolled in the Use Value Appraisal Program pursuant to chapter 124 of this title within one year of the transfer, provided that at least 50 percent of the acreage of the parcel is enrolled and some portion is enrolled as agricultural land, as defined in subdivision 3752(1) of this title. A Current Use Program application filed with the Division of Property Valuation and Review and pending a decision shall qualify as enrollment under this subdivision. A transferee shall pay the tax imposed under this chapter on the value of the property transferred if, within three years after the date of transfer, the property is not enrolled in the Use Value Appraisal Program.

Thereupon, **Rep. Pearl of Danville** asked and was granted leave of the House to withdraw his amendment.

Pending the question, Shall the report of the Committee on General and Housing, as amended, be further amended as recommended by the Committee on Ways and Means, as amended?, **Rep. McCoy of Poultney** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the report of the Committee on General and Housing, as amended, be further amended as recommended by the Committee on Ways and Means, as amended?, was decided in the affirmative. Yeas, 92. Nays, 43.

Those who voted in the affirmative are:

Andrews of Westford	Dolan of Waitsfield	Morris of Springfield
Anthony of Barre City	Durfee of Shaftsbury	Mrowicki of Putney
Arsenault of Williston	Emmons of Springfield	Nicoll of Ludlow
Austin of Colchester	Farlice-Rubio of Barnet	Notte of Rutland City
Bartholomew of Hartland	Garofano of Essex	Noyes of Wolcott
Berbeco of Winooski	Goldman of Rockingham	Nugent of South Burlington
Black of Essex	Graning of Jericho	Ode of Burlington
Bluemle of Burlington	Headrick of Burlington	Pajala of Londonderry
Bongartz of Manchester	Holcombe of Norwich	Patt of Worcester
Bos-Lun of Westminster	Hooper of Burlington	Pouech of Hinesburg
Brady of Williston	Houghton of Essex Junction	Priestley of Bradford
Brown of Richmond	Howard of Rutland City	Rachelson of Burlington

Burke of Brattleboro	James of Manchester	Rice of Dorset
Burrows of West Windsor	Jerome of Brandon	Satcowitz of Randolph
Buss of Woodstock	Kornheiser of Brattleboro	Scheu of Middlebury
Campbell of St. Johnsbury	Krasnow of South	Sheldon of Middlebury
Carpenter of Hyde Park	Burlington	Sibilia of Dover
Carroll of Bennington	LaBounty of Lyndon	Sims of Craftsbury
Casey of Montpelier	Lalley of Shelburne	Small of Winooski
Chase of Chester	LaLonde of South	Squirrell of Underhill
Chase of Colchester	Burlington	Stebbins of Burlington
Chesnut-Tangerman of Middletown Springs	LaMont of Morristown	Stevens of Waterbury
Christie of Hartford	Lanpher of Vergennes	Stone of Burlington
Cina of Burlington	Leavitt of Grand Isle	Taylor of Colchester
Coffey of Guilford	Long of Newfane	Toleno of Brattleboro
Cole of Hartford	Masland of Thetford	Torre of Moretown
Conlon of Cornwall	McCann of Montpelier	Troiano of Stannard
Cordes of Lincoln	McCarthy of St. Albans City	Waters Evans of Charlotte
Demrow of Corinth	McGill of Bridport	White of Bethel
Dodge of Essex	Mihaly of Calais	Whitman of Bennington
Dolan of Essex Junction	Minier of South Burlington	Williams of Barre City
		Wood of Waterbury

Those who voted in the negative are:

Arrison of Weathersfield	Donahue of Northfield	McFaun of Barre Town
Bartley of Fairfax	Galfetti of Barre Town	Morgan of Milton
Beck of St. Johnsbury	Goslant of Northfield	Morrissey of Bennington
Birong of Vergennes	Gregoire of Fairfield	Oliver of Sheldon
Boyden of Cambridge	Hango of Berkshire	Parsons of Newbury
Branagan of Georgia	Harrison of Chittenden	Pearl of Danville
Brennan of Colchester	Higley of Lowell	Peterson of Clarendon
Brumsted of Shelburne	Hooper of Randolph	Quimby of Lyndon
Burditt of West Rutland	Hyman of South Burlington	Roberts of Halifax
Canfield of Fair Haven	Labor of Morgan	Shaw of Pittsford
Clifford of Rutland City	Laroche of Franklin	Taylor of Milton
Corcoran of Bennington	Lipsky of Stowe	Toof of St. Albans Town
Demar of Enosburgh	Maguire of Rutland City	Walker of Swanton
Dickinson of St. Albans Town	Mattos of Milton	Williams of Granby
	McCoy of Poultney	

Those members absent with leave of the House and not voting are:

Andriano of Orwell	Logan of Burlington	Page of Newport City
Brownell of Pownal	Marcotte of Coventry	Sammis of Castleton
Chapin of East Montpelier	Mulvaney-Stanak of Burlington	Smith of Derby
Elder of Starksboro	O'Brien of Tunbridge	Surprenant of Barnard
Graham of Williamstown		Templeman of Brownington

Thereafter, the bill was amended as recommended by the Committee on General and Housing, as amended, and third reading ordered.

**Committee Bill; Second Reading; Bill Amended;
Third Reading Ordered**

H. 879

Rep. Wood of Waterbury spoke for the Committee on Human Services.

House bill, entitled

An act relating to the Emergency Temporary Shelter Program

Rep. Long of Newfane presiding.

Speaker presiding.

Rep. Holcombe of Norwich, for the Committee on Appropriations, recommended the bill ought to pass.

The bill, having appeared on the Notice Calendar, was taken up, and read the second time.

Pending the question, Shall the bill be read a third time?, **Rep. Wood of Waterbury** moved to amend the bill as follows:

First: In Sec. 2, 33 V.S.A. chapter 22, section 2209, in subsection (e), by striking out “not otherwise compensated for their participation”

Second: In Sec. 4, 18 V.S.A. chapter 22, in section 2208, by striking out the section heading and inserting in lieu thereof “WINTER SHELTER” and in the first sentence by striking out “during adverse weather conditions”

Third: In Sec. 5, Emergency Temporary Shelter Program Task Force, in subdivision (g)(2), by striking out “not otherwise compensated for their participation”

Which was agreed to. Thereafter, third reading was ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 657

Rep. Sims of Craftsbury, for the Committee on Ways and Means, to which had been referred House bill, entitled

An act relating to the modernization of Vermont’s communications taxes and fees

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * VUSF; Per-Line Contribution Method; Vermont 988 * * *

Sec. 1. 30 V.S.A. § 7501 is amended to read:

§ 7501. PURPOSE; DEFINITIONS

(a) It is the purpose of this chapter to create a financial structure that will allow every Vermont household to obtain basic telecommunications service at an affordable price; and to finance that structure with a ~~proportional~~ charge on all telecommunications transactions that interact with the public switched network.

(b) As used in this chapter:

* * *

(8) “Telecommunications service” means the transmission of any real-time, interactive electromagnetic communications that passes through the public switched network. The term includes transmission of voice, image, data, and any other information, by means of wire, electric conductor cable, optic fiber, microwave, radio wave, or any combinations of such media, and the leasing of any such service.

(A) Telecommunications service includes:

(i) local telephone service, including any facility or service provided in connection with such local telephone service;

(ii) toll telephone service;

(iii) directory assistance;

(iv) ~~two-way cable television service~~ interconnected VoIP service, as defined in 47 C.F.R. § 9.3, as may be amended; and

(v) ~~mobile telephone or telecommunication service, both analog and digital~~ mobile telecommunications service, as defined in 4 U.S.C. § 124(7).

* * *

Sec. 2. 30 V.S.A. § 7521 is amended to read:

§ 7521. CHARGE IMPOSED; WHOLESALE EXEMPTION

(a) A Universal Service Charge is imposed on all retail telecommunications service provided to a Vermont address. Where the location of a service and the location receiving the bill differ, the location of the service shall be used to determine whether the Charge applies. The Charge is imposed on the person purchasing the service, but shall be collected by the telecommunications service provider. ~~Each~~ As applicable, each telecommunications service

provider shall include in its tariffs filed at the Public Utility Commission a description of its billing procedures for the Universal Service Charge.

* * *

(c) In the case of mobile telecommunications service, the Universal Service Charge is imposed when the customer's place of primary use is in Vermont. The As used in this subsection, the terms "customer," and "place of primary use," and "mobile telecommunications service" have the meanings given in 4 U.S.C. § 124. All provisions of 32 V.S.A. § 9782 shall apply to the imposition of the Universal Service Charge under this section.

(d) ~~[Repealed.]~~ In the case of interconnected VoIP service, the Universal Service Charge is imposed when the customer's place of primary use is in Vermont. As used in this subsection, the term "place of primary use" means the street address where the customer's use of interconnected VoIP service primarily occurs or a reasonable proxy as determined by the interconnected VoIP service provider, such as the customer's registered location for 911 purposes.

* * *

Sec. 3. 30 V.S.A. § 7523 is amended to read:

§ 7523. RATE OF CHARGE

(a)(1) ~~Beginning on July 1, 2014, the~~ Except as provided in subsection 7521(e) of this chapter, which pertains to prepaid wireless telecommunications service, and in subdivision (4) of this subsection, the monthly rate of charge shall be two percent of retail telecommunications service \$0.72 for each retail access line in service.

(2) The number of access lines a telecommunications service provider provides a customer shall be deemed equal to the number of inbound or outbound, whichever is greater, two-way communications by any technology that the customer can maintain at the same time as provisioned by the provider's service.

(3) As used in this section, "access line" means a wire or wireless connection that provides voice telecommunications service to or from any device used by a customer, regardless of technology, that is associated with a 10-digit NPA-NXX number or other unique identifier and with a service location or place of primary use in Vermont and that is capable of accessing the 911 system.

(4) A customer enrolled in the federal Lifeline program or the Vermont Lifeline program, or both, is exempt from the Charge established by this chapter.

~~(b) Beginning on July 1, 2019, the rate of charge established under subsection (a) of this section shall be increased by four tenths of one percent of retail telecommunications service, and the monies collected from this increase~~ From the monies collected by the Universal Service Charge under this chapter, 17 percent shall be transferred to the Vermont Community Broadband Fund established under section 8083 of this title, and up to \$120,000.00 shall be used to fund a Rural Broadband Technical Assistance Specialist whose duties shall include providing outreach, technical assistance, and other support services to communications union districts established pursuant to chapter 82 of this title and other units of government, nonprofit organizations, cooperatives, and for-profit businesses for the purpose of expanding broadband service to unserved and underserved locations. Support services also may include providing business model templates for various approaches, including formation of or partnership with a cooperative, a communications union district, a rural economic development infrastructure district, an electric utility, or a new or existing ~~Internet~~ internet service provider as operator of the network.

(c) Universal Service Charges imposed and collected by the fiscal agent under this subchapter shall not be transferred to any other fund or used to support the cost of any activity other than in the manner authorized by this section and section 7511 of this title.

Sec. 4. 30 V.S.A. § 7521(e)(1) is amended to read:

(e)(1) Notwithstanding any other provision of law to the contrary, ~~beginning on January 1, 2020, the a Universal Service Charge of 2.4 percent shall be imposed on all retail sales of prepaid wireless telecommunications service subject to the sales and use tax imposed under 32 V.S.A. chapter 233. The charges shall be collected by sellers or marketplace facilitators collecting sales tax pursuant to 32 V.S.A. § 9713 and remitted to the Department of Taxes in the manner provided under 32 V.S.A. chapter 233. Upon receipt of the charges, the Department of Taxes shall have 30 days to remit the funds to the fiscal agent selected under section 7503 of this chapter. The Commissioner of Taxes shall establish registration and payment procedures applicable to the Universal Service Charge imposed under this subsection consistent with the registration and payment procedures that apply to the sales tax imposed on such services and also consistent with the administrative provisions of 32 V.S.A. chapter 151, including any enforcement or collection action available for taxes owed pursuant to that chapter.~~

Sec. 5. 30 V.S.A. § 7511 is amended to read:

§ 7511. DISTRIBUTION GENERALLY

(a)~~(1)~~ As directed by the Commissioner of Public Service, funds collected by the fiscal agent, and interest accruing thereon, shall be distributed as follows:

~~(A)~~(1) to pay costs payable to the fiscal agent under its contract with the Commissioner;

~~(B)~~(2) to support the Vermont telecommunications relay service in the manner provided by section 7512 of this title;

~~(C)~~(3) to support the Vermont Lifeline program in the manner provided by section 7513 of this title;

~~(D)~~(4) to support Enhanced 911 services in the manner provided by section 7514 of this title; and

~~(E)~~(5) to support the Vermont 988 Suicide and Crisis Lifeline centers in the manner provided in section 7513a of this title; and

(6) to support the Connectivity Fund established in section 7516 of this title; and.

~~(2) for fiscal year 2016 only, any personnel or administrative costs associated with the Connectivity Initiative shall come from the Connectivity Fund, as determined by the Commissioner in consultation with the Connectivity Board.~~

(b) If insufficient funds exist to support all of the purposes contained in subsection (a) of this section, the Commissioner shall allocate the available funds, giving priority in the order listed in subsection (a).

Sec. 6. 30 V.S.A. § 7513a is added to read:

§ 7513a. VERMONT 988 SUICIDE AND CRISIS LIFELINE

The fiscal agent shall make distributions to the Commissioner of Mental Health to fund the operational and capital costs of the Vermont 988 Suicide and Crisis Lifeline centers, within annual limits approved in advance by the General Assembly.

* * * Communications Property; Real Estate; Fair Market Value * * *

Sec. 7. TELEPHONE TAX; REPEAL; TRANSITION

(a) 32 V.S.A. § 8521 (telephone personal property tax) is repealed on July 1, 2025. The final monthly installment payment of the telephone personal property tax under 32 V.S.A. § 8521 levied on the net book value of the

taxpayer's personal property as of December 31, 2024 shall be due on or before July 25, 2025.

(b) 32 V.S.A. § 8522 (alternative telephone gross revenues tax) is repealed on January 1, 2026. The final quarterly payment of the alternative tax under 32 V.S.A. § 8522 shall be due on or before January 25, 2026.

(c) Any taxpayer who paid the alternative tax imposed by 32 V.S.A. § 8522 prior to the repeal of the tax on January 1, 2026 shall become subject to the income tax imposed under 32 V.S.A. chapter 151 beginning with the taxpayer's first income tax year starting on or after January 1, 2025. No alternative tax under 32 V.S.A. § 8522 shall be due for any period included in the taxpayer's income tax filing for tax years starting on or after January 1, 2025.

(d) In fiscal year 2025, the Division of Property Valuation and Review of the Department of Taxes and all communications service providers with taxable communications property in Vermont shall be subject to the inventory and valuation provisions prescribed in 32 V.S.A. § 4452, as applicable.

Sec. 8. 32 V.S.A. § 3803(2) is amended to read:

(2) real and personal estate, except land and buildings, used in ~~carrying on telephone business or in~~ operating a transportation company in this State; and

Sec. 9. 32 V.S.A. § 5401(10) is amended to read:

(10) "Nonhomestead property" means all property except:

* * *

(B) Property that is subject to the tax on railroads imposed by chapter 211, subchapter 2 of this title ~~or the tax on telephone companies imposed by chapter 211, subchapter 6 of this title.~~

* * *

(D) Personal property, machinery, inventory and equipment, ski lifts, and snow-making equipment for a ski area; provided, however, this subdivision (10) shall not exclude from the definition of "nonhomestead property" the following real or personal property:

(i) utility cables and lines, poles, and fixtures ~~(except those taxed under chapter 211, subchapter 6 of this title)~~, provided that utility cables, lines, poles, and fixtures located on homestead property and owned by the person claiming the homestead shall be taxed as homestead property; and

* * *

Sec. 10. 32 V.S.A. § 3602b is added to read:

§ 3602b. COMMUNICATIONS PROPERTY

(a) All communications property shall be set in the grand list as real estate.

(b) Communications property owned by a nonmunicipal communications service provider shall be taxed at appraisal value as defined in section 3481 of this title.

(c) As used in this section, “communications property” means tangible personal property used to enable the real-time, two-way, electromagnetic transmission of information, such as audio, video, and data, that is so fitted and attached as to be part of a local, state, national, or international communications network, as well as facilities that are part of a cable television system as defined in 30 V.S.A. § 501(2). The term includes wires, cables, conduit, pipes, antennas, poles, wireless towers, machinery, distribution hubs, splitters, switching equipment, routers, servers, power equipment, and any other network equipment.

(d)(1) On or before May 1 of each year, the Division of Property Valuation and Review of the Department of Taxes shall provide the listers in each municipality with the valuation of all taxable communications property of any communications service provider situated therein as reported by such provider to the Division.

(2) On or before March 31 of each year, each communications service provider shall submit to the Division a sworn inventory of all its taxable communications property in a form that identifies the valuation of its property in each municipality.

(3) The Division shall prescribe the form of the inventory required under subdivision (2) of this subsection and the officer or officers who shall submit the sworn inventory.

(4) The valuations provided to the listers pursuant to this section shall be used by the listers in determining and fixing the valuations of communications property for the purposes of property taxation.

Sec. 11. 32 V.S.A. § 3618(c)(1) is amended to read:

(1) “Business personal property” means tangible personal property of a depreciable nature used or held for use in any trade, business, professional practice, transaction, activity, or occupation conducted for profit, including all furniture and fixtures, apparatus, tools, implements, books, machines, boats, construction devices, and all personal property used or intended to be used for the production, processing, fabrication, assembling, handling, or transportation of anything of value, or for the production, transmission, control, or

disposition of power, energy, heat, light, water, or waste. “Business personal property” does not include inventory, or goods and chattels so affixed to real property as to have become part thereof, and that are therefore not severable or removable without material injury to the real property, nor does it include poles, lines, and fixtures that are taxable under sections 3620 and 3659 of this title, nor does it include communications property taxable under section 3602b of this title.

Sec. 12. 32 V.S.A. § 3659 is amended to read:

§ 3659. MUNICIPAL LANDS

Land and buildings of a municipal corporation, whether acquired by purchase or condemnation and situated outside its territorial limits shall be taxed by the municipality in which such land is situated. Said land shall be set to such municipal corporation in the grand list of the town or city in which such real estate is located at the value fixed in the appraisal next preceding the date of acquisition of such property and taxed on such valuation. The value fixed on such property at each appraisal thereafter shall be the same per acre as the value fixed on similar property in the town or city. Improvements made subsequent to the acquisition of the land shall not be taxed; except that an additional tax not to exceed 75 percent of the appraisal of the land may be levied in lieu of a personal property tax. Electric utility poles, lines, and pole fixtures owned by a municipal utility lying beyond its boundaries shall be taxed at appraisal value as defined in section 3481 of this title. Communications property, as defined in section 3602b of this title, owned by a municipality lying beyond its boundaries shall be taxed at appraisal value as defined in section 3481 of this title.

Sec. 13. FISCAL YEAR 2025; ONE-TIME APPROPRIATION;

VALUATION MODEL

In fiscal year 2025, \$150,000.00 shall be appropriated from the General Fund to the Division of Property Valuation and Review of the Department of Taxes to fund the creation of a property valuation model for communications property.

* * * State Highway ROW; Leases; Licenses; Communications Providers and Property * * *

Sec. 14. 19 V.S.A. § 26a is amended to read:

§ 26a. DETERMINATION OF RENT TO BE CHARGED FOR LEASING
OR LICENSING STATE-OWNED PROPERTY UNDER THE
AGENCY’S JURISDICTION

(a) Except as otherwise provided by subsection (b) of this section, or as otherwise provided by law, leases or licenses negotiated by the Agency under 5 V.S.A. §§ 204 and 3405 and section 26 and subsection 1703(d) of this title ordinarily shall require the payment of fair market value rent, as determined by the prevailing area market prices for comparable space or property. However, the Agency may lease or license State-owned property under its jurisdiction for less than fair market value when the Agency determines that the proposed occupancy or use serves a public purpose or that there exist other relevant factors, such as a prior course of dealing between the parties, that justify setting rent at less than fair market value.

~~(b)(1) Unless Notwithstanding any other provision of law to the contrary and unless otherwise required by federal law, beginning on or before October 1, 2024, the Agency shall annually assess, collect, and deposit in the Transportation Fund a reasonable charge or payment with respect to leases or licenses for access to or use of State-owned rights-of-way by providers of broadband or wireless communications facilities or services communications service providers for communications property as defined in 32 V.S.A. § 3602b. The Agency may waive such charge or payment in whole or in part if the provider offers to provide comparable value to the State so as to meet the public good as determined by the Agency and the Department of Public Service. For the purposes of this section, the term “comparable value to the State” shall be construed broadly to further the State’s interest in ubiquitous broadband and wireless service availability at reasonable cost. Any waiver of charges or payments for comparable value to the State granted by the Agency may not exceed five years. Thereafter, the Agency may extend any waiver granted for an additional period not to exceed five years if the Agency makes affirmative written findings demonstrating that the State has received and will continue to receive value that is comparable to the value to the provider of the waiver, or it may revise the terms of the waiver in order to do so.~~

(2) As used in this subsection, “reasonable charge” means:

(A) \$270.00 for each wireless communications facility.

(B) A per-linear-foot fee for digital subscriber line, coaxial cable, and fiber optic line, as follows:

(i) \$0.02 in a county that has a population of fewer than 25,000;

(ii) \$0.07 in a county that has a population of at least 25,000 but fewer than 100,000; and

(iii) \$0.13 in a county that has a population of at least 100,000.

(3) The charge required by this subsection shall not apply to communications property owned by:

(A) a communications union district;

(B) a small communications carrier as defined in 30 V.S.A. § 8082(10);

(C) an internet service provider that qualifies as an “eligible provider” under 30 V.S.A. § 8082(4), provided the lease or license for access to or use of State-owned rights-of-way is part of a “universal service plan” as defined in 30 V.S.A. § 8082(12), as certified by the Vermont Community Broadband Board; or

(D) a cable television service provider, provided the property is part of a cable television system subject to a certificate of public good issued by the Public Utility Commission under 30 V.S.A. chapter 13.

(4) The Secretary may adjust the fees prescribed in this section to account for inflationary changes as measured by the Consumer Price Index.

(5) The Secretary may propose for approval by the General Assembly standards and procedures for waiving the fees required by this subsection.

(c) Nothing in this section shall authorize the Agency to impose a charge or payment for the use of a highway right-of-way that is not otherwise authorized or required by State or federal law.

~~(d) Nothing in this section shall be construed to impair any contractual rights existing on June 9, 2007.~~ The State shall have no authority under this section to waive any sums due to a railroad. The State shall also not offer any grants or waivers of charges for any new broadband installations in segments of rail corridor where an operating railroad has installed or allowed installation of fiber optic facilities prior to June 9, 2007 unless the State offers equivalent terms and conditions to the owner or owners of existing fiber optic facilities.

(e) Beginning on or before January 1, 2025, and annually thereafter, the holder of a lease or license pursuant to subsection (b) of this section shall provide a detailed inventory of all property in the State right-of-way pursuant to such lease or license. The inventory shall include the regulatory status of the lease or license holder, categorization of all communications property by type and by its location in the right-of-way, and a description of the service or services enabled by such property, as applicable.

(f) Notwithstanding 2 V.S.A. § 20(d), beginning on January 1, 2026 and annually thereafter, the Agency shall submit a written report to the General Assembly itemizing all charges and payments collected under this section, as well as an aggregated statewide inventory of the communications property

described in subsection (e) of this section. The statewide inventory shall be shared with the Commissioner of Taxes, the Commissioner of Public Service, and the Secretary of Administration.

Sec. 16. AGENCY OF TRANSPORTATION; POSITIONS;

APPROPRIATION

(a) The following new, classified positions are authorized in the Agency of Transportation:

- (1) one temporary full-time position; and
- (2) one permanent full-time position.

(b) There is appropriated to the Agency of Transportation from the General fund in fiscal year 2025 the sum of \$250,000.00

* * * Effective Dates * * *

Sec. 17. EFFECTIVE DATES

This act shall take effect on July 1, 2024, except that:

- (1) Secs. 1–6 (VUSF contribution method; 988 funding) shall take effect on July 1, 2025;
- (2) this section, Sec. 7 (property tax transition) Sec. 13 (PVR appropriation), Sec. 16 (new transportation positions) shall take effect on passage; and
- (3) Secs. 8–12 (communications property tax) shall take effect on July 1, 2025 and shall apply to grand lists lodged on or after April 1, 2025.

Rep. Torre of Moretown, for the Committee on Environment and Energy, recommended that the report of the Committee on Ways and Means be amended by striking out Secs. 14–17 in their entirety and by inserting in lieu thereof a reader assistance heading and a new Sec. 14 to read as follows:

* * * Effective Dates * * *

Sec. 14. EFFECTIVE DATES

This act shall take effect on July 1, 2024, except that:

- (1) Secs. 1–6 (VUSF contribution method; 988 funding) shall take effect on July 1, 2025;
- (2) this section, Sec. 7 (property tax transition) and Sec. 13 (PVR appropriation) shall take effect on passage; and
- (3) Secs. 8–12 (communications property tax) shall take effect on July 1, 2025 and shall apply to grand lists lodged on or after April 1, 2025.

Rep. Scheu of Middlebury, for the Committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the Committee on Ways and Means, when further amended as recommended by the Committee on Environment and Energy, and when further amended by striking out Sec. 13 and by inserting in lieu thereof a new Sec. 13 to read as follows:

Sec. 13. ONE-TIME APPROPRIATION FROM THE PILOT SPECIAL
FUND; VALUATION MODEL

Notwithstanding 32 V.S.A. § 3709(a), the sum of \$150,000.00 is appropriated from the PILOT Special Fund to the Division of Property Valuation and Review of the Department of Taxes in fiscal year 2025 for the purpose of creating a property valuation model for communications property.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Ways and Means was amended as recommended by the Committee on Environment and Energy and thereafter by the Committee on Appropriations.

Pending the question, Shall the bill be amended as recommended by the Committee on Ways and Means, as amended?, **Reps. Stebbins of Burlington, Bongartz of Manchester, Clifford of Rutland City, Logan of Burlington, Morris of Springfield, Patt of Worcester, Satcowitz of Randolph, Sheldon of Middlebury, Sibia of Dover, Smith of Derby, and Torre of Moretown** moved that the report of the Committee on Ways and Means be further amended by inserting a reader assistance heading and a new section to be Sec. 13a to read as follows:

* * * State Highway ROW; Leases and Licenses; Communications
Property * * *

Sec. 13a. 19 V.S.A. § 26a is amended to read:

§ 26a. DETERMINATION OF RENT TO BE CHARGED FOR LEASING
OR LICENSING STATE-OWNED PROPERTY UNDER THE
AGENCY'S JURISDICTION

(a) Except as otherwise provided by subsection (b) of this section, or as otherwise provided by law, leases or licenses negotiated by the Agency under 5 V.S.A. §§ 204 and 3405 and section 26 and subsection 1703(d) of this title ordinarily shall require the payment of fair market value rent, as determined by the prevailing area market prices for comparable space or property. However, the Agency may lease or license State-owned property under its jurisdiction for less than fair market value when the Agency determines that the proposed

occupancy or use serves a public purpose or that there exist other relevant factors, such as a prior course of dealing between the parties, that justify setting rent at less than fair market value.

(b)(1) Unless Notwithstanding any other provision of law to the contrary and unless otherwise required by federal law, beginning on or before July 1, 2025, the Agency shall annually assess, collect, and deposit in the Transportation Fund a reasonable charge or payment with respect to leases or licenses for access to or use of State-owned rights-of-way by providers of broadband or wireless communications facilities or services communications service providers for communications property as defined in 32 V.S.A. § 3602b. The Agency may waive such charge or payment in whole or in part if the provider offers to provide comparable value to the State so as to meet the public good as determined by the Agency and the Department of Public Service. For the purposes of this section, the term “comparable value to the State” shall be construed broadly to further the State’s interest in ubiquitous broadband and wireless service availability at reasonable cost. Any waiver of charges or payments for comparable value to the State granted by the Agency may not exceed five years. Thereafter, the Agency may extend any waiver granted for an additional period not to exceed five years if the Agency makes affirmative written findings demonstrating that the State has received and will continue to receive value that is comparable to the value to the provider of the waiver, or it may revise the terms of the waiver in order to do so.

(2) As used in this subsection, “reasonable charge” means:

(A) \$270.00 for each small wireless facility, as defined in 47 C.F.R. § 1.6002(l), as may be amended.

(B) A per-linear-foot fee for digital subscriber line, coaxial cable, and fiber optic cable, as follows:

(i) \$0.02 in a county that has a population of fewer than 25,000;

(ii) \$0.07 in a county that has a population of at least 25,000 but fewer than 100,000; and

(iii) \$0.13 in a county that has a population of at least 100,000.

(C) All other communications property shall be subject to a fair, reasonable, and nondiscriminatory fee schedule established by the Secretary of Transportation.

(3) The charge required by this subsection shall not apply to communications property owned by:

(A) a communications union district;

(B) a small communications carrier as defined in 30 V.S.A. § 8082(10);

(C) an internet service provider that qualifies as an eligible provider under 30 V.S.A. § 8082(4), provided the lease or license for access to or use of State-owned rights-of-way is part of a universal service plan as defined in 30 V.S.A. § 8082(12), as certified by the Vermont Community Broadband Board;

(D) a cable television service provider, provided the property is part of a cable television system subject to a certificate of public good issued by the Public Utility Commission under 30 V.S.A. chapter 13; or

(E) an electric transmission or distribution utility.

(4) The Secretary may adjust the fees prescribed in this section to account for inflationary changes as measured by the Consumer Price Index.

(5) The Secretary may propose for approval by the General Assembly standards and procedures for waiving the fees required by this subsection.

(c) Nothing in this section shall authorize the Agency to impose a charge or payment for the use of a highway right-of-way that is not otherwise authorized or required by State or federal law.

~~(d) Nothing in this section shall be construed to impair any contractual rights existing on June 9, 2007.~~ The State shall have no authority under this section to waive any sums due to a railroad. The State shall also not offer any grants or waivers of charges for any new broadband installations in segments of rail corridor where an operating railroad has installed or allowed installation of fiber optic facilities prior to June 9, 2007 unless the State offers equivalent terms and conditions to the owner or owners of existing fiber optic facilities.

(e) Beginning on or before January 1, 2025 and annually thereafter, each communications provider subject to subsection (b) of this section shall provide to the Secretary of Transportation a detailed inventory of all property in the State-owned rights-of-way. The inventory shall be submitted in a form and manner prescribed by the Secretary of Transportation consistent with the purpose of this section. The Secretary shall conduct routine audits to determine the accuracy of the information submitted pursuant to this subsection.

(f) The inventories required by subsection (e) of this section are exempt from public inspection and copying under the Public Records Act and shall be kept confidential. However, they may be shared with other State agencies, boards, or departments, such as the Department of Taxes, the Agency of Digital Services, the Department of Public Service, the Public Utility Commission, the Department of Public Safety, and the Vermont State Auditor

for regulatory purposes. Likewise, such other agencies, boards, and departments of State government shall assist and cooperate with the Secretary of Transportation and shall make available information and data as needed to assist the Secretary in carrying out the Secretary's duties. The Secretary of Administration shall establish protocols and agreements for interagency cooperation and assistance pursuant to this subsection. Nothing in this subsection shall be construed to waive any privilege or protection otherwise afforded data and information under an exemption to the Public Records Act or under any other State or federal law due solely to the fact that the information or data is shared pursuant to this subsection.

(g) Notwithstanding 2 V.S.A. § 20(d), beginning on January 1, 2026 and annually thereafter, the Secretary shall submit a written report to the General Assembly itemizing all charges and payments collected under this section, as well as an aggregated statewide inventory of the communications property described in subsection (e) of this section.

Which was agreed to. Thereafter, the bill was amended as recommended by the Committee on Ways and Means, as amended, and third reading ordered.

**Committee Bill; Second Reading; Bill Amended;
Third Reading Ordered**

H. 871

Rep. Conlon of Cornwall spoke for the Committee on Education.

House bill, entitled

An act relating to the development of an updated State aid to school construction program

Rep. Beck of St. Johnsbury, for the Committee on Ways and Means, reported in favor of its passage.

Rep. Mihaly of Calais, for the Committee on Appropriations, recommended that the bill ought to pass when amended in Sec. 5, appropriation; State Aid for School Construction Working Group, following "subsection (c) of this act", by inserting "and per diem compensation and reimbursement of expenses pursuant to Sec. 4, subsection (g) of this act"

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Appropriations agreed to.

Pending the question, Shall the bill be read a third time?, **Reps. Sims of Craftsbury, Beck of St. Johnsbury, and Small of Winooski** moved that the bill be amended in Sec. 4, State Aid for School Construction Working Group; report, in subdivision (c)(1), by adding a new subdivision to be subdivision (N) to read as follows:

(N) Population considerations. The Working Group shall consider and make recommendations as to whether, and if so, how, the unique needs of different populations shall be taken into account in developing a statewide school construction aid program, including the following populations:

(i) elementary students;

(ii) high school students;

(iii) supervisory unions with low population density, as defined by 16 V.S.A. § 4010(b)(2); and

(iv) any other population the Working Group deems relevant to its work and recommendations.

Which was agreed to. Thereafter, third reading was ordered.

Action on Bill Postponed

H. 874

House bill, entitled

An act relating to miscellaneous changes in education laws

Was taken up and, pending second reading of the bill, on motion of **Rep. Brady of Williston**, action on the bill was postponed until April 2, 2024.

Action on Bill Postponed

H. 875

House bill, entitled

An act relating to the State Ethics Commission and the State Code of Ethics

Was taken up and, pending second reading of the bill, on motion of **Rep. Waters Evans of Charlotte**, action on the bill was postponed until March 29, 2024.

Action on Bill Postponed**S. 278**

Senate bill, entitled

An act relating to prohibiting a comparative negligence defense in an action for a negligence claim relating to a sexual act or sexual conduct

Was taken up and, pending second reading of the bill, on motion of **Rep. LaLonde of South Burlington**, action on the bill was postponed until March 29, 2024.

Action on Bill Postponed**H. 876**

House bill, entitled

An act relating to miscellaneous amendments to the corrections laws

Was taken up and, pending second reading of the bill, on motion of **Rep. Emmons of Springfield**, action on the bill was postponed until March 29, 2024.

Third Reading; Bill Passed**H. 687**

House bill, entitled

An act relating to community resilience and biodiversity protection through land use

Was taken up, read the third time, and passed.

Remarks Journalized

On motion of **Rep. Headrick of Burlington**, the following remarks by **Rep. Maguire of Rutland City** were ordered printed in the Journal:

“Madam Speaker:

I would like to ask this body in helping me welcome, at 9:45 this morning, the birth of my granddaughter, Amelia Blake Maguire. Thank you.”

Adjournment

At eleven o'clock in the evening, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Friday, March 29, 2024

At nine o'clock and thirty minutes in the forenoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Caleb Elder of Starksboro, Matt Flinner of Ripton, Willy Watson of St. Albans City, and Pat Melvin of Starksboro.

Pages Honored

In appreciation of their many services to the members of the General Assembly, the Speaker recognized the following named Pages who completed their service today and presented them with commemorative pins:

James Ashley Carr of Montpelier

Burke Donovan of St. Johnsbury

Willa Kaeck of New Haven

Emerson Morrill of Vergennes

Elladaye Orr of Fayston

Guinevere Velto of Springfield

Message from Rep. Mulvaney-Stanak of Burlington

“March 28, 2024

Speaker Jill Krowinski, Vermont House of Representatives
House Clerk BetsyAnn Wrask, Vermont House of Representatives
115 State Street, Montpelier, VT 05633

Dear Speaker Krowinski and House Clerk Wrask:

On March 5, 2024, I won my election to become the next mayor of Burlington. This is a joyous moment in my public service career. I will be the first woman to serve in this role in the city’s 159-year history. I will also be the first out LGBTQ+ person to ever serve in this role. It is also a bittersweet moment, as I must resign as a member of the House of Representatives in order to effectively serve the city. My resignation will be effective as of April 1, 2024.

Very few Vermonters earn the privilege of serving as a member of the House of Representatives. I consider my almost two terms representing the people of Chittenden-17 to be one of my proudest moments. I also feel proud of my work serving as the Leader of the small but mighty House Progressive Caucus. I am proud of the role our caucus plays in this body to expand our

collective capacity to consider what is truly *possible* and what is *needed* to solve the complex problems facing our State. Thank you to my Progressive colleagues.

I would like to extend my appreciation and gratitude to the entire House leadership team over my tenure. In 2021, the Vermont House made history by electing women to every House leadership role, including our very skilled House Clerk. I am honored to have been part of this continued historic pattern of leadership in the Vermont House.

I appreciate my colleagues on the House Commerce and Economic Development Committee and our ability to work toward compromise as a tripartisan body. I learned a great deal alongside my committee leaders and colleagues, and I am proud of our work to elevate issues of equity for workers, businesses owned by marginalized community members, and Vermonters using our unemployment and workers' compensation programs.

The legislative and State House staff who are essential to the work of any legislator. Each of the employees holds themselves to a high level of professionalism and commit to high quality work. Legislators are extremely fortunate to work alongside these Vermonters. Thank you all for your work and service to our State.

Finally, and most importantly, I would like to extend my appreciation to my family - my wife Megan and my young children, Ruby and Elliot. Each of our families play a critical role in supporting everyone serving in this body. My family has been tremendously patient with the long hours, missed bedtimes and school events, and the economic strain on our household from this job's low salary and lack of benefits. I look forward to a day where this incredible job becomes more accessible to working people and to Vermonters with small children being able to serve.

Our Legislature will be a stronger, healthier, and more representative body for all Vermonters, if we fairly compensate legislators and adopt rules that reflect modern times.

Thank you again for the honor to serve Vermonters.

Peace,

Emma Mulvaney-Stanak (she/her)
State Representative Chittenden-17

cc: Governor Philip B. Scott"

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred to committee as follows:

S. 98

Senate bill, entitled

An act relating to Green Mountain Care Board authority over prescription drug costs

To the Committee on Health Care.

S. 114

Senate bill, entitled

An act relating to the establishment of the Psychedelic Therapy Advisory Working Group

To the Committee on Human Services.

S. 120

Senate bill, entitled

An act relating to postsecondary schools and sexual misconduct protections

To the Committee on Education.

S. 192

Senate bill, entitled

An act relating to forensic facility admissions criteria and processes

To the Committee on Human Services.

S. 204

Senate bill, entitled

An act relating to supporting Vermont's young readers through evidence-based literacy instruction

To the Committee on Education.

S. 220

Senate bill, entitled

An act relating to Vermont's public libraries

To the Committee on Government Operations and Military Affairs.

S. 254

Senate bill, entitled

An act relating to including rechargeable batteries and battery-containing products under the State battery stewardship program

To the Committee on Environment and Energy.

Amendment Offered; Third Reading; Bill Passed**H. 883**

House bill, entitled

An act relating to making appropriations for the support of government

Was taken up and, pending third reading of the bill, **Rep. Donahue of Northfield** moved to amend the bill by adding a new section, Sec. B.1104, to read as follows:

Sec. B.1104 FISCAL YEAR 2025 ONE-TIME APPROPRIATIONS FOR
CERTAIN PROVISIONS ENACTED IN 2024 LEGISLATION

(a) Access to the judicial system.

(1) The sum of \$2,261,500 is appropriated from the General Fund to the Judiciary in fiscal year 2025 to provide a partial year's funding for new limited service positions, for contracts for sheriff's deputies and for language access services, and for the Court Technology Fund.

(2) The sum of \$1,701,000 is appropriated from the General Fund to the Department of State's Attorneys and Sheriffs in fiscal year 2025 to provide a partial year's funding for new limited service Deputy State's Attorney, Victim Advocate, and Administrative Staff positions.

(3) The sum of \$1,344,700 is appropriated from the General Fund to the Office of the Defender General in fiscal year 2025 to provide a partial year's funding for limited service and approved positions, contracts, additional serious felony units, training, and case management.

(4)(A) The sum of \$300,000 is appropriated from the General Fund to the Department of Corrections in fiscal year 2025 to provide a partial year's funding for new limited service positions to assist with remote hearings.

(B) The sum of \$750,000 is appropriated from the General Fund to the Department of Corrections in fiscal year 2025 for grants to the community justice centers for Justice Reinvestment II.

(5) The sum of \$397,400 is appropriated from the General Fund to the Office of the Attorney General in fiscal year 2025 to provide a partial year's funding for a new limited service position, grants to community justice centers, and additional resources for the Court Diversion Program.

(6) The sum of \$42,700 is appropriated from the General Fund to the Center for Crime Victim Services in fiscal year 2025 to provide a partial year's funding for the Center's new Grants Administrator position.

(7) The sum of \$262,500 is appropriated from the General Fund to the Agency of Administration in fiscal year 2025 for a partial year's grant to the Vermont Access to Justice Coalition to provide legal services to Vermonters with low incomes.

(8) The sum of \$150,000 is appropriated from the General Fund to the Office of the Defender General in fiscal year 2025 to restore funding for the Public Defense Special Fund.

(9) The sum of \$300,000 is appropriated from the General Fund to the Center for Crime Victim Services in fiscal year 2025 to cover the deficit in the Domestic and Sexual Violence Special Fund.

(b) Medicaid expansion.

(1) The sum of \$1,200,000 in Global Commitment funds is appropriated to the Agency of Human Services in fiscal year 2025 for implementation of the expansion of eligibility for Dr. Dynasaur to Vermont residents with a modified adjusted gross income at or below 312 percent of the federal poverty level who are individuals under 21 years of age or individuals who are pregnant.

(A) The sum of \$360,000 is appropriated from the General Fund to the Agency of Human Services, Global Commitment appropriation in fiscal year 2025 for the State match for implementation of the Dr. Dynasaur eligibility expansion.

(B) The sum of \$840,000 in federal funds is appropriated to the Agency of Human Services, Global Commitment appropriation in fiscal year 2025 for implementation of the Dr. Dynasaur eligibility expansion.

(2) The sum of \$450,000 in Global Commitment funds is appropriated to the Agency of Human Services in fiscal year 2025 to carry out a technical analysis relating to expanding access to Medicaid and Dr. Dynasaur, to rates paid to health care providers for delivering services to individuals on Medicaid and Dr. Dynasaur, and to the structure of Vermont's health insurance markets.

(A) The sum of \$250,000 is appropriated from the General Fund to the Agency of Human Services, Global Commitment appropriation in fiscal year 2025 for the State match for the technical analysis.

(B) The sum of \$200,000 in federal funds is appropriated to the Agency of Human Services, Global Commitment appropriation in fiscal year 2025 for the technical analysis.

(3) The sum of \$200,000 is appropriated to the Department of Vermont Health Access in fiscal year 2025, of which \$100,000 is from the General Fund and \$100,000 is in federal funds, to implement increases to the eligibility thresholds for the Medicare Savings Programs.

(c) Long-term housing solutions.

(1) The sum of \$1,000,000 is appropriated from the General Fund to the Department of Housing and Community Development in fiscal year 2025 for the Vermont Rental Housing Improvement Program established in 10 V.S.A. § 699.

(2) The following amounts are appropriated from the General Fund to the Vermont Housing and Conservation Board in fiscal year 2025:

(A) \$1,000,000 to administer and support the Land Access and Opportunity Board; and

(B) \$7,300,000 to provide support and enhance capacity for the production and preservation of affordable rental housing and homeownership units, fund the construction and preservation of emergency shelter for households experiencing homelessness, and fund permanent supportive housing.

(3) The sum of \$900,000 is appropriated from the General Fund to the Agency of Human Services' State Refugee Office in fiscal year 2025 for grants to support transitional housing for refugees.

(4) The sum of \$400,000 is appropriated from the General Fund to the Department for Children and Families' Office of Economic Opportunity in fiscal year 2025 for a grant to the Champlain Valley Office of Economic Opportunity for the Rental Housing Stabilization Services Program established by 2023 Acts and Resolves No. 47, Sec. 43.

(5) The sum of \$1,025,000 is appropriated from the General Fund to the Agency of Human Services in fiscal year 2025 for a grant to Vermont Legal Aid for the Tenant Representation Pilot Program established by 2023 Acts and Resolves No. 47, Sec. 44.

(6) The sum of \$2,500,000 is appropriated from the General Fund to the Vermont State Housing Authority in fiscal year 2025 for the Rent Arrears Assistance Fund established by 2023 Acts and Resolves No. 47, Sec. 45.

(7) The sum of \$700,000 is appropriated from the General Fund to the Agency of Human Services in fiscal year 2025 for a grant to the Vermont Housing and Conservation Board for the Resident Services Program.

(8) The sum of \$2,700,000 is appropriated from the General Fund to the Department for Children and Families' Office of Economic Opportunity in fiscal year 2025 for grants, whether alone or in conjunction with federal Emergency Solutions Grants, consistent with the HUD-recognized Continuum of Care Program to community agencies to assist individuals experiencing homelessness by preserving existing services, increasing services, or increasing resources available statewide.

Pending the question, Shall the bill be amended as offered by Rep. Donahue of Northfield?, **Rep. Donahue of Northfield** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as offered by Rep. Donahue of Northfield?, was decided in the negative. Yeas, 41. Nays, 97.

Those who voted in the affirmative are:

Bartley of Fairfax	Graham of Williamstown	Morrissey of Bennington
Beck of St. Johnsbury	Gregoire of Fairfield	Oliver of Sheldon
Branagan of Georgia	Hango of Berkshire	Parsons of Newbury
Brownell of Pownal	Headrick of Burlington	Peterson of Clarendon
Burditt of West Rutland	Higley of Lowell	Quimby of Lyndon
Canfield of Fair Haven	Labor of Morgan	Sammis of Castleton
Cina of Burlington	Laroche of Franklin	Shaw of Pittsford
Clifford of Rutland City	Lipsky of Stowe	Sibilia of Dover
Demar of Enosburgh	Maguire of Rutland City	Sims of Craftsbury
Dickinson of St. Albans	Marcotte of Coventry	Small of Winooski
Town *	Mattos of Milton	Smith of Derby
Donahue of Northfield	McCoy of Poultney	Taylor of Milton
Galfetti of Barre Town	McFaun of Barre Town	Toof of St. Albans Town
Goslant of Northfield	Minier of South Burlington	Walker of Swanton

Those who voted in the negative are:

Andrews of Westford	Cordes of Lincoln	Morris of Springfield
Anthony of Barre City	Demrow of Corinth	Mrowicki of Putney
Arrison of Weathersfield	Dodge of Essex	Nicoll of Ludlow
Arsenault of Williston	Dolan of Essex Junction	Notte of Rutland City
Austin of Colchester	Dolan of Waitsfield	Noyes of Wolcott
Bartholomew of Hartland	Durfee of Shaftsbury	Nugent of South Burlington
Berbeco of Winooski	Elder of Starksboro	O'Brien of Tunbridge

Birong of Vergennes	Emmons of Springfield	Ode of Burlington
Black of Essex	Farlice-Rubio of Barnet	Page of Newport City
Bluemle of Burlington	Garofano of Essex	Pajala of Londonderry
Bongartz of Manchester	Goldman of Rockingham	Patt of Worcester
Bos-Lun of Westminster	Graning of Jericho	Pouech of Hinesburg
Boyden of Cambridge	Harrison of Chittenden	Priestley of Bradford
Brady of Williston	Holcombe of Norwich	Rachelson of Burlington
Brennan of Colchester	Hooper of Randolph	Rice of Dorset
Brown of Richmond	Hooper of Burlington	Roberts of Halifax
Brumsted of Shelburne	Houghton of Essex Junction	Satcowitz of Randolph
Burke of Brattleboro	Hyman of South Burlington	Scheu of Middlebury
Burrows of West Windsor	James of Manchester	Sheldon of Middlebury
Buss of Woodstock	Jerome of Brandon	Squirrell of Underhill
Campbell of St. Johnsbury	Kornheiser of Brattleboro	Stebbins of Burlington
Carpenter of Hyde Park	LaBounty of Lyndon	Stevens of Waterbury
Carroll of Bennington	Lalley of Shelburne	Stone of Burlington
Casey of Montpelier	LaLonde of South	Taylor of Colchester
Chapin of East Montpelier	Burlington	Templeman of Brownington
Chase of Chester	Lanpher of Vergennes	Toleno of Brattleboro
Chase of Colchester	Leavitt of Grand Isle	Torre of Moretown
Chesnut-Tangerman of Middletown Springs	Long of Newfane	Troiano of Stannard
Christie of Hartford	Masland of Thetford	Waters Evans of Charlotte
Coffey of Guilford	McCann of Montpelier	White of Bethel
Cole of Hartford	McCarthy of St. Albans City	Whitman of Bennington
Conlon of Cornwall	McGill of Bridport	Williams of Barre City
Corcoran of Bennington	Mihaly of Calais	

Those members absent with leave of the House and not voting are:

Andriano of Orwell	Logan of Burlington	Surprenant of Barnard
Howard of Rutland City	Morgan of Milton	Williams of Granby
Krasnow of South Burlington	Mulvaney-Stanak of Burlington	Wood of Waterbury
LaMont of Morristown	Pearl of Danville	

Rep. Dickinson of St. Albans Town explained her vote as follows:

“Madam Speaker:

I vote yes for transparency for our constituents in our House budget.”

Thereafter, the bill was read a third time and passed.

**Committee Bill; Second Reading; Bill Amended; Amendment Offered;
Consideration Interrupted; Third Reading Ordered**

H. 875

Rep. Waters Evans of Charlotte spoke for the Committee on Government Operations and Military Affairs.

House bill, entitled

An act relating to the State Ethics Commission and the State Code of Ethics

Rep. Dolan of Waitsfield, for the Committee on Appropriations, recommended that the bill ought to pass when amended by striking out Sec. 17, State Ethics Commission; positions; appropriation, in its entirety and inserting in lieu thereof a new Sec. 17 to read as follows:

Sec. 17. [Deleted.]

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Appropriations agreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Brennan of Colchester** moved to amend the bill in Sec. 22, 24 V.S.A. chapter 60, in section 1998, municipal charters; supplemental ethics policies, by adding two new subsections to be subsections (c) and (d) to read as follows:

(c) A municipality shall be exempt from the entirety of this chapter upon submitting a letter from its legislative body to the State Ethics Commission by December 31 of each year certifying that the municipality has adopted an ethics policy and framework that does not conflict with the provisions of this chapter. The letter may be sent by e-mail or regular mail and may include a copy of the municipal ethics policy.

(d) The State Ethics Commission may provide municipalities not exempted pursuant to subsection (c) of this section a model ethics policy or other resources.

Pending the question, Shall the bill be amended as offered by Rep. Brennan of Colchester?, **Rep. Brennan of Colchester** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as offered by Rep. Brennan of Colchester?, was decided in the negative. Yeas, 43. Nays, 95.

Those who voted in the affirmative are:

Arrison of Weathersfield	Goslant of Northfield	Morrissey of Bennington
Bartley of Fairfax	Graham of Williamstown	Oliver of Sheldon
Beck of St. Johnsbury	Gregoire of Fairfield	Page of Newport City
Branagan of Georgia	Hango of Berkshire	Pajala of Londonderry
Brennan of Colchester	Harrison of Chittenden	Parsons of Newbury
Brownell of Pownal	Higley of Lowell	Peterson of Clarendon
Burditt of West Rutland	Labor of Morgan	Quimby of Lyndon
Canfield of Fair Haven	Laroche of Franklin	Roberts of Halifax
Clifford of Rutland City	Maguire of Rutland City	Shaw of Pittsford
Corcoran of Bennington	Marcotte of Coventry	Sibilia of Dover
Demar of Enosburgh	Mattos of Milton	Smith of Derby

Dickinson of St. Albans Town	McCoy of Poultney	Taylor of Milton
Donahue of Northfield	McFaun of Barre Town	Toof of St. Albans Town
Galfetti of Barre Town	Minier of South Burlington	Walker of Swanton *
	Morris of Springfield	

Those who voted in the negative are:

Andrews of Westford	Cordes of Lincoln	McGill of Bridport
Andriano of Orwell	Demrow of Corinth	Mihaly of Calais
Anthony of Barre City *	Dodge of Essex	Mrowicki of Putney
Arsenault of Williston	Dolan of Essex Junction	Nicoll of Ludlow
Austin of Colchester	Dolan of Waitsfield	Notte of Rutland City
Bartholomew of Hartland	Durfee of Shaftsbury	Noyes of Wolcott
Berbeco of Winooski	Elder of Starksboro	Nugent of South Burlington
Birong of Vergennes	Emmons of Springfield	O'Brien of Tunbridge
Black of Essex	Farlice-Rubio of Barnet	Ode of Burlington
Bluemle of Burlington	Garofano of Essex	Patt of Worcester
Bongartz of Manchester	Goldman of Rockingham	Pouech of Hinesburg
Bos-Lun of Westminster	Graning of Jericho *	Priestley of Bradford
Boyden of Cambridge	Headrick of Burlington	Rachelson of Burlington
Brady of Williston	Holcombe of Norwich	Rice of Dorset
Brown of Richmond	Hooper of Randolph	Sammis of Castleton
Brumsted of Shelburne	Hooper of Burlington	Satcowitz of Randolph
Burke of Brattleboro	Houghton of Essex Junction	Scheu of Middlebury
Burrows of West Windsor	Hyman of South Burlington	Sheldon of Middlebury
Buss of Woodstock	James of Manchester	Sims of Craftsbury
Campbell of St. Johnsbury	Jerome of Brandon	Small of Winooski
Carpenter of Hyde Park	Kornheiser of Brattleboro	Squirrell of Underhill
Carroll of Bennington	LaBounty of Lyndon	Stebbins of Burlington
Casey of Montpelier	Lalley of Shelburne	Stevens of Waterbury
Chapin of East Montpelier	LaLonde of South Burlington	Stone of Burlington
Chase of Chester	Lanpher of Vergennes	Taylor of Colchester
Chase of Colchester	Leavitt of Grand Isle	Templeman of Brownington
Chesnut-Tangerman of Middletown Springs	Lipsky of Stowe	Toleno of Brattleboro
Christie of Hartford	Long of Newfane	Torre of Moretown
Cina of Burlington	Masland of Thetford	Waters Evans of Charlotte
Coffey of Guilford	McCann of Montpelier	White of Bethel
Cole of Hartford	McCarthy of St. Albans City *	Whitman of Bennington
Conlon of Cornwall		Williams of Barre City

Those members absent with leave of the House and not voting are:

Howard of Rutland City	Morgan of Milton	Troiano of Stannard
Krasnow of South Burlington	Mulvaney-Stanak of Burlington	Williams of Granby
LaMont of Morristown	Pearl of Danville	Wood of Waterbury
Logan of Burlington	Surprenant of Barnard	

Rep. Anthony of Barre City explained his vote as follows:

“Madam Speaker:

I voted no only in light of the absence of ‘equivalence’ language embedded in a municipal ethics regime.”

Rep. Graning of Jericho explained her vote as follows:

“Madam Speaker:

When we create a system to ensure ethical behavior and allow for self-certification of compliance, we open the door to misuse and even abuse.”

Rep. McCarthy of St. Albans City explained his vote as follows:

“Madam Speaker:

I vote no. All towns should have the benefit of a common starting point and support from the State Ethics Commission on the Municipal Code of Ethics.”

Rep. Walker of Swanton explained his vote as follows:

“Madam Speaker:

It is always interesting to me when we believe in local control and when we don’t.”

Orders of the Day Interrupted

On motion of **Rep. Brumsted of Shelburne**, the rules were suspended to interrupt the Orders of the Day for the purpose of introductions and announcements.

At eleven o'clock and forty-eight minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At two o'clock and seven minutes in the afternoon, the Speaker called the House to order.

Pending the question, Shall the bill be read a third time?, **Rep. McCarthy of St. Albans City** moved to amend the bill in Sec. 22, 24 V.S.A. chapter 60, in section 1995, by striking out subsection (d) in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

(d) Training provided by the Commission.

(1) The State Ethics Commission shall develop and make available to municipalities ethics training required of municipal officers by subsections (a) and (b) of this section.

(2) The Commission shall develop and make available to municipalities trainings regarding how to investigate and resolve complaints that allege violations of the Municipal Code of Ethics.

Which was agreed to. Thereafter, third reading was ordered.

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 29th day of March 2024, he signed bills originating in the House of the following titles:

H. 518 An act relating to the approval of amendments to the charter of the Town of Essex

H. 801 An act relating to approval of the adoption of the charter of the Town of Waterbury

Action on Bill Postponed

S. 278

Senate bill, entitled

An act relating to prohibiting a comparative negligence defense in an action for a negligence claim relating to a sexual act or sexual conduct

Was taken up and, pending second reading of the bill, on motion of **Rep. Burditt of West Rutland**, action on the bill was postponed until April 2, 2024.

Action on Bill Postponed

H. 876

House bill, entitled

An act relating to miscellaneous amendments to the corrections laws

Was taken up and, pending second reading of the bill, on motion of **Rep. Emmons of Springfield**, action on the bill was postponed until April 2, 2024.

Action on Bill Postponed**H. 657**

House bill, entitled

An act relating to the modernization of Vermont's communications taxes and fees

Was taken up and, pending third reading of the bill, on motion of **Rep. Sims of Craftsbury**, action on the bill was postponed until April 2, 2024.

Action on Bill Postponed**H. 829**

House bill, entitled

An act relating to creating permanent upstream eviction protections and enhancing housing stability

Was taken up and, pending third reading of the bill, on motion of **Rep. Stevens of Waterbury**, action on the bill was postponed until April 2, 2024.

Action on Bill Postponed**H. 871**

House bill, entitled

An act relating to the development of an updated State aid to school construction program

Was taken up and, pending third reading of the bill, on motion of **Rep. Conlon of Cornwall**, action on the bill was postponed until April 2, 2024.

Action on Bill Postponed**H. 879**

House bill, entitled

An act relating to the Emergency Temporary Shelter Program

Was taken up and, pending third reading of the bill, on motion of **Rep. McGill of Bridport**, action on the bill was postponed until April 2, 2024.

Action on Bill Postponed**H. 862**

House bill, entitled

An act relating to approval of amendments to the charter of the Town of Barre

Was taken up and, pending second reading of the bill, on motion of **Rep. Waters Evans of Charlotte**, action on the bill was postponed until April 2, 2024.

Action on Bill Postponed**H. 882**

House bill, entitled

An act relating to capital construction and State bonding budget adjustment

Was taken up and, pending second reading of the bill, on motion of **Rep. Emmons of Springfield**, action on the bill was postponed until April 2, 2024.

Message from the Senate No. 39

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 159. An act relating to the County and Regional Governance Study Committee.

S. 285. An act relating to law enforcement interrogation policies.

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

The Senate has on its part adopted Senate concurrent resolution of the following title:

S.C.R. 12. Senate concurrent resolution congratulating the educator, baker, peace activist, and writer Jules Rabin of Marshfield on his 100th birthday.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 192. House concurrent resolution congratulating Trey Lee on his achievements as a Fair Haven Union High School wrestler.

H.C.R. 193. House concurrent resolution honoring Steve Mason for his dedicated and superb leadership of the Lowell School Board and the North Country Supervisory Union Board.

H.C.R. 194. House concurrent resolution in memory of Rutland City Police Officer Jessica Marie Ebbighausen of Ira.

H.C.R. 195. House concurrent resolution recognizing April 5, 2024 as Civilian Conservation Corps Day in Vermont.

H.C.R. 196. House concurrent resolution honoring Robert Bick for his remarkable three decades of leadership at the Howard Center.

H.C.R. 197. House concurrent resolution designating April 3, 2024 as Prevention Day in Vermont.

H.C.R. 198. House concurrent resolution designating April 18, 2024 as USS VERMONT (SSN 792) Day in Vermont.

H.C.R. 199. House concurrent resolution congratulating the Boys & Girls Clubs of Vermont's 2024 Youth of the Year honorees and designating April 4, 2024 as Boys & Girls Club Day at the State House.

H.C.R. 200. House concurrent resolution commemorating Vermont's historic April 8, 2024 total solar eclipse.

Adjournment

At three o'clock and thirty-seven minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, April 2, 2024, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 50.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Rule 16b of the Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House:

H.C.R. 192

House concurrent resolution congratulating Trey Lee on his achievements as a Fair Haven Union High School wrestler

H.C.R. 193

House concurrent resolution honoring Steve Mason for his dedicated and superb leadership of the Lowell School Board and the North Country Supervisory Union Board

H.C.R. 194

House concurrent resolution in memory of Rutland City Police Officer Jessica Marie Ebbighausen of Ira

H.C.R. 195

House concurrent resolution recognizing April 5, 2024 as Civilian Conservation Corps Day in Vermont

H.C.R. 196

House concurrent resolution honoring Robert Bick for his remarkable three decades of leadership at the Howard Center

H.C.R. 197

House concurrent resolution designating April 3, 2024 as Prevention Day in Vermont

H.C.R. 198

House concurrent resolution designating April 18, 2024 as USS VERMONT (SSN 792) Day in Vermont

H.C.R. 199

House concurrent resolution congratulating the Boys & Girls Clubs of Vermont's 2024 Youth of the Year honorees and designating April 4, 2024 as Boys & Girls Club Day at the State House

H.C.R. 200

House concurrent resolution commemorating Vermont's historic April 8, 2024 total solar eclipse

S.C.R. 12

Senate concurrent resolution congratulating the educator, baker, peace activist, and writer Jules Rabin of Marshfield on his 100th birthday

[The full text of the concurrent resolutions appeared in the House and Senate Calendar Addendums on the preceding legislative day and will appear in the Public Acts and Resolves of the 2024 Adjourned Session.]

Tuesday, April 2, 2024

At ten o'clock in the forenoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. James Gregoire of Fairfield.

Pledge of Allegiance

Page Addison Blanchard of Reading led the House in the Pledge of Allegiance.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred to committee as follows:

S. 159

Senate bill, entitled

An act relating to the County and Regional Governance Study Committee

To the Committee on Government Operations and Military Affairs.

S. 285

Senate bill, entitled

An act relating to law enforcement interrogation policies

To the Committee on Judiciary.

Ceremonial Reading**H.C.R. 164**

House concurrent resolution recognizing April 2024 as the Month of the Military Child in Vermont

Offered by: Representatives Morgan of Milton, Hango of Berkshire, Bartley of Fairfax, Birong of Vergennes, Branagan of Georgia, Brennan of Colchester, Canfield of Fair Haven, Demar of Enosburgh, Donahue of Northfield, Galfetti of Barre Town, Graham of Williamstown, Gregoire of Fairfield, Higley of Lowell, Hooper of Burlington, Labor of Morgan, Laroche of Franklin, Maguire of Rutland City, McCarthy of St. Albans City, McFaun of Barre Town, Morrissey of Bennington, Nugent of South Burlington, Page of Newport City, Parsons of Newbury, Peterson of Clarendon, Sims of Craftsbury, Taylor of Milton, Toof of St. Albans Town, and Williams of Granby

Whereas, many Americans and Vermonters may not be aware that there are more than 1.6 million children of U.S. military personnel, and

Whereas, family pressures are magnified for children who remain stateside when a parent is deployed abroad, and the children of the approximately 1,000 Vermont National Guard personnel who may be deployed over the course of a year experience this disruption firsthand, and

Whereas, military children's frequent relocation and corresponding lack of long-term community stability present them with an unwelcome distraction, and

Whereas, in 1986, the U.S. Department of Defense first designated April as the Month of the Military Child, and this annual event is part of a year-round initiative that brightens and improves these children's lives, and

Whereas, related programs include the national Military Kids Connect, partnerships with the Boys & Girls Clubs of America and 4-H Clubs, and Sesame Street for Military Families, as well as many local activities that offices such as the Vermont National Guard's Child & Youth Services administer, and

Whereas, as part of this special month, April 17, 2024 will be Purple Up! For Military Kids Day, an opportunity for Americans to show solidarity with military families by wearing purple, a color that symbolizes all branches of the military, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly recognizes April 2024 as the Month of the Military Child in Vermont, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont National Guard Office of Child & Youth Services.

Having been adopted in concurrence on Friday, March 1, 2024 in accord with Joint Rule 16b, was read.

Ceremonial Reading

H.C.R. 193

House concurrent resolution honoring Steve Mason for his dedicated and superb leadership of the Lowell School Board and the North Country Supervisory Union Board

Offered by: Representatives Higley of Lowell, Labor of Morgan, Marcotte of Coventry, Page of Newport City, and Smith of Derby

Offered by: Senators Ingalls and Starr

Whereas, an example of an ideal school board member and leader is Steve Mason of Lowell, whose long service on both local and supervisory union panels has won much praise, and

Whereas, school board service requires a special commitment to the governance and improvement of local public schools and an ability to meet the needs of students, teachers, parents, and the broader taxpaying community, and

Whereas, longevity in school board leadership roles is becoming increasingly unusual, given that the important issues confronting school boards are subject to intense public scrutiny, and

Whereas, Steve Mason chaired the Lowell School Board for 19 years (2005–2024), the North Country Supervisory Union Board for eight years (2014–2022), and the North Country Supervisory Union Policy Committee for 17 years (2005-2022), and

Whereas, he has always been passionate about students being engaged learners with rigorous instruction that transcends the classroom, and

Whereas, Steve Mason has worked tirelessly to develop fiscally responsible district and supervisory union budgets for voter approval, while simultaneously proposing the best possible available curriculum and education opportunities, and

Whereas, the Lowell School’s students, teachers, administrators, and support staff will miss Steve Mason’s knowledge and wisdom and his unique ability to ask thought provoking questions, encouraging everyone, always, regardless of age, to do his or her best, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly honors Steve Mason for his dedicated and superb leadership of the Lowell School Board and the North Country Supervisory Union Board, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Steve Mason.

Having been adopted in concurrence on Friday, March 29, 2024 in accord with Joint Rule 16b, was read.

Recess

At ten o'clock and twenty-nine minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

Called to Order

At one o'clock and six minutes in the afternoon, the Speaker called the House to order.

**Amended Offered and Withdrawn; Bill Amended;
Third Reading; Bill Passed**

H. 657

House bill, entitled

An act relating to the modernization of Vermont's communications taxes and fees

Was taken up and, pending third reading of the bill, **Rep. Peterson of Clarendon** moved to amend the bill as follows:

First: In Sec. 13a, 19 V.S.A. § 26a, in subsection (b), by striking out subdivision (2) in its entirety and inserting in lieu thereof a new subdivision (2) to read as follows:

(2) As used in this subsection, "reasonable charge" means:

(A) \$270.00 for each small wireless facility, as defined in 47 C.F.R. § 1.6002(l), as may be amended.

(B) A per-linear-foot fee for coaxial cable and fiber optic cable, as follows:

(i) \$0.02 in a county that has a population of fewer than 25,000;

(ii) \$0.07 in a county that has a population of at least 25,000 but fewer than 100,000; and

(iii) \$0.13 in a county that has a population of at least 100,000.

(C) All other communications property, except twisted-pair cable, shall be subject to a fair, reasonable, and nondiscriminatory fee schedule established by the Secretary of Transportation.

Second: In Sec. 13a, 19 V.S.A. § 26a, in subdivision (b)(3)(E), after the word utility, by adding the following: , unless it is used to provide broadband internet access service as defined in 3 V.S.A. § 348(d)(1) or is leased to an internet service provider for such purpose

Thereupon, **Rep. Peterson of Clarendon** asked and was granted leave of the House to withdraw his amendment.

Pending third reading of the bill, **Rep. Sims of Craftsbury** moved to the amend the bill as follows:

In Sec. 13a, 19 V.S.A. § 26a, in subdivision (b)(2)(B), by striking out the words “digital subscriber line” and inserting in lieu thereof “twisted-pair cable”

Which was agreed to. Thereupon, the bill was read a third time and passed.

Third Reading; Bill Passed

H. 871

House bill, entitled

An act relating to the development of an updated State aid to school construction program

Was taken up, read the third time, and passed.

Bill Amended; Third Reading; Bill Passed

H. 879

House bill, entitled

An act relating to the Emergency Temporary Shelter Program

Was taken up and, pending third reading of the bill, **Rep. Maguire of Rutland City** moved to amend the bill in Sec. 5, Emergency Temporary Shelter Program Task Force, in subsection (b), by adding a new subdivision (10) to read as follows:

(10) a representative, appointed by the Vermont League of Cities and Towns;

and by renumbering the remaining subdivisions to be numerically correct.

Which was agreed to. Thereupon, the bill was read the third time.

Pending the question, Shall the bill pass?, **Rep. McCoy of Poultney** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill pass?, was decided in the affirmative. Yeas, 105. Nays, 37.

Those who voted in the affirmative are:

Andrews of Westford
Arrison of Weathersfield
Arsenault of Williston
Austin of Colchester
Bartholomew of Hartland

Dolan of Waitsfield
Durfee of Shaftsbury
Elder of Starksboro
Emmons of Springfield
Farlice-Rubio of Barnet

Nicoll of Ludlow
Notte of Rutland City
Noyes of Wolcott
Nugent of South Burlington
O'Brien of Tunbridge

Beck of St. Johnsbury	Garofano of Essex	Ode of Burlington
Berbeco of Winooski	Goldman of Rockingham *	Pajala of Londonderry
Birong of Vergennes	Graning of Jericho	Patt of Worcester
Black of Essex	Headrick of Burlington	Pearl of Danville
Bluemle of Burlington	Holcombe of Norwich	Pouech of Hinesburg
Bongartz of Manchester	Hooper of Burlington	Priestley of Bradford
Bos-Lun of Westminster *	Houghton of Essex Junction	Rachelson of Burlington
Boyden of Cambridge	Howard of Rutland City *	Rice of Dorset
Brady of Williston	Hyman of South Burlington*	Roberts of Halifax
Brown of Richmond *	James of Manchester	Sammis of Castleton *
Brumsted of Shelburne	Jerome of Brandon	Satcowitz of Randolph
Burke of Brattleboro	Kornheiser of Brattleboro	Scheu of Middlebury
Burrows of West Windsor	Krasnow of South Burlington	Sheldon of Middlebury
Buss of Woodstock	LaBounty of Lyndon	Sibilia of Dover
Campbell of St. Johnsbury	Lalley of Shelburne	Sims of Craftsbury
Carpenter of Hyde Park	LaLonde of South Burlington	Small of Winooski *
Casey of Montpelier	LaMont of Morristown *	Squirrell of Underhill
Chapin of East Montpelier	Leavitt of Grand Isle	Stebbins of Burlington
Chase of Chester	Lipsky of Stowe	Stevens of Waterbury
Chase of Colchester	Logan of Burlington *	Stone of Burlington *
Chesnut-Tangerman of Middletown Springs	Long of Newfane	Surprenant of Barnard
Christie of Hartford	Masland of Thetford	Taylor of Colchester
Cina of Burlington	McCann of Montpelier	Templeman of Brownington
Coffey of Guilford	McCarthy of St. Albans City	Toleno of Brattleboro
Cole of Hartford	McGill of Bridport *	Torre of Moretown
Conlon of Cornwall	Mihaly of Calais	Troiano of Stannard
Corcoran of Bennington	Morris of Springfield	Waters Evans of Charlotte
Cordes of Lincoln	Mrowicki of Putney	White of Bethel
Demrow of Corinth		Whitman of Bennington *
Dodge of Essex		Williams of Barre City
Dolan of Essex Junction		Wood of Waterbury

Those who voted in the negative are:

Bartley of Fairfax	Goslant of Northfield	Minier of South Burlington
Branagan of Georgia	Graham of Williamstown	Morrissey of Bennington
Brennan of Colchester	Gregoire of Fairfield	Page of Newport City
Brownell of Pownal	Hango of Berkshire	Parsons of Newbury
Burditt of West Rutland	Harrison of Chittenden	Peterson of Clarendon
Canfield of Fair Haven	Higley of Lowell	Quimby of Lyndon
Carroll of Bennington	Labor of Morgan	Shaw of Pittsford
Clifford of Rutland City	Laroche of Franklin	Smith of Derby
Demar of Enosburgh	Maguire of Rutland City	Taylor of Milton
Dickinson of St. Albans Town	Marcotte of Coventry	Toof of St. Albans Town
Donahue of Northfield *	Mattos of Milton	Walker of Swanton
Galfetti of Barre Town	McCoy of Poultney	Williams of Granby *
	McFaun of Barre Town	

Those members absent with leave of the House and not voting are:

Andriano of Orwell
Anthony of Barre City

Hooper of Randolph
Lanpher of Vergennes

Morgan of Milton
Oliver of Sheldon

Rep. Bos-Lun of Westminster explained her vote as follows:

“Madam Speaker:

Keeping people sheltered in hotels is not an ideal way to provide housing. But providing hotel rooms for Vermonters when other options are not available is an essential policy to protect and preserve lives until better housing options can be developed.”

Rep. Brown of Richmond explained her vote as follows:

“Madam Speaker:

I voted yes to support this bill as an established plan addressing how we provide shelter and services for our most vulnerable community members.”

Rep. Donahue of Northfield explained her vote as follows:

“Madam Speaker:

I cannot support the significant expansions to our existing rules that this bill places into statute.”

Rep. Goldman of Rockingham explained her vote as follows:

“Madam Speaker:

I voted yes because housing is health care.”

Rep. Howard of Rutland City explained her vote as follows:

“Madam Speaker:

I voted yes on this bill. Nothing is perfect. I visited a motel in Rutland – deplorable! Mold in the laundry room, which had to be closed. Seeing children in hallways is heartbreaking. The Administration has had over three years to come up with a ‘plan.’ How many houses could have been built during that time?”

Rep. Hyman of South Burlington explained his vote as follows:

“Madam Speaker:

We are all in this body one bad day away from needing this program.”

Rep. LaMont of Morristown explained her vote as follows:

“Madam Speaker:

I want to apologize to Vermonters for having to brunt the financial burden of the expansive program. And, although not fiscally sound, it is all we have. It is not the best solution. It costs so much, and I wish there was a better plan to sustainably house Vermonters, especially our most vulnerable population. Humans are not disposable. I hope the people in these situations tap into services and find their way to a sustainable lifestyle.”

Rep. Logan of Burlington explained her vote as follows:

“Madam Speaker:

As a housing and services provider for young adults transitioning out of homelessness, I support H.879. It meets one part of the State’s obligation to ensure that, when homelessness occurs, it is brief, rare, and non-recurring.”

Rep. McGill of Bridport explained her vote as follows:

“Madam Speaker:

I voted yes on this bill because all Vermonters are worthy of dignity, respect, and compassion. Until this body is ready to truly commit to resolving homelessness and ensure all Vermonters can thrive, this bill is the bare minimum in upholding our oaths of office.”

Rep. Sammis of Castleton explained his vote as follows:

“Madam Speaker:

Between a poorly run program and no program, we’re effectively left with no good options - a rock and a hard place. It goes without saying the hotels need oversight, and to be preserved for those who actually need it as a temporary housing option, not full-time residence.”

Rep. Small of Winooski explained her vote as follows:

“Madam Speaker:

I vote yes for the dignity of unhoused Vermonters. At a time when it takes the average Vermonter over 200 days to find permanent housing, this program provides time and services to support some of our State’s most vulnerable people, rather than throwing them out on the street in 28 days.”

Rep. Stone of Burlington explained her vote as follows:

“Madam Speaker:

I voted yes on this bill as it applies values and purpose to the work we do. We should do all that we can to ensure that Vermont is a place where all can not only live but where all can be safe and thrive.”

Rep. Whitman of Bennington explained his vote as follows:

“Madam Speaker:

This bill provides temporary shelter, between 45 to 90 days, for families with children, people with disabilities, and others experiencing catastrophic situations, while establishing a long-term vision for emergency, temporary shelter. I believe this is the least we can do for our most vulnerable Vermonters and vote yes.”

Rep. Williams of Granby explained her vote as follows:

“Madam Speaker:

Instead of blaming the Governor for things that are not working, maybe it would be more productive to work with him. Let’s start working as a team instead of pointing fingers. This is four plus years in the making. It is way past time to ‘fix’ homelessness and far, far, too much money that could have been spent on permanent solutions.”

Message from the Senate No. 40

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 181. An act relating to establishing a television assessment and community media.

S. 195. An act relating to how a defendant’s criminal record is considered in imposing conditions of release.

S. 253. An act relating to building energy codes.

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

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 51. Joint resolution relating to weekend adjournment on April 5, 2024.

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

**Amendment Offered; Amendment Offered and Withdrawn;
Bill Amended; Third Reading; Bill Passed**

H. 829

House bill, entitled

An act relating to creating permanent upstream eviction protections and enhancing housing stability

Was taken up and, pending third reading of the bill, **Reps. Small of Winooski, Cina of Burlington, Headrick of Burlington, and Logan of Burlington** moved that the bill be amended by adding a reader assistance heading and two new sections to be Secs. 16 and 16a to read as follows:

* * * NO-CAUSE EVICTIONS MORATORIUM * * *

Sec. 16. EVICTION MORATORIUM FOR NO-CAUSE EVICTIONS

(a) Except as provided in subdivision (b)(1) of this subsection, a landlord shall not terminate a tenancy for no cause pursuant to 9 V.S.A. § 4467(c) or (e).

(b) A landlord may terminate a tenancy:

(1) pursuant to 9 V.S.A. § 4467(c) or (e), because the landlord or a member of the landlord's immediate family has a good faith intention to occupy the premises;

(2) pursuant to 9 V.S.A. § 4467(a), because the tenant failed to pay rent;

(3) pursuant to 9 V.S.A. § 4467(b)(1), because the tenant failed to comply with a material term of the rental agreement or with obligations imposed under 9 V.S.A. chapter 137;

(4) pursuant to 9 V.S.A. § 4467(b)(2), because the tenant engaged in criminal activity, illegal drug activity, or acts of violence, any of which threaten the health or safety of other residents; or

(5) pursuant to 9 V.S.A. § 4467(d), because in the absence of a written rental agreement the landlord has contracted to sell the building.

Sec. 16a. LEGISLATIVE INTENT; REPEAL OF NO-CAUSE EVICTIONS

It is the intent of the General Assembly that this section be repealed upon passage of legislation repealing no-cause evictions under 9 V.S.A. § 4467(c) or (e).

Pending the question, Shall the bill be amended as offered by Rep. Small of Winooski and others?, **Rep. Headrick of Burlington** requested the vote be by division.

Thereupon, the amendment was disagreed to: Yeas, 13. Nays, 119.

Pending third reading of the bill, **Rep. McFaun of Barre Town** moved to amend the bill as follows:

First: In Sec. 7, appropriation, Vermont Housing and Conservation Board; perpetually affordable housing, by striking out “\$7,300,000.00” and inserting in lieu thereof “\$5,800,000.00”

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

Sec. 8a. APPROPRIATION; IMPLEMENTATION OF HOUSING AND
RESIDENTIAL SERVICES PILOTS FOR INDIVIDUALS WITH
DEVELOPMENTAL DISABILITIES

In fiscal year 2025, \$1,500,000.00 is appropriated from the General Fund to the Department of Disabilities, Aging, and Independent Living for the purpose of implementing the housing and residential services pilots for individuals with developmental disabilities developed pursuant to 2022 Acts and Resolves No. 186, Sec. 5.

Thereupon, **Rep. McFaun of Barre Town** asked and was granted leave of the House to withdraw his amendment.

Pending third reading of the bill, **Reps. Bluemle of Burlington, Berbeco of Winooski, Black of Essex, Dodge of Essex, Dolan of Essex Junction, Garofano of Essex, Hooper of Burlington, Krasnow of South Burlington, Ode of Burlington, Rachelson of Burlington, Stebbins of Burlington, and Stone of Burlington** moved that the bill be amended by adding a new section to be Sec. 13a to read as follows:

Sec. 13a. EVICTIONS; STUDY COMMITTEE; REPORT

(a) Creation. There is created the Evictions Study Committee to review the causes of eviction in Vermont and propose legislation advancing eviction laws responsive to Vermont’s crises of housing and homelessness.

(b) Membership. The Committee is 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;

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

(3) a representative of the Judiciary, appointed by the Chief Justice of the Vermont Supreme Court;

(4) the Executive Director of Vermont Legal Aid or designee;

(5) a representative of the Vermont Landlord Association, appointed by the Director of the Association; and

(6) one member, appointed by the Board of Directors of the Vermont Community Action Partnership.

(c) Powers and duties. The Committee shall study Vermont's current evictions process and propose modernizing evictions legislation based on an analysis of the following issues:

(1) the empirical reality of Vermont's existing evictions process, including:

(A) the existing statutory bases for eviction under 9 V.S.A. chapter 137 (residential rental agreements) and 10 V.S.A. chapter 153 (mobile home parks);

(B) the bases on which landlords and mobile home park owners rely in terminating tenancies, including:

(i) for terminations that involve an evictions proceeding, the bases for eviction advanced by landlords and mobile home park owners and the regularity of their usage;

(ii) for terminations that do not involve an evictions proceeding, the asserted bases on which landlords and mobile home park owners rely and the regularity of their usage; and

(iii) the relative proportion of terminations that occur under subdivision (i) or (ii) of this subdivision (B);

(C) the procedures used by landlords and mobile home park owners to terminate a tenancy, including termination processes used before, during, and after commencement and judicial resolution of an evictions proceeding;

(D) the procedures used by tenants to defend themselves in evictions proceedings;

(E) issues of judicial enforcement and administration arising from existing evictions law, including issues leading to inconsistent enforcement and administration of evictions laws across Vermont; and

(F) the effects of existing evictions and landlord-tenant laws on rates of homelessness in Vermont; and

(2) models for evictions laws responsive to Vermont's crises of housing and homelessness, whether drawn from other states, advocacy groups, State departments or agencies, or industry groups.

(d) Assistance. For purposes of scheduling meetings and preparing recommended legislation, the Committee shall have the assistance of the Office of Legislative Operations and the Office of Legislative Counsel.

(e) Report. On or before December 15, 2024, the Committee shall report to the House Committee on General and Housing and the Senate Committee on Economic Development, Housing and General Affairs with its findings and any recommendations for legislative action, which may be in the form of proposed legislation.

(f) Meetings.

(1) The ranking member of the Senate shall call the first meeting of the Committee to occur on or before August 31, 2024.

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

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

(4) The Committee shall cease to exist upon submission of its recommendations for legislative action and any findings to the House Committee on General and Housing and the Senate Committee on Economic Development, Housing and General Affairs.

(g) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Committee serving in the member's capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than 12 meetings.

(2) Other members of the Committee shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than 12 meetings

(3) Payments to members of the Committee authorized under this subsection shall be made from monies appropriated to the General Assembly.

Which was agreed to. Thereafter, the bill was read a third time.

Pending the question, Shall the bill pass?, **Rep. Toof of St. Albans Town** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill pass?, was decided in the affirmative. Yeas, 97. Nays, 42.

Those who voted in the affirmative are:

Andrews of Westford	Dolan of Waitsfield *	Morris of Springfield
Arsenault of Williston	Durfee of Shaftsbury	Mrowicki of Putney
Austin of Colchester	Emmons of Springfield	Nicoll of Ludlow
Bartholomew of Hartland	Farlice-Rubio of Barnet	Notte of Rutland City
Berbeco of Winooski	Garofano of Essex	Noyes of Wolcott
Black of Essex	Goldman of Rockingham	Nugent of South Burlington
Bluemle of Burlington	Graning of Jericho	O'Brien of Tunbridge
Bongartz of Manchester	Headrick of Burlington	Ode of Burlington
Bos-Lun of Westminster	Holcombe of Norwich	Pajala of Londonderry
Brady of Williston	Hooper of Burlington	Patt of Worcester
Brown of Richmond	Houghton of Essex Junction	Pouech of Hinesburg
Brownell of Pownal	Howard of Rutland City	Priestley of Bradford
Brumsted of Shelburne	Hyman of South Burlington	Rachelson of Burlington
Burke of Brattleboro	James of Manchester	Rice of Dorset
Burrows of West Windsor	Jerome of Brandon	Roberts of Halifax
Buss of Woodstock	Kornheiser of Brattleboro	Scheu of Middlebury
Campbell of St. Johnsbury	Krasnow of South Burlington	Sheldon of Middlebury
Carpenter of Hyde Park	LaBounty of Lyndon	Sims of Craftsbury
Carroll of Bennington	Lalley of Shelburne *	Small of Winooski
Casey of Montpelier	LaLonde of South Burlington	Squirrell of Underhill
Chapin of East Montpelier	LaMont of Morristown *	Stebbins of Burlington
Chase of Chester	Lanpher of Vergennes	Stevens of Waterbury
Chase of Colchester	Leavitt of Grand Isle	Stone of Burlington *
Chesnut-Tangerman of Middletown Springs *	Logan of Burlington	Surprenant of Barnard
Christie of Hartford	Long of Newfane *	Taylor of Colchester
Cina of Burlington	Masland of Thetford	Templeman of Brownington
Coffey of Guilford	McCarthy of St. Albans City	Toleno of Brattleboro
Cole of Hartford	McFaun of Barre Town	Torre of Moretown
Conlon of Cornwall	McGill of Bridport *	Waters Evans of Charlotte
Cordes of Lincoln	Mihaly of Calais	White of Bethel
Demrow of Corinth	Minier of South Burlington	Whitman of Bennington
Dodge of Essex		Williams of Barre City
Dolan of Essex Junction		Wood of Waterbury *

Those who voted in the negative are:

Arrison of Weathersfield	Elder of Starksboro	Morrissey of Bennington
Bartley of Fairfax	Galfetti of Barre Town	Page of Newport City
Beck of St. Johnsbury	Goslant of Northfield	Parsons of Newbury
Birong of Vergennes	Graham of Williamstown	Peterson of Clarendon
Boyden of Cambridge	Gregoire of Fairfield	Quimby of Lyndon
Branagan of Georgia	Hango of Berkshire	Sammis of Castleton
Brennan of Colchester	Harrison of Chittenden	Shaw of Pittsford

Burditt of West Rutland	Higley of Lowell	Sibilia of Dover
Canfield of Fair Haven	Labor of Morgan	Smith of Derby
Clifford of Rutland City	Laroche of Franklin	Taylor of Milton
Corcoran of Bennington	Lipsky of Stowe	Toof of St. Albans Town
Demar of Enosburgh	Maguire of Rutland City	Walker of Swanton
Dickinson of St. Albans Town	Marcotte of Coventry	Williams of Granby
Donahue of Northfield	Mattos of Milton	
	McCoy of Poultney *	

Those members absent with leave of the House and not voting are:

Andriano of Orwell	McCann of Montpelier	Pearl of Danville
Anthony of Barre City	Morgan of Milton	Satcowitz of Randolph
Hooper of Randolph	Oliver of Sheldon	Troiano of Stannard

Rep. Chesnut-Tangerman of Middletown Springs explained his vote as follows:

“Madam Speaker:

When you are in crisis you need to act. This bill is action to move us out of crisis. Voting no is not a solution.”

Rep. Dolan of Waitsfield explained her vote as follows:

“Madam Speaker:

I vote yes to address comprehensively and over time our statewide housing shortage that will benefit and sustain the vitality of our communities. This bill also continues our commitment to provide much needed housing for our Vermont adults with developmental disabilities.”

Rep. Lalley of Shelburne explained her vote as follows:

“Madam Speaker:

I support a long-term vision to create the supportive and affordable housing Vermont needs. The costs to build the housing we need are estimated at \$200 million a year for ten years. As we finance this housing, we must continue to address the regulatory barriers that are the reason why smaller and affordable options for older Vermonters and for one or two person households, now the norm, are in such short supply.”

Rep. LaMont of Morristown explained her vote as follows:

“Madam Speaker:

I am a committee member who voted yes for the Taylor amendment, and here on the floor I am voting yes. This is a temporary extension of a moratorium that has already been passed. We just voted yes for temporary supportive housing. Intersectionality exists; we cannot address the

homelessness without taking proactive measures to keep people housed. This too is not it, but with housing as a priority we have to start somewhere.”

Rep. Long of Newfane explained her vote as follows:

“Madam Speaker:

Lack of affordable housing is a top issue for Vermonters. This bill will make a real difference in Vermonters’ lives while continuing to move us forward toward our housing goals. I voted to support H.829 as Vermont’s roadmap for continued, strategic housing investment.”

Rep. McCoy of Poultney explained her vote as follows:

“Madam Speaker:

Raising taxes and fees, instead of funding these programs through our budget, is something I cannot support. Increasing the property transfer tax as well as the personal income tax to support these programs is something that I cannot support. My vote is no.”

Rep. McGill of Bridport explained her vote as follows:

“Madam Speaker:

I voted yes on this bill, on the second day of Fair Housing Month, because we are in the midst of a housing crisis and the ill effects are far-reaching. When we invest in struggling Vermonters, we all thrive.”

Rep. Stone of Burlington explained her vote as follows:

“Madam Speaker:

I voted yes as this will help facilitate equal access to timely justice and facilitates greater input from a diverse array of stakeholders. I look forward to this process and working closely with my colleagues and constituents to make it happen and reach consensus.”

Rep. Wood of Waterbury explained her vote as follows:

“Madam Speaker:

We lament about not having a plan to help solve our homelessness crisis. This is the first bona fide bill that sets forth such a plan. I vote yes to bring some sanity to solving the homelessness and housing crises.”

**Committee Bill; Second Reading; Bill Amended;
Amendments Offered and Withdrawn; Third Reading Ordered**

H. 874

Rep. Brady of Williston spoke for the Committee on Education.

House bill, entitled

An act relating to miscellaneous changes in education laws

Rep. Beck of St. Johnsbury, for the Committee on Ways and Means, recommended the bill ought to pass.

Rep. Mihaly of Calais, for the Committee on Appropriations, recommended that the bill ought to pass when amended as follows:

First: In Sec. 1, 16 V.S.A. § 945, in subsection (a), following “shall maintain an Adult Diploma Program (ADP)” by striking out “, which shall be an assessment process”

Second: In Sec. 3, 16 V.S.A. § 4011, in subsection (f), following “the previous two years” by inserting “40 percent of the payment required under this subsection shall be from State funds appropriated from the Education Fund and 60 percent of the payment required under this subsection shall be from State funds appropriated from the General Fund”

Third: In Sec. 6, legislative intent and findings; appropriation; community schools, in subsection (b), by striking out “\$1,900,000.00” and inserting in lieu thereof “\$1,000,000.00”

Fourth: In Sec. 9, review of flexible pathways; intent, by striking out the word “competition” and inserting in lieu thereof the word “completion”

Fifth: By adding a new section to be Sec. 5a to read:

Sec. 5a. COMMUNITY SCHOOLS REPORT

On or before December 15, 2024, the Agency of Education, in consultation with the Department of Mental Health, shall include in its report required pursuant to 2021 Acts and Resolves No. 67, Sec. 3(e)(2) an evaluation of the community schools program created under 2021 Acts and Resolves No. 67 and make recommendations for further legislative action. The report and recommendations shall address, at a minimum, the following questions:

(1) Does the community schools structure support schools in more efficient implementation of the education quality standards contained in 16 V.S.A. § 165?

(2) Does the community schools structure improve access to and efficiency in the provision of mental health services, social support services, and health services?

Sixth: In Sec. 10, postgraduation career and settlement behaviors of students attending Vermont postsecondary institutions; report, by striking subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read:

(b) Given that one of the goals of the Flexible Pathways Initiative is to increase rates of secondary school completion and postsecondary continuation in Vermont, and given that retention of students requires those students to graduate and enroll in a postsecondary school or enter the workforce, the report required under this section shall also include the following:

(1) information on participation rates by Flexible Pathways Initiative program type, by significant demographic group, including an assessment by demographic group of over- or underrepresentation in these programs;

(2) student performance, measured by completion rates by high school of origin, on dual enrollment and early college coursework;

(3) postsecondary enrollment rates for students participating in dual enrollment and early college, as compared to nonparticipating students;

(4) postsecondary retention rates for a period of at least one academic year and persistence rates for students participating in dual enrollment and early college, as compared to nonparticipating students; and

(5) post high school continuation into the workforce for students participating in dual enrollment and early college, as compared to nonparticipating students.

Seventh: In Sec. 10, postgraduation career and settlement behaviors of students attending Vermont postsecondary institutions; report, by adding a new subsection to be subsection (c) to read:

(c) In preparing this report, the entities listed in subsection (a) of this section shall have the administrative and technical support of the Agency of Education.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Appropriations agreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Christie of Hartford** moved to amend the bill as follows:

First: By striking out Sec. 13, effective date, and its reader assistance heading in their entirety and inserting in lieu thereof a new Sec. 13 and reader assistance heading to read as follows:

* * * Harassment in Schools * * *

Sec. 13. 16 V.S.A. § 11 is amended to read:

§ 11. CLASSIFICATIONS AND DEFINITIONS

(a) As used in this title, unless the context otherwise clearly requires:

* * *

(26)(A) “Harassment” means an incident or incidents of verbal, written, visual, or physical conduct, including any incident conducted by electronic means, based on or motivated by a student’s or a student’s family member’s actual or perceived race, creed, color, national origin, marital status, sex, sexual orientation, gender identity, or disability that has the purpose or effect of objectively ~~and substantially~~ undermining and detracting from or interfering with a student’s ~~educational performance~~ education or access to school resources or creating an objectively intimidating, hostile, or offensive environment.

(B) “Harassment” includes conduct that violates subdivision (A) of this subdivision (26) and constitutes one or more of the following:

(i) Sexual harassment, which means conduct that includes unwelcome sexual advances, requests for sexual favors and other verbal, written, visual, or physical conduct of a sexual nature when one or both of the following occur:

(I) Submission to that conduct is made either explicitly or implicitly a term or condition of a student’s education.

(II) Submission to or rejection of such conduct by a student is used as a component of the basis for decisions affecting that student.

(ii) Racial harassment, which means conduct directed at the characteristics of a student’s or a student’s family member’s actual or perceived race or color, and includes the use of epithets, stereotypes, racial slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, and taunts on manner of speech and negative references to racial customs.

(iii) Harassment of members of other protected categories, which means conduct directed at the characteristics of a student's or a student's family member's actual or perceived creed, national origin, marital status, sex, sexual orientation, gender identity, or disability and includes the use of epithets, stereotypes, slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, taunts on manner of speech, and negative references to customs related to any of these protected categories.

(C) Notwithstanding any judicial precedent to the contrary, the conduct described in this subdivision (a)(26) need not be severe or pervasive to constitute harassment. Creation of an intimidating, hostile, or offensive environment based on any legally protected category also constitutes harassment. A hostile environment exists where conduct:

(i) has or would have the effect of interfering with a student's educational performance, opportunities, or benefits, or mental, emotional, or physical well-being;

(ii) reasonably causes or would reasonably be expected to cause a student to fear for the student's emotional safety;

(iii) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or

(iv) occurs off school property and creates or would foreseeably create a risk of substantial disruption with the school environment, where it is foreseeable that the conduct, threats, intimidation, or abuse might reach school property.

* * *

Second: By adding a new section to be Sec. 14 to read as follows:

Sec. 14. 16 V.S.A. § 570f is amended to read:

§ 570f. HARASSMENT; NOTICE AND RESPONSE

* * *

(c)(1) To prevail in an action alleging unlawful harassment filed pursuant to this section and 9 V.S.A. chapter 139, the plaintiff shall prove both of the following:

(1)—The that the student was subjected to unwelcome—conduct harassment based on the student's or the student's family member's actual or perceived membership in a category protected by law by pursuant to 9 V.S.A. § 4502.

(2) The conduct was either In determining whether conduct constitutes unlawful harassment:

(A) for multiple instances of conduct, so pervasive that when viewed from an objective standard of a similarly situated reasonable person, it substantially and adversely affected the targeted student's equal access to educational opportunities or benefits provided by the educational institution; or Courts shall apply the definition of harassment under subdivision 11(a)(26) of this title.

(B) for a single instance of conduct, so severe that when viewed from an objective standard of a similarly situated reasonable person, it substantially and adversely affected the targeted student's equal access to educational opportunities or benefits provided by the educational institution 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.

(C) 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.

(D) Conduct may constitute unlawful harassment, regardless of whether:

(i) the complaining student is the person being harassed;

(ii) the complaining student 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 student was able to continue the student's education or access to school resources in spite of the conduct;

(v) the conduct resulted in a physical or psychological injury; or

(vi) the conduct occurred outside the complaining student's school.

(3) Behavior that a reasonable person with the same protected characteristic would consider to be a petty slight or trivial inconvenience shall not constitute harassment pursuant to subdivision 11(a)(26) of this title.

* * *

Third: By adding a reader assistance heading and new section to be Sec. 15 to read as follows:

* * * Effective Date * * *

Sec. 15. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

Thereupon, **Rep. Christie of Hartford** asked and was granted leave of the House to withdraw his amendment.

Pending the question, Shall the bill be read a third time?, **Reps. Holcombe of Norwich, Arsenault of Williston, Burrows of West Windsor, Carpenter of Hyde Park, Christie of Hartford, Dolan of Waitsfield, Graning of Jericho, Ode of Burlington, and Sibilia of Dover** moved that the bill be amended by adding a reader assistance heading and new section to be Sec. 12a to read as follows:

* * * Prohibition on Paying Tuition after School Closure * * *

Sec. 12a. 16 V.S.A. § 830 is added to read:

§ 830. PROHIBITION ON SCHOOL CLOSURE AND TRANSITION TO
PAYING TUITION

A school district shall be prohibited from closing an existing school and providing for the education of its resident students by paying tuition for its students to attend a public or approved independent school chosen by the parents of the district's students. A school district that closes an existing school shall provide for the education of its resident students by designating a public school or schools to serve as the public school of the district in accordance with sections 821, 822, and 827 of this title, as applicable.

Thereupon, **Rep. Holcombe of Norwich** asked and was granted leave of the House to withdraw her amendment.

Thereafter, third reading was ordered.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 278

Rep. Burditt of West Rutland, for the Committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to prohibiting a comparative negligence defense in an action for a negligence claim relating to a sexual act or sexual conduct

Reported in favor of its passage in concurrence with proposal of amendment by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 12 V.S.A. § 1036 is amended to read:

§ 1036. CONTRIBUTORY AND COMPARATIVE NEGLIGENCE

(a) Contributory negligence shall not bar recovery in an action by any plaintiff, or ~~his or her~~ the plaintiff's legal representative, to recover damages for negligence resulting in death, personal injury, or property damage, if the negligence was not greater than the causal total negligence of the defendant or defendants, but the damage shall be diminished by general verdict in proportion to the amount of negligence attributed to the plaintiff. Where recovery is allowed against more than one defendant, each defendant shall be liable for that proportion of the total dollar amount awarded as damages in the ratio of the amount of ~~his or her~~ the defendant's causal negligence to the amount of causal negligence attributed to all defendants against whom recovery is allowed.

(b) Contributory and comparative negligence shall be prohibited as a defense to limit a plaintiff's recovery for damages in an action for a negligence claim relating to a sexual act as defined in 13 V.S.A. § 3251 or sexual conduct as defined in 13 V.S.A. § 2821.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, the report of the Committee on Judiciary agreed to, and third reading ordered.

Rep. Long of Newfane presiding.

Favorable Report; Second Reading; Third Reading Ordered

H. 862

Rep. Waters Evans of Charlotte, for the Committee on Government Operations and Military Affairs, to which had been referred House bill, entitled

An act relating to approval of amendments to the charter of the Town of Barre

Reported in favor of its passage. The bill, having appeared on the Notice Calendar, was taken up, read the second time, and third reading ordered.

Committee Bill; Second Reading; Third Reading Ordered**H. 876**

Rep. Emmons of Springfield spoke for the Committee on Corrections and Institutions.

House bill, entitled

An act relating to miscellaneous amendments to the corrections laws

Rep. Squirrell of Underhill, for the Committee on Appropriations, recommended the bill ought to pass.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and third reading ordered.

Committee Bill; Second Reading; Third Reading Ordered**H. 882**

Rep. Emmons of Springfield spoke for the Committee on Corrections and Institutions.

House bill, entitled

An act relating to capital construction and State bonding budget adjustment

Speaker presiding.

Rep. Harrison of Chittenden, for the Committee on Appropriations, recommended the bill ought to pass.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and third reading ordered.

Action on Bill Postponed**H. 659**

House bill, entitled

An act relating to captive insurance

Was taken up and, pending consideration of the Senate proposal of amendment, on motion of **Rep. White of Bethel**, action on the bill was postponed until April 5, 2024.

Amendments Offered; Third Reading; Bill Passed**H. 875**

House bill, entitled

An act relating to the State Ethics Commission and the State Code of Ethics

Was taken up and, pending third reading of the bill, **Reps. Brennan of Colchester, Harrison of Chittenden, and Pajala of Londonderry** moved that the bill be amended as follows:

First: In Sec. 22, 24 V.S.A. chapter 60, by striking out sections 1995–1998 in their entireties

Second: By striking out Sec. 23, initial ethics training for in-office municipal officers, in its entirety and inserting in lieu thereof a new Sec. 23 to read as follows:

Sec. 23. [Deleted.]

Pending the question, Shall the bill be amended as offered by Rep. Brennan of Colchester and others?, **Rep. Harrison of Chittenden** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as offered by Rep. Brennan of Colchester and others?, was decided in the negative. Yeas, 41. Nays, 83.

Those who voted in the affirmative are:

Arrison of Weathersfield	Gregoire of Fairfield	Morris of Springfield
Bartley of Fairfax	Hango of Berkshire	Morrissey of Bennington
Branagan of Georgia	Harrison of Chittenden	Page of Newport City
Brennan of Colchester	Higley of Lowell	Pajala of Londonderry
Brownell of Pownal	Labor of Morgan	Peterson of Clarendon
Canfield of Fair Haven	LaBounty of Lyndon	Quimby of Lyndon
Clifford of Rutland City	Laroche of Franklin	Roberts of Halifax
Corcoran of Bennington	Lipsky of Stowe	Shaw of Pittsford
Demar of Enosburgh	Maguire of Rutland City	Sibilia of Dover
Dickinson of St. Albans Town	Marcotte of Coventry	Smith of Derby
Donahue of Northfield	Mattos of Milton	Templeman of Brownington
Galfetti of Barre Town	McCoy of Poultney	Toof of St. Albans Town
Goslant of Northfield	McFaun of Barre Town	Walker of Swanton
	Minier of South Burlington	Williams of Granby

Those who voted in the negative are:

Andrews of Westford	Dolan of Waitsfield	McGill of Bridport
Austin of Colchester	Durfee of Shaftsbury	Mihaly of Calais
Bartholomew of Hartland	Elder of Starksboro	Nicoll of Ludlow
Berbeco of Winooski	Emmons of Springfield	Notte of Rutland City
Birong of Vergennes	Goldman of Rockingham	Noyes of Wolcott

Black of Essex	Graning of Jericho	Nugent of South Burlington
Bluemle of Burlington	Headrick of Burlington	Ode of Burlington
Bongartz of Manchester	Holcombe of Norwich	Patt of Worcester
Boyden of Cambridge	Hooper of Burlington	Pouech of Hinesburg
Brady of Williston	Houghton of Essex Junction	Priestley of Bradford
Brown of Richmond	Howard of Rutland City	Rachelson of Burlington
Brumsted of Shelburne	Hyman of South Burlington	Rice of Dorset
Burke of Brattleboro	James of Manchester	Satcowitz of Randolph
Burrows of West Windsor	Jerome of Brandon	Scheu of Middlebury
Campbell of St. Johnsbury	Kornheiser of Brattleboro	Sheldon of Middlebury
Carpenter of Hyde Park	Krasnow of South Burlington	Small of Winooski
Carroll of Bennington	Lalley of Shelburne	Squirrell of Underhill
Chase of Chester	LaLonde of South Burlington	Stebbins of Burlington
Chase of Colchester	LaMont of Morristown	Stevens of Waterbury
Chesnut-Tangerman of Middletown Springs	Lanpher of Vergennes	Stone of Burlington
Christie of Hartford	Leavitt of Grand Isle	Taylor of Milton
Cina of Burlington	Logan of Burlington	Taylor of Colchester
Coffey of Guilford	Long of Newfane	Toleno of Brattleboro
Cole of Hartford	Masland of Thetford	Torre of Moretown
Conlon of Cornwall	McCann of Montpelier	Waters Evans of Charlotte
Cordes of Lincoln	McCarthy of St. Albans City	White of Bethel
Dodge of Essex		Whitman of Bennington
Dolan of Essex Junction		Williams of Barre City
		Wood of Waterbury

Those members absent with leave of the House and not voting are:

Andriano of Orwell	Chapin of East Montpelier	O'Brien of Tunbridge
Anthony of Barre City	Demrow of Corinth	Oliver of Sheldon
Arsenault of Williston	Farlice-Rubio of Barnet	Parsons of Newbury
Beck of St. Johnsbury	Garofano of Essex	Pearl of Danville
Bos-Lun of Westminster	Graham of Williamstown	Sammis of Castleton
Burditt of West Rutland	Hooper of Randolph	Sims of Craftsbury
Buss of Woodstock	Morgan of Milton	Surprenant of Barnard
Casey of Montpelier	Mrowicki of Putney	Troiano of Stannard

Pending third reading of the bill, **Rep. Shaw of Pittsford** moved that the bill be amended by striking out Sec. 16, 3 V.S.A. § 1221(c), and its reader assistance heading in their entirety and inserting in lieu thereof a new Sec. 16 to read as follows:

Sec. 16. [Deleted.]

Which was disagreed to. Thereafter, the bill was read the third time.

Pending the question, Shall the bill pass?, **Rep. Toof of St. Albans Town** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill pass?, was decided in the affirmative. Yeas, 82. Nays, 37.

Those who voted in the affirmative are:

Andrews of Westford	Durfee of Shaftsbury	Nicoll of Ludlow
Austin of Colchester	Elder of Starksboro	Notte of Rutland City
Bartholomew of Hartland	Emmons of Springfield	Noyes of Wolcott
Berbeco of Winooski	Goldman of Rockingham	Nugent of South Burlington
Birong of Vergennes	Graning of Jericho	Ode of Burlington
Black of Essex	Headrick of Burlington	Patt of Worcester
Bluemle of Burlington	Holcombe of Norwich	Pouech of Hinesburg
Bongartz of Manchester	Hooper of Burlington	Priestley of Bradford
Boyden of Cambridge	Houghton of Essex Junction	Rachelson of Burlington
Brady of Williston	Howard of Rutland City	Rice of Dorset
Brown of Richmond	Hyman of South Burlington	Satcowitz of Randolph
Brumsted of Shelburne	James of Manchester *	Scheu of Middlebury
Burke of Brattleboro	Jerome of Brandon	Sheldon of Middlebury
Burrows of West Windsor	Kornheiser of Brattleboro	Sibilia of Dover
Campbell of St. Johnsbury	Krasnow of South Burlington	Small of Winooski
Carpenter of Hyde Park	Lalley of Shelburne	Squirrell of Underhill
Carroll of Bennington	LaLonde of South Burlington	Stebbins of Burlington
Chase of Chester	Lanpher of Vergennes	Stone of Burlington
Chase of Colchester	Leavitt of Grand Isle	Taylor of Milton
Chesnut-Tangerman of Middletown Springs	Logan of Burlington	Taylor of Colchester *
Christie of Hartford	Long of Newfane	Templeman of Brownington
Coffey of Guilford *	Mattos of Milton	Toleno of Brattleboro
Cole of Hartford	McCann of Montpelier	Torre of Moretown
Conlon of Cornwall	McCarthy of St. Albans City	Waters Evans of Charlotte
Cordes of Lincoln	McGill of Bridport	White of Bethel
Dodge of Essex	Mihaly of Calais	Whitman of Bennington
Dolan of Essex Junction		Williams of Barre City
Dolan of Waitsfield		Wood of Waterbury

Those who voted in the negative are:

Arrison of Weathersfield *	Gregoire of Fairfield	Morris of Springfield
Bartley of Fairfax	Hango of Berkshire	Morrissey of Bennington
Branagan of Georgia	Harrison of Chittenden	Page of Newport City
Brennan of Colchester	Higley of Lowell	Pajala of Londonderry
Brownell of Pownal	Labor of Morgan	Peterson of Clarendon
Canfield of Fair Haven	LaBounty of Lyndon	Quimby of Lyndon
Clifford of Rutland City	Laroche of Franklin	Roberts of Halifax
Corcoran of Bennington	Lipsky of Stowe	Shaw of Pittsford
Demar of Enosburgh	Maguire of Rutland City	Smith of Derby
Dickinson of St. Albans Town	Marcotte of Coventry	Toof of St. Albans Town
Donahue of Northfield	McCoy of Poultney *	Walker of Swanton
Goslant of Northfield	McFaun of Barre Town	Williams of Granby
	Minier of South Burlington	

Those members absent with leave of the House and not voting are:

Andriano of Orwell	Demrow of Corinth	O'Brien of Tunbridge
Anthony of Barre City	Farlice-Rubio of Barnet	Oliver of Sheldon

Arsenault of Williston	Galfetti of Barre Town	Parsons of Newbury
Beck of St. Johnsbury	Garofano of Essex	Pearl of Danville
Bos-Lun of Westminster	Graham of Williamstown	Sammis of Castleton
Burditt of West Rutland	Hooper of Randolph	Sims of Craftsbury
Buss of Woodstock	LaMont of Morristown	Stevens of Waterbury
Casey of Montpelier	Masland of Thetford	Surprenant of Barnard
Chapin of East Montpelier	Morgan of Milton	Troiano of Stannard
Cina of Burlington	Mrowicki of Putney	

Rep. Arrison of Weathersfield explained his vote as follows:

“Madam Speaker:

I cannot support a bill that places this significant additional burden on our municipal offices.”

Rep. Coffey of Guilford explained her vote as follows:

“Madam Speaker:

Today I voted yes to support our small town select boards and communities. When we have clear ethical standards and training for our elected officials, we bring accountability, transparency, and support for our local officials in doing their important work in municipal government.”

Rep. James of Manchester explained her vote as follows:

“Madam Speaker:

Democracy is fragile in America today. We have to rebuild trust. That work begins at the grassroots level in our towns with all of us. The bill offers a simple way to rebuild that trust – to take a tangible step toward figuring that elected officials at every level are held to high and consistent ethical standards.”

Rep. McCoy of Poultney explained her vote as follows:

“Madam Speaker:

Yet another unfunded mandate on our municipalities.”

Rep. Taylor of Colchester explained his vote as follows:

“Madam Speaker:

This has been a particularly difficult vote for me. The Town of Colchester that I represent has an ethics policy that I understand has been working well. I am loath to burden our town clerk with any additional work. But I also understand that all towns need a similar well thought out ethics policy.”

Committee Bill; Second Reading; Third Reading Ordered**H. 884**

Rep. McCarthy of St. Albans City spoke for the Committee on Government Operations and Military Affairs.

House bill, entitled

An act relating to the modernization of governance for the St. Albans Cemetery Association

The bill, having appeared on the Notice Calendar and appearing on the Action Calendar, was taken up, read the second time, and third reading ordered.

Adjournment

At six o'clock and thirty-five minutes in the evening, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.

Wednesday, April 3, 2024

At one o'clock in the afternoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rev. Joan Javier-Duval, Unitarian Church of Montpelier.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred to committee as follows:

S. 181

Senate bill, entitled

An act relating to establishing a television assessment and community media

To the Committee on Environment and Energy.

S. 195

Senate bill, entitled

An act relating to how a defendant's criminal record is considered in imposing conditions of release

To the Committee on Judiciary.

S. 253

Senate bill, entitled

An act relating to building energy codes

To the Committee on Environment and Energy.

Joint Resolution Adopted in Concurrence**J.R.S. 51**

By Senator Baruth,

J.R.S. 51. Joint resolution relating to weekend adjournment on April 5, 2024.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 5, 2024, it be to meet again no later than Tuesday, April 9, 2024.

Was taken up, read, and adopted in concurrence.

Ceremonial Reading**H.C.R. 197**

House concurrent resolution designating April 3, 2024 as Prevention Day in Vermont

Offered by: Representatives Goldman of Rockingham, Andrews of Westford, Anthony of Barre City, Austin of Colchester, Berbeco of Winooski, Black of Essex, Bos-Lun of Westminster, Branagan of Georgia, Burrows of West Windsor, Buss of Woodstock, Carpenter of Hyde Park, Chase of Chester, Corcoran of Bennington, Cordes of Lincoln, Demar of Enosburgh, Dolan of Essex Junction, Farlice-Rubio of Barnet, Garofano of Essex, Houghton of Essex Junction, McCoy of Poultney, McFaun of Barre Town, McGill of Bridport, Noyes of Wolcott, Pajala of Londonderry, Peterson of Clarendon, Pouech of Hinesburg, Sims of Craftsbury, Small of Winooski, Taylor of Colchester, and Wood of Waterbury

Offered by: Senator Perchlik

Whereas, Prevention Day is an annual event created to call attention to the issue of substance misuse prevention in Vermont, and

Whereas, this observance is designed to bring together youth, prevention organizations, and supporters to educate public policy decision-makers and to celebrate the substance misuse prevention community in Vermont, and

Whereas, the General Assembly recognizes the struggles that Vermonters continue to encounter with the misuse of alcohol, marijuana, tobacco, and other substances, as well as the economic, emotional, and psychological toll that this misuse takes on individuals, families, schools, workplaces, and communities, and

Whereas, the network of community organizations, service providers, youth, and individuals dedicated to substance misuse prevention share a common goal of supporting healthy living for all Vermonters, and

Whereas, celebrating Prevention Day is an opportunity for communities across the State to raise their voices in order to create a strong, sustainable, and unified system that promotes substance misuse prevention, healthy living, and wellness in Vermont, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly designates April 3, 2024 as Prevention Day in Vermont, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Prevention Works!VT.

Having been adopted in concurrence on Friday, March 29, 2024 in accord with Joint Rule 16b, was read.

Third Reading; Bill Passed

H. 862

House bill, entitled

An act relating to approval of amendments to the charter of the Town of Barre

Was taken up, read the third time, and passed.

Bill Amended; Third Reading; Bill Passed**H. 874**

House bill, entitled

An act relating to miscellaneous changes in education laws

Was taken up and, pending third reading of the bill, **Rep. Graning of Jericho** moved to amend the bill as follows:

First: In Sec. 10, postgraduation career and settlement behaviors of students attending Vermont postsecondary institutions; report, in subsection (b), following the words “the report required under this section shall also include the following” by inserting “, organized by significant demographic group”

Second: In Sec. 10, postgraduation career and settlement behaviors of students attending Vermont postsecondary institutions; report, in subdivision (b)(1), by striking out “by significant demographic group,”

Which was agreed to. Thereupon, the bill was read the third time and passed.

Third Reading; Bill Passed**H. 884**

House bill, entitled

An act relating to the modernization of governance for the St. Albans Cemetery Association

Was taken up, read the third time, and passed.

Third Reading; Bill Passed in Concurrence with Proposal of Amendment**S. 278**

Senate bill, entitled

An act relating to prohibiting a comparative negligence defense in an action for a negligence claim relating to a sexual act or sexual conduct

Was taken up, read the third time, and passed in concurrence with proposal of amendment.

Favorable Report; Second Reading; Third Reading Ordered**S. 190**

Rep. Arsenault of Williston, for the Committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to statements made by a child victim of an offense involving serious bodily injury

Reported in favor of its passage in concurrence.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and third reading ordered.

**Amendment Offered; Question Divided; Bill Amended;
Third Reading; Bill Passed****H. 876**

House bill, entitled

An act relating to miscellaneous amendments to the corrections laws

Was taken up and, pending third reading of the bill, **Rep. Cina of Burlington** moved to amend the bill as follows:

First: By striking out Sec. 4, Joint Legislative Justice Oversight Committee review; earned time educational credits, in its entirety and inserting in lieu thereof a new Sec. 4 to read as follows:

Sec. 4. JOINT LEGISLATIVE JUSTICE OVERSIGHT COMMITTEE;
CORRECTIONS EARNED TIME AND ALLOWANCE; HEALTH
CARE EXPANSION; REVIEW

(a) Earned time and earned allowance.

(1) The Joint Legislative Justice Oversight Committee shall review whether the Department of Corrections' earned time program should permit earned time for educational credits and whether the Department should create an earned allowance program. The Committee's review shall include consideration of the following:

(A) testimony from justice-involved individuals with lived experience in a correctional facility, as well as others who have worked with such individuals;

(B) expanding the earned time program to include offenders and parolees;

(C) examining the current operation and effectiveness of the Department's victim notification system and whether it has the capabilities to handle an expansion of the earned time program; and

(D) creating an earned allowance program for all sentenced and incarcerated individuals, including those on furlough, probation, and parole, that permits such individuals to accrue monetary allowances to use towards the costs associated with victim restitution, educational advancement, health care, housing, occupation, taxes, and any fines.

(2) On or before November 15, 2024, the Committee shall submit any recommendations to the Senate Committee on Judiciary and the House Committee on Corrections and Institutions.

(b) Mental health and substance use disorder services continuity of care pilot.

(1) The Joint Legislative Justice Oversight Committee shall review and determine the feasibility of implementing a pilot for the provision of community-based mental health and substance use disorder services to detained or incarcerated individuals and individuals reentering the community. The Committee's review shall include:

(A) receipt of testimony from the Agency of Human Services, stakeholders providing the perspective of justice-involved individuals with lived experience of a mental health condition or substance use disorder, community-based housing and services providers, and Department of Corrections' staff and contractors;

(B) an assessment of how community-based services provided pursuant to this pilot would be reimbursed when provided both within and outside a correctional setting;

(C) an assessment of how community-based services provided pursuant to this pilot would be coordinated both within and outside a correctional setting;

(D) an assessment of how community-based services provided pursuant to this pilot would be delivered both within and outside a correctional setting; and

(E) any recommended data collection necessary to measure the success of the pilot.

(2) On or before November 1, 2024, the Committee shall submit any recommendations to the Senate Committees on Health and Welfare and on Judiciary and to the House Committees on Corrections and Institutions, on Health Care, and on Human Services.

Second: In Sec. 7, out-of-state correctional facilities; transition; report, in subsection (b), by striking out subdivision (4) in its entirety and inserting in lieu thereof a new subdivision (4) to read as follows:

(4) plans to enhance the capabilities of Vermont-based correctional facilities and to employ the use of alternatives to incarceration in anticipation of any changes to Vermont's incarcerative population resulting from the termination of contracts with privately operated, for-profit, or out-of-state correctional facilities; and

Thereupon, **Rep. Cina of Burlington** asked that the question be divided by its two instances of amendment, and the Speaker ruled the question was divisible in that manner.

Thereafter, the question, Shall the bill be amended as offered by Rep. Cina of Burlington in the first instance of amendment?, was disagreed to.

Thereafter, the question, Shall the bill be amended as offered by Rep. Cina of Burlington in the second instance of amendment?, was agreed to.

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

Amendment Offered; Third Reading; Bill Passed

H. 882

House bill, entitled

An act relating to capital construction and State bonding budget adjustment

Was taken up and, pending third reading of the bill, **Rep. Cina of Burlington** moved to amend the bill as follows:

First: In Sec. 3, 2023 Acts and Resolves No. 69, Sec. 3, human services, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(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~~ \$2,600,000.00

(2) ~~Women's correctional facility and reentry facility, replacement, planning and design~~ Statewide, correctional facilities, planning, design, and construction of building improvements and upgrades to create wellness environments for supporting trauma-informed practices: \$13,000,000.00

(3) Statewide, correctional facilities, HVAC systems, planning, design, and construction for upgrades and replacements:

\$700,000.00 \$5,150,000.00

(4) Statewide, correctional facilities, accessibility upgrades:

\$822,000.00

(5) Statewide, study of State-owned properties for construction of residential treatment facilities and transitional housing for justice-involved individuals:

\$200,000.00

Second: By striking out Sec. 24, 2023 Acts and Resolves No. 69, Sec. 28, replacement women's facility, site location proposal, design intent, and inserting in lieu thereof a new Sec. 24 to read as follows:

Sec. 24. 2023 Acts and Resolves No. 69, Sec. 28 is amended to read:

Sec. 28. ~~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 colocating 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. [Repealed.]~~

Third: By striking out Sec. 25, replacement women's facilities, authority to purchase land, and Sec. 26, potential reuse of Chittenden Regional Correctional Facility Site, feasibility, report, in their entireties and inserting in lieu thereof new Secs. 25 and 26 to read as follows:

Sec. 25. 29 V.S.A. § 170b is added to read:

§ 170b. CORRECTIONAL FACILITY; CONSTRUCTION, RENOVATION,
OR EXPANSION; MORATORIUM

Notwithstanding section 152 of this title or any other provision of law, the State shall not:

(1) study, plan, design, acquire, lease, search for site locations for, or construct a new correctional facility;

(2) expand the capacity of an existing correctional facility beyond its current design or rated capacity;

(3) convert any part of an existing or dormant correctional facility for the purpose of detention or incarceration, including to change or expand the populations incarcerated in that facility;

(4) renovate an existing or dormant correctional facility beyond requirements for maintenance or to comply with building code requirements;
or

(5) repair an existing or dormant correctional facility for the purposes of expanding the facility or increasing its bed capacity.

Sec. 26. CORRECTIONAL FACILITY; CONSTRUCTION, RENOVATION,
OR EXPANSION; MORATORIUM; REPEAL

29 V.S.A. § 170b shall be repealed on July 1, 2029.

Fourth: After Sec. 23, 29 V.S.A. § 152, by inserting a Sec. 23a to read as follows:

Sec. 23a. STATE PROPERTY; CONSTRUCTION OF RESIDENTIAL
TREATMENT FACILITIES FOR JUSTICE-INVOLVED
INDIVIDUALS; REPORT

(a) On or before January 15, 2025, the Commissioner of Buildings and General Services shall report to the House Committees on Corrections and Institutions, on Health Care, and on Human Services and to the Senate Committees on Health and Welfare and on Institutions regarding State properties that could be utilized to provide residential treatment and housing for justice-involved individuals. The report shall be prepared in consultation with the Commissioner of Corrections, the Secretary of Human Services, regional planning commissions for the areas in which the State properties under consideration are located, and other appropriate stakeholders.

(b) The report shall specifically identify:

(1) State properties that could be utilized to provide transitional housing, secure residential recovery facilities, therapeutic community residences, and other residential treatment facilities for justice-involved individuals; with preference given to site locations near support services, programming, and work opportunities needed to facilitate successful reentry into the community; and

(2) properties identified pursuant to subdivision (1) of this subsection that are located adjacent to or in reasonable proximity to publicly or privately owned sites that could be utilized for residential or mixed-use development that could be facilitated through the construction of infrastructure or improvements, including utilities and roads, needed for the development of the property identified pursuant to subdivision (1) of this subsection.

Which was disagreed to. Thereupon, the bill was read the third time and passed.

Message from the Senate No. 41

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 167. An act relating to miscellaneous amendments to education law.

S. 259. An act relating to climate change cost recovery.

S. 301. An act relating to miscellaneous agricultural subjects.

S. 304. An act relating to Vermont's career and technical education programs.

S. 310. An act relating to natural disaster government response, recovery, and resiliency.

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

The Senate has adopted a proposed amendment to the Vermont Constitution entitled:

Prop 3. Declaration of Rights; right to collectively bargain.

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

The Governor has informed the Senate that on April 3, 2024, he returned without signature and *vetoed* a bill originating in the Senate of the following title:

S. 18. An act relating to banning flavored tobacco products and e-liquids.

Text of Communication from Governor

The text of the communication from His Excellency, the Governor, whereby he vetoed and returned unsigned **Senate Bill No. S. 18**, to the Senate is as follows:

The Honorable John Bloomer, Jr.
Secretary of the Senate
115 State House
Montpelier, VT 05633-5401

Dear Mr. Bloomer:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I'm returning S.18, *An act relating to banning flavored tobacco products and e-liquids*, without my signature because of my objections described herein.

Admittedly, I've struggled with this bill, as it seems hypocritical and out of step with other initiatives that have passed into law recently and over time.

To be clear, I too feel we have an obligation to protect our children, but it must be balanced in such a way that we honor the rights and freedoms of adults to make decisions about their individual lives.

That's why, in 2019, I signed a bill raising the legal age to buy tobacco or e-cigarette products from 18 to 21 and even increased a tax on some of those products to deter use. In my mind, these were reasonable steps that struck the right balance.

From my perspective, this bill is inconsistent with other laws related to legalized substance use. In 2020, the Legislature legalized the commercial sale of cannabis, including edibles and other flavored products, which are now widely available, despite the known risks to youth and their developing brains. Yet, to my knowledge, I'm not aware of an initiative to ban such products, even considering their obvious appeal to minors and negative health impacts.

In addition, we (the State) allow, and in fact actively advertise and profit from, the sale of flavored alcohol products. We also promote and highlight our distilleries and breweries with all their unique flavors, which has been incredibly successful, not only financially, but also from a branding and tourism standpoint. But it can't be denied alcohol abuse has been the root cause of many societal challenges.

I've found people lose faith in government when policies have these types of inconsistencies, because they contradict common sense.

Furthermore, from a purely practical point of view, these products would continue to be widely available just across the river in New Hampshire, and through online sales.

Regardless of what becomes of this bill, the Legislature should direct the Attorney General and the Department of Liquor and Lottery to further crack down on direct online sales to minors.

In conclusion, I'm not convinced the in-state prohibition of flavored tobacco, e-liquids and tobacco substitutes only, is justified when sales will remain online, and when State law plainly encourages sales of other unhealthy adult products to continue.

Sincerely,

Philip B. Scott
Governor
April 3, 2024

Adjournment

At two o'clock and twenty-one minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.

Thursday, April 4, 2024

At one o'clock in the afternoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rev. Kenzan, Shao Shan Temple, Calais.

Proposed Amendment to the Constitution Referred to Committee

Proposal 3

Subject: Declaration of Rights; right to collectively bargain

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. 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.

Was referred to the Committee on General and Housing

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred to committee as follows:

S. 167

Senate bill, entitled

An act relating to miscellaneous amendments to education law

To the Committee on Education.

S. 259

Senate bill, entitled

An act relating to climate change cost recovery

To the Committee on Environment and Energy.

S. 301

Senate bill, entitled

An act relating to miscellaneous agricultural subjects

To the Committee on Agriculture, Food Resiliency, and Forestry.

S. 304

Senate bill, entitled

An act relating to Vermont's career and technical education programs

To the Committee on Education.

S. 310

Senate bill, entitled

An act relating to natural disaster government response, recovery, and resiliency

To the Committee on Government Operations and Military Affairs.

Third Reading; Bill Passed in Concurrence**S. 190**

Senate bill, entitled

An act relating to statements made by a child victim of an offense involving serious bodily injury

Was taken up, read the third time, and passed in concurrence.

Adjournment

At one o'clock and twenty-three minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Friday, April 5, 2024

At nine o'clock and thirty minutes in the forenoon, the Speaker called the House to order.

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Message from the Senate No. 42

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 96. An act relating to privatization contracts.

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

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

H. 543. An act relating to Vermont's adoption of the Social Work Licensure Compact.

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

Senate Bill Referred

S. 96

Senate bill, entitled

An act relating to privatization contracts

Was read the first time and referred to the Committee on Government Operations and Military Affairs.

Ceremonial Reading

H.C.R. 188

House concurrent resolution congratulating Milton High School junior Olivia Thomas on her individual track and field achievements

Offered by: Representatives Morgan of Milton, Mattos of Milton, and Taylor of Milton

Whereas, the attention-grabbing team results at State track and field championships are based on the performances of individual athletes who have worked through the indoor or outdoor season to maximize their athletic skills for these decisive competitions, and

Whereas, Olivia Thomas, a junior at Milton High School, is a stellar example of a young athlete whose devotion to her selected individual events—the girls' long jump and the 100-meter dash—has resulted in top scores, and

Whereas, beginning in the spring of 2022 at the State outdoor track and field championships, Olivia Thomas led the Division II female competitors in each of her individual sports, completing the 100-meter dash in 12.90 seconds and traversing 15 feet, 7.50 inches in the long jump, and

Whereas, in 2023, Olivia Thomas proved that her skills transferred easily to indoor competition when she topped her competitors with a speed of 7.70

seconds in the 100-meter dash and traveled a respectable 14 feet, 8.75 inches in the long jump; and then, at that year's outdoor meet, she demonstrated her continued command in the 100-meter dash, surpassing her prior outdoor time with a time of 12.83 seconds and increasing her long jump distance to 16 feet, 7.75 inches, and

Whereas, at the 2024 indoor competition, at which the 100-meter dash was not conducted for the Division II girls, her long jump result measured a satisfying 16 feet, 5 inches, and there remain three more State championships before she graduates at which Olivia Thomas can continue to display her athletic excellence, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates Milton High School junior Olivia Thomas on her individual track and field achievements, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Olivia Thomas.

Having been adopted in concurrence on Friday, March 22, 2024 in accord with Joint Rule 16b, was read.

Ceremonial Reading

H.C.R. 195

House concurrent resolution recognizing April 5, 2024 as Civilian Conservation Corps Day in Vermont

Offered by: Representatives Bos-Lun of Westminster, Arrison of Weathersfield, Brennan of Colchester, Casey of Montpelier, Dickinson of St. Albans Town, Emmons of Springfield, Galfetti of Barre Town, Harrison of Chittenden, Headrick of Burlington, Higley of Lowell, Laroche of Franklin, Maguire of Rutland City, Morrissey of Bennington, Page of Newport City, Roberts of Halifax, Taylor of Milton, and Troiano of Stannard

Whereas, at the height of the Great Depression, the nation was experiencing an unprecedented economic crisis resulting in massive unemployment and a major decrease in public works activity, and millions of young men were idle, lacking constructive activity in which to engage and insufficient, if any, financial resources to support themselves, and

Whereas, on April 5, 1933, President Franklin D. Roosevelt issued Executive Order 6101 formally organizing the Civilian Conservation Corps (CCC) and implementing the recently enacted Emergency Conservation Work Act, 48 Stat. 22 (1933), and

Whereas, from 1933 to 1942, approximately 3,463,000 men, mostly 18 to 25 years of age, resided at CCC camps and worked on public works projects with long-term societal benefits, and

Whereas, across the country, in national and state parks and on other public recreational lands, the CCC constructed over 3,000 fire towers, 46,854 bridges, 125,000 miles of roads, and 13,100 miles of foot trails, and

Whereas, three billion trees were planted, 40 million acres of farmland were improved, and 972 million fish were stocked in the nation's waters, and

Whereas, beyond these construction initiatives, 110,000 members of the CCC who were illiterate gained basic reading and writing skills, and

Whereas, Vermont was slated to host four CCC camps, but the passionate lobbying of legendary State Forester Perry H. Merrill raised that number to more than 30, and camps were organized in communities throughout Vermont, leaving an amazing legacy, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly recognizes April 5, 2024 as Civilian Conservation Corps Day in Vermont, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to National Civilian Conservation Day Coordinator Mary Podskoch.

Having been adopted in concurrence on Friday, March 29, 2024 in accord with Joint Rule 16b, was read.

Ceremonial Reading

H.C.R. 200

House concurrent resolution commemorating Vermont's historic April 8, 2024 total solar eclipse

Offered by: Representatives Farlice-Rubio of Barnet, Andrews of Westford, Andriano of Orwell, Anthony of Barre City, Arsenault of Williston, Austin of Colchester, Black of Essex, Bos-Lun of Westminster, Boyden of Cambridge, Brownell of Pownal, Brumsted of Shelburne, Burke of Brattleboro, Campbell of St. Johnsbury, Carpenter of Hyde Park, Carroll of Bennington, Casey of Montpelier, Chapin of East Montpelier, Chase of Chester, Chase of Colchester, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Cina of Burlington, Coffey of Guilford, Cole of Hartford, Cordes of Lincoln, Demar of Enosburgh, Demrow of Corinth, Dodge of Essex, Dolan of Essex Junction, Dolan of Waitsfield, Durfee of Shaftsbury, Galfetti of Barre Town, Garofano of Essex, Goldman of Rockingham, Goslant of Northfield, Graning of Jericho, Hango of Berkshire, Harrison of Chittenden,

Headrick of Burlington, Higley of Lowell, Hooper of Randolph, Hooper of Burlington, Howard of Rutland City, Hyman of South Burlington, Jerome of Brandon, Krasnow of South Burlington, LaBounty of Lyndon, Lalley of Shelburne, LaMont of Morristown, Leavitt of Grand Isle, Logan of Burlington, McCann of Montpelier, McFaun of Barre Town, McGill of Bridport, Minier of South Burlington, Morgan of Milton, Morris of Springfield, Morrissey of Bennington, Mrowicki of Putney, Nicoll of Ludlow, Ode of Burlington, Peterson of Clarendon, Pouech of Hinesburg, Priestley of Bradford, Rachelson of Burlington, Rice of Dorset, Roberts of Halifax, Sammis of Castleton, Scheu of Middlebury, Sims of Craftsbury, Small of Winooski, Stebbins of Burlington, Stevens of Waterbury, Taylor of Milton, Toof of St. Albans Town, Torre of Moretown, Walker of Swanton, White of Bethel, Williams of Barre City, and Wood of Waterbury

Offered by: Senators Clarkson, Hardy, Harrison, Kitchel, McCormack, Vyhovsky, Watson, and Wrenner

Whereas, a syzygy is the alignment “of three celestial bodies in a gravitational system,” and this cosmic phenomenon often results in a total solar or lunar eclipse, and

Whereas, eclipses occur around the world with a degree of regularity, but the visibility of a total solar eclipse in Vermont is a rare event, the sky having last offered this astronomical extravaganza nearly a century ago in 1932, and

Whereas, on April 8, 2024, residents of and visitors to much of the northern half of the State will be offered the unusual chance to witness a total solar eclipse, with great viewing in a corridor extending from Burlington to St. Albans in the western portion of the State to Newport and St. Johnsbury in the Northeast Kingdom, and

Whereas, in Burlington, the solar eclipse will commence at 2:14 p.m. and reach its totality between 3:26 and 3:29 p.m., and

Whereas, if the skies are clear, the effect will be to reduce the city’s light level to dusk conditions, and, if the sky is cloudy, the eclipse will create middle-of-the-night illumination conditions, and

Whereas, the Vermont Space Grant Consortium and the University of Vermont are partnering with other academic institutions to provide a safe and exciting eclipse experience for the State’s college students, faculty, and staff, and the Fairbanks Museum and Planetarium is educating Vermonters in advance of the eclipse, including on the importance of wearing special glasses if viewing the event directly, and

Whereas, eclipse gatherings are being held throughout the viewing zone, and Vermonters would be wise to take advantage of this special occasion as the next total eclipse visible in Vermont is projected to occur in 2079, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly commemorates Vermont's historic April 8, 2024 total solar eclipse, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont Space Grant Consortium and to the Fairbanks Museum and Planetarium.

Having been adopted in concurrence on Friday, March 29, 2024 in accord with Joint Rule 16b, was read.

Action on Bill Postponed

H. 659

House bill, entitled

An act relating to captive insurance

Was taken up and, pending consideration of the Senate proposal of amendment, on motion of **Rep. White of Bethel**, action on the bill was postponed until April 10, 2024.

Favorable Reports; Second Reading; Third Reading Ordered

H. 869

Rep. Nugent of South Burlington, for the Committee on Government Operations and Military Affairs, to which had been referred House bill, entitled

An act relating to approval of the merger of Brandon Fire District No. 1 and Brandon Fire District No. 2

Reported in favor of its passage.

Rep. Branagan of Georgia, for the Committee on Ways and Means, reported in favor of its passage.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and third reading ordered.

Message from the Senate No. 43

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 201. House concurrent resolution honoring Cindy Scott's third-grade class at Twinfield Union School for establishing a special friendship with the young patients at St. Nicholas Pediatric Hospital-UNBROKEN KIDS Rehabilitation Center in Lviv, Ukraine.

H.C.R. 202. House concurrent resolution congratulating Esta Broutsas Smith of Brattleboro on her centennial birthday.

H.C.R. 203. House concurrent resolution congratulating former Representative and Unadilla Theater impresario William Blachly of Calais on his 100th birthday.

H.C.R. 204. House concurrent resolution congratulating Jaden Coppins of Colchester on her individual title victory at the inaugural New England girls' wrestling championship.

H.C.R. 205. House concurrent resolution celebrating the 40th anniversary of the Catamount Trail.

H.C.R. 206. House concurrent resolution honoring the professional achievements of child and victim advocate Sally Borden.

H.C.R. 207. House concurrent resolution recognizing May 5–11, 2024 as National Correctional Officers and Employees Week in Vermont.

H.C.R. 208. House concurrent resolution congratulating the Allard Lumber Company of Brattleboro on its 50th anniversary.

H.C.R. 209. House concurrent resolution honoring Northfield Elementary School physical education instructor Michael Gonneville for his teaching excellence and for the establishment of the school's Walking Wednesdays.

H.C.R. 210. House concurrent resolution congratulating the 2024 Grace Christian Lions Division IV championship boys' basketball team.

H.C.R. 211. House concurrent resolution designating April 11, 2024 as Tourism Economy Day at the State House.

H.C.R. 212. House concurrent resolution congratulating the 2024 Burlington-Colchester Division I championship SeaLakers girls' ice hockey team.

H.C.R. 213. House concurrent resolution congratulating the Vermont Housing Finance Agency on its 50th anniversary.

Adjournment

At ten o'clock and seven minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, April 9, 2024, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 51.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Rule 16b of the Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House:

H.C.R. 201

House concurrent resolution honoring Cindy Scott's third-grade class at Twinfield Union School for establishing a special friendship with the young patients at St. Nicholas Pediatric Hospital-UNBROKEN KIDS Rehabilitation Center in Lviv, Ukraine

H.C.R. 202

House concurrent resolution congratulating Esta Broutsas Smith of Brattleboro on her centennial birthday

H.C.R. 203

House concurrent resolution congratulating former Representative and Unadilla Theater impresario William Blachly of Calais on his 100th birthday

H.C.R. 204

House concurrent resolution congratulating Jaden Coppins of Colchester on her individual title victory at the inaugural New England girls' wrestling championship

H.C.R. 205

House concurrent resolution celebrating the 40th anniversary of the Catamount Trail

H.C.R. 206

House concurrent resolution honoring the professional achievements of child and victim advocate Sally Borden

H.C.R. 207

House concurrent resolution recognizing May 5–11, 2024 as National Correctional Officers and Employees Week in Vermont

H.C.R. 208

House concurrent resolution congratulating the Allard Lumber Company of Brattleboro on its 50th anniversary

H.C.R. 209

House concurrent resolution honoring Northfield Elementary School physical education instructor Michael Gonneville for his teaching excellence and for the establishment of the school's Walking Wednesdays

H.C.R. 210

House concurrent resolution congratulating the 2024 Grace Christian Lions Division IV championship boys' basketball team

H.C.R. 211

House concurrent resolution designating April 11, 2024 as Tourism Economy Day at the State House

H.C.R. 212

House concurrent resolution congratulating the 2024 Burlington-Colchester Division I championship SeaLakers girls' ice hockey team

H.C.R. 213

House concurrent resolution congratulating the Vermont Housing Finance Agency on its 50th anniversary

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2024 Adjourned Session.]

Tuesday, April 9, 2024

At ten o'clock in the forenoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Vegan Aharonian, Karme Choling Retreat Center, Barnet.

Pledge of Allegiance

Page Adelynne Cimonetti of Shrewsbury led the House in the Pledge of Allegiance.

Bill Referred to Committee on Ways and Means

S. 199

Senate bill, entitled

An act relating to mergers and governance of communications union districts

Appearing on the Notice Calendar, and pursuant to House Rule 35(a), materially affecting the revenues of one or more municipalities, was referred to the Committee on Ways and Means.

Ceremonial Reading

H.C.R. 164

House concurrent resolution recognizing April 2024 as the Month of the Military Child in Vermont

Offered by: Representatives Morgan of Milton, Hango of Berkshire, Bartley of Fairfax, Birong of Vergennes, Branagan of Georgia, Brennan of Colchester, Canfield of Fair Haven, Demar of Enosburgh, Donahue of Northfield, Galfetti of Barre Town, Graham of Williamstown, Gregoire of Fairfield, Higley of Lowell, Hooper of Burlington, Labor of Morgan, Laroche of Franklin, Maguire of Rutland City, McCarthy of St. Albans City, McFaun of Barre Town, Morrissey of Bennington, Nugent of South Burlington, Page of Newport City, Parsons of Newbury, Peterson of Clarendon, Sims of Craftsbury, Taylor of Milton, Toof of St. Albans Town, and Williams of Granby

Whereas, many Americans and Vermonters may not be aware that there are more than 1.6 million children of U.S. military personnel, and

Whereas, family pressures are magnified for children who remain stateside when a parent is deployed abroad, and the children of the approximately 1,000

Vermont National Guard personnel who may be deployed over the course of a year experience this disruption firsthand, and

Whereas, military children's frequent relocation and corresponding lack of long-term community stability present them with an unwelcome distraction, and

Whereas, in 1986, the U.S. Department of Defense first designated April as the Month of the Military Child, and this annual event is part of a year-round initiative that brightens and improves these children's lives, and

Whereas, related programs include the national Military Kids Connect, partnerships with the Boys & Girls Clubs of America and 4-H Clubs, and Sesame Street for Military Families, as well as many local activities that offices such as the Vermont National Guard's Child & Youth Services administer, and

Whereas, as part of this special month, April 17, 2024 will be Purple Up! For Military Kids Day, an opportunity for Americans to show solidarity with military families by wearing purple, a color that symbolizes all branches of the military, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly recognizes April 2024 as the Month of the Military Child in Vermont, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont National Guard Office of Child & Youth Services.

Having been adopted in concurrence on Friday, March 1, 2024 in accord with Joint Rule 16b, was read.

Third Reading; Bill Passed

H. 869

House bill, entitled

An act relating to approval of the merger of Brandon Fire District No. 1 and Brandon Fire District No. 2

Was taken up, read the third time, and passed.

Action on Bill Postponed

H. 543

House bill, entitled

An act relating to Vermont's adoption of the Social Work Licensure Compact

Was taken up and, pending consideration of the Senate proposal of amendment, on motion of **Rep. Houghton of Essex Junction**, action on the bill was postponed until April 11, 2024.

Message from the Senate No. 44

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 52. Joint resolution relating to weekend adjournment on April 12, 2024.

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

Adjournment

At ten o'clock and twenty-eight minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.

Wednesday, April 10, 2024

At one o'clock in the afternoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by children from Turtle Island Children's Center, Montpelier.

Bill Referred to Committee on Appropriations

S. 109

Senate bill, entitled

An act relating to Medicaid coverage for doula services

Appearing on the Notice Calendar, and pursuant to House Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

House Resolution Referred to Committee**H.R. 18**

House resolution, entitled

House resolution calling on Franklin County Sheriff John Grismore to resign from office

Offered by: Representatives LaLonde of South Burlington, McCarthy of St. Albans City, Birong of Vergennes, Branagan of Georgia, Burditt of West Rutland, Dolan of Essex Junction, and Pajala of Londonderry

Whereas, House Resolution 11 of 2023 created the Special Committee on Impeachment Inquiry to investigate whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach Franklin County Sheriff John Grismore, and

Whereas, the Special Committee met five times during the autumn of 2023 and interviewed 26 witnesses in the matter of John Grismore, and

Whereas, on August 7, 2022, Mr. Grismore was involved in a widely publicized use-of-force incident during which he kicked a shackled man who was in the custody of the Franklin County Sheriff's Office, and

Whereas, significant concerns have been raised over Mr. Grismore's potential mishandling of financial matters in the Franklin County Sheriff's Office and regarding the Franklin County Sheriff's Office's performance under its law enforcement contracts with municipalities, and

Whereas, while there is no specific standard in the Vermont Constitution or in U.S. history for what constitutes impeachable conduct, the recurring theme throughout most or all impeachments is conduct that undermines the position of trust to which the official has been elected, which may include improperly exceeding or abusing the powers of office, behaving in a manner that is incompatible with the function and purpose of the office, or misusing the office for an improper purpose or for personal gain, and

Whereas, Mr. Grismore paid himself \$16,550.14 for his retirement compensation between December 2021 and July 2022, requiring the Franklin County Sheriff's Office to provide the Vermont State Employees' Retirement System with \$20,232.02 in January 2023 to restore the employer and employee contributions owed to the State pension system, and

Whereas, on December 6, 2023, the Vermont Criminal Justice Council found, by a unanimous 16-0 vote, that Mr. Grismore had engaged in unprofessional conduct through his excessive use of force in violation of the Statewide Policy on Police Use of Force and, by a subsequent 15-1 vote,

imposed its highest sanction by permanently revoking Mr. Grismore's law enforcement officer certification, and

Whereas, Vermont law enforcement officer certification is essential for the performance of many of the duties of the office of Sheriff, including proper supervision of deputies, but the Vermont Constitution does not require such a qualification for holding the office, and the legal precedents are quite clear that a state legislature cannot impose qualifications for election to a constitutional office that go beyond those expressed in the state's own constitution, and

Whereas, the excessive use-of-force incident and the inappropriate retirement payments, which are the most concerning conduct identified by the Special Committee on Impeachment Inquiry, occurred prior to the election of Mr. Grismore to the office of Sheriff, and

Whereas, only in rare circumstances should an elected official be impeached for pre-incumbency conduct, and such circumstances do not exist in the matter of Mr. Grismore, now therefore be it

Resolved by the House of Representatives:

That while this legislative body does not find articles of impeachment to be appropriate at this time, this legislative body urges Mr. Grismore to resign from the Office of Franklin County Sheriff for the good of the people of Franklin County, and be it further

Resolved: That this legislative body urges the Vermont Senate to adopt a proposed amendment to the Vermont Constitution authorizing the General Assembly to establish reasonable qualifications for the office of Sheriff, such as holding a valid Vermont law enforcement officer certification, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to John Grismore and to the Vermont State Senate.

Was read by title, treated as a bill, and referred to the Committee on Government Operations and Military Affairs pursuant to House Rule 52.

Joint Resolution Adopted in Concurrence

J.R.S. 52

By Senator Baruth,

J.R.S. 52. Joint resolution relating to weekend adjournment on April 12, 2024.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 12, 2024, it be to meet again no later than Tuesday, April 16, 2024.

Was taken up, read, and adopted in concurrence.

Ceremonial Reading**H.C.R. 168**

House concurrent resolution honoring the artistic legacy of Skip Morrow and The Art of Humor Gallery in Wilmington

Offered by: Representative Roberts of Halifax

Whereas, the creative genius of Skip Morrow was expressed in his designs, music, and, most prominently, his cartoons, whose often humorous illustrations adorned books, calendars, and greeting cards, and

Whereas, as a youth in New Jersey, his doodling and musical talent emerged, and his skill as a guitarist, pianist, and singer took him to performance venues throughout the northeast, and

Whereas, in 1974, Skip Morrow graduated from Rutgers University, and, in 1980, his cartooning acumen became broadly known with the publication of his *New York Times*-bestseller *The Official I Hate Cats Book*, and

Whereas, in the decades that followed, Skip Morrow illustrated many publications, approximately 1,500 greeting cards for Recycled Paper Greetings, and both contracted as a corporate illustrator and worked on a pro bono basis, designing for local organizations, including the MOOver buses, and

Whereas, in 1981, Skip Morrow married Laraine, and they became a performing musical duo, entertaining at restaurants, weddings, and other celebratory events, and

Whereas, at the picturesque property that the couple purchased in Wilmington, with a postal address on the unusually named Not-A Road, Skip Morrow designed a fun-filled home, a studio, and The Art of Humor gallery space, which, since 2001, has exhibited and sold his works, and

Whereas, in the 1990s, in response to a proposed highway bypass around Wilmington, Skip Morrow instead proposed leaving the road and relocating the town center, and, had this daring proposal been adopted, downtown Wilmington's devastation from Tropical Irene might have been avoided, and

Whereas, Skip Morrow died in 2019, his wife and daughters surviving him, and, in 2024, Laraine Morrow has decided to sell the family property and limit future art sales to an online gallery, thus ending The Art of Humor's unique presence in the Town of Wilmington, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly honors the artistic legacy of Skip Morrow and The Art of Humor Gallery in Wilmington, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the members of the Morrow family.

Having been adopted in concurrence on Friday, March 1, 2024 in accord with Joint Rule 16b, was read.

Ceremonial Reading

H.C.R. 172

House concurrent resolution congratulating Goodridge Lumber Inc. of Albany on its 50th anniversary

Offered by: Representative Sims of Craftsbury

Whereas, Colleen Goodridge and her three sons, Doug, Mark, and Brian, are the proud owners of Goodridge Lumber, an anchor business in Albany, and their careful family management has made the company an important part of Vermont's forest product industry and economy, and

Whereas, the history of Goodridge Lumber coincides with the Goodridge family's history, starting in 1973, when the family's desire to build a log home led to the purchase of an old sawmill for \$500.00, and

Whereas, borrowing a neighboring farmer's tractor to pull trees from the woods, the Goodridges sold logs to pay for repairs to the saw, and they recognized a business opportunity, which continues to evolve, expand, and thrive, and

Whereas, Colleen Goodridge and her sons have deservedly earned a reputation for honesty, hard work, and a strong commitment to the success of the Vermont forest-based economy, and

Whereas, Goodridge Lumber epitomizes family teamwork, and there is a clear family succession plan in place: Colleen is the matriarch of not only the company but also of the Vermont forest industry; Doug, with his degree in civil engineering, oversees the sawing; Mark is responsible for planing and maintenance; Brian directs the lumber yard operation; and the grandchildren are responsible for cleaning and stacking the wood, and

Whereas, Goodridge Lumber utilizes naturally rot-and-disease resistant white cedar trees, a renewable natural resource harvested from within a 75-mile radius of the mill; and the company produces over one million board feet per year, primarily for home construction and fencing; but with each log's most profitable potential always the objective, and

Whereas, as a former teacher, Colleen Goodridge places importance on educating future industry participants and the public, and she meets with students at the North Country Career Center, the company offers tours, and it has even helped publish a children's book on logging and sawmills, and

Whereas, Colleen Goodridge serves as the Vermont Forest Products Association Vice President, sits on the Natural Resource Program Advisory Board of the North Country Career Center, and is a past president of the Northeastern Loggers' Association, and her sons are also community leaders, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates Goodridge Lumber Inc. of Albany on its 50th anniversary, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Goodridge Lumber Inc.

Having been adopted in concurrence on Friday, March 15, 2024 in accord with Joint Rule 16b, was read.

Senate Proposal of Amendment Concurred in with Further Proposal of Amendment Thereto

H. 659

The Senate proposed to the House to amend House bill, entitled

An act relating to captive insurance

The Senate proposed to the House to amend the bill by striking out Sec. 19, effective date, in its entirety and by inserting in lieu thereof a new Sec. 19 and Secs. 20–50 to read as follows:

* * * Housekeeping Amendments * * *

Sec. 19. 9 V.S.A. § 5604(d) is amended to read:

(d) In a final order under subsection (b) or (c) of this section, the Commissioner may impose a civil penalty of not more than \$15,000.00 for each violation. The Commissioner may also require a person to make restitution or provide disgorgement of any sums shown to have been obtained in violation of this chapter, plus interest at the legal rate. The limitations on

civil penalties contained in this subsection shall not apply to settlement agreements. In accordance with 8 V.S.A. § 24(e), the Commissioner may increase a civil penalty amount by not more than \$5,000.00 per violation for violations involving a person who is a vulnerable adult as defined in 33 V.S.A. § 6902(34).

Sec. 20. 9 V.S.A. § 5616(f) is amended to read:

(f) Vermont Financial Services Education, and Victim Restitution, ~~and Whistleblower Award~~ Special Fund. The Vermont Financial Services Education, and Victim Restitution, ~~and Whistleblower Award~~ Special Fund, pursuant to 32 V.S.A. chapter 7, subchapter 5, is created to provide funds for the purposes specified in this section, in subsection 5601(d) of this title, and in section 5617 of this title. All monies received by the State for use in financial services education initiatives pursuant to subsection 5601(d) of this title, in providing uncompensated victims restitution pursuant to this section, or in providing whistleblower awards pursuant to section 5617 of this title shall be deposited into the Fund. The Commissioner may direct a party to deposit a sum not to exceed 15 percent of the total settlement amount into the Fund in conjunction with settling a State securities law an enforcement matter within the Department's jurisdiction, as described in 8 V.S.A. § 11(a). Interest earned on the Fund shall be retained in the Fund.

Sec. 21. 8 V.S.A. § 3883 is amended to read:

§ 3883. NOTICE REQUIREMENTS

When notice required under section 3880 or 3881 of this title is provided by mail, such notice shall be by certified mail, except that in the case of cancellation for nonpayment of premium, notice shall be by certified mail ~~or~~, certificate of mailing, or any other similar first-class mail tracking method used or approved by the U.S. Postal Service, including Intelligent Mail barcode Tracing (IMb Tracing). A certificate of mailing from the U.S. Postal Service does not include a certificate of bulk mailing.

Sec. 22. 8 V.S.A. § 4226 is amended to read:

§ 4226. NOTICE REQUIREMENTS

When notice required under section 4224 or 4225 of this title is provided by mail, such notice shall be by certified mail, except that in the case of cancellation for nonpayment of premium notice shall be by certified mail ~~or~~, certificate of mailing, or any similar first-class mail tracking method used or approved by the U.S. Postal Service, including Intelligent Mail barcode Tracing (IMb Tracing). A certificate of mailing from the U.S. Postal Service does not include a certificate of bulk mailing.

Sec. 23. 8 V.S.A. § 4714 is amended to read:

§ 4714. NOTICE REQUIREMENTS

When notice required under section 4712 or section 4713 of this title is provided by mail, such notice shall be by certified mail, except that in the case of cancellation for nonpayment of premium, notice shall be by certified mail ~~or~~, certificate of mailing, or any similar first-class mail tracking method used or approved by the U.S. Postal Service, including Intelligent Mail barcode Tracing (IMb Tracing). A certificate of mailing from the U.S. Postal Service does not include a certificate of bulk mailing.

* * * NAIC Holding Company Model Law Updates * * *

Sec. 24. 8 V.S.A. § 3681 is amended to read:

§ 3681. DEFINITIONS

As used in this subchapter:

(1) “Affiliate” of, or person “affiliated” with, a specific person, means a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

(2) “Commissioner” means the Commissioner of Financial Regulation or ~~his or her~~ the Commissioner’s deputies, as appropriate.

(3) “Control,” including the terms “controlling,” “controlled by,” and “under common control with,” means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, 10 percent or more of the voting securities of any other person. This presumption may be rebutted by a showing made in the manner provided by subsection 3684(1) of this title that control does not exist in fact. The Commissioner may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support such determination, that control exists in fact, notwithstanding the absence of a presumption to that effect.

(4) “Group capital calculation instructions” means the group capital calculation instructions as adopted by the NAIC and as amended by the NAIC from time to time in accordance with the procedures adopted by the NAIC.

(5) “Groupwide supervisor” or “supervisor” means the regulatory official authorized to engage in conducting and coordinating groupwide supervision activities, as specified by the Commissioner under section 3696 of this subchapter.

(6) “Insurance holding company system” or “system” means two or more affiliated persons, one or more of which is an insurer.

(6)(7) “Insurer” means a company qualified and licensed to transact the business of insurance in this State and ~~shall include~~ includes a health maintenance organization, a nonprofit hospital service corporation, and a nonprofit medical service corporation, except that it shall not include:

(A) agencies, authorities, or instrumentalities of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state; or

(B) fraternal benefit societies.

(7)(8) “Enterprise risk” means any activity, circumstance, event, or series of events involving one or more affiliates of an insurer that, if not remedied promptly, is likely to have a material adverse effect upon the financial condition or liquidity of the insurer or its insurance holding company system as a whole, including anything that would cause the insurer’s risk-based capital to fall into company action level as set forth in section 8303 of this title or would cause the insurer to be in hazardous financial condition under Department Regulation I-93-2, sections 3–4.

(8)(9) “Internationally active insurance group” or “group” means an insurance holding company system that:

(A) includes an insurer registered under section 3684 of this subchapter; and

(B) meets the following criteria:

(i) premiums written in at least three countries;

(ii) the percentage of gross premiums written outside the United States is at least 10 percent of the system’s total gross written premiums; and

(iii) based on a three-year rolling average, the total assets of the system are at least \$50,000,000,000.00, or the total gross written premiums of the system are at least \$10,000,000,000.00.

(10) “NAIC” means the National Association of Insurance Commissioners.

(11) “NAIC liquidity stress test framework” means a separate NAIC publication, which includes a history of the NAIC’s development of regulatory liquidity stress testing, the scope criteria applicable for a specific data year, and the liquidity stress test instructions and reporting templates for a specific data year, such scope criteria, instructions, and reporting template as adopted by the NAIC.

(9)(12) “Person” means an individual, a corporation, a limited liability company, a partnership, an association, a joint stock company, a trust, an unincorporated organization, any similar entity or any combination of the foregoing acting in concert, but shall not include any securities broker performing no more than the usual and customary broker’s function joint venture partnership exclusively engaged in owning, managing, leasing, or developing real or tangible personal property.

(13) “Scope criteria” mean the designated exposure bases along with minimum magnitudes thereof for the specified data year used to establish a preliminary list of insurers considered scoped into the NAIC liquidity stress test framework for that data year, as detailed in the NAIC liquidity stress test framework.

(10)(14) “Security holder” of a specified person means one who owns any security of such person, including common stock, preferred stock, debt obligations, and any other security convertible into or evidencing the right to acquire any of the foregoing.

(11)(15) “Subsidiary” of a specified person means an affiliate controlled by such person directly, or indirectly through one or more intermediaries.

(12)(16) “Voting security” shall include includes any security convertible into or evidencing a right to acquire a voting security.

Sec. 25. 8 V.S.A. § 3684 is amended to read:

§ 3684. REGISTRATION OF INSURERS

(a) Registration. Every insurer ~~which is~~ authorized to do business in this State ~~and which~~ that is a member of an insurance holding company system shall register with the Commissioner, except a foreign insurer subject to ~~disclosure~~ registration requirements and standards adopted by statute or regulation in the jurisdiction of its domicile ~~which that~~ are substantially similar to those contained in this section and section 3685 of this title. ~~Any An~~ insurer ~~which is~~ subject to registration under this section shall register ~~within 60 days after the effective date of this subchapter or~~ 15 business days after it becomes subject to registration, ~~whichever is later,~~ and annually thereafter ~~by~~ on or before March 15 for the previous year ending December 31, unless the Commissioner for good cause shown extends the time for registration, and

then within such extended time. The Commissioner may require ~~any~~ an authorized insurer ~~which~~ that is a member of a holding company system ~~which~~ that is not subject to registration under this section to furnish a copy of the registration statement or other information filed by such ~~insurance company~~ insurer with the insurance regulatory authority of its domiciliary jurisdiction.

(b) Information and form required. Every insurer subject to registration under this section shall file a registration statement on a form provided by the Commissioner, which shall contain current information about:

(1) The capital structure, general financial condition, ownership, and management of the insurer and any person controlling the insurer.

(2) The identity and relationship of every member of the insurance holding company system.

(3) The following agreements in force, relationships subsisting, and transactions currently outstanding between such insurer and its affiliates:

(A) loans, other investments, or purchases, sales or exchanges of securities of the affiliates by the insurer or of the insurer by its affiliates;

(B) purchases, sales, or exchanges of assets;

(C) transactions not in the ordinary course of business;

(D) guarantees or undertakings for the benefit of an affiliate ~~which~~ that result in an actual contingent exposure of the insurer's assets to liability², other than insurance contracts entered into in the ordinary course of the insurer's business;

(E) all management and service contracts and all cost sharing arrangements;

(F) all reinsurance agreements;

(G) dividends and other distributions to shareholders; and

(H) consolidated tax allocation agreements.

(4) Any pledge of the insurer's stock, including stock of any subsidiary or controlling affiliate, for a loan made to any member of the insurance holding company system.

(5) If requested by the Commissioner, financial statements of or within an insurance holding company system, including all affiliates. Financial statements may include annual audited financial statements filed with the U.S. Securities and Exchange Commission (SEC) pursuant to the Securities Act of 1933, as may be amended, or the Securities Exchange Act of 1934, as may be amended. An insurer required to file financial statements under this

subdivision may satisfy the request by providing the Commissioner with the most recently filed parent corporation financial statements that have been filed with the SEC.

(6) Other matters concerning transactions between registered insurers and any affiliates as may be included from time to time in any registration forms adopted or approved by the Commissioner.

(7) Statements that the insurer's board of directors oversees corporate governance and internal controls and that the insurer's officers or senior management have approved, implemented, and continue to maintain and monitor corporate governance and internal control procedures.

(8) Any other information required by the Commissioner by rule.

(c) Summary of changes to registration statement. All registration statements shall contain a summary outlining all items in the current registration statement representing changes from the prior registration statement.

(d) Materiality. No information need be disclosed on the registration statement filed pursuant to subsection (b) of this section if such information is not material for the purposes of this section. Unless the Commissioner by rule or order provides otherwise, sales, purchases, exchanges, loans or extensions of credit, or investments involving one-half of one percent or less of an insurer's admitted assets as of the 31st day of December next preceding shall not be deemed material for purposes of this section. The definition of materiality provided in this subsection shall not apply for purposes of the group capital calculation or the liquidity stress test framework.

(e) Reporting of dividends to shareholders. Subject to subsection 3685(d) of this chapter, each registered insurer shall report to the Commissioner all dividends and other distributions to shareholders within 15 business days following the declaration thereof.

(f) Information of insurers. Any person within an insurance holding company system subject to registration shall be required to provide complete and accurate information to an insurer where the information is reasonably necessary to enable the insurer to comply with the provisions of this section.

(g) Amendments to registration statements. Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions on amendment forms provided by the Commissioner within 15 business days after the end of the month in which it learns of each such change or addition; provided, however, that subject to subsection 3685(c) of this title chapter, each registered insurer

shall so report all dividends and other distributions to shareholders within two business days following the declaration thereto.

(h) Termination of registration. The Commissioner shall terminate the registration of any insurer ~~which~~ that demonstrates that it no longer is a member of an insurance holding company system.

(i) Consolidated filing. The Commissioner may require or allow two or more affiliated insurers subject to registration ~~hereunder~~ under this section to file a consolidated registration statement or consolidated reports amending their consolidated registration statement or their individual registration statements.

(j) Alternative registration. The Commissioner may allow an insurer ~~which~~ that is authorized to do business in this State and ~~which~~ that is part of an insurance holding company system to register on behalf of any affiliated insurer ~~which~~ that is required to register under subsection (a) of this section and to file all information and material required to be filed under this section.

(k) Exemptions. The provisions of this section shall not apply to any insurer, information, or transaction if and to the extent that the Commissioner by rule or order shall exempt the same from the provisions of this section.

(l) Disclaimer. Any person may file with the Commissioner a disclaimer of affiliation with any authorized insurer, or such a disclaimer may be filed by such insurer or any member of an insurance holding company system. The disclaimer shall fully disclose all material relationships and bases for affiliation between such person and such insurer as well as the basis for disclaiming such affiliation. After a disclaimer has been filed, the insurer shall be relieved of any duty to register or report under this section ~~which~~ that may arise out of the insurer's relationship with such person unless and until the Commissioner disallows such a disclaimer. The Commissioner shall disallow such a disclaimer only after furnishing all parties in interest with notice and opportunity to be heard and after making specific findings of fact to support such disallowance.

(m) Enterprise risk ~~filing~~ filings.

(1) Enterprise risk report. The ultimate controlling person of every insurer subject to registration shall also file an annual enterprise risk report. The report shall identify, to the best of the ultimate controlling person's knowledge and belief, the material risks within the insurance holding company system that could pose enterprise risk to the insurer. The report shall be filed with the lead state commissioner of the insurance holding company system as determined by the procedures within the Financial Analysis Handbook adopted by the ~~National Association of Insurance Commissioners~~ NAIC.

(2) Group capital calculation. Except as further provided in this subdivision, the ultimate controlling person of every insurer subject to registration shall concurrently file with the registration an annual group capital calculation as directed by the lead state commissioner. The report shall be completed in accordance with the NAIC group capital calculation instructions, which may permit the lead state commissioner to allow a controlling person that is not the ultimate controlling person to file the group capital calculation. The report shall be filed with the lead state commissioner of the insurance holding company system as determined by the Commissioner in accordance with the procedures within the Financial Analysis Handbook adopted by the NAIC. The following insurance holding company systems are exempt from filing the group capital calculation:

(A) An insurance holding company system that has only one insurer within its holding company structure, only writes business and is only licensed in its domestic state, and assumes no business from any other insurer.

(B) An insurance holding company system that is required to perform a group capital calculation specified by the U.S. Federal Reserve Board. The lead state commissioner shall request the calculation from the Federal Reserve Board under the terms of information sharing agreements in effect. If the Federal Reserve Board cannot share the calculation with the lead state commissioner, the insurance holding company system is not exempt from the group capital calculation filing.

(C) An insurance holding company system whose non-U.S. groupwide supervisor is located within a reciprocal jurisdiction as described in subdivision 3634a(b)(6)(A) of this chapter that recognizes the U.S. state regulatory approach to group supervision and group capital.

(D) An insurance holding company system:

(i) that provides information to the lead state that meets the requirements for accreditation under the NAIC financial standards and accreditation program, either directly or indirectly through the groupwide supervisor, who has determined such information is satisfactory to allow the lead state to comply with the NAIC group supervision approach, as detailed in the NAIC Financial Analysis Handbook; and

(ii) whose non-U.S. groupwide supervisor that is not in a reciprocal jurisdiction recognizes and accepts, as specified in a rule adopted by the Commissioner, the group capital calculation as the worldwide group capital assessment for U.S. insurance groups who operate in that jurisdiction.

(E) Notwithstanding the provisions of subdivisions (C) and (D) of this subdivision (m)(2), a lead state commissioner shall require the group capital calculation for U.S. operations of any non-U.S. based insurance holding company system where, after any necessary consultation with other supervisors or officials, it is deemed appropriate by the lead state commissioner for prudential oversight and solvency monitoring purposes or for ensuring the competitiveness of the insurance marketplace.

(F) Notwithstanding the exemptions from filing the group capital calculation stated in subdivisions (A)–(D) of this subdivision (m)(2), the lead state commissioner has the discretion to exempt the ultimate controlling person from filing the annual group capital calculation or to accept a limited group capital filing or report in accordance with criteria as specified in a rule adopted by the Commissioner.

(G) If the lead state commissioner determines that an insurance holding company system no longer meets one or more of the requirements for an exemption from filing the group capital calculation under this subdivision (2), the insurance holding company system shall file the group capital calculation at the next annual filing date unless given an extension by the lead state commissioner based on reasonable grounds shown.

(3) Liquidity stress test.

(A) The ultimate controlling person of every insurer subject to registration and also scoped into the NAIC liquidity stress test framework shall file the results of a specific year's liquidity stress test. The filing shall be made to the lead state insurance commissioner of the insurance holding company system as determined by the procedures within the Financial Analysis Handbook adopted by the NAIC.

(B) The NAIC liquidity stress test framework includes scope criteria applicable to a specific data year. These scope criteria are reviewed at least annually by the Financial Stability Task Force or its successor. Any change to the NAIC liquidity stress test framework or to the data year for which the scope criteria are to be measured shall be effective on January 1 of the year following the calendar year when such changes are adopted. Insurers meeting at least one threshold of the scope criteria are considered scoped into the NAIC liquidity stress test framework for the specified data year unless the lead state insurance commissioner, in consultation with the NAIC Financial Stability Task Force or its successor, determines the insurer should not be scoped into the framework for that data year. Similarly, insurers that do not trigger at least one threshold of the scope criteria are considered scoped out of the NAIC liquidity stress test framework for the specified data year, unless the lead state insurance commissioner, in consultation with the NAIC Financial Stability

Task Force or its successor, determines the insurer should be scoped into the framework for that data year.

(C) Regulators shall avoid having insurers scoped in and out of the NAIC liquidity stress test framework on a frequent basis. The lead state insurance commissioner, in consultation with the Financial Stability Task Force or its successor, will assess this concern as part of the determination for an insurer.

(D) The performance of, and filing of the results from, a specific year's liquidity stress test shall comply with the NAIC liquidity stress test framework's instructions and reporting templates for that year and any lead state insurance commissioner determinations, in conjunction with the Financial Stability Task Force or its successor, provided within the Framework.

(n) Violations. The failure to file a registration statement or any amendment thereto to a registration statement required by this section within the time specified for such filing shall be a violation of this section.

Sec. 26. 8 V.S.A. § 3685 is amended to read:

§ 3685. STANDARDS AND MANAGEMENT OF AN INSURER WITHIN AN INSURANCE HOLDING COMPANY SYSTEM

(a) Transactions within an insurance holding company system.

(1) Transactions within an insurance holding company system to which an insurer subject to registration is a party shall be subject to the following standards:

~~(1)(A) the~~ The terms shall be fair and reasonable;

~~(2)(B) agreements~~ Agreements for cost-sharing services and management shall include such provisions as required by rule adopted by the Commissioner;

~~(3)(C) charges~~ Charges or fees for services performed shall be reasonable;

~~(4)(D) expenses~~ Expenses incurred and payment received shall be allocated to the insurer in conformity with customary insurance accounting practices consistently applied;

~~(5)(E) the~~ The books, accounts, and records of each party to all such transactions shall be so maintained so as to clearly and accurately disclose the precise nature and details of the transactions, including such accounting information as is necessary to support the reasonableness of the charges or fees to the respective parties; ~~and.~~

(6)(F) ~~the~~ The insurer's surplus as regards policyholders following any dividends or distributions to shareholder affiliates shall be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.

(G) If an insurer subject to this subchapter is deemed by the Commissioner to be in a hazardous financial condition as defined by Regulation I-1993-02, Defining Standards and Commissioner's Authority for Companies Deemed to be in Hazardous Financial Condition, or a condition that would be grounds for supervision, conservation, or a delinquency proceeding, then the Commissioner may require the insurer to secure and maintain either a deposit, held by the Commissioner, or a bond, as determined by the insurer at the insurer's discretion, for the protection of the insurer for the duration of a contract or agreement, or the existence of the condition for which the Commissioner required the deposit or the bond. In determining whether a deposit or a bond is required, the Commissioner shall consider whether concerns exist with respect to the affiliated person's ability to fulfill a contract or agreement if the insurer were to be put into liquidation. Once the insurer is deemed to be in a hazardous financial condition or a condition that would be grounds for supervision, conservation, or a delinquency proceeding, and a deposit or bond is necessary, the Commissioner has discretion to determine the amount of the deposit or bond, not to exceed the value of a contract or agreement in any one year, and whether such deposit or bond should be required for a single contract or agreement, multiple contracts or agreements, or a contract or agreement only with a specific person or persons.

(H) All records and data of the insurer held by an affiliate are and remain the property of the insurer, are subject to control of the insurer, are identifiable, and are segregated or readily capable of segregation, at no additional cost to the insurer, from all other persons' records and data. This includes all records and data that are otherwise the property of the insurer, in whatever form maintained, including claims and claim files, policyholder lists, application files, litigation files, premium records, rate books, underwriting manuals, personnel records, financial records, or similar records within the possession, custody, or control of the affiliate. At the request of the insurer, the affiliate shall provide that the receiver can obtain a complete set of all records of any type that pertain to the insurer's business; obtain access to the operating systems on which the data is maintained; obtain the software that runs those systems either through assumption of licensing agreements or otherwise; and restrict the use of the data by the affiliate if it is not operating the insurer's business. The affiliate shall provide a waiver of any landlord lien or other encumbrance to give the insurer access to all records and data in the event of the affiliate's default under a lease or other agreement.

(I) Premiums or other funds belonging to the insurer that are collected by or held by an affiliate are the exclusive property of the insurer and are subject to the control of the insurer. Any right of offset in the event an insurer is placed into receivership shall be subject to chapter 145 of this title.

(2) The following transactions involving a domestic insurer and any person in its holding company system, including amendments or modifications of affiliate agreements previously filed under this section, that are subject to any materiality standards contained in subdivisions (A)–(G) of this subdivision, shall not be entered into unless the insurer has notified the Commissioner in writing of its intention to enter into such transaction at least 30 days prior to the transaction, or such shorter period as the Commissioner may permit, and the Commissioner has not disapproved it within such period. The notice for amendments or modifications shall include the reasons for the change and the financial impact on the domestic insurer. Within 30 days following a termination of a previously filed agreement, informal notice shall be reported to the Commissioner for determination of the type of filing required, if any. Nothing in this subdivision shall be deemed to authorize or permit any transactions that, in the case of an insurer not a member of the same holding company system, would otherwise be contrary to law.

(A) Sales, purchases, exchanges, loans, or extensions of credit or investments, provided such transactions are equal to or exceed:

(i) with respect to nonlife insurers, the lesser of three percent of the insurer's admitted assets or 25 percent of surplus as regards policyholders as of the 31st day of December next preceding; or

(ii) with respect to life insurers, three percent of the insurer's admitted assets; each as of the 31st day of December next preceding.

(B) Loans or extensions of credit to any person who is not an affiliate, where the insurer makes such loans or extensions of credit with the agreement or understanding that the proceeds of such transactions, in whole or in substantial part, are to be used to make loans or extensions of credit to purchase assets of or to make investments in any affiliate of the insurer making such loans or extensions of credit, provided such transactions are equal to or exceed:

(i) with respect to nonlife insurers, the lesser of three percent of the insurer's admitted assets or 25 percent of surplus as regards policyholders as of the 31st day of December next preceding; or

(ii) with respect to life insurers, three percent of the insurer's admitted assets; each as of the 31st day of December next preceding.

(C) Reinsurance agreements or modifications of reinsurance agreements, including:

(i) all reinsurance pooling agreements; and

(ii) agreements in which the reinsurance premium or a change in the insurer's liabilities or the projected reinsurance premium or a change in the insurer's liabilities in any of the next three years equals or exceeds five percent of the insurer's surplus as regards policyholders, as of the 31st day of December next preceding, including those agreements that may require as consideration the transfer of assets from an insurer to a nonaffiliate, if an agreement or understanding exists between the insurer and nonaffiliate that any portion of such assets will be transferred to one or more affiliates of the insurer.

(D) All management agreements, service contracts, tax allocation agreements, guarantees, and all cost-sharing arrangements.

(E) Guarantees when made by a domestic insurer; provided, however, that a guarantee that is quantifiable as to amount is not subject to the notice requirements of this subdivision (2) unless it exceeds the lesser of one-half of one percent of the insurer's admitted assets or 10 percent of surplus as regards policyholders as of the 31st day of December next preceding. All guarantees that are not quantifiable as to amount are subject to the notice requirements of this subdivision.

(F) Direct or indirect acquisitions or investments in a person that controls the insurer or in an affiliate of the insurer in an amount that together with its present holdings in such investments exceeds two and one-half percent of the insurer's surplus to policyholders. Direct or indirect acquisitions or investments in subsidiaries acquired pursuant to section 3682 of this subchapter or authorized under any other Vermont insurance law or in nonsubsidiary insurance affiliates that are subject to the provisions of this subchapter, are exempt from the notice requirement of this subdivision (2).

(G) Any material transactions, as specified in a rule adopted by the Commissioner, that the Commissioner determines may adversely affect the interests of the insurer's policyholders.

(H) Nothing in this subdivision (2) shall be deemed to authorize or permit any transaction that, in the case of an insurer not a member of the same insurance holding company system, would otherwise be contrary to law.

(3) A domestic insurer shall not enter into transactions that are part of a plan or series of like transactions with persons within the insurance holding company system if the purpose of those separate transactions is to avoid the statutory threshold amount and thus avoid the review that would otherwise

occur. If the Commissioner determines that such separate transactions were entered into over any 12-month period for such purpose, the Commissioner may exercise the Commissioner's authority under this title.

(4) The Commissioner, in reviewing transactions pursuant to subsection (b) of this section, shall consider whether the transactions comply with the standards established in this subsection (a) and whether they may adversely affect the interests of policyholders.

(5) The Commissioner shall be notified within 30 days following any investment of the domestic insurer in any one corporation if the total investment in such corporation by the insurance holding company system exceeds 10 percent of such corporation's voting securities.

(6)(A) Any affiliate that is party to an agreement or contract with a domestic insurer that is subject to subdivision (2)(D) of this subsection (a) shall be subject to the jurisdiction of any supervision, seizure, conservatorship, or receivership proceedings against the insurer and to the authority of any supervisor, conservator, rehabilitator, or liquidator for the insurer appointed pursuant to chapter 145 of this title for the purpose of interpreting, enforcing, and overseeing the affiliate's obligations under the agreement or contract to perform services for the insurer that:

(i) are an integral part of the insurer's operations, including management, administrative, accounting, data processing, marketing, underwriting, claims handling, investment, or any other similar functions; or

(ii) are essential to the insurer's ability to fulfill its obligations under insurance policies.

(B) The Commissioner may require that an agreement or contract for the provision of services described in subdivisions (2)(A)(i) and (ii) of this subsection specify that the affiliate consents to the jurisdiction as set forth in this subdivision (a)(6).

(b) Adequacy of surplus. For purposes of this subchapter, in determining whether an insurer's surplus as regards policyholders is reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs, the following factors, among others, shall be considered:

(1) The size of the insurer as measured by its assets, capital and surplus, reserves, premium writings, insurance in force, and other appropriate criteria.

(2) The extent to which the insurer's business is diversified among the several lines of insurance.

(3) The number and size of risks insured in each line of business.

(4) The extent of the geographical dispersion of the insurer's insured risks.

(5) The nature and extent of the insurer's reinsurance program.

(6) The quality, diversification, and liquidity of the insurer's investment portfolio.

(7) The recent past and projected future trend in the size of the insurer's surplus as regards policyholders.

(8) The surplus as regards policyholders maintained by other comparable insurers.

(9) The adequacy of the insurer's reserves.

(10) The quality and liquidity of investments in ~~subsidiaries made pursuant to section 3682 of this title~~ affiliates. The Commissioner may treat any such investment as a disallowed asset for purposes of determining the adequacy of surplus as regards policyholders whenever in ~~his or her~~ the Commissioner's judgment such investment so warrants.

~~(c) Dividends and other distributions. No insurer subject to registration under section 3684 of this title shall~~ (1) A domestic insurer shall not pay any extraordinary dividend or make any other extraordinary distribution to its shareholders until:

~~(1)(A)~~ 30 days after the Commissioner has received notice of the declaration ~~thereof~~ of the dividend or distribution and has not within such period disapproved such payment; or

~~(2)(B)~~ the Commissioner shall have approved such payment within such 30-day period.

~~(d) Limitation on dividends.~~

~~(1)(2)~~ For purposes of this ~~section~~ subsection, an extraordinary dividend or distribution includes any dividend or distribution of cash or other property whose fair market value together with that of other dividends or distributions made within the preceding 12 months exceeds the lesser of:

(A) 10 percent of such insurer's surplus as regards policyholders as of the 31st day of December next preceding; or

(B) the net gains from operations of such insurer, if such insurer is a life insurer, or the net income, if such insurer is not a life insurer, not including realized capital gains, for the 12-month period ending the 31st day of December next preceding, but shall not include pro rata distributions of any class of the insurer's own securities.

~~(2)~~(3) In determining whether a dividend or distribution is extraordinary, an insurer other than a life insurer may carry forward net income from the previous two calendar years that has not already been paid out as dividends. This carry-forward shall be computed by taking the net income from the second and third preceding calendar years, not including realized capital gains, less dividends paid in the second and immediate preceding calendar years. In determining whether a dividend or distribution is extraordinary, a life insurer may exclude dividends or distributions paid only from unassigned surplus that do not exceed the greater of subdivision ~~(1)~~(A) ~~(2)~~(A) or (B) of this subsection, provided that a life insurer relying on this provision shall notify the Commissioner of such dividend or distribution within five business days following declaration and at least 10 days, commencing from the date of receipt by the Commissioner, prior to the payment thereof.

~~(e) Conditional dividends.~~ (4) Notwithstanding any other provision of law to the contrary, an insurer may declare an extraordinary dividend or distribution that is conditional upon the Commissioner's approval thereof, and such a declaration shall not confer ~~no~~ any rights upon shareholders until the Commissioner has:

~~(1)~~(A) approved the payment of such dividend or distribution; or

~~(2)~~(B) not disapproved such payment within the 30-day period referred to in ~~subsection (e) subdivision (1) of this section~~ subsection (c).

(d) Management of domestic insurers subject to registration.

(1) Notwithstanding the control of a domestic insurer by any person, the officers and directors of the insurer shall not thereby be relieved of any obligation or liability to which they would otherwise be subject by law, and the insurer shall be managed so as to ensure its separate operating identity consistent with this section.

(2) Nothing in this subsection shall preclude a domestic insurer from having or sharing a common management or cooperative or joint use of personnel, property, or services with one or more other persons under arrangements meeting the standards of subdivision (a)(1) of this section.

(3) Not less than one-third of the directors of a domestic insurer and not less than one-third of the members of each committee of the board of directors of any domestic insurer shall be persons who are not officers or employees of the insurer or of any entity controlling, controlled by, or under common control with the insurer and who are not beneficial owners of a controlling interest in the voting stock of the insurer or entity. At least one such person

shall be included in any quorum for the transaction of business at any meeting of the board of directors or any committee thereof.

(4) The board of directors of a domestic insurer shall establish one or more committees composed solely of directors who are not officers or employees of the insurer or of any entity controlling, controlled by, or under common control with the insurer and who are not beneficial owners of a controlling interest in the voting stock of the insurer or any such entity. The committee or committees shall have responsibility for nominating candidates for director for election by shareholders or policyholders, evaluating the performance of officers deemed to be principal officers of the insurer, and recommending to the board of directors the selection and compensation of the principal officers. For purposes of this subsection, principal officers shall mean the chief executive officer, the president, and any chief operating officer.

(5) The provisions of subdivisions (3) and (4) of this subsection shall not apply to a domestic insurer if the person controlling the insurer, such as an insurer, a mutual insurance holding company, or a publicly held corporation, has a board of directors and committees thereof that meet the requirements of subdivisions (3) and (4) of this subsection with respect to such controlling entity.

(6) An insurer may make application to the Commissioner for a waiver from the requirements of this subsection if the insurer's annual direct written and assumed premium, excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, is less than \$300,000,000.00. An insurer may also make application to the Commissioner for a waiver from the requirements of this subsection based upon unique circumstances. The Commissioner may consider various factors, including the type of business entity, volume of business written, availability of qualified board members, or the ownership or organizational structure of the entity.

~~(f) The following transactions involving a domestic insurer and any person in its holding company system, including amendments or modifications of affiliate agreements previously filed under this section, which are subject to any materiality standards contained in subdivisions (1) through (7) of this subsection, may not be entered into unless the insurer has notified the Commissioner in writing of its intention to enter into such transaction at least 30 days prior thereto, or such shorter period as the Commissioner may permit, and the Commissioner has not disapproved it within such period. The notice for amendments or modifications shall include the reasons for the change and the financial impact on the domestic insurer. Informal notice shall be reported within 30 days after a termination of a previously filed agreement to the Commissioner for determination of the type of filing required, if any. Nothing~~

~~herein contained shall be deemed to authorize or permit any transactions that in the case of an insurer not a member of the same holding company system, would be otherwise contrary to law.~~

~~(1) Sales, purchases, exchanges, loans, or extensions of credit or investments, provided such transactions are equal to or exceed:~~

~~(A) with respect to nonlife insurers, the lesser of three percent of the insurer's admitted assets or 25 percent of surplus as regards policyholders as of the 31st day of December next preceding;~~

~~(B) with respect to life insurers, three percent of the insurer's admitted assets; each as of the 31st day of December next preceding.~~

~~(2) Loans or extensions of credit to any person who is not an affiliate, where the insurer makes such loans or extensions of credit with the agreement or understanding that the proceeds of such transactions, in whole or in substantial part, are to be used to make loans or extensions of credit to, to purchase assets of, or to make investments in any affiliate of the insurer making such loans or extensions of credit, provided such transactions are equal to or exceed:~~

~~(A) with respect to nonlife insurers, the lesser of three percent of the insurer's admitted assets or 25 percent of surplus as regards policyholders as of the 31st day of December next preceding;~~

~~(B) with respect to life insurers, three percent of the insurer's admitted assets; each as of the 31st day of December next preceding.~~

~~(3) Reinsurance agreements or modifications thereto, including:~~

~~(A) all reinsurance pooling agreements;~~

~~(B) agreements in which the reinsurance premium or a change in the insurer's liabilities or the projected reinsurance premium or a change in the insurer's liabilities in any of the next three years equals or exceeds five percent of the insurer's surplus as regards policyholders, as of the 31st day of December next preceding, including those agreements that may require as consideration the transfer of assets from an insurer to a nonaffiliate, if an agreement or understanding exists between the insurer and nonaffiliate that any portion of such assets will be transferred to one or more affiliates of the insurer.~~

~~(4) Any material transactions, specified by regulation, that the Commissioner determines may adversely affect the interests of the insurer's policyholders.~~

~~(5) All management agreements, service contracts, and all cost-sharing arrangements.~~

~~(6) Guarantees when made by a domestic insurer; provided, however, that a guarantee that is quantifiable as to amount is not subject to the notice requirements of this subsection unless it exceeds the lesser of one-half of one percent of the insurer's admitted assets or 10 percent of surplus as regards policyholders as of the 31st day of December next preceding. All guarantees that are not quantifiable as to amount are subject to the notice requirements of this subdivision.~~

~~(7) Direct or indirect acquisitions or investments in a person that controls the insurer or an affiliate of the insurer in an amount that together with its present holdings in such investments, exceeds two and one-half percent of the insurer's surplus to policyholders. Direct or indirect acquisitions or investments in subsidiaries acquired pursuant to section 3682 of this chapter or authorized under any other section of this chapter or in nonsubsidiary insurance affiliates that are subject to the provisions of this chapter are exempt from this requirement.~~

~~(g) A domestic insurer may not enter into transactions that are part of a plan or series of like transactions with persons within the holding company system if the purpose of those separate transactions is to avoid the statutory threshold amount and thus avoid the review that would occur otherwise. If the Commissioner determines that such separate transactions were entered into over any 12-month period for such purpose, he or she may exercise his or her authority under this title.~~

~~(h) The Commissioner, in reviewing transactions pursuant to subsection (f) of this section, shall consider whether the transactions comply with the standards set forth in subsection (a) of this section and whether they may adversely affect the interests of policyholders.~~

~~(i) The Commissioner shall be notified within 30 days of any investment of the domestic insurer in any one corporation if the total investment in such corporation by the insurance holding company system exceeds 10 percent of such corporation's voting securities.~~

~~(j) Management of domestic insurers subject to registration.~~

~~(1) Notwithstanding the control of a domestic insurer by any person, the officers and directors of the insurer shall not thereby be relieved of any obligation or liability to which they would otherwise be subject by law, and the insurer shall be managed so as to ensure its separate operating identity consistent with this section.~~

~~(2) Nothing in this section shall preclude a domestic insurer from having or sharing a common management or cooperative or joint use of personnel, property, or services with one or more other persons under arrangements meeting the standards of subsection (a) of this section.~~

~~(3) Not less than one-third of the directors of a domestic insurer and not less than one-third of the members of each committee of the board of directors of any domestic insurer shall be persons who are not officers or employees of the insurer or of any entity controlling, controlled by, or under common control with the insurer and who are not beneficial owners of a controlling interest in the voting stock of the insurer or entity. At least one such person must be included in any quorum for the transaction of business at any meeting of the board of directors or any committee thereof.~~

~~(4) The board of directors of a domestic insurer shall establish one or more committees composed of a majority of directors who are not officers or employees of the insurer or of any entity controlling, controlled by, or under common control with the insurer and who are not beneficial owners of a controlling interest in the voting stock of the insurer or any such entity. The committee or committees shall have responsibility for nominating candidates for director for election by shareholders or policyholders, evaluating the performance of officers deemed to be principal officers of the insurer, and recommending to the board of directors the selection and compensation of the principal officers. For purposes of this subsection, principal officers shall mean the chief executive officer, the president, and any chief operating officer.~~

~~(5) The provisions of subdivisions (3) and (4) of this subsection shall not apply to a domestic insurer if the person controlling the insurer, such as an insurer, a mutual insurance holding company, or a publicly held corporation, has a board of directors and committees thereof that meet the requirements of subdivisions (3) and (4) of this subsection with respect to such controlling entity.~~

~~(6) An insurer may make application to the Commissioner for a waiver from the requirements of this subsection if the insurer's annual direct written and assumed premium, excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, is less than \$300,000,000.00. An insurer may also make application to the Commissioner for a waiver from the requirements of this subsection based upon unique circumstances. The Commissioner may consider various factors, including the type of business entity, volume of business written, availability of qualified board members, or the ownership or organizational structure of the entity.~~

Sec. 27. 8 V.S.A. § 3687 is amended to read:

§ 3687. CONFIDENTIAL TREATMENT

(a) Documents, materials, or other information in the possession or control of the Department that are obtained by or disclosed to the Commissioner or any other person in the course of an examination or investigation made pursuant to section 3686 of this title and all information reported pursuant to subdivisions 3683(b)(12) and (13), section 3684, and section 3685 of this ~~title~~ chapter are recognized by this State as being proprietary and to contain trade secrets and shall be given confidential treatment, shall not be subject to subpoena, shall not be subject to public inspection and copying under the Public Records Act, shall not be subject to discovery or admissible in evidence in any private civil action, and shall not be made public by the Commissioner or any other person. However, the Commissioner is authorized to use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the Commissioner's official duties. The Commissioner shall not otherwise make the documents, materials, or other information public without the prior written consent of the insurer to which it pertains unless the Commissioner, after giving the insurer and its affiliates who would be affected thereby notice and opportunity to be heard, determines that the interests of policyholders, shareholders, or the public will be served by the publication thereof, in which event ~~he or she~~ the Commissioner may publish all or any part thereof in such manner as ~~he or she~~ the Commissioner may deem appropriate.

(1) For purposes of the information reported and provided to the Department pursuant to subdivision 3684(m)(2) of this chapter, the Commissioner shall maintain the confidentiality of the group capital calculation and group capital ratio produced within the calculation and any group capital information received from an insurance holding company supervised by the Federal Reserve Board or any U.S. groupwide supervisor.

(2) For purposes of the information reported and provided to the Department pursuant to subdivision 3684(m)(3) of this chapter, the Commissioner shall maintain the confidentiality of the liquidity stress test results and supporting disclosures and any liquidity stress test information received from an insurance holding company supervised by the Federal Reserve Board and non-U.S. groupwide supervisors.

(b) Neither the Commissioner nor any person who received documents, materials, or other information while acting under the authority of the Commissioner or with whom such documents, materials, or other information are shared pursuant to this chapter shall be permitted or required to testify in

any private civil action concerning any confidential documents, materials, or information subject to subsection (a) of this section.

(c) In order to assist in the performance of the Commissioner's duties, the Commissioner:

(1) ~~may~~ May share documents, materials, or other information, including the confidential and privileged documents, materials, or information subject to subsection (a) of this section, including proprietary and trade secret documents and materials, with other state, federal, and international regulatory agencies, with the NAIC ~~and its affiliates and subsidiaries~~, with third-party consultants designated by the Commissioner, and with state, federal, and international law enforcement authorities, including members of any supervisory college described in section 3695 of this title, provided that the recipient agrees in writing to maintain the confidentiality and privileged status of the document, material, or other information and has verified in writing the legal authority to maintain confidentiality;

(2) ~~notwithstanding~~ Notwithstanding subdivision (1) of this subsection, may only share confidential and privileged documents, material, or information reported pursuant to ~~subsection 3684(m)~~ subdivision 3684(m)(1) of this chapter with commissioners of states having statutes or regulations substantially similar to subsection (a) of this section and who have agreed in writing not to disclose such information;

(3) ~~may~~ May receive documents, materials, or information, including otherwise confidential and privileged documents, materials, or information, including proprietary and trade-secret information, from the NAIC and its affiliates and subsidiaries and from regulatory and law enforcement officials of other foreign or domestic jurisdictions and shall maintain as confidential or privileged any document, material, or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information; ~~and~~.

(4) ~~shall~~ Shall enter into written agreements with the NAIC and any third-party consultant designated by the Commissioner governing sharing and use of information provided under this chapter consistent with this subsection that shall:

(A) ~~specify~~ Specify procedures and protocols regarding the confidentiality and security of information shared with the NAIC ~~and its affiliates and subsidiaries~~ or a third-party consultant designated by the Commissioner pursuant to this ~~section~~ subchapter, including procedures and protocols for sharing by the NAIC with other state, federal, or international regulators; The agreement shall provide that the recipient agrees in writing to

maintain the confidentiality and privileged status of the documents, materials, or other information and has verified in writing the legal authority to maintain such confidentiality.

(B) ~~specify~~ Specify that ownership of information shared with the NAIC ~~and its affiliates and subsidiaries~~ or a third-party consultant pursuant to this section remains with the Commissioner and the NAIC's use of the information is subject to the direction of the Commissioner; ~~and~~.

(C) ~~require~~ Excluding documents, materials, or information reported pursuant to subdivision 3684(m)(3) of this title, prohibit the NAIC or third-party consultant designated by the Commissioner from storing the information shared pursuant to this subchapter in a permanent database after the underlying analysis is completed.

(D) Require prompt notice be given to an insurer whose confidential information in the possession of the NAIC or third-party consultant designated by the Commissioner under this ~~section~~ subchapter is subject to a request or subpoena to the NAIC or a third-party consultant designated by the Commissioner for disclosure or production; ~~and~~.

~~(D)~~(E) require Require the NAIC ~~and its affiliates and subsidiaries~~ or a third-party consultant designated by the Commissioner to consent to intervention by an insurer in any judicial or administrative action in which the NAIC ~~and its affiliates and subsidiaries~~ or third-party consultant designated by the Commissioner may be required to disclose confidential information about the insurer shared with the NAIC ~~and its affiliates and subsidiaries~~ or third-party consultant designated by the Commissioner pursuant to this section.

(F) For documents, materials, or information report pursuant to subdivision 3684(b)(3) of this chapter, in the case of an agreement involving a third-party consultant, provide for notification of the identity of the consultant to the applicable insurers.

(d) The sharing of information by the Commissioner pursuant to this section shall not constitute a delegation of regulatory authority or rulemaking, and the Commissioner is solely responsible for the administration, execution, and enforcement of the provisions of this section.

(e) No waiver of any applicable privilege or claim of confidentiality in the documents, materials, or information shall occur as a result of disclosure to the Commissioner under this section or as a result of sharing as authorized in subsection (c) of this section.

(f) Documents, materials, or other information in the possession or control of the NAIC or third-party consultant designated by the Commissioner pursuant to this ~~section~~ subchapter shall be confidential by law and privileged,

shall not be subject to public inspection and copying under the Public Records Act, shall not be subject to subpoena, shall not be subject to discovery or admissible in evidence in any private civil action, and shall not be made public by the Commissioner or any other person.

(g) The group capital calculation and resulting group capital ratio required under subdivision 3684(m)(2) of this subchapter and the liquidity stress test along with its results and supporting disclosures required under subdivision 3684(m)(3) of this subchapter are regulatory tools for assessing group risks and capital adequacy and group liquidity risks, respectively, and are not intended as a means to rank insurers or insurance holding company systems, generally. Therefore, except as otherwise may be required under the provisions of this chapter, the making, publishing, disseminating, circulating or placing before the public, or causing directly or indirectly to be made, published, disseminated, circulated, or placed before the public in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio or television station or any electronic means of communication available to the public, or in any other way as an advertisement, announcement, or statement containing a representation or statement with regard to the group capital calculation, group capital ratio, the liquidity stress test results, or supporting disclosures for the liquidity stress test of any insurer or any insurer group, or of any component derived in the calculation by any insurer, broker, or other person engaged in any manner in the insurance business would be misleading and is therefore prohibited. However, if any materially false statement with respect to the group capital calculation, resulting group capital ratio, an inappropriate comparison of any amount to an insurer's or insurance group's group capital calculation or resulting group capital ratio, liquidity stress test result, supporting disclosures for the liquidity stress test, or an inappropriate comparison of any amount to an insurer's or insurance group's liquidity stress test result or supporting disclosures is published in any written publication and the insurer is able to demonstrate to the Commissioner with substantial proof the falsity of such statement or the inappropriateness, as the case may be, then the insurer may publish announcements in a written publication if the sole purpose of the announcement is to rebut the materially false statement.

Sec. 28. 8 V.S.A. chapter 149 is added to read:

CHAPTER 149. PET INSURANCE

§ 7151. SHORT TITLE

This chapter shall be known and may be cited as the "Pet Insurance Act."

§ 7152. SCOPE AND PURPOSE

(a) The purpose of this chapter is to promote the public welfare by creating a comprehensive legal framework within which pet insurance may be sold in Vermont.

(b) The requirements of this chapter shall apply to pet insurance policies that are issued to any resident of this State and are sold, solicited, negotiated, or offered in this State and policies or certificates that are delivered or issued for delivery in this State.

(c) All other applicable provisions of Vermont insurance law shall continue to apply to pet insurance except that the specific provisions of this subchapter shall supersede any general provisions of law that would otherwise be applicable to pet insurance.

§ 7153. DEFINITIONS

(a) If a pet insurer uses any term defined in this section in a policy of pet insurance, the pet insurer shall use the definition of the term provided in this section and include the definition of the term in the policy. The pet insurer shall also make the definition available through a clear and conspicuous link on the main page of the website of either the pet insurer or the pet insurer's program administrator.

(b) Nothing in this chapter shall in any way prohibit or limit the types of exclusions pet insurers may use in their policies or require pet insurers to have any of the limitations or exclusions defined in this section.

(c) As used in this chapter:

(1) "Chronic condition" means a condition that can be treated or managed, but not cured.

(2) "Congenital anomaly or disorder" means a condition that is present from birth, whether inherited or caused by the environment, which may cause or contribute to illness or disease.

(3) "Hereditary disorder" means an abnormality that is genetically transmitted from parent to offspring and may cause illness or disease.

(4) "Orthopedic" refers to conditions affecting the bones, skeletal muscle, cartilage, tendons, ligaments, and joints. It includes elbow dysplasia, hip dysplasia, intervertebral disc degeneration, patellar luxation, and ruptured cranial cruciate ligaments. It does not include cancers or metabolic, hemopoietic, or autoimmune diseases.

(5) "Pet insurance" means a property insurance policy that provides coverage for accidents and illnesses of pets.

(6)(A) “Preexisting condition” means any condition for which any of the following are true within 180 days prior to the effective date of a pet insurance policy or during any waiting period:

(i) a veterinarian provided medical advice;

(ii) the pet received previous treatment; or

(iii) based on information from verifiable sources, the pet had signs or symptoms directly related to the condition for which a claim is being made.

(B) A condition for which coverage is afforded on a policy cannot be considered a preexisting condition on any renewal of the policy.

(7) “Renewal” means to issue and deliver at the end of an insurance policy period a policy that supersedes a policy previously issued and delivered by the same pet insurer or affiliated pet insurer and that provides types and limits of coverage substantially similar to those contained in the policy being superseded.

(8) “Veterinarian” means an individual who holds a valid license to practice veterinary medicine from the appropriate licensing entity in the jurisdiction in which the veterinarian practices.

(9) “Veterinary expenses” means the costs associated with medical advice, diagnosis, care, or treatment provided by a veterinarian, including the cost of drugs prescribed by a veterinarian.

(10) “Waiting period” means the period of time specified in a pet insurance policy that is required to transpire before some or all of the coverage in the policy can begin. A waiting period may not be applied to a renewal of existing coverage.

(11) “Wellness program” means a subscription or reimbursement-based program that is separate from an insurance policy that provides goods and services to promote the general health, safety, or well-being of the pet. If any wellness program meets the definition of insurance in section 3301a of this title and does not qualify for any exclusion, it is transacting in the business of insurance and is subject to the applicable insurance laws and rules. This definition is not intended to classify a contract directly between a service provider and a pet owner that only involves the two parties as being “the business of insurance,” unless other indications of insurance also exist.

§ 7154. DISCLOSURES

(a) A pet insurer transacting pet insurance shall disclose the following to consumers:

(1) If the policy excludes coverage due to any of the following:

- (A) a preexisting condition;
- (B) a hereditary disorder;
- (C) a congenital anomaly or disorder; or
- (D) a chronic condition.

(2) If the policy includes any other exclusions, the following statement: "Other exclusions may apply. Please refer to the exclusions section of the policy for more information."

(3) Any policy provision that limits coverage through a waiting or affiliation period, a deductible, coinsurance, or an annual or lifetime policy limit.

(4) Whether the pet insurer reduces coverage or increases premiums based on the insured's claim history, the age of the covered pet, or a change in the geographic location of the insured.

(5) If the underwriting company differs from the brand name used to market and sell the product.

(b)(1) Unless the insured has filed a claim under the pet insurance policy, pet insurance applicants shall have the right to examine and return the policy, certificate, or rider to the company or an agent or insurance producer of the company within 30 days following its receipt and to have the premium refunded if, after examination of the policy, certificate, or rider, the applicant is not satisfied for any reason.

(2) Pet insurance policies, certificates, and riders shall have a notice prominently printed on the first page or attached thereto including specific instructions to accomplish a return. The following free-look statement, or substantially similar language, shall be included:

You have 30 days following the day you receive this policy, certificate, or rider to review it and return it to the company if you decide not to keep it. You do not have to tell the company why you are returning it. If you decide not to keep it, simply return it to the company at its administrative office or you may return it to the agent or insurance producer that you bought it from, provided you have not filed a claim. You must return it within 30 days following the day you first received it. The company will refund the full amount of any premium paid within 30 days following the day it receives the returned policy, certificate, or rider. The premium refund will be sent directly to the person who paid it. The policy, certificate, or rider will be void as if it had never been issued.

(3) A pet insurer shall clearly disclose a summary description of the basis or formula on which the pet insurer determines claim payments under a pet insurance policy within the policy prior to policy issuance and through a clear and conspicuous link on the main page of the website of either the pet insurer or the pet insurer’s program administrator.

(4) A pet insurer that uses a benefit schedule to determine claim payment under a pet insurance policy shall do the following:

(A) clearly disclose the applicable benefit schedule in the policy; and

(B) disclose all benefit schedules used by the pet insurer under its pet insurance policies through a clear and conspicuous link on the main page of the website of either the pet insurer or the pet insurer’s program administrator.

(5) A pet insurer that determines claim payments under a pet insurance policy based on usual and customary fees, or any other reimbursement limitation based on prevailing veterinary service provider charges, shall do the following:

(A) include a usual and customary fee limitation provision in the policy that clearly describes the pet insurer’s basis for determining usual and customary fees and how that basis is applied in calculating claim payments; and

(B) disclose the pet insurer’s basis for determining usual and customary fees through a clear and conspicuous link on the main page of the website of either the pet insurer or the pet insurer’s program administrator.

(6) If any medical examination by a licensed veterinarian is required to effectuate coverage, the pet insurer shall clearly and conspicuously disclose the required aspects of the examination prior to purchase and disclose that examination documentation may result in a preexisting condition exclusion.

(7) Waiting periods and the requirements applicable to them must be clearly and prominently disclosed to consumers prior to the policy purchase.

(8) The pet insurer shall include a summary of all policy provisions required in subdivisions (1)–(7) of this subsection in a separate document entitled “Insurer Disclosure of Important Policy Provisions.”

(9) The pet insurer shall post the “Insurer Disclosure of Important Policy Provisions” document required in subdivision (8) of this subsection through a clear and conspicuous link on the main page of the website of either the pet insurer or the pet insurer’s program administrator.

(10) In connection with the issuance of a new pet insurance policy, the pet insurer shall provide the consumer with a copy of the “Insurer Disclosure of Important Policy Provisions” document required pursuant to subdivision (8) of this subsection in at least 12-point type when it delivers the policy.

(11) At the time a pet insurance policy is issued or delivered to a policyholder, the pet insurer shall include a written disclosure with the following information, printed in 12-point boldface type:

(A) the Department of Financial Regulation’s mailing address, toll-free telephone number, and website address;

(B) the address and customer service telephone number of the pet insurer or the agent or broker of record; and

(C) if the policy was issued or delivered by an agent or broker, a statement advising the policyholder to contact the broker or agent for assistance.

(12) The disclosures required in this section shall be in addition to any other disclosure requirements required by law or rule.

§ 7155. POLICY CONDITIONS

(a) A pet insurer may issue policies that exclude coverage on the basis of one or more preexisting conditions with appropriate disclosure to the consumer. The pet insurer has the burden of proving that the preexisting condition exclusion applies to the condition for which a claim is being made.

(b) A pet insurer may issue policies that impose waiting periods that do not exceed 30 days from the effective date of the policy for illnesses or orthopedic conditions not resulting from an accident. Waiting periods for accidents are prohibited. An insurer must issue coverage to be effective not later than 12:01 a.m. on the second calendar day after premium is paid.

(1) A pet insurer using a waiting period permitted under this subsection shall include a provision in its contract that allows the waiting period to be waived upon completion of a medical examination. Pet insurers may require the examination to be conducted by a licensed veterinarian after the purchase of the policy.

(A) A medical examination pursuant to this subdivision (1) shall be paid for by the policyholder, unless the policy specifies that the pet insurer will pay for the examination.

(B) A pet insurer can specify elements to be included as part of the examination and require documentation thereof, provided the specifications do not unreasonably restrict a consumer's ability to waive the waiting period under this subsection.

(2) Waiting periods, and the requirements applicable to them, shall be clearly and prominently disclosed to consumers prior to the policy purchase.

(3) If a policy does not include a waiting period, an insurer may set a policy effective date that is up to 15 calendar days after purchase, provided such policy effective date is clearly disclosed and no premium is earned before the policy becomes effective.

(c) A pet insurer must not require a veterinary examination of the covered pet for the insured to have their policy renewed.

(d) If a pet insurer includes any prescriptive, wellness, or noninsurance benefits in the policy form, then it is made part of the policy contract and shall follow all applicable insurance laws and rules.

(e) An insured's eligibility to purchase a pet insurance policy shall not be based on participation, or lack of participation, in a separate wellness program.

(f) A condition for which coverage is afforded on a policy shall not be considered a preexisting condition on any renewal of the policy.

(g) A policyholder shall be allowed to modify coverage amounts without having the policy cancelled and renewed.

(h) Coverage for new or existing claims shall not be suspended due to nonpayment of premium. The policy is considered effective until renewal, cancellation, or nonrenewal.

(i) Unpaid premiums shall not be deducted from claim payments for a covered loss.

§ 7156. SALES PRACTICES FOR WELLNESS PROGRAMS

(a) A pet insurer or producer shall not market a wellness program as pet insurance.

(b) If a wellness program is sold by a pet insurer or producer it shall be subject to the following requirements:

(1) The purchase of the wellness program shall not be a requirement to the purchase of pet insurance.

(2) The costs of the wellness program shall be separate and identifiable from any pet insurance policy sold by a pet insurer or producer.

(3) The terms and conditions for the wellness program shall be separate from any pet insurance policy sold by a pet insurer or producer.

(4) The products or coverages available through the wellness program shall not duplicate products or coverages available through the pet insurance policy.

(5) The advertising of the wellness program shall not be misleading and shall be in accordance with the requirements of this subsection.

(6) A pet insurer or producer shall clearly disclose the following to consumers, printed in 12-point boldface type:

(A) that wellness programs are not insurance;

(B) the address and customer service telephone number of the pet insurer or producer or broker of record; and

(C) the Department of Financial Regulation's mailing address, toll-free telephone number, and website address.

(7) Coverages included in the pet insurance policy contract described as "wellness" benefits are insurance.

§ 7157. INSURANCE PRODUCER TRAINING

(a) An insurance producer shall not sell, solicit, or negotiate a pet insurance product until after the producer is appropriately licensed and has completed the required training identified in subsection (c) of this section.

(b) An insurer shall ensure that its producers are trained under subsection (c) of this section and that its producers have been appropriately trained on the coverages and conditions of its pet insurance products.

(c) The training required under this section shall include information on the following topics:

(A) preexisting conditions and waiting periods;

(B) the differences between pet insurance and noninsurance wellness programs;

(C) hereditary disorders, congenital anomalies or disorders, and chronic conditions and how pet insurance policies interact with those conditions or disorders; and

(D) rating, underwriting, renewal, and other related administrative topics.

(d) The satisfaction of the training requirements of another state that are substantially similar to the training requirements in subsection (c) of this section shall be deemed to satisfy the training requirements in Vermont.

§ 7158. RULES

The Commissioner may adopt rules to administer this chapter and to effectuate its policies and purposes.

§ 7159. VIOLATIONS

A violation of this chapter shall be subject to the penalties and enforcement provisions specified in section 3661 of this title.

* * * Conference of State Bank Supervisors; Money Transmission
Modernization Model Act * * *

Sec. 29. 8 V.S.A. § 2101 is amended to read:

§ 2101. DEFINITIONS

Except as otherwise provided in this part:

(1) “Acting in concert” means persons knowingly acting together with a common goal of jointly acquiring control of a license whether or not pursuant to an express agreement.

(2) “Commercial loan” means a loan or extension of credit that is described in 9 V.S.A. § 46(1), (2), or (4). The term does not include a loan or extension of credit secured in whole or in part by an owner-occupied, one- to four-unit dwelling.

~~(2)~~(3) “Commissioner” means the Commissioner of Financial Regulation.

~~(3)~~(4)(A) “Control” means the possession, direct or indirect, of the power to direct or cause the direction of the management or policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control is presumed to exist if a person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing 10 percent or more of the voting securities or other interest of any other person:

(i) the power to vote, directly or indirectly, at least 25 percent of the outstanding voting shares or voting interests of a licensee or person in control of a licensee;

(ii) the power to elect or appoint a majority of key individuals; or

(iii) the power to exercise, directly or indirectly, a controlling influence over the management or policies of a licensee or person in control of a licensee.

(B) A person is presumed to exercise a controlling influence when the person holds the power to vote, directly or indirectly, at least 10 percent of the outstanding voting shares or voting interests of a licensee or person in control of a licensee.

(C) A person presumed to exercise a controlling influence as defined by subdivision (4)(B) of this section can rebut the presumption of control if the person is a passive investor.

(D) For purposes of determining the percentage of a person controlled by any other person, the person's interest shall be aggregated with the interest of any other immediate family member as defined in subdivision (9) of this section, as well as the interest of the person's mothers- and fathers-in-law, sons- and daughters-in-law, brothers- and sisters-in-law, and any other person who shares such person's home.

~~(4)~~(5) "Depository institution" has the same meaning as in 12 U.S.C. § 1813 and includes any bank and any savings association as defined in 12 U.S.C. § 1813. The term also includes a credit union organized and regulated as such under the laws of the United States or any state.

~~(5)~~(6) "Dwelling" has the same meaning as in 15 U.S.C. § 1602.

~~(6)~~(7) "Federal banking agencies" means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the National Credit Union Administration, and the Federal Deposit Insurance Corporation or any successor of any of these.

~~(7)~~(8) "Holder" means:

(A) the person in possession of a negotiable instrument that is payable either to bearer or to an identified person that is the person in possession;

(B) the person in possession of a negotiable tangible document of title if the goods are deliverable either to bearer or to the order of the person in possession; or

(C) the person in control of a negotiable electronic document of title.

~~(8)~~(9) "Immediate family member" means a spouse, child, sibling, parent, grandparent, or grandchild, aunt, uncle, nephew, niece, including stepparents, stepchildren, stepsiblings, step grandparents, step grandchildren,

and adoptive relationships. The term also includes former spouses dividing property in connection with a divorce or separation.

~~(9)~~(10) “Individual” means a natural person.

~~(10)~~(11) “Insurance company” means an institution organized and regulated as such under the laws of any state.

~~(11)~~(12) “Key individual” means any individual ultimately responsible for establishing or directing policies and procedures of the licensee, such as an executive officer, manager, director, or trustee, and includes persons exercising the managerial authority of a person in control of a licensee.

(13) “Licensee” means a person required to be licensed or registered under this part.

~~(12)~~(14) “Material litigation” means a litigation that according to generally accepted accounting principles is deemed significant to an applicant’s or a licensee’s financial health and is required to be disclosed in the applicant’s or licensee’s annual audited financial statements, report to shareholders, or similar records.

~~(13)~~(15) “Mortgage loan” means a loan secured primarily by a lien against real estate.

(16) “Multistate licensing process” means any agreement entered into by and among state regulators relating to coordinated processing of applications for licenses, applications for the acquisition of control of a licensee, control determinations, or notice and information requirements for a change of key individuals.

~~(14)~~(17) “Nationwide Multistate Licensing System and Registry” or “Nationwide Mortgage Licensing System and Registry” or “NMLS” means a multistate licensing system developed by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators and operated by the State Regulatory Registry LLC for the licensing and registration of ~~non-depository~~ nondepository financial service entities in participating state agencies, or any successor to the Nationwide Multistate Licensing System and Registry.

~~(15)~~(18) “Person” has the same meaning as in 1 V.S.A. § 128.

(19) “Passive investor” means a person that:

(A) does not have the power to elect a majority of key individuals;

(B) is not employed by and does not have any managerial duties of the licensee or person in control of a licensee;

(C) does not have the power to exercise, directly or indirectly, a controlling influence over the management or policies of a licensee or person in control of a licensee; and

(D) either attests to subdivisions (A), (B), and (C) of this subdivision in a form and in a medium prescribed by the Commissioner or commits to the passivity characteristics of subdivisions (A), (B), and (C) of this subdivision in a written document.

~~(16)~~(20) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

~~(17)~~(21) “Residential mortgage loan” means a loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on either a dwelling or residential real estate, upon which is constructed or intended to be constructed a dwelling.

~~(18)~~(22) “Residential real estate” means real property located in this State, upon which is constructed or intended to be constructed a dwelling.

~~(19) “Responsible individual” means an individual who is employed by a licensee and has principal, active managerial authority over the provision of services in this State.~~

~~(20)~~(23) “State” means a state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States, except that when capitalized the term means the State of Vermont.

~~(21)~~(24) “Unique identifier” means a number or other identifier assigned by protocols established by the Nationwide Multistate Licensing System and Registry.

~~(22)~~(25) “Unsafe or unsound practice” means a practice or conduct by a person licensed to do business in this State that creates the likelihood of material loss, insolvency, or dissipation of the licensee’s assets, or otherwise materially prejudices the interests of its customers.

Sec. 30. 8 V.S.A. § 2102 is amended to read:

§ 2102. APPLICATION FOR LICENSE

(a) Application for a license or registration shall be in writing, under oath, and in the form prescribed by the Commissioner, and shall contain the legal name, any fictitious name or trade name, and the address of the residence and place of business of the applicant, ~~and~~; if the applicant is a partnership ~~or an~~

~~association, of every member thereof, and if a corporation, of each officer and director thereof~~ corporation, limited liability company, partnership, or other entity, the name and title of each key individual and person in control of the applicant; also the county and municipality with street and number, if any, where the business is to be conducted; and such further information as the Commissioner may require.

* * *

(c) In connection with an application for a license, the applicant, each ~~officer, director, and responsible individual of the applicant~~ key individual, each person in control of the applicant, and any other person the Commissioner requires in accordance with NMLS guidelines or other multistate agreements, shall furnish to the Nationwide Multistate Licensing System and Registry information concerning each person's identity, including:

(1) fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information for a state, national, and international criminal history background check;

(2) personal history and experience in a form prescribed by the Nationwide Multistate Licensing System and Registry, including the submission of authorization for the Nationwide Multistate Licensing System and Registry and the Commissioner to obtain:

(A) an independent credit report and credit score obtained from a consumer reporting agency described in 15 U.S.C. § 1681a for the purpose of evaluating the applicant's financial responsibility at the time of application; and the Commissioner may obtain additional credit reports and credit scores to confirm the licensee's continued compliance with the financial responsibility requirements of this part; and

(B) information related to any administrative, civil, or criminal findings by any governmental jurisdiction; and

(3) if the individual has resided outside the United States at any time in the last 10 years, an investigative background report prepared by an independent search firm that meets the following minimum requirements:

(A) the search firm demonstrates that it has sufficient knowledge, resources, and employs accepted and reasonable methodologies to conduct the research of the background report;

(B) the search firm is not affiliated with nor has an interest with the individual it is researching; and

(C) the investigative background report is written in the English language and contains the following:

(i) if available in the individual's current jurisdiction of residency, a comprehensive credit report, or any equivalent information obtained or generated by the independent search firm to accomplish such report, including a search of the court data in the countries, provinces, states, cities, towns, and contiguous areas where the individual resided and worked;

(ii) criminal records information for the past 10 years, including felonies, misdemeanors, or similar convictions for violations of law in the countries, provinces, states, cities, towns, and contiguous areas where the individual resided and worked;

(iii) employment history;

(iv) media history, including an electronic search of national and local publications, wire services, and business applications; and

(v) financial services-related regulatory history, including money transmission, securities, banking, insurance, and mortgage-related industries; and

~~(4) any other information required by the Nationwide Multistate Licensing System and Registry NMLS or the Commissioner.~~

(d) The applicant shall provide a list of any material litigation in which the applicant has been involved in the 10-year period preceding the submission of the application.

(e) If an applicant is a corporation, limited liability company, partnership, or other entity, the applicant shall also provide:

(1) the date of the applicant's incorporation or formation and state or country of incorporation or formation;

(2) if applicable, a certificate of good standing from the state or country in which the applicant is incorporated or formed;

(3) a brief description of the structure or organization of the applicant, including any parent or subsidiary of the applicant, and whether any parent or subsidiary is publicly traded;

(4) the legal name, any fictitious or trade name, all business and residential addresses, and the employment, in the 10-year period preceding the submission of the application, of each ~~executive officer, manager, responsible individual, director of, or~~ key individual and person in control of, the applicant;

* * *

Sec. 31. 8 V.S.A. § 2103 is amended to read:

§ 2103. APPROVAL OF APPLICATION AND ISSUANCE OF LICENSE

(a) Upon the filing of an application, payment of the required fees, and satisfaction of any applicable bond and liquid asset requirements, the Commissioner shall issue a license to the applicant if the Commissioner finds:

(1)(A) The financial condition and responsibility, financial and business experience, competence, character, and general fitness of the applicant command the confidence of the community and warrant belief that the business will be operated honestly, fairly, and efficiently pursuant to the applicable chapter of this title.

(i) If the applicant is a corporation, partnership, or association, such findings are required with respect to each partner, member, and responsible individual of, key individual and each person in control of, the applicant.

(ii) ~~If the applicant is a corporation, such findings are required with respect to each officer, director, and responsible individual of, and each person in control of, the applicant.~~

* * *

(3) The applicant, each ~~officer, director, and responsible individual of~~ key individual, and each person in control of, the applicant, has never had a financial services license or similar license revoked in any governmental jurisdiction, except that a subsequent formal vacation of such revocation shall not be deemed a revocation.

(4) The applicant, each ~~officer, director, and responsible individual of~~ key individual, and each person in control of, the applicant has not been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court:

* * *

(5) The applicant has satisfied the applicable surety bond and liquid asset requirement as follows:

* * *

(C) for an application for a money transmitter license, the ~~bond and~~ net worth and security requirements of sections ~~2507 and 2510~~ 2531 and 2532 of this title;

* * *

(f) If an applicant avails itself or is otherwise subject to a multistate licensing process:

(1) the Commissioner is authorized to accept the investigation results of a lead investigative state for the purposes of reaching the findings in subsections (a)–(d) of this section if the lead investigative state has sufficient staffing, expertise, and minimum standards; or

(2) if Vermont is a lead investigative state, the Commissioner is authorized to investigate the applicant pursuant to subsections (a)–(e) of this section.

(g) This section does not apply to a person applying for a commercial lender license under section 2202a of this title.

Sec. 32. 8 V.S.A. § 2107 is amended to read:

§ 2107. CHANGE OF CONTROL

(a) A licensee shall give the Commissioner notice of a proposed change of control within 30 days of the proposed change and request approval of the acquisition. A money transmitter licensee shall also submit with the notice a nonrefundable fee of \$500.00. Any person or group of persons acting in concert shall submit a request to the Commissioner and shall obtain the approval of the Commissioner prior to acquiring control. If the person or group of persons is seeking to acquire control of a money transmitter licensee, the person or group of persons shall submit with the request a nonrefundable fee of \$500.00. An individual is not deemed to acquire control of a licensee and is not subject to this section when that individual becomes a key individual in the ordinary course of business.

(b) After review of a request for approval under subsection (a) of this section, the Commissioner may require the licensee to provide additional information concerning the proposed persons in control of the licensee. The additional information shall be limited to the same categories of information required of the licensee or persons in control of the licensee as part of its original license or renewal application. The request required by subsection (a) of this section shall include all information required for the person or group of persons seeking to acquire control and all new key individuals that have not previously submitted the application requirements contained in section 2102 of this chapter.

(c) The Commissioner shall approve a request for change of control under subsection (a) of this section if, after investigation, the Commissioner determines that the person or group of persons requesting approval has the financial condition and responsibility, competence, experience, character, and general fitness to control and operate the licensee or person in control of the

licensee in a lawful and proper manner, and that the interests of the public will not be jeopardized by the change of control.

* * *

(h) If an applicant avails itself or is otherwise subject to a multistate licensing process:

(1) the Commissioner is authorized to accept the investigation results of a lead investigative state for the purposes of reaching the findings in subsections (c) of this section if the lead investigative state has sufficient staffing, expertise, and minimum standards; or

(2) if Vermont is a lead investigative state, the Commissioner is authorized to investigate the applicant pursuant to subsections (c) of this section.

Sec. 33. 8 V.S.A. § 2108 is amended to read:

§ 2108. NOTIFICATION OF MATERIAL CHANGE

* * *

~~(b) A licensee shall notify the Commissioner in writing within 30 days of any change in the list of executive officers, managers, directors, or responsible individuals adding or replacing any key individual shall:~~

(1) notify the Commissioner in writing within 15 days after the effective date of the key individual's appointment; and

(2) provide the information required in subsection 2102(c) of this chapter within 45 days after the effective date of the key individual's appointment.

(c) The Commissioner may issue a notice of disapproval of a key individual if the Commissioner finds that the financial condition and responsibility, financial and business experience, competence, character, or general fitness of the key individual indicates that it is not in the public interest to permit the individual to provide services in this State.

(d) A licensee shall file a report with the Commissioner within 15 business days after the licensee has reason to know of the occurrence of any of the following events involving the licensee, ~~or any executive officer, manager, director~~ key individual, or person in control, ~~responsible individual, or equivalent~~ of the licensee:

* * *

Sec. 34. 8 V.S.A. § 2109(g) is added to read:

(g) Notwithstanding any other provisions of this title to the contrary, the license of a money transmitter who fails to pay the annual renewal fee on or before December 1 shall automatically expire on December 31.

Sec. 35. 8 V.S.A. § 2110 is amended to read:

§ 2110. REVOCATION, SUSPENSION, TERMINATION, OR
NONRENEWAL OF LICENSE; CEASE AND DESIST ORDERS

(a) The Commissioner may deny, suspend, terminate, revoke, condition, or refuse to renew a license or order that any person or licensee cease and desist in any specified conduct if the Commissioner finds:

* * *

(6) the competence, experience, character, or general fitness of the licensee, person in control of a licensee, or ~~responsible individual of the licensee~~ key individual indicates that it is not in the public interest to permit the person to provide services in this State;

* * *

(b) The Commissioner may issue orders or directives to any person:

* * *

(5) to remove any officer, director, employee, ~~responsible individual~~ key individual, or ~~control person in control~~;

* * *

Sec. 36. 8 V.S.A. § 2115 is amended to read:

§ 2115. PENALTIES

* * *

(d) It shall be a criminal offense, punishable by a fine of not more than \$10,000.00 or imprisonment of not more than three years in prison, or both, for any person to intentionally make a false statement, misrepresentation, or false certification in a record filed or required to be maintained by this part, or to intentionally make a false entry or omit a material entry in such a record, or to knowingly engage in any activity for which a license is required under this chapter without being licensed under this chapter.

(e)(1) A loan contract made in knowing and willful violation of subdivision 2201(a)(1) of this title is void, and the lender shall not collect or receive any principal, interest, or charges; provided, however, in the case of a loan made in violation of subdivision 2201(a)(1) of this title, where the

Commissioner does not find a knowing and willful violation, the lender shall not collect or receive any interest or charges, but may collect and receive principal.

(2) If a person who receives an order that directs the person to cease exercising the duties and powers of a licensee and imposes an administrative penalty under this part continues to perform the duties or exercise the powers of a licensee without satisfying the penalty, or otherwise reaching a satisfactory resolution between the parties, or securing a decision vacating the order by the Commissioner or by a court of competent jurisdiction, a loan contract made by the person after receipt of such order is void and the lender shall not collect or receive any principal, interest, or charges.

~~(e)~~(f) The powers vested in the Commissioner in this part are in addition to any other powers to enforce penalties, fines, or forfeitures authorized by law.

(g) This section does not limit the power of the State to punish a person for conduct that otherwise constitutes a crime under Vermont law.

Sec. 37. 8 V.S.A. § 2127 is added to read:

§ 2127. NETWORKED SUPERVISION

(a) To efficiently and effectively administer and enforce this chapter and to minimize regulatory burden, the Commissioner is authorized and encouraged to participate in multistate supervisory processes established between states and coordinated through the Conference of State Bank Supervisors, Money Transmitter Regulators Association, and affiliates and successors thereof, for all licensees that hold licenses in Vermont and in other states. As a participant in multistate supervision, the Commissioner may:

(1) cooperate, coordinate, and share information with other state and federal regulators in accordance with section 22 of this title and section 2126 of this chapter;

(2) enter into written cooperation, coordination, or information-sharing contracts or agreements with organizations the membership of which is comprised of state or federal governmental agencies; and

(3) cooperate, coordinate, and share information with organizations the membership of which is made up of state or federal governmental agencies, provided that the organizations agree in writing to maintain the confidentiality and security of the shared information in accordance with section 22 of this title.

(b) The Commissioner shall not waive, and nothing in this section constitutes a waiver of, the Commissioner's authority to conduct an examination or investigation or otherwise take independent action authorized

by this chapter or a rule adopted or order issued under this chapter to enforce compliance with applicable State or federal law.

Sec. 38. REPEAL

8 V.S.A. chapter 79 (money services), subchapter 1 (general provisions) and subchapter 2 (money transmission licenses) are repealed.

Sec. 39. 8 V.S.A. chapter 79, subchapter 1 is added to read:

Subchapter 1. General Provisions

§ 2500. PURPOSE

This chapter, as amended, is designed to replace portions of the prior money services law that addressed money transmission. It is the intent of the General Assembly that the provisions of this chapter accomplish the following:

(1) ensure the State can coordinate with other states in all areas of regulation, licensing, and supervision to eliminate unnecessary regulatory burden and more effectively use regulator resources;

(2) protect the public from financial crime;

(3) standardize the types of activities that are subject to licensing or otherwise exempt from licensing; and

(4) modernize safety and soundness requirements to ensure customer funds are protected in an environment that supports innovative and competitive business practices.

§ 2501. TRANSITION PERIOD

(a) A person licensed under subchapter three of this chapter prior to July 1, 2024, and their authorized delegates, shall not be subject to the provisions of this chapter that establish new or different requirements from those that existed prior to July 1, 2024 until July 1, 2025.

(b) Notwithstanding subsection (a) of this section, on or before July 1, 2025 a licensee shall amend its authorized delegate written contracts to comply with the requirements in section 2025 of this chapter, provided the licensee and authorized delegate otherwise operate in full compliance with this chapter pursuant to the timeline established in subsection (a) of this section.

§ 2502. RELATIONSHIP TO FEDERAL LAW

(a) In the event state money transmission jurisdiction is conditioned on a federal law, any inconsistencies between a provision of this chapter and the federal law governing money transmission shall be governed by the applicable federal law to the extent of the inconsistency.

(b) In the event of any inconsistencies between this chapter and a federal law that governs pursuant to subsection (a) of this section, the Commissioner may provide interpretive guidance that:

- (1) identifies the inconsistency; and
- (2) identifies the appropriate means of compliance with federal law.

§ 2503. DEFINITIONS

As used in this chapter:

(1) “Authorized delegate” means a person a licensee designates to engage in money transmission on behalf of the licensee.

(2) “Average daily money transmission liability” means the amount of the licensee’s outstanding money transmission obligations in this State at the end of each day in a given period of time, added together, and divided by the total number of days in the given period of time. For purposes of calculating average daily money transmission liability under this chapter for any licensee required to do so, the given periods of time shall be the quarters ending March 31, June 30, September 30, and December 31.

(3) “Bank Secrecy Act” means the Bank Secrecy Act, 31 U.S.C. § 5311, et seq. and its implementing regulations, as may be amended.

(4) “Check cashing” means receiving at least \$500.00 compensation within a 30-day period for taking payment instruments or stored value, other than traveler’s checks, in exchange for money, payment instruments, or stored value delivered to the person delivering the payment instrument or stored value at the time and place of delivery without any agreement specifying when the person taking the payment instrument will present it for collection.

(5) “Closed loop stored value” means stored value that is redeemable by the issuer only for goods or services provided by the issuer or its affiliate or franchisees of the issuer or its affiliate, except to the extent required by applicable law to be redeemable in cash for its cash value.

(6) “Control of virtual currency,” when used in reference to a transaction or relationship involving virtual currency, means the power to execute unilaterally or prevent indefinitely a virtual currency transaction.

(7) “Currency exchange” means receipt of revenues equal to or greater than five percent of total revenues from the exchange of money of one government for money of another government.

(8) “Eligible rating” shall mean a credit rating of any of the three highest rating categories provided by an eligible rating service, whereby each category may include rating category modifiers such as “plus” or “minus” for

S&P, or the equivalent for any other eligible rating service. Long-term credit ratings are deemed eligible if the rating is equal to A- or higher by S&P, or the equivalent from any other eligible rating service. Short-term credit ratings are deemed eligible if the rating is equal to or higher than A-2 or SP-2 by S&P, or the equivalent from any other eligible rating service. In the event that ratings differ among eligible rating services, the highest rating shall apply when determining whether a security bears an eligible rating.

(9) “Eligible rating service” shall mean any Nationally Recognized Statistical Rating Organization (NRSRO) as defined by the U.S. Securities and Exchange Commission, and any other organization designated by the Commissioner by rule or order.

(10) “In this State” means at a physical location within Vermont for a transaction requested in person. For a transaction requested electronically or by phone, the provider of money transmission may determine if the person requesting the transaction is “in this State” by relying on other information provided by the person regarding the location of the individual’s residential address or a business entity’s principal place of business or other physical address location, and any records associated with the person that the provider of money transmission may have to indicate such location, including an address associated with an account.

(11) “Licensee” means a person licensed under this chapter.

(12) “Limited station” means private premises where a check casher is authorized to engage in check cashing for not more than two days of each week solely for the employees of the particular employer or group of employers specified in the check casher license application.

(13) “Mobile location” means a vehicle or a movable facility where check cashing occurs.

(14) “Monetary value” means a medium of exchange, whether or not redeemable in money.

(15) “Money” means a medium of exchange that is issued by the United States or a foreign government. The term includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more governments.

(16) “Money services” means money transmission, check cashing, or currency exchange.

(17)(A) “Money transmission” means any of the following:

(i) selling or issuing payment instruments to a person located in this State;

(ii) selling or issuing stored value to a person located in this State;
or

(iii) receiving money for transmission from a person located in this State.

(B) The term “money transmission” includes payroll processing services.

(C) The term “money transmission” does not include the provision solely of telecommunications services or network access.

(18) “Money transmission kiosk” means an automated, unstaffed electronic machine that allows users to engage in money transmission, including any machine that is capable of accepting or dispensing cash in exchange for virtual currency. The term does not include consumer cell phones and other similar personal devices.

(19)(A) “Outstanding money transmission obligations” shall be established and extinguished in accordance with applicable state law and shall mean:

(i) any payment instrument or stored value issued or sold by the licensee to a person located in the United States or reported as sold by an authorized delegate of the licensee to a person that is located in the United States that has not yet been paid or refunded by or for the licensee, or escheated in accordance with applicable abandoned property laws; or

(ii) any money received for transmission by the licensee or an authorized delegate in the United States from a person located in the United States that has not been received by the payee or refunded to the sender, or escheated in accordance with applicable abandoned property laws.

(B) For purposes of this section, “in the United States” shall include, to the extent applicable, a person in any state, territory, or possession of the United States; the District of Columbia; the Commonwealth of Puerto Rico; or a U.S. military installation located in a foreign country.

(20) “Payment instrument” means a written or electronic check, draft, money order, traveler’s check, or other written or electronic instrument for the transmission or payment of money or monetary value, whether or not negotiable. The term does not include stored value or any instrument that is:

(A) redeemable by the issuer only for goods or services provided by the issuer or its affiliate or franchisees of the issuer or its affiliate, except to the extent required by applicable law to be redeemable in cash for its cash value;
or

(B) not sold to the public but issued and distributed as part of a loyalty, rewards, or promotional program.

(21) “Payroll processing services” means receiving money for transmission pursuant to a contract with a person to deliver wages or salaries, make payment of payroll taxes to state and federal agencies, make payments relating to employee benefit plans, or make distributions of other authorized deductions from wages or salaries. The term does not include an employer performing payroll processing services on its own behalf or on behalf of its affiliate.

(22) “Prevailing market value” means the value to buy or sell a particular virtual currency, as applicable, quoted on a virtual currency exchange operated by a licensee based in the United States, with sufficient volume to reflect the prevailing market price of such virtual currency.

(23) “Receiving money for transmission” or “money received for transmission” means receiving money or monetary value in the United States for transmission within or outside the United States by electronic or other means.

(24) “Stored value” means monetary value representing a claim against the issuer evidenced by an electronic or digital record, and that is intended and accepted for use as a means of redemption for money or monetary value, or payment for goods or services. The term includes “prepaid access” as defined by 31 C.F.R. § 1010.100, as may be amended. Notwithstanding the foregoing, the term “stored value” does not include a payment instrument or closed loop stored value, or stored value not sold to the public but issued and distributed as part of a loyalty, rewards, or promotional program.

(25) “Tangible net worth” means the aggregate assets of a licensee excluding all intangible assets, less liabilities, as determined in accordance with United States generally accepted accounting principles.

(26) “U.S. dollar equivalent of virtual currency” means the prevailing market value of a particular virtual currency in United States dollars for a particular date or period specified in this chapter.

(27)(A) “Virtual currency” means a digital representation of value that:

(i) is used as a medium of exchange, unit of account, or store of value; and

(ii) is not money, whether or not denominated in money.

(B) The term “virtual currency” does not include:

(i) a digital representation of value that can be redeemed for goods, services, discounts, or purchases solely as part of a customer affinity or rewards program with the issuing merchant or other designated merchants, or both, or can be redeemed for digital units in another customer affinity or rewards program, but cannot be, directly or indirectly, converted into, redeemed, or exchanged for money, monetary value, bank credit, or virtual currency; or

(ii) a digital representation of value issued by or on behalf of a publisher and used solely within an online game, game platform, or family of games sold by the same publisher or offered on the same game platform, and:

(I) has no market or application outside of such online game, game platform, or family of games;

(II) cannot be, directly or indirectly, converted into, redeemed, or exchanged for money, monetary value, bank credit, or virtual currency; and

(III) may or may not be redeemable for real-world goods, services, discounts, or purchases.

(28) “Virtual-currency administration” means:

(A) issuing virtual currency with the authority to redeem such virtual currency for money, monetary value, bank credit, or other virtual currency; or

(B) issuing virtual currency that entitles the purchaser or holder of such virtual currency, or otherwise conveys or represents a right of the purchaser or holder of such virtual currency, to redeem such virtual currency for money, monetary value, bank credit, or other virtual currency.

(29) “Virtual-currency business activity” means:

(A) exchanging or transferring virtual currency, engaging in virtual-currency administration, or engaging in virtual-currency storage, in each case whether directly or through an agreement with a virtual-currency control-services vendor;

(B) holding electronic precious metals or electronic certificates representing interests in precious metals on behalf of another person or issuing shares or electronic certificates representing interests in precious metals;

(C) buying or selling virtual currency as a consumer business; or

(D) receiving virtual currency or control of virtual currency for transmission or transmitting virtual currency, except where the transaction is undertaken for nonfinancial purposes and does not involve the transfer of more than a nominal amount of virtual currency.

(30) “Virtual-currency control-services vendor” means a person that has control of virtual currency solely under an agreement with a person that, on behalf of another person, assumes control of virtual currency.

(31) “Virtual-currency kiosk operator” means a person that engages in virtual-currency business activity via a money transmission kiosk located in this State or a person that owns, operates, or manages a money transmission kiosk located in this State through which virtual-currency business activity is offered.

(32) “Virtual-currency storage” means:

(A) maintaining possession, custody, or control over virtual currency on behalf of another person, including as a virtual-currency control-services vendor;

(B) issuing, transferring, or otherwise granting or providing to any person in this State any claim or right, or any physical, digital, or electronic instrument, receipt, certificate, or record representing any claim or right to receive, redeem, withdraw, transfer, exchange, or control any virtual currency or amount of virtual currency; or

(C) receiving possession, custody, or control over virtual currency from a person in this State, in return for a promise or obligation to return, repay, exchange, or transfer such virtual currency or a like amount of such virtual currency.

§ 2504. EXEMPTIONS

This chapter does not apply to:

(1) An operator of a payment system to the extent that it provides processing, clearing, or settlement services, between or among persons exempted by this section or licensees, in connection with wire transfers, credit card transactions, debit card transactions, stored-value transactions, automated clearing house transfers, or similar funds transfers.

(2) A person appointed as an agent of a payee to collect and process a payment from a payor to the payee for goods or services, other than money transmission itself, provided to the payor by the payee, provided that:

(A) there exists a written agreement between the payee and the agent directing the agent to collect and process payments from payors on the payee's behalf;

(B) the payee holds the agent out to the public as accepting payments for goods or services on the payee's behalf; and

(C) payment for the goods and services is treated as received by the payee upon receipt by the agent so that the payor's obligation is extinguished and there is no risk of loss to the payor if the agent fails to remit the funds to the payee.

(3) A person that acts as an intermediary by processing payments between an entity that has directly incurred an outstanding money transmission obligation to a sender, and the sender's designated recipient, provided that the entity:

(A) is properly licensed or exempt from licensing requirements under this chapter;

(B) provides a receipt, electronic record, or other written confirmation to the sender identifying the entity as the provider of money transmission in the transaction; and

(C) bears sole responsibility to satisfy the outstanding money transmission obligation to the sender, including the obligation to make the sender whole in connection with any failure to transmit the funds to the sender's designated recipient.

(4) The United States or a department, agency, or instrumentality thereof, or its agent.

(5) Money transmission by the U.S. Postal Service or by an agent of the U.S. Postal Service.

(6) A state, county, city, or any other governmental agency or governmental subdivision or instrumentality of a state, or its agent.

(7) A financial institution as defined in subdivision 11101(32) of this title, or a credit union, provided their deposits are federally insured.

(8) A financial institution holding company as defined in subdivision 11101(33) of this title; an office of an international banking corporation; a foreign bank that establishes a federal branch pursuant to the International Bank Act, 12 U.S.C. § 3102, as may be amended; a corporation organized pursuant to the Bank Services Company Act, 12 U.S.C. §§ 1862–1867, as may be amended; a corporation organized under the Edge Act, 12 U.S.C. §§ 611–633, as may be amended; an independent trust company organized under

chapter 77 of this title; or a special purpose financial institution that is organized under the laws of this State.

(9) Electronic funds transfer of governmental benefits for a federal, state, county, or governmental agency by a contractor on behalf of the United States or a department, agency, or instrumentality thereof, or on behalf of a state or governmental subdivision, agency, or instrumentality thereof.

(10) A board of trade designated as a contract market under the federal Commodity Exchange Act, 7 U.S.C. §§ 1–25, as may be amended, or a person that, in the ordinary course of business, provides clearance and settlement services for a board of trade to the extent of its operation as or for such a board.

(11) A registered futures commission merchant under the federal commodities laws to the extent of its operation as such a merchant.

(12) A person registered as a securities broker-dealer under federal or state securities laws to the extent of its operation as such a broker-dealer.

(13) An individual employed by a licensee, authorized delegate, or any person exempted from the licensing requirements of this chapter when acting within the scope of employment and under the supervision of the licensee, authorized delegate, or exempted person as an employee and not as an independent contractor.

(14) A person expressly appointed as a third-party service provider to or agent of an entity exempt under subdivision (7) of this section, solely to the extent that:

(A) such service provider or agent is engaging in money transmission on behalf of and pursuant to a written agreement with the exempt entity that sets forth the specific functions that the service provider or agent is to perform; and

(B) the exempt entity assumes all risk of loss and all legal responsibility for satisfying the outstanding money transmission obligations owed to purchasers and holders of the outstanding money transmission obligations upon receipt of the purchaser's or holder's money or monetary value by the service provider or agent.

(15) The sale or issuance of stored value by a public or nonprofit school to its students and employees.

(16) A debt adjuster licensed pursuant to chapter 133 of this title when engaged in the business of debt adjustment.

(17) A person exempt by rule or order if the Commissioner finds such exemption to be in the public interest and that the regulation of such person is not necessary for the purposes of this chapter.

§ 2504a. AUTHORITY TO REQUIRE DEMONSTRATION OF EXEMPTION

The Commissioner may require that any person claiming to be exempt from licensing pursuant to section 2504 of this chapter provide information and documentation to the Commissioner demonstrating that it qualifies for any claimed exemption.

Sec. 40. 8 V.S.A. chapter 79, subchapter 2 is added to read:

Subchapter 2. Money Transmission Licenses

§ 2505. LICENSE REQUIRED

(a) A person shall not engage in the business of money transmission or advertise, solicit, or hold itself out as providing money transmission, unless the person is licensed under this subchapter.

(b) Subsection (a) of this section does not apply to:

(1) a person that is an authorized delegate of a person licensed under this subchapter acting within the scope of authority conferred by a written contract with the licensee; or

(2) a person that is exempt pursuant to section 2504 of this chapter and does not engage in money transmission outside the scope of such exemption.

§2506. APPLICATION FOR LICENSE; ADDITIONAL INFORMATION

(a) In addition to the information required by section 2102 of this title, an application for a license under this subchapter shall state or contain:

(1) a description of any money services previously provided by the applicant and the money services that the applicant seeks to provide in this State;

(2) a list of the applicant's proposed authorized delegates, and the locations in Vermont where the applicant and its authorized delegates propose to engage in money transmission or provide other money services;

(3) a list of other states in which the applicant is licensed to engage in money transmission or provide other money services;

(4) information concerning any bankruptcy or receivership proceedings affecting the licensee or a person in control of a licensee;

(5) a sample form of contract for authorized delegates, if applicable;

(6) a sample form of payment instrument or instrument upon which stored value is recorded, as applicable; and

(7) the name and address of any financial institution through which the applicant plans to conduct money services.

(b) For good cause shown and consistent with the purposes of this section, the Commissioner may waive one or more requirements of this section or permit an applicant to submit substituted information in lieu of the required information.

§ 2507. MONEY TRANSMISSION KIOSK REGISTRATION

(a) A licensee shall not locate, or allow a third party to locate, a money transmission kiosk in this State that allows users of the money transmission kiosk to engage in money transmission through the licensee unless the licensee registers the money transmission kiosk and obtains the prior approval of the Commissioner for its activation.

(b) To apply for registration and approval to activate a money transmission kiosk, a licensee shall submit an application, using a form prescribed by the Commissioner, that includes the ownership and location of the money transmission kiosk, an affidavit of all businesses and services to be offered at the kiosk, the written agreement between the licensee and the owner of the money transmission kiosk if different persons, and the text of each disclosure required pursuant to subsection (c) of this section along with a description of the form, timing, and location for each disclosure.

(c) Each money transmission kiosk shall disclose prominently and conspicuously, using as high a contrast or resolution as any other display or graphics on the money transmission kiosk, prior to the point at which a user of the money transmission kiosk is irrevocably committed to completing any transaction:

(1) on or at the location of the money transmission kiosk, or on the first screen of such kiosk, the name, address, and telephone number of the owner of the kiosk and the days, time, and means by which a consumer can contact the owner for consumer assistance; and

(2) on the screen of the money transmission kiosk:

(A) for a transaction that does not involve virtual currency, the amount of the fees or charges that will be assessed to the user of the money transmission kiosk for the transaction by the licensee and by the owner of the money transmission kiosk, a clear explanation of who is imposing each fee or charge and that such fees and charges are in addition to any fees or charges that may be imposed by other entities relevant to the particular transaction, and

the method by which the user may cancel the transaction to avoid the imposition of fees or charges; and

(B) for a transaction that involves virtual currency, all disclosures required pursuant to subsection 2574(c) of this chapter, a clear explanation of who is imposing each consideration to be charged for the transaction, and that such consideration is in addition to any fees or charges that may be imposed by other entities relevant to the particular transaction, and the method by which the user may cancel the transaction to avoid the imposition of the consideration and other fees or charges.

(d) Any alterations in the form, content, timing, or location of previously approved disclosures must be submitted to and approved by the Commissioner prior to their adoption and use.

(e) To ensure adequate consumer protection, the Commissioner may by rule or order specify additional minimum disclosure standards for money transmission kiosks, including the form, content, timing, and location of such disclosures.

(f) Immediately following the completion of each transaction, each money transmission kiosk shall provide the user of the money transmission kiosk with a receipt that is compliant with sections 2562 and 2574 of this chapter as applicable to the particular transaction.

Sec. 41. 8 V.S.A. chapter 79, subchapter 3 is amended to read:

Subchapter 3. Check Cashing and Currency Exchange Licenses

§ 2515. CHECK CASHING AND CURRENCY EXCHANGE LICENSES
LICENSE REQUIRED

(a) A person licensed under this subchapter may shall not engage in check cashing and currency exchange, or hold itself out as providing these money services, unless the person is licensed under this chapter.

(b) Subsection (a) of this section shall not apply to:

(1) A a person licensed under subchapter 2 of this chapter may engage in check cashing and currency exchange without first obtaining a separate license under this subchapter.;

(e)(2) An an authorized delegate of a person licensed under subchapter 2 of this chapter may engage in check cashing and currency exchange without first obtaining a license under this subchapter if such money services are within the scope of activity permissible under the authority conferred by a written contract between the authorized delegate and the licensee.; or

(3) a person that is exempt pursuant to section 2504 of this chapter and that does not engage in money services outside the scope of such exemption.

* * *

§ 2520. APPLICABILITY OF SUBCHAPTERS

The following subchapters of this chapter shall not apply to persons licensed under this subchapter: subchapter 4 (authorized delegates of money transmitters), subchapter 5 (reporting and records for money transmitters), subchapter 6 (prudential standards for money transmitters), subchapter 9 (timely transmission, refunds, and disclosures by money transmitters), and subchapter 10 (virtual currency).

Sec. 42. 8 V.S.A. chapter 79, subchapter 4 is amended to read:

Subchapter 4. Authorized Delegates of Money Transmitters

§ 2525. RELATIONSHIP BETWEEN LICENSEE AND AUTHORIZED DELEGATE

(a) In As used in this subchapter, “remit” means to make direct payments of money to a licensee or its representative authorized to receive the money, or to deposit money in a depository institution within the meaning of subdivision 11101(24) of this title the money in an entity identified as exempt under subdivision 2504(7) of this chapter, in an account specified by the licensee.

(b) A contract between a licensee and an authorized delegate shall require the authorized delegate to operate in full compliance with this chapter. The licensee shall furnish in a record to each authorized delegate policies and procedures sufficient to permit compliance with this chapter.

(c) An authorized delegate shall remit all money owing to the licensee in accordance with the terms of the contract between the licensee and the authorized delegate.

(d) If a license is suspended, revoked, or nonrenewed, the Commissioner shall notify all authorized delegates of the licensee whose names are in a record filed with the Commissioner of the suspension, revocation, or nonrenewal. After notice is sent or publication is made, an authorized delegate shall immediately cease to provide money services as a delegate of the licensee.

(e) An authorized delegate may not provide money services outside the scope of activity permissible under the contract between the authorized delegate and the licensee, except for activity in which the authorized delegate is otherwise licensed or authorized to engage.

~~(f) An authorized delegate of a licensee holds in trust for the benefit of the licensee all money less fees earned from money transmission.~~

~~(g) A person shall not provide money services on behalf of a person not licensed under this chapter. A person that engages in any money services activity under this chapter shall be subject to the provisions of this chapter to the same extent as if the person were a licensee under this chapter.~~

~~(h) A person may not be an authorized delegate of another authorized delegate. An authorized delegate must enter into a contract directly with a licensee. Before a licensee is authorized to conduct business through an authorized delegate or allows a person to act as the licensee's authorized delegate, the licensee shall:~~

~~(1) adopt, and update as necessary, written policies and procedures reasonably designed to ensure that the licensee's authorized delegates comply with applicable state and federal law;~~

~~(2) enter into a written contract that complies with subsection (d) of this section; and~~

~~(3) conduct a reasonable risk-based background investigation sufficient for the licensee to determine whether the authorized delegate has complied and will likely comply with applicable state and federal law.~~

~~(c) An authorized delegate must operate in full compliance with this chapter.~~

~~(d) The written contract required by subsection (b) of this section must be signed by the licensee and the authorized delegate and, at a minimum, shall:~~

~~(1) appoint the person signing the contract as the licensee's authorized delegate with the authority to conduct money transmission on behalf of the licensee;~~

~~(2) set forth the nature and scope of the relationship between the licensee and the authorized delegate and the respective rights and responsibilities of the parties;~~

~~(3) require the authorized delegate to agree to fully comply with all applicable state and federal laws, rules, and regulations pertaining to money transmission, including this chapter and rules implementing this chapter, relevant provisions of the Bank Secrecy Act and the USA PATRIOT Act;~~

~~(4) require the authorized delegate to remit and handle money and monetary value in accordance with the terms of the contract between the licensee and the authorized delegate;~~

(5) impose a trust on money and monetary value net of fees received for money transmission for the benefit of the licensee;

(6) require the authorized delegate to prepare and maintain records as required by this chapter or rules implementing this chapter, or as reasonably requested by the Commissioner;

(7) acknowledge that the authorized delegate consents to examination or investigation by the Commissioner;

(8) state that the licensee is subject to regulation by the Commissioner and that, as part of that regulation, the Commissioner may suspend or revoke an authorized delegate designation or require the licensee to terminate an authorized delegate designation; and

(9) acknowledge receipt of the written policies and procedures required under subsection (b) of this section.

(e) If the licensee's license is suspended, revoked, terminated, nonrenewed, surrendered or expired, the licensee must, within five business days, provide documentation to the Commissioner that the licensee has notified all applicable authorized delegates of the licensee whose names are in a record filed with the Commissioner of the suspension, revocation, termination, nonrenewal, surrender, or expiration of a license. Upon suspension, revocation, termination, nonrenewal, or surrender of a license, applicable authorized delegates shall immediately cease to provide money transmission as an authorized delegate of the licensee.

(f) An authorized delegate of a licensee holds in trust for the benefit of the licensee all money net of fees received from money transmission. If any authorized delegate commingles any funds received from money transmission with any other funds or property owned or controlled by the authorized delegate, all commingled funds and other property shall be considered held in trust in favor of the licensee in an amount equal to the amount of money net of fees received from money transmission.

(g) An authorized delegate shall not use a subdelegate to conduct money transmission on behalf of a licensee.

§ 2526. UNAUTHORIZED ACTIVITIES

A person shall not engage in the business of money transmission on behalf of a person not licensed under subchapter 2 of this chapter or not exempt pursuant to subchapter 1 of this chapter. A person that engages in such activity provides money transmission to the same extent as if the person were a licensee, and shall be jointly and severally liable with the unlicensed or nonexempt person.

§ 2527. TERMINATION OR SUSPENSION OF AUTHORIZED DELEGATE ACTIVITY

(a) The authority granted to the Commissioner over licensees in section 2110 of this title applies equally to authorized delegates.

(b) The Commissioner may issue an order suspending or barring any authorized delegate or any key individual or person in control of such authorized delegate from continuing to be or becoming an authorized delegate of any licensee during the period for which such orders is in effect, or may order that an authorized delegate cease and desist in any specified conduct.

(c) Upon issuance of a suspension or bar order, the licensee shall terminate its relationship with such authorized delegate according to the terms of the order.

§ 2528. PRIVATE ACTIONS AGAINST AUTHORIZED DELEGATES

(a) Distinct from the Commissioner's authority over licensees and authorized delegates, any court in this State with jurisdiction over a private civil action brought by a licensee against an authorized delegate shall have the ability to grant appropriate equitable or legal relief, including prohibiting the authorized delegate from directly or indirectly acting as an authorized delegate for any licensee in this State and the payment of restitution, damages, or other monetary relief, if the court finds that an authorized delegate failed to remit money in accordance with the written contract required by subsection 2525(b) of this chapter or as otherwise directed by the licensee or required by law.

(b) If the court issues an order prohibiting a person from acting as an authorized delegate for any licensee pursuant to subsection (a) of this section, the licensee that brought the action shall report the order to the Commissioner within 30 days and shall report the order through NMLS within 90 days.

Sec. 43. REPEAL

8 V.S.A. chapter 79, subchapter 5 (examinations; reports; records), subchapter 6 (permissible investments), and subchapter 7 (enforcement) are repealed.

Sec. 44. 8 V.S.A. chapter 79, subchapters 5–7 are added to read:

Subchapter 5. Reporting and Records for Money Transmitters

§ 2530. REPORT OF CONDITION

(a) Each licensee shall submit a report of condition within 45 days of the end of the calendar quarter, or within any extended time as the Commissioner may prescribe.

(b) The report of condition shall include:

(1) Financial information at the licensee level.

(2) Nationwide and state-specific money transmission transaction information in every jurisdiction in the United States where the licensee is licensed to engage in money transmission.

(3) A permissible investments report.

(4) Transaction destination country reporting for money received for transmission, if applicable.

(5) Any other information the Commissioner reasonably requires with respect to the licensee. The Commissioner is authorized and encouraged to use NMLS for the submission of the report required by this section.

(c) The information required by subdivision (b)(4) of this section shall only be included in a report of condition submitted within 45 days after the end of the fourth calendar quarter.

§ 2531. AUDITED FINANCIALS

(a) Each licensee shall, within 90 days after the end of each fiscal year, or within any extended time as the Commissioner may prescribe, file with the Commissioner:

(1) an audited financial statement of the licensee for the fiscal year prepared in accordance with U.S. generally accepted accounting principles; and

(2) any other information as the Commissioner may reasonably require.

(b) The audited financial statements shall be prepared by an independent certified public accountant or independent public accountant who is satisfactory to the Commissioner.

(c) The audited financial statements shall include or be accompanied by a certificate of opinion of the independent certified public accountant or independent public accountant that is satisfactory in form and content to the Commissioner. If the certificate or opinion is qualified, the Commissioner may order the licensee to take any action as the Commissioner may find necessary to enable the independent or certified public accountant or independent public accountant to remove the qualification.

§ 2532. AUTHORIZED DELEGATE REPORTING

(a) Each licensee shall submit a report of authorized delegates within 45 days after the end of the calendar quarter. The Commissioner is authorized and encouraged to use NMLS for the submission of the report required by this

section provided that such functionality is consistent with the requirements of this section.

(b) The authorized delegate report shall include, at a minimum, each authorized delegate's:

- (1) company legal name;
- (2) taxpayer employer identification number;
- (3) principal provider identifier;
- (4) physical address;
- (5) mailing address;
- (6) any business conducted in other states;
- (7) any fictitious or trade name;
- (8) contact person name, phone number, and e-mail
- (9) start date as licensee's authorized delegate;
- (10) end date acting as licensee's authorized delegate, if applicable;
- (11) any administrative, civil, or criminal order against an authorized delegate concerning their activity as an authorized delegate; and
- (12) any other information the Commissioner reasonably requires with respect to the authorized delegate.

§ 2533. CHANGE OF AUTHORIZED DELEGATE

A licensee shall notify the Commissioner in writing within 30 days after any change in the list of authorized delegates, identifying the name and street address of each new authorized delegate and of each removed authorized delegate.

§ 2534. MONEY LAUNDERING REPORTS

A licensee and an authorized delegate shall file all reports required by federal currency reporting, record keeping, and suspicious activity reporting requirements as set forth in the Bank Secrecy Act and other federal and state laws pertaining to money laundering. The timely filing of a complete and accurate report required under this section with the appropriate federal agency is deemed compliance with the requirements of this section.

Subchapter 6. Prudential Standards for Money Transmitters§ 2540. NET WORTH

(a) A licensee under this chapter shall maintain at all times a tangible net worth of the greater of \$100,000.00 or three percent of total assets for the first \$100,000,000.00, two percent of additional assets for \$100,000,000.00 to \$1,000,000,000.00, and 0.5 percent of additional assets for over \$1,000,000,000.00.

(b) Tangible net worth must be demonstrated at initial application by the applicant's most recent audited or unaudited financial statements pursuant to subsection 2102(e) of this title.

(c) Notwithstanding subsections (a) and (b) of this section, the Commissioner for good cause shown has the authority to exempt an applicant or licensee from the requirements of this section, in part or in whole.

§ 2541. SECURITY

(a) An applicant for a money transmission license shall provide, and a licensee at all times shall maintain, security consisting of a surety bond in a form satisfactory to the Commissioner or, with the Commissioner's approval, a deposit that meets the requirements of this section.

(b) The amount of the required security shall be the greater of \$100,000.00 or an amount equal to one hundred percent of the licensee's average daily money transmission liability in this State calculated for the most recently completed three-month period, up to a maximum of \$2,000,000.00.

(c) A licensee that maintains a surety bond or deposit in the maximum amount provided for in subsection (b) of this section shall not be required to calculate its average daily money transmission liability in this State for purposes of this section.

(d) A licensee may exceed the maximum required surety bond or deposit amount pursuant to subdivision 2543(a)(5) of this subchapter.

(e) The surety bond or deposit shall be payable to the State for use of the State and for the benefit of any claimant against the licensee and its authorized delegates to secure the faithful performance of the obligations of the licensee and its authorized delegates with respect to money transmission.

(f) The aggregate liability on a surety bond may not exceed the principal sum of the bond. A claimant against a licensee or its authorized delegate may maintain an action directly against the bond, or the Commissioner may maintain an action on behalf of the claimant against the bond. The power

vested in the Commissioner by this subsection shall be in addition to any other powers of the Commissioner under this chapter.

(g) The surety bond or deposit shall cover claims effective for as long as the Commissioner specifies, but for at least five years after the licensee ceases to provide money services in this State. However, the Commissioner may permit the amount of security to be reduced or eliminated before the expiration of that time to the extent the amount of the licensee's outstanding money transmission obligations in this State is reduced.

§ 2542. MAINTENANCE OF PERMISSIBLE INVESTMENTS

(a) A licensee shall maintain at all times permissible investments that have a market value computed in accordance with U.S. generally accepted accounting principles of not less than the aggregate amount of all of its outstanding money transmission obligations.

(b) Except for permissible investments enumerated in subsection 2543(a) of this subchapter, the Commissioner, with respect to any licensee, may by rule or order limit the extent to which a specific investment maintained by a licensee within a class of permissible investments may be considered a permissible investment, if the specific investment represents undue risk to customers, not reflected in the market value of investments.

(c) Permissible investments, even if commingled with other assets of the licensee, are held in trust for the benefit of the purchasers and holders of the licensee's outstanding money transmission obligations upon the occurrence of one or more of the following events:

(1) the insolvency of the licensee;

(2) the filing of a petition by or against the licensee under the U.S. Bankruptcy Code, 11 U.S.C. §§ 101–110, as may be amended, for bankruptcy or reorganization;

(3) the filing of a petition by or against the licensee for receivership;

(4) the commencement of any other judicial or administrative proceeding for its dissolution or reorganization, or

(5) the commencement of an action by a creditor against the licensee who is not a beneficiary of this statutory trust.

(d) No permissible investments impressed with a trust pursuant to subsection (c) of this section shall be subject to attachment, levy of execution, or sequestration by order of any court, except for a beneficiary of this statutory trust.

(e) Upon the establishment of a statutory trust in accordance with subsection (c) of this section or when any funds are drawn on a letter of credit pursuant to subdivision 2543(a)(4) of this subchapter, the Commissioner shall notify the applicable regulator of each state in which the licensee is licensed to engage in money transmission, if any, of the establishment of the trust or the funds drawn on the letter of credit, as applicable. Notice shall be deemed satisfied if performed pursuant to a multistate agreement or through NMLS. Funds drawn on a letter of credit, and any other permissible investments held in trust for the benefit of the purchasers and holders of the licensee's outstanding money transmission obligations, are deemed held in trust for the benefit of such purchasers and holders on a pro rata and equitable basis in accordance with statutes pursuant to which permissible investments are required to be held in this State, and other states, as applicable. Any statutory trust established hereunder shall be terminated upon extinguishment of all of the licensee's outstanding money transmission obligations.

(f) The Commissioner by rule or order may allow other types of investments that the Commissioner determines are of sufficient liquidity and quality to be a permissible investment. The Commissioner is authorized to participate in efforts with other state regulators to determine that other types of investments are of sufficient liquidity and quality to be a permissible investment.

§ 2543. TYPES OF PERMISSIBLE INVESTMENTS

(a) The following investments are permissible under section 2542 of this subchapter:

(1) cash, including demand deposits, savings deposits, and funds in such accounts held for the benefit of the licensee's customers in an entity identified as exempt under subdivision 2504(7) of this chapter, and cash equivalents, including ACH items in transit to the licensee and ACH items or international wires in transit to a payee, cash in transit via armored car, cash in smart safes, cash in licensee-owned locations, debit card or credit card-funded transmission receivables owed by any bank, or money market mutual funds rated "AAA" by S&P or the equivalent from any eligible rating service;

(2) certificates of deposit or senior debt obligations of an insured depository institution, as defined in the Federal Deposit Insurance Act, 12 U.S.C. § 1813(c), as may be amended, or as defined under the federal Credit Union Act, 12 U.S.C. § 1781, as may be amended;

(3) an obligation of the United States or a commission, department, agency, or instrumentality thereof; an obligation that is guaranteed fully as to principal and interest by the United States; or an obligation of a state or a governmental subdivision, agency, or instrumentality thereof;

(4) the full drawable amount of an irrevocable standby letter of credit for which the stated beneficiary is the Commissioner that stipulates that the beneficiary need only draw a sight draft under the letter of credit and present it to obtain funds up to the letter of credit amount within seven days of presentation of the items required by subdivision (a)(4)(C) of this section.

(A) The letter of credit shall:

(i) be issued by a financial institution as defined in subdivision 11101(32) of this title with federally insured deposits, a credit union with federally insured deposits, a foreign bank that is authorized under federal law to maintain a federal agency or federal branch office in a state or states, or a foreign bank that is authorized under state law to maintain a branch in a state that:

(I) bears an eligible rating or whose parent company bears an eligible rating; and

(II) is regulated, supervised, and examined by federal or state authorities having regulatory authority over banks, credit unions, and trust companies;

(ii) be irrevocable, unconditional, and indicate that it is not subject to any condition or qualifications outside of the letter of credit;

(iii) not contain reference to any other agreements, documents, or entities, or otherwise provide for any security interest in the licensee; and

(iv) contain an issue date and expiration date, and expressly provide for automatic extension, without a written amendment, for an additional period of one year from the present or each future expiration date, unless the issuer of the letter of credit notifies the Commissioner in writing by certified or registered mail or courier mail or other receipted means, at least 60 days prior to any expiration date, that the irrevocable letter of credit will not be extended.

(B) In the event of any notice of expiration or non-extension of a letter of credit issued under subdivision (a)(4)(A) of this section, the licensee shall be required to demonstrate to the satisfaction of the Commissioner, 15 days prior to expiration, that the licensee maintains and will maintain permissible investments in accordance with subsection 2542(a) of this subchapter upon the expiration of the letter of credit. If the licensee is not able

to do so, the Commissioner may draw on the letter of credit in an amount up to the amount necessary to meet the licensee's requirements to maintain permissible investments in accordance with subsection 2542(a) of this subchapter. Any such draw shall be offset against the licensee's outstanding money transmission obligations. The drawn funds shall be held in trust by the Commissioner or the Commissioner's designated agent, to the extent authorized by law, as agent for the benefit of the purchasers and holders of the licensee's outstanding money transmission obligations.

(C) The letter of credit shall provide that the issuer of the letter of credit will honor, at sight, a presentation made by the beneficiary to the issuer of the following documents on or prior to the expiration date of the letter of credit:

(i) the original letter of credit, including any amendments; and

(ii) a written statement from the beneficiary stating that any of the following events have occurred:

(I) the filing of a petition by or against the licensee under the U.S. Bankruptcy Code, 11 U.S.C. §§ 101–110, as may be amended, for bankruptcy or reorganization;

(II) the filing of a petition by or against the licensee for receivership or the commencement of any other judicial or administrative proceeding for its dissolution or reorganization;

(III) the seizure of assets of a licensee by a Commissioner pursuant to an emergency order issued in accordance with applicable law on the basis of an action, a violation, or a condition that has caused or is likely to cause the insolvency of the licensee; or

(IV) the beneficiary has received notice of expiration or non-extension of a letter of credit and the licensee failed to demonstrate to the satisfaction of the beneficiary that the licensee will maintain permissible investments in accordance with subsection 2542(a) of this subchapter upon the expiration or non-extension of the letter of credit.

(D) The Commissioner may designate an agent to serve on the Commissioner's behalf as beneficiary to a letter of credit provided the agent and letter of credit meet requirements established by the Commissioner. The Commissioner's agent may serve as agent for multiple licensing authorities for a single irrevocable letter of credit if the proceeds of the drawable amount for the purposes of subdivision (a)(4) of this section are assigned to the Commissioner.

(E) The Commissioner is authorized and encouraged to participate in multistate processes designed to facilitate the issuance and administration of letters of credit, including but not limited to services provided by the NMLS and State Regulatory Registry, LLC.

(5) One hundred percent of the surety bond or deposit provided for under section 2541 of this subchapter that exceeds the average daily money transmission liability in this state.

(b) Unless permitted by the Commissioner by rule or order to exceed the limit as set forth in this subchapter, the following investments are permissible under subdivision 2542(a) of this subchapter to the extent specified:

(1) receivables that are payable to a licensee from its authorized delegates in the ordinary course of business that are less than seven days old, up to 50 percent of the aggregate value of the licensee's total permissible investments;

(2) of the receivables permissible under subdivision (b)(1) of this section, receivables that are payable to a licensee from a single authorized delegate in the ordinary course of business may not exceed 10 percent of the aggregate value of the licensee's total permissible investments.

(3) the following investments are permissible up to 20 percent per category and combined up to 50 percent of the aggregate value of the licensee's total permissible investments:

(A) a short-term investment of up to six months bearing an eligible rating;

(B) commercial paper bearing an eligible rating;

(C) a bill, note, bond, or debenture bearing an eligible rating;

(D) U.S. tri-party repurchase agreements collateralized at 100 percent or more with U.S. government or agency securities, municipal bonds, or other securities bearing an eligible rating;

(E) money market mutual funds rated less than "AAA" and equal to or higher than "A-" by S&P or the equivalent from any other eligible rating service; and

(F) a mutual fund or other investment fund composed solely and exclusively of one or more permissible investments listed in subdivisions (a)(1)–(3) of this section.

(4) cash, including demand deposits, savings deposits, and funds in such accounts held for the benefit of the licensee's customers, at foreign depository institutions are permissible up to 10 percent of the aggregate value of the

licensee's total permissible investments if the licensee has received a satisfactory rating in its most recent examination and the foreign depository institution:

(A) has an eligible rating;

(B) is registered under the Foreign Account Tax Compliance Act;

(C) is not located in any country subject to sanctions from the Office of Foreign Asset Control; and

(D) is not located in a high-risk or non-cooperative jurisdiction as designated by the Financial Action Task Force.

Subchapter 7. Requirements for Money Servicers

§ 2545. CHANGE OF LOCATION

(a) A licensee shall notify the Commissioner in writing within 30 days following any change in locations in this State where the licensee or an authorized delegate of the licensee provides money services, including limited stations and mobile locations.

(b) The notice required in subsection (a) of this section shall state the name and street address of each location removed or added to the licensee's list.

(c) Licensees shall submit with the notice required in subsection (a) of this section a nonrefundable fee of \$25.00 for each new authorized delegate location and for each change in location for an authorized delegate. There is no fee to remove locations of authorized delegates.

§ 2546. RECORDS

(a) In addition to the records required to be maintained by section 2119 of this title and any other records the Commissioner requires pursuant to this chapter or rule, a licensee shall maintain the following records for at least five years for determining the licensee's compliance with this chapter:

(1) a general ledger posted at least monthly containing all asset, liability, capital, income, and expense accounts;

(2) bank statements and bank reconciliation records; and

(3) if the licensee is a money transmitter:

(A) a record of each outstanding money transmission obligation sold;

(B) records of outstanding money transmission obligations;

(C) records of each outstanding money transmission obligation paid within the five-year period; and

(D) a list of the last known names and addresses of all of the licensee's authorized delegates.

(b) The records specified in subsection (a) of this section shall be maintained in any form permitted in subsection 11301(c) of this title.

(c) Records specified in subsection (a) of this section may be maintained outside this State if they are made accessible to the Commissioner on seven business-days' notice.

Sec. 45. 8 V.S.A. § 2555 is amended to read:

§ 2555. CONSERVATION, LIQUIDATION, AND INSOLVENCY

To the extent applicable, the provisions of subchapters 2, 3, and ~~5~~ 4 of chapter 209 of this title, excluding sections 19207, 19208, 19210, 19306, and 19307 of this title, shall apply to the conservation, liquidation, and insolvency of any licensee under this chapter. Such licensee shall be treated as a financial institution for the purposes of application of those subchapters. If an impaired or insolvent licensee is or becomes a debtor in bankruptcy or the subject of a bankruptcy proceeding under federal law, the Commissioner shall be relieved of any obligation otherwise imposed under this section and subchapters 2, 3, and ~~5~~ 4 of chapter 209 of this title, and shall relinquish control of the assets and estate of such debtor to the duly appointed trustee in bankruptcy or the debtor in possession, as the case may be.

Sec. 46. REPEAL

8 V.S.A. chapter 79, subchapter 9 (Nationwide Licensing System) is repealed.

Sec. 47. 8 V.S.A. chapter 79, subchapter 9 is added to read:

Subchapter 9. Timely Transmission, Refunds, and Disclosures by Money Transmitters

§ 2560. TIMELY TRANSMISSION

(a) Every licensee shall forward all money received for transmission in accordance with the terms of the agreement between the licensee and the sender unless the licensee has a reasonable belief or a reasonable basis to believe that the sender may be a victim of fraud or that a crime or violation of law, rule, or regulation has occurred, is occurring, or may occur.

(b) If a licensee fails to forward money received for transmission in accordance with this section, the licensee must respond promptly to inquiries by the sender with the reason for the failure unless providing a response would violate a state or federal law, rule, or regulation.

§ 2561. REFUNDS

(a) This section does not apply to:

(1) money received for transmission subject to the federal Remittance Rule, 12 C.F.R. Part 1005, subpart B, as may be amended; or

(2) money received for transmission pursuant to a written agreement between the licensee and payee to process payments for goods or services provided by the payee.

(b) Every licensee shall refund to the sender within 10 days of receipt of the sender's written request for a refund of any and all money received for transmission unless any of the following occurs:

(1) The money has been forwarded within 10 days following the date on which the money was received for transmission.

(2) Instructions have been given committing an equivalent amount of money to the person designated by the sender within 10 days following the date on which the money was received for transmission.

(3) The agreement between the licensee and the sender instructs the licensee to forward the money at a time that is beyond 10 days following the date on which the money was received for transmission. If funds have not yet been forwarded in accordance with the terms of the agreement between the licensee and the sender, the licensee shall issue a refund in accordance with the other provisions of this section.

(4) The refund is requested for a transaction that the licensee has not completed based on a reasonable belief or a reasonable basis to believe that a crime or violation of law, rule, or regulation has occurred, is occurring, or may occur.

(5) The refund request does not enable the licensee to:

(A) identify the sender's name and address or telephone number; or

(B) identify the particular transaction to be refunded in the event the sender has multiple transactions outstanding.

§ 2562. RECEIPTS

(a) This section does not apply to:

(1) money received for transmission subject to the federal Remittance Rule, 12 C.F.R. Part 1005, subpart B, as may be amended;

(2) money received for transmission that is not primarily for personal, family, or household purposes;

(3) money received for transmission pursuant to a written agreement between the licensee and payee to process payments for goods or services provided by the payee; or

(4) payroll processing services.

(b) As used in this section and sections 2507 and 2574 of this chapter, "receipt" means a paper receipt, electronic record, or other written confirmation. For a transaction conducted in person, the receipt may be provided electronically if the sender requests or agrees to receive an electronic receipt. For a transaction conducted electronically or by phone, a receipt may be provided electronically. All electronic receipts shall be provided in a retainable form.

(c) Every licensee or its authorized delegate shall provide the sender a receipt for money received for transmission.

(1) The receipt shall contain the following information, as applicable:

(A) the name of the sender;

(B) the name of the designated recipient;

(C) the date of the transaction;

(D) the unique transaction or identification number;

(E) the name of the licensee, NMLS Unique ID, the licensee's business address, and the licensee's customer service telephone number;

(F) the amount of the transaction in U.S. dollars;

(G) for transactions that involve money sent in a different currency from the money received:

(i) if the rate of exchange is fixed by the licensee at the time the transmission is initiated, the receipt shall disclose the rate of exchange for the transaction, and the duration, if any, for the payment to be made at the fixed rate of exchange so specified;

(ii) if the rate of exchange is not fixed at the time the transmission is initiated, the receipt shall disclose that the rate of exchange for the transaction will be set at the time the money is received;

(H) any fee charged by the licensee to the sender for the transaction;

and

(I) any taxes collected by the licensee from the sender for the transaction.

(2) The receipt required by this section shall be in English and in the language principally used by the licensee or authorized delegate to advertise, solicit, or negotiate, either orally or in writing, for a transaction conducted in person, electronically, or by phone, if other than English.

§ 2563. NOTICE

Every licensee or authorized delegate shall disclose on their website and mobile application the name of the Department and a current link to the Vermont Banking Consumer Complaint Form accompanied by statements conveying that, should the licensee's customers have a complaint about the licensee's money transmission services they should first contact the licensee using contact information supplied by the licensee and, if the complaint remains unresolved, they can submit a complaint to the Department using the form.

§ 2564. DISCLOSURE FOR PAYROLL PROCESSING SERVICES

(a) A licensee that provides payroll processing services shall:

(1) issue reports to clients detailing client payroll obligations in advance of the payroll funds being deducted from an account; and

(2) make available worker paystubs or an equivalent statement to workers.

(b) This section shall not apply to a licensee providing payroll processing services where the licensee's client designates the intended recipients to the licensee and is responsible for providing the disclosures required by subdivision (a)(2) of this section.

Sec. 48. 8 V.S.A. chapter 79, subchapter 10 is added to read:

Subchapter 10. Virtual Currency

§ 2571. DEFINITIONS

As used in this subchapter:

(1) "Exchange," used as a verb, means to assume or exercise control of virtual currency from or on behalf of a person, including momentarily, to buy, sell, trade, or convert:

(A) virtual currency for money, monetary value, bank credit, or one or more forms of virtual currency, or other consideration; or

(B) money, monetary value, bank credit, or other consideration for one or more forms of virtual currency.

(2) “Transfer” means to assume or exercise control of virtual currency from or on behalf of a person and to:

(A) credit the virtual currency to the account or digital wallet of another person;

(B) move the virtual currency from one account or digital wallet of a person to another account or digital wallet of the same person; or

(C) relinquish or transfer control or ownership of virtual currency to another person, digital wallet, distributed ledger address, or smart contract.

§ 2572. EXEMPTIONS

(a) This subchapter shall not apply to the exchange or transfer of virtual currency, or to virtual-currency storage or virtual-currency administration, by a person to the extent that the Securities Exchange Act of 1934, 15 U.S.C. §§ 78a–78oo, as may be amended, or the Commodities Exchange Act of 1936, 7 U.S.C. §§ 1–27f, as may be amended, govern such activity and the person is conducting such activity in compliance with all applicable requirements of such laws and any regulations promulgated thereunder.

(b) This subchapter shall not apply to activity by:

(1) a person that:

(A) provides only data storage or security services for a business engaged in virtual-currency business activity and does not otherwise engage in virtual-currency business activity on behalf of another person; or

(B) provides only to a person otherwise exempt from this chapter virtual currency as one or more enterprise solutions used solely among each other and has no agreement or relationship with a person that is an end-user of virtual currency;

(2) a person using virtual currency, including creating, investing, buying or selling, or obtaining virtual currency as payment for the purchase or sale of goods or services, solely on its own behalf for personal, family, or household purposes or for academic purposes;

(3) a person whose virtual-currency business activity with or on behalf of persons is reasonably expected to be valued, in the aggregate, on an annual basis at \$5,000.00 or less, measured by the U.S. dollar equivalent of virtual currency;

(4) a securities intermediary, as defined in 9A V.S.A. § 8-102, or a commodity intermediary, as defined in 9A V.S.A. § 9-102, that:

(A) does not engage in the ordinary course of business in virtual-currency business activity with or on behalf of a person in addition to maintaining securities accounts or commodities accounts and is regulated as a securities intermediary or commodity intermediary under federal law, law of this State other than this chapter, or law of another state; and

(B) affords a person protections comparable to those set forth in section 2574 of this subchapter;

(5) a person that is engaged in testing products or services with the person's own funds.

(c) The Commissioner may determine that other persons or classes of persons, given facts particular to the person or class, are exempt from this chapter, when the person or class is covered by requirements imposed under federal law on business engaged in money services and the Commissioner determines that no additional requirements are necessary to ensure the protection of the public.

§ 2573. CONDITIONS PRECEDENT TO ENGAGING IN VIRTUAL-CURRENCY BUSINESS ACTIVITY

(a) A person shall not engage in virtual-currency business activity, or hold itself out as being able to engage in virtual-currency business activity, with or on behalf of another person unless the person is:

(1) licensed under subchapter 2 of this chapter to engage in virtual-currency business activity;

(2) an authorized delegate of a person licensed under subchapter 2 of this chapter to engage in virtual-currency business activity if such money services are within the scope of authority conferred by a written contract between the authorized delegate and the licensee;

(3) exempt pursuant to section 2572 of this subchapter and engages in no licensable activity outside the scope of such exemption; or

(4) exempt pursuant to section 2504 of this chapter and does not engage in money services outside the scope of such exemption.

(b) A person that engages in virtual-currency business activity is engaged in the business of money transmission.

(c) It is prohibited for a person to facilitate the provision of unlicensed virtual-currency business activity by another person that is required to be licensed under this subchapter, when the first person or the first person's

authorized agent receives notice from a regulatory, law enforcement, or similar governmental authority, or knows from its normal monitoring and compliance systems, or consciously avoids knowing that the unlicensed person is in violation of this chapter.

(d) All provisions of this chapter, and any rule adopted under this chapter, that apply to a person licensed under subchapter 2 of this chapter to engage in virtual-currency business activity shall apply equally to any person required to hold a license pursuant to subsection (a) of this section that does not hold one. Nothing herein shall be interpreted to permit any such unlicensed person to engage in virtual-currency business activity or hold itself out as being able to engage in any virtual-currency business activity without a license.

§ 2574. REQUIRED DISCLOSURES

(a) A person licensed under subchapter 2 of this chapter to engage in virtual-currency business activity shall provide the disclosures required by this section and any additional disclosure the Commissioner determines reasonably necessary for the protection of the public.

(1) A disclosure required by this section must be made separately from any other information provided by the licensee and in a clear and conspicuous manner in a record the person may keep.

(2) The Commissioner may waive one or more requirements in subsections (b)–(d) of this section and approve alternative disclosures proposed by a licensee if the Commissioner determines that the alternative disclosure is more appropriate for the virtual-currency business activity and provides the same or equivalent information and protection to the public.

(b) Before engaging in virtual-currency business activity with a person, a licensee shall disclose, to the extent applicable to the virtual-currency business activity the licensee will undertake with the person:

(1) a schedule of fees and charges the licensee may assess, the manner by which fees and charges will be calculated if they are not set in advance and disclosed, and the timing of the fees and charges, including general disclosure regarding mark-ups and mark-downs on purchases, sales, or exchanges of virtual currency in which the licensee or any affiliate thereof is acting in a principal capacity;

(2) whether the product or service provided by the licensee is covered by:

(A) a form of insurance or is otherwise guaranteed against loss by an agency of the United States:

(i) up to the full U.S. dollar equivalent of virtual currency purchased from the licensee or for control of virtual currency by the licensee as of the date of the placement or purchase, including the maximum amount provided by insurance under the Federal Deposit Insurance Corporation or otherwise available from the Securities Investor Protection Corporation; or

(ii) if not provided at the full U.S. dollar equivalent of virtual currency purchased from the licensee or for control of virtual currency by the licensee, the maximum amount of coverage for each person expressed in the U.S. dollar equivalent of the virtual currency; or

(B) private insurance against theft or loss, including cyber theft or theft by other means;

(3) the irrevocability of a transfer or exchange and any exception to irrevocability;

(4) a description of:

(A) liability for an unauthorized, mistaken, or accidental transfer or exchange;

(B) the person's responsibility to provide notice to the licensee of the transfer or exchange;

(C) the basis for any recovery by the person from the licensee;

(D) general error-resolution rights applicable to the transfer or exchange; and

(E) the method for the person to update the person's contact information with the licensee;

(5) that the date or time when the transfer or exchange is made and the person's account is debited may differ from the date or time when the person initiates the instruction to make the transfer or exchange;

(6) whether the person has a right to stop a preauthorized payment or revoke authorization for a transfer and the procedure to initiate a stop-payment order or revoke authorization for a subsequent transfer;

(7) the person's right to receive a receipt, trade ticket, or other evidence of the transfer or exchange;

(8) the person's right to at least 30 days' prior notice of a change in the licensee's fee schedule, other terms and conditions of operating its virtual-currency business activity with the person, and the policies applicable to the person's account; and

(9) that virtual currency is not money.

(c) In connection with any virtual-currency transaction effected through a money transmission kiosk in this State, or in any transaction where the licensee or any affiliate thereof is acting in a principal capacity in a sale of virtual currency to, or purchase of virtual currency from, a customer, then immediately prior to effecting such a purchase or sale transaction with or on behalf of a customer, a licensee shall prominently disclose and require the customer to acknowledge and confirm:

(1) the type, value, date, precise time, and amount of the transaction; and

(2) the consideration charged for the transaction, including:

(A) any charge, fee, commission, or other consideration for any trade, exchange, conversion, or transfer involving virtual currency; and

(B) any difference between the price paid by the customer for any virtual currency and the prevailing market price of such virtual currency, if any.

(d) Except as otherwise provided in subsection (e) of this section, at the conclusion of a virtual-currency transaction with or on behalf of a person, a licensee shall provide the person with a receipt that contains:

(1) the name and contact information of the licensee, including information the person may need to ask a question or file a complaint;

(2) the type, value, date, precise time, and amount of the transaction;

(3) the consideration charged for the transaction, including:

(A) any charge, fee, commission, or other consideration for any trade, exchange, conversion, or transfer involving virtual currency; or

(B) the amount of any difference between the price paid by the customer for any virtual currency and the prevailing market price of such virtual currency, if any; and

(4) any other information required pursuant to section 2562 of this title.

(e) If a licensee discloses that it will provide a daily confirmation in the initial disclosure under subsection (c) of this section, the licensee may elect to provide a single, daily confirmation for all transactions with or on behalf of a person on that day instead of a per-transaction confirmation.

§ 2575. PROPERTY INTERESTS AND ENTITLEMENTS TO VIRTUAL CURRENCY

(a) A person licensed under subchapter 2 of this chapter to engage in virtual-currency business activity that has control of virtual currency or

provides virtual-currency storage to, for, or on behalf of one or more persons shall maintain custody and control of virtual currency in an identical type and amount of virtual currency sufficient to satisfy the aggregate entitlements of such persons to such identical types and amounts of virtual currency.

(b) For the purposes of subsection (a) of this section, units of virtual currency are only of an identical type and amount if such units are fungible in all respects, including having the same issuer and being identical in amount, market capitalization, circulating supply, name, U.S. dollar equivalent of virtual currency, liquidity, use, rights, restrictions, functionality, permissions, and any other material attribute.

(c) If a licensee violates section subsection (a) of this section, the property interests of the persons in the virtual currency are pro rata property interests in the type of virtual currency to which the persons are entitled, without regard to the time the persons became entitled to the virtual currency or the licensee obtained control of the virtual currency.

(d) The virtual currency referred to in this section is and shall be:

(1) held for the persons entitled to the virtual currency;

(2) not property of the licensee or any person required to be licensed under this chapter;

(3) not subject to any claims, liens, or encumbrances of creditors of the licensee or any person required to be licensed under this chapter; and

(4) deemed to be a permissible investment under this chapter to the extent that there is an outstanding money transmission obligation owed to a customer in such type and amount of virtual currency.

(e) A person licensed under subchapter 2 of this chapter to engage in virtual-currency business activity is prohibited from selling, transferring, assigning, lending, hypothecating, pledging, or otherwise using or encumbering virtual currency stored, held, controlled, or maintained by, or under the custody or control of, such licensee on behalf of another person except for the sale, transfer of ownership, or assignment of such assets at the direction of such other person.

(f) A person licensed under subchapter 2 of this chapter to engage in virtual-currency business activity shall not directly or indirectly use or engage any other person, including any virtual-currency control-services vendor, to store or hold custody or control of any virtual currency for or on behalf of any customer in this State, unless such other person is licensed under subchapter 2 of this chapter to engage in virtual-currency business activity, a financial institution or credit union that is exempt from licensing under section 2504(7)

of this chapter, or a qualified custodian approved by the Commissioner by rule or order to hold virtual currency on behalf of customers in this State.

(g) Virtual currency held in violation of subsection (f) of this section shall not be deemed to be a permissible investment for purposes of satisfying a licensee's obligations under section 2542(a) of this chapter, but shall be deemed to be a permissible investment for purposes of section 2542(c)–(e) of this chapter.

(h) The Commissioner may by rule or order adopt additional consumer protections concerning virtual currency, including:

(1) rules regarding the segregation of virtual currencies and accounts held for or on behalf of customers from a licensee's own virtual currencies and assets;

(2) rules related to the custody, storage, security, ownership of, and title to permissible investments and customer virtual currencies and assets;

(3) rules related to the use of virtual-currency control service vendors or other custodians to hold custody or control of virtual currency;

(4) rules related to audit requirements for customer assets;

(5) rules setting standards, limits, prohibitions, disclosure requirements, and procedures regarding the types of virtual currencies and related services, activities, and transactions that licensees may offer in this State as may be necessary or appropriate for the protection of consumers or compliance with the terms of this chapter;

(6) rules requiring compliance with specific provisions of the Uniform Commercial Code; and

(7) any rules as may be necessary or appropriate for the protection of consumers or necessary or appropriate to effectuate the purposes of this chapter.

§ 2576. ADDITIONAL REQUIREMENTS AND CLARIFICATIONS FOR VIRTUAL-CURRENCY BUSINESS ACTIVITIES

(a) To ensure adequate consumer protection, the Commissioner may adopt by rule provisions that specify limitations to and the method by which a person licensed under subchapter 2 of this chapter to engage in virtual-currency business activity may include virtual currency and virtual currency-denominated assets in the calculation of its net worth pursuant to section 2540 of this chapter.

(b) In addition to the records required to be maintained by sections 2119 and 2546 of this title and any other records the Commissioner requires

pursuant to this chapter or rule, a person licensed under subchapter 2 of this chapter to engage in virtual-currency business activity shall maintain, for all virtual-currency business activity with or on behalf of a person, for at least five years after the date of the activity, a record of:

(1) each transaction of the licensee with or on behalf of the person or for the licensee's account in this state, including:

(A) the identity of the person;

(B) the form of the transaction;

(C) the amount, date, and payment instructions given by the person;

and

(D) the account number, name, and U.S. Postal Service address of the person, and, to the extent feasible, other parties to the transaction;

(2) the aggregate number of transactions and aggregate value of transactions by the licensee with or on behalf of the person and for the licensee's account in this State, expressed in U.S. dollar equivalent of virtual currency for the previous 12 calendar months;

(3) each transaction in which the licensee exchanges one form of virtual currency for money or another form of virtual currency with or on behalf of the person;

(4) a general ledger posted at least monthly that lists all assets, liabilities, capital, income, and expenses of the licensee;

(5) each business-call report the licensee is required to create or provide to the Department or NMLS;

(6) bank statements and bank reconciliation records for the licensee and the name, account number, and U.S. Postal Service address of each bank the licensee uses in the conduct of its virtual-currency business activity with or on behalf of the person;

(7) a report of any dispute with the person; and

(8) a report of any virtual-currency business activity transaction with or on behalf of a person which the licensee was unable to complete.

(c) It is unlawful for a person licensed under subchapter 2 of this chapter to engage in virtual-currency business activity, or any other person, in connection with the offer to sell, the offer to purchase, the sale, the purchase of a virtual currency, or in connection with any virtual-currency business activity or transaction in virtual currency, directly or indirectly:

(1) to employ a device, scheme, or artifice to defraud;

(2) to make an untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or

(3) to engage in an act, practice, or course of business that operates or would operate as a fraud or deceit upon another person.

(d) Persons licensed under subchapter 2 of this chapter to engage in virtual-currency business activity shall comply at all times with all applicable federal and state laws, rules, and regulations, including the following laws, as may be amended: the Securities Act of 1933, 15 U.S.C. §§ 77a–77aa, the Securities Exchange Act of 1934, 15 U.S.C. §§ 78a–78oo, the Commodities Exchange Act of 1936, 7 U.S.C. §§ 1–27f, and the Vermont Securities Act, 9 V.S.A. chapter 150.

§ 2577. VIRTUAL CURRENCY KIOSK OPERATORS

(a) A virtual-currency kiosk operator shall not accept or dispense more than \$1,000.00 of cash in a day in connection with virtual currency transactions with a single customer in this State via one or more money transmission kiosks.

(b) The aggregate fees and charges, directly or indirectly, charged to a customer related to a single transaction or series of related transactions involving virtual currency effected through a money transmission kiosk in this State, including any difference between the price charged to a customer to buy, sell, exchange, swap, or convert virtual currency and the prevailing market value of such virtual currency at the time of such transaction, shall not exceed the greater of the following:

(1) \$5.00; or

(2) 15 percent of the U.S. dollar equivalent of virtual currency involved in the transaction or transactions.

(c) The purchase, sale, exchange, swap, or conversion of virtual currency, or the subsequent transfer of virtual currency, in a series of transactions shall be deemed to be a single transaction for purposes of subsection (b) of this section.

(d) A virtual-currency kiosk operator shall comply with the licensing requirements of this subchapter to the extent that the virtual-currency kiosk operator engages in virtual-currency business activity.

(e) If a virtual-currency kiosk operator allows or facilitates another person to engage in virtual-currency business activity via a money transmission kiosk in this State that is owned, operated, or managed by the virtual-currency kiosk operator, the virtual-currency kiosk operator shall do all of the following:

(1) ensure that the person engaging in virtual-currency business activity is licensed under subchapter 2 of this chapter to engage in virtual-currency business activity and complies with all other applicable provisions of this chapter;

(2) ensure that any charges collected from a customer via the money transmission kiosk comply with the limits provided by subsection (b) of this section; and

(3) comply with all other applicable provisions of this chapter.

* * * Automated Teller Machines * * *

Sec. 49. 8 V.S.A. § 10302 is amended to read:

§ 10302. AUTOMATED TELLER MACHINES

~~(a) The owner of an automated teller machine or other remote service unit, including a cash dispensing machine, located or employed to be located in this State shall prominently and conspicuously disclose on or at the location of each such machine or on the first screen of each such machine the identity, address, and telephone number of the owner and the availability of consumer assistance. The owner shall also disclose on the screen of such machine or on a paper notice issued from the machine the amount of the fees or charges that the owner will assess to the consumer for the use of that machine. The amount of the fees or charges shall be disclosed before the consumer is irrevocably committed to completing the transaction. The Commissioner shall approve the form, content, timing, and location of such disclosures and any amendments prior to use. The Commissioner shall act on any submission made under this section within 30 days after receipt. If the Commissioner determines that any disclosures do not provide adequate consumer protection, the Commissioner may by order or by rule specify minimum disclosure standards, including the form, content, timing, and location of such disclosures. The Commissioner may impose on the owner of an automated teller machine or other remote service unit an administrative penalty of not more than \$1,000.00 for each day's failure of the owner to apply to the Commissioner for approval of disclosures required under this section, for each day's failure of the owner to use disclosures approved by the Commissioner, or for each day's continuing violation of an order of the Commissioner relating to the disclosures required by this section.~~

~~(b) The owner of an automated teller machine or other remote service unit, including a cash dispensing machine, located or employed in this State shall notify the Commissioner of the location of each terminal at least 30 days prior to the activation of such terminal. The owner shall notify the Commissioner of~~

~~the deactivation of any terminal within 30 days after the deactivation of such terminal, using a form prescribed by the Commissioner:~~

(1) provide the ownership and location of each machine or unit at least 30 days prior to the activation of the machine or unit;

(2) obtain Commissioner approval of the form, content, timing, and location of all disclosures required by subsection (b) of this section prior to their use; and

(3) notify the Commissioner of the deactivation of any machine or unit within 30 days after its deactivation.

(b) The owner of an automated teller machine or other remote service unit located or to be located in this State shall disclose prominently and conspicuously, using as high a contrast or resolution as any other display or graphics on the machine or unit, prior to the point at which a consumer using the machine or unit is irrevocably committed to completing any transaction:

(1) on or at the location of each machine or unit, or on the first screen of such machine or unit, the name, address, and telephone number of the owner of the machine or unit and the days, time, and means by which a consumer can contact the owner for consumer assistance; and

(2) on the screen of each machine or unit, the amount of the fees or charges that the owner will assess to the consumer for the transaction, a clear explanation that the fees or charges are imposed by the owner of the machine or unit in connection with the consumer's transaction and are in addition to any fees or charges that may be imposed by the issuer of a consumer's card, and the method by which the consumer may cancel the transaction to avoid imposition of the fees or charges.

(c) The Commissioner shall act on complete applications for approval of disclosures required by subsection (b) of this section within 30 days after receipt. The absence of full ownership and location information for each machine or unit that will use the disclosures will result in return of the application as incomplete.

(d) To ensure adequate consumer protection, the Commissioner may by order or by rule specify additional minimum disclosure standards for automated teller machines or other remote service units, including the form, content, timing, and location of such disclosures.

(e) The Commissioner may impose on the owner of an automated teller machine or other remote service unit an administrative penalty of not more than \$1,000.00 for each day's failure of the owner to apply to the Commissioner for approval of disclosures required under this section, for each

day's failure of the owner to use disclosures approved by the Commissioner, or for each day's continuing violation of an order of the Commissioner relating to the disclosures required by this section.

(e)(f) In addition to an automated teller machine or other remote service unit owned by a financial institution or credit union, the provisions of this section shall apply to ~~any automated teller machine or other remote service unit~~ such machine or unit not owned by a financial institution or credit union, except it shall not include a money transmission kiosk governed by chapter 79 of this title or a point-of-sale terminal owned or operated by a merchant who does not charge a fee for the use of the point-of-sale terminal.

(g) The activities of an automated teller machine or other remote service unit whose owner is not a financial institution or credit union shall be limited to cash dispensing or the offer or sale of nonbanking services and products.

* * * Effective Dates * * *

Sec. 50. EFFECTIVE DATES

This act shall take effect on July 1, 2024, except that Sec. 28 (pet insurance) shall take effect on July 1, 2025.

And that after passage the title of the bill be amended to read:

An act relating to banking, insurance, and securities

Pending the question, Shall the House concur in the Senate proposal of amendment?, **Reps. Marcotte of Coventry, Jerome of Brandon, Nicoll of Ludlow, Carroll of Bennington, Chase of Chester, Graning of Jericho, Priestley of Bradford, White of Bethel, and Williams of Barre City** moved to concur in the Senate proposal of amendment with further proposal of amendment thereto by striking out, in Sec. 48, 8 V.S.A. chapter 79, subchapter 10, section 2577 in its entirety and inserting in lieu thereof a new section 2577 to read as follows:

§ 2577. VIRTUAL-CURRENCY KIOSK OPERATORS

(a) Daily transaction limit. A virtual-currency kiosk operator shall not accept or dispense more than \$1,000.00 of cash in a day in connection with virtual-currency transactions with a single customer in this State via one or more money transmission kiosks.

(b) Fee cap. The aggregate fees and charges, directly or indirectly, charged to a customer related to a single transaction or series of related transactions involving virtual currency effected through a money transmission kiosk in this State, including any difference between the price charged to a customer to buy, sell, exchange, swap, or convert virtual currency and the prevailing market

value of such virtual currency at the time of such transaction, shall not exceed the greater of the following:

(1) \$5.00; or

(2) three percent of the U.S. dollar equivalent of virtual currency involved in the transaction or transactions.

(c) Single transaction. The purchase, sale, exchange, swap, or conversion of virtual currency, or the subsequent transfer of virtual currency, in a series of transactions shall be deemed to be a single transaction for purposes of subsection (b) of this section.

(d) Licensing requirement. A virtual-currency kiosk operator shall comply with the licensing requirements of this subchapter to the extent that the virtual-currency kiosk operator engages in virtual-currency business activity.

(e) Operator accountability. If a virtual-currency kiosk operator allows or facilitates another person to engage in virtual-currency business activity via a money transmission kiosk in this State that is owned, operated, or managed by the virtual-currency kiosk operator, the virtual-currency kiosk operator shall do all of the following:

(1) ensure that the person engaging in virtual-currency business activity is licensed under subchapter 2 of this chapter to engage in virtual-currency business activity and complies with all other applicable provisions of this chapter;

(2) ensure that any charges collected from a customer via the money transmission kiosk comply with the limits provided by subsection (b) of this section; and

(3) comply with all other applicable provisions of this chapter.

(f) Moratorium. To protect the public safety and welfare and safeguard the rights of consumers, virtual-currency kiosks shall not be permitted to operate in Vermont prior to July 1, 2026.

(g) Report. On or before January 15, 2026, the Commissioner of Financial Regulation shall report to the House Committee on Commerce and Economic Development and the Senate Committee on Finance on whether the requirements of this section coupled with relevant federal requirements are sufficient to protect customers in Vermont from fraudulent and predatory activity. If deemed necessary and appropriate by the Commissioner, the Commissioner may make recommendations for additional statutory or regulatory safeguards. In addition, the Commissioner shall make recommendations for enhanced oversight and monitoring of virtual-currency kiosks for the purpose of minimizing their use for illicit activities as described

in the U.S. Government Accountability Office report on virtual currencies, GAO-22-105462, dated December 2021.

Which was agreed to.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 25

Rep. Whitman of Bennington, for the Committee on Human Services, to which had been 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 in favor of its passage in concurrence with proposal of amendment by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Chemicals in Cosmetic and Menstrual Products * * *

Sec. 1. 9 V.S.A. chapter 63, subchapter 12 is added to read:

Subchapter 12. Chemicals in Cosmetic and Menstrual Products

§ 2494a. DEFINITIONS

As used in this subchapter:

(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 engaged in the business of making or assembling a consumer product directly or indirectly available to

consumers. “Manufacturer” excludes a distributor or retailer, except when a consumer product is made or assembled outside the United States, in which case a “manufacturer” includes the importer or first domestic distributor of the consumer 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.

§ 2494b. PROHIBITED CHEMICALS IN COSMETIC AND MENSTRUAL PRODUCTS

(a) A manufacturer 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);
- (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) triclosan (CAS 3380-34-5);

- (12) m-phenylenediamine and its salts (CAS 108-42-5);
- (13) o-phenylenediamine and its salts (CAS 95-54-5); and
- (14) quaternium-15 (CAS 51229-78-8).

(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 subchapter on account of the trace quantity where it is caused by impurities of:

- (1) natural or synthetic ingredients;
- (2) the manufacturing process;
- (3) storage; or
- (4) migration from packaging.

(c) A manufacturer shall not knowingly manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State any cosmetic or menstrual product that contains 1,4, dioxane at or exceeding 10 parts per million.

(d)(1) Pursuant to 3 V.S.A. chapter 25, the Department of Health may adopt rules prohibiting a manufacturer from selling, offering for sale, distributing for sale, or distributing for use a cosmetic or menstrual product to which formaldehyde releasing agents have been intentionally added and are present in any amount.

(2) The Department may only prohibit a manufacturer from selling, offering for sale, distributing for sale, or distributing for use a cosmetic or menstrual product in accordance with this subsection if the Department or at least one other state has determined that a safer alternative is readily available in sufficient quantity and at comparable cost and that the safer alternative performs as well as or better than formaldehyde releasing agents in a specific application of formaldehyde releasing agents to a cosmetic or menstrual product.

(3) Any rule adopted by the Department pursuant to this subsection may restrict formaldehyde releasing agents as individual chemicals or as a class of chemicals.

Sec. 2. 9 V.S.A. § 2494b is amended to read:

§ 2494b. PROHIBITED CHEMICALS IN COSMETIC AND MENSTRUAL PRODUCTS

(a) A manufacturer 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:

* * *

- (13) o-phenylenediamine and its salts (CAS 95-54-5); ~~and~~
- (14) quaternium-15 (CAS 51229-78-8);
- (15) styrene (CAS 100-42-5);
- (16) octamethylcyclotetrasiloxane (CAS 556-67-2); and
- (17) toluene (CAS 108-88-3).

* * *

(e) A manufacturer shall not knowingly manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State any cosmetic or menstrual product that contains lead or lead compounds at or exceeding five parts per million.

* * * PFAS in Consumer Products * * *

Sec. 3. 9 V.S.A. chapter 63, subchapter 12a is added to read:

Subchapter 12a. PFAS in Consumer Products

§ 2494e. DEFINITIONS

As used in this subchapter:

(1) “Adult mattress” means a mattress other than a crib or toddler mattress.

(2) “Aftermarket stain and water resistant treatments” means treatments for textile and leather consumer products used in residential settings that have been treated during the manufacturing process for stain, oil, and water resistance, but excludes products marketed or sold exclusively for use at industrial facilities during the manufacture of a carpet, rug, clothing, or shoe.

(3) “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, reusable diapers, footwear, and everyday uniforms for workwear. Clothing items intended for regular wear or formal occasions do 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.

(4) “Artificial turf” means a surface of synthetic fibers that is used in place of natural grass in recreational, residential, or commercial applications.

(5) “Cookware” means durable houseware items used to prepare, dispense, or store food, foodstuffs, or beverages and that are intended for direct food contact, including pots, pans, skillets, grills, baking sheets, baking molds, trays, bowls, and cooking utensils.

(6) “Incontinency protection product” means a disposable, absorbent hygiene product designed to absorb bodily waste for use by individuals 12 years of age and older.

(7) “Intentionally added” means the addition of a chemical in a product that serves an intended function in the product component.

(8) “Juvenile product” means a product designed or marketed for use by infants and children under 12 years of age:

(A) including a baby or toddler foam pillow; bassinet; bedside sleeper; booster seat; changing pad; infant bouncer; infant carrier; infant seat; infant sleep positioner; infant swing; infant travel bed; infant walker; nap cot; nursing pad; nursing pillow; play mat; playpen; play yard; polyurethane foam mat, pad, or pillow; portable foam nap mat; portable infant sleeper; portable hook-in chair; soft-sided portable crib; stroller; toddler mattress; and disposable, single-use diaper; and

(B) excluding a children’s electronic product, such as a personal computer, audio and video equipment, calculator, wireless phone, game console, handheld device incorporating a video screen, or any associated peripheral such as a mouse, keyboard, power supply unit, or power cord; a medical device; or an adult mattress.

(9) “Manufacturer” means any person engaged in the business of making or assembling a consumer product directly or indirectly available to consumers. “Manufacturer” excludes a distributor or retailer, except when a consumer product is made or assembled outside the United States, in which case a “manufacturer” includes the importer or first domestic distributor of the consumer product.

(10) “Medical device” has the same meaning given to “device” in 21 U.S.C. § 321.

(11) “Outdoor apparel” means clothing items intended primarily for outdoor activities, including hiking, camping, skiing, climbing, bicycling, and fishing.

(12) “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.

(13) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

(14) “Personal protective equipment” has the same meaning as in section 2494p of this title.

(15) “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.

(16) “Rug or carpet” means a fabric marketed or intended for use as a floor covering.

(17) “Ski wax” means a lubricant applied to the bottom of snow runners, including skis and snowboards, to improve their grip and glide properties.

(18) “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.

(19) “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;

(E) textile articles used for laboratory analysis and testing; and

(F) rugs or carpets.

§ 2494f. AFTERMARKET STAIN AND WATER-RESISTANT TREATMENTS

(a) A manufacturer shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State aftermarket stain and water-resistant treatments for rugs or carpets to which PFAS have been intentionally added in any amount.

(b) This section shall not apply to the sale or resale of used products.

§ 2494h. COOKWARE

(a) A manufacturer shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State cookware to which PFAS have been intentionally added in any amount.

(b) This section shall not apply to the sale or resale of used products.

§ 2494i. INCONTINENCY PROTECTION PRODUCT

A manufacturer shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State an incontinency protection product to which PFAS have been intentionally added in any amount.

§ 2494j. JUVENILE PRODUCTS

(a) A manufacturer shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State juvenile 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.

§ 2494k. RUGS AND CARPETS

(a) A manufacturer shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State a residential rug or carpet to which PFAS have been added in any amount.

(b) This section shall not apply to the sale or resale of used products.

§ 2494l. SKI WAX

(a) A manufacturer 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.

§ 2494m. TEXTILES

(a) A manufacturer 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.

§ 2494n. CERTIFICATE OF COMPLIANCE

(a) The Attorney General may request a certificate of compliance from a manufacturer of a consumer product regulated under this chapter. Within 60 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 subchapter; 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.

(b) A manufacturer required to submit a certificate of compliance pursuant to this section may rely upon a certificate of compliance provided to the manufacturer by a supplier for the purpose of determining the manufacturer's reporting obligations. A certificate of compliance provided by a supplier in accordance with this subsection shall be used solely for the purpose of determining a manufacturer's compliance with this section.

* * * PFAS in Artificial Turf * * *

Sec. 4. 9 V.S.A. § 2494g is added to read:

§ 2494g. ARTIFICIAL TURF

A manufacturer shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State artificial turf to which:

(1) PFAS have been intentionally added in any amount; or

(2) PFAS have entered the product from the manufacturing or processing of that product, the addition of which is known or reasonably ascertainable by the manufacturer.

* * * Amendments to PFAS in Textiles * * *

Sec. 5. 9 V.S.A. § 2494e(2) is amended to read:

(2) “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, reusable diapers, footwear, and everyday uniforms for workwear. Clothing items intended for regular wear or formal occasions do 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.

Sec. 6. 9 V.S.A. § 2494e(15) is amended to read:

(15) “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.

* * * PFAS in Firefighting Agents and Equipment * * *

Sec. 7. 9 V.S.A. chapter 63, subchapter 12b is added to read:

Subchapter 12b. PFAS in Firefighting Agents and Equipment

§ 2494p. DEFINITIONS

As used in this subchapter:

(1) “Class B firefighting foam” means chemical foams designed for flammable liquid fires.

(2) “Intentionally added” means the addition of a chemical in a product that serves an intended function in the product component.

(3) “Manufacturer” means any person engaged in the business of making or assembling a consumer product directly or indirectly available to consumers. “Manufacturer” excludes a distributor or retailer, except when a consumer product is made or assembled outside the United States, in which case a “manufacturer” includes the importer or first domestic distributor of the consumer product.

(4) “Municipality” means any city, town, incorporated village, town fire district, or other political subdivision that provides firefighting services pursuant to general law or municipal charter.

(5) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

(6) “Personal protective equipment” means clothing designed, intended, or marketed to be worn by firefighting personnel in the performance of their duties, designed with the intent for use in fire and rescue activities, and includes jackets, pants, shoes, gloves, helmets, and respiratory equipment.

(7) “Terminal” means an establishment primarily engaged in the wholesale distribution of crude petroleum and petroleum products, including liquefied petroleum gas from bulk liquid storage facilities.

§ 2494q. PROHIBITION OF CERTAIN CLASS B FIREFIGHTING FOAM

A person, municipality, or State agency shall not discharge or otherwise use for training or testing purposes class B firefighting foam that contains intentionally added PFAS.

§ 2494r. RESTRICTION ON MANUFACTURE, SALE, AND DISTRIBUTION; EXCEPTIONS

(a) A manufacturer of class B firefighting foam shall not manufacture, sell, offer for sale, or distribute for sale or use in this State class B firefighting foam to which PFAS have been intentionally added.

(b) A person operating a terminal who seeks to purchase class B firefighting foam containing intentionally added PFAS for the purpose of fighting emergency class B fires, may apply to the Department of Environmental Conservation for a temporary exemption from the restrictions on the manufacture, sale, offer for sale, or distribution of class B firefighting foam for use at a terminal. An exemption shall not exceed one year. The Department of Environmental Conservation, in consultation with the Department of Health, may grant an exemption under this subsection if the applicant provides:

(1) clear and convincing evidence that there is not a commercially available alternative that:

(A) does not contain intentionally added PFAS; and

(B) is capable of suppressing a large atmospheric tank fire or emergency class B fire at the terminal;

(2) information on the amount of class B firefighting foam containing intentionally added PFAS that is annually stored, used, or released at the terminal;

(3) a report on the progress being made by the applicant to transition at the terminal to class B firefighting foam that does not contain intentionally added PFAS; and

(4) an explanation of how:

(A) all releases of class B firefighting foam containing intentionally added PFAS shall be fully contained at the terminal; and

(B) existing containment measures prevent firewater, wastewater, runoff, and other wastes from being released into the environment, including into soil, groundwater, waterways, and stormwater.

(c) Nothing in this section shall prohibit a terminal from providing class B firefighting foam in the form of aid to another terminal in the event of a class B fire.

§ 2494s. SALE OF PERSONAL PROTECTIVE EQUIPMENT

CONTAINING PFAS

(a) A manufacturer or other person that sells firefighting equipment to any person, municipality, or State agency shall provide written notice to the purchaser at the time of sale, citing to this chapter, if the personal protective equipment contains PFAS. The written notice shall include a statement that the personal protective equipment contains PFAS and the reason PFAS are added to the equipment.

(b) The manufacturer or person selling personal protective equipment and the purchaser of the personal protective equipment shall retain the notice for at least three years from the date of the transaction.

§ 2494t. NOTIFICATION; RECALL OF PROHIBITED PRODUCTS

(a) A manufacturer of class B firefighting foam containing intentionally added PFAS shall provide written notice to persons that sell the manufacturer's products in this State about the restrictions imposed by this chapter not less than one year prior to the effective date of the restrictions.

(b) Unless a class B firefighting foam containing intentionally added PFAS is intended for use at a terminal and the person operating a terminal holds a temporary exemption pursuant to subsection 2494r(b) of this title, a manufacturer that produces, sells, or distributes a class B firefighting foam containing intentionally added PFAS shall:

(1) recall the product and reimburse the retailer or any other purchaser for the product; and

(2) issue either a press release or notice on the manufacturer's website describing the product recall and reimbursement requirement established in this subsection.

§ 2494u. CERTIFICATE OF COMPLIANCE

(a) The Attorney General may request a certificate of compliance from a manufacturer of class B firefighting foam or firefighting personal protective equipment. Within 60 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 subchapter; 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.

(b) A manufacturer required to submit a certificate of compliance pursuant to this section may rely upon a certificate of compliance provided to the manufacturer by a supplier for the purpose of determining the manufacturer's reporting obligations. A certificate of compliance provided by a supplier in accordance with this subsection shall be used solely for the purpose of determining a manufacturer's compliance with this section.

* * * Chemicals of Concern in Food Packaging * * *

Sec. 8. 9 V.S.A. chapter 63, subchapter 12c is added to read:

Subchapter 12c. Chemicals of Concern in Food Packaging

§ 2494x. DEFINITIONS

As used in this subchapter:

(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) “Department” means the Department of Health.

(3) “Food package” or “food packaging” means a package or packaging component that is intended for direct food contact.

(4) “Intentionally added” means the addition of a chemical in a product that serves an intended function in the product component.

(5) “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.

(6) “Package” means a container providing a means of marketing, protecting, or handling a product and shall include a unit package, an intermediate package, and a shipping container. “Package” also means unsealed receptacles, such as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs.

(7) “Packaging component” means an individual assembled part of a package, such as any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks, and labels, and disposable gloves used in commercial or institutional food service.

(8) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

§ 2494y. FOOD PACKAGING

(a) A manufacturer shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State a food package to which PFAS have been intentionally added and are present in any amount.

(b)(1) Pursuant to 3 V.S.A. chapter 25, the Department may adopt rules prohibiting a manufacturer, supplier, or distributor from selling or offering for sale or for promotional distribution a food package or the packaging component of a food package to which bisphenols have been intentionally added and are present in any amount. The Department may exempt specific chemicals within the bisphenol class when clear and convincing evidence suggests they are not endocrine-active or otherwise toxic.

(2) The Department may only prohibit a manufacturer, supplier, or distributor from selling or offering for sale or for promotional distribution a food package or the packaging component of a food package in accordance with this subsection if the Department or at least one other state has determined that a safer alternative is readily available in sufficient quantity and at a comparable cost and that the safer alternative performs as well as or better

than bisphenols in a specific application of bisphenols to a food package or the packaging component of a food package.

(3) If the Department prohibits a manufacturer, supplier, or distributor from selling or offering for sale or for promotional distribution a food package or the packaging component of a food package in accordance with this subsection, the prohibition shall not take effect until two years after the Department adopts the rules.

(c) A manufacturer shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State a food package that includes inks, dyes, pigments, adhesives, stabilizers, coatings, plasticizers, or any other additives to which ortho-phthalates have been intentionally added and are present in any amount.

(d) This section shall not apply to the sale or resale of used products.

§ 2494z. CERTIFICATE OF COMPLIANCE

(a) The Attorney General may request a certificate of compliance from a manufacturer of food packaging. Within 60 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 subchapter; 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.

(b) A manufacturer required to submit a certificate of compliance pursuant to this section may rely upon a certificate of compliance provided to the manufacturer by a supplier for the purpose of determining the manufacturer's reporting obligations. A certificate of compliance provided by a supplier in accordance with this subsection shall be used solely for the purpose of determining a manufacturer's compliance with this section.

* * * Engagement and Implementation Plans * * *

Sec. 9. COMMUNITY ENGAGEMENT PLAN

(a) On or before July 1, 2025, the Department of Health shall develop 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 9 V.S.A. chapter 63, subchapter 12. The community engagement plan shall:

(1) provide education to the general public on chemicals of concern in cosmetic and menstrual products and specifically address the unique impact these products have on marginalized communities by providing the use of language access services, participant compensation, and other resources that support equitable access to participation; and

(2) outline the methodology and costs to conduct outreach for the purposes of:

(A) identifying cosmetic products of concern, including those marketed to or utilized by marginalized communities in Vermont;

(B) conducting research on the prevalence of potentially harmful ingredients within cosmetic products, including those marketed to or utilized by marginalized communities in Vermont;

(C) proposing a process for regulating chemicals or products containing potentially harmful ingredients, including those marketed to or utilized by marginalized communities in Vermont; and

(D) creating culturally appropriate public health awareness campaigns concerning harmful ingredients used in cosmetic products.

(b) As used in the section, “marginalized communities” means members of communities who experience or have historically experienced discrimination based on race, ethnicity, color, national origin, English language proficiency, disability, gender identity, gender expression, or sexual orientation.

Sec. 10. IMPLEMENTATION PLAN; CONSUMER PRODUCTS

CONTAINING PFAS

(a) The Agency of Natural Resources, in consultation with the Agency of Agriculture, Food and Markets; the Department of Health; and the Office of the Attorney General, shall propose a program requiring the State to identify and restrict the sale and distribution of consumer products containing perfluoroalkyl and polyfluoroalkyl substances (PFAS) that could impact public health and the environment. The proposed program shall:

(1) identify categories of consumer products that could have an impact on public health and environmental contamination;

(2) propose a process by which manufacturers determine whether a consumer product contains PFAS and how that information is communicated to the State;

(3) address how information about the presence or lack of PFAS in a consumer product is conveyed to the public;

(4) describe which agency or department is responsible for administration of the proposed program, including what additional staff, information technology changes, and other resources, if any, are necessary to implement the program;

(5) determine whether and how other states have structured and implemented similar programs and identify the best practices used in these efforts;

(6) propose definitions of “intentionally added,” “consumer product,” and “perfluoroalkyl and polyfluoroalkyl substances”;

(7) propose a related public service announcement program and website content to inform the public and health care providers about the potential public health impacts of exposure to PFAS and actions that can be taken to reduce risk;

(8) provide recommendations for the regulation of PFAS within consumer products that use recycled materials, including food packaging, cosmetic product packaging, and textiles; and

(9) determine whether “personal protective equipment” regulated by the U.S. Occupational Safety and Health Administration under the Occupational Safety and Health Act, the U.S. Food and Drug Administration, or the U.S. Centers for Disease Control and Prevention, or a product that is regulated as a drug, medical device, or dietary supplement by the U.S. Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act or the Dietary Supplement Health and Education Act, is appropriately regulated under 9 V.S.A. chapter 63, subchapters 12–12c.

(b) The Agency of Natural Resources shall obtain input on its recommendation from interested parties, including those that represent environmental, agricultural, and industry interests.

(c) On or before November 1, 2024, the Agency of Natural Resources shall submit an implementation plan developed pursuant to this section and corresponding draft legislation to the House Committees on Environment and Energy and on Human Services and the Senate Committees on Health and Welfare and on Natural Resources and Energy.

(d) For the purposes of this section, “consumer products” includes restricted and nonrestricted use pesticides.

* * * Repeal * * *

Sec. 11. REPEAL; PFAS IN VARIOUS CONSUMER PRODUCTS

18 V.S.A. chapter 33 (PFAS in firefighting agents and equipment),

18 V.S.A. chapter 33A (chemicals of concern in food packaging), 18 V.S.A. chapter 33B (PFAS in rugs, carpets, and aftermarket stain and water resistant treatments), and 18 V.S.A. chapter 33C (PFAS in ski wax) are repealed on January 1, 2026.

* * * Compliance Notification * * *

Sec. 12. COMPLIANCE NOTIFICATION

If, upon a showing by a manufacturer, the Office of the Attorney General determines that it is not feasible to produce a particular consumer product as required by this act on the effective date listed in Sec. 13 (effective dates), the Attorney General may postpone the compliance date for that product for up to one year. If the Attorney General postpones a compliance date pursuant to this section, the Office of the Attorney General shall post notification of the postponement on its website.

* * * Effective Dates * * *

Sec. 13. EFFECTIVE DATES

This act shall take effect on July 1, 2024, except that:

(1) Sec. 1 (chemicals in cosmetic and menstrual products), Sec. 3 (PFAS in consumer products), Sec. 7 (PFAS in firefighting agents and equipment), and Sec. 8 (chemicals of concern in food packaging) shall take effect on January 1, 2026;

(2) Sec. 2 (9 V.S.A. § 2494b) and Sec. 6 (9 V.S.A. § 2494e(15)) shall take effect on July 1, 2027;

(3) Sec. 4 (artificial turf) shall take effect on January 1, 2028; and

(4) Sec. 5 (9 V.S.A. § 2494e(2)) shall take effect on July 1, 2028.

and that after passage the title of the bill be amended to read: “An act relating to regulating consumer products containing perfluoroalkyl and polyfluoroalkyl substances or other chemicals”

The bill, having appeared on the Notice Calendar, was taken up, read the second time, the report of the Committee on Human Services agreed to, and third reading ordered.

Bill Committed

S. 183

Senate bill, entitled

An act relating to reenvisioning the Agency of Human Services

Having appeared on the Notice Calendar and appearing on the Calendar for Action, was taken up and pending second reading, on motion of **Rep. Gregoire of Fairfield**, the bill was committed to the Committee on Government Operations and Military Affairs.

Message from the Senate No. 45

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has considered House proposal of amendment to Senate bill of the following title:

S. 278. An act relating to prohibiting a comparative negligence defense in an action for a negligence claim relating to a sexual act or sexual conduct.

And has concurred therein.

Adjournment

At two o'clock and forty-six minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.

Thursday, April 11, 2024

At one o'clock in the afternoon, **Rep. Long of Newfane** called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rev. Karen Johnston, First Unitarian Universalist Society of Burlington.

Bill Referred to Committee on Appropriations

S. 30

Senate bill, entitled

An act relating to creating a Sister State Program

Appearing on the Notice Calendar, and pursuant to House Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Ceremonial Reading**H.C.R. 211**

House concurrent resolution designating April 11, 2024 as Tourism Economy Day at the State House

Offered by: Representatives Jerome of Brandon, Carroll of Bennington, Chase of Chester, Graning of Jericho, Marcotte of Coventry, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Priestley of Bradford, Sammis of Castleton, White of Bethel, and Williams of Barre City

Whereas, Vermont is a global destination for dining, lodging, art, history, and outdoor recreation, and this creates business opportunities, attracts new residents, and incentivizes Vermonters to stay, and

Whereas, tourism and hospitality are vital to the sustainability of rural and urban communities alike across all 14 of Vermont's counties, and

Whereas, according to the U.S. Travel Association, in 2023, tourists spent \$3 billion in Vermont, a \$200 million increase over the prior year, and

Whereas, the Vermont Department of Labor has reported that, through September 2023, 11.5 percent of the State's workforce was employed in the leisure and hospitality sector, consisting of 30,287 persons in accommodations and food services and 5,356 individuals in arts and recreation, and

Whereas, the Vermont Department of Taxes has estimated that through most of 2023, tourism-related tax revenue equaled \$417,300,000, and

Whereas, the Vermont Ski Areas Association tallied 4,134,832 skier visits for the season ending in the spring of 2023, a marked expansion over the 3,762,047 visits for the prior season, and

Whereas, meaningful representation and inclusion are essential to ensure that Vermont is welcoming to everyone so that all people, regardless of background, can experience the joy of visiting the State, and

Whereas, industry leaders embody destination stewardship as they center community values in their work, and

Whereas, the strong and positive impact of tourism on Vermont's economy is cause for great celebration, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly designates April 11, 2024 as Tourism Economy Day at the State House, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Commissioner of Tourism and Marketing, to the Vermont Chamber of Commerce, and to Ski Vermont.

Having been adopted in concurrence on Friday, April 5, 2024 in accord with Joint Rule 16b, was read.

Ceremonial Reading

H.C.R. 213

House concurrent resolution congratulating the Vermont Housing Finance Agency on its 50th anniversary

Offered by: Representative Stevens of Waterbury

Whereas, every U.S. state and territory has an agency to finance the construction of affordable housing, and, on April 11, 1974, Governor Salmon signed the Vermont Housing Finance Agency Act, which became Act 260, and

Whereas, the Vermont Housing Finance Agency’s (VHFA) mission is to “finance and promote affordable, safe and decent housing opportunities for low- and moderate-income Vermonters,” and

Whereas, since 1974, VHFA has assisted 31,000 home buyers and supported the development of 9,600 affordable apartments, and

Whereas, VHFA is a strong partner to the lenders, municipalities, utilities, developers, real estate professionals, investors, and each branch of government, and

Whereas, several housing shocks—including the Great Recession, Tropical Storm Irene, COVID-19, an increasing number of natural disasters, inflation, and varying interest rates—put pressure on housing affordability, accessibility, and safety, and VHFA deftly navigated through these crises, and

Whereas, recently, VHFA rose to address the State’s evolving housing needs, launching several new programs, including expanding access to weatherization; paying off mortgage, utility, and tax arrearages; funding for-sale home construction; expanding employer-supported housing; and supporting first-generation homebuyers, and

Whereas, VHFA started the Vermont Housing Investment Fund in 2020, which has already added \$17 million in philanthropic, federal, and in-state funding to address critical housing funding gaps, and

Whereas, the Agency provides crucial data, tools, and resources for the State and local communities through its Vermont Housing Data website and regular publications, and

Whereas, VHFA operates through its values of integrity, innovation, belonging, and equity, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates the Vermont Housing Finance Agency on its 50th anniversary, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the VHFA.

Having been adopted in concurrence on Friday, April 5, 2024 in accord with Joint Rule 16b, was read.

Senate Proposal of Amendment Concurred in

H. 543

The Senate proposed to the House to amend House bill, entitled

An act relating to Vermont's adoption of the Social Work Licensure Compact

By adding a new Sec. 3 and a Sec. 4 after the existing Sec. 2 to read as follows:

Sec. 3. LEGISLATIVE INTENT; EMERGENCY HOUSING ELIGIBILITY DOCUMENTATION

It is the intent of the General Assembly that in fiscal year 2024 documentation of a qualifying disability or health condition pursuant to 2024 Acts and Resolves No. 87, Sec. 89(b) shall require the certification of a health care provider as defined in 18 V.S.A. § 9481.

Sec. 4. 2024 Acts and Resolves No. 87, Sec. 89(b) is amended to read:

(b) A household that is otherwise eligible for temporary emergency housing pursuant to subsection (a) of this section, but for the inability to qualify for or document receipt of SSI or SSDI, may use ~~the Department's Emergency Housing Disability Variance Request Form~~ a form developed by the Department as a means of documenting a qualifying disability or health condition that requires:

(1) the applicant's name, date of birth, and the last four digits of the applicant's social security number;

(2) a description of the applicant's disability or health condition;

(3) a description of the risk posed to the applicant's health, safety, or welfare if temporary emergency housing is not authorized pursuant to this section; and

(4) a certification of a health care provider, as defined in 18 V.S.A. § 9481, that includes the provider’s credentials, credential number, address, and phone number.

and by renumbering the remaining section to be numerically correct.

Which proposal of amendment was considered and concurred in.

**Amendments to Proposal of Amendment Agreed to; Third Reading;
Bill Passed in Concurrence with Proposal of Amendment**

S. 25

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

Was taken up and, pending third reading of the bill, **Reps. Higley of Lowell and Marcotte of Coventry** moved that the House proposal of amendment be amended as follows:

In Sec. 2, 9 V.S.A. § 2494b, in subsection (e), by striking out “five” and inserting in lieu thereof “ten”

Speaker presiding.

Pending the question, Shall the House amend its proposal of amendment as offered by Reps. Higley of Lowell and Marcotte of Coventry?, **Rep. Cole of Hartford** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House amend its proposal of amendment as offered by Reps. Higley of Lowell and Marcotte of Coventry?, was decided in the affirmative. Yeas, 101. Nays, 28.

Those who voted in the affirmative are:

Andrews of Westford	Dolan of Essex Junction	McCoy of Poultney
Anthony of Barre City	Dolan of Waitsfield	McFaun of Barre Town
Arrison of Weathersfield	Donahue of Northfield	Mihaly of Calais
Arsenault of Williston	Durfee of Shaftsbury	Minier of South Burlington
Austin of Colchester	Emmons of Springfield	Morris of Springfield
Bartholomew of Hartland	Galfetti of Barre Town	Morrissey of Bennington
Bartley of Fairfax	Garofano of Essex	Mrowicki of Putney
Beck of St. Johnsbury	Goldman of Rockingham	Nicoll of Ludlow
Birong of Vergennes	Goslant of Northfield	Notte of Rutland City
Black of Essex	Graham of Williamstown	Noyes of Wolcott
Bluemle of Burlington	Graning of Jericho	Ode of Burlington
Bongartz of Manchester	Gregoire of Fairfield	Page of Newport City

Boyden of Cambridge	Hango of Berkshire	Pajala of Londonderry
Brady of Williston	Harrison of Chittenden	Pearl of Danville
Branagan of Georgia	Higley of Lowell	Peterson of Clarendon
Brown of Richmond	Holcombe of Norwich	Quimby of Lyndon
Brownell of Pownal	Hooper of Burlington	Roberts of Halifax
Brumsted of Shelburne	Houghton of Essex Junction	Satcowitz of Randolph
Burditt of West Rutland	Howard of Rutland City	Scheu of Middlebury
Burke of Brattleboro	James of Manchester	Shaw of Pittsford
Burrows of West Windsor	Jerome of Brandon	Sibilia of Dover
Buss of Woodstock	Kornheiser of Brattleboro	Smith of Derby
Campbell of St. Johnsbury	Labor of Morgan	Squirrell of Underhill
Canfield of Fair Haven	LaBounty of Lyndon	Stevens of Waterbury
Carpenter of Hyde Park	Lalley of Shelburne	Taylor of Milton
Carroll of Bennington	LaLonde of South Burlington	Taylor of Colchester
Chesnut-Tangerman of Middletown Springs	Lanpher of Vergennes	Toleno of Brattleboro
Coffey of Guilford	Laroche of Franklin	Toof of St. Albans Town
Conlon of Cornwall	Long of Newfane	Troiano of Stannard
Demar of Enosburgh	Maguire of Rutland City	Waters Evans of Charlotte
Demrow of Corinth	Marcotte of Coventry	White of Bethel
Dickinson of St. Albans Town	Masland of Thetford	Williams of Barre City
Dodge of Essex	Mattos of Milton	Williams of Granby
	McCarthy of St. Albans City	Wood of Waterbury

Those who voted in the negative are:

Berbeco of Winooski	Hyman of South Burlington	Sammis of Castleton
Bos-Lun of Westminster	Krasnow of South Burlington	Sims of Craftsbury
Casey of Montpelier	LaMont of Morristown	Small of Winooski
Christie of Hartford	McGill of Bridport	Stebbins of Burlington
Cina of Burlington	Nugent of South Burlington	Stone of Burlington
Cole of Hartford	Pouech of Hinesburg	Surprenant of Barnard
Corcoran of Bennington	Priestley of Bradford	Templeman of Brownington
Cordes of Lincoln	Rachelson of Burlington	Torre of Moretown
Elder of Starksboro	Rice of Dorset	Whitman of Bennington
Farlice-Rubio of Barnet		

Those members absent with leave of the House and not voting are:

Andriano of Orwell	Hooper of Randolph	Oliver of Sheldon
Brennan of Colchester	Leavitt of Grand Isle	Parsons of Newbury
Chapin of East Montpelier	Lipsky of Stowe	Patt of Worcester
Chase of Chester	Logan of Burlington	Sheldon of Middlebury
Chase of Colchester	McCann of Montpelier	Walker of Swanton
Clifford of Rutland City	Morgan of Milton	
Headrick of Burlington	O'Brien of Tunbridge	

Pending third reading of the bill, **Rep. Whitman of Bennington** moved that the House proposal of amendment be further amended as follows:

First: In Sec. 1, 9 V.S.A. chapter 63, subchapter 12, in section 2494b, in subsection (b), by striking out “chapter” and inserting in lieu thereof “subchapter”

Second: In Sec. 3, 9 V.S.A. chapter 63, subchapter 12a, in section 2494n, in the first sentence of subsection (a) and in subdivision (a)(2), by striking out “chapter” and inserting in lieu thereof “subchapter”

Third: In Sec. 7, 9 V.S.A. chapter 63, subchapter 12b, in section 2494s, in the first sentence of subsection (a), by striking out “chapter” and inserting in lieu thereof “subchapter”

Fourth: In Sec. 7, 9 V.S.A. chapter 63, subchapter 12b, in section 2494t, in subsection (a), by striking out “chapter” and inserting in lieu thereof “subchapter”

Fifth: In Sec. 7, 9 V.S.A. chapter 63, subchapter 12b, in section 2494u, in subsection (a), in subdivision (2), by striking out “chapter” and inserting in lieu thereof “subchapter”

Sixth: In Sec. 8, 9 V.S.A. chapter 63, subchapter 12c, in section 2494z, in subsection (a), in subdivision (2), by striking out “chapter” and inserting in lieu thereof “subchapter”

Seventh: In Sec. 9, community engagement plan, in subsection (b), by striking out “members of communities” and inserting in lieu thereof “individuals with shared characteristics”

Which was agreed to. Thereupon, the bill was read a third time.

Pending the question, Shall the bill pass in concurrence with proposal of amendment?, **Rep. Whitman of Bennington** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill pass in concurrence with proposal of amendment?, was decided in the affirmative. Yeas, 130. Nays, 0.

Those who voted in the affirmative are:

Andrews of Westford
Anthony of Barre City
Arrison of Weathersfield
Arsenault of Williston
Austin of Colchester
Bartholomew of Hartland
Bartley of Fairfax
Beck of St. Johnsbury

Durfee of Shaftsbury
Elder of Starksboro
Emmons of Springfield
Farlice-Rubio of Barnet
Galfetti of Barre Town
Garofano of Essex
Goldman of Rockingham
Goslant of Northfield

Morris of Springfield
Morrissey of Bennington
Mrowicki of Putney
Nicoll of Ludlow
Notte of Rutland City
Noyes of Wolcott
Nugent of South Burlington
Ode of Burlington

Berbeco of Winooski	Graham of Williamstown	Page of Newport City
Birong of Vergennes	Graning of Jericho	Pajala of Londonderry
Black of Essex	Gregoire of Fairfield	Pearl of Danville
Bluemle of Burlington	Hango of Berkshire	Peterson of Clarendon
Bongartz of Manchester	Harrison of Chittenden	Pouech of Hinesburg
Bos-Lun of Westminster	Higley of Lowell	Priestley of Bradford
Boyden of Cambridge	Holcombe of Norwich	Quimby of Lyndon
Brady of Williston	Hooper of Burlington	Rachelson of Burlington
Branagan of Georgia	Houghton of Essex Junction	Rice of Dorset
Brown of Richmond *	Howard of Rutland City	Roberts of Halifax *
Brownell of Pownal	Hyman of South Burlington	Sammis of Castleton
Brumsted of Shelburne	James of Manchester	Satcowitz of Randolph
Burditt of West Rutland	Jerome of Brandon	Scheu of Middlebury
Burke of Brattleboro	Kornheiser of Brattleboro	Shaw of Pittsford
Burrows of West Windsor	Krasnow of South	Sheldon of Middlebury
Buss of Woodstock	Burlington	Sibilia of Dover
Campbell of St. Johnsbury	Labor of Morgan	Sims of Craftsbury
Canfield of Fair Haven	LaBounty of Lyndon	Small of Winooski
Carpenter of Hyde Park	Lalley of Shelburne	Smith of Derby
Carroll of Bennington	LaLonde of South	Squirrell of Underhill
Casey of Montpelier	Burlington	Stebbins of Burlington
Chesnut-Tangerman of	LaMont of Morristown	Stevens of Waterbury
Middletown Springs	Lanpher of Vergennes	Stone of Burlington
Christie of Hartford	Laroche of Franklin	Surprenant of Barnard
Cina of Burlington	Lipsky of Stowe	Taylor of Milton
Coffey of Guilford	Long of Newfane	Taylor of Colchester
Cole of Hartford	Maguire of Rutland City	Templeman of Brownington
Corcoran of Bennington	Marcotte of Coventry	Toleno of Brattleboro
Cordes of Lincoln	Masland of Thetford	Toof of St. Albans Town
Demar of Enosburgh	Mattos of Milton	Torre of Moretown
Demrow of Corinth	McCarthy of St. Albans	Troiano of Stannard
Dickinson of St. Albans	City	Waters Evans of Charlotte
Town	McCoy of Poultney	White of Bethel
Dodge of Essex	McFaun of Barre Town	Whitman of Bennington
Dolan of Essex Junction	McGill of Bridport	Williams of Barre City
Dolan of Waitsfield *	Mihaly of Calais	Williams of Granby
Donahue of Northfield	Minier of South Burlington	Wood of Waterbury *

Those who voted in the negative are: none

Those members absent with leave of the House and not voting are:

Andriano of Orwell	Conlon of Cornwall	Morgan of Milton
Brennan of Colchester	Headrick of Burlington	O'Brien of Tunbridge
Chapin of East Montpelier	Hooper of Randolph	Oliver of Sheldon
Chase of Chester	Leavitt of Grand Isle	Parsons of Newbury
Chase of Colchester	Logan of Burlington	Patt of Worcester
Clifford of Rutland City	McCann of Montpelier	Walker of Swanton

Rep. Brown of Richmond explained her vote as follows:

“Madam Speaker:

S.25 takes an important additional step to protect Vermonters from PFAs and the associated health risks. By prohibiting these chemicals in personal care products, textiles, artificial turf, and cookware, we act to protect public health and the environment with more work still ahead of us.”

Rep. Dolan of Waitsfield explained her vote as follows:

“Madam Speaker:

I support this bill as an important next step for Vermont to reduce public exposure to harmful PFA chemicals, known disturbingly as ‘forever chemicals.’”

Rep. Roberts of Halifax explained his vote as follows:

“Madam Speaker:

Ever wonder why so many of our cats and dogs are getting cancer? Because the ‘forever chemicals’ are themselves bonded so strongly. PFA treatments don’t stick well to textiles, carpeting, and consumer goods. Research shows that chemicals like these end up in household dust, making pets and babies the canaries in today’s coal mines. But in working with building product manufacturers, I’ve found they don’t want to poison their customers and they don’t want to include ineffective chemical treatments in their product formulations. S.25 is a standardized, scientific regulation that manufacturers can procure against and clean up their own supply chains.”

Rep. Wood of Waterbury explained her vote as follows:

“Madam Speaker:

I enthusiastically cast my vote in favor of S.25 to reduce hazardous chemicals from our environment and our bodies.”

Adjournment

At two o'clock and fifty-four minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Friday, April 12, 2024

At nine o'clock and thirty minutes in the forenoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by music therapists Lynn Noble of Waitsfield, Maggie Connors of St. Albans Town, Jen DeBedout of Burlington, Shanna Meyer of Newbury, and Wrenn Compere of Waitsfield.

Favorable Reports; Second Reading; Third Reading Ordered

S. 199

Rep. Torre of Moretown, for the Committee on Environment and Energy, to which had been referred Senate bill, entitled

An act relating to mergers and governance of communications union districts

Reported in favor of its passage in concurrence.

Rep. Masland of Thetford, for the Committee on Ways and Means, reported in favor of its passage in concurrence.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and third reading was ordered.

Remarks Journalized

On motion of **Rep. Maguire of Rutland City**, the following remarks by **Rep. Clifford of Rutland City** were ordered printed in the Journal:

“Madam Speaker:

Two weeks ago, my colleague from Rutland, Rep. Maguire, announced the birth of his first grandchild. Today, I would like to announce the birth of my first grandchild. Josephine Jane Clifford was born yesterday, April 11th at 8:47 a.m.! Six pounds and six ounces, a beautiful baby girl.

Mom, Dad, and baby girl are doing great!”

Message from the Senate No. 46

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

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

H. 603. An act relating to the poultry slaughter exception to inspection.

H. 621. An act relating to health insurance coverage for diagnostic breast imaging.

H. 741. An act relating to health insurance coverage for colorectal cancer screening.

And has passed the same in concurrence.

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

H. 694. An act relating to sexual exploitation.

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

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 214. House concurrent resolution congratulating the 2024 Hartford High School Hurricanes Division II championship boys' ice hockey team.

H.C.R. 215. House concurrent resolution congratulating the 2024 Hartford High School Hurricanes Division II championship girls' ice hockey team.

H.C.R. 216. House concurrent resolution congratulating the winning school teams of the 2024 Jr Iron Chef VT competition.

H.C.R. 217. House concurrent resolution recognizing April 18, 2024 as Electric Utility Lineworker Appreciation Day in Vermont.

H.C.R. 218. House concurrent resolution congratulating the Washington Electric Cooperative on its 85th anniversary.

Adjournment

At nine o'clock and fifty-nine minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, April 16, 2024, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 52.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Rule 16b of the Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House:

H.C.R. 214

House concurrent resolution congratulating the 2024 Hartford High School Hurricanes Division II championship boys' ice hockey team

H.C.R. 215

House concurrent resolution congratulating the 2024 Hartford High School Hurricanes Division II championship girls' ice hockey team

H.C.R. 216

House concurrent resolution congratulating the winning school teams of the 2024 Jr Iron Chef VT competition

H.C.R. 217

House concurrent resolution recognizing April 18, 2024 as Electric Utility Lineworker Appreciation Day in Vermont

H.C.R. 218

House concurrent resolution congratulating the Washington Electric Cooperative on its 85th anniversary

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2024 Adjourned Session.]

Tuesday, April 16, 2024

At ten o'clock in the forenoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Troy Headrick of Burlington.

Pledge of Allegiance

Page Aliyah Ivey-Leake of Shaftsbury led the House in the Pledge of Allegiance.

Recess

At ten o'clock and nineteen minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

Called to Order

At ten o'clock and thirty-eight minutes in the forenoon, the Speaker called the House to order.

Message from the Senate No. 47

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

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

H. 40. An act relating to nonconsensual removal of or tampering with a condom.

H. 666. An act relating to escrow deposit bonds.

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

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

H. 363. An act relating to prohibiting discrimination based on certain hair types and styles.

And has passed the same in concurrence.

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 53. Joint resolution relating to weekend adjournment on April 19, 2024.

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

House Bill Introduced**H. 885**

By Reps. Donahue of Northfield and Goslant of Northfield,

House bill, entitled

An act relating to approval of an amendment to the charter of the Town of Berlin

Was read the first time and referred to the Committee on Government Operations and Military Affairs.

Bill Referred to Committee on Ways and Means

H. 881

House bill, entitled

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

Appearing on the Notice Calendar, and pursuant to House Rule 35(a), materially affecting the revenue of one or more municipalities, was referred to the Committee on Ways and Means.

Joint Resolution Placed on Calendar

J.R.H. 10

Joint resolution, entitled

Joint resolution authorizing the Green Mountain Girls State educational program to use the State House facilities on June 27, 2024

Offered by: Representative Bos-Lun of Westminster

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 chambers and committee rooms of the State House on Thursday, June 27, 2024, 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 Auxiliary Department of Vermont.

Was read by title and placed on the Action Calendar on the next legislative day pursuant to House Rule 52.

Third Reading; Bill Passed in Concurrence

S. 199

Senate bill, entitled

An act relating to mergers and governance of communications union districts

Was taken up, read the third time, and passed in concurrence.

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 16th day of April 2024, he signed a bill originating in the House of the following title:

H. 554 An act relating to approval of the adoption of the charter of the Town of South Hero

Adjournment

At ten o'clock and forty-seven minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.

Wednesday, April 17, 2024

At one o'clock in the afternoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by former State Senator Scudder Parker, Middlesex.

House Bill Introduced

H. 886

By Reps. Nugent of South Burlington, Hyman of South Burlington, Krasnow of South Burlington, LaLonde of South Burlington, and Minier of South Burlington,

House bill, entitled

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

Was read the first time and referred to the Committee on Government Operations and Military Affairs.

Bill Referred to Committee on Ways and Means

S. 305

Senate bill, entitled

An act relating to miscellaneous changes related to the Public Utility Commission

Appearing on the Notice Calendar, and pursuant to House Rule 35(a), affecting the revenue of the State, was referred to the Committee on Ways and Means.

Joint Resolution Adopted in Concurrence

J.R.S. 53

By Senator Baruth,

J.R.S. 53. Joint resolution relating to weekend adjournment on April 19, 2024.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 19, 2024, it be to meet again no later than Tuesday, April 23, 2024.

Was taken up, read, and adopted in concurrence.

Ceremonial Reading

H.C.R. 174

House concurrent resolution congratulating the 2023 Spirit of the ADA Award winners

Offered by: Representative Marcotte of Coventry

Whereas, the Americans with Disabilities Act, both in its federal and Vermont iterations, is intended to maximize the ability of persons with disabilities to participate in a wide range of societal activities, including employment, and

Whereas, the State of Vermont recognizes the value and capabilities of its workforce, and it has a strong commitment to ensuring equal opportunity for all regardless of disability, race, color, gender, age, sexual orientation, religion, or national origin, and

Whereas, both Vermonters and the State's economy benefit when residents of all abilities can contribute their skills, talents, and gifts as part of Vermont's workforce, and

Whereas, the Governor's Committee on the Employment of People with Disabilities annually recognizes businesses that reflect this spirit with the presentation of a Spirit of the ADA Award, and

Whereas, the criteria for the receipt of this award are creating an accessibility recruitment and hiring process, incorporation of on-the-job accommodations, the presence of accessible physical structures to ensure success for all employees, and an overall employment strategy that includes the hiring of individuals with disabilities, and

Whereas, the 2023 recipients of a Spirit of the ADA Award are Junction Arts Media, Ethan Allen, Lake Paran Recreation, Brophy and Garrett Williams Electric Service, the University of Vermont Medical Center, Southshire Inn, McGee Chrysler Dodge Jeep RAM of Springfield, Aqua ViTea, Robert & Sons Lawn Care, Mack Molding, and the Derby Price Chopper store, and Fourbital was recognized with the special honor of receiving the 2023 David Sagi Award, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates the 2023 Spirit of the ADA Award winners, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Governor's Committee on the Employment of People with Disabilities and to each award recipient.

Having been adopted in concurrence on Friday, March 15, 2024 in accord with Joint Rule 16b, was read.

Ceremonial Reading

H.C.R. 196

House concurrent resolution honoring Robert Bick for his remarkable three decades of leadership at the Howard Center

Offered by: Representatives Rachelson of Burlington, Squirrell of Underhill, Austin of Colchester, Berbeco of Winooski, Bluemle of Burlington, Brumsted of Shelburne, Cina of Burlington, Dodge of Essex,

Dolan of Essex Junction, Donahue of Northfield, Garofano of Essex, Graning of Jericho, Headrick of Burlington, Houghton of Essex Junction, Hyman of South Burlington, Krasnow of South Burlington, Krowinski of Burlington, Lalley of Shelburne, LaLonde of South Burlington, Logan of Burlington, Minier of South Burlington, Mulvaney-Stanak of Burlington, Nugent of South Burlington, Ode of Burlington, Stone of Burlington, Taylor of Colchester, and Waters Evans of Charlotte

Offered by: Senators Chittenden, Lyons, Ram Hinsdale, and Wrenner

Whereas, over the past three decades, the scope and quality of mental health and substance abuse services in Vermont has moved forward due, in large measure, to the visionary work of Bob Bick, and

Whereas, as a licensed alcohol and drug counselor, he has innovatively applied his professional training to the treatment of clients, but his role has extended far beyond a typical counselor's domain, and

Whereas, Bob Bick served as the former Executive Director of Champlain Drug and Alcohol Services prior to that agency's 1994 merger with the Howard Center for Human Services, which formed the current-day Howard Center, and, until 2015, he was the merged organization's Director of Mental Health and Substance Abuse Services, and

Whereas, he was responsible for starting Vermont's first methadone clinic, supporting the creation of the hub and spoke treatment model for opioid use disorder, establishing harm reduction services as a bridge to recovery, and initiating the Street Outreach Program in downtown Burlington, and

Whereas, since 2015, Bob Bick has admirably served as the Chief Executive Officer of the Howard Center, transitioning the \$130 million organization with 50 programs, 1,600 employees, and 60 locations in order to improve the delivery of services to 19,000 persons through an improved organizational structure and new and revamped treatment programs, and

Whereas, Bob Bick is a pioneering national leader in mental health and substance abuse treatment and is concluding his tenure at the Howard Center, leaving a legacy of outstanding achievements, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly honors Robert Bick for his remarkable three decades of leadership at the Howard Center, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Bob Bick and the Howard Center.

Having been adopted in concurrence on Friday, March 29, 2024 in accord with Joint Rule 16b, was read.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 189

Rep. Peterson of Clarendon, for the Committee on Health Care, to which had been referred Senate bill, entitled

An act relating to mental health response service guidelines and social service provider safety

Reported in favor of its passage in concurrence with proposal of amendment by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 7260 is added to read:

§ 7260. MENTAL HEALTH RESPONSE SERVICE GUIDELINES

(a) The Department shall develop guidelines for use by municipalities, including use by emergency medical technicians and public safety personnel, such as law enforcement officers as defined by 20 V.S.A. § 2351a and firefighters as defined in 20 V.S.A. § 3151, who are employed, volunteer, or are under contract with a municipality. The guidelines shall recommend best practices for de-escalation and for mental health response services, including crisis response services. The Department shall make the guidelines available to municipalities and publish the guidelines on the Department's website.

(b) In developing the guidelines required pursuant to subsection (a) of this section, the Department shall consult with the following entities:

- (1) the Department of Health;
- (2) the Department of Disabilities, Aging, and Independent Living;
- (3) the Department of Public Safety;
- (4) the Vermont Care Partners;
- (5) the Vermont Psychiatric Survivors;
- (6) the Vermont chapter of the National Alliance on Mental Illness;
- (7) the Vermont Criminal Justice Council;
- (8) the Vermont League of Cities and Towns;
- (9) Disability Rights Vermont;
- (10) the Department's State Program Standing Committees; and

(11) any other stakeholders the Department deems appropriate.

Sec. 2. PRESENTATION; SOCIAL SERVICE PROVIDER SAFETY

(a) On or before November 15, 2024, the Agency of Human Services, in collaboration with the Vermont chapter of the National Association of Social Workers, shall convene one or more meetings related to social service provider safety with community-based social service organizations.

(1) The following community-based social service organizations, professions, and individuals may be included in the meeting or meetings described in this subsection:

(A) the Vermont Network Against Domestic and Sexual Violence;

(B) the Vermont Coalition to End Homelessness;

(C) mental health and health care providers;

(D) community action programs;

(E) restorative justice service providers;

(F) disability service providers and advocates;

(G) individuals with lived experience of a mental health condition, substance use disorder, or any other condition or circumstance requiring social work services; and

(H) any other stakeholder deemed appropriate by the Agency.

(2) In advance of the meeting or meetings described in this subsection, the participating community-based social service organizations and individuals from a participating profession may review relevant studies related to social service provider safety and individual social service provider safety experiences.

(b) On or before January 31, 2025, the Agency of Human Services, in collaboration with the Vermont chapter of the National Association of Social Workers, shall present findings and recommendations to the House Committees on Health Care and on Human Services and the Senate Committee on Health and Welfare, including a list of the community-based social service organizations that participated in the meeting or meetings and the number of meetings convened.

Sec. 3. 33 V.S.A. § 6309 is added to read:

§ 6309. STAFF SAFETY; DISCHARGE FROM SERVICE

(a) If an individual was previously discharged from service by a home health agency to protect the safety of staff in accordance with the rules adopted

by the Department of Disabilities, Aging, and Independent Living pursuant to subsection 6303(a) of this chapter, and the behavior or conditions causing the discharge cannot be reasonably mitigated or eliminated, a home health agency may:

(1) deny a subsequent admission; or

(2) decline to send a home health agency employee to make a visit if the home health agency has reason to believe that the individual who exhibited the behavior that resulted in the discharge is present in the home.

(b) Nothing in this section shall be construed to require a home health agency to enter a home to determine if a risk can be mitigated or eliminated.

(c) A home health agency shall provide notice of any denial of admission made pursuant to this section. The notice shall include the reason for the denial of admission and information regarding how an individual may submit a complaint pursuant to section 6308 of this chapter in accordance with the rules adopted by the Department of Disabilities, Aging, and Independent Living pursuant to subsection 6303(a) of this chapter.

Sec. 4. REPORT; HOME HEALTH AGENCY SAFETY DISCHARGES

On or after February 15, 2025, in consultation with home health agencies, the Department of Disabilities, Aging, and Independent Living shall provide an update to the House Committee on Health Care and the Senate Committee on Health and Welfare regarding the implementation of Sec. 3 (33 V.S.A. § 6309) of this act. Specifically, the update shall address:

(1) the number of safety discharges made by home health agencies during the previous calendar year;

(2) the nature of the risks posed that result in a safety discharge; and

(3) the number of individuals denied subsequent admission to or services from a home health agency due to a previous safety discharge.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

and that after passage the title of the bill be amended to read: “An act relating to mental health response service guidelines and the safety of social service and home health providers”

The bill, having appeared on the Notice Calendar, was taken up, read the second time, the report of the Committee on Health Care agreed to, and third reading ordered.

Senate Proposal of Amendment Concurred in**H. 694**

The Senate proposed to the House to amend House bill, entitled

An act relating to sexual exploitation

By inserting a new section to be Sec. 3a to read as follows:

Sec. 3a. VERMONT SENTENCING COMMISSION; DEFINITIONS;
SEXUALLY BASED OFFENSES

(a) The Vermont Sentencing Commission shall review definitions in 13 V.S.A. chapters 59 (lewdness and prostitution), 64 (sexual exploitation of children), and 72 (sexual assault) for the purpose of updating and harmonizing the definitions as they are used in those chapters. As part of the review, the Commission shall, in particular, consider the definitions of “sexual conduct” as defined in 13 V.S.A. § 2821 and “sexual act” as defined in 13 V.S.A. § 3251.

(b) The Commission shall report its recommendations for legislative consideration to the Senate and House Committees on Judiciary on or before December 1, 2024.

Which proposal of amendment was considered and concurred in.

Joint Resolution Adopted**J.R.H. 10**

Joint House resolution, entitled

Joint resolution authorizing the Green Mountain Girls State educational program to use the State House facilities on June 27, 2024

Was taken up and adopted on the part of the House.

Message from the Senate No. 48

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

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

H. 563. An act relating to criminal motor vehicle offenses involving unlawful trespass, theft, or unauthorized operation.

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

The Senate has considered a bill originating in the House of the following titles were severally:

H. 664. An act relating to designating a State Mushroom.

And has passed the same in concurrence.

Adjournment

At one o'clock and forty-seven minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Thursday, April 18, 2024

At nine o'clock and thirty minutes in the forenoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Mike Mrowicki and Amelia Struthers of Putney.

Committee Bill Introduced; Referred to Committee on Appropriations

H. 887

By the Committee on Ways and Means,

House bill, entitled

An act relating to homestead property tax yields, nonhomestead rates, and policy changes to education finance and taxation

Was read the first time and, pursuant to House Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Bill Referred to Committee on Appropriations

S. 120

Senate bill, entitled

An act relating to postsecondary schools and sexual misconduct protections

Appearing on the Notice Calendar, and pursuant to House Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Ceremonial Reading

H.C.R. 198

House concurrent resolution designating April 18, 2024 as USS VERMONT (SSN 792) Day in Vermont

Offered by: Representatives Hango of Berkshire, Bartley of Fairfax, Birong of Vergennes, Boyden of Cambridge, Branagan of Georgia, Brennan of Colchester, Burditt of West Rutland, Chase of Colchester, Clifford of Rutland City, Demar of Enosburgh, Dickinson of St. Albans Town, Donahue of Northfield, Farlice-Rubio of Barnet, Galfetti of Barre Town, Goslant of Northfield, Gregoire of Fairfield, Harrison of Chittenden, Higley of Lowell, Hooper of Randolph, Hooper of Burlington, Labor of Morgan, Laroche of Franklin, Lipsky of Stowe, Maguire of Rutland City, Marcotte of Coventry, Mattos of Milton, McCarthy of St. Albans City, McCoy of Poultney, McFaun of Barre Town, Morgan of Milton, Morris of Springfield, Morrissey of Bennington, Mrowicki of Putney, Nugent of South Burlington, Oliver of Sheldon, Page of Newport City, Parsons of Newbury, Peterson of Clarendon, Shaw of Pittsford, Sibia of Dover, Smith of Derby, Stone of Burlington, Taylor of Milton, Toof of St. Albans Town, Waters Evans of Charlotte, and Williams of Granby

Offered by: Senators Collamore, Norris, Weeks, and Williams

Whereas, the submarine VERMONT (SSN 792) was commissioned on April 18, 2020, and it is the third U.S. naval vessel to be named in honor of the State of Vermont, and

Whereas, April 18, 2024 marks the fourth anniversary of the commissioning of the USS VERMONT (SSN 792), and

Whereas, the superior performance of the officers and enlisted personnel serving on the USS VERMONT (SSN 792) has extended Vermont's proud U.S. naval heritage to the Pacific as the submarine's new home port is U.S. Naval Station Pearl Harbor in Hawaii, and

Whereas, the officers and enlisted personnel of the USS VERMONT (SSN 792) honor Vermont traditions with the moniker *Big Sugar* and the motto *Freedom and Unity*, as they serve to protect our country and its freedoms, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly designates April 18, 2024 as USS VERMONT (SSN 792) Day in Vermont, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the USS VERMONT (SSN 792) and the USS VERMONT Support Group.

Having been adopted in concurrence on Friday, March 29, 2024 in accord with Joint Rule 16b, was read.

Ceremonial Reading

H.C.R. 216

House concurrent resolution congratulating the winning school teams of the 2024 Jr Iron Chef VT competition

Offered by: Representatives Sabilia of Dover, Arrison of Weathersfield, Arsenault of Williston, Austin of Colchester, Berbeco of Winooski, Black of Essex, Bluemle of Burlington, Boyden of Cambridge, Branagan of Georgia, Burrows of West Windsor, Carpenter of Hyde Park, Chase of Chester, Cole of Hartford, Farlice-Rubio of Barnet, Garofano of Essex, Goslant of Northfield, Graning of Jericho, Hango of Berkshire, Headrick of Burlington, Holcombe of Norwich, Howard of Rutland City, Krasnow of South Burlington, Logan of Burlington, Masland of Thetford, McCann of Montpelier, McGill of Bridport, Minier of South Burlington, Morris of Springfield, Morrissey of Bennington, Ode of Burlington, Pajala of Londonderry, Rice of Dorset, Roberts of Halifax, Small of Winooski, and Stone of Burlington

Whereas, the Vermont Afterschool organization administers Vermont Jr Iron Chef VT, a statewide culinary competition comprising middle and high school teams that are challenged to create “nutritious, local dishes to inspire school meal programs,” and

Whereas, the teams are judged on execution, teamwork, taste, creativity, local sourcing of ingredients, and compliance with the competition’s guidelines, and

Whereas, the teams compete for three awards: Crowd Pleaser, honoring the team that best incorporates color, texture, and taste; Lively Local, honoring the team that best highlights Vermont foods; and Mise en Place, honoring the team that shows exemplary teamwork, order, and professionalism, and

Whereas, the 16th Jr Iron Chef VT competition was held on March 9, 2024 at the Champlain Valley Exposition in Essex Junction, and the competition categories, the winning middle and high schools, their team names, and their culinary creations were the following:

Crowd Pleaser: Essex Middle School, Crispy Bakin', Bao with Crispy "That's Not Chicken?!"; Winooski Middle School, Wild Onions, Street Corn Risotto Cakes; Champlain Valley Union High School, CVU Chefhawks #2, Pumpkin Ravioli with Pumpkin Brown Butter; and Twin Valley High School, La Cocina Blokes, Vermont Maple Empanada;

Lively Local: Cambridge Elementary School, Wicked Wildcats, Falafel Waffle; Twin Valley Middle School, Perfect Pickles, Garbage Platter; Hartford Area Career and Technology Center, Juniors at HACTC, Grilled Stuffed Portobello Mushroom over Polenta; and Lake Champlain Waldorf School, Gnocchi Gnomes, Butternut Gnocchi with Spinach Cheese Sauce; and

Mise en Place: Edmunds Middle School, EM Yes Chef, Kimbap; Williston Central School, Lettuce Cook, Jackfruit Street Tacos; Lake Region Union High School, Ranger Raccoons, Lean, Mean, Pesto Naan with Greens; and Lake Champlain Waldorf School, Tofoo Fighters, Vermont Kimbop, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates the winning school teams of the 2024 Jr Iron Chef VT competition, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to each of the winning teams and to Vermont Afterschool.

Having been adopted in concurrence on Friday, April 12, 2024 in accord with Joint Rule 16b, was read.

Third Reading;
Bill Passed in Concurrence with Proposal of Amendment

S. 189

Senate bill, entitled

An act relating to mental health response service guidelines and social service provider safety

Was taken up, read the third time, and passed in concurrence with proposal of amendment.

Second Reading; Bill Amended; Third Reading Ordered**H. 626**

Rep. Waters Evans of Charlotte, for the Committee on Government Operations and Military Affairs, to which had been referred House bill, entitled

An act relating to animal welfare

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 20 V.S.A. chapter 190 is added to read:

CHAPTER 190. DIVISION OF ANIMAL WELFARE

§ 3201. DEFINITIONS

As used in this subchapter:

(1) “Animal” has the same meaning as in 13 V.S.A. § 351, provided that the animals or activities regulated under this chapter shall not apply to:

(A) activities regulated by the Department of Fish and Wildlife pursuant to 10 V.S.A. Part 4;

(B) scientific research governed by accepted procedural standards subject to review by an institutional animal care and use committee;

(C) livestock and poultry husbandry practices for the raising, management, and use of domestic animals;

(D) veterinary medical or surgical procedures; and

(E) the killing of an animal as authorized pursuant to sections 3809 and 3545 of this title.

(2) “Director” means the Director of Animal Welfare and includes the Director’s designee.

(3) “Division” means the Division of Animal Welfare.

(4) “Domestic animal” has the same meaning as in 6 V.S.A. § 1151(2).

§ 3202. ESTABLISHMENT OF DIVISION OF ANIMAL WELFARE;

POWERS AND DUTIES

(a)(1) The Division of Animal Welfare is established within the Department of Public Safety. The Commissioner of Public Safety shall appoint a Director of Animal Welfare who shall be in immediate charge of the Division. The Director shall be qualified by education and professional

experience to perform the duties of the position. The Director shall have at least the following minimum qualifications:

(A) experience in interpreting or knowledge of animal welfare laws and rules;

(B) knowledge of animal welfare stakeholders in the State and regionally; and

(C) knowledge of the causes and characteristics of animal welfare and animal cruelty issues.

(2) The Director position shall be a classified service position in the Department of Public Safety.

(b)(1) The Director shall develop a comprehensive plan for the development, implementation, and enforcement of the animal welfare laws of the State. In developing the comprehensive plan, the Director shall first review the 2023 Report on Unification of Animal Welfare and Related Public Safety Function and similar reports and proposed legislation. The plan shall include:

(A) how the Director shall oversee investigation and response to animal cruelty complaints in the State in order to provide the best services to Vermont's animals statewide;

(B) how the Director shall coordinate administration and enforcement of animal welfare laws in the State in a collaborative manner with those law enforcement officers and municipalities that retain authority to enforce animal cruelty requirements in the State;

(C) how the State should address the extent and scope of any deficiencies in Vermont's system of investigating and responding to animal cruelty complaints;

(D) how the State should ensure that investigations of animal cruelty complaints are conducted according to systematic and documented written standard operating procedures and checklists;

(E) a proposal to house and care for animals seized in response to complaints of animal cruelty, including how to pay for the care of seized animals;

(F) a proposal for funding animal welfare administration and enforcement in the State, including potential sources of public and private funding; and

(G) recommended amendments to animal welfare statutes or rules, including standards of care for animals housed by animal shelters or rescue organizations.

(2) The Director of Animal Welfare shall submit the comprehensive plan required by this subsection and any revisions thereto to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations not later than eight months after the date of hiring of the Director.

(c) The Director of Animal Welfare shall consult with other State agencies that respond to animal welfare complaints or with animal welfare responsibilities to quantify the amount of time State agency staff expend in fulfilling animal welfare responsibilities, including the costs to agencies of fulfilling the responsibilities.

(d) The Director of Animal Welfare shall be the sole employee of the Division of Animal Welfare until the comprehensive plan required under subdivision (b)(2) of this section is completed and the General Assembly enacts legislation, as needed, to implement the comprehensive plan.

§ 3203. ANIMAL WELFARE FUND

(a) The Animal Welfare Fund is established within the Department of Public Safety to fund the expenses incurred by the Division of Animal Welfare in implementing the requirements of this chapter. The Director of Animal Welfare shall administer the Fund.

(b) The Fund shall consist of:

(1) 50 percent of the revenue collected from the surcharge assessed under subsection 3581(f) of this title; and

(2) appropriations made by the General Assembly.

(c) All balances in the Fund at the end of the fiscal year shall be carried forward. Interest earned by the Fund shall remain in the Fund.

Sec. 2. 20 V.S.A. § 3581 is amended to read:

§ 3581. GENERAL REQUIREMENTS

(a) A person who is the owner of a dog or wolf-hybrid more than six months old shall annually on or before April 1 cause it to be registered, numbered, described, and licensed on a form approved by the Secretary for one year from that day in the office of the clerk of the municipality in which the dog or wolf-hybrid is kept. A person who owns a working farm dog and who intends to use that dog on a farm pursuant to the exemptions in section 3549 of this title shall cause the working farm dog to be registered as a

working farm dog and shall, in addition to all other fees required by this section, pay \$5.00 for a working farm dog license. The owner of a dog or wolf-hybrid shall cause it to wear a collar and attach a license tag issued by the municipal clerk to the collar. Dog or wolf-hybrid owners shall pay for the license \$4.00 for each neutered dog or wolf-hybrid, and \$8.00 for each unneutered dog or wolf-hybrid. If the license fee for any dog or wolf-hybrid is not paid on or before April 1, its owner or keeper may thereafter procure a license for that license year by paying a fee of 50 percent in excess of that otherwise required.

(b) Before a person shall be entitled to obtain a license for a neutered dog or wolf-hybrid, he or she shall exhibit to the clerk a certificate signed by a duly licensed veterinarian showing that the dog or wolf-hybrid has been sterilized.

(c)(1) A mandatory license fee surcharge of \$4.00 per license shall be collected by each city, town, or village for the purpose of funding the dog, cat, and wolf-hybrid spaying and neutering program established in chapter 193, subchapter 6 of this title.

(2) An optional license fee surcharge of up to \$10.00 per license is to be implemented by the legislative body of a city, town, or village that has established an animal and rabies control program for the sole purpose of funding the rabies control program.

(3) The license fee surcharges in this subsection shall not be considered part of the license fee for purposes of calculating a penalty for late payment.

(d) Before obtaining a license for a dog or wolf-hybrid six months of age or older, a person shall deliver to the municipal clerk a certificate or a certified copy thereof issued by a duly licensed veterinarian, stating that the dog or wolf-hybrid has received a current preexposure rabies vaccination with a vaccine approved by the Secretary, and the person shall certify that the dog or wolf-hybrid described in the certificate or copy is the dog or wolf-hybrid to be licensed. The municipal clerk shall keep the certificates or copies thereof on file. The Secretary shall prescribe the size and format of rabies certificates. The owner of any such dog or wolf-hybrid shall maintain a copy of the rabies vaccination form and provide it to State or municipal officials upon request.

* * *

(f) In addition to the license fees assessed in subsections (a) and (c) of this section and section 3583 of this title, municipal clerks shall assess a ~~\$1.00~~ \$2.00 fee for each license sold. The clerks shall forward the fees collected under this subsection to the State Treasurer on or before the 15th day of May, September, and January of each year, together with an accounting of the licenses sold. The funds collected under this subsection are to be used for

rabies control programs and for administration of animal welfare laws in the State. For this purpose, on or before the 30th days of May, September, and January, the State Treasurer shall disburse the funds collected under this subsection as follows:

- (1) ~~Forty-five~~ 22.5 percent to the Fish and Wildlife Fund;
- (2) ~~Forty-five~~ 22.5 percent to the Commissioner of Health;
- (3) ~~Ten~~ five percent to the Secretary of Agriculture, Food and Markets;
and
- (4) 50 percent to the Animal Welfare Fund created by section 3203 of this title.

Sec. 3. 13 V.S.A. § 351(4) is amended to read:

(4) “Humane officer” or “officer” means:

(A) any enforcement officer as defined in 23 V.S.A. § 4(11)(A) or investigator employed by the Office of the Attorney General or State’s Attorney; or

(B) an individual who has received the animal cruelty response training required by section 356 of this title who is:

(i) ~~a designated humane society employee; or~~

~~(ii) an animal control officer appointed by the legislative body of a municipality who is authorized by the legislative body employed by a municipal or State law enforcement agency to perform the duties and functions of a humane officer; or~~

(ii) a Division of Animal Welfare employee authorized to conduct investigations under this chapter.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

Rep. Masland of Thetford, for the Committee on Ways and Means, recommended that the report of the Committee on Government Operations and Military Affairs be amended in Sec. 2, 20 V.S.A. § 3581, by striking out subsection (f) in its entirety and inserting in lieu thereof a new subsection (f) to read as follows:

(f) In addition to the license fees assessed in subsections (a) and (c) of this section and section 3583 of this title, municipal clerks shall assess a ~~\$1.00~~ \$3.00 fee for each license sold. The clerks shall forward the fees collected under this subsection to the State Treasurer on or before the 15th day of May, September, and January of each year, together with an accounting of the

licenses sold. The funds collected under this subsection are to be used for rabies control programs and for administration of animal welfare laws in the State. For this purpose, on or before the 30th days of May, September, and January, the State Treasurer shall disburse the funds collected under this subsection as follows:

- (1) ~~Forty-five~~ 14.85 percent to the Fish and Wildlife Fund;
- (2) ~~Forty-five~~ 14.85 percent to the Commissioner of Health;
- (3) ~~Ten~~ 3.3 percent to the Secretary of Agriculture, Food and Markets;
and
- (4) 67 percent to the Animal Welfare Fund created by section 3203 of this title.

Rep. Harrison of Chittenden, for the Committee on Appropriations, recommended that bill ought to pass when amended as recommended by the Committee on Government Operations and Military Affairs when further amended as recommended by the Committee on Ways and Means, and when further amended by striking out Sec. 4, effective date, in its entirety and inserting in lieu thereof a new Sec. 4 to read as follows:

Sec. 4. EFFECTIVE DATES

(a) This section and Sec. 3, definition of humane officer, shall take effect on July 1, 2024, except that 13 V.S.A. § 351(4)(B)(ii), inclusion of Division of Animal Welfare employee as humane officer, shall take effect on January 1, 2025.

(b) All other sections shall take effect on January 1, 2025.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Government Operations and Military Affairs was amended as recommended by the Committee on Ways and Means, and thereafter amended as recommended by the Committee on Appropriations.

Thereafter, the bill was amended as recommended by the Committee on Government Operations and Military Affairs, as amended, and third reading ordered.

Second Reading; Question Divided; Recess; Proposal of Amendment Agreed to; Third Reading Ordered

S. 209

Rep. Arsenault of Williston, for the Committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to prohibiting unserialized firearms and unserialized firearms frames and receivers

Reported in favor of its passage in concurrence with proposal of amendment 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 4. Unserialized Firearms and Firearms Frames and Receivers

§ 4081. SHORT TITLE

This subchapter shall be known as the “Vermont Ghost Guns Act.”

§ 4082. DEFINITIONS

As used in this subchapter:

(1) “Federal firearms licensee” means a federally licensed firearm dealer, federally licensed firearm importer, and federally licensed firearm manufacturer.

(2) “Federally licensed firearm dealer” means a licensed dealer as defined in 18 U.S.C. § 921(a)(11).

(3) “Federally licensed firearm importer” means a licensed importer as defined in 18 U.S.C. § 921(a)(9).

(4) “Federally licensed firearm manufacturer” means a licensed manufacturer as defined in 18 U.S.C. § 921(a)(10).

(5) “Fire control component” means a component necessary for the firearm to initiate, complete, or continue the firing sequence, including any of the following: hammer, bolt, bolt carrier, breechblock, cylinder, trigger mechanism, firing pin, striker, or slide rails.

(6) “Frame or receiver of a firearm” means a part of a firearm that, when the complete firearm is assembled, is visible from the exterior and provides housing or a structure designed to hold or integrate one or more fire control components, even if pins or other attachments are required to connect the fire control components. Any part of a firearm imprinted with a serial number is presumed to be a frame or receiver of a firearm unless the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives makes an official determination otherwise or there is other reliable evidence to the contrary.

(7) “Three-dimensional printer” means a computer-aided manufacturing device capable of producing a three-dimensional object from a three-dimensional digital model through an additive manufacturing process that involves the layering of two-dimensional cross sections formed of a resin or similar material that are fused together to form a three-dimensional object.

(8) “Unfinished frame or receiver” means any forging, casting, printing, extrusion, machined body, or similar article that has reached a stage in manufacture when it may readily be completed, assembled, or converted to be used as the frame or receiver of a functional firearm or that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled, or converted.

(9) “Violent crime” has the same meaning as in section 4017 of this title.

§ 4083. UNLAWFUL CONDUCT INVOLVING UNSERIALIZED

FIREARMS, FRAMES, AND RECEIVERS

(a)(1) A person shall not knowingly possess an unfinished frame or receiver unless the unfinished frame or receiver has been imprinted with a serial number by a federal firearms licensee pursuant to federal law or section 4084 of this title.

(2) A person shall not knowingly transfer or offer to transfer an unfinished frame or receiver unless the unfinished frame or receiver has been imprinted with a serial number by a federal firearms licensee pursuant to federal law or section 4084 of this title.

(3) This subsection shall not apply to:

(A) a federal firearms licensee acting within the scope of the licensee’s license;

(B) possession or transfer of an unfinished frame or receiver for the purpose of having it imprinted with a serial number pursuant to federal law or section 4084 of this title; or

(C) an unfinished frame or receiver transferred to or possessed by a law enforcement officer for legitimate law enforcement purposes.

(b)(1) A person shall not knowingly possess a firearm or frame or receiver of a firearm that is not imprinted with a serial number by a federal firearms licensee pursuant to federal law or section 4084 of this title.

(2) A person shall not knowingly transfer or offer to transfer a firearm or frame or receiver of a firearm that is not imprinted with a serial number by a federal firearms licensee pursuant to federal law or section 4084 of this title.

(3) This subsection shall not apply to:

(A) a federal firearms licensee acting within the scope of the licensee's license;

(B) possession or transfer of a firearm or frame or receiver of a firearm for the purpose of having it imprinted with a serial number pursuant to federal law or section 4084 of this title;

(C) an unserialized frame or receiver transferred to or possessed by a law enforcement officer for legitimate law enforcement purposes;

(D) an antique firearm as defined in subsection 4017(d) of this title;

(E) a firearm that has been rendered permanently inoperable; or

(F) a firearm that was manufactured before 1968.

(c)(1) A person who manufactures a firearm or frame or receiver of a firearm, including by a three-dimensional printer, shall cause the firearm, frame, or receiver to be imprinted with a serial number by a federal firearms licensee pursuant to federal law or section 4084 of this title.

(2) This subsection shall not apply to:

(A) a federally licensed firearms manufacturer acting within the scope of the manufacturer's license; or

(B) possession or transfer of a firearm or frame or receiver of a firearm for the purpose of having it imprinted with a serial number pursuant to federal law or section 4084 of this title.

(d)(1) A person who violates subdivision (a)(1) or (b)(1) of this section shall be:

(A) for a first offense, assessed a civil penalty of not more than \$50.00;

(B) for a second offense, assessed a civil penalty of not more than \$250.00; and

(C) for a third or subsequent offense, assessed a civil penalty of not more than \$500.00.

(2) A person who violates subdivision (a)(2), (b)(2), or (c)(1) of this section shall be:

(A) for a first offense, imprisoned for not more than one year or fined not more than \$500.00, or both;

(B) for a second offense, imprisoned for not more than two years or fined not more than \$1,000.00, or both; and

(C) for a third or subsequent offense, imprisoned for not more than three years or fined not more than \$2,000.00, or both.

(3) A person who carries an unserialized firearm while committing a violent crime, or while committing reckless endangerment in violation of section 1025 of this title, shall be imprisoned for not more than five years or fined not more than \$5,000.00, or both.

§ 4084. FEDERAL FIREARMS LICENSEES; AUTHORITY TO
SERIALIZE FIREARMS, FRAMES, AND RECEIVERS

(a)(1) A federal firearms licensee may imprint a serial number on, or cause a serial number to be imprinted on, an unserialized firearm or frame or receiver of a firearm pursuant to this section.

(2) A licensee who causes a serial number to be imprinted on an unserialized firearm or frame or receiver of a firearm pursuant to subdivision (1) of this subsection shall:

(A) ensure that the firearm, frame, or receiver remains in the custody and control of the licensee and is returned to the licensee immediately after it is serialized; and

(B) otherwise comply with the requirements of this section.

(b)(1) A firearm, frame, or receiver serialized pursuant to this section shall be imprinted with a serial number that begins with the licensee's abbreviated federal firearms license number, which is the first three and last five digits of the license number, and is followed by a hyphen that precedes a unique identification number. The serial number shall not be duplicated on any other firearm, frame, or receiver serialized by the licensee and shall be imprinted in a manner that complies with the requirements under federal law for affixing serial numbers to firearms, including that the serial number be at the minimum size and depth and not susceptible to being readily obliterated, altered, or removed.

(2) A licensee who serializes or causes to be serialized a firearm, frame, or receiver pursuant to this section shall make and retain records of the serialization that comply with the requirements under federal law for the sale of a firearm. In addition to any record required by federal law, the record shall include the date, name, age, and residence of any person to whom the item is transferred and the unique serial number imprinted on the firearm, frame, or receiver.

(3) A licensee shall not be deemed a firearms manufacturer solely for serializing a firearm, frame, or receiver pursuant to this section.

(c) Returning a firearm, frame, or receiver to a person other than a licensee after it has been serialized pursuant to federal law or this section constitutes a transfer that requires a background check of the transferee. A federal licensee who serializes or causes to be serialized a firearm, frame, or receiver pursuant to this section shall conduct a background check on the transferee pursuant to subsection 4019(c) of this title, provided that if the transfer is denied, the licensee shall deliver the firearm, frame, or receiver to a law enforcement agency for disposition. The agency shall provide the licensee with a receipt on agency letterhead for the firearm, frame, or receiver.

(d) A licensee who violates subsection (b) or (c) of this section shall:

(1) for a first offense, be fined not more than \$2,500.00; and

(2) for a second or subsequent offense, be imprisoned for not more than one year or fined not more than \$2,500.00, or both.

Sec. 2. 4 V.S.A. § 1102 is amended to read:

§ 1102. JUDICIAL BUREAU; JURISDICTION

* * *

(33) Violations of 13 V.S.A. § 4083(a)(1) or (b)(1) relating to possessing a firearm, frame or receiver of a firearm, or unfinished frame or receiver of a firearm that is not imprinted with a serial number.

* * *

Sec. 3. 13 V.S.A. § 4019a is amended 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~~ July 1, 2025.

(f) This section shall not apply to the return of a firearm, frame, or receiver to a person by a licensed dealer after the dealer has serialized it pursuant to federal law or section 4084 of this title if the dealer returns the firearm, frame, or receiver to the same person from whom it was received.

Sec. 4. 13 V.S.A. § 4027 is added to read:

§ 4027. POLLING PLACES; WEAPONS PROHIBITED

(a)(1) A person shall not knowingly possess a firearm or a dangerous or deadly weapon at a polling place, or on the walks leading to a building in which a polling place is located, on an election day.

(2) The provisions of subdivision (1) of this subsection shall apply to the town clerk’s office during any period when a board of civil authority has voted to permit early voting pursuant to 17 V.S.A. § 2546b(a)(1).

(b) A person who violates this section shall be imprisoned not more than one year or fined not more than \$1,000.00, or both.

(c) This section shall not apply to:

(1) a firearm or a dangerous or deadly weapon carried 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) a firearm or a dangerous or deadly weapon carried by a person while performing the person’s official duties as an employee of the United States; a department or agency of the United States; a state; or a department, agency, or political subdivision of a state, if the person is authorized to carry a firearm as part of the person’s official duties; or

(3) a firearm or a dangerous or deadly weapon stored in a motor vehicle.

(d) Notice of the provisions of this section shall be posted conspicuously at each public entrance to each polling place.

(e) As used in this section:

(1) “Dangerous or deadly weapon” has the same meaning as in section 4016 of this title.

(2) “Firearm” has the same meaning as in section 4017 of this title.

(3) “Polling place” means a place that a municipality has designated to the Secretary of State as a polling place pursuant to 17 V.S.A. § 2502(f).

Sec. 5. 17 V.S.A. § 2510 is added to read:

§ 2510. POLLING PLACES; WEAPONS PROHIBITED

(a)(1) A person shall not knowingly possess a firearm or a dangerous or deadly weapon at a polling place, or on the walks leading to a building in which a polling place is located, on an election day.

(2) The provisions of subdivision (1) of this subsection shall apply to the town clerk’s office during any period when a board of civil authority has voted to permit early voting pursuant to subdivision 2546b(a)(1) of this title.

(b) This section shall not apply to:

(1) a firearm or a dangerous or deadly weapon carried 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) a firearm or a dangerous or deadly weapon carried by a person while performing the person’s official duties as an employee of the United States; a department or agency of the United States; a state; or a department, agency, or political subdivision of a state, if the person is authorized to carry a firearm as part of the person’s official duties; or

(3) a firearm or a dangerous or deadly weapon stored in a motor vehicle.

(c) Notice of the provisions of this section shall be posted conspicuously at each public entrance to each polling place.

(d) As used in this section:

(1) “Dangerous or deadly weapon” has the same meaning as in 13 V.S.A. § 4016.

(2) “Firearm” has the same meaning as in section 13 V.S.A. § 4017.

(3) “Polling place” means a place that a municipality has designated to the Secretary of State as a polling place pursuant to subsection 2502(f) of this title.

Sec. 6. REPORT; VERMONT STATISTICAL ANALYSIS CENTER (SAC)

On or before January 1, 2026, the Vermont Statistical Analysis Center (SAC) shall report data on prosecutions under Sec. 1 of this act to the House and Senate Committees on Judiciary. The report shall include:

(1) the number of civil violations filed and adjudications obtained for violations of 13 V.S.A. § 4083(a)(1) or (b)(1) relating to possessing a firearm, frame or receiver of a firearm, or unfinished frame or receiver of a firearm that is not imprinted with a serial number;

(2) the number of criminal charges filed and convictions obtained for violations of 13 V.S.A. § 4083(a)(2), (b)(2), or (c)(1) relating to transferring, offering to transfer, or manufacturing a firearm, frame or receiver of a firearm, or unfinished frame or receiver of a firearm that is not imprinted with a serial number;

(3) the number of criminal charges filed and convictions obtained for violations of 13 V.S.A. § 4083(d)(3) relating to carrying an unserialized firearm while committing a violent crime, or while committing reckless endangerment; and

(4) the number of criminal charges filed and convictions obtained for violations of 13 V.S.A. § 4084(b) or (c) relating to improper serialization or handling of a firearm or frame or receiver of a firearm by a federal firearms licensee.

Sec. 7. EFFECTIVE DATES

(a) Secs. 1 and 2 of this act shall take effect on February 28, 2025.

(b) Secs. 3, 4, 5, 6 and this section shall take effect on passage.

The bill, having appeared on the Notice Calendar, was taken up, and read the second time.

Thereupon, **Rep. Parsons of Newbury** asked that the question be divided by first considering Sections 4 and 5, regarding weapons at polling places, and their applicable effective dates, and by thereafter considering the remainder of the report of the Committee on Judiciary, and the Speaker ruled the question was divisible in that manner.

At ten o'clock and fifty-four minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At eleven o'clock and thirteen minutes in the forenoon, the Speaker called the House to order.

Thereupon, the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Judiciary in Sections 4 and 5 and their applicable effective dates?, was agreed to.

Thereafter, the remainder of the report of the Committee on Judiciary was agreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Sammis of Castleton** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be read a third time?, was decided in the affirmative. Yeas, 110. Nays, 31.

Those who voted in the affirmative are:

Andrews of Westford	Demrow of Corinth	McGill of Bridport
Andriano of Orwell	Dodge of Essex	Mihaly of Calais
Anthony of Barre City	Dolan of Essex Junction	Mrowicki of Putney
Arrison of Weathersfield	Dolan of Waitsfield	Nicoll of Ludlow
Arsenault of Williston	Donahue of Northfield	Notte of Rutland City
Austin of Colchester	Durfee of Shaftsbury	Noyes of Wolcott
Bartholomew of Hartland	Elder of Starksboro	Nugent of South Burlington
Bartley of Fairfax	Emmons of Springfield	O'Brien of Tunbridge
Beck of St. Johnsbury *	Farlice-Rubio of Barnet	Ode of Burlington
Berbeco of Winooski	Garofano of Essex	Pajala of Londonderry
Birong of Vergennes	Goldman of Rockingham	Patt of Worcester
Black of Essex	Goslant of Northfield	Pearl of Danville
Bluemle of Burlington	Graning of Jericho	Pouech of Hinesburg
Bongartz of Manchester	Harrison of Chittenden	Priestley of Bradford
Bos-Lun of Westminster	Headrick of Burlington	Quimby of Lyndon
Boyden of Cambridge	Hooper of Burlington	Rachelson of Burlington
Brady of Williston	Houghton of Essex Junction	Rice of Dorset
Branagan of Georgia	Howard of Rutland City	Roberts of Halifax
Brown of Richmond	Hyman of South Burlington	Satcowitz of Randolph
Brumsted of Shelburne	James of Manchester	Scheu of Middlebury
Burke of Brattleboro	Jerome of Brandon	Shaw of Pittsford
Burrows of West Windsor	Kornheiser of Brattleboro	Sheldon of Middlebury
Buss of Woodstock	Krasnow of South	Sibilia of Dover
Campbell of St. Johnsbury	Burlington	Sims of Craftsbury
Carpenter of Hyde Park	LaBounty of Lyndon	Small of Winooski
Carroll of Bennington	Lalley of Shelburne	Squirrell of Underhill
Casey of Montpelier	LaLonde of South	Stebbins of Burlington
Chapin of East Montpelier	Burlington	Stevens of Waterbury
Chase of Chester	LaMont of Morristown	Stone of Burlington
Chesnut-Tangerman of	Lanpher of Vergennes	Taylor of Colchester
Middletown Springs	Leavitt of Grand Isle	Toleno of Brattleboro
Christie of Hartford	Lipsky of Stowe	Torre of Moretown
Cina of Burlington	Logan of Burlington	Troiano of Stannard
Coffey of Guilford	Long of Newfane	Waters Evans of Charlotte
Cole of Hartford	Marcotte of Coventry	White of Bethel

Conlon of Cornwall
Corcoran of Bennington
Cordes of Lincoln

Masland of Thetford
McCarthy of St. Albans
City

Whitman of Bennington
Williams of Barre City
Wood of Waterbury

Those who voted in the negative are:

Brennan of Colchester
Brownell of Pownal
Burditt of West Rutland
Canfield of Fair Haven
Chase of Colchester
Clifford of Rutland City
Demar of Enosburgh
Dickinson of St. Albans
Town
Galfetti of Barre Town
Graham of Williamstown

Gregoire of Fairfield
Hango of Berkshire
Higley of Lowell
Labor of Morgan
Laroche of Franklin
Maguire of Rutland City
Mattos of Milton
McCoy of Poultney
McFaun of Barre Town
Morgan of Milton
Morrisey of Bennington

Page of Newport City
Parsons of Newbury
Peterson of Clarendon
Sammis of Castleton *
Smith of Derby
Taylor of Milton
Templeman of Brownington
Toof of St. Albans Town
Walker of Swanton
Williams of Granby

Those members absent with leave of the House and not voting are:

Holcombe of Norwich
Hooper of Randolph
McCann of Montpelier

Minier of South Burlington
Morris of Springfield
Oliver of Sheldon
Surprenant of Barnard

Rep. Beck of St. Johnsbury explained his vote as follows:

“Madam Speaker:

With the exception of sections 4 and 5, this bill meets my threshold on firearms legislation – it helps to keep dangerous weapons out of the hands of dangerous people. I am hopeful that sections 4 and 5 will be removed prior to final passage.”

Rep. Sammis of Castleton explained his vote as follows:

“Madam Speaker:

Any bill that violates the right of few, violates the rights of us all.”

Favorable Report; Second Reading; Third Reading Ordered

S. 187

Rep. Brady of Williston, for the Committee on Education, to which had been referred Senate bill, entitled

An act relating to student application of sunscreen

Reported in favor of its passage in concurrence.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and third reading ordered.

Action on Bill Postponed**H. 40**

House bill, entitled

An act relating to nonconsensual removal of or tampering with a condom

Was taken up and, pending consideration of the Senate proposal of amendment, on motion of **Rep. Rachelson of Burlington**, action on the bill was postponed until April 23, 2024.

Senate Proposal of Amendment Concurred in**H. 666**

The Senate proposed to the House to amend House bill, entitled

An act relating to escrow deposit bonds

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

In Sec. 1, 27A V.S.A. § 4-110, in subdivision (b)(1), following “and the declarant”, by striking out the words “discloses the identity of the issuer of the surety bond to the purchaser” and inserting in lieu thereof the words “provides the purchaser with a copy of the surety bond under which the purchaser’s deposit is protected”

Which proposal of amendment was considered and concurred in.

**Pending Entry on the Notice Calendar
Bill Referred to the Committee on Ways and Means****S. 184**

Senate bill, entitled

An act relating to the temporary use of automated traffic law enforcement (ATLE) systems

Pending entry on the Notice Calendar, and pursuant to House Rule 35(a), affecting the revenue of the State, was referred to the Committee on Ways and Means.

Adjournment

At twelve o'clock and forty-one minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Friday, April 19, 2024

At nine o'clock and thirty minutes in the forenoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Avram Patt of Worcester.

Bill Referred to Committee on Ways and Means

S. 213

Senate bill, entitled

An act relating to the regulation of wetlands, river corridor development, and dam safety

Appearing on the Notice Calendar, and pursuant to House Rule 35(a), affecting the revenue of the State, was referred to the Committee on Ways and Means.

Third Reading; Bill Passed

H. 626

House bill, entitled

An act relating to animal welfare

Was taken up, read the third time, and passed.

Third Reading; Bill Passed in Concurrence

S. 187

Senate bill, entitled

An act relating to student application of sunscreen

Was taken up, read the third time, and passed in concurrence.

Action on Bill Postponed

S. 209

Senate bill, entitled

An act relating to prohibiting unserialized firearms and unserialized firearms frames and receivers

Was taken up and, pending third reading of the bill, on motion of **Rep. Arsenault of Williston**, action on the bill was postponed until April 22, 2024.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 30

Rep. Williams of Barre City, for the Committee on Commerce and Economic Development, to which had been referred Senate bill, entitled

An act relating to creating a Sister State Program

Reported in favor of its passage in concurrence with proposal of amendment by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. VERMONT SISTER STATE PROGRAM; WORKING GROUP

(a) Creation. There is created the Vermont Sister State Program Working Group for the purpose of determining the administration, oversight, scope, and objectives of a Vermont Sister State Program.

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

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

(2) the Secretary of Education or designee;

(3) the Secretary of Agriculture or designee;

(4) the Chair of the Board of Trustees of the Vermont Arts Council or designee of the Board of the Trustees;

(5) the Chair of the Board of Directors of the Vermont Council on World Affairs or designee of the Board of the Directors; and

(6) the Vermont Adjutant General or designee.

(c) Meetings.

(1) The Secretary of Commerce and Community Development or designee shall call the first meeting of the Working Group to occur on or before September 1, 2024.

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

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

(4) In furtherance of its duties, the Working Group is encouraged to solicit input and participation from interested stakeholders, including those

with experience in cultural exchange or in international relations, agriculture, trade, education, arts, recreation, or governance.

(d) Powers and duties. The Working Group shall review sister state programs in other jurisdictions and receive testimony from relevant stakeholders in order to make recommendations for legislative action. In conducting its analysis, the Working Group shall consider and make recommendations on the following:

(1) which department in State government is best suited to administer, house, and provide support to the Program;

(2) the makeup of the membership of the Committee overseeing the Program;

(3) sources of funding that will financially support the Program;

(4) specific objectives of the Program that align with the following goals:

(A) that the Program exist to create, administer, and maintain mutually beneficial and long-lasting partnerships between Vermont and other select countries or provinces;

(B) that the Program foster the connection of immigrants and refugee communities in Vermont with their nations of origin;

(C) that the Program promote and foster cultural exchange, tourism, trade, and education between Vermont and Sister States; and

(D) that through the Program, the Committee communicate with and support military personnel, foreign service officers, aid organizations, nongovernmental organizations, Peace Corps volunteers, and any other relevant entities working in Sister States.

(5) the criteria for evaluating proposed and existing Sister State agreements;

(6) the requirements for creating and managing Sister State agreements, including:

(A) the term length for agreements; and

(B) the appropriate number of active agreements at one time; and

(7) any other issue the Working Group deems relevant to the success of the Vermont Sister State Program.

(e) Compensation and reimbursement.

(1) A nonlegislative member of the Working Group 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.

(2) Payments to members of the Working Group authorized under this subsection shall be made from monies appropriated to the General Assembly.

(f) Reporting.

(1) An initial report on the Working Group's progress on the work set forth in this section shall be submitted to the General Assembly on or before February 15, 2025.

(2) A final report shall include the Working Group's findings and recommendations for legislative language based on the requirements set forth in this section. The report shall also include the names of the stakeholders that the Working Group heard from during its work. The report shall be submitted to the General Assembly on or before November 1, 2025.

(g) Expiration. The Working Group shall cease to exist on March 31, 2026.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

Rep. Toleno of Brattleboro, for the Committee on Appropriations, recommended that the House propose to the Senate to amend the bill as recommended by the Committee on Commerce and Economic Development.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, the report of the Committee on Commerce and Economic Development agreed to, and third reading ordered.

Bill Committed

S. 192

Senate Bill, entitled

An act relating to forensic facility admissions criteria and processes

Was taken up and, pending second reading of the bill, **Rep. Donahue of Northfield** moved that the bill be committed to the Committee on Health Care, which was agreed to.

Favorable Reports; Second Reading; Third Reading Ordered**S. 109**

Rep. Farlice-Rubio of Barnet, for the Committee on Health Care, to which had been referred Senate bill, entitled

An act relating to Medicaid coverage for doula services

Reported in favor of its passage in concurrence.

Rep. Toleno of Brattleboro, for the Committee on Appropriations, reported in favor of its passage in concurrence.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and third reading was ordered.

Action on Bill Postponed**H. 563**

House bill, entitled

An act relating to criminal motor vehicle offenses involving unlawful trespass, theft, or unauthorized operation

Was taken up and, pending consideration of the Senate proposal of amendment, on motion of **Rep. Burditt of West Rutland**, action on the bill was postponed until April 24, 2024.

Message from the Senate No. 49

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

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

H. 861. An act relating to reimbursement parity for health care services delivered in person, by telemedicine, and by audio-only telephone.

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

The Senate has considered House proposal of amendment to Senate proposal of amendment to House bill of the following title:

H. 659. An act relating to captive insurance.

And has concurred therein with an amendment in the passage of which the concurrence of the House is requested.

The Senate has on its part adopted Senate concurrent resolution of the following title:

S.C.R. 13. Senate concurrent resolution congratulating Alice Whiting of Johnson on her 90th birthday.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 219. House concurrent resolution recognizing May 2024 as National Foster Care Month in Vermont.

H.C.R. 220. House concurrent resolution congratulating the 2023 North Country Union High School Falcons Division II championship football team.

H.C.R. 221. House concurrent resolution congratulating North Country Union High School Principal Christopher Young on being named the National Association of Secondary School Principals 2024 Advocacy Champion of the Year.

H.C.R. 222. House concurrent resolution in memory of former Representative Timothy Yeatman Hayward.

H.C.R. 223. House concurrent resolution honoring the academic and administrative leadership of former Kingdom East School District Superintendent Jennifer Botzjorns.

H.C.R. 224. House concurrent resolution congratulating the 2023 Hartford High School Hurricanes Division II championship field hockey team.

H.C.R. 225. House concurrent resolution congratulating the 2023 Hartford High School Hurricanes Division II championship boys' golf team.

H.C.R. 226. House concurrent resolution congratulating the 2024 Hartford High School Hurricanes Division II championship boys' indoor track and field team.

H.C.R. 227. House concurrent resolution congratulating the 2024 West Rutland High School Golden Horde girls' basketball team on winning the school's third consecutive Division IV championship.

H.C.R. 228. House concurrent resolution honoring the dedication and leadership of Martha Canfield Memorial Free Library Director Phyllis Skidmore.

H.C.R. 229. House concurrent resolution honoring the music therapists of Vermont.

H.C.R. 230. House concurrent resolution in memory of Weathersfield Fire Chief Darrin Spaulding.

Adjournment

At ten o'clock and seventeen minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Monday, April 22, 2024, at ten o'clock and thirty minutes in the forenoon, pursuant to the provisions of J.R.S. 53.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Rule 16b of the Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House:

H.C.R. 219

House concurrent resolution recognizing May 2024 as National Foster Care Month in Vermont

H.C.R. 220

House concurrent resolution congratulating the 2023 North Country Union High School Falcons Division II championship football team

H.C.R. 221

House concurrent resolution congratulating North Country Union High School Principal Christopher Young on being named the National Association of Secondary School Principals 2024 Advocacy Champion of the Year

H.C.R. 222

House concurrent resolution in memory of former Representative Timothy Yeatman Hayward

H.C.R. 223

House concurrent resolution honoring the academic and administrative leadership of former Kingdom East School District Superintendent Jennifer Botzojorns

H.C.R. 224

House concurrent resolution congratulating the 2023 Hartford High School Hurricanes Division II championship field hockey team

H.C.R. 225

House concurrent resolution congratulating the 2023 Hartford High School Hurricanes Division II championship boys' golf team

H.C.R. 226

House concurrent resolution congratulating the 2024 Hartford High School Hurricanes Division II championship boys' indoor track and field team

H.C.R. 227

House concurrent resolution congratulating the 2024 West Rutland High School Golden Horde girls' basketball team on winning the school's third consecutive Division IV championship

H.C.R. 228

House concurrent resolution honoring the dedication and leadership of Martha Canfield Memorial Free Library Director Phyllis Skidmore

H.C.R. 229

House concurrent resolution honoring the music therapists of Vermont

H.C.R. 230

House concurrent resolution in memory of Weathersfield Fire Chief Darrin Spaulding

S.C.R. 13

Senate concurrent resolution congratulating Alice Whiting of Johnson on her 90th birthday

[The full text of the concurrent resolutions appeared in the House and Senate Calendar Addendums on the preceding legislative day and will appear in the Public Acts and Resolves of the 2024 Adjourned Session.]

Monday, April 22, 2024

At ten o'clock and thirty minutes in the forenoon, the Speaker called the House to order. Noting a lack of quorum and pursuant to House Rule 9, the House adjourned until Tuesday, April 23, 2024 at ten o'clock in the forenoon.

Tuesday, April 23, 2024

At ten o'clock in the forenoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Kevin “Coach” Christie of Hartford.

Pledge of Allegiance

Page Juliet Lyon-Horne of South Hero led the House in the Pledge of Allegiance.

**Pending Entry on the Notice Calendar
Bill Referred to Committee on Ways and Means**

S. 310

Senate bill, entitled

An act relating to natural disaster government response, recovery, and resiliency

Pending entry on the Notice Calendar, and pursuant to House Rule 35(a), affecting the revenue of the State, was referred to the Committee on Ways and Means.

House Resolution Referred to Committee

H.R. 19

House resolution, entitled

House resolution providing requirements for bills creating new State-directed spending obligations on the Education Fund

Offered by: Representative Sibilica of Dover

Resolved by the House of Representatives:

That this legislative body adds Rule 41a of the Rules and Orders of the House of Representatives as follows:

41a. Each bill that would create new State-directed spending obligations on the Education Fund shall be drafted and introduced as a stand-alone bill. As used in this rule, “State-directed spending” means supplemental State aid that’s appropriated from the Education Fund to school districts for specific purposes and that shall not be included in a school district’s education spending. On such a bill, a vote to pass it on third reading, any vote on a Senate proposal of

amendment, and a vote to adopt a committee of conference report shall require a vote of two-thirds of members present

Was read by title, treated as a bill, and referred to the Committee on Rules pursuant to House Rule 52.

Ceremonial Reading

H.C.R. 202

House concurrent resolution congratulating Esta Broutsas Smith of Brattleboro on her centennial birthday

Offered by: Representatives Burke of Brattleboro, Kornheiser of Brattleboro, and Toleno of Brattleboro

Offered by: Senators Harrison and Hashim

Whereas, the citizens of Brattleboro are well acquainted with the Broutsas family: the late Michael Broutsas, a veteran State representative, was the first Vermont legislator born in Greece; and his daughter, Esta Broutsas Smith, has contributed in many ways to the quality of life in Brattleboro, and

Whereas, Esta Broutsas was born in January 1924 in Greenfield, Massachusetts, and her family moved to Brattleboro shortly after her birth, and

Whereas, although she started kindergarten unable to speak English, as a teacher for over half a century, Esta Broutsas Smith maximized the reading ability of many students, even those with learning challenges, and

Whereas, at 19 years of age, Esta Broutsas became the sole teacher at a one-room schoolhouse in Guilford; for many years, she was a special educator at the Green Street School in Brattleboro; and, although she concluded her career as a full-time teacher at 75 years of age, her career in education continued as she volunteered to assist prisoners in the improvement of their reading skills, and

Whereas, the arts are important in her life, and she frequently attended drama and music performances at local venues, and, even today, she remains a regular virtual attendee, and

Whereas, her love of outdoor recreation and her appreciation for Vermont's natural beauty were exemplified through daily road or woods hikes, cross-country skiing, and avidly playing tennis until she reached 90 years of age, and

Whereas, Esta Broutsas Smith's strong sense of justice complemented the humanitarian values of the Unitarian Universalist Church, her spiritual home, and

Whereas, she has resided in the same house since 1956, situated on the farm with the large red barn that her father purchased in 1928, and

Whereas, Esta Broutsas Smith's active lifestyle, healthy diet, continuing interest in the surrounding world, and her large, supportive extended family, have all contributed to her life's reaching the century milestone, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates Esta Broutsas Smith of Brattleboro on her centennial birthday, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Esta Broutsas Smith.

Having been adopted in concurrence on Friday, April 5, 2024 in accord with Joint Rule 16b, was read.

Ceremonial Reading

H.C.R. 204

House concurrent resolution congratulating Jaden Coppins of Colchester on her individual title victory at the inaugural New England girls' wrestling championship

Offered by: Representatives Austin of Colchester, Brennan of Colchester, Chase of Colchester, and Taylor of Colchester

Offered by: Senator Mazza

Whereas, high school wrestling is often considered a boys' sport, but, in recent years, girls have become enthusiastic competitors, and

Whereas, the vibrancy of girls' high school wrestling was apparent recently when the first New England championship was held in Providence, Rhode Island, and

Whereas, this historic tournament featured a special Vermont aspect as several Vermonters earned podium positions in their respective weight classes, and

Whereas, most significant was the achievement of Colchester High School senior Jaden Coppins, who earned top honors, winning her match in the 120-pound weight class, which was truly a memorable event for the young wrestler, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates Jaden Coppins of Colchester on her individual title victory at the inaugural New England girls' wrestling championship, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Jaden Coppins at Colchester High School.

Having been adopted in concurrence on Friday, April 5, 2024 in accord with Joint Rule 16b, was read.

**Third Reading;
Bill Passed in Concurrence with Proposal of Amendment**

S. 30

Senate bill, entitled

An act relating to creating a Sister State Program

Was taken up, read the third time, and passed in concurrence with proposal of amendment.

Third Reading; Bill Passed in Concurrence

S. 109

Senate bill, entitled

An act relating to Medicaid coverage for doula services

Was taken up, read the third time, and passed in concurrence.

Bill Committed

S. 259

Senate bill, entitled

An act relating to climate change cost recovery

Was taken up and, pending second reading, **Rep. Sheldon of Middlebury** moved that the bill be committed to the Committee on Judiciary, which was agreed to.

Recess

At ten o'clock and thirty-six minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

Called to Order

At one o'clock and eight minutes in the afternoon, the Speaker called the House to order.

Message from the Senate No. 50

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

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

H. 629. An act relating to changes to property tax abatement and tax sales.

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

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 54. Joint resolution relating to weekend adjournment on April 26, 2024.

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

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 23rd day of April 2024, he signed a bill originating in the House of the following title:

H. 543 An act relating to Vermont's adoption of the Social Work Licensure Compact and to emergency housing eligibility documentation

**Committee Bill; Second Reading; Bill Amended;
Amendments Offered; Amendments Offered and Withdrawn;
Third Reading Ordered**

H. 887

Rep. Kornheiser of Brattleboro spoke for the Committee on Ways and Means.

House bill, entitled

An act relating to homestead property tax yields, nonhomestead rates, and policy changes to education finance and taxation

Rep. Scheu of Middlebury, for the Committee on Appropriations, recommended that the bill ought to pass when amended as follows:

First: In Sec. 1, the Commission on the Future of Public Education, in subsection (c), by striking out “the Speaker of the House and the President Pro Tempore shall jointly appoint three members of the Commission” and inserting in lieu thereof “the Speaker of the House shall appoint two members of the Commission, the Committee on Committees shall appoint one member of the Commission”

Second: In Sec. 1, the Commission on the Future of Public Education, in subdivision (d)(1)(D), by striking out the word “President” and inserting in lieu thereof the word “Chancellor”

Third: In Sec. 1, the Commission on the Future of Public Education, by striking out subsection (j) in its entirety

Fourth: By adding one new section to be Sec. 1a to read as follows:’

Sec. 1a. 2023 Acts and Resolves No. 78, Sec. B.1100 is amended to read:

Sec. B.1100 MISCELLANEOUS FISCAL YEAR 2024 ONE-TIME
APPROPRIATIONS

* * *

(r) \$200,000.00 General Fund in fiscal year 2024 to the Agency of Education for the work of the School Construction Task Force and the Commission on the Future of Public Education.

* * *

Fifth: In Sec. 8, Agency of Education; education finance data analyst position, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read:

(c) To the extent that funds are available, there is appropriated to the Agency of Education \$125,000.00 from the General Fund in fiscal year 2025 to fund the education finance data analyst position established in subsection (a) of this section.

Sixth: By striking out Sec. 12, repeal; Education Fund Advisory Committee; appropriation in its entirety and inserting in lieu thereof a new Sec. 12 to read:

Sec. 12. REPEAL; EDUCATION FUND ADVISORY COMMITTEE;

32 V.S.A. § 5414 (Education Fund Advisory Committee) as added by this act is repealed on July 1, 2034.

Seventh: In Sec. 20, 16 V.S.A. § 4001(6)(B), following “an amount equal to the” by striking out the word “difference” and inserting in lieu thereof the word “increase”

Eighth: In Sec. 25, effective dates, in subdivision (b)(6), following “(16 V.S.A. § 563; ballot language)” by inserting “; provided, however, that this section shall not apply to ballots used for fiscal year 2025 budgets”

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Appropriations agreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Kornheiser of Brattleboro** moved to amend the bill as follows:

First: By striking out Sec. 20, 16 V.S.A. § 4001(6)(B), in its entirety and inserting in lieu thereof the following:

Sec. 20. 16 V.S.A. § 4001(6)(B) is amended to read:

(B) For all bonds approved by voters prior to July 1, 2024, voter-approved bond payments toward principal and interest shall not be included in “education spending” for purposes of calculating excess spending pursuant to 32 V.S.A. § 5401(12), “education spending” shall not include:

(i) Spending during the budget year for:

(I) approved school capital construction for a project that received preliminary approval under section 3448 of this title, including interest paid on the debt, provided the district shall not be reimbursed or otherwise receive State construction aid for the approved school capital construction; or

(II) spending on eligible school capital project costs pursuant to the State Board of Education’s Rule 6134 for a project that received preliminary approval under section 3448 of this title.

(ii) For a project that received final approval for State construction aid under chapter 123 of this title:

(I) spending for approved school capital construction during the budget year that represents the district’s share of the project, including interest paid on the debt; or

(II) payment during the budget year of interest on funds borrowed under subdivision 563(21) of this title in anticipation of receiving State aid for the project.

(iii) Spending that is approved school capital construction spending or deposited into a reserve fund under 24 V.S.A. § 2804 to pay future

~~approved school capital construction costs, including that portion of tuition paid to an independent school designated as the public high school of the school district pursuant to section 827 of this title for capital construction costs by the independent school that has received approval from the State Board of Education, using the processes for preliminary approval of public school construction costs pursuant to subdivision 3448(a)(2) of this title.~~

~~(iv) Spending attributable to the cost of planning the merger of a small school, which for purposes of this subdivision means a school with an average grade size of 20 or fewer students, with one or more other schools.~~

~~(v) Spending attributable to the district's share of special education spending that is not reimbursed as an extraordinary reimbursement under section 2962 of this title for any student in the fiscal year occurring two years prior.~~

~~(vi) A budget deficit in a district that pays tuition to a public school or an approved independent school, or both, for all of its resident students in any year in which the deficit is solely attributable to tuition paid for one or more new students who moved into the district after the budget for the year creating the deficit was passed.~~

~~(vii) For a district that pays tuition for all of its resident students and into which additional students move after the end of the census period defined in subdivision (1)(A) of this section, the number of students that exceeds the district's most recent average daily membership and for whom the district will pay tuition in the subsequent year multiplied by the district's average rate of tuition paid in that year.~~

~~(viii) Tuition paid by a district that does not operate a school and pays tuition for all resident students in kindergarten through grade 12, except in a district in which the electorate has authorized payment of an amount higher than the statutory rate pursuant to subsection 823(b) or 824(c) of this title.~~

~~(ix) The assessment paid by the employer of teachers who become members of the State Teachers' Retirement System of Vermont on or after July 1, 2015, pursuant to section 1944d of this title.~~

~~(x) School district costs associated with dual enrollment and early college programs.~~

~~(xi) Costs incurred by a school district or supervisory union when sampling drinking water outlets, implementing lead remediation, or retesting drinking water outlets as required under 18 V.S.A. chapter 24A.~~

Second: By striking out Sec. 21, property tax credit; asset declaration; report, in its entirety and inserting in lieu thereof the following:

Sec. 21. PROPERTY TAX CREDIT; ASSET DECLARATION; REPORT

On or before December 15, 2024, the Commissioner shall recommend administrative and policy improvements for property tax credit claims, including the use of an asset declaration. The report shall be submitted to the House Committee on Ways and Means and the Senate Committee on Finance.

Third: In Sec. 25, effective dates, by striking out subsections (b) and (c) in their entireties and inserting in lieu thereof the following:

(b) Secs. 13a–16 (CLA effect on tax rates and statewide adjustment) and 19 (repeal of excess spending suspension) shall take effect July 1, 2025.

(c) Sec. 9 (16 V.S.A. § 563; powers of school boards; form of vote) shall take effect July 1, 2024, provided, however, that 16 V.S.A. § 563(11)(D) shall not apply to ballots used for fiscal year 2025 budgets.

(d) All other sections shall take effect on July 1, 2024.

Which was agreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Beck of St. Johnsbury** moved to amend the bill by adding a reader assistance heading and one new section to be Sec. 2a to read as follows:

* * * Teacher Retirement Payments * * *

Sec. 2a. TEACHERS' RETIREMENT SYSTEM PAYMENTS; STUDY

(a) The Office of the State Treasurer, in consultation with the Joint Fiscal Office, shall conduct a study to analyze the fiscal and administrative impacts of requiring that the employer retirement normal costs and administrative operating expenses for active teachers who are members of the State Teachers' Retirement System pursuant to 16 V.S.A. § 1935 be paid for by the independent school or school district that employs the teacher rather than appropriated directly from the Education Fund.

(b) Notwithstanding any provision of 16 V.S.A. § 4025 to the contrary, the sum of \$5,000.00 is appropriated from the Education Fund to the Office of the State Treasurer in fiscal year 2025 to support the analysis required for this study.

(c) The Office of the State Treasurer shall provide a written report of the analysis along with any recommendations to the General Assembly on or before December 1, 2024.

Which was disagreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Shaw of Pittsford** moved to amend the bill as follows:

First: By striking out Sec. 5, 32 V.S.A. chapter 225, subchapter 4, in its entirety and inserting in lieu thereof the following:

Sec. 5. [Deleted.]

Second: In Sec. 25, effective dates, by striking out subdivision (b)(2) in its entirety and renumbering the remaining subdivisions to be numerically correct.

Pending the question, Shall the bill be amended as offered by Rep. Shaw of Pittsford?, **Rep. McCoy of Poultney** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as offered by Rep. Shaw of Pittsford?, was decided in the negative. Yeas, 39. Nays, 104.

Those who voted in the affirmative are:

Bartley of Fairfax	Gregoire of Fairfield	Morrissey of Bennington
Beck of St. Johnsbury	Hango of Berkshire	Page of Newport City
Branagan of Georgia	Harrison of Chittenden	Parsons of Newbury
Brennan of Colchester	Higley of Lowell	Peterson of Clarendon
Canfield of Fair Haven	Hooper of Randolph	Quimby of Lyndon
Clifford of Rutland City	Labor of Morgan	Sammis of Castleton
Corcoran of Bennington	Laroche of Franklin	Shaw of Pittsford
Demar of Enosburgh	Lipsky of Stowe	Smith of Derby
Dickinson of St. Albans Town	Maguire of Rutland City	Taylor of Milton
Donahue of Northfield	Marcotte of Coventry	Toof of St. Albans Town
Galfetti of Barre Town	Mattos of Milton	Walker of Swanton
Goslant of Northfield	McCoy of Poultney	Williams of Granby
Graham of Williamstown	McFaun of Barre Town	
	Morgan of Milton	

Those who voted in the negative are:

Andrews of Westford	Dodge of Essex	Morris of Springfield
Andriano of Orwell	Dolan of Essex Junction	Mrowicki of Putney
Anthony of Barre City	Dolan of Waitsfield	Nicoll of Ludlow
Arrison of Weathersfield	Durfee of Shaftsbury	Notte of Rutland City
Arsenault of Williston	Elder of Starksboro	Noyes of Wolcott
Austin of Colchester	Emmons of Springfield	Nugent of South Burlington
Bartholomew of Hartland	Farlice-Rubio of Barnet	O'Brien of Tunbridge
Berbeco of Winooski	Garofano of Essex	Ode of Burlington
Birong of Vergennes	Goldman of Rockingham	Pajala of Londonderry
Black of Essex	Graning of Jericho	Patt of Worcester
Bluemle of Burlington	Headrick of Burlington	Pearl of Danville
Bongartz of Manchester	Holcombe of Norwich	Pouech of Hinesburg
Bos-Lun of Westminster	Hooper of Burlington	Priestley of Bradford
Boyden of Cambridge	Houghton of Essex Junction	Rachelson of Burlington
Brown of Richmond	Hyman of South Burlington	Rice of Dorset

Brownell of Pownal	James of Manchester *	Roberts of Halifax
Brumsted of Shelburne	Jerome of Brandon	Satcowitz of Randolph
Burke of Brattleboro	Kornheiser of Brattleboro	Scheu of Middlebury
Burrows of West Windsor	Krasnow of South	Sheldon of Middlebury
Buss of Woodstock	Burlington	Sibilia of Dover
Campbell of St. Johnsbury	LaBounty of Lyndon	Sims of Craftsbury
Carpenter of Hyde Park	Lalley of Shelburne	Small of Winooski
Carroll of Bennington	LaLonde of South	Squirrell of Underhill
Casey of Montpelier	Burlington	Stebbins of Burlington
Chapin of East Montpelier	LaMont of Morristown	Stevens of Waterbury
Chase of Chester	Lanpher of Vergennes	Stone of Burlington
Chase of Colchester	Leavitt of Grand Isle	Surprenant of Barnard
Chesnut-Tangerman of Middletown Springs	Logan of Burlington	Taylor of Colchester
Christie of Hartford	Long of Newfane	Toleno of Brattleboro
Cina of Burlington	Masland of Thetford	Torre of Moretown
Coffey of Guilford	McCann of Montpelier	Troiano of Stannard
Cole of Hartford	McCarthy of St. Albans City	Waters Evans of Charlotte
Conlon of Cornwall	McGill of Bridport	White of Bethel
Cordes of Lincoln	Mihaly of Calais	Whitman of Bennington
Demrow of Corinth	Minier of South Burlington	Williams of Barre City
		Wood of Waterbury

Those members absent with leave of the House and not voting are:

Brady of Williston	Howard of Rutland City	Templeman of Brownington
Burditt of West Rutland	Oliver of Sheldon	

Rep. James of Manchester explained her vote as follows:

“Madam Speaker:

I’m voting no on this amendment because striking this proposed revenue from the yield bill will increase the burden on property tax rates – both homestead and non-homestead – in a year when so many Vermonters will be struggling to pay.”

Pending the question, Shall the bill be read a third time?, **Reps. Toof of St. Albans Town and Taylor of Milton** moved to amend the bill as follows:

First: By adding a Sec. 3a to read as follows:

Sec. 3a. 32 V.S.A. § 9701(7) is amended to read:

(7) “Tangible personal property” means personal property that may be seen, weighed, measured, felt, touched, or in any other manner perceived by the senses. “Tangible personal property” includes electricity, water, gas, steam, and prewritten computer software ~~regardless of the method in which the prewritten computer software is paid for, delivered, or accessed, including remotely or hosted by a vendor or the vendor’s designee, or both, except that~~

tangible personal property shall not include prewritten software accessed remotely.

Second: In Sec. 25, effective dates, by striking out subsection (c) in its entirety and inserting in lieu thereof the following:

(c) Secs. 3a (sunset of cloud tax), 13a–15 (CLA effect on tax rates and statewide adjustment), and 19 (repeal of excess spending suspension) shall take effect on July 1, 2025.

Third: By adding a Sec. 5a to read as follows:

Sec. 5a. REPEALS

32 V.S.A. chapter 225, subchapter 4, is repealed on July 1, 2025.

Fourth: In Sec. 25, effective dates, by striking out subdivision (b)(2) in its entirety and inserting in lieu thereof the following:

(2) Secs. 5 and 5a (short-term rental surcharge; sunset);

Pending the question, Shall the bill be amended as offered by Reps. Toof of St. Albans Town and Taylor of Milton?, **Rep. Toof of St. Albans Town** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as offered by Reps. Toof of St. Albans Town and Taylor of Milton?, was decided in the negative. Yeas, 41. Nays, 100.

Those who voted in the affirmative are:

Arrison of Weathersfield	Gregoire of Fairfield	Morgan of Milton
Bartley of Fairfax	Hango of Berkshire	Morrissey of Bennington
Beck of St. Johnsbury	Harrison of Chittenden	Noyes of Wolcott
Branagan of Georgia	Higley of Lowell	Page of Newport City
Brennan of Colchester	Hooper of Randolph	Parsons of Newbury
Canfield of Fair Haven	Labor of Morgan	Peterson of Clarendon *
Clifford of Rutland City	LaMont of Morristown	Quimby of Lyndon
Demar of Enosburgh	Laroche of Franklin	Sammis of Castleton
Dickinson of St. Albans Town	Lipsky of Stowe	Shaw of Pittsford
Donahue of Northfield *	Maguire of Rutland City	Smith of Derby
Galfetti of Barre Town	Marcotte of Coventry	Taylor of Milton
Goslant of Northfield	Mattos of Milton	Toof of St. Albans Town
Graham of Williamstown	McCoy of Poultney	Walker of Swanton
	McFaun of Barre Town	Williams of Granby *

Those who voted in the negative are:

Andrews of Westford	Demrow of Corinth	Morris of Springfield
Andriano of Orwell	Dodge of Essex	Mrowicki of Putney
Anthony of Barre City	Dolan of Essex Junction	Nicoll of Ludlow
Arsenault of Williston	Dolan of Waitsfield	Notte of Rutland City
Austin of Colchester	Durfee of Shaftsbury	Nugent of South Burlington

Bartholomew of Hartland	Elder of Starksboro	O'Brien of Tunbridge
Berbeco of Winooski	Emmons of Springfield	Ode of Burlington
Birong of Vergennes	Farlice-Rubio of Barnet	Pajala of Londonderry
Black of Essex	Garofano of Essex	Patt of Worcester
Bluemle of Burlington	Goldman of Rockingham	Pouech of Hinesburg
Bongartz of Manchester	Headrick of Burlington	Priestley of Bradford
Bos-Lun of Westminster	Holcombe of Norwich	Rachelson of Burlington
Boyden of Cambridge	Hooper of Burlington	Rice of Dorset
Brown of Richmond	Houghton of Essex Junction	Roberts of Halifax
Brownell of Pownal	Hyman of South Burlington	Satcowitz of Randolph
Brumsted of Shelburne	James of Manchester	Scheu of Middlebury
Burke of Brattleboro	Jerome of Brandon	Sheldon of Middlebury
Burrows of West Windsor	Kornheiser of Brattleboro	Sibilia of Dover *
Buss of Woodstock	Krasnow of South	Sims of Craftsbury
Campbell of St. Johnsbury	Burlington	Small of Winooski
Carpenter of Hyde Park	LaBounty of Lyndon	Squirrell of Underhill
Carroll of Bennington	Lalley of Shelburne	Stebbins of Burlington
Casey of Montpelier	LaLonde of South	Stevens of Waterbury
Chapin of East Montpelier	Burlington	Stone of Burlington
Chase of Chester	Lanpher of Vergennes	Surprenant of Barnard
Chase of Colchester	Leavitt of Grand Isle	Taylor of Colchester
Chesnut-Tangerman of	Logan of Burlington	Toleno of Brattleboro
Middletown Springs	Long of Newfane	Torre of Moretown
Christie of Hartford	Masland of Thetford	Troiano of Stannard
Cina of Burlington	McCann of Montpelier	Waters Evans of Charlotte
Coffey of Guilford	McCarthy of St. Albans	White of Bethel
Cole of Hartford	City	Whitman of Bennington
Conlon of Cornwall	McGill of Bridport	Williams of Barre City
Corcoran of Bennington	Mihaly of Calais	Wood of Waterbury
Cordes of Lincoln	Minier of South Burlington	

Those members absent with leave of the House and not voting are:

Brady of Williston	Howard of Rutland City	Templeman of Brownington
Burditt of West Rutland	Oliver of Sheldon	
Graning of Jericho	Pearl of Danville	

Rep. Donahue of Northfield explained her vote as follows:

“Madam Speaker:

We have a misfit when we refuse to initiate even interim changes that actually address our Education Fund stressors – we say we shouldn’t move that fast – yet reject a sunset on what should be solely a stop-gap measure, not permanent new taxes.”

Rep. Peterson of Clarendon explained his vote as follows:

“Madam Speaker:

Instead of taxing hard working Vermont businesspeople, we should tax the cannabis industry, which hooks our kids on poison and degrades our schools.”

Rep. Sibiliala of Dover explained her vote as follows:

“Madam Speaker:

I’m voting no on behalf of my constituents who have asked Montpelier to pay for their education spending and stop pushing that State level spending onto local property taxes.”

Rep. Williams of Granby explained her vote as follows:

“Madam Speaker:

I vote yes for the constituents of my district. They only have two requests that I shall echo again and again. Stop passing bills that restrict our ability to survive and thrive on our low incomes. And stop taxing us to death!”

Pending the question, Shall the bill be read a third time?, **Reps. Sibiliala of Dover, Arsenault of Williston, Burrows of West Windsor, Carpenter of Hyde Park, and Graning of Jericho** moved that the bill be amended as follows:

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

Sec. 8a. 32 V.S.A. § 5402b(d) is added to read:

(d) The Commissioner shall include in the recommendations made pursuant to subsection (a) of this section an estimate of all State-directed spending for the following fiscal year. As used in this subsection, “State-directed spending” means supplemental State aid appropriated from the Education Fund to school districts for specific purposes as well as appropriations made from the Education Fund under 16 V.S.A. § 4025(b)(2)–(5). State-directed spending shall not be included in a school district’s education spending and shall be considered offsetting revenue. State-directed spending shall not include special education funding under 16 V.S.A. chapter 101 and reimbursement for transportation expenditures under 16 V.S.A. § 4016.

Second: In Sec. 25, effective dates, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) This section and the following sections shall take effect on passage:

(1) Sec. 1 (Commission on the Future of Public Education);

- (2) Sec. 2 (property tax rates and yields);
- (3) Sec. 8a (December 1 letter; State-directed spending);
- (4) Sec. 13 (State outreach; statewide adjustments); and
- (5) Sec. 17 (Act 84 application to district mergers, withdrawals, and dissolutions).

Thereupon, **Rep. Sibilia of Dover** asked and was granted leave of the House to withdraw her amendment.

Pending the question, Shall the bill be read a third time?, **Rep. Harrison of Chittenden** moved to amend the bill by striking out Sec. 18, 32 V.S.A. § 5401(12), in its entirety and inserting in lieu thereof the following:

Sec. 18. ALLOWABLE EDUCATION SPENDING FOR FISCAL YEARS
2026 AND 2027

(a) Notwithstanding any other provision of law, for fiscal years 2026 and 2027 only, “excess spending” under 32 V.S.A. § 5401(12) means the per pupil education spending, as defined in 16 V.S.A. § 4001(14), adjusted to include any amount required to be added to education spending from a Capital Construction Reserve Fund under 24 V.S.A. § 2804(b), that is in excess of the district’s per pupil education spending in the prior fiscal year, plus the district’s allowable spending.

(b) For fiscal years 2026 and 2027 only, the “allowable spending” for any individual school district is an amount equal to the actual amount of per pupil education spending in the district in the prior fiscal year, multiplied by the district’s “allowable spending percentage.” A district’s “allowable spending percentage” means the greater of:

(1) a percentage that results from the following equation: the highest per pupil education spending in any district in the State, excluding gores, in the prior fiscal year, divided by the actual amount of per pupil education spending in the district in the prior fiscal year, minus one, multiplied by five and one-half percent; or

(2) the percentage change in the New England Economic Project Cumulative Price Index, as of November 15, for state and local government purchases of goods and services between the prior fiscal year and the current fiscal year.

(c) For the purpose of the calculations made under this section, the term “per pupil education spending” shall exclude all the adjustments under 16 V.S.A. § 4001(6)(B).

(d) Notwithstanding any provision of law to the contrary, for fiscal years 2026 and 2027 only, the school budget language required under 16 V.S.A. § 563(11)(D) shall be replaced with the following:

“Article #1 (School Budget):

Shall the voters of the school district approve the school board to expend \$ _____, which is the amount the school board has determined to be necessary for the ensuing fiscal year?

The _____ District estimates that this proposed budget, if approved, will result in per pupil education spending of \$ _____, which is _____ % higher/lower than per pupil education spending for the current year. This proposed per pupil education spending is \$ _____ over the amount designated for the district’s per pupil allowable spending under Vermont law.”

Which was disagreed to.

Pending the question, Shall the bill be read a third time?, **Reps. Carpenter of Hyde Park, Arsenault of Williston, Burrows of West Windsor, Chapin of East Montpelier, Christie of Hartford, Cole of Hartford, Cordes of Lincoln, Dolan of Waitsfield, Goldman of Rockingham, Graning of Jericho, Headrick of Burlington, Holcombe of Norwich, Krasnow of South Burlington, LaMont of Morrystown, Leavitt of Grand Isle, Lipsky of Stowe, McGill of Bridport, Ode of Burlington, Roberts of Halifax, and Sibia of Dover** moved that the bill be amended as follows:

First: By adding a reader assistance heading and one new section to be Sec. 24a to read as follows:

* * * Tuition after School Closure * * *

Sec. 24a. 16 V.S.A. § 830 is added to read:

§ 830. PROHIBITION ON SCHOOL CLOSURE AND TRANSITION TO
PAYING TUITION

Notwithstanding any provision of law to the contrary, a school district shall be prohibited from closing an existing school and providing for the education of its resident students by paying tuition for its students to attend a public or approved independent school chosen by the parents of the district’s students. A school district that closes an existing school shall provide for the education of its resident students by designating three or fewer of the following schools to serve as the public school or schools of the district, in accordance with section 827 of this title:

(1) a public school located outside the district; or

(2) an independent school approved under section 166 of this title that meets at least three of the following four criteria:

(A) the approved independent school serves as a regional career and technical education center as defined in section 1522 of this title;

(B) the approved independent school was established through the granting of a charter by the Vermont General Assembly;

(C) the approved independent school qualified as a public school under the definition of "public school" in effect on June 30, 1991, under subdivision 11(a)(7) of this title; or

(D) the approved independent school is designated under section 1935 of this title as an employer of teachers within the meaning of chapter 55 of this title (State Teachers' Retirement System of Vermont).

Second: In Sec. 25, effective dates, in subdivision (b)(13) by striking out "and"

Third: In Sec. 25, effective dates, in subdivision (b)(14), following "(Act 127 conforming amendments)" by striking out "." and inserting in lieu thereof ", and"

Fourth: In Sec. 25, effective dates, in subsection (b), by adding a subdivision (15) to read:

(15) Sec. 24a (tuition and school closure).

Thereupon, **Rep. Carpenter of Hyde Park** asked and was granted leave of the House to withdraw her amendment.

Pending the question, Shall the bill be read a third time?, **Reps. Toleno of Brattleboro, Arsenault of Williston, Burrows of West Windsor, Carpenter of Hyde Park, Dolan of Waitsfield, Goldman of Rockingham, Graning of Jericho, Holcombe of Norwich, and Sibiliala of Dover** moved that the bill be amended as follows:

First: By adding 13 new sections to be Secs. 24a–24m and their reader assistance heading to read as follows:

* * * State-Level Education Governance * * *

Sec. 24a. REPEAL

3 V.S.A. chapter 49 (education) is repealed.

Sec. 24b. 16 V.S.A. § 161 is amended to read:

§ 161. STATE BOARD OF EDUCATION; APPOINTMENT OF MEMBERS; TERM; VACANCY

The State Board shall consist of ~~ten~~ 10 members. Two of the members shall be secondary students in Vermont public schools, one of whom shall be a full member and the other of whom shall be a junior member who may not vote. ~~All members shall be appointed by the Governor with the advice and consent of the Senate.~~ In the appointment of the nonstudent members, priority shall be given to the selection of persons with a demonstrated commitment to ensuring quality education for Vermont students. To the extent possible, the members shall represent the State's geographic, gender, racial, and ethnic diversity. The representation of the Board shall reflect the enrollment of students, such that if 94 percent of publicly funded students are enrolled in public schools, not less than 90 percent of members of the Board shall reside in a school district that operates public schools, have worked in public schools, or have sent the member's children to public schools. Not more than one member shall be appointed from the same school district and its member towns. The Secretary Commissioner shall serve on the State Board as a nonvoting member. The members shall be appointed as follows:

(1) Six members shall be appointed by the Governor, including the secondary student members.

(2) Two members shall be appointed by the Senate Committee on Committees, none of whom may be legislators. Members shall be chosen from among not fewer than six candidates proposed by the Senate Committee on Education.

(3) Two members shall be appointed by the Speaker of the House, none of whom may be legislators. Members shall be chosen from among not fewer than six candidates proposed by the House Committee on Education.

(4) Upon the expiration of the respective terms of those members of the Board previously appointed, excluding the student members, the ~~Governor~~ appointing authority that made the initial appointment to the expired term shall, biennially in the month of February ~~with the advice and consent of the Senate~~, appoint members for terms of ~~six~~ five years. The terms shall begin March 1 of the year in which the appointments are made. A member serving a term of ~~six~~ five years shall not be eligible for reappointment for successive terms.

~~(2)~~(5) In the event of any vacancy occurring in the membership of the Board, the ~~Governor~~ appointing authority that made the initial appointment to the vacated term shall fill the vacancy within 60 days with a qualified person

whose appointment shall be for the unexpired portion of the term. Vacancies in terms initially filled by the Senate Committee on Committees or the Speaker of the House shall be filled by choosing from among the original list of candidates for the vacant term proposed by the applicable committee of jurisdiction.

~~(3)~~(6) Biennially, the Board shall choose a member of the Board to be its chair.

~~(4)~~(7) Annually, using an application process that is open and accessible to all eligible students, the Governor shall appoint a Vermont secondary school student who will continue to be a secondary student for at least two years following taking office, to serve on the State Board for two years, beginning on July 1 of the year of appointment. The student member shall not vote during the first year and shall be a full and voting member during the second year of ~~his or her~~ the student's term.

(8) As part of the annual report due to the Governor and General Assembly under subdivision 164(21) of this title, the Board shall include information on the representative nature of the composition of the Board.

Sec. 24c. TRANSITION PERIOD STATE BOARD MEMBER

APPOINTMENTS

Members currently serving on the State Board of Education may continue to serve for the duration of the term to which they were appointed. Beginning on July 1, 2024, as terms of currently serving members expire, appointments of successors shall be made in accordance with the qualifications and considerations required under 16 V.S.A. § 161 and shall be made in the following order:

(1) For the terms expiring on February 28, 2025, one shall be made by the Senate Committee on Committees and one shall be made by the Speaker of the House.

(2) For the terms expiring on February 28, 2027, one shall be made by the Governor, one shall be made by the Senate Committee on Committees, and one shall be made by the Speaker of the House.

(3) For the term expiring on February 29, 2028, the appointment shall be made by the Governor.

(4) For the term expiring on February 28, 2029, the appointment shall be made by the Governor.

(5) For the term expiring on February 28, 2030, the appointment shall be made by the Governor.

(6) The Governor shall continue to make annual secondary student appointments in accordance with 16 V.S.A. § 161.

(7) After each appointing authority has made its initial transition period appointments under this section, all appointments shall be made by the appointing authority that made the initial appointment to the vacated or expired term in accordance with 16 V.S.A. § 161.

Sec. 24d. 16 V.S.A. § 163 is amended to read:

§ 163. STAFF OFFICE; MEETINGS

(a) The Board shall be supported by adequate staff, who shall report to the Board office of the Board shall be the office of the Commissioner of Education.

(b) The Board shall meet monthly and shall hold special meetings as required for the performance of its duties. The times and places for regular and special meetings shall be designated by the Chair of the Board. The Chair shall call a special meeting upon the written request of any two members.

(c) The Board shall develop and update an annual policy manual for its operation, including when and how to evaluate the Commissioner of Education. The Board shall meet without the Commissioner for at least part of its evaluation process.

(d) Board meetings shall be conducted in accordance with Vermont's Open Meeting Law pursuant to 1 V.S.A. chapter 5, subchapter 2.

Sec. 24e. 16 V.S.A. § 164 is amended to read:

§ 164. STATE BOARD; GENERAL POWERS AND DUTIES

The State Board shall have supervision over and management of the Department of Education and the public school system, except as otherwise provided; shall evaluate education policy proposals, including timely evaluation of policies presented by the Governor, Commissioner, and General Assembly; engage local school board members and the broader education community and, consistent with the provisions of this title, its own rules, and rules adopted by the Secretary, establish and regularly update a long-term strategic vision for the delivery of educational services in Vermont; advise the General Assembly, the Governor, and the Secretary of Education on high-priority educational policies and issues as they arise; and act in accordance with legislative mandates, including the adoption of rules and executing special assignments; ensure and support continuous improvement of teaching and learning; ensure clear, coherent, and consistent goals and rules for students and publicly funded education; and establish and advance education policy for the State of Vermont. In addition to other specified duties, the Board shall:

* * *

(4) Biennially cause to be prepared a recommended budget for all money to be expended by the Department of Education. The Board will review and comment on the budget prepared by the Commissioner.

* * *

(10) Establish an information clearinghouse and accessible database to help districts and the public share information about student performance and well-being in all publicly funded education settings, as well as information about educational programs and practices that improve student performance and well-being. Educational programs and practices include those designed to create and sustain a safe learning environment.

* * *

(19) Develop, in consultation with the Secretary of State, and make available to school boards, sample ballot language for items that may be voted on by Australian ballot and for which no statutory language exists.

* * *

Sec. 24f. 16 V.S.A. chapter 5 is redesignated to read:

CHAPTER 5. SECRETARY COMMISSIONER OF EDUCATION

Sec. 24g. 16 V.S.A. chapter 5, subchapter 1 is redesignated to read:

Subchapter 1. Secretary Commissioner of Education

Sec. 24h. 16 V.S.A. § 212 is amended to read:

§ 212. SECRETARY'S COMMISSIONER'S DUTIES GENERALLY

The Secretary Commissioner shall execute those policies adopted by the State Board in the legal exercise of its powers and shall:

* * *

(14) Annually, communicate to each superintendent a list of information that a supervisory union, a school board, a school district, a school, a school district employee, or a supervisory union employee is required under State or federal law to make available to the electorate, community members, parents, or students. It is the intent of this subdivision that the Secretary Commissioner shall make a good faith effort to compile a complete list of the information to be made available. Due to the difficult nature of compiling such a list, it is also the intent that failure to include relevant information on the list shall not constitute grounds for an action against the Secretary Commissioner.

* * *

~~(19) Establish an information clearinghouse and accessible database to help districts share information about educational programs and practices that improve student performance. Educational programs and practices include those designed to create and sustain a safe learning environment. [Repealed.]~~

~~(20) Develop, in consultation with the Secretary of State, and make available to school boards sample ballot language for issues that may be decided by Australian ballot and for which no statutory language exists. [Repealed.]~~

~~(21) Prepare a budget for the Agency and submit it to the Governor after review by the State Board. [Repealed.]~~

~~(22) Annually, prior to September 1, present the Governor's education policy priorities to the State Board. [Repealed.]~~

Sec. 24i. 16 V.S.A. § 211 is added to read:

§ 211. APPOINTMENT; REPORTS

(a) Subject to the approval of the Governor, the State Board shall employ a competent chief executive officer and secretary of the Board who shall have had special training and experience in educational work and who shall be called the Commissioner of Education. The Commissioner shall be appointed for an indefinite term and shall be subject to removal upon the majority vote of the entire Board.

(b) The Commissioner at all times and in such detail as the Board directs shall make reports to the Board concerning the public educational system, together with such recommendations as the Commissioner deems proper for the promotion of the educational interests of the State.

Sec. 24j. 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:

* * *

(6) The Department of Education

* * *

Sec. 24k. 3 V.S.A. § 256(b) is amended to read:

(b) Notwithstanding any other provision of law, all secretaries of State agencies and all commissioners of State departments, other than the Commissioner of Education, shall take office only with the advice and consent

of the Senate except in the case of an appointment to fill a vacancy when the General Assembly is not in session in which case the appointee may take office subject to the provisions of section 257 of this title.

Sec. 24l. COMMISSIONER OF EDUCATION; TRANSITION; POWERS
AND DUTIES

On January 1, 2025:

(1) The Commissioner of Education shall assume all powers, duties, rights, and responsibilities of the Secretary of Education; provided, however, that if a Commissioner appointed by the State Board has not assumed office on or before January 1, 2025, then the Secretary or acting Secretary of the Agency on that date shall continue to perform the duties until the day on which the Commissioner assumes office but shall report to the Board and not the Governor.

(2) The Department of Education shall assume all the powers, duties, rights, and responsibilities of the Agency of Education.

Sec. 24m. LEGISLATIVE COUNSEL; PREPARATION OF A DRAFT BILL

On or before January 15, 2026, the Office of Legislative Counsel shall prepare and submit a draft bill to the House and Senate Committees on Education that makes statutory amendments of a technical nature and identifies all statutory sections that the General Assembly shall amend substantively to effect the intent of the act.

Second: In Sec. 25, effective dates, in subdivision (b)(13), by striking out “and”

Third: In Sec. 25, effective dates, in subdivision (b)(14), following “(Act 127 conforming amendments)”, by striking out “.” and inserting in lieu thereof “, and”

Fourth: In Sec. 25, effective dates, in subsection (b), by adding a subdivision (15) to read as follows:

(15) Secs. 24a–24m (Agency to Department of Education amendments).

Thereupon, **Rep. Toleno of Brattleboro** asked and was granted leave of the House to withdraw his amendment.

Pending the question, Shall the bill be read a third time?, **Rep. Holcombe of Norwich** moved to amend the bill as follows:

First: By adding a reader assistance heading and two new sections to be Secs. 20a and 20b to read as follows:

* * * Tuitioned Students and Determination of Weighted Long-Term
Membership * * *

Sec. 20a. 16 V.S.A. § 4010 is amended to read:

§ 4010. DETERMINATION OF WEIGHTED LONG-TERM MEMBERSHIP
AND PER PUPIL EDUCATION SPENDING

(a) Definitions. As used in this section:

(1) “EL pupils” means pupils described under section 4013 of this title.

(2) “FPL” means the Federal Poverty Level.

(3) “Weighting categories” means the categories listed under subsection (b) of this section.

(b) Determination of average daily membership and weighting categories. On or before the first day of December during each school year, the Secretary shall determine the average daily membership, as defined in subdivision 4001(1) of this title, of each school district for the current school year and shall perform the following tasks.

(1)(A) Using average daily membership, list for each school district the number of:

~~(A)(i)~~ pupils in prekindergarten;

~~(B)(ii)~~ pupils in kindergarten through grade five;

~~(C)(iii)~~ pupils in grades six through eight; and

~~(D)(iv)~~ pupils in grades nine through 12;

(B) Using average daily membership, but excluding students for whom the district pays tuition to one or more approved independent schools or public schools outside the district during the annual census period, list for each school district the number of:

~~(E)(i)~~ pupils whose families are at or below 185 percent of FPL, using the highest number of pupils in the district:

~~(i)(I)~~ that meet this definition under the universal income declaration form; or

~~(ii)(II)~~ who are directly certified for free and reduced-priced meals; and

~~(F)(ii)~~ EL pupils.

(2)(A) Identify all school districts that have low population density, measured by the number of persons per square mile residing within the land

area of the geographic boundaries of the district as of July 1 of the year of determination, equaling:

- (i) fewer than 36 persons per square mile;
- (ii) 36 or more persons per square mile but fewer than 55 persons per square mile; or
- (iii) 55 or more persons per square mile but fewer than 100 persons per square mile.

(B) Population density data shall be based on the best available U.S. Census data as provided to the Agency of Education by the Vermont Center for Geographic Information.

(C) Using average daily membership, but excluding students for whom the district pays tuition to one or more approved independent schools or public schools outside the district during the annual census period, list for each school district that has low population density the number of pupils in each of subdivisions (A)(i)–(iii) of this subdivision (2).

(3)(A) Identify all school districts that have one or more small schools, which are schools that have an average two-year enrollment of:

- (i) fewer than 100 pupils; or
- (ii) 100 or more pupils but fewer than 250 pupils.

(B) As used in subdivision (A) of this subdivision (3), “average two-year enrollment” means the average enrollment of the two most recently completed school years, and “enrollment” means the number of pupils who are enrolled in a school operated by the district on October 1. A pupil shall be counted as one whether the pupil is enrolled as a full-time or part-time student.

(C) Using average two-year enrollment, list for each school district that has a small school the number of pupils in each of subdivisions (A)(i)–(ii) of this subdivision (3).

(c) Reporting on weighting categories to the Agency of Education. Each school district shall annually report to the Agency of Education by a date established by the Agency the information needed in order for the Agency to compute the weighting categories under subsection (b) of this section for that district. In order to fulfill this obligation, a school district that pays public tuition on behalf of a resident student (sending district) to a public school in another school district, an approved independent school, or an out-of-state school (each a receiving school) may request the receiving school to collect this information on the sending district’s resident student, and if requested, the

receiving school shall provide this information to the sending district in a timely manner.

(d) Determination of weighted long-term membership. For each weighting category except the small schools weighting category under subdivision (b)(3) of this section, the Secretary shall compute the weighting count by using the long-term membership, as defined in subdivision 4001(7) of this title, or the long-term membership excluding tuitioned students, as defined in subdivision 4001(16) of this title, as specified in that category.

(1) The Secretary shall first apply grade level weights. Each pupil included in long-term membership shall count as one, multiplied by the following amounts:

- (A) prekindergarten—negative 0.54;
- (B) grades six through eight—0.36; and
- (C) grades nine through 12—0.39.

(2) The Secretary shall next apply a weight for pupils whose family is at or below 185 percent of FPL. Each pupil included in long-term membership excluding tuitioned students whose family is at or below 185 percent of FPL shall receive an additional weighting amount of 1.03.

(3) The Secretary shall next apply a weight for EL pupils. Each EL pupil included in long-term membership excluding tuitioned students shall receive an additional weighting amount of 2.49.

(4) The Secretary shall then apply a weight for pupils living in low population density school districts. Each pupil included in long-term membership excluding tuitioned students residing in a low population density school district, measured by the number of persons per square mile residing within the land area of the geographic boundaries of the district as of July 1 of the year of determination, shall receive an additional weighting amount of:

- (A) 0.15, where the number of persons per square mile is fewer than 36 persons;
- (B) 0.12, where the number of persons per square mile is 36 or more but fewer than 55 persons; or
- (C) 0.07, where the number of persons per square mile is 55 or more but fewer than 100.

(5) The Secretary shall lastly apply a weight for pupils who attend a small school. If the number of persons per square mile residing within the land area of the geographic boundaries of a school district as of July 1 of the

year of determination is 55 or fewer, then, for each pupil listed under subdivision (b)(3)(C) of this section (pupils who attend small schools):

(A) where the school has fewer than 100 pupils in average two-year enrollment, the school district shall receive an additional weighting amount of 0.21 for each pupil included in the small school's average two-year enrollment; or

(B) where the small school has 100 or more but fewer than 250 pupils, the school district shall receive an additional weighting amount of 0.07 for each pupil included in the small school's average two-year enrollment.

(6) A school district's weighted long-term membership shall equal long-term membership plus the cumulation of the weights assigned by the Secretary under this subsection.

(e) Hold harmless. A district's weighted long-term membership shall in no case be less than 96 and one-half percent of its actual weighted long-term membership the previous year prior to making any adjustment under this subsection.

(f) Determination of per pupil education spending. As soon as reasonably possible after a school district budget is approved by voters, the Secretary shall determine the per pupil education spending for the next fiscal year for the school district. Per pupil education spending shall equal a school district's education spending divided by its weighted long-term membership.

(g) Guidelines. The Secretary shall develop guidelines to enable clear and consistent identification of pupils to be counted under this section.

(h) Updates to weights. On or before January 1, 2027 and on or before January 1 of every fifth year thereafter, the Agency of Education and the Joint Fiscal Office shall calculate, based on their consensus view, updates to the weights to account for cost changes underlying those weights and shall issue a written report on their work to the House and Senate Committees on Education, the House Committee on Ways and Means, and the Senate Committee on Finance. The General Assembly shall update the weights under this section and transportation reimbursement under section 4016 of this title not less than every five years and the implementation date for the updated weights and transportation reimbursement shall be delayed by a year in order to provide school districts with time to prepare their budgets. Updates to the weights may include recalibration, recalculation, adding or eliminating weights, or any combination of these actions.

20b. 16 V.S.A. § 4001 is amended to read:

§ 4001. DEFINITIONS

As used in this chapter:

* * *

(16) “Long-term membership excluding tuitioned students” of a school district in any school year means the:

(A) average of the district’s average daily membership, excluding both the full-time equivalent enrollment of State-placed students and students for whom the district pays tuition to one or more approved independent schools or public schools outside the district during the annual census period, over two school years, the latter of which is the current school year, plus

(B) full-time equivalent enrollment of State-placed students for the most recent of two years.

Third: In Sec. 25, effective dates, in subdivision (b)(13) by striking out “and”

Fourth: In Sec. 25, effective dates, in subdivision (b)(14), following “(Act 127 conforming amendments)” by striking out “.” and inserting in lieu thereof “, and”

Fifth: In Sec. 25, effective dates, in subsection (b), by adding a subdivision (15) to read:

(15) Secs. 20a and 20b (tuitioned students and determination of weighted long-term membership).

Thereupon, **Rep. Holcombe of Norwich** asked and was granted leave of the House to withdraw her amendment.

Pending the question, Shall the bill be read a third time?, **Rep. McCoy of Poultney** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be read a third time?, was decided in the affirmative. Yeas, 94. Nays, 38.

Those who voted in the affirmative are:

Andrews of Westford
Andriano of Orwell
Anthony of Barre City
Arsenault of Williston *
Austin of Colchester
Berbeco of Winooski
Birong of Vergennes

Dolan of Essex Junction
Dolan of Waitsfield
Durfee of Shaftsbury
Emmons of Springfield
Farlice-Rubio of Barnet
Garofano of Essex
Goldman of Rockingham

Nicoll of Ludlow
Notte of Rutland City
Noyes of Wolcott
Nugent of South Burlington
O'Brien of Tunbridge
Ode of Burlington
Pajala of Londonderry

Bluemle of Burlington	Headrick of Burlington	Patt of Worcester
Bongartz of Manchester	Hooper of Burlington	Pouech of Hinesburg
Bos-Lun of Westminster	Houghton of Essex Junction	Priestley of Bradford
Boyden of Cambridge	Hyman of South Burlington	Rachelson of Burlington
Brown of Richmond *	James of Manchester	Rice of Dorset
Brownell of Pownal	Jerome of Brandon	Roberts of Halifax *
Brumsted of Shelburne	Kornheiser of Brattleboro	Satcowitz of Randolph
Burke of Brattleboro	Krasnow of South Burlington	Scheu of Middlebury *
Burrows of West Windsor	Lalley of Shelburne	Sheldon of Middlebury
Buss of Woodstock	LaLonde of South Burlington	Sibilia of Dover
Carpenter of Hyde Park	LaMont of Morristown	Sims of Craftsbury *
Carroll of Bennington	Lanpher of Vergennes	Small of Winooski
Casey of Montpelier	Leavitt of Grand Isle	Squirrell of Underhill
Chapin of East Montpelier	Logan of Burlington	Stebbins of Burlington
Chase of Chester	Long of Newfane	Stevens of Waterbury
Chase of Colchester	Masland of Thetford	Stone of Burlington *
Chesnut-Tangerman of Middletown Springs	McCann of Montpelier	Surprenant of Barnard
Christie of Hartford	McCarthy of St. Albans City	Taylor of Colchester
Cina of Burlington	McGill of Bridport	Toleno of Brattleboro
Coffey of Guilford	Mihaly of Calais *	Torre of Moretown
Cole of Hartford	Minier of South Burlington	Troiano of Stannard
Conlon of Cornwall *	Morris of Springfield	Waters Evans of Charlotte
Cordes of Lincoln	Mrowicki of Putney	Whitman of Bennington
Demrow of Corinth *		Williams of Barre City
Dodge of Essex		Wood of Waterbury

Those who voted in the negative are:

Bartley of Fairfax	Goslant of Northfield	McCoy of Poultney
Beck of St. Johnsbury	Gregoire of Fairfield	McFaun of Barre Town
Branagan of Georgia	Hango of Berkshire	Morgan of Milton
Brennan of Colchester	Harrison of Chittenden	Morrissey of Bennington
Canfield of Fair Haven	Higley of Lowell	Page of Newport City
Clifford of Rutland City	Hooper of Randolph	Peterson of Clarendon
Corcoran of Bennington	Labor of Morgan	Quimby of Lyndon
Demar of Enosburgh	LaBounty of Lyndon	Shaw of Pittsford
Dickinson of St. Albans Town	Laroche of Franklin	Smith of Derby *
Donahue of Northfield	Lipsky of Stowe	Taylor of Milton
Elder of Starksboro	Maguire of Rutland City	Toof of St. Albans Town
Galfetti of Barre Town	Marcotte of Coventry	Walker of Swanton
	Mattos of Milton	Williams of Granby

Those members absent with leave of the House and not voting are:

Arrison of Weathersfield	Graham of Williamstown	Pearl of Danville
Bartholomew of Hartland	Graning of Jericho	Sammis of Castleton
Black of Essex	Holcombe of Norwich	Templeman of Brownington
Brady of Williston	Howard of Rutland City	White of Bethel
Burditt of West Rutland	Oliver of Sheldon	
Campbell of St. Johnsbury	Parsons of Newbury	

Rep. Arsenault of Williston explained her vote as follows:

“Madam Speaker:

I vote yes, but not without reservation. The excess spending provision has not been properly modeled and I fear it may lead to unintended and negative educational consequences.”

Rep. Brown of Richmond explained her vote as follows:

“Madam Speaker:

I voted yes because H.887 will help us set the course for a strong future for public education in Vermont. Education is one of the most important functions of government, one of our most fundamental responsibilities, and essential to a functioning democracy. And in Vermont, it is a right that must be equally available to all students. And those students are the heart of this work.”

Rep. Conlon of Cornwall explained his vote as follows:

“Madam Speaker:

The Commission on the Future of Public Education in Vermont created in H.887 will lay the groundwork for the General Assembly to address the most difficult questions and challenges in our public education system in a thoughtful, well-vetted way. That foundation will help us to build upon it a high-quality education for all Vermont students at a cost Vermonters can afford.”

Rep. Demrow of Corinth explained his vote as follows:

“Madam Speaker:

H.887 funds the school budgets passed by voters around the State. It puts cost containment measures in place for FY26 and beyond. And it begins the process of designing a better education system – and the funding for that system. I vote yes.”

Rep. Mihaly of Calais explained his vote as follows:

“Madam Speaker:

I voted yes on H.887 to create a real forum to discuss before our Vermont public the complex issues of education policy and finance and to set the stage for the Legislature to act in the next biennium.”

Rep. Roberts of Halifax explained his vote as follows:

“Madam Speaker:

I vote Yes on H.887 as a vote for a strong public education system. While this bill focuses on the cost side of the equation, and those are hard to stomach,

I look forward to the dividends we will reap tomorrow from today's necessary undertaking."

Rep. Scheu of Middlebury explained her vote as follows:

"Madam Speaker:

As we have seen from the debate today, we care deeply about education in our State. It is past time for us to assess and transform public education and indeed, we have made a commitment to do so. This bill provides us with the means, the opportunity, and a roadmap to make a difference for our children and our taxpayers. I vote yes."

Rep. Sims of Craftsbury explained her vote as follows:

"Madam Speaker:

I vote yes to bring immediate relief to property taxpayers this year, to put in place cost containment measured for next year, and to set us on the path to rethink the funding formula for the future. We are going slow to go fast."

Rep. Smith of Derby explained his vote as follows:

"Madam Speaker:

I voted no! I sincerely hope that the taxpaying, hard-working Vermonters remember what the Super Majority did to them today! I wouldn't be able to sleep at night."

Rep. Stone of Burlington explained her vote as follows:

"Madam Speaker:

I voted yes because I am hopeful this body will recognize the importance of this moment. I look forward to doing the hard work needed to uplift our public schools and the students they serve. After all, public schools are a bedrock of our democracy and the time to support them is now."

Action on Bill Postponed

H. 881

House bill, entitled

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

Was taken up and, pending second reading of the bill, on motion of **Rep. Hooper of Burlington**, action on the bill was postponed until April 24, 2024.

Action on Bill Postponed**H. 40**

House bill, entitled

An act relating to nonconsensual removal of or tampering with a condom

Was taken up and, pending consideration of the Senate proposal of amendment, on motion of **Rep. Rachelson of Burlington**, action on the bill was postponed until April 24, 2024.

Action on Bill Postponed**S. 191**

Senate bill, entitled

An act relating to New American educational grant opportunities

Was taken up and, pending second reading of the bill, on motion of **Rep. Conlon of Cornwall**, action on the bill was postponed until April 24, 2024.

Action on Bill Postponed**H. 861**

House bill, entitled

An act relating to reimbursement parity for health care services delivered in person, by telemedicine, and by audio-only telephone

Was taken up and, pending consideration of the Senate proposal of amendment, on motion of **Rep. Carpenter of Hyde Park**, action on the bill was postponed until April 24, 2024.

Action on Bill Postponed**H. 659**

House bill, entitled

An act relating to captive insurance

Was taken up and, pending consideration of the Senate proposal of amendment to the House proposal of amendment to the Senate proposal of amendment, on motion of **Rep. Marcotte of Coventry**, action on the bill was postponed until April 25, 2024.

Action on Bill Postponed**S. 209**

Senate bill, entitled

An act relating to prohibiting unserialized firearms and unserialized firearms frames and receivers

Was taken up and, pending third reading of the bill, on motion of **Rep. Arsenault of Williston**, action on the bill was postponed until April 24, 2024.

**Pending Entry on the Notice Calendar
Bill Referred to the Committee on Ways and Means****H. 885**

House bill, entitled

An act relating to approval of an amendment to the charter of the Town of Berlin

Pending entry on the Notice Calendar, and pursuant to House Rule 35(a), materially affecting the revenue of one or more municipalities, was referred to the Committee on Ways and Means.

Adjournment

At four o'clock and forty-eight minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.

Wednesday, April 24, 2024

At one o'clock in the afternoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Mary Bosco, student at Thetford Academy and 3rd place finalist in the 2024 Vermont Poetry Out Loud Contest.

**Pending Entry on the Notice Calendar,
Bill Referred to Committee on Appropriations**

S. 98

Senate bill, entitled

An act relating to Green Mountain Care Board authority over prescription drug costs

Pending entry on the Notice Calendar, and pursuant to House Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Joint Resolution Adopted in Concurrence

J.R.S. 54

By Senator Baruth,

J.R.S. 54. Joint resolution relating to weekend adjournment on April 26, 2024.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 26, 2024, it be to meet again no later than Tuesday, April 30, 2024.

Was taken up, read, and adopted in concurrence.

Ceremonial Reading

H.C.R. 206

House concurrent resolution honoring the professional achievements of child and victim advocate Sally Borden

Offered by: Representatives Rachelson of Burlington, Krasnow of South Burlington, LaLonde of South Burlington, Berbeco of Winooski, Bluemle of Burlington, Cina of Burlington, Dodge of Essex, Dolan of Essex Junction, Garofano of Essex, Headrick of Burlington, Houghton of Essex Junction, Krowinski of Burlington, Lalley of Shelburne, Logan of Burlington, Minier of South Burlington, Nugent of South Burlington, Ode of Burlington, Stebbins of Burlington, Stone of Burlington, and Waters Evans of Charlotte

Offered by: Senators Baruth, Chittenden, Gulick, Lyons, Ram Hinsdale, Vyhovsky, and Wrenner

Whereas, Sally Borden is a veteran advocate and leader at organizations advocating on behalf of the victims and survivors, and their families, of criminal acts, domestic violence, and child abuse and neglect, and

Whereas, she graduated with honors from the University of California at Davis and earned a master's degree from Cambridge College in Massachusetts, and

Whereas, her first professional role was as a victim-witness advocate at the Northwestern District Attorney's office in Northampton, Massachusetts, where she was subsequently promoted to a supervisory position, and

Whereas, Sally Borden's responsibilities as Director of Training at the Massachusetts Office of Victim Assistance entailed supervising statewide training for victim advocacy, and

Whereas, for several years, Sally Borden returned to California, where she served as the Executive Director of the Shelter Against Violent Environments Inc., an organization that provides support services for domestic violence victims and survivors and their children in Alameda County, California, and

Whereas, since 1998, Sally Borden has been associated with the KidSafe Collaborative in Burlington, which works to improve the response to child abuse and neglect, where she initially served as a project director, and, since 2001, as the organization's executive director, and

Whereas, Sally Borden has led or participated in many national and State panels and projects; is the recipient of several honors recognizing her professional excellence and exemplary community roles, including the Antonio B. Pomerleau Medal of Honor; and she is concluding her work at KidSafe Collaborative, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly honors the professional achievements of child and victim advocate Sally Borden, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Sally Borden and to the KidSafe Collaborative.

Having been adopted in concurrence on Friday, April 5, 2024 in accord with Joint Rule 16b, was read.

Remarks Journalized

On motion of **Rep. Andrews of Westford**, the following remarks by **Rep. Andriano of Orwell** were ordered printed in the Journal:

“Madam Speaker:

Today is April 24, Armenian Genocide Remembrance Day. On this day in 1915, the Ottoman Empire rounded up hundreds of Armenian intellectuals and political leaders, put them in jail, and later murdered most of them. This was

the first salvo in a campaign to eliminate the Armenian people from the face of the Earth.

The Armenians have a slogan about today: ‘We Remember and Demand.’ We remember the 1.5 million that were murdered, and we demand justice for them. We need to do both of those things because either alone is not enough. If we forget, if we remain silent, if we ignore what is happening around us, horrific things happen.

The thing is, we knew. We knew in 1915. We knew and ignored it.

Madam Speaker, may I quote the U.S. ambassador to the Ottoman Empire, Henry Morgenthau Sr.’s telegram to the State Department from 1915?

Thank you.

‘Persecution of Armenians assuming unprecedented proportions. Reports from widely scattered districts indicate systematic attempts to uproot peaceful Armenian populations and through arbitrary arrests, terrible tortures, wholesale expulsions and deportations from one end of the Empire to the other, accompanied by frequent instances of rape, pillage, and murder, turning into massacre, to bring destruction and destitution on them.’

We knew and turned a blind eye. We knew and did nothing.

Madam Speaker, in closing, there is a quote about the Armenian genocide, a very famous quote, one that confronts you in large black letters stark against a white wall as you emerge into the sunlight out of the darkness of the Armenian Genocide Museum in Yerevan, Armenia. I am hesitant to ask permission to read this quote because the man who said its very name is a curse.

But we must remember.

Madam Speaker, may I quote Adolf Hitler?

Thank you.

On August 22, 1939 at Obersalzberg, Adolf Hitler made the following argument to his assembled cronies as they plotted the so-called final solution. The quote is, ‘Who, after all, speaks today of the annihilation of the Armenians?’

The fact that the world ignored and forgot the annihilation of one people was later used as a justification for the annihilation of another. The fact that the world ignored the Medz Yeghern—which translates from Armenian as the Great Crime—was used by that horrific man to justify the Shoah.

Genocide begets genocide.

We must remember, and we must demand, because if we don't, it continues to happen.

Madam Speaker, I ask for a moment of silence to remember the victims of the Armenian Genocide and all other genocides that have so blighted our world."

**Proposal of Amendment Amended; Amendment to Proposal of
Amendment Offered and Withdrawn; Third Reading; Bill Passed in
Concurrence with Proposal of Amendment**

S. 209

Senate bill, entitled

An act relating to prohibiting unserialized firearms and unserialized firearms frames and receivers

Was taken up and, pending third reading of the bill, **Rep. Arsenault of Williston**, moved to amend the House proposal of amendment as follows:

First: In Sec. 4, 13 V.S.A. § 4027, in subdivision (c)(2), after the words "authorized to carry a firearm", by inserting "or a dangerous or deadly weapon"

Second: In Sec. 5, 17 V.S.A. § 2510, in subdivision (b)(2), after the words "authorized to carry a firearm", by inserting "or a dangerous or deadly weapon"

Which was agreed to.

Pending third reading of the bill, **Rep. Harrison of Chittenden** moved that the House proposal of amendment be amended by striking Sec. 7 in its entirety and adding two new sections to be Secs. 7 and 8 to read as follows:

Sec. 7. 24 V.S.A. § 2291 is amended to read:

§ 2291. ENUMERATION OF POWERS

For the purpose of promoting the public health, safety, welfare, and convenience, a town, city, or incorporated village shall have the following powers:

* * *

(8)(A) To regulate or prohibit the use or discharge, but not possession, of firearms within the municipality or specified portions thereof, provided that an ordinance adopted under this subdivision shall be consistent with section 2295 of this title and shall not prohibit, reduce, or limit discharge at any existing sport shooting range, as that term is defined in 10 V.S.A. § 5227.

(B) Notwithstanding subdivision (A) of this subdivision (8), the legislative body of a municipality may adopt an ordinance that prohibits the possession of a firearm within a municipal building or portion of a municipal building. The ordinance may exempt law enforcement officers, security personnel, or similar officers from the prohibition on firearm possession within a municipal building.

* * *

Sec. 8. EFFECTIVE DATES

(a) Secs. 1 and 2 of this act shall take effect on February 28, 2025.

(b) Secs. 3, 4, 5, 6, 7 and this section shall take effect on passage.

Thereupon, **Rep. Harrison of Chittenden** asked and was granted leave of the House to withdraw his amendment.

Pending third reading of the bill, **Rep. LaLonde of South Burlington** moved to amend the House proposal of amendment by striking out Sec. 7, effective date, in its entirety and adding two new sections to be Secs. 7 and 8 to read as follows:

Sec. 7. REPORT ON FIREARM IN MUNICIPAL BUILDINGS; VERMONT
LEAGUE OF CITIES AND TOWNS

(a) On or before January 15, 2025, the Office of the Secretary of State, in consultation with the Vermont League of Cities and Towns and the Vermont Municipal Clerks and Treasurers Association, shall report to the House and Senate Committees on Judiciary, the House Committee on Government Operations and Military Affairs, and the Senate Committee on Government Operations on options for prohibiting firearms in municipal buildings.

(b) The report required by this section shall include recommendations on the following topics:

(1) whether the preferable approach is:

(A) for the General Assembly to pass a statute prohibiting firearms in municipal buildings statewide; or

(B) for municipalities to be provided with the authority to decide whether to pass an ordinance prohibiting firearms in municipal buildings;

(2) whether a statewide prohibition should include a definition of the term “municipal building,” and if so, what that definition should be; and

(3) which municipal buildings should be covered and which should not be covered by a prohibition on possessing firearms in municipal buildings.

(c) As used in this section, "firearm" has the same meaning as in 13 V.S.A. § 4017(d).

Sec. 8. EFFECTIVE DATES

(a) Secs. 1 and 2 of this act shall take effect on February 28, 2025.

(b) Secs. 3, 4, 5, 6, 7, and this section shall take effect on passage.

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 191

Rep. Conlon of Cornwall, for the Committee on Education, to which had been referred Senate bill, entitled

An act relating to New American educational grant opportunities

Reported in favor of its passage in concurrence with proposal of amendment by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Vermont Student Assistance Corporation * * *

Sec. 1. 16 V.S.A. § 2846 is amended to read:

§ 2846. ADVANCEMENT GRANTS

(a) The Corporation may establish an advancement grant program for residents pursuing nondegree education and training opportunities who do not meet the definition of student in subdivision 2822(3) of this title, and who may not meet the requirements of this subchapter.

(b) Advancement grants may be used at institutions that are not approved postsecondary education institutions.

(c) The Corporation may adopt rules or establish policies, procedures, standards, and forms for advancement grants, including the requirements for applying for and using the grants and the eligibility requirements for the institutions where the grants may be used. Such rules shall be consistent with subsection (d) of this section.

(d) Notwithstanding subsection (a) of this section, applicants shall not be ineligible for the advancement grant solely on account of the applicant's residency status under subdivision 2822(7) of this title if that applicant:

(1) qualifies as a refugee pursuant to 8 U.S.C. § 1101(a)(42) (definition of refugee);

(2) is granted parole to enter the United States pursuant to 8 U.S.C. § 1182(d)(5) (temporary admission of nonimmigrants for urgent humanitarian reasons); or

(3) is issued a special immigrant visa pursuant to the Afghan Allies Protection Act of 2009, Pub. L. No. 111-8 (8 U.S.C. § 1101 note), as amended.

Sec. 2. INCENTIVE GRANT ELIGIBILITY; RESIDENCY

(a) Notwithstanding any provision of law to the contrary, applicants shall not be ineligible for the Vermont incentive grant program under 16 V.S.A. §§ 2841–2844 solely on account of that person’s residency status if the applicant:

(1) qualifies as a refugee pursuant to 8 U.S.C. § 1101(a)(42) (definition of refugee);

(2) is granted parole to enter the United States pursuant to 8 U.S.C. § 1182(d)(5) (temporary admission of nonimmigrants for urgent humanitarian reasons); or

(3) is issued a special immigrant visa pursuant to the Afghan Allies Protection Act of 2009, Pub. L. No. 111-8 (8 U.S.C. § 1101 note), as amended.

(b) This section shall be repealed on July 1, 2027.

Sec. 3. 16 V.S.A. § 2828 is added to read:

§ 2828. FINANCIAL AID ELIGIBILITY FOR CERTAIN STUDENTS

(a) Notwithstanding any provision of law to the contrary, a resident who is otherwise eligible for a State-funded financial aid program administered by the Corporation shall not be ineligible solely on the basis of such resident’s immigration status under federal law.

(b) The Corporation shall establish procedures and forms that enable residents eligible under subsection (a) of this section to apply for, and participate in, all State-funded student financial aid programs administered by the Corporation for which such residents are eligible to the full extent permitted by federal law. The Corporation may collect such information as is necessary to confirm eligibility for participation in programs administered by the Corporation.

(c) The Corporation may adopt rules pursuant to 3 V.S.A. chapter 25 as necessary to carry out the provisions of this section.

(d) The Corporation shall include information regarding the impact of this section and the number of students who receive financial aid pursuant to this

section in its biannual report to the General Assembly pursuant to subsection 2835(c) of this title.

* * * Vermont State Colleges Corporation * * *

Sec. 4. 16 V.S.A. § 2185 is amended to read:

§ 2185. DETERMINATION OF RESIDENCY FOR TUITION PURPOSES

(a) The Board of Trustees shall adopt policies related to residency for tuition purposes, consistent with State and federal requirements. Any policies adopted by the Board shall not discriminate against or exclude a person based solely on the person's immigration status, or lack thereof, if such person would otherwise qualify for and meet requirements for Vermont residency for tuition purposes as set forth by the Board and as permitted under federal law.

(b) Any member of the U.S. Armed Forces on active duty who is transferred to Vermont for duty other than for the purpose of education shall, upon transfer and for the period of active duty served in Vermont, be considered a resident for in-state tuition purposes at the start of the next semester or academic period.

(c) For determination of residency for tuition to the Community College of Vermont, a person who resides in Vermont shall be considered a resident for in-state tuition purposes, beginning at the start of the next semester or academic period after arrival in Vermont, if that person:

(1) qualifies as a refugee pursuant to 8 U.S.C. § 1101(a)(42) (Immigration and Nationality Act definition of refugee);

(2) is granted parole to enter the United States pursuant to 8 U.S.C. § 1182(d)(5) (temporary admission of nonimmigrants for urgent humanitarian reasons); or

(3) is issued a special immigrant visa pursuant to the Afghan Allies Protection Act of 2009, Pub. L. No. 111-8 (8 U.S.C. § 1101 note), as amended.

* * *

(e) Except as otherwise provided by law, or by consent of the individual identified in the record, information collected pursuant to this section that directly or indirectly identifies applicants or students, including grant, loan, scholarship, or outreach programs, is exempt from public inspection and copying under the Public Records Act and shall be kept confidential.

* * * University of Vermont and State Agricultural College * * *

Sec. 5. 16 V.S.A. § 2282a is amended to read:

§ 2282a. DETERMINATION OF RESIDENCY FOR TUITION PURPOSES

(a) Enrollment at an institution for higher learning, or presence within the State for the purposes of attending an institution of higher learning, shall not by itself constitute residence for in-state tuition purposes or for the purpose of eligibility for assistance from the Vermont Student Assistance Corporation. The Board of Trustees shall adopt policies related to residency for tuition purposes, consistent with State and federal requirements. Any policies adopted by the Board of Trustees shall not discriminate against or exclude a person based solely on the person's immigration status, or lack thereof, if such person would otherwise qualify for and meet requirements for Vermont residency for tuition purposes as set forth by the Board and as permitted under federal law.

* * *

(d) Except as otherwise provided by law, or by consent of the individual identified in the record, information collected pursuant to this section that directly or indirectly identifies applicants or students, including grant, loan, scholarship, or outreach programs, is exempt from public inspection and copying under the Public Records Act and shall be kept confidential.

* * * Effective Dates * * *

Sec. 6. EFFECTIVE DATES

(a) This section and Secs. 1 (advancement grants) and 2 (incentive grants) shall take effect on July 1, 2024.

(b) Secs. 3 (financial aid), 4 (Vermont State Colleges Corporation in-state tuition), and 5 (University of Vermont and State Agricultural College in-state tuition) shall take effect on July 1, 2025.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, the report of the Committee on Education agreed to, and third reading ordered.

Favorable Reports; Second Reading; Third Reading Ordered

H. 881

Rep. Hooper of Burlington, for the Committee on Government Operations and Military Affairs, to which had been referred House bill, entitled

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

Reported in favor of its passage.

Rep. Anthony of Barre City, for the Committee on Ways and Means, reported in favor of its passage.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and third reading ordered.

Senate Proposal of Amendment Concurred in

H. 40

The Senate proposed to the House to amend House bill, entitled

An act relating to nonconsensual removal of or tampering with a condom

The Senate proposed to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 12 V.S.A. § 1043 is added to read:

§ 1043. NONCONSENSUAL REMOVAL OF OR TAMPERING WITH A
CONDOM

(a) No person shall intentionally and without consent remove or tamper with a condom prior to or during a sexual act in a manner likely to render it ineffective for its common purpose when consent to the sexual act is given by the other person with the explicit understanding that a condom would be used.

(b) A person harmed by a violation of subsection (a) of this section may bring an action in the Civil Division of the Superior Court for compensatory damages, punitive damages, and reasonable costs and attorney's fees.

(c) An action under subsection (b) of this section shall be subject to the statute of limitations in section 511 of this title.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

Which proposal of amendment was considered and concurred in.

Action on Bill Postponed

H. 563

House bill, entitled

An act relating to criminal motor vehicle offenses involving unlawful trespass, theft, or unauthorized operation

Was taken up and, pending consideration of the Senate proposal of amendment, on motion of **Rep. Burditt of West Rutland**, action on the bill was postponed until April 25, 2024.

Senate Proposal of Amendment Concurred in**H. 861**

The Senate proposed to the House to amend House bill, entitled

An act relating to reimbursement parity for health care services delivered in person, by telemedicine, and by audio-only telephone

The Senate proposed to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 8 V.S.A. § 4100l is amended to read:

§ 4100l. COVERAGE OF HEALTH CARE SERVICES DELIVERED BY AUDIO-ONLY TELEPHONE

* * *

(b)(1) A health insurance plan shall provide coverage for all medically necessary, clinically appropriate health care services delivered remotely by audio-only telephone to the same extent that the plan would cover the services if they were provided through in-person consultation. Services covered under this subdivision shall include services that are covered when provided in the home by home health agencies.

(2)(A) A health insurance plan shall provide the same reimbursement rate for services billed using equivalent procedure codes and modifiers, subject to the terms of the health insurance plan and provider contract, regardless of whether the service was provided through an in-person visit with the health care provider or by audio-only telephone.

(B) The provisions of subdivision (A) of this subdivision (2) shall not apply in the event that a health insurer and health care provider enter into a value-based contract for health care services that include care delivered by audio-only telephone.

(c) A health insurance plan may charge an otherwise permissible deductible, co-payment, or coinsurance for a health care service delivered by audio-only telephone, provided that it does not exceed the deductible, co-payment, or coinsurance applicable to an in-person consultation.

~~(3)~~(d) A health insurance plan shall not require a health care provider to have an existing relationship with a patient in order to be reimbursed for health care services delivered by audio-only telephone.

Sec. 2. REPEAL; TELEMEDICINE REIMBURSEMENT PARITY SUNSET

2020 Acts and Resolves No. 91, Sec. 27 (repealing 8 V.S.A. § 4100k(a)(2), telemedicine reimbursement parity, on January 1, 2026) is repealed.

Sec. 3. 2024 Acts and Resolves No. 82, Sec. 1(a)(1) is amended to read:

(a)(1) The Commissioner of Taxes may approve an application by a municipality for reimbursement of State education property tax payments owed under 32 V.S.A. § 5402(c) and 16 V.S.A. § 426. To be eligible for reimbursement under this section, prior to ~~April~~ November 15, 2024, a municipality must have abated, in proportion to the abated municipal tax, under 24 V.S.A. § 1535 the State education property taxes that were assessed on eligible property, after application of any property tax credit allowed under 32 V.S.A. chapter 154.

Sec. 4. EFFECTIVE DATES

This act shall take effect on January 1, 2025, except this section and Sec. 3 (extension for flood abatement reimbursement) shall take effect on passage.

And that after passage the title of the bill be amended to read:

An act relating to reimbursement parity for health care services delivered in person, by telemedicine, and by audio-only telephone and extending time for flood abatement reimbursement

Which proposal of amendment was considered and concurred in.

Third Reading; Bill Passed

H. 887

House bill, entitled

An act relating to homestead property tax yields, nonhomestead rates, and policy changes to education finance and taxation

Was taken up and read the third time.

Pending the question, Shall the bill pass?, **Rep. Toof of St. Albans Town** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill pass?, was decided in the affirmative. Yeas, 101. Nays, 39.

Those who voted in the affirmative are:

Andrews of Westford *	Dodge of Essex	Mrowicki of Putney
Andriano of Orwell	Dolan of Essex Junction	Nicoll of Ludlow
Anthony of Barre City	Dolan of Waitsfield	Notte of Rutland City
Arsenault of Williston	Durfee of Shaftsbury	Noyes of Wolcott
Austin of Colchester	Emmons of Springfield	Nugent of South Burlington
Bartholomew of Hartland	Farlice-Rubio of Barnet	O'Brien of Tunbridge
Berbeco of Winooski	Garofano of Essex	Ode of Burlington
Birong of Vergennes	Goldman of Rockingham	Pajala of Londonderry
Black of Essex	Headrick of Burlington	Patt of Worcester
Bluemle of Burlington	Holcombe of Norwich *	Pouech of Hinesburg

Bongartz of Manchester	Hooper of Burlington	Priestley of Bradford
Bos-Lun of Westminster	Houghton of Essex Junction	Rachelson of Burlington
Boyden of Cambridge	Howard of Rutland City	Rice of Dorset
Brady of Williston *	Hyman of South Burlington	Roberts of Halifax
Brown of Richmond	James of Manchester	Satcowitz of Randolph
Brownell of Pownal	Jerome of Brandon	Scheu of Middlebury
Brumsted of Shelburne	Kornheiser of Brattleboro	Sheldon of Middlebury
Burke of Brattleboro	Krasnow of South Burlington	Sibilia of Dover
Burrows of West Windsor	Lalley of Shelburne	Sims of Craftsbury
Buss of Woodstock	LaLonde of South Burlington	Small of Winooski
Campbell of St. Johnsbury	LaMont of Morristown	Squirrell of Underhill
Carpenter of Hyde Park	Lanpher of Vergennes	Stebbins of Burlington
Carroll of Bennington	Leavitt of Grand Isle	Stevens of Waterbury
Casey of Montpelier	Logan of Burlington	Stone of Burlington
Chapin of East Montpelier	Long of Newfane *	Surprenant of Barnard
Chase of Chester	Long of Newfane *	Taylor of Colchester
Chase of Colchester	Masland of Thetford	Templeman of Brownington
Chesnut-Tangerman of Middletown Springs	McCann of Montpelier	Toleno of Brattleboro
Cina of Burlington	McCarthy of St. Albans City	Torre of Moretown
Coffey of Guilford	McGill of Bridport	Troiano of Stannard *
Cole of Hartford	Mihaly of Calais	Waters Evans of Charlotte
Conlon of Cornwall	Minier of South Burlington	White of Bethel
Cordes of Lincoln	Morris of Springfield	Whitman of Bennington
Demrow of Corinth		Williams of Barre City
		Wood of Waterbury

Those who voted in the negative are:

Arrison of Weathersfield	Graham of Williamstown	McFaun of Barre Town
Bartley of Fairfax *	Gregoire of Fairfield	Morgan of Milton
Beck of St. Johnsbury	Hango of Berkshire	Morrissey of Bennington
Branagan of Georgia	Harrison of Chittenden	Page of Newport City
Brennan of Colchester	Higley of Lowell	Parsons of Newbury
Burditt of West Rutland	Hooper of Randolph	Peterson of Clarendon
Canfield of Fair Haven	Labor of Morgan	Quimby of Lyndon
Corcoran of Bennington	LaBounty of Lyndon	Shaw of Pittsford
Demar of Enosburgh	Laroche of Franklin	Smith of Derby
Dickinson of St. Albans Town	Lipsky of Stowe	Taylor of Milton
Donahue of Northfield	Maguire of Rutland City	Toof of St. Albans Town *
Galfetti of Barre Town *	Marcotte of Coventry	Williams of Granby
Goslant of Northfield	Mattos of Milton	
	McCoy of Poultney	

Those members absent with leave of the House and not voting are:

Christie of Hartford	Graning of Jericho	Sammis of Castleton
Clifford of Rutland City	Oliver of Sheldon	Walker of Swanton
Elder of Starksboro	Pearl of Danville	

Rep. Andrews of Westford explained her vote as follows:

“Madam Speaker:

I voted yes to responsibly fund this year’s Education Fund as approved by Vermont voters and to also responsibly consider the best path forward to finance an equitable, high quality education system.”

Rep. Bartley of Fairfax explained her vote as follows:

“Madam Speaker:

This bill is not a solution, it is only a Band-Aid that won’t even stop the bleed.”

Rep. Brady of Williston explained her vote as follows:

“Madam Speaker:

I voted yes because we must transform our system in Vermont into a right-sized, strong public education system that supports all students and uses our precious statewide resources sustainably and efficiently. Coherent change that truly supports students and schools with a common vision and much needed financial predictability will take time and extraordinarily political will by all of us. In this bill, the Commission on the Future of Public Education is an important and real incremental step toward true transformation.”

Rep. Galfetti of Barre Town explained her vote as follows:

“Madam Speaker:

I voted no on this bill because this body had many, many, opportunities to save Vermonter’s money last session; instead most chose to engage in reckless spending – spending that has continued this session and resulted in this onerous and unnecessary tax hike imposed on struggling Vermonters.”

Rep. Holcombe of Norwich explained her vote as follows:

“Madam Speaker:

I am voting yes, not because I am happy with this bill, which is not adequate to the challenge we face. It falls short of what our children and communities need, but I stand with colleagues to send a message to the Senate that we will not support a worse bill and to give us time to address the real drivers of cost and design a system that provides for the bright future that our children deserve.”

Rep. Long of Newfane explained her vote as follows:

“Madam Speaker:

I voted yes on H.887 because it strikes an important balance. It helps Vermont taxpayers in the short run, and it lays the groundwork for necessary transformation in the long run.”

Rep. Toof of St. Albans Town explained his vote as follows:

“Madam Speaker:

I vote no because this is just another tax, spend, and study bill.”

Rep. Troiano of Stannard explained his vote as follows:

“Madam Speaker:

I vote yes. Raising revenues to offset school property tax increases is the right thing to do. We cannot shortchange our students with unacceptable budget cuts.”

**Pending Entry on the Notice Calendar
Bill Referred to Committee on Ways and Means**

S. 259

Senate bill, entitled

An act relating to climate change cost recovery

Pending entry on the Notice Calendar, and pursuant to House Rule 35(a), affecting the revenue of the State, was referred to the Committee on Ways and Means.

Message from the Senate No. 51

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has adopted a proposed amendment to the Vermont Constitution entitled:

Prop 4. Declaration of rights; government for the people; equality of rights.

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

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

H. 247. An act relating to Vermont's adoption of the Occupational Therapy Licensure Compact.

And has passed the same in concurrence.

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

H. 649. An act relating to the Vermont Truth and Reconciliation Commission.

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

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

J.R.H. 10. Joint resolution authorizing the Green Mountain Girls State educational program to use the State House facilities on June 27, 2024.

And has adopted the same in concurrence.

The Governor has informed the Senate that on the 22nd day of April, he approved and signed bills originating in the Senate of the following titles:

S. 190. An act relating to statements made by a child victim of an offense involving serious bodily injury.

S. 278. An act relating to prohibiting a comparative negligence defense in an action for a negligence claim relating to a sexual act or sexual conduct.

Adjournment

At three o'clock and thirteen minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.

Thursday, April 25, 2024

At one o'clock in the afternoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Reps. Kathleen James of Manchester, Tiff Bluemle of Burlington, and Tesha Buss of Woodstock.

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 25th day of April 2024, he signed bills originating in the House of the following titles:

H. 363 An act relating to prohibiting discrimination based on certain hair types and styles

H. 603 An act relating to the poultry slaughter exception to inspection

H. 621 An act relating to health insurance coverage for diagnostic breast imaging

H. 741 An act relating to health insurance coverage for colorectal cancer screening

Proposed Amendment to the Constitution Referred to Committee**Proposal 4**

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

Sec. 1. PURPOSE

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

people.” The core value reflected in Article 7 is that all people should be afforded all the benefits and protections bestowed by the government, and that the government should not confer special advantages upon the privileged. This amendment would expand upon the principles of equality and liberty by ensuring that the government does not create or perpetuate the legal, social, or economic inferiority of any class of people. This proposed constitutional amendment is not intended to limit the scope of rights and protections afforded by any other provision in the Vermont Constitution.

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

Sec. 2. Article 7 of Chapter I of the Vermont Constitution is amended to read:

Article 7. [Government for the people; they may change it]

That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community, and not for the particular emolument or advantage of any single person, family, or set of persons, who are a part only of that community; that the government shall not deny equal treatment and respect under the law on account of a person’s race, ethnicity, sex, disability, sexual orientation, gender identity, gender expression, or national origin; and that the community hath an indubitable, unalienable, and indefeasible right, to reform or alter government, in such manner as shall be, by that community, judged most conducive to the public weal.

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.

Was introduced and referred to the Committee on Judiciary.

**Pending Entry on the Notice Calendar
Bill Referred to the Committee on Appropriations**

S. 213

Senate bill, entitled

An act relating to the regulation of wetlands, river corridor development, and dam safety

Pending entry on the Notice Calendar, and pursuant to House Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Pending Entry on the Notice Calendar
Bill Referred to the Committee on Ways and Means

S. 301

Senate bill, entitled

An act relating to miscellaneous agricultural subjects

Pending entry on the Notice Calendar, and pursuant to House Rule 35(a), affecting the revenue of the State, was referred to the Committee on Ways and Means.

House Resolution Placed on Calendar

H.R. 20

House resolution, entitled

House resolution reaffirming the importance of the friendship and strong bilateral relations between the United States and the Republic of China (Taiwan) and between the State of Vermont and the Republic of China (Taiwan) and supporting Taiwan's greater participation in multinational organizations

Offered by: Representatives Jerome of Brandon, Marcotte of Coventry, Bos-Lun of Westminster, Carroll of Bennington, Chase of Chester, Graning of Jericho, Priestley of Bradford, Sammis of Castleton, White of Bethel, and Williams of Barre City

Whereas, the United States and the Republic of China (Taiwan) share a vibrant, mutually beneficial bilateral relationship based on our commonly held values of freedom, democracy, the rule of law, and a free market economy, and the relationship is as strong as ever, and

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

Whereas, according to the latest data, the United States is Taiwan's second-largest trading partner, and Taiwan is the United States' eighth-largest trading partner, and

Whereas, in 2023, Taiwan was the seventh-largest consumer of U.S. agricultural goods, totaling \$3.7 billion, and the overall two-way trade in goods between the United States and Taiwan totaled an estimated \$127.5 billion, and

Whereas, 2024 marks the 45th Anniversary of the Taiwan Relations Act, Pub. L. No. 96-8, which has acted as the cornerstone of U.S.-Taiwan relations, and

Whereas, the Government of Taiwan desires to enter into Bilateral Trade and Avoidance of Double Taxation agreements with the United States, and

Whereas, Vermont and Taiwan have long enjoyed productive bilateral relations: in 2023, Taiwan was the second largest export destination for Vermont goods worth approximately \$218 million, and Vermont imported an estimated \$71.2 million in goods from Taiwan; and, in 2020, the establishment of a driver's license reciprocity agreement was an important incentive for travel between the two jurisdictions, and

Whereas, Taiwan also wishes to enter into a memorandum of understanding with the State of Vermont to increase the scope of educational exchanges and cooperation between the two jurisdictions, and

Whereas, Taiwan seeks to participate in international bodies such as the International Civil Aviation Organization, the World Health Organization, the United Nations Framework Convention on Climate Change, and the International Criminal Police Organization (INTERPOL), now therefore be it

Resolved by the House of Representatives:

That this legislative body reaffirms the importance of the friendship and strong bilateral relations between the United States and the Republic of China (Taiwan) and between the State of Vermont and the Republic of China (Taiwan) and supports Taiwan's participation in multinational organizations, and be it further

Resolved: That this legislative body supports the establishment of a memorandum of understanding between the Republic of China (Taiwan) and the State of Vermont for educational exchanges and cooperation, and be it further

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

Was read by title and placed on the Action Calendar on the next legislative day pursuant to House Rule 52.

Ceremonial Reading**H.C.R. 220**

House concurrent resolution congratulating the 2023 North Country Union High School Falcons Division II championship football team

Offered by: Representatives Page of Newport City, Smith of Derby, Higley of Lowell, Labor of Morgan, Marcotte of Coventry, and Templeman of Brownington

Offered by: Senators Ingalls and Starr

Whereas, on a glorious Veterans Day in Rutland, the second-seeded North Country Falcons and the fourth-ranked Colchester Lakers met to determine ownership of the 2023 Division II football crown, and

Whereas, both teams' equally polished defensive prowess was on display during the scoreless first period, and, slightly more than four minutes into the second quarter, the Falcons scored the first touchdown, and

Whereas, although the Lakers opened the third period scoring and creating an early second half 7–6 lead, by early in the fourth quarter, the excited crowd was viewing the tied-at-14–all squads battling for gridiron supremacy, and

Whereas, with merely two minutes remaining, the Falcons ended the suspense with a touchdown and extra point to seal North Country's 21–14 victory and the school's first divisional football championship in 26 years, and

Whereas, the celebrating Falcons were Justin Young, Dakoda Clark, Cooper Wheeler, Wyatt Descheneau, Tate Parker, Spencer Marquette, Watson Laffoon, Jason Pelletier, Aspen Perrault-Guyette, Hayden Boivin, Koyle Dennis, Ryder Descheneau, Spencer Wheeler, Will Hathaway, Evan Sherlaw, Jacob Gregoire, Chris Haefs, Evan Ballinger, Gabe Gardner, Derek Guillette, Sam Sherlaw, Luke Nielsen, Colton Lacasse, Devon Birch, Jacob Ashman, Adrien Lantagne, Nolan Myers, Dylan Martin, Gage Beaumont, Andrew Fletcher, Jake Baker, Kace Laffoon, and Mark Guebara, and

Whereas, Head Coach Lonnie Wade; assistant coaches John Guebara, Ethan Hill, Adam Thurston, David Orszagh, and Tello Young; and team managers Emily Willis and Zeke Guebara were each thrilled, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates the 2023 North Country Union High School Falcons Division II championship football team, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to North Country Union High School.

Having been adopted in concurrence on Friday, April 19, 2024 in accord with Joint Rule 16b, was read.

Senate Proposal of Amendment Concurred in with Further Proposal of Amendment Thereto

H. 563

The Senate proposed to the House to amend House bill, entitled

An act relating to criminal motor vehicle offenses involving unlawful trespass, theft, or unauthorized operation

The Senate proposed to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 3705 is amended to read:

§ 3705. UNLAWFUL TRESPASS

(a)(1) A person shall be imprisoned for not more than three months or fined not more than \$500.00, or both, if, without legal authority or the consent of the person in lawful possession, ~~he or she~~ the person enters or remains on any land or in any place as to which notice against trespass is given by:

(A) actual communication by the person in lawful possession or ~~his or her~~ the person's agent or by a law enforcement officer acting on behalf of such person or ~~his or her~~ the person's agent;

(B) signs or placards so designed and situated as to give reasonable notice; or

(C) in the case of abandoned property:

(i) signs or placards, posted by the owner, the owner's agent, or a law enforcement officer, and so designed and situated as to give reasonable notice; or

(ii) actual communication by a law enforcement officer.

(2) As used in this subsection, "abandoned property" means:

(A) real property on which there is a vacant structure that for the previous 60 days has been continuously unoccupied by a person with the legal right to occupy it and with respect to which the municipality has by first-class mail to the owner's last known address provided the owner with notice and an opportunity to be heard; and

(i) property taxes have been delinquent for six months or more; or

(ii) one or more utility services have been disconnected; or

(B) a railroad car that for the previous 60 days has been unremoved and unoccupied by a person with the legal right to occupy it.

(b) Prosecutions for offenses under subsection (a) of this section shall be commenced within 60 days following the commission of the offense and not thereafter.

(c) A person who enters the motor vehicle of another and knows that the person does not have legal authority or the consent of the person in lawful possession of the motor vehicle to do so shall be imprisoned not more than three months or fined not more than \$500.00, or both. For a second or subsequent offense, a person who violates this subsection shall be imprisoned not more than one year or fined not more than \$500.00, or both. Notice against trespass shall not be required under this subsection.

(d) A person who enters a building other than a residence, whose access is normally locked, whether or not the access is actually locked, or a residence in violation of an order of any court of competent jurisdiction in this State shall be imprisoned for not more than one year or fined not more than \$500.00, or both.

~~(d)~~(e) A person who enters a dwelling house, whether or not a person is actually present, knowing that ~~he or she~~ the person is not licensed or privileged to do so shall be imprisoned for not more than three years or fined not more than \$2,000.00, or both.

~~(e)~~(f) A law enforcement officer shall not be prosecuted under subsection (a) of this section if ~~he or she~~ the law enforcement officer is authorized to serve civil or criminal process, including citations, summons, subpoenas, warrants, and other court orders, and the scope of ~~his or her~~ the law enforcement officer's entrance onto the land or place of another is ~~no~~ not more than necessary to effectuate the service of process.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

Pending the question, Shall the House concur in the Senate proposal of amendment?, **Reps. Burditt of West Rutland and LaLonde of South Burlington** moved that the House concur in the Senate proposal of amendment with further proposal of amendment thereto by adding a new section to be Sec. 1a to read as follows:

Sec. 1a. 23 V.S.A. § 1094 is amended to read:

§ 1094. OPERATION WITHOUT CONSENT OF OWNER;

AGGRAVATED OPERATION WITHOUT CONSENT OF OWNER

(a) A person commits the crime of operation without consent of the owner if:

(1) the person takes, obtains, operates, uses, or continues to operate the motor vehicle of another when the person recklessly disregards that the person did not have the consent of the owner to do so; or

(2) the person, without the consent of the owner, knowingly takes, obtains, operates, uses, or continues to operate the motor vehicle of another when the person knows that the person did not have the consent of the owner to do so.

* * *

(c) A person convicted under subdivision (a)(1) of this section shall be imprisoned not more than three months or fined not more than \$500.00, or both. A person convicted under ~~subsection~~ subdivision (a)(2) of this section of operation without consent of the owner shall be imprisoned not more than two years or fined not more than \$1,000.00, or both.

* * *

Which was agreed to.

**Senate Proposal of Amendment to House Proposal of Amendment to
Senate Proposal of Amendment Concurred in**

H. 659

The Senate concurred in House proposal of amendment to Senate proposal of amendment with further proposal of amendment thereto on House bill, entitled

An act relating to captive insurance

The Senate concurred in the House proposal of amendment to Senate proposal of amendment with the following proposal of amendment thereto:

In Sec. 48, 8 V.S.A. chapter 79, subchapter 10, section 2577, by striking out subsections (f) and (g) in their entirety and inserting in lieu thereof new subsections (f) and (g) to read as follows:

(f) Moratorium. To protect the public safety and welfare and safeguard the rights of consumers, virtual-currency kiosks shall not be permitted to operate in Vermont prior to July 1, 2025. This moratorium shall not apply to a virtual-currency kiosk that was operational in Vermont on or before June 30, 2024.

(g) Report. On or before January 15, 2025, the Commissioner of Financial Regulation shall report to the House Committee on Commerce and Economic Development and the Senate Committee on Finance on whether the

requirements of this section coupled with relevant federal requirements are sufficient to protect customers in Vermont from fraudulent activity. If deemed necessary and appropriate by the Commissioner, the Commissioner may make recommendations for additional statutory or regulatory safeguards. In addition, the Commissioner shall make recommendations for enhanced oversight and monitoring of virtual-currency kiosks for the purpose of minimizing their use for illicit activities as described in the U.S. Government Accountability Office report on virtual currencies, GAO-22-105462, dated December 2021.

Which proposal of amendment was considered and concurred in.

Third Reading; Bill Passed

H. 881

House bill, entitled

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

Was taken up, read the third time, and passed.

**Third Reading;
Bill Passed in Concurrence with Proposal of Amendment**

S. 191

Senate bill, entitled

An act relating to New American educational grant opportunities

Was taken up, read the third time, and passed in concurrence with proposal of amendment.

Bill Committed Pending Second Reading

S. 195

Senate bill, entitled

An act relating to how a defendant's criminal record is considered in imposing conditions of release

Was taken up and, pending second reading, on motion of **Rep. LaLonde of South Burlington**, the bill was committed to the Committee on Corrections and Institutions.

Action on Bill Postponed**H. 629**

House bill, entitled

An act relating to changes to property tax abatement and tax sales

Was taken up and, pending consideration of the Senate proposal of amendment, on motion of **Rep. Demrow of Corinth**, action on the bill was postponed until April 30, 2024.

Message from the Senate No. 52

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

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

H. 883. An act relating to making appropriations for the support of government.

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

Adjournment

At one o'clock and forty-two minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

